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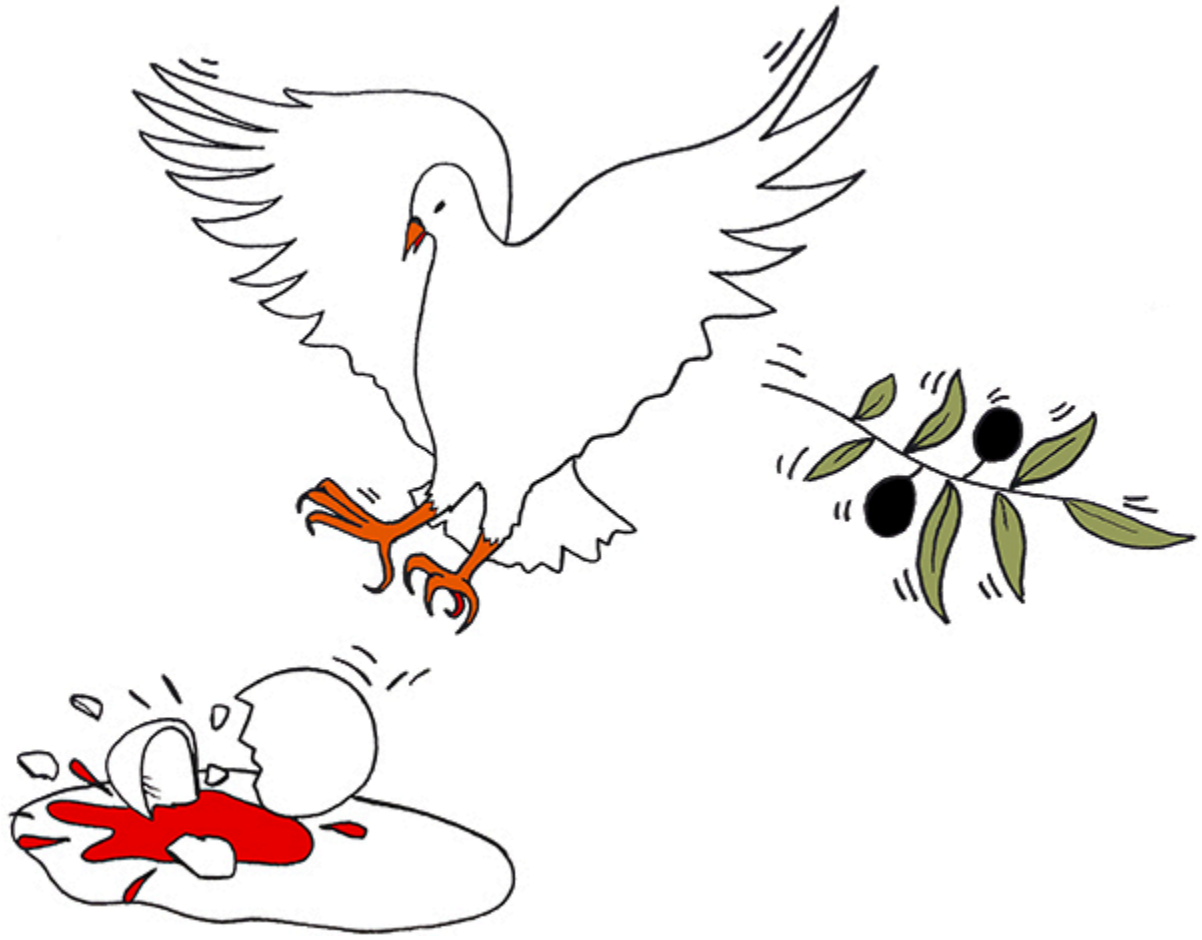
After October 7th: Israel's Search for Victory

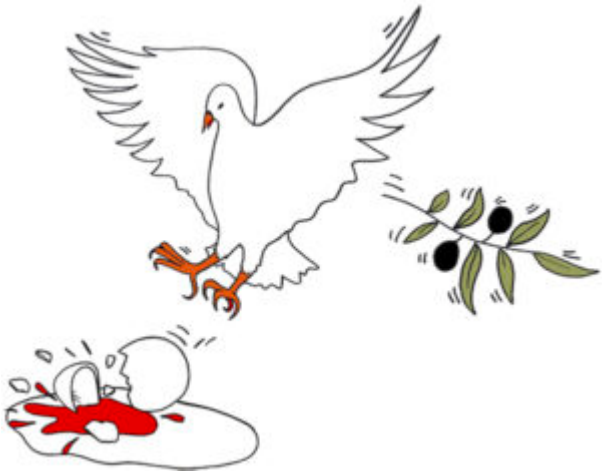
By | 2024: Vol. 23 No. 1



Prologue: A Personal Statement on the War

I am not neutral. As a citizen of Israel, I hurt and cry with my fellow Israeli citizens, Jews and Arabs, victims of Hamas' barbaric attack. Struggle for national liberation does not justify a crime against humanity and war crime. Glorifying the murder and abuse of innocent human beings is a repulsive act.

I am not neutral and, therefore, as a human being, I hurt and cry over the killing, injury and destruction of property of the residents of the Gaza Strip at the hands of the IDF, the army of the country of which I am a citizen. No crime justifies another crime.



Causing trauma in the Gaza strip will not heal our trauma. Indiscriminate retaliation between those who have to be brought to justice for their actions and those who are not involved in committing war crimes is morally wrong and a stain on the right to self-defense. The sovereignty and power that the establishment of Israel gave to Jews does not constitute permission for blind revenge but an opportunity to show that we can defend ourselves in accord with moral standards. We are not in 1903 in Kishinev pogrom and not in 1929 in Hebron and not in the Holocaust. We are in a strong independent country.

Introduction

The statements of Israel's leaders about "destroying Hamas once and for all", "de-Nazification of Gaza Strip "and "changing the Middle East for generations to come", should not be taken nots empty rhetoric by leaders, but as a plan of action. Accordingly Israel declared its minimalist and maximalist war goals. The minimalist goal is assuring that no hostile actions or threats against Israel arises from the Gaza Strip. The maximalist goal is guaranteeing that no child in the Gaza Strip is educated to hate Israel. Assuming they believe that these general and far-reaching goals are achievable, what examples does Israel's historical record offer?

In its early years, Israel acknowledged the problem of existing in hostile neighborhood. Its defensive strategy in the 1950s and 60s included protecting the Hashemite kingdom of Jordan as a pro-Western barrier state on her eastern front. In addition, Israel built close relations with two pro-Western non-Arab Muslim states, Iran and Turkey, based on their joint interest in blocking Egypt's leader, Nasser, and his revolutionary pan-Arabism. But Israeli leaders also saw defensive policy as insufficient. Looking at historical examples of how Israel has dealt with opponents in the past helps us to understand what strategies it might pursue in the present.

Historical Example 1: Replacing Egypt's President Nasser

In 1956, Israel joined Britain and France as their junior partner in the Suez war, which aimed at toppling Egypt's President Nasser and establishing a pro-Western regional order. France wanted to end the support Egypt provided the revolting Algerian national movement. Britain

was angry over Nasser's decisions to nationalize the Suez Canal and rejection of a regional anti-Soviet military pact. Israel assumed that, sooner or later, Nasser would initiate war to wipe the Jewish state off the map. Meanwhile, Israel concluded that Nasser's regime was behind Palestinian terrorist attacks on Israeli civilians. The trilateral colonial conspiracy failed and became counter-productive to its planers. Britain and France lost their super-power status and colonies. The Soviet Union and the United State forced Israel to withdraw from Sinai within four months. Nasser came out of his military defeat as a victor.

Historical Example 2: Alternative Homeland for the Palestinians

Unlike in 1956, in 1982 Israel was the major force in attempting to change Lebanon's regime. Israel cooperated with the Christian Maronite leader, Bashir Gemayel, who commanded a strong militia in Lebanon's chaotic political system. Both partners wanted to end the PLO's semi-autonomy in the country and expel Palestinian refugees of the War of 1948. Israel occupied Lebanon from the south up to its capital Beirut and compelled the weak parliament to elect Bashir as president. But Syria, wishing to protect her strong hold in Lebanon by cooperating with anti-Maronite Druze and Muslim forces, assassinated Bashir. Thus, the hope that, under Bashir, Lebanon would sign a peace agreement with Israel and expel the Palestinians to Jordan (where they would terminate the Hashemite kingdom and build their own state), faded.

The 1982 war shows, first, that the Palestinian national movement led by the PLO became Israel's principal concern. Second, that, for a while, Israel entertained the idea of pushing the Palestinians to an alternative homeland. Once this was revealed to be impossible, Israel changed course from pushing the Palestinians to an alternative homeland to creating an alternative leadership.

Historical Example 3: Alternative Palestinian Leadership

Indeed, Israel's search for alternative Palestinian leadership had already started in the late 70s. This was a decade after rejecting veteran West Bank leaders' requests to expand their authority from unconnected municipalities to a regional entity. Israel preferred to stick to the, ultimately, unachievable option of pushing Palestinians into Jordan. Israel rejected Jordan's precondition of full Israeli withdrawal to pre-1967 war borders in exchange for peace.

When pro-PLO candidates won the occupied territories municipal elections of 1976, defeating veteran mayors identified with Jordan, Israel, now under the Likud, applied to the local rural sector. It hoped that the Villagers League, which it created with local leaders in the southern West Bank in the late 1970s, would spill into the north and incorporate the cities with their adjacent refugee camps that strongly support the PLO. This was a short-lived illusion, based on an incorrect reading of the West Bank's socio-political development. Contrary to Israeli expectations, the cities attracted the younger generation from the periphery by offering them

higher education combined with political affiliation and activity.

Historical Example 4: Training the PLO

The mass Palestinian uprising of 1987 forced Israel to seek a different direction. Israel agreed that leaders in the West Bank and Gaza Strip, but not the PLO, would represent the Palestinians at the 1991 Madrid peace conference. Through this agreement, Israel hoped to create a divide between the PLO establishment, which was located outside Palestine, and the people located inside. Israel also hoped that, by including the Palestinian representatives in a joint delegation with Jordan, the peace process outcome would lead not to Palestinian independence, but, rather, probably to limited autonomy under Jordanian or Israeli rule.

The idea of seeing the occupied territories' leadership as Israel's sole peace process partner originated in an earlier plan to grant autonomy to the residents of the West Bank and Gaza Strip. The autonomy plan was included in the Israeli – Egyptian peace treaty of 1979. Due to their disagreements over authorities, Israel and Egypt did not conclude their talks on this subject. However, the architects of the Oslo accords incorporated the principle in their 1993 document. Yet, whereas in the Israel – Egypt discussions the autonomy plan was considered a permanent solution (at least in Israel's eyes), in the Oslo Agreement it was constructed as temporary regime.

It is worth noting that contrary to popular perception, the Oslo agreement was not a peace treaty, but rather an open-ended interim agreement on autonomy without defining what would replace it after five years. Marketing it as a peace agreement raised expectations and encouraged the opponents of peace to sabotage the process. The high expectations set the stage for deep disappointment. In addition, Israel and the Palestinian Authority appeased opposition groups in ways that eroded mutual trust and created obstacles on Oslo's road to peace.

A One State Reality with a Palestinian Subcontractor

The end of the Camp David summit with no agreement and the outbreak of the second Intifada in 2000 terminated the Oslo plan for autonomy. Instead, Israel introduced a new method of control. In 2002, Israel reoccupied the West Bank and sieged Arafat in his Ramallah headquarters. In 2005, when Mahmoud Abbas replaced Arafat, Israel approved the restoration of the PA on the condition that it operated under Israeli control as its subcontractor, rather than as an independent state building agent. With massive settlement expansion in the West Bank since 1993 (from approximately 250,000 settlers in 1993 to nearly 700,000), tens of thousands soldiers (between thirteen and twenty five battalions deployed plus intelligence, air force, and logistics units), the Wall that Israel built in 2005 that cuts Palestinian areas, and the subordinated PA that controls only over twenty percent of the West Bank, Israel was able to create a new reality: one Israeli regime from Jordan to the Mediterranean in which the number of Jews and Arab-Palestinians is almost equal. The powerful Jewish ethnic group maintains its

superiority by dividing the Palestinians into five groups: Israeli Palestinians, East Jerusalemites, West Bankers outside the PA's control, West Bankers under PA control, and Gaza Strip residents who are closed in their own enclave. Israel allocates each group different sets of civil and political rights while negating others. In 2005, Israel replaced its direct occupation of Gaza Strip with control from the outside. Following Hamas's victory in the PA legislative council elections of 2006 and its forcefully taking control over Gaza Strip in 2007, Israel began its siege of the Strip.

Israel invested massive political energy to keep Mahmoud Abbas' cooperative regime in place, including by maintaining the division between Hamas and Fatah and preventing general elections in spring 2021 that could have ended the division and rebuilt the Palestinian Authority's political institutions and restored their legitimacy. To discipline Hamas, Israel blended two strategies: letting Qatari financial aid enter into Gaza strip knowing it would help Hamas stay in power and implementing periodic army raids to limit its physical capabilities and political power.

Two international policies helped Israel sustain its one regime. First, Western countries lost hope and interest in solving the Israeli – Palestinian conflict, in particular following the outbreak of war in Ukraine. Second, the signing of normalization agreements with peripheral Arab countries (the United Arab Emirates, Morocco, and Sudan) marginalized the Israeli – Palestinian conflict. Israel celebrated these agreements as clear evidence of its strategic success of replacing the Israeli – Palestinian conflict resolution policy with shrinking the Arab – Israeli conflict, by-passing the divided and ruled Palestinians. The international community's message to Israelis and Palestinians was: the conflict within the one state reality is your problem, not an international policy issue. Unsurprisingly, the Palestinians felt betrayed. Hamas feared that Israel's radical right wing government is close to achieve a historical victory.

When Israel came close to its greatest political achievement since Oslo agreement, the normalization agreement with Saudi Arabia, its policy became distorted. The first sign came from north West Bank in early 2023, when armed groups attacked Israeli settlers and soldiers. Fearing backlash, the extremely unpopular Mahmoud Abbas forces refrained from confronting them. Instead, big Israeli army units frequently raid the area.

Hamas's criminal and barbaric attack on October 7 left 1300 Israeli civilians, soldiers and migrant laborers dead. More than two hundred forty people, among them babies, small children and old people, are Hamas's hostages inside Gaza Strip. Since 1948 war no settlement inside Israel has been occupied; and since the Holocaust not so many Jews were murdered in one day. About 330, 000 Israelis became displaced or forced to leave their homes next to the front lines. This also did not happen in Israel since 1948 war.

Israel's brutal and indiscriminate retaliatory air bombardments, followed by a ground invasion has killed at least twenty four thousands of people, most of them innocent civilians. More than two million people became displaced and lost their homes. The death tool and refugees number

are higher than those the Palestinians experienced in 1948 war and had made in much shorter period.

Israel's Historical Record Reconsidered

Hamas's attack caught Israel by great surprise. It launched the retaliatory war without a clear definition of what the declared goal of "destroying Hamas" means practically, who should replace Hamas, or which alternative to Hamas's rule would lead Israel to agree to withdraw from the Gaza Strip. Lacking public trust and support, Israel's political and security leaders have to define their end-game goals during the war. They are caught between revenge seeking, frustration, grief, and restoring their reputation on the one hand, and heavy external pressure to end innocent Palestinian civilians suffering on the other hand.

The review of the historical record suggests that Israel can choose from the following post-fighting arrangements:

The first is the expulsion of the Gaza Strip's population and destruction of their cities similar to what Israel did following the War of 1948 and hoped to achieve in Lebanon in 1982. This alternative Palestinian homeland option, is not wishful thinking on the part of marginalized right-wing activists. Fueled by fears of insecurity and calls to kill off the entire population of the Gaza Strip , official policy proposals of the Minister of Intelligence and senior Knesset members recommend transferring the Gaza Strip's civilians to Egypt's Sinai. When Egyptian President al-Sisi angrily denounced the proposal, Israel opened talks with Congo on Gaza "voluntary migration" plan.[1] Knesset members in the right-wing coalition together with the settler movement are campaigning to establish three settlement cities on the ruins of the Gaza Strip's Palestinian cities. In addition, they are pressuring to rebuild the small settlements that Israel evacuated in 2005.[2]Their view, however, goes beyond the Gaza Strip. What they believe Israel must do now in Gaza, should also be done later in the West Bank. If Israeli leaders choose to endorse this plan, they are expected to meet powerful international opposition expressed first and foremost by the United States. As the current war shows, Israel's security depends on US assistance. No responsible Israeli leader can ignore or reject America's stance.

Whereas expelling the Gaza Strip's population is the maximalist option, eliminating Hamas's top leadership is the minimalist one. Indeed, in January Israel killed Salah al-Aruri, the deputy leader of Hamas and committed to eliminate Yehiya Sinwar, Hamas local leader, the mastermind behind Hamas' October attack. It follows the failed strategies pursued in the 1956 war to topple Nasser and the Israeli plan to assassinate Arafat in 1982 War with Lebanon and in the second Intifada. In addition, since 2000, Israel systematically assassinates Hamas's top political leaders and military commanders. The assumption that Hamas, a well organized movement that represents the popular voice, would cease to function, even in the short term, when its leadership were assassinated has proved mistaken. Similarly, expelling the PLO leaders in 1982 from Lebanon to Tunis did not end the PLO.

A third option is to seek alternative leadership that is ready to rule Gaza Strip in collaboration with Israel. Accordingly, Israeli forces would stay there to help and supervise the local leadership. According to PM Netanyahu, this alternative to Hamas leadership should be fully local. It is akin to what Israel hoped to achieve by founding the short-lived Villages League in the southern West Bank as an alternative to t the PLO and will end-up similarly. The same principle led Israel to subordinate the Palestinian Authority within the one state reality. In the 1980s and the 1990s, Israel employed this method with the South Lebanon Army, the proxy Israel maintained in Lebanon against the PLO.

In 1985, Israel withdraw from Beirut and Lebanon's center, to a strip in south Lebanon that it defined as a security zone. The area's residents, mostly Shias, who in 1982 welcomed the Israeli army with rice grains, gradually turned against the Israeli army and its local Christian collaborator, the South Lebanon Army. Hezbollah, the extremist Shia movement, emerged as the main resistance force, compelling Israel to withdraw in 2000 after suffering many loses. Israel cruel treatment of Gaza Strip residents since 2007, most of them refugees of 1948 and their descendants, discourages assuming that creating an alternative leadership might help Israel achieve a stable security order. However, for the current Israeli right-wing coalition this option is attractive because it preserves the division between the West Bank and Gaza, which is necessary to prevent Palestinian state.

The strategy of creating of an alternative leadership might also be accomplished by returning the Palestinian Authority to the Gaza Strip. This option is preferred by Defense Minister Galant conditioned it will operate within the one-state reality that Israel established. If Israeli center parties form the next government, the return of the Palestinian Authority's control of the Gaza Strip within the terms of the Oslo agreement's model of autonomy seems possible. Yet, Abbas' administration is weak, unpopular, and delegitimized. The Ramallah based Palestinian Authority should be reconfigured and regain legitimacy through general elections that include disarming Hamas and resuming Oslo style peace talks. As former Palestinian Authority Prime Minister Salam Fiad notes,"It is impossible to see how the PLO," which signed the Oslo accords and of which the Palestinian Authority is part, "can credibly make any commitment to nonviolence as part of any attempt to restart the peace process if Hamas and factions of a similar orientation are not represented".[3] Returning to the Oslo model means reducing the goal of a Palestinian state to autonomy trapped between the hammer of Israeli security and settlements and the anvil of the hope of self-determination wish. This very trap denies regime legitimacy and is not expected to work differently in the future.

To sum up, the current war shows that none of previous methods brought peace, security, or stability to any of the conflicting sides. Choosing any of them would be to ignore what the current war proved impossible.

The Collapse of the Four Methods

The current war ended, at least temporarily, the four methods Israel used since 2006/2007 to deal with the Palestinians under its rule.

First, it ended the method of closing the Gaza Strip's borders, disciplining Hamas yet keeping it in power and maintaining its political division from the West Bank regime. Israel is reoccuppying the Gaza Strip aiming to dismantle Hamas's regime. During the war, small scale armed conflicts have erupted in the West Bank between Palestinians and Israeli forces and settlers. In addition, settlers and the army continue to displace small Palestinian communities. Within the 1948 borders, Israeli Palestinians experience sporadic physical and verbal attacks by angry Jewish Israelis. What happens in the Gaza Strip does not remain confined there for long.

Second, the war shows the shortsightedness of replacing conflict resolution with conflict management. The conflict can be managed only periodically and thereafter turns more violent. Moreover, the bloody conflict impacts the international socio-political order. Western leaders confront mass pro-Palestinian demonstrations and anti-Semitic attacks on their Jewish communities. There is growing awareness among international leaders, first and foremost the Biden administration, that they should reengage politically to solve the conflict along the two-state solution.

Third, the war shattered the policy of shrinking the Arab – Israeli conflict and distancing Arab countries from the Palestinians by signing normalization agreements with Israel. With unprecedented casualties within a few days and enraged public opinion domestically, the heads of Arab states could not remain on the sideline. Jordan and Bahrein called their ambassadors back from Israel, and Oman stopped letting Israeli airplanes fly over its territory. Moreover, left unsolved the conflict expands from local to regional. Fighting occurs along the Israel – Lebanon border and Yemenite Houthi forces are launching long range missiles into southern Israel and hit Israeli and US owned cargo ships sailing in the Red Sea. In response, the US and the UK launched airstrikes on Houthi targets. Huge American and British forces together with small Dutch and German units deployed in the Middle East to deter Iran from fighting alongside its Lebanese and Yemenite allies, and to help Israel should the worst case scenario materialize. Worse, if Russia intervenes, the war might become a world war.

Fourth, the war proves that the expensive security wall based on advanced technology can be rendered useless by low-tech attacks Israel invested more than one billion dollars since 2017 in building a wall above and below the ground along her border with the Gaza Strip, including in the sea. Electronic monitors and remote-control shooting systems were stationed on the top of the wall. The expensive project was completed in late 2021. It is no accident this was the year that Israel and the US put heavy pressure on Abbas to cancel his agreement with Hamas to decree general elections for the Palestinian Authority presidency and legislative council in accordance with the Oslo agreement parameters. Hamas agreed not to nominate a presidential elections candidate to run against a Fatah candidate. Moreover, according to a Palestinian source, Abbas sent a letter to Washington stating that all Palestinian factions, including Hamas, had committed to accepting a Palestinian state within pre-1967 war borders with its capital in East Jerusalem and to engaging in peaceful popular resistance against Israel.[4]

Missing the opportunity of the 2021 elections to change the political environment and regime

imposed by Israel led directly to war in both 2021 and today. Indeed, today it is more difficult to solve the conflict with a peace agreement that provides the Palestinians full sovereignty. It is much more difficult to convince Israelis that they can achieve security without the one state reality with Palestinian subordination. Therefore, the way ahead might be long, but it must start with Palestinian and Israeli general elections and with peace treaty guidelines. Unlike the Oslo agreement that left things open ended, the framework of a peace treaty should be clearly defined and guaranteed by the international community, prior to Palestinian elections. In short, a future resolution to the present should not be left to the unknown. Rather, a strategy of recovering the peace process must be adopted.

This paper is an expanded and updated text of my webinar presentation at the University of Chicago, the Center for Jewish Studies and the Center for Middle Eastern Studies.

[1] The Times of Israel 3 January 2024 in https://www.timesofisrael.com/israel-in-talks-with-congo-and-other-countries-on-gaza-voluntary-migration-plan/

[2] https://www.israelnationalnews.com/news/381112; https://www.middleeasteye.net/news/war-gaza-israeli-parliament-members-hold-meeting-building-israeli-settlements-gaza

[3] A Plan for Peace in Gaza, Foreign Affairs October 27, 2023 https://www.foreignaffairs.com/israel/plan-for-peace-gaza-fayyad?utm_medium=newsletters&utm_source=twofa&utm_campaign=A%20Plan%20for%20Peace%20in%20Gaza%20&utm_content=20231103&utm_term=FA%20This%20Week%20-%20112017

[4] https://arabcenterdc.org/resource/palestinian-elections-2021-reconciling-competing-motives/ ; https://www.timesofisrael.com/hamas-says-wont-nominate-presidential-candidate-for-palestinian-elections/

The Dangerous Mythology That Still Surrounds Justice Antonin Scalia

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Justice Antonin Scalia passed away in 2016 but his legacy and the myths surrounding his jurisprudence still impact our politics and our courts despite his often controversial and bigoted views on most of the important civil rights issues of our day. For example, not long after his death, George Mason University received a substantial amount of money from private donors (including the Koch Brothers) to change the law school's name to the Antonin Scalia Law School.[1] More recently, Harvard Law School announced that it filled its outside-funded Antonin Scalia Professor of Law Chair.[2] The money for the Chair came from the family of a man who had to drop out of a political race because he used a racial slur.[3]

While running for President, Donald Trump repeatedly used the name Antonin Scalia to signify the kinds of judges he would appoint.[4] There is even a play written about Scalia which was performed in the shadow of the highest court in the land.[5] Justice Scalia, even six years after his death, remains a hero to the influential Federalist Society and the Republican Party.

Supreme Court Justices should, of course, be judged according to the values of the times in which they lived. There are numerous Justices who served on the bench prior to the late twentieth century who we still honor but undoubtedly held racist, sexist, and anti-LGBTQ views. It would not be fair for us to impose modern sensibilities on these men. However, Justice Scalia made all of the racist, sexist, and homophobic statements discussed in this essay (and issued all of the votes recounted herein) in the last thirty-five years when he should have known better.

It is one thing to admire those rare Justices, perhaps like the first Justice Harlan, who famously dissented in Plessy v. Ferguson,[6] and The Civil Rights Cases,[7] who are somewhat ahead of their times on civil rights issues. Such Justices ae unusual for understandable reasons. It is quite another thing to honor a Justice who repeatedly insulted, stigmatized, and ruled against virtually all marginalized groups.

The constant lavish testaments to Justice Scalia today are deeply insulting to women, people of color, LGBTQ folks and non-Christians as well as dangerous perpetuations of the fiction that Scalia was a Justice worth honoring. What Scalia most stood for was the privileging as a matter of law of antiquated and unjust legal traditions, favoring white males over outsider groups, and allowing the government to treat the religious over the secular under the establishment clause. This essay provides substantial evidence for these claims in Scalia's written opinions, his questions during oral arguments, and his off-the-court statements.

For those who might wonder whether it matters whether elite law schools, the Federalist Society, the Republican Party, and leading law professors still honor Justice Scalia, the answer is a resounding yes. His views on race, gender, LGBTQ rights, as well as originalism, are read by law students, lawyers, and judges on a regular basis, and given his almost universal

admiration by one side of our politically polarized society, contribute to the difficulty we have overcoming racism, sexism, and LGBTQ prejudice today.

Part I demonstrates that, contrary to both the conventional wisdom of many of today's legal scholars and judges, as well as Scala's own rhetoric, he was not an originalist. Instead, he was a deeply conservative, religious, Republican, and that is how he ruled in most cases (whether or not originalism supported his vote). Part II supports my charges of racism, sexism, and homophobia as well as my claim that Scalia strongly favored religion over non-religion. Part III suggests a path forward.

I. Scalia was Not an Originalist

As I have documented elsewhere,[8] Justice Scalia was no originalist when it came to his votes despite his oft-repeated claims to the contrary. He repeatedly lauded his originalism in his judicial opinions and public statements off the Court. He famously toured the country speaking at law schools and other venues shouting, "The Constitution is Dead, Dead, Dead."[9]

The truth is that Scalia often ignored originalism altogether (affirmative action cases),[10] distorted history beyond recognition (Second Amendment,[11] and Federalism cases);[12] or just looked at those isolated historical sources that supported the conservative results he wanted to reach (campaign finance reform).[13] Scalia is credited by conservatives for voting liberal in criminal procedure disputes but he did not vote that way often and, according to Professor Lawrence Rosenthal, he only voted originalist in 18% of fourth amendment cases.[14] Scalia was in no sense an originalist Justice when it came to his votes.

One of the clearest examples of Scalia's living constitutionalism reflective of many other opinions he wrote is his concurring opinion in Dickerson v. Minnesota.[15] The issue in the case was whether the Fourth Amendment allowed the police to seize contraband during a permissible search under Terry v. Ohio, which held that police searches incidental to arrest to discover weapons are valid. The Justices ruled that the search in Dickerson was "unreasonable" and therefore violated the Constitution because the officer felt around for contraband in the defendant's pocket, which the officer had already discovered contained no weapons.[16]

Justice Scalia wrote a concurring opinion containing his typical ode to originalism, "I take it to be a fundamental principle of constitutional adjudication that the terms in the Constitution must be given the meaning ascribed to them at the time of their ratification."[17] Therefore, Scalia said, the right to be free from "unreasonable searches and seizures," must be construed in light of what that phrase meant when the Constitution was ratified. Justice Scalia then used first principles to suggest that he was unsure whether the Terry rule was a proper interpretation of the Fourth Amendment's original meaning.

He doubted that "the fiercely proud men who adopted our Fourth Amendment would have allowed themselves to be subjected, on mere suspicion of being armed and dangerous, to such indignity."[18] Justice Scalia then went on, however, to articulate a flexible approach to that

question consistent much more with living constitutionalism than originalism. He said that "even if a 'frisk' prior to arrest would have been considered impermissible in 1791 . . . perhaps it is only since that time that concealed weapons capable of harming the interrogator quickly . . . have become common—which might alter the judgment of what is 'reasonable' under the original standard."[19]

In other words, even if the Founding generation had specifically considered the legality of protective frisks prior to arrest, and even if they had decided that such frisks were illegal, the same issue may be decided differently by future judges because of societal and technological changes occurring after the Constitution was ratified. But if, according to Justice Scalia, the interpretation of the Fourth Amendment to known facts can change, why can't the meaning of phrases like "cruel and unusual punishments," "equal protection," "liberty," and "due process," also change when facts change? Justice Scalia never provided any kind of answer (principled or otherwise) to that question.

If Scalia were a true originalist, perhaps the racism, sexism, and homophobia documented below could be, if not justified, at least explained by his reliance on old texts and ancient values combined with his view of the appropriate judicial role. But, as many others have noted,[20] Scalia departed from original meaning so often, and on so many diverse issues, that his consistent opposition to civil rights during his career simply cannot be justified by an alleged but largely fictitious pre-existing theoretical commitment. Other explanations are necessary to explain his behavior. The examples below show clearly that what motivated Scalia was not a specific theory of constitutional interpretation, but rather a deeply engrained conservatism, racism, sexism, and homophobia.

II. Justice Scalia's Bigotry

Justice Scalia's opinions and heated rhetoric in civil rights cases should disturb people of even moderate sensibilities. In 1997, he was the only dissenter in a case requiring the Virginia Military Institute ("VMI"), an elite state funded military college, to accept women after it refused to do so for over a century.[21] Scalia argued that courts should defer to all but the most irrational of laws that discriminate against women. Even Chief Justice William Rehnquist, an opponent of civil rights progress for decades, disagreed with Scalia in the VMI case.[22]

Off the bench, Justice Scalia confirmed his view that women were not entitled to any heightened protection under the equal protection clause of the fourteenth amendment. When asked about this issue, he responded as follows: "Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't. Nobody ever thought that that's what it meant."[23]

According to many originalists, Scalia's certainty about the original meaning of the fourteenth amendment and gender discrimination is misplaced. Professor Larry Solum, considered one of the most important academic originalists in America, as well as Professor Steven Calabresi, one of the co-founders of the Federalist Society, and another leading originalist, both have

argued that the fourteenth amendment bars, absent a strong state interest, gender discrimination.[24] One would think that only clear contrary evidence from text or history could possibly justify a judge concluding that official government discrimination based on gender was constitutional. Scalia, however, did not make any such showing.

Justice Scalia also exhibited either substantial insensitivity to race or outright racism during his career. At the oral argument in the landmark Shelby County case which gutted the Voting Rights Act,[25] Justice Scalia responded to the point that a unanimous Senate had passed the law by saying that the Act was a "perpetuation of racial entitlement."[26] In light of this country's sordid history of intentional suppression of Black voters through literacy and character tests and redistricting, this statement unsurprisingly shocked many people.[27] The right to vote is not an entitlement, racial or otherwise, and to suggest that voting rights are racial entitlements is insensitive as best and racist at worst.

Scalia voted to strike down every affirmative action law he ever faced as a Justice. On his way to doing so, he revealed his true biases. At the oral argument in a case involving the University of Texas, Scalia said the following: "There are those who contend that it does not benefit African Americans to get them into the University of Texas where they do not do well….I'm just not impressed by the fact that that the University of Texas may have fewer [Blacks]. Maybe it ought to have fewer. And …when you take more, the number of blacks, really competent blacks admitted to lesser schools, turns out to be less."[28]

In 1955, the University of Texas was 100 percent white.[29] When the school used race as "a factor of a factor of a factor," in the words of Justice Anthony Kennedy,[30] to attain just a bit more diversity, Scalia steadfastly voted no, and suggested Blacks did not belong there anyway.

Scalia's defenders at the time claimed that the Justice was simply referring to the so-called "mismatch theory," most aggressively defended by Professor Richard Sander.[31] This attack on affirmative action, however, has been thoroughly discredited.[32] But even if Scalia was simply latching on to an academic critique of affirmative action, he could have cited the theory and suggested that the benefits of racial preferences are outweighed by other factors in language less incendiary than suggesting that maybe the University of Texas should "have fewer Blacks."

Justice Scalia's sexism and racism, while obvious and troubling, were even less disturbing than his dissents and rhetoric concerning gays and lesbians. Dissenting in a 2003 case striking down a Texas law making it a crime for adults to engage in private, consensual gay sex,[33] Scalia said that "[m]any Americans do not want persons who openly engage in homosexual conduct as partners in their business, scoutmasters for their children [and] teachers in their schools." These statements were projections of Scalia's prejudice.

In another case,[34] Scalia compared homosexual conduct to murder and bestiality. He said the following:

The Court's opinion contains grim, disapproving hints that Coloradans have been guilty of

‘animus’ or ‘animosity’ toward homosexuality, as though that has been established as un-American. Of course it is our moral heritage that one should not hate any human being or class of human beings. But I had thought that one could consider certain conduct reprehensible-murder, for example, or polygamy, or cruelty to animals-and could exhibit even ‘animus’ toward such conduct.[35]

These insulting comparisons are terrible but at least they were written in the context of a bitter dissent. Possibly worse than the offensive analogies, however, was how Scalia later reacted towards a gay Princeton student who told Scalia he was bothered by the remarks. A decent person might have responded by saying that the comparisons were extreme but necessary to make a point, or a similar disclaimer, and then apologize or at least clarify that the writer of those words did not really mean that homosexuality could be productively compared to murder or bestiality. Instead, Scalia stridently responded, “If we cannot have moral feelings against homosexuality, can we have it against murder? Can we have it against other things? I don’t apologize for the things I raise.”[36] This type of aggressive insensitivity was part of Scalia’s essential character.

In addition to his negative attitudes when it came to the rights of people of color, women, and LGBTQ folks, Justice Scalia also “interpreted” the first amendment’s establishment clause out of the Constitution. He said in several different opinions that legal coercion or compulsion was a requirement that plaintiffs had to establish to demonstrate that the government violated the clause and relatedly that the government is allowed to symbolically prefer religion over non-religion.[37] But the free exercise clause, also in the first amendment, is violated when the government punishes or threatens religious exercise or treats one religion better than others or better than non-religion in tangible ways. Any government behavior that satisfied Scalia’s establishment clause test would also violate the free exercise clause. There is nothing in the history of the first amendment, however, suggesting that the two clauses should perform identical functions or that the establishment clause has no independent meaning.

Based on this misreading of the establishment clause, Scalia voted to uphold school prayers at graduation ceremonies,[38] sectarian prayers at legislative sessions,[39] teaching “creation science” in public schools,[40] and religious symbols on government property.[41] Furthermore, although Scalia believed strongly in the devil,[42] he did not care for science.[43]

Professor Caroline Corbin has argued persuasively that Scalia’s religion clause jurisprudence is based to a large degree on his inability to see Christian privilege in America,[44] which makes Scalia’s views on the establishment clause consistent with his views on race, poverty, civil rights, and many other aspects of American constitutional law. White, male Christians were most often the beneficiaries of Scalia’s jurisprudence while all other groups were marginalized.

III. Consequences and Legacies

It is hard to imagine how the Antonin Scalia Professor of Law at Harvard or the faculty at the Antonin Scalia Law School teach their female, Black, non-Christian, and LGBTQ students about

these cases. Imagine the students' shock when they learn that Scalia thought the right to vote, so long denied to Blacks, was just a "racial entitlement," or that Scalia thought it a good idea to compare homosexual conduct to murder and then to double-down on what he dismissively and insensitively called "a form of argument."[45] As late as 1997, he had no constitutional problem with a government owned military school limiting its substantial benefits to men. He had no difficulty with the government endorsing religion over non-religion. How do we expect students to react to these insults when their own professor or their school carries the name of the man who made them?

The Republican Party still views Scalia as their hero but that is just politics. Law schools and great universities should know better. Honoring Scalia is a testament to 1950's America when women were expected to be wives and mothers, gays and lesbians had to hide in the closet, racism deeply infected our politics, and Christianity dominated our country.

The myth that Antonin Scalia was a principled, great jurist is one of the most dangerous misconceptions in American politics. He thought nothing of disparaging people unlike himself as well as insulting even his fellow Justices. Far from being a role model for our law students, he should be an example of how judges should not act. His biting and sarcastic dissents and his dismissive majority opinions with their overheated rhetoric unequivocally added to our country's polarization generally and within the legal community specifically. As one scholar has observed, Scalia's "departure from the custom of respectful dissent marked a turning point in the Court's tradition of collegiality and civility."[46]

The real Justice Scalia can be seen in his dissent in the Court's landmark decision invalidating state same-sex marriage bans. He compared the reasoning of Justice Kennedy's majority opinion to the "mystical aphorisms of the fortune cookie."[47] But equality under the law is neither mystical nor an aphorism. It is a constitutional requirement of the fourteenth amendment-a requirement that Scalia ignored, distorted, and abused during his long career at the expense of most of America's outsider groups. He should be remembered as a man who often resembled the worst aspects of our country and our culture, not a great or even a good judge, and certainly not in any sense an American hero.

Conclusion

The legal community should not cancel Justice Scalia nor ignore his many crude and cruel statements, opinions, and votes. Rather, lawyers, law professors, judges, and politicians should accept that Scalia should not be held up as the kind of judge one should emulate. His well-documented hypocrisy over originalism, his many votes against virtually all traditionally disadvantaged groups, his inability to escape his own biases, and his over-the-top rhetoric in our most important civil rights cases all suggest a failed, angry jurist with a decidedly non-judicial demeanor. That should be the sorry legacy of Justice Antonin Scalia.

[1] See
https://www.washingtonpost.com/news/true-crime/wp/2016/04/05/george-mason-u-changes-na

me-of-scalia-law-school-to-avoid-embarrassing-acronyms/
[2] See https://www.thecrimson.com/article/2021/4/21/new-scalia-professor-law/
[3] The Considine Foundation funded the Chair. https://today.law.harvard.edu/harvard-law-school-establishes-professorship-honor-justice-antonin-scalia-60/. Here's a story about the racial slur: https://www.washingtonpost.com/archive/politics/1986/06/06/candidate-perfect-until-he-started-discussing-issues/654765c8-02da-4196-9247-c919d9b4ff68/
[4] See https://www.lgbtqnation.com/2016/10/hrc-ad-shows-trump-pleding-appoint-judges-like-scalia-scary/
[5] See https://www.villagevoice.com/2018/07/24/the-originalist-a-play-about-justice-antonin-scalia-shows-sympathy-for-the-devil/
[6] 63 U.S. 537 (1896).
[7] 109 U.S. 3 (1883).
[8] See https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=6105&context=law_lawreview
[9] See https://www.politico.com/story/2013/01/scalia-the-constitution-is-dead-086853
[10] See https://prospect.org/article/scalia-thomas-originalist-sinners/
[11] See https://www.theatlantic.com/politics/archive/2015/12/guns-have-always-been-regulated/420531/
[12] See http://ericposner.com/originalism-class-2-printz-as-a-paean-to-the-living-constitution/
[13] See https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=4640&context=ndlr
[14] See https://repository.uchastings.edu/hastings_law_journal/vol70/iss1/3/
[15] 508 U.S. 366, 368 (1993).
[16] Id. at 378.
[17] Id. at 379 (Scalia, J., concurring).
[18] Id. at 381.
[19] Id. at 382. See also Eric Segall, Will the Real Justice Scalia Please Stand Up, 50 Wake Forest L. Rev. Online 101, 106 (2015).
[20] See Edward Purcell, ANTONIN SCALIA AND AMERICAN CONSTITUTIONALISM: THE HISTORICAL SIGNIFICANCE OF A JUDICIAL ICON (2020); see also https://prospect.org/justice/scalia-problem-originalism-textualism-trumpism/; https://www.newyorker.com/news/news-desk/scalias-contradictory-originalism
[21] United States v. Virginia, 518 U.S. 515 (1996) (Scalia, J., dissenting).
[22] Id. at 558 (Rehnquist, C.J. dissenting).
[23] https://talkingpointsmemo.com/dc/scalia-14th-amendment-doesn-t-protect-women-against-discrimination
[24] See Lawrence Solum., Originalism Versus Living Constitutionalism: The Conceptual Structure of the Great Debate, 113 Nw. U. L. Rev. 1243, 1268-69 (2019); Steven G. Calabresi & Julia T. Rickert, Originalism and Sex Discrimination, 90 Texas l. Rev. 1, 11 (2011).
[25] Shelby County v. Holder, 570 U.S. 529 (2013).

[26] https://www.supremecourt.gov/oral_arguments/argument_transcripts/2012/12-96_7648.pdf at 42.
[27] See https://www.msnbc.com/politicsnation/scalia-renewing-voting-rights-act-msna19290
[28] See https://www.supremecourt.gov/oral_arguments/argument_transcripts/2015/14-981_onjq.pdf, at 67-68. See also https://www.washingtonpost.com/news/answer-sheet/wp/2015/12/12/what-scalias-controversial-remarks-about-african-americans-expose-about-u-s-higher-education/
[29] https://www.texastribune.org/2016/09/09/ut-austin-honors-first-black-undergraduates/
[30] Fisher v. University of Texas at Austin, 579 U.S. ___ , at _ (2016).
[31] See https://www.cnn.com/2015/12/13/opinions/brown-scalia-mismatch-theory/index.html
[32] See e.g., https://www.uclalawreview.org/mismatch-science-desistance-failed-arguments-affirmative-action/#:~:text=Proponents%20of%20mismatch%20theory%20deny,would%20have%20done%20even%20better.
[33] Lawrence v. Texas, 539 U.S. 558, 602-03 (2003) (Scalia, J., dissenting).
[34] Romer v. Evans, 517 U.S. 620, 644 (1996) (Scalia, J., dissenting).
[35] Id.
[36] See https://www.latimes.com/world/la-xpm-2012-dec-11-la-na-nn-scalia-laws-homosexuality-murder-20121211-story.html
[37] See https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1295&context=fac_articles
[38] See Lee v. Weisman, 505 U.S. 577 (1992) (Scalia, J., dissenting).
[39] See Town of Greece v. Galloway, 572 U.S. 565 (2014).
[40] See Edwards v. Aguillard, 482 U.S. 578 (1987) (Scalia, J., dissenting).
[41] See County of Allegheny v. ACLU, 492 U.S. 573 (1989) (Scalia, J., concurring in part and dissenting in part).
[42] See https://nymag.com/news/features/antonin-scalia-2013-10/
[43] See https://www.nytimes.com/interactive/2016/12/21/magazine/the-lives-they-lived-antonin-scalia.html
[44] See https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1295&context=fac_articles
[45] See https://www.latimes.com/world/la-xpm-2012-dec-11-la-na-nn-scalia-laws-homosexuality-murder-20121211-story.html
[46] See J. Lyn Entrikin, Disrespectful Dissent: Justice Scalia’s Regrettable Legacy of Incivility, 18 J. APP. PRAC. &

PROCESS 201, 202 (2017).
[47] Obergefell v. Hodges, 576 U.S. ___ (2015) (Scalia, J., dissenting).

Political Violence Against Women: A Form of Misogyny?

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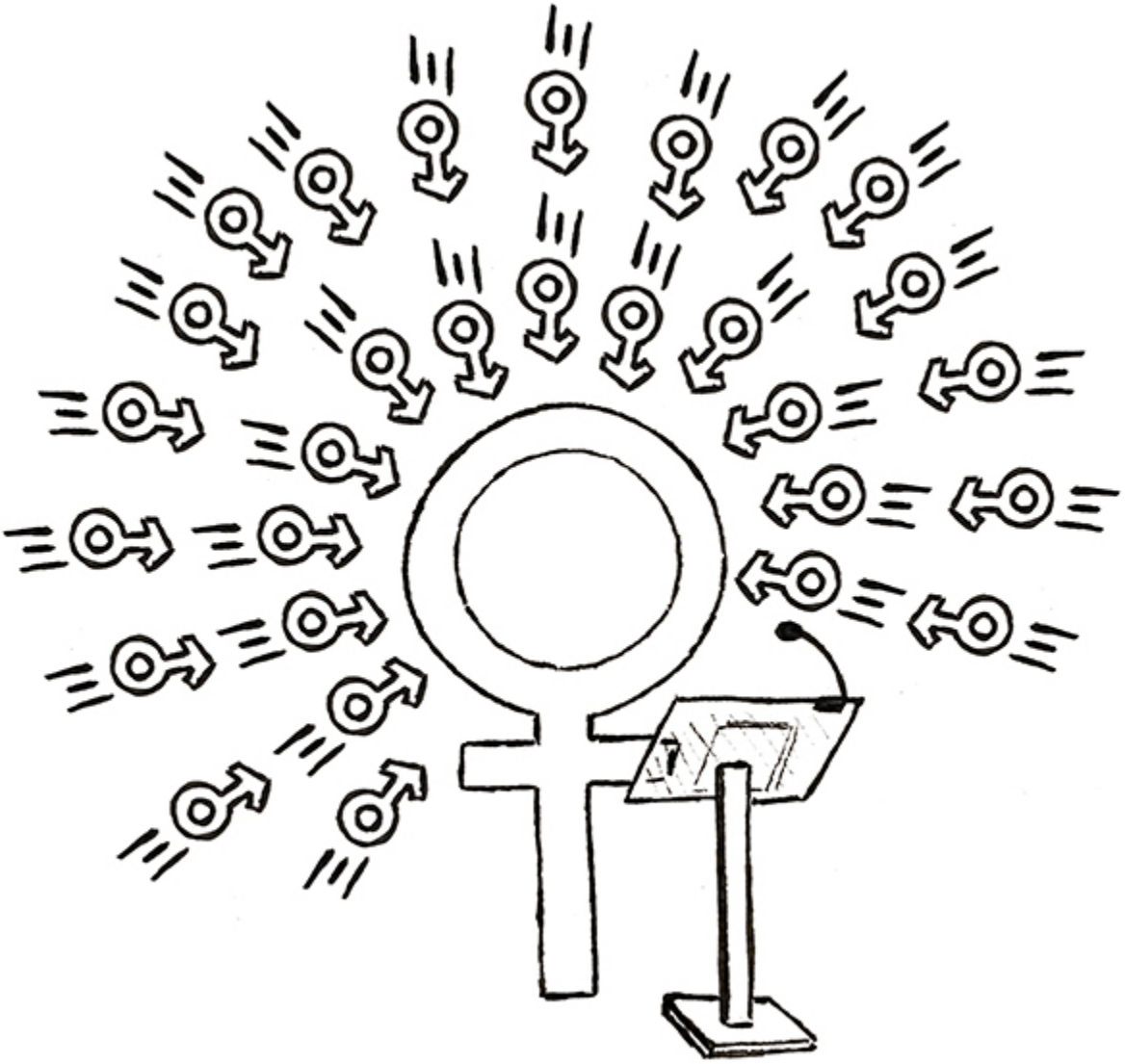
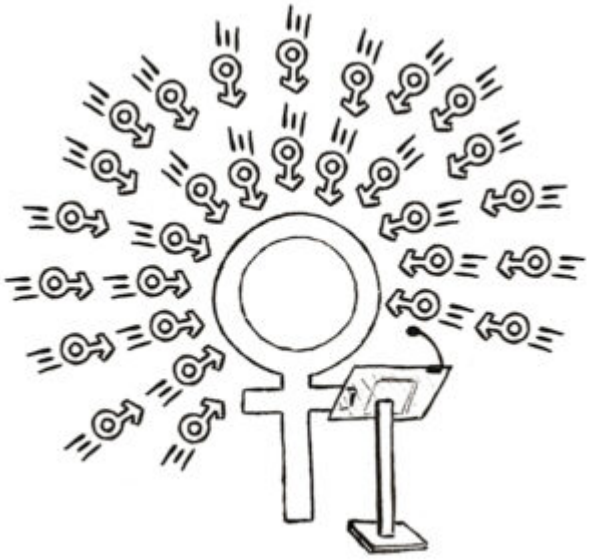


Misogyny — contempt for women — is as old as patriarchy. However, it has taken new forms globally as women have increasingly gained prominence in fields like politics. Assertions of women's power in domains that were traditionally the purview of men have given rise to new anxieties among some men, resulting in verbal, digital, and sometimes even physical violence directed at women politicians the world over. This misogynistic harassment and abuse creates an exclusionary environment for women in politics and women marginalized by race, sexuality, age, and other differences.



However, political context matters, and these attacks are not happening for the same reason everywhere. Some have described these trends as “backlash,” or as the product of right-wing tendencies in democracies. Misogyny is not just a nasty sentiment: it is undergirded by political and economic factors, particularly when it can be seen as a social phenomenon. However, there is a wide variation in explanations for such attacks on women politicians, depending on the context.

Women have doubled their representation in legislatures globally to 26.7% since 2000, according to the Inter-Parliamentary Union (IPU). Today, there are 29 women heads of state or government (15%). At least 59 countries have had a woman leader to date. The numbers slowly increased after 1990, when only nine countries had women heads of state or government. By 2023, women made up almost 23% of the cabinet ministers, with 13 countries having reached or surpassed 50% women cabinet members. Although Nordic and some European countries have historically had among the highest levels of female representation, today, countries like Rwanda, United Arab Emirates, Cuba, and Mexico are found topping the charts. Although these numbers in most parts of the world do not come close to equitably representing women, who make up half the world’s population, these increases have begun to change the face of politics in tangible ways.

As women have made political gains, violence against political women has increased. Some have argued that while women are being voted into many new positions, various men have felt that they are being eased out of domains they traditionally dominated. And so, we are seeing a simultaneous increase in physical violence, verbal intimidation, and sexual harassment of women politicians. It has also involved psychological violence, including online harassment by trolls, who use sexualized graphics and gendered insults and threats to bully women in politics. These tactics are analyzed in a 2020 book by Mona Krook, Violence against Women in Politics. But feelings of increased exclusion by men is only one explanation for these attacks on women. While increases in violence against women politicians is a global phenomenon, the reasons are context-dependent.

A Global Phenomenon

The phenomenon of women politicians being attacked is global. According to the Inter-Parliamentary Union's landmark survey (2016), almost all female legislators have encountered psychological harassment during their tenure in parliamentary roles, one-quarter have been subjected to some form of physical violence, and one-fifth have experienced various instances of sexual violence.[1] A 2023 survey by MeTooEP in the European Parliament similarly found that of the 1,001 respondents, almost half had experienced psychological harassment, 16 percent suffered sexual harassment, and 7 percent faced physical violence. Surveys of parliaments in the Netherlands by Utrecht University in 2023 and by the Australian government found similar results.

At one extreme, we have countries like Afghanistan, where a women lawmaker, Mursal Nabizada, was killed in January 2023 because she protested the Taliban administration's restrictions on women since women no longer are allowed to participate in politics.[2] Several women politicians have been killed in Afghanistan simply because they were women seeking office. However, many countries where women politicians are being targeted have actively promoted women leaders and have some of the highest rates of political representation of women in the world.

Even in Finland, the first country in the world to seat women in parliament as early as 1907, women politicians have been attacked. Sanna Marin faced extreme misogynistic abuse while she served as Finland's Prime Minister from 2019 to 2023. She was not alone. A report from the NATO Strategic Communications Centre of Excellence highlighted a distressing trend in which the five most targeted ministers, all female, experienced a barrage of misogynistic abuse that targeted their values, demeaned their decision-making abilities, and questioned their leadership skills.[3] The report noted that "a startling portion of this abuse contained both latent and overtly sexist language, as well as sexually explicit language." This kind of trolling has far-reaching consequences. A study conducted in 2019 revealed that 28 percent of Finnish municipal officials subjected to hate speech expressed reluctance to participate in decision-making processes as a direct result of these attacks.

The abuse, however, is not limited to anonymous internet trolls. Moreover, it is often directed at young women. Marin, who was the youngest person to hold the position of prime minister in Finland, faced a torrent of criticism when someone surreptitiously leaked photos of women drinking and enjoying themselves at a party she hosted in her home. She was forced to take a humiliating drug test to allay criticisms that followed. Men rarely receive this level of condemnation.

Iiris Suomela, of the Green League and the youngest parliamentarian in Finland at the age of 25, pointed out that the "behavioral norms for young women are very strict. When a [young] female minister swears on TV, there is a massive uproar, but when a middle-aged man from the other side of the political spectrum uses abusive language, or is even suspected to have committed a crime, it does not cause a similar reaction." Suomela was referring to an incident

where the Left Alliance Li Andersson described an opposition politician as talking "bull. . . ." Andersson had taken over her position as Minister of Education in 2019 at the age of 32. At the same time, several male members of parliament with the far-right Finns Party were under investigation or had been convicted for "incitement against an ethnic group."[4] This double standard illustrates how there can be two sets of rules for men and women in politics.

In the United States, some of the attacks we are witnessing are tied to the rise in right-wing extremism. We have become all too familiar with reports of right-wing violent attacks aimed at politicians like Rep. Gabby Gifford, Michigan Gov. Gretchen Whitmer, former Speaker of the House, and Rep. of California Nancy Pelosi. Rep. Paul Gosar shared an animated video of him killing Rep. Alexandria Ocasio-Cortez. More recently, in October 2023, Florida GOP Rep. Ted Yoho accosted her on the Capitol steps when he called her "disgusting," "crazy", "out of her mind," and "dangerous." She countered him by saying that he was being rude. Later in front of reporters, he called her a "f. . . ing bitch." Many have pointed to the influence of former President Donald Trump and the MAGA movement in helping normalize some of this violence. In the United States, we have also seen the rise of the "outrage industry" of talk radio, podcasts, blogs, and other forms of political talk, amplified by social media, that has escalated feelings of anger, according to Sarah Sobieraj, author of Credible Threat: Attacks Against Women Online and the Future of Democracy. This discourse has heightened the danger that people will engage in real-world attacks, with particular consequences for women and ultimately with implications for democracy, human rights, and political inclusion.

Authoritarian Patterns

In authoritarian environments, there are additional motivations behind assaults targeting women. My research into authoritarian regimes shows that the same regime that enacts legal and constitutional measures to safeguard women from violence can employ state power to violently suppress women who protest state policy or belong to the opposition. The same regime may implement quotas as a strategy to enhance female inclusion yet also employ tactics to exclude women who belong to opposition parties. They do so in ways that go well beyond the ordinary tactics of opposing parties.

The Rwandese government has the highest percentage of women in parliament in the world (61%), yet it suppressed and imprisoned two women who ran for president on trumped-up charges and carried out a smear campaign against them. One businesswoman, Diane Rwigara, who had been outspoken against the Kagamé regime, stood as an independent candidate in the 2017 Rwandan presidential elections. Soon after she announced her candidacy, nude photos of her were circulated to the press in an effort to intimidate her. Rwigara, her mother, and four other associates were arrested and charged with "inciting insurrection." She was later acquitted in 2018, possibly as a result of international pressure, but her arrest had a chilling effect on other would-be presidential aspirants and those in the political opposition, particularly women. Earlier, in the period leading up to the 2010 presidential elections, an opposition party leader, Victoire Ingabire Umuhoza, was prevented from running. In October 2012, she was sentenced to fifteen years imprisonment for "conspiracy against the country

through terrorism and war." She served an eight-year sentence, five of which were in solitary confinement. Rwigara and Ingabire Umuhoze were singled out as a warning to other women not to challenge the president and his ruling party. Thus, women can be involved in politics as long as they are aligned with the ruling party.

This pattern is evident in other African authoritarian countries but for a variety of reasons. Many one-party countries transitioned to multiparty systems after the 1990s, forcing ruling parties to look for new ways to maintain vote share. My current research shows that many of these countries adopted reserved seat systems, which ostensibly allowed women from any party to run for specific seats that only women could contest as a measure to increase female representation. There are other types of quota systems, including legislated quotas and voluntary party quotas. However, only authoritarian countries in Africa have adopted reserved seats because it allows them to more easily control the women who run for these seats in ways that are prohibited by voluntary party quotas or legislated quotas. In Uganda, for example, the ruling party, the National Resistance Movement (NRM), tries to control the women who are elected to the reserved seats set aside for women by aggressively decampaigning, coopting, and funding opposition women who run for these seats. The NRM has used these seats, among a variety of other tactics, to maintain vote share after the country went multiparty in 2005. Women opposition leaders have been publicly stripped, arrested, sexually harassed, threatened with murder, and even poisoned, creating strong incentives for women to run with the ruling party or not to participate in politics at all.

As one woman opposition leader said to me: "Women are a bit cautious. They're thinking, 'Okay, I really want to participate, but not in this environment. I have children'." Yet this is a country where women politicians who support the ruling party have been welcomed. Uganda has a woman vice president, the second in its history. The country has a female prime minister, deputy prime minister, Speaker of the House, and Government Chief Whip in Parliament. Five out of the 11 Supreme Court justices are women. Women hold 47% of the seats in local government, 43% of the cabinet posts, and 35% of the seats in parliament. In other words, the government has promoted women leaders while targeting women in the opposition. This is not simply misogyny, but a form of targeted repression found in autocracies.

The same kind of state-induced violence is evident in Zimbabwe, where female opposition leaders are singled out for repression not only through extra-legal activities but through the judicial system itself. On one hand, Zimbabwe has passed laws promoting women's involvement in politics and against gender-based violence. On the other hand, there is a disturbing pattern of repression and violence against women who demand reforms that are considered "undesirable." This arbitrary and unpredictable repression casts a chilling shadow over women's mobilization efforts and the issues they champion. A gender specialist lecturer succinctly summed it up to me recently by stating, "The government has implemented coercive measures to control women's movements, instilling fear of entering politics and assuming leadership roles."

In 2020, opposition leaders Hon. Joana Mamombe, Netsai Marova, and Cecilia Chimbiri were

arrested on three separate occasions for protesting the government's handling of COVID-19 policies, including issues related to food scarcity and social support. They endured physical and sexual assault, and later, they were charged with disseminating false information about their abduction and torture by suspected state security agents in 2022. All three women were affiliated with the Citizens Coalition for Change (CCC), formerly known as the MDC Alliance. Marova, one of the women, emphasized, "We are dealing with an exceedingly unpredictable government and a capricious judicial system. We can never be certain of the outcome" (Oppenheim 2022). In 2023, the High Court acquitted Mamombe and Chimbiri, while Marova had sought asylum in exile.

Pervasive Violence

In some countries like Kenya, where violence against male politicians is already prevalent, violence against women is an extension of violence between male politicians. It involves attacks by politicians from all parties who feel particularly threatened by another candidate. Many Kenyan political leaders employ armed militias or hired individuals unleashed during elections to intimidate and harass their opponents and for self-defense. As newcomers to politics, this becomes a real impediment to women's participation.

I carried out research in Kenya when there was a significant increase in women's representation following the passage of the 2010 constitution, which included affirmative action provisions for women's political representation. As a result, in the 2013 elections, the percentage of women rose in the Cabinet from 12.5 percent to 33 percent, in the legislature from 7.5 percent to 19.4 percent, in the county assembly to 52 percent, and in the Supreme Court to 29 percent; the Appeals Court from zero to 31 percent; and in the High Court from 40 percent to 49 percent. But as women got involved in politics, like men, they became victims of violence.

Interviews during 2014 in Kenya revealed that the primary factor influencing women's participation in political leadership was the pervasive threat of violence and actual incidents of violence experienced by women who aspired to be in politics or who held leadership positions. Nearly every female politician I interviewed at the county and national level — sixteen in all — shared personal experiences of violence directed at themselves but also targeting their family members and supporters. These women faced intimidation, property damage, and verbal abuse. Most of these incidents occurred before the elections, but some continued even after women took office.

For instance, Caroline Owen, the Speaker of the House and Kisumu North Ward Representative received death threats through leaflets scattered along her path to the local market. Another woman candidate I interviewed tragically lost her 5-year-old son due to election-related violence. Some women were hospitalized, others were subjected to sexual assault, and some had their family members threatened. Such violence creates extreme disincentives for newcomers to enter the political arena.

While such political violence was a common practice among male politicians, it took particular forms when directed at women. Some attacks were orchestrated to undermine the integrity of female candidates. One woman running for office told me that she found herself attacked by a group of young men while going to the market and had taken to wearing yoga pants under her dress because the men had pulled her dress up, exposing her in public. The current Minister of Lands, Public Works, Housing & Urban Development, Hon. Alice Muthoni Wahome, recounted to me the violence she faced when she ran for Kandara member of parliament with the National Alliance, which later became the Jubilee party. Her opponent unleashed a team of 50 boys to attack her. They pulled out her hair, resulting in her hospitalization for two days in the month before the election. She explained: "Three fliers were distributed spreading all manner of insults. One said I am a devil worshipper, sworn to kill 1000 women and children. Another said I was greedy with my family, and a third said that men will suckle my breasts for five years if I stand for election." At the time, she was one of 16 women who were elected as an open constituency seat (not a reserved seat for women) in 2013, compared to 274 men.

Additionally, several politicians had to deal with opponents attempting to steal the documents certifying their nomination. Some women reported being offered bribes to withdraw from the race or were coerced into not reporting instances of harassment to the authorities. At times, hecklers were paid to disrupt women candidates' campaigns through jeering and other disruptive tactics. Shockingly, in one instance, a deceased body was placed at the nomination site of Mary Kimwele, who was running for the position of county woman representative in Nairobi.

Today, women politicians in Kenya face the additional burden of online harassment. "Would I vie for a political seat again? Absolutely NOT!" says Helen Tullie Apiyo, who ran to be a member of the Kisumu County Assembly in 2022. "I realized that politics is a man's world. I faced so much violence on Facebook." She added, "I am separated from my husband, so people could say unimaginable things using [anonymous] accounts, to me and my family. It was just chaotic."[5]

Mexico, like Kenya, is another country where hundreds of political candidates, both men and women, have been murdered or targeted. In the 2018 elections, three female political candidates were killed within 24 hours. This violence is taking place in a context where exceptionally large numbers of women are being murdered, so the political violence against women can also be seen as part of a broader pattern of misogynistic violence.[6] So far, the government has been unable to make a meaningful dent in the murders of women in Mexico: almost 3,760 women were killed last year, an average of more than ten murders every single day.[7] Today, 48.2% of the Chamber of Deputies seats are held by women, while 49.2% of the Senate seats are held by women, but the growth of extreme violence against women suggests that the targeting of women in politics is a part of this broader trend.

Conflict Zones

Political violence against women, including sexual violence, abductions/forced disappearances, violence by unidentified armed groups, and mob violence, are especially high in contexts of war, according to ACLED. The incidences are on the rise. Attempted assassinations of female politicians or repression by the state account for 47% of violence targeting women, while sexual violence accounts for 34% of all such attacks globally.[8] Some of these forms of violence take on regional characteristics: political militias targeting women are more prevalent in Africa; state forces carry out the most violence against women in the Middle East; and mobs, including those with links to political parties and religious groups, are the main perpetrators in South Asia, according to ACLED.

Potential Solutions

A wide range of measures have been adopted to deal with violence against women in politics. Some of these include raising awareness of the issue through hashtag campaigns like the aforementioned #MeTooEP. In 2018, the #MeToo movement led to the suspension or resignation of male MPs and cabinet ministers in North America, Western Europe, and beyond. Investigative reports, task forces, and surveys have raised awareness about the issue, particularly within legislative bodies. In Liberia, the National Elections Commission worked with political parties in 2005 to institute a Code of Conduct to prevent "the marginalization of women through violence, intimidation, and fraud." Bolivia was the first country to pass a law criminalizing political violence and harassment against women in 2012. Finland has implemented various measures to tackle these issues, such as enforcing legislation against hate speech, providing law enforcement with the tools and expertise to combat online harassment effectively, and improving the capacity to identify coordinated online assaults.

Sometimes, direct engagement with perpetrators can be most effective. Former Prime Minister Julia Gillard was ruthlessly stalked for three years, denigrated by colleagues and media, and subject to a host of efforts to delegitimize her authority. The last straw came in 2012 when the opposition leader Tony Abbott accused her of misogyny, whereupon she launched into what came to be known as her iconic "misogyny speech," in which she told the MP that "if he wants to know what misogyny looks like in modern Australia, he doesn't need a motion in the House of Representatives, he needs a mirror." She proceeded to detail sexist statements he had made in the House.

Finally, collective action by women politicians can also make a difference. One consequence of having a critical mass of women in a body like the Ugandan Constituent Assembly (1993-94) was that it began to change the political culture of discourse. One of the most dramatic incidents that reflected this change occurred when a male member of the assembly accused women of meaning the opposite of what they said. He launched a broadside attack on all women: "When a lady says 'no,' she means "yes' and when she says 'yes,' she means 'no.'" The men in the assembly broke out in laughter, but the female delegates were not amused,

demanding that the chair of the assembly call the delegate to order. The delegate retorted: “A country which has no sense of humor is no worse than an atomic bomb.” Male representatives continued to laugh and stomp their feet. After several women objected, the chair finally asked the male delegate to withdraw his remark. He refused, saying, “There is a Russian saying that a frog in a pot can only see the size of the sky, which is equal to the mouth of the pot . . . Some of us [men] have lived outside the pot; therefore, we are able to see a larger part of the sky” (Ogola, CA Proceedings, 7/12/94).

At this point, one of the delegates, Miria Matembe, walked out of the assembly in protest, and all but five of the women delegates followed her. They did not return until an apology was made and the remarks retracted. As Matembe explained in her 2002 book Gender, Politics, and Constitution Making in Uganda (p. 194), “Overall, this was a victory for women. The following day, the women delegates were given a platform in the assembly to present our protest against derogatory language and insensitive attitudes toward women in the House. The issue was debated, and it was agreed that such language and behaviour were unacceptable in the House. No such incident ever occurred again in the CA.”

Conclusions

While it is clear that attacks on women in the political arena take many forms and have many driving factors, rather than attributing these diverse phenomena to a vague notion like “misogyny,” and to the idea that it derives simply from some bad actors who hate women, it is important to disaggregate the various sources and causes of the attacks. The fact that the attacks are generally being perpetrated by the very actors who are promoting women in politics suggests the need for more nuance in how we understand these forms of violence and the purposes they serve. The fact that these attacks are occurring even in countries like Finland, where women have been involved in politics for over a century and are not newcomers, suggests that it is not enough to imagine that these attacks are merely backlash to more women entering politics. The context matters, and as we have discussed in this essay, we have seen an increase in such incidents in countries amidst conflict, in countries where right-wing forces have gained ground, where violence against political men is rampant, where violence against women more generally is widespread, where dominant ruling parties are striving to maintain vote share, and where there have been increases in female representation.

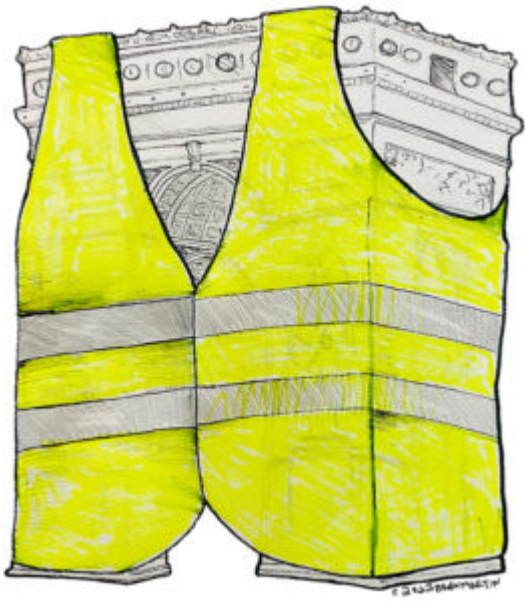
[1] https://www.ipu.org/news/press-releases/2016-10/ipu-study-reveals-widespread-sexism-harassment-and-violence-against-women-mps
[2] https://www.dw.com/en/afghanistan-former-female-lawmaker-shot-dead-in-kabul/a-64398102
[3] https://yle.fi/a/3-11843330
[4] https://www.equaltimes.org/what-does-the-new-finnish?lang=en
[5] https://www.unwomen.org/en/news-stories/feature-story/2023/09/online-harassment-risks-pushing-kenyan-women-out-of-politics

[6] https://www.theguardian.com/society/2022/apr/26/murder-young-woman-mexico-femicide
[7]
https://www.theguardian.com/world/2023/aug/09/mexico-president-amlo-gender-based-violence#:~:text=%E2%80%9CConfronting%20and%20combating%20femicides%2C%20all,10%20murders%20every%20single%20day.
[8]
https://acleddata.com/acleddatanew/wpcontent/uploads/2019/05/ACLED_Report_PoliticalViolenceTargetingWomen_5.2019.pdf

“The People Who Are Nothing” Strike Back: The 2023 Retirement Age Protests in France

By | 2024: Vol. 23 No. 1

Shortly after he was elected, Emmanuel Macron mused about “successful people” and “people who are nothing.” To his critics, these remarks—made before an audience of entrepreneurs at the inauguration of a “start-up” campus—distilled everything they disliked about France’s new president, a former investment banker who assumed the nation’s highest office at the age of thirty-nine. In Macron’s eyes, ordinary working people seemed to be little more than extras in a movie in which the heroes are corporate movers and shakers. It is the great irony of Macron’s presidency that, perhaps more than any of his predecessors, this champion of French innovation has provoked periodic revolts of “people who are nothing” and stirred the resentment of those who never made it to the ranks of the “successful.” In his first term, Macron’s policies triggered the so-called “yellow vest” movement, an uprising of employees and small business owners living on the peripheries of major cities, who bristled at being the sacrificial lambs of the president’s environmental agenda. In early 2023, a freshly reelected Macron rammed through a reform of the French retirement system, which required most workers to wait until 64 before being eligible for full benefits (compared to 62 previously).



It is easy to dismiss the mass demonstrations against Macron's reform as a tantrum by pampered labor force against a perfectly reasonable attempt to strengthen the long-term viability of the nation's social welfare system. Macron prevailed by mostly ignoring the din of criticism and holding tight until the measure was approved. But rather than inspire an ethos of entrepreneurship, as he once hoped, Macron's presidency has catalyzed an emerging cleavage around work itself: on the one hand, the "successful"—a performance-oriented managerial classes—and on the other, an increasingly disenchanted and disempowered workforce—"people who are nothing."

* * *

In recent decades, the term *réforme* (i.e, reform) has acquired a certain mystique—while also arousing considerable suspicion. The term's meaning is more precise than the word alone would suggest. It refers to the desire to modernize and liberalize the French welfare state and specifically the benefits that are financed by employer contributions and payroll taxes, of which health care and retirement are the most important. Since the onset of globalization in the late twentieth century, which led governments to prioritize tighter budgets and international competitiveness, *réforme* has always been high on the political agenda. Over the past thirty years, such reforms have been proposed with metronymic regularity. In 1995, Alain Juppé, Jacques Chirac's first prime minister, proposed a major overhaul of welfare benefits. Ten year later, a new Chirac prime minister, Dominique de Villepin, introduced a measure to liberalize labor laws to address the issue of youth unemployment. In 2007, Chirac's successor, Nicolas Sarkozy, won the presidency on overtly reformist principles, telling voters that they should be able to "work more to earn more"—a jab at the disincentives that Sarkozy believed existed in France for remunerative labor. In 2011, Sarkozy's prime minister took a first stab at lowering the retirement age.

While these measures were all proposed by conservatives, the left, too, has displayed its fair share of reformist zeal. In 1983, socialist president François Mitterrand put his nationalizing

binge on hold, introducing austerity measures to prevent capital flight and protect the national currency. More recently, François Hollande, another socialist, tried to introduce labor market reforms, arguing—with little success—that such measures were consistent with the left's values. These recurring cycles of reform are tied to another persistent dynamic of French political culture: recourse to *la rue*—i.e., mass street demonstrations, aimed at rejecting reforms through a citizens' veto. The response to the 1995 plan set the standard for anti-reform movements: a determined strike movement paralyzed much of the country's transportation system for two months, forcing the government to retract its proposal.

The dialectic of reform and protest feeds into pervasive stereotypes about the French—that they are contentious, committed socialists, and hell-bent on protecting "four-day work weeks" (as South Carolina Senator Tim Scott said in a recent Republican debate). While there might be elements of truth to these assumptions, the deeper reasons for the reform-protest twostep lie in the way France has grappled with globalization. Beginning in the early 1990s, France became a full-fledged partner in the project of accelerated European integration, committing it to open its borders to the members of an expanding European Union and to capping budget deficits and public debt. At the same time, measures were needed to make the country competitive on international markets, which resulted in significant deindustrialization, high levels of unemployment, and social unease.

France has a social welfare state that is more "Bismarckian" than "Beveredgian": in other words, it is financed by income generated by work (employer contributions and payroll deductions) rather than taxes paid to the state. In practice, this meant that those who were employed had a relatively high standard of living (and access to the full array of social benefits), while those who were unemployed—a persistent problem from the 1970s until the 2010s—lacked both income and the benefits that accrued from work. French governments struggled on two fronts, seeking to liberalize the economy to ensure its resilience on European and international markets, while also introducing new benefits—"social transfers"—to offset the social consequences of chronic unemployment. Meanwhile, the commitment to European integration of both the center right and the center left meant that most parties of government were invested in reform to some degree. The sense that parties on both ends of the spectrum are governed by a single, reform-minded ideology (sometimes called *la pensée unique*, or "the only way of thinking") means that the French often express their frustration by voting out incumbents and favoring out-of-the-mainstream parties like the far-right National Rally (the former National Front).

Each new round of protest inspires French people of a conservative or right-leading disposition to lament: "*Il est impossible réformer de la France*"—"It is possible to reform France." To an extent, this is true. Public opinion polls indicate that French people hold a quite dim view of capitalism and "liberalism" (in the sense of free-market policies). Many French social benefits are defined by industry-specific collective bargaining agreements, which gives classes of employees and their labor organizations vested interests in defending the status quo. The French often refer to these as *acquis sociaux*—that is, benefits they have earned or "acquired" over time through struggle and negotiation. Consequently, France's leaders have generally

sought to placate their citizens. As the political scientist Kevin Brookes notes, “France saw a greater overall rise in the generosity of its social system than other [European] countries and by 2008 was the third most generous welfare state in Western Europe,” particularly due to growth in pension insurance.”[1]

Yet while successive governments have largely protected social rights, they have nonetheless pursued the kind of free-market policies that have become the norm, since the 1980s, in Europe and the United States: corporate tax cuts, lower tax rates for higher earners, and labor market deregulation. Paradoxical thought it might sound, free-market reform has in France, been carried out by technocratic adjustments rather than by leaders with sweeping electoral mandates. In this way, the imperatives deemed important by political and bureaucratic elites have often found ways to sidestep the efforts of mass mobilizations to impose a citizens’ veto on reform measures. The reform-protest dialectic thus explains, in part, why France has a more robust welfare state (by some measures) than comparable countries, even as it has pursued a familiar program of economic liberalization.

* * *

Even so, many bemoan this state of affairs, seeing it as a recipe for stagnation in an increasingly cutthroat global economy. This outlook explains the extraordinary rise of Emmanuel Macron. France’s current president is in many ways a political anomaly. Before entering politics, he worked as an investment banker (allegedly with the express purpose of making the money needed for a political career). Having never held elected office, he was tapped by François Hollande, the hapless socialist president from 2012 to 2017, first as an advisor, then as Economics Minister, when Macron was still in his thirties. Despite serving in a socialist government, Macron adopted a feel-good, pro-business ethos, promising brighter tomorrows if the French could learn to stop worrying and embrace hard work and entrepreneurship. As he contemplated a long-shot presidential bid in 2017, he benefited from that essential ingredient of political success: luck. Hollande’s popularity was so low that he made the unusual decision to forego a reelection bid. At the same time, the center-right candidate, who was running in highly favorable circumstances, imploded in the wake of a scandal. Forgoing party nomination processes, Macron invented a political movement *ex nihilo*, uniting centrist and reformist elements of the left and right, while embracing a message of optimism and inclusivity against the xenophobic angst channeled by Marine Le Pen’s National Front. The recipe was successful: Macron, a thirty-nine-year-old businessman who came out of nowhere, was suddenly France’s president.

At no point has Macron described himself as a neoliberal. Few politicians have. Rather, he managed to blend a vague pro-business agenda—famously captured by his call for France to become a "start-up nation"—with a European-oriented foreign policy and a firm stand against national populism. His political orientation can be gauged less by Macron platform—which was virtually nonexistent—than by the sociology of his electorate. He received the overwhelming support of the managerial classes (upper management supported him over Le Pen by 82%) and the wealthy (he was favored by 75% of voters belonging to households earning more than 3,000 euros a month, but only 55% of in household making 1,250 euros per month). With his youthful energy, infectious optimism, business background, and almost total lack of political baggage, Macron seemed poised to be the leader who could, at last, deliver "reform."

Such was not his fate. In his first year in office in which Macron abolished the wealth tax and struggled unsuccessfully to introduce constitutional reforms. By late 2018, however, he had unleashed a furious populist revolt that countered Macron's entrepreneurial optimism with a potent dose of resentment and bitterness. Seeking to make good on his environmental commitments, Macron had introduced a carbon text. The burden of this measure fell disproportionately on employees in exurban areas who depended on their cars to get to work and organize their lives. Macron's initiative became a catalyst for the frustrations of these working and lower-middle-class people, who donned the yellow safety required of all French car-drivers and protested by occupying roundabouts and marching in the streets, week after week. The "yellow vest" movement compelled the young president once seen as formidable to withdraw his carbon text and propose a national dialogue. But the damage was done: the reformer was now dubbed "the president of the rich."

Macron was able to recoup much of his credibility through his competent management of the covid pandemic. But by the time he was up for reelection in 2022, he had accomplished little in the way of tangible reform. Entering a new runoff with Marine Le Pen—a rematch of 2017—in which he was the overwhelming favorite, due to the far-right candidate's inability to come within striking distance. Macron won handily—though less handily than five years earlier. But

in June, parliamentary elections spoiled Macron's reelection by denying his party an outright majority in parliament.

* * *

Macron's plan to change the retirement age was one of the few concrete proposals he made during his reelection campaign. While he made it clear that the French would have to work longer, he did not commit to a particular age. At the dawn of his second term, Macron needed to show that he could deliver at least some of the reforms he had first been elected to carry through. He had to do so, however, in a much less propitious context—without a parliamentary majority, and with public opinion now wary of him.

The reform was also technically complex. France's retirement system is the outcome of numerous collective bargaining agreements and is managed through multiple pension funds that are jointly administered by labor unions, management, and government. The system's underlying principle is that retirement benefits are tied to work. These benefits are funded by payroll taxes (known as *cotisation*s*)* and employer contributions. Those currently working make the payments that fund current retirees. The system, is, to use another key buzzword, founded on "solidarity" (*solidarité*)—a fortuitous form of cross-generational. Most employees pay into two funds: the core fund, or *régime de base,* contributions to which are capped at a ceiling, and funds that are specific to the industry in which they work (and which provides benefits that go beyond those paid out by the core fund). There are 42 industry-specific funds, which are known as *régimes spéciaux*: for farmers, miners, and employees in civil aviation, local government, and even the Paris Opera, to name a few. Each of these *régimes* has its own fund (or *caisse*) and administration. The actual pension one receives is the result of a complex and variable formula, based roughly on the length of time one has worked, the salary levels received over the course of one's career, and the *régime* to which one belongs (which usually tops up what one receives from the core fund). In this system, retirement age also depends on the *régime*.

Emphasizing that they were making good on a presidential promise that had been approved by voters, Macron's government, led by prime minister Élisabeth Borne, introduced the reform in January 2023. The proposal provided for the gradual increase of the retirement age from the current norm of 62 to 64 by 2030; required 43 years of work before pensions kick in (though full pensions could be acquired by anyone retiring at 67); included exceptions and other special provisions for people with strenuous jobs, particularly those afflicted by muscular-skeletal problems; abolished the *régimes spéciaux,* so that employees who would have previously been subject to them would now join the core fund; and mandated raises for retirees whose pensions were particularly low.

In its media campaign, Macron and his supporters insisted on the necessity of the reform with arguments blending neoliberal truisms and left-leaning shibboleths. The purpose of the reform, Prime Minister Borne declared, was to "preserve" the French system of retirement through *repartition*.[2] Olivier Dussopt, the labor minister, added: "Our retirement system is one of the most precious legacies of the post-war period. The glue of our social pact, the guarantee of a free and dignified life after professional life, we want to reform it to make it balanced, more just, and more equitable."[3] The main threat to the retirement system is one with which most western societies are familiar: an aging population, in a system in which retirees depend on those who are still working. According to the government, the ratio of workers paying into the system to retirees was three to one in 1970, two to one in 2000, and is currently 1.7 to one (with predictions that in 2050 it will fall to 1.4 to one). Due to these imbalances, the retirement funds are grappling with unsustainable deficits, which, the government maintains, saddle future generations with debt and "jeopardize the perennity of our retirement system."[4] While the consequences of aging populations for social policy is a challenge faced by many countries, France is unique, Macron's team maintains, in keeping the retirement age so low (particularly due to the advantages associated with certain *régimes spéciaux*). The only reasonable solution thus lies in work. "It is through work that we can finance [our retirement system] and ensure its perennity," the government asserts. "It is by gradually working for a little longer that we will improve the levels of pensions."[5] Requiring French people to work more, the government insisted, was in the public interest.

Yet the public response to Macron's reform has as much to do with the political process through which the president ensured its adoption as with the merits of the arguments by which he justified it. Early in his first term, France's chief executive theorized the nature of presidential power, emphasizing the need for "vertical" authority and the importance, even in a democracy, of a monarch-like figure (speculations that led many to dub him "Jupiter"). After his reelection, Macron was desperate for a concrete achievement that would validate his ability to deliver "reform." Fully aware that his predecessors—and his own first term—had foundered on mass demonstrations, Macron adopted an Odysseus-like strategy, binding himself to the ship of reform while ensuring that his ministers remained impermeable to the siren song of protest. He sensed the reform would be painful; his goal was to endure the pain just long enough to guarantee passage.

The first element of this strategy was to introduce the reform not as a normal piece of

legislation, but as a retroactive social security finance law: this allowed the government to benefit from the accelerated legislative process for such bills allowed by the French Constitution (roughly equivalent to the way that American presidents sometimes try to pass legislation through the budget "reconciliation" process). In addition to intense and widespread criticism of the reform itself, Macron's evident desire to force through his reform only intensified the opposition. The National Assembly (parliament's lower house) began considering the bill in early February. As the reform encountered predictable opposition, both in parliament and on the street, Macron again resorted to a legal ploy: he invoked article 49.3 of the Constitution, which allows the government to issue a law by decree—that is, without a parliamentary vote—unless the National Assembly passes a no confidence vote (*motion de censure*). In effect, the purpose of the "49.3" is to allow a government to push through legislation by raising the stakes of opposing it: critics must decide if they are prepared to force a government's resignation and live with the resulting uncertainty. Both the left and far-right denounced this strategy as a sign of Macron's authoritarianism and described its unwillingness to allow debate on a clearly unpopular measure as an extraordinary admission of weakness. Surviving the no-confidence vote was not something Macron could take for granted: after winning reelection in 2022, Macron's party promptly lost its majority in presidential elections, retaining only a plurality against two roughly equal forces, a leftist coalition (known by the acronym NUPES), and the National Rally, the far-right party.

In the end, Macron's government survived the no confidence motion—by nine votes. Several days later, on March 23, some three and half million people demonstrated against the reform, though this protest was only one of many. In a last-ditch effort to block the measure, several members of parliament appealed to the Constitutional Court. The court declared the reform consistent with the Constitution: no constitutional issue was at stake, it reasoned, in reforming the retirement system through a social security finance bill. The next day, on April 14, the law was promulgated. On April 17, Macron delivered a televised address, acknowledging that the reform was viewed by many as a threat, that there was little consensus on the issues it addressed, but insisting that the reform was necessary and central to the task of restoring a sense of national dynamism.

* * *

How are we to understand the explosion of protest sparked by Macron's reform? It is tempting to say that the answer boils down to laziness—a reluctance to work more. Yet indolence rarely inspires the anger and outrage on display in the anti-government demonstrations. A more compelling explanation is that many working people in France feel completely unseen and unheard by political leaders and other powers-that-be. This is the view of Laurent Berger, the leader until recently of the French Democratic Confederation of Labor (CFDT), a major trade union. Though its politics are left of center, the CFDT typically tries to adopt a constructive rather than an oppositional policy towards reform. Berger claims that he is not "anti-capitalist." Yet he emerged as a major critic of Macron during the retirement debate, not because he opposed Macron's priorities on principle, but because he maintained that the president has come to personify elite deafness to the concerns of ordinary people. For some time, Berger

observes, much of “the France that works” has felt “invisible.” Through the Yellow Vest movement, a segment of the population that sensed it “did not exist in public discourse” made its voice heard. With the retirement reform, similar feeling seemed to spread to entire labor force. At present, Berger maintains, “invisibility” has become an attribute of work as such: “Many French people suffer work in difficult conditions, because it is a source of stress, because it does not provide the fulfilment desired,” and—perhaps most importantly—“because it is not recognized.”[6]

During the retirement debate, Macron triggered hostility not so much against wealth per se as to discourses that draw an unfavorable contrast between wealth-producing elites and work-avoidant common people. Nicolas Mathieu, a novelist whose books examine contemporary social conditions and who worked a string of service-sector jobs before becoming a writer, recalls having he been the butt of the discourse that Macron was touting: “work is fulfilling; two more years isn’t that serious now that life expectancy is getting longer, and so on.” This mindset, Mathieu explains, clashes directly with the experience of most people: “Suffering at work is not the norm, but it can be found absolutely everywhere. Today, people are coming out of the covid tunnel, they can’t fill their gas tank or the shopping cart, they wonder if they can go on vacation, and [the government] throws this reform in their face … To dare such a dumb idea only shows that those in power really haven’t the faintest idea of what’s going on in people’s hearts and minds.”[7] Berger argues that, during the pandemic, many hitherto invisible workers suddenly became “essential”—workers in sanitation, food production, cleaning, and health. No sooner had the pandemic ended, however, than they once again became invisible.

If so many working people feel unheard by those in power, it is because, in France as elsewhere, new attitudes towards work are emerging. A much-cited report from January 2023 by the Fondation Jean-Jaurès, a left-leaning think tank, noted that whereas in 1990, 60% of French people had declared that work was “very important” to them, the percentage who felt the same way in 2021 had fallen precipitously to 24%. This trend has also changed the relative

value French people assign to money-making and free time: whereas in 2008, 62% would prefer higher income to more time off, 61% would now accept lower salaries in exchange for having more time for themselves.[8] Covid, confinement, and telework seem to have led many employees to rethink their priorities. This has led to much discussion of the phenomenon of "quiet quitting": workers who still show up to their jobs, but who put little effort into their work. The Fondation Jean-Jaurès' report suggests a more nuanced picture: while many employees attach less importance to work and are eager for flexible hours, most remain committed to their jobs and hope to find value in them. Macron's decision to extend the number of years most people spend at work at a moment when many were feeling disenchanted with their jobs only exacerbated the resentment that had already become second nature to many workers. During the demonstrations, one poster asked: "Why this obsession with making us work longer?"

Finally, both the contemporary experience of work and Macron's reform represent, for many, an authoritarianism implicit in certain forms of neoliberal governance. Berger contends that Macron's government "is not really concerned with the world of work. It is concerned with 'work-value,' but not with the value of work and recognizing workers." Otherwise, the government would not have imposed a reform of an issue that so profoundly affects the life opportunities of so many as a mere budget adjustment.[9] The reform dramatized the perception that the labor force is split between performance-obsessed and workers who see their jobs as a source of pride and meaning. That Macron ramrodded his reform through the political system—without a proper parliamentary vote, let alone serious consultation with unions—only exacerbated the sense that ordinary people and the work they do are largely unrepresented by those who run the country. According to Mathieu, Macron decided that forcing through his reform was his only option. But by the same token, he acted, not as president, but as a "boss, as a super-manager," who says: "This is my company, let me do it, I know what has to be done to make sure we preform like crazy." But this approach, Mathieu concludes, is a big "anti-democratic 'fuck off,'" which lays bare how the institutions of government can be made to function with little popular assent.[10]

* * *

Amidst the bitterness of the protest movement and the clenched-teeth optimism of the government, it would be easy to overlook another sentiment that pervaded the retirement age debate: fatalism. Macron understood that any serious reform would invariably encounter serious protest; labor activists realized, at a certain point, that their efforts were doomed to failure and that the president would have his way. The "people who are nothing" managed to speak out. Yet the entire episode suggests that, for the foreseeable future, the country is locked into a struggle between elites seeking to determine the right dosage of neoliberalism they can administer to their people without provoking counter-productive results, and ordinary people for whom work means something very different than those who administer them.

In his most recent novel, *Anéantir* (to be translated in English as *Annihilate)*, Michel Houellebecq, arguably France's most famous living writer, has a subplot that involves several

high-level civil servants working for a president clearly modeled on Macron. Houellebecq began his career in the 1990s as a bitter critic of liberalism, which he saw as the ideology that underpinned a soulless pursuit of individual gratification in the economic as well as the sexual marketplace. In his description of his Macron-like character, Houellebecq's angry anti-liberalism seems to have yielded to a kind of stoic appreciation—albeit tinged with fatalism. One of his characters reflects on the president's role in ways that recall Macron's reflections on monarchy, in a distinctly non-ironic vein: "the task of presidents of the republic, contrary to what an exaggerated belief in progress and in the importance of historical change would lead one to think, is ultimately of the same nature as that of kings. To a certain degree, but not completely, economic rivalry has replaced military rivalry, and what mattered today was less conquering territory than market shares … The task of presidents of the republic … was the same as it had always been, to defend as best as possible the interest of the country, be in a kingdom or a republic, for which they were responsible, sort of in the way that a CEO is responsible for defending the interests of his company against the never extinguished interests of competing companies."[11] Macron won the battle over retirement age; he does not seem to be winning the war to make France a "start-up nation." Yet this struggle over an all-too contemporary issue had a decidedly retro quality: a discontented populace raging against an indifferent sovereign with bigger, more world-historical matters to worry about. The tools of democracy—parliamentary votes, demonstrations—came out of the struggle seeming very quaint indeed. Macronian "verticality" may not be the highest stage of neoliberalism. But a stage it is.

[1] Kevin Brookes, *Why Neo-Liberalism Failed in France: Political Sociology of the Spread of Neo-Liberal Ideas in France (1974-2012)* (Palgrave-Macmillan, 2021), 116-117.

[2] Élisabeth Borne, "Éditorial," *Pour nos retraites : Un projet de justice, d'équilibre et de progrès.* Press dossier of French government (i.e., cabinet), January 10, 2023. Available at:

[3] Olivier Dussopt, "Éditorial," in ibid.

[4] "Synthèse," in ibid.

[5] Ibid.

[6] Laurent Berger, *Du mépris au colère. Essai sur la France qui au travail* (Paris : Seuil, 2023), 13.

[7] Nicolas Mathieu, interview with Maud Vergnol, "Nicolas Mathieu, Prix Goncourt: 'on ne fait pas le bien du peuple contre sa volonté,'" *L'Humanité,* March 23, 2023, available at: https://www.humanite.fr/politique/reforme-des-retraites/nicolas-mathieu-prix-goncourt-on-ne-fait-pas-le-bien-du-peuple-contre-sa-volonte-788295

[8] Flora Baumlin and Romain Bendavid, "'Je t'aime, moi non plus': Les ambivalences du nouveau rapport au travail," Fondation Jean-Jaurès, January 23, 2023, available at https://www.jean-jaures.org/publication/je-taime-moi-non-plus-les-ambivalences-du-nouveau-rap

port-au-travail/.

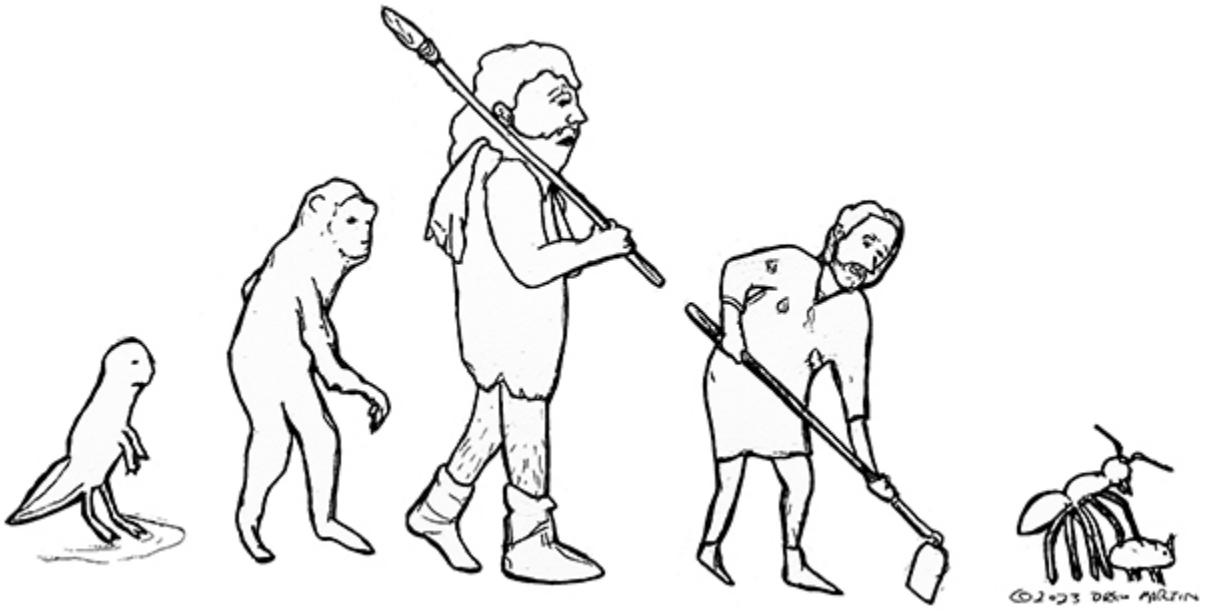
[9] Laurent Berger, *Du mépris au colère,* 132.

[10] Mathieu, “On ne fait pas le bien du peuple contre sa volonté.”

[11] Michel Houellebecq, *Anéantir* (Paris: Flammarion, 2022), 604-605.

The (Sad) Fable of Humanity

By | 2024: Vol. 23 No. 1

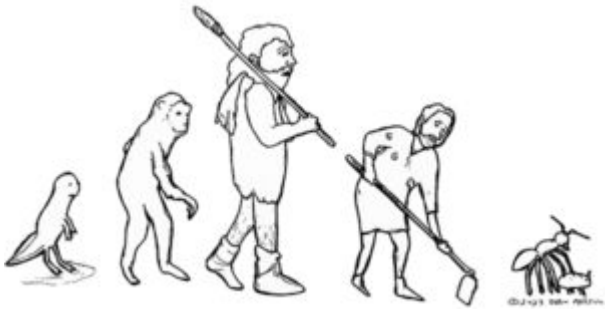


Adorno's humanism is radical both in its stubborn desire to retain the human coupled with its willingness to concede the end of the fable of humanity.[1]

There was once a small tribe of primates…

"Archaeology is demolishing a sacred belief: that human history over the past million years has been a long tale of progress. In particular, recent discoveries suggest that the adoption of agriculture, supposedly our most decisive step toward a better life, was in many ways a catastrophe from which we have never recovered. With agriculture came the gross social and sexual inequality, the disease and despotism, that curse our existence."[2]

"Prenons les choses d'un peu plus loin… Le capitalisme est la forme contemporaine du néolithique, et son asservissement des techniques par la concurrence, le profit, et la concentration du Capital, ne fait que porter à leur comble les inégalités monstrueuses, les absurdités sociales, les massacres guerriers et les idéologies délétères… Le capitalisme n'est que la phase ultime des restrictions que la forme néolithique des sociétés impose à la vie humaine.."[3]



At one point in prehistory, from the scarcely structured small clans to which human – just like nonhuman – primates had for hundred thousands years remained confined, a new phenomenon gradually arose: a series of great entities comprising organized masses. Compare the pre-agricultural times of the Paleolithic scene with the post-Neolithic landscape. On the one side, small, flexible groups of individuals – and, before them, going back and back in time, innumerable kinds of wandering micro-communities of hominid ancestors. On the other, starting from some initial, sedentary farming communities, steady and centralized social structures, aimed at internal persistence and at external growth.

Of course, the world of our Paleolithic ancestors was no paradise.[4] Palaeolithic stone tools are hundreds of thousands of years old, and weapons like the spear-thrower, the bow or the javelin were expressly designed to massacre as many wild animals as possible. As for the treatment of our human ancestry – leaving aside the mysterious fate of the Neanderthal tribe – in spite of defenses of an allegedly unique human capacity for restraining belligerence,[5] the most plausible conclusion about the origins of coalitionary intergroup aggression points to the view that, as territorial enlargement enhances fitness correlated with access to resources, humans, like chimpanzees,have an evolved tendency to form coalitions to kill members of neighbouring groups. Accordingly, a form of simple warfare consisting mostly in raiding and feuding can be plausibly imputed to small-scale, non-segmented societies.[6]

Still, Neolithic social structures produced an unprecedented level of harshness. For the first time, our species experienced the outbreak of that complex warfare in which organized combatants fight lethal battles,[7] the rise of rigid intrahuman hierarchies, and the abduction and denaturalization of previously free-living nonhumans. Excavations at the settlement of Jericho, flourishing about 8,000 BC in the Fertile Crescent, reveal imposing walls and large moats that point both to a military context and to the presumably forced work of many humans, while the contemporary strata are rich in remains of freshly subdued animals.[8] Burial grounds at the early Neolithic sites of Mishmar Haemeq and Beisamoun near the Jordan valley, offering evidence for the use of arrowheads as weapons, detailedly testify, together with other archaeological finds like burnt houses or fortifications, to the existence of warfare;[9] and slavery can be identified in Neolithic multiple burials dating from 4500 to 3500 BC, where a body in a central position is accompanied by discarded corpses suggestive of the widespread custom of “accompanying the dead” by killing slaves.[10] As for the living conditions of human and nonhuman beings, the Anatolian settlement of Çatal Hüyük, flourishing around 7,000 BC, exhibits growing costs to its crammed inhabitants ranging from growth arrest to elevated disease exposure to increasing strain resulting from higher workload,[11] while the alterations

concurrently induced in the newly confined meek ungulates include body size decrease, face shortening and reduction of the braincase often resulting from hormonal changes due to the stress of captivity.[12] And, from that early period on, the way was paved for the steady march of "civilization" from the already stratified societies of the "citadel cities"[13] – high mounds hosting the main buildings surrounded by walled lower towns – to the first highly hierarchical, centralized political systems of the violent city-states emerging during the 4th millennium BC.[14]

The tale of the transformation so rapidly intervening after the hominid lineage had unobtrusively inhabited the planet for hundred thousand years as hunter-gatherers tends to be poetically depicted by those belonging to "the progressivist party line,"[15] who inspiringly extoll the ability of strangers to negotiate their ways through others' territories, and the development of trading networks as "part of what made us fully human."[16] If, however, it is reasonable to hold with Georg Wilhelm Friedrich Hegel that "the cause reveals itself in the effect as what it is,"[17] there can be no doubt about the tragic nature of the Neolithic revolution. For the closer we come to our times, crossing the boundary between prehistory and history with the first great empires,[18] the clearer the level of oppression implied by such large human communities becomes. Not only their striking structures, from Akkadian ziggurats to Egyptian pyramids, are graphic monuments to human mass-exploitation, but we know of serfs and slaves, of massacres and torture,[19] and of societies in which a small section of the population dominates great numbers of subjected humans and an ever growing mass of vanquished members of other species, whose systematic exploitation is based on an extensive organizational apparatus. large archives and a centralized administration.[20]

The Metamorphosis

*Looking farther, I was surprised to find that the chips were covered with such combatants, that it was not a duellum, but a bellum, a war between two races of ants, the red always pitted against the black…. The legions of these Myrmidons covered all the hills and vales in my wood-yard, and the ground was already strewn with the dead and dying, both red and black. It was the only battle which I have ever witnessed … I was myself excited somewhat even as if they had been men. The more you think of it, the less the difference.**[21]***

What was the *essential event* taking place? As for what was behind it, the combination of factors which archaeologists, anthropologists and historians tentatively consider, including changes in climate, advances in technology, population pressure or the advent of private property, with the complement of imaginative ideas such as the 'oasis,' the 'natural habitat' or the 'marginal zone' hypotheses, point to a somewhat contingent, circumstantial clue. [22] Other authors, mainly scientists, claim instead that the event was prepared by a phase in which Paleolithic tribes were proto-farmers cultivating small plots of plants as a back-up to their hunting-gathering activities, or by the slow shaping of resource-catchment areas through forms of niche construction, or by a gradual association with disturbance-adapted animals and plant species, also known as "camp-followers,"[23] Be it as it may, it is undeniable that at a certain juncture over the course of hundreds of thousands of years, starting from about 12,000 BC,

there arose a critical point – a moment when, dialectically speaking, quantity changed into quality.[24] And it is to the systemic pictures coming from sociobiology and ecological economics, which stress the onset of an evolutionarily advanced level of colonial existence and the emergence of a farming economic superorganism fostering an ultrasocial transformation that one must turn in order to fully grasp the the enormity of the break with the past – a break in which the capacity to communicate and the capacity to actively produce food combined to create an explosive mix.[25]

In his famous poem *Metamorphoses*, the Latin author Ovid, among the many other stories of changes of form, recounts the metamorphosis of the Myrmidons, a tribe of ants which Zeus turns into humans in order to repopulate the deserted island of Aegina with a people who retains "the well-known customs of the days before their transformation," for "patiently they toil; they store the profits of their labor… [and] they'll follow you to any war." With the Neolithic revolution one has the clear feeling of assisting to the inverse phenomenon: a tribe of humans turned into ants – that is, social insects.

Consider the main formal characteristics of insect societies:[26] division of labour; specialization (some individuals perform some tasks with greater frequency than do other individuals); homeostasis (colonies regulate their internal conditions); plasticity and resiliency (colonies can change the numbers of workers engaged in different tasks in response to changing environments); and mass action responses. Consider, then, additional substantial aspects: complex building; cultivation of crops (e.g. fungi), husbandry of other animals (e.g. aphids, coccids and treehoppers) implying the use of their secretions as an alimentary source and sometimes their slaughtering to obtain proteinic food, processing of food into long-term stores,[27] slave-raiding and warfare, and even kamikaze activities.[28] Finally, it is known that insects can resist subjugation, in the form of physical aggression against adult slave-makers, attempts to reproduce in the slave-maker's colony, and slave emancipation.[29] Does all this sound familiar?

A structural, and not merely anecdotal, parallel between "cultured humans" and the tiny-brained ants, bees and termites[30] cannot be theoretically welcome, as it seems to directly materialize the terror of "inhumanity" that haunts the philosophers' narratives, planting at the very place where there should have been human signature mark "a wholly other story, … the story of something wholly other than 'Man (sic).'[31] Yet, given that insect societies precede human societies by millions of years, and that in hominid evolutionary history great communities are absolutely recent, it is undeniable that human beings are a species of primates which has undergone a process of "insectization".[32]

And, as the expansive sedentary human societies gradually grew in size and complexity, the extremely refined tactile, chemical, acoustic and visual communication systems coordinating insect societies found a counterpart in the flexibility and productivity of verbal language. Actually, the centrality of information transfer to the life of the new farming superorganism is shown by the fact that the first fixation of verbal signs in an external form through writing – the Mesopotamian cuneiform of the fourth millennium BC. – emerged in response to the practical

accounting need “to keep track of the goods produced and moved within the early state.” [33] And if behind the invention of writing was the urge to centralize the control of human and nonhuman beings and of natural elements, Claude Lévi-Strauss’s observation that the phenomenon with which writing has always been concomitant is the integration of large numbers of humans into a community and “their grading into castes or classes,”[34] once coupled with the consideration of the administrative denaturalization of animals reaching its apex in the ontological distortion induced by factory farms, cannot but evoke those patterns of intraspecific and interspecific macroparasitism[35] a glaring example of which is offered by ant societies, where members of distinct castes are so morphologically differentiated that workers can be three times smaller than soldiers,[36] and where brood from other species, after being robbed by “dulotic” individuals, can be trained to learn the odour of the slave-making nest and accept it as their own.[37]

Even the ferocious all-out wars between “colonies” which, unknown in most animal species,[38] offer a peculiar, striking parallel between social insects and *Homo sapiens*, are the poisoned gift of the integration of myriad individuals into a coordinated economic superorganism.[39] For, as the power of human communication kept growing in the centuries, and the capital accumulated in farming spilled into other sectors with a reorganization of production generating in the arc of history industrial capitalism,[40] verbal language, technologically potentiated by new transmission systems such as printing, phone and radio, made it possible to mobilize ever growing masses of conditioned individuals in the competition for productive resources (remember Ovid: “they’ll follow you to any war”). Thus. if thirty million ants can give up their lives in defense of their supercolony with front lines extending for miles, a global clash can deprive seventy-five million humans of their lives through armed conflict, lethal discrimination and abuse, contemporarily causing the death of millions of nonhumans through forced conscription, mass “culls” and starvation.[41]

Is there a Moral to this Fable?

And what did this “new” species achieve after the metamorphosis? Certainly not “full humanity,” but rather what, in their different sensory modality, social insects communities have achieved: a spectacular ecological success.[42]Given that the adoption of farming, with its communicatively mediated capacity to produce one’s own food, on the part of ants and humans is a case of convergent evolution,[43] and since no secondary reversals to the ancestral life style are known in ants, it is plausible to hold that such a transition is irreversible in humans too.[44] Indeed, after the inception of what Herbert Marcuse depicted as the “managed mass society,”[45] experiencing through television, mobile phone and the web the return in style of the archaic, mesmerizing medium of the image, the “Family of Man [sic]” – as humanity wanted to narrate itself after the planetary bloodshed[46] – closed the loop of our efficient simian substitutes for ant communication, coming to encompass billions of people and de facto realizing a global ultrasocial system plagued by internecine violence..

And, apart from the suffering, injustice and endless conflicts it causes, ultrasociality’s spectacular success entails other costs. On the one hand, social intelligence can increase while

individual intelligence declines – as it has been noted, it is a categorical mistake to conflate the collective accomplishments of "civilization" with the intelligence of the average human, "as in *we* formulated the theory of relativity, or *we* put a man on the moon."[47] In ultrasocial ant societies, compared to non-ultrasocial ants, individuals have less flexibility, a more limited repertoire of tasks and apparently a loss of individual intelligence.[48] In the case of humans, at the structural level, the loss of individual autonomy first led to a relaxation in selection pressures on cranial capacity coincident with the rise of organized villages and city-states,[49] and then, in the long run, affected individuals who, born into classes or castes determining their life trajectories, were designated to more narrowly defined roles in the material reproduction of larger and ever more complex societies[50](remember Ovid: "patiently they toil"…). And, at the superstructural level, after the explosion of communication tools prompted by the economic basis provided by farming, the human brain gradually came to play "a mere supporting role to cognitive systems primarily located in materials outside the body – books, computers, paintings, digital stores of data and so forth."[51]

On the other hand, ultrasociality leads to ecosystem domination and disfigurement. And if ants alter ecosystems through "monocultures" produced by poisoning all vegetation except their host plants,[52] by desiccating grasslands through the herding of sap-sucking bugs,[53] by creating gigantic colonies with tens of millions of workers,[54] or even by producing waste sites emitting copious amounts of greenhouse gas,[55] just parallel, though writ large, is our impact on the planet's biophysical systems – an impact that Sir Francis Bacon would presumably characterize as contributing to an "enlarging of the bounds of human empire."[56] For, in what is now paradoxically narrated as the "anthropocene," one witnesses the triumph of the insectized form of the human, whose monocultures degrade the soil and reduce biodiversity, whose herding of enslaved nonhumans destroys forests and ecosystems, whose megacities keep mushrooming absorbing tens of millions of individuals and swallowing atmosphere and territory,[57] and whose assorted forms of waste destabilize the climate generating greenhouse gases and air and water pollutants.

Two leading researchers on the adventure of ultrasociality conclude their reconstruction stating: "We do not suggest that humans have become ants in a colony…" Indeed, in the face of the above picture, and considering the blind and unstoppable Moloch now governing our lives, one may sensibly defend this suggestion. And, if so, the fable of a glorious ascent of *Homo sapiens* from "animality" to "civilization" [58] which was supposed substantiate the human claim to superiority – read *dominion* – over all nonhumans, has no happy ending.

But what about the narrators? For it seems that in the ant world there are no critics of the system. Isn't this a relevant difference? Assuredly so. But it is presumably only a question of time. Insect societies had tens of millions of years of natural selection to address many of the challenges that ultrasociality presents, especially at the level of compliance. On the other hand, the ultrasocial metamorphosis of our hominid species is so recent – human "civilization" began about 15,000 years ago, which in a 365-day history of the Earth corresponds to two minutes before midnight on the last day of the year[59] – that it cannot avoid showing elements of instability. Such an instability is clearly diagnosed by one of the greatest storytellers of our

time, Sigmund Freud, who observes that while the social insects strove for thousands of years before they arrived at their State institutions, at the distribution of functions and at the restrictions on the individual, a desire for freedom springing from the remains of original personalities still untamed by civilization, and directed against civilization altogether, still makes itself felt in human communities.[60] This discontent caused by the "replacement of the power of the individual by the power of the community"[61] may arguably be seen as the fruit of a primate's revulsion for life in a colony. For apes are tendentially individualists,[62] and small groups are their natural social habitat – indeed, it seems that effective group size is limited by the maximum number of individuals with whom members can maintain social relationships by personal contact, and that for humans this maximum number is somewhere around 150–200 individuals.[63] No wonder then that among a species of accultured, linguistic beings, the desire for freedom, as well as an apish "inequity aversion,"[64] might produce not only the moments of social and political struggle that mark our history, but also the powerful intellectual reactions embodied by the critical minds among the narrators. However, given the pass of progress not only of ingrained, but also of emergent, elements of human ultrasociality – think only of the possible impact of Artificial Intelligence – such reactions are much probably only the last rays of the twilight.

Notes

[1] Mann, David Jene, 'Flying Solo: The Charms of the Radio Body', in Debra Rae Cohen, Michael Coyle, and Jane Lewty, eds, *Broadcasting Modernism*, Gainesville, FL: University of Florida Press, 2009.

[2] Jared Diamond, "The Worst Mistake in the History of the Human Race," *Discover Magazine*, May 1987, p. 64.

[3] Alain Badiou, "Le capitalisme, seul responsable de l'exploitation destructrice de la nature," *Le Monde*, 26 juillet 2018, at Le capitalisme, seul responsable de l'exploitation destructrice de la nature » (lemonde.fr)

[4] For an emphatic valorization of such a world see instead James Robert Schultz, "Animal-Rights Primitivism: A Vital Needs Argument Against Modern Technology," *Between the Species*, vol. 26, issue 1, 2023, where it is argued that "humans should abandon modern technology and take up something like hunter-gatherer technology" as the least harmful kind of technology.

[5] See Raymond C. Kelly, "The evolution of lethal intergroup violence," Proc Natl Acad Sci U S A, Oct 25, 2005, 102(43), pp. 15294–15298, also at Inaugural Article: The evolution of lethal intergroup violence – PMC (nih.gov), or Jonathan Haas and Matthew Piscitelli, "The Prehistory of Warfare: Misled by Ethnography," in Douglas P. Fry, ed., *War, Peace, and Human Nature: The Convergence of Evolutionary and Cultural Views*, New York: Oxford University Press, 2013.

[6] See for a synthesis Richard W. Wrangham and Luke Glowacki, "Intergroup Aggression in

Chimpanzees and War in Nomadic Hunter-Gatherers: Evaluating the Chimpanzee Model," *Human Nature*, 23, 2012, pp. 5-29, also at Intergroup aggression in chimpanzees and war in nomadic hunter-gatherers: evaluating the chimpanzee model – PubMed (nih.gov), and Larry Arnhart, "The MPS in the Galapagos (11): Wrangham on the Evolution of War," July 24, 2013, at Darwinian Conservatism by Larry Arnhart: The MPS in the Galapagos (11): Wrangham on the Evolution of War.

[7] The notion of "complex warfare," as contrasted to simple warfare, comes from Glowacki and Wrangham. See Luke Glowacki and Richard W. Wrangham, "The Role of Rewards in Motivating Participation in Simple Warfare," *Human Nature*, 24 (4), 2013, pp. 444–460, also at glowacki_wrangham_2013_role_of_rewards_in_motivating_participation_in_simple_warfare.pdf (harvard.edu)

[8] Hamdan Taha, "Archeological Excavations in Jericho, 1995-2010," at Archeological Excavations in Jericho, 1995-2010 | Hamdan Taha – Academia.edu;

[9] Another relevant site is Mureybet in the Middle Euphrates region. See Omry Barzilai and Hila May, "Weapons or Hunting Tools? Evaluating the Role of Big Arrowheads of the Neolithic Levant," in Yoshihiro Nishiaki, Osamu Maeda and Makoto Arimura, eds, *Tracking the Neolithic in the Near East: Lithic Perspectives on Its Origins, Development and Dispersals*, Leiden: Sidestone Press, 2022, pp. 49-58.

[10] Alain Testart, Christian Jeunesse, Luc Baray and Bruno Boulestin, "Slavery, 6000 years ago," (unpublished translation of «Les esclaves des tombes néolithiques », appeared in *Pour la Science* 396, 2010, pp. 74-80), at http://www.alaintestart.com/UK/documents/engtombes.pdf.

[11] See e.g. Clark Spencer Larsen, Christopher J. Knüsel, Scott D. Haddow, and Bonnie Glencross "Bioarchaeology of Neolithic Çatalhöyük reveals fundamental transitions in health, mobility, and lifestyle in early farmers," *Proceedings of the National Academy of Sciences*, vol. 116, Issue 26, pp. 12615-12623, at Bioarchaeology of Neolithic Çatalhöyük reveals fundamental transitions in health, mobility, and lifestyle in early farmers | PNAS

[12] Jean-Denis Vigne, "The origins of animal domestication and husbandry: A major change in the history of humanity and the biosphere," *Comptes Rendus Biologies*, vol. 334, issue 3, March 2011, pp. 171-181, also at The origins of animal domestication and husbandry: A major change in the history of humanity and the biosphere – ScienceDirect

[13] The fascinating term "citadel city" was coined by A. Leo Oppenheim in *Ancient Mesopotamia: portrait of a dead civilisation*. Chicago: University of Chicago Press 1964. Oppenheim also evoked the concept of oligarchy.

[14] See Augusta McMahon, Arkadiusz Sołtysiak and Jill Weber, " Late Chalcolithic mass graves at Tell Brak, Syria, and violent conflict during the growth of early city-states," *Journal of Field Archaeology* , vol. 36, issue 3, 2011, also at Late Chalcolithic mass graves at Tell Brak, Syria, and violent conflict during the growth of early city-states: Journal of Field Archaeology:

Vol 36, No 3 (tandfonline.com)

[15] Jared Diamond, “The Worst Mistake in the History of the Human Race,” cit., p. 65.

[16] Philip Kitcher, “Ethics and Evolution: How to Get Here from There,” in Frans de Waal, *Primates and Philosophers: How Morality Evolved*, Stephen Macedo and Josiah Ober, eds, Princeton: Princeton University Press, 2006, pp. 136 ff.

[17] Georg Wilhelm Friedrich Hegel, *Science of Logic*, Abingdon: Routledge, 2014, p. 579.

[18] Among them Akkad, Babylonia, Assyria and Egypt. See Roger Matthews, *The Archaeology of Mesopotamia: Theories and Approaches* , Routledge 2003, p. II.

[19] Though, due to existence of written sources, such phenomena are easier to detect in early historical times – consider e.g. the annihilation of the tribe of Ya’ilanum in Mesopotamia in 1781 BCE, attested by clay tablets with Akkadian inscriptions [see Jordi Vidal, “’Kill them all!’ Some Remarks on the Annihilation of the Ya’ilanum Tribe (1781 B.C.E.)]”, *Journal of the American Oriental Society*, Vol. 133, No. 4, 2013, pp. 683-689, at “Kill them all!” Some Remarks on the Annihilation of the Ya’ilanum Tribe (1781 B.C.E.) on JSTOR], there exist as well clear Neolithic cases such as the site of a mass grave in Schöneck-Kilianstädten, near Frankfurt, around 5207-4849 BC, which contains the remains of several individuals violently killed by blunt force and arrow injuries and where a specific violence-related pattern can be identified in the intentional and systematic breaking of lower limbs. See Christian Meyer, Christian Lohr, Detlef Gronenborn, and Kurt W. Alt, “The massacre mass grave of Schöneck-Kilianstädten reveals new insights into collective violence in Early Neolithic Central Europe,” August 17, 2015, at The massacre mass grave of Schöneck-Kilianstädten reveals new insights into collective violence in Early Neolithic Central Europe | PNAS

[20] See Jacob L. Dahl, “Animal Husbandry In Susa during the Proto-Elamite Period,” *Studi micenei ed egeo-anatolici* 47, 2005, pp. 106, 119, also at Dahl_Animal-Husbandry-in-Susa-during-the-Proto-Elamite-period.pdf (cnr.it). In northern Mesopotamia, the period between 5200 and 3800 BC offers evidence for a steady intensification of animal primary and secondary exploitation – on one side an intensive husbandry system in which e.g. piglets born in spring were slaughtered in autumn or winter, and on the other the utilization for wool and also for traction, as suggested by the number of pathological lesions on the animals’ distal limbs. See Max Price, Michael Fisher et Gil Stein, “Animal Production and Secondary Products in the Fifth Millennium BC in northern Mesopotamia. New Data from Tell Surezha (Iraqi Kurdistan)” *Paléorient* 47, 2, 2021, also at Animal Production and Secondary Products in the Fifth Millennium BC in northern Mesopotamia (openedition.org)

[21] Henry David Thoreau, “The Battle of the Ants” (Chapter 12 of *Walden or Life In The Woods,* New York: Dover Publications, 1995).

[22] For an overview, see Jacob L. Weisdorf, “From Foraging To Farming: Explaining The Neolithic Revolution,” *Journal of Economic Surveys*, vol. 19, issue 4 pp. 561-586, also at From

Foraging To Farming: Explaining The Neolithic Revolution – Weisdorf – 2005 – Journal of Economic Surveys – Wiley Online Library. For the focus on private property see e.g. Samuel Bowles and Jung-Kyoo Choi, "The Neolithic Agricultural Revolution and the Origins of Private Property," *Journal of Political Economy* 127, 5, 2019, also at The Neolithic Agricultural Revolution and the Origins of Private Property | Journal of Political Economy: Vol 127, No 5 (uchicago.edu)

[23] See Colin Tudge, *Neanderthals, Bandits and Farmers: How Agriculture Really Began*, New Haven, CT: Yale University Press, 1998; Bruce D. Smith, "A Cultural Niche Construction Theory of Initial Domestication," *Biological Theory* 6 (3), 2011, pp 260–271. By the way, scientists often describe agriculture in the broad sense as a form of symbiosis – a technical term that nicely conceals the suffering imposed on conscious, sentient symbionts.

[24] "… we have seen that the alterations of being in general are not only the transition of one magnitude into another, but a transition from quality into quantity and vice versa, a becoming−other which is an interruption of gradualness and the production of something qualitatively different from the reality which preceded it." See Georg Wilhelm Friedrich Hegel, *Science of Logic*, cit., p. 370.

[25] See Edward O. Wilson and Bert Hölldobler, "Eusociality: Origin and consequences," Proceedings of the National Academy of Sciences 102, 2005, pp. 13367–13371, also at Eusociality: Origin and consequences | PNAS; and Lisi Krall, "The economic superorganism in the complexity of evolution," *Philosophical Transactions of the Royal Society* 23, January 2023, at The economic superorganism in the complexity of evolution | Philosophical Transactions of the Royal Society B: Biological Sciences (royalsocietypublishing.org). Though most relevant literature employs the term 'agriculture,' I prefer to use 'farming' because of its clearer reference to both growing crops *and* raising animals.

[26] See e.g. George F. Oster and Edward O. Wilson, *Caste and ecology in the social insects*, Princeton, N. J.: Princeton University Press, 1978, and Robert E. Page and Sandra D. Mitchell, "Self Organization and Adaptation in Insect Societies", *PSA: Proceedings of the Biennial Meeting of the Philosophy of Science Association* 2, 1990, pp. 289-298.

[27] Bert Hölldobler and Edward O.Wilson. *The Ants*, Harvard, Ma: Belknap Press/Harvard University Press, 1990, pp. 202, 527 and passim.

[28] See e.g. Diane W. Davidson, Kamariah A. Salim, Johan Billen, "Histology of structures used in territorial combat by Borneo's 'exploding ants'," *Acta Zoologica*, vol. 93, issue 4, 2012, p. 487-491, also at Histology of structures used in territorial combat by Borneo's 'exploding ants' – Davidson – 2012 – Acta Zoologica – Wiley Online Library

[29] Wojciech Czechowski and Ewa Godzinska, "Enslaved ants: Not as helpless as they were thought to be," *Insectes Sociaux* 62, 2015, pp. 9–22, also at (PDF) Enslaved ants: not as helpless as they were thought to be (researchgate.net). I do not to comment here on the ethics of the involved research.

[30] In this context, we are mainly focusing on ant studies.

[31] The phrase comes from Simon Glendinning , "The End of the World Designed with Men in Mind," Jan 7, 2013, at The End of the World Designed with Men in Mind (telospress.com)

[32] Actually, "insectization," is a pregnant but not fully accurate term, as of course most social insects too have been "insectized" by evolutionarily entering into a complex stage of colonial existence: there were, and still are, solitary ants, wasps and bees – though there are no solitary termites. See Paola Cavalieri, "A Critical Notice on a Book on Primates and Philosophers," Electronic Book Review, 24 oct. 2007, at A Critical Notice on a Book on Primates and Philosophers › electronic book review.

[33] See Massimo Maiocchi, "Writing in Early Mesopotamia The Historical Interplay of Technology, Cognition, and Environment," in Allan C. Love and William C. Wimsatt, eds, Beyond the Meme: Development and Structure in Cultural Evolution, Minneapolis, Mn: University of Minnesota Press 2019, p. 406, also at WRITING IN EARLY MESOPOTAMIA: The Historical Interplay of Technology, Cognition, and Environment from Beyond the Meme: Development and Structure in Cultural Evolution on JSTOR. Moreover, according to some influential, albeit not undisputed, authors, writing traces its beginnings to clay tokens appeared in the ancient Near East as part of more archaic accounting systems created to record "goods such as livestock [sic] and grain produced in the early farming communities." See e.g. Denise Schmandt–Besserat, "From Accounting to Writing," In Bennett A. Rafoth and Donald L.Rubin, eds, *The Social Construction of Written Communication*, Norwood, NJ: Ablex Publishing Co., chapt 5, pp. 119-130, also at From Accounting to Writing | Denise Schmandt-Besserat (utexas.edu). Indeed, according to Schmandt–Besserat, the evolution of the token system was tied to the development of political power, since accounting was key to the control of real goods, and "the more precise the accounting system, the more powerful institutions became." See Denise Schmandt–Besserat, *Before Writing. Volume I. From Counting to Cuneiform*, Austin: University of Texas Press, 1992, p. 197.

[34] Claude Lévi-Strauss, *Tristes Tropiques*, Harmondsworth: Penguin, 1976, p. 393.

[35] For the notion of human macroparasitism see William Hardy McNeill, *Plagues and People*, New York: Knopf Doubleday Publishing Group, 1998, pp. 25 ff.

[36] Indeed. alleged current genetic experiments even seem to tentatively follow in the ant steps. See Elsa Kania and Wilson VornDick, "China's Military Biotech Frontier: CRISPR, Military-Civil Fusion, and the New Revolution in Military Affairs," October 8, 2019, at China's Military Biotech Frontier: CRISPR, Military-Civil Fusion, and the New Revolution in Military Affairs – Jamestown, where one can read apropos of the recent gene-editing technique called CRISPR [Clustered Regularly Inter-Spaced Short Palindromic Repeats]: "While the potential leveraging of CRISPR to increase human capabilities on the future battlefield remains only a hypothetical possibility at the present, there are indications that Chinese military researchers are starting to explore its potential… A doctoral dissertation titled 'Evaluation and Research on

Human Performance Enhancement Technology,' published in 2016, envisions CRISPR as one of three primary 'human performance enhancement technologies' that can be utilized to boost personnel combat effectiveness."

[37] See e.g. Tobias Pamminger, "Slave ants and their masters are locked in a deadly relationship," *The Conversation*, Feb. 11, 2015, at Slave ants and their masters are locked in a deadly relationship (theconversation.com)

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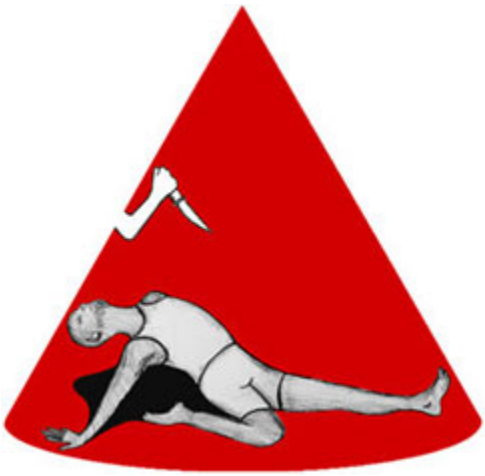
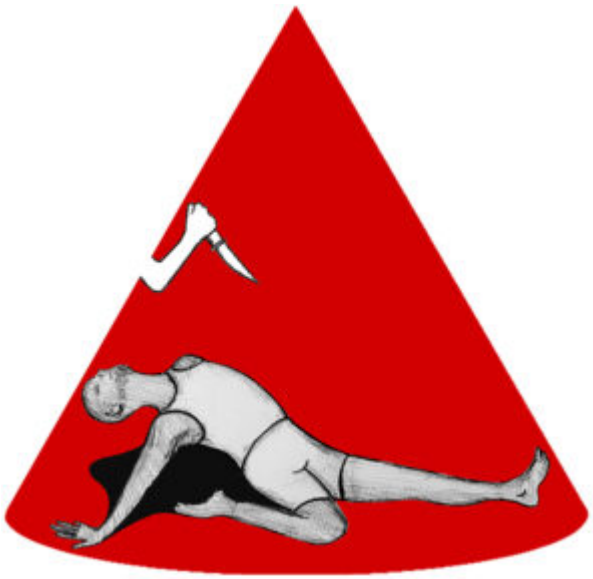
How to Live (after we die): On Protest, Social Media, and queer Black death

By | 2024: Vol. 23 No. 1



Introduction: The Viral Black Dead

My adolescence is marked by the viral Black dead as dead Black people dot chapters in my life and mar my psyche. Simultaneously, and perhaps equally correlated, my psyche is also transformed by the internet. These two have come together to greatly contextualize my understanding of myself and my position in this social order. I am not alone. The dead as social media stars have transformed the world. Over the past 15 years, the world has had to deal with the advent of the internet.



In my bookmarks of Black death, I start with Trayvon. I jump to Mike Brown. Then, Eric Garner

and Sandra Bland. I jump to George Floyd. And for the sake of this essay, I land at O'Shae Sibley. I am aware that others have their bookmarks, but mine correspond to the way that each of these deaths represents different moments of my life, my organizing and political practice, and my growing internalization of technology. Again, I am not alone. Movement leaders, governments, corporations, and communities have their attachments to their own viral Black dead which has changed them and their practices, too. Despite how different our bookmarks might be, George Floyd's death was placed at the center of all our lives. Amid the pandemic came a tragedy that catapulted the viral Black dead to a new stardom. By attracting millions of dollars, views, and supporters, chiefly through social media attention, Floyd demonstrated that a movement is not valid if not online.

Sibley and the 8/4 Protest

On July 29th, 2023, O'Shea Sibley was fatally stabbed by a 17-year-old teenager, Dmitriy Popov, who claimed Sibley's vogue dancing and playing of Beyonce music was offensive to him. The incident occurred in Midwood, Brooklyn at a gas station after Sibley and his friends were confronted by a group of men hurling homophobic and anti-Black animus at them. Although the action of an individual/group is not the same as the state-sanctioned police killings like that of Eric Garner, Sibley's death was emblematic of the collateral, senseless, and gratuitous violence that anti-Blackness elicits. Given that he died dancing while Black and queer, the ballroom community (Black queer and trans artistic community responsible for creating vogue dancing) mobilized to turn vogue dancing from an act of artistic expression to "an act of resistance" at a memorial ball/protest on August 4th at the gas station where he was killed. [1]Though performative, ballroom–like other Black cultural modes–can become ritual and sacred, developing a spiritual energy that binds community. [2] Whether trying to apprehend the energy of the ballroom community or responding to the anti-Black homophobia evident in killing someone for vogue dancing, the captive maternals who organized the gathering sought to use vogue as a tool to resist anti-Blackness. [3] For political philosopher Joy James, captive maternals are those whose resistance to the state stabilizes, rebirths, and fortifies the state's capacity to commit violence. For James, captive maternals operate within various zones: the first is protest, the second is organized movement, the third is marronage, and the fourth is war resistance. In a post-Floyd world, we have learned that even when protests go viral and cause millions to hit the street our formations must do more to counter violence, they must reach other zones. It is not enough to create power in numbers. It is not enough to be on the streets. It is not enough for our protest to engage the allure of our culture. The 8/4 protest for Sibley illuminated the limitations of culture as a modality of resistance to anti-Blackness as well as the diminishing power of the use of technology within movement.

The vogue protest was fundamentally about spectacle. This isn't novel; rather vogue protest joins a lineage of non-violent resistive tactics that function to produce a non-violent performance in contrast to experiences of brutalization. Emmett Till's indisputable impact as a catalyst for the Civil Rights Movement was due to Mamie Till Mobley's (his mother) decision to have an open-casket funeral. Images of Till's mutilated corpse in *Jet* magazine and *The Chicago*

Defender shocked the nation and continue to have lasting political resonance as it was seared into the minds of the American public.[4] Nonviolent organizers of various sit-ins and marches, like the 1965 march from Montgomery to Selma, were aware of the impending violence that resulted in Bloody Sunday.[5] Their confrontation with the state garnered media coverage as video and photographs documented their brutalization. From Mobley to the SCLC and SNCC, all of these people consciously sought to manipulate visual technology and media to document movement and engender change. Therefore, nonviolence was spectacle and performance, and subsequently, documentation of this spectacle became a logical outcome and standard of protest.

Within Ballroom culture, events called "balls" are organized into various competitive categories like runway, realness, performance, face, etc. At balls, communities of Black and brown queer people affectionately called "houses," come together to challenge one another within the categories to garner respect and cash prizes. In his text, *And the Category Is: Inside New York's Vogue, House, and Ballroom Community*, cultural critic Ricky Tucker aptly highlights that all balls are not community-centered as often ballroom will coordinate with corporations or celebrities as a way for folks to garner access, money, or potential professional opportunity.[6] Thus, the ball is a performative gathering that can range from communal to corporate depending on who is in the audience. At its most potent, a ball is a community gathering—almost churchlike — whose spirit energizes and galvanizes. Though often breathtaking and moving, ballroom was not designed to foment war resistance. So when mobilized as protest at the 21st century post-George Floyd gathering, vogue invited various spectatorship because, if not actively dancing, one was left in the role of audience member or bystander. Especially as many present at the protest were not within or familiar with the ballroom community, the event lost its usual communal essence and power. Therefore, as a diverse protest "audience" of a 21st-century protest, phone and digital cameras gave the majority of protesters their only function: documentarians or social media influencers. Though not unique to this protest — as people have danced at many recent protests — this form of spectatorship at the vogue protest opened this performance of nonviolence to an array of questions surrounding the efficacy of the protest.[7] Was documentation the highest leverage goal of the vogue-centered protest? Is the sole outcome of this documentation of non-violence views and visibility? Lastly (and most importantly), what function do people have in that type of formation outside of audience members?

Videos of the protest garnered views in the millions. Given the attention, the state recognized the incident as a hate crime and the suspect was eventually turned in but vogue vis-a-vis social media did not function to mount a response to violence.[8] This is not a condemnation of dancing and artistic creativity, but what would have happened if the gathering of the ballroom community resulted in a demonstration that trained self-defense? In that scenario, people move from gathering because they are connected to the dead through sympathy, grief, or identity formation/validation to an organized formation preparing to better respond to violence when it inevitably returns. But protesters did not leave more prepared. Protesters left with more gigabytes of protest footage to be posted. Though often seen as a useful organizing tool, social media is more often a tool of counter-insurgency. Social media and its omnipresence co-opt

movement because it creates a simulacrum for democracy. These digital spaces for sharing media and conversation, act as a replacement for a democracy's physical forum for debate or conversation. Instead of communicating in person, social media gives us the ease to digitally commune and organize. We reach millions in views and retweets but this digital forum is owned by corporations in coordination with capital accumulation and state surveillance. With algorithms explicitly designed for our addiction and greater intrusions into our privacy, social media grants access but also sets the terms for the potency of movement. [9] Under the terms and conditions of these platforms, they can determine who our community consists of and what becomes viral. With their proclivity toward surveillance, we often feel the eye of the state and its inevitable repression. Neoliberal tech thus disarms movements by engendering desires for visibility and safety over communal protection and freedom. Therefore, if social media is the greatest tool of a protester, the media company can project and dictate the outcome. Within this modality of protest, O'Shae Sibley only functions within the nexus of the viral Black dead. There is no transcendence for him.

In thinking about the conundrum of the vogue protest, Black Twitter Afro-pessimists mounted critiques on the days before August 4th. On August 2nd, one user wrote that "…you don't fight militarized fascism by doubling down on your cultural creativity, even and especially when it looks like that is what they are attacking. you (sic) fight militarized fascism with guns, bombs, espionage, strategy. said (sic) with love." [10] On the same day, also on X, another user wrote"…I know our instincts are to stabilize. But, ending the world for O'Shea Sibley is still an option." [11] As often characteristic of Afro-pessimists, these thinkers aptly contextualize the totalizing nature of anti-Blackness within this world order. The community of protesters and those who organized the protest could not confront our world order with vogue dancing. The second thinker recognized the organizers of the protest as captive maternals because their resistive and (re)productive labor stabilized the state. This is because the protest only created enough rupture for the state to recognize the hate crime and find the suspect, which isn't liberatory. At the same time, how can these critiques, levied within the forum of Elon Musk's recent acquisition, be taken seriously? An online proposition for espionage is automatically compromised because you also "don't fight militarized fascism" on Twitter. What community of people would end the world for Sibley as the second tweet suggests? It could not be a community created on social media because that is not a community; it is an echo chamber forged by an algorithm connecting demographic data. These thinkers are rightfully grounded in an understanding of ontological death, but outside of X, they are just words. Therefore, a call for the "ending of the world" becomes largely rhetorical. A call toward "guns, bombs, espionage, strategy" on X is also rhetorical. Though critically rich, these thinkers demonstrate yet another limit of social media's ability to truly undermine anti-Blackness. O'Shea Sibley did not need rhetoric; he needed a thorough, grounded protection apparatus.

The ballroom community has developed a real community formation. Yet their response to violence must combine both art and militancy to develop a capacity for self-defense. The captive maternals who organized the gas station vigil might have developed strength in numbers with vogue but they only existed within the first zone of the captive maternal. Their agapic love created a community capable of gathering to respond to hate but our cultural

community building must "return to the source" and be matched by sharper political acumen to reach the other zones.[12]

Conclusion: How to Live (after we die)?

If I was confronted by a homophobic white supremacist with a penchant to kill, would I be ready to defend my life? In fact, as a Black queer person in proto-fascist America, am I allowed to defend myself from any violent homophobe? No. Though I know my personal experience is not representative of all Black queer people, I am not sure if the formations being created to resist violence are preparing anyone for real self-defense. With a rise in hate crimes, our response to violence can not be grounded in pleas to the state through performances for social media. The protesters chanted and danced, and then Sibley's blood dried. Critics called for the end of the world, but the world remained the same and then the algorithm lost interest. The critics understood the stakes of overcoming anti-Blackness but Sibley's blood remained dry as the state was unmoved by a public tweet calling for espionage. Why meet knives with dance and rhetoric?

In this political moment, movement has arisen not because of the death of its leaders but because of the viral death of ordinary people. Our intimacy with technology has birthed the viral Black dead. Now we manage the undeniable attention connected to the virality of every gratuitous Black killing. Attention in this world order thus has a political economy. Arts organizations, news media, and others only recognized Sibley as a talented dancer in the fame of his death. Many did the same with others within the viral Black dead. This opportunism and perverted desire, a necrophilia of sorts, is part of our modern problem.

Essex Hemphill in his poem, "Heavy Breathing" wrote, "Do you think I could walk pleasantly and well-suited toward annihilation?" Our current tactics have us walking very pleasantly toward annihilation. [13] We live in the wake of continuous violent death that becomes infamous, subsequently humiliating us and then paralyzing our response. All we offer to the dead is 15 seconds of fame. All we give to the living is more distraction. In the face of violence, it is important to reclaim our attention and uncover new ways of overcoming violence. In this, it is not fear that we overcome, as that's impossible. It is a lack of preparation. While either materially dead or ontologically dead, how do we live (after we die)?

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Maus in Tennessee: A Censor’s Tale

By | 2024: Vol. 23 No. 1

What’s the matter with Tennessee? To an observer, it looks like the Volunteer State has something in the water making its public officials anti-comics. In the 1950s, Tennessee’s Senator Estes Kefauver chaired the Senate Subcommittee on Juvenile Delinquency which investigated the comic industry. Kefauver, who had previously led a Senate investigation into organized crime, was likely seeking an issue to promote in his planned 1956 Presidential run. For non-comics fans or those otherwise unaware, Kefauver’s star witness, Dr. Frederic Wertham proclaimed to the Senate that “Hitler was a beginner compared to the comic book industry.” While his investigation severely damaged comics, leading to the loss of jobs, the bankruptcy of several publishers, and the virtual elimination of the crime and horror genres, it didn’t do much for his political ambitions. First, he was stuck in the Vice Presidential spot supporting Adlai Stevenson and second, the Stevenson/Kefauver ticket was buried in November by the millions of voters who still liked Ike.

On the surface Kefauver and the elected officials of the McMinn County School Board have little in common. Kefauver was a New Deal Democrat while McMinn County has long been a Republican Party stronghold. Although the race for School Board is officially non-partisan, given the overwhelmingly GOP slant of the county it's likely that the Board shares the broad ideology and goals of the Republican Party. What the two have in common is their desire to prevent children from reading certain comics. While Kefauver's committee was focused on crime and horror comics, the McMinn County School Board went after Art Spiegelman's biography of his father, a Holocaust survivor, *Maus*.

When I was first reading comics, *Maus* had already been canonized and sanctified. At my public library, it was not shelved with the other comics, the Batmans and Spider-Mans. No, it was shelved with the classics, as befits its Pulitzer Prize winning stature. As such, it was a surprise to me when McMinn County schools removed the book from their curriculum on January 10, 2022, a day before International Holocaust Remembrance Day. I was keeping up with the efforts to ban books, including comics, with LGBTQ or anti-racist themes but I thought that the acclaim and longevity of *Maus* would have shielded the title from this backlash. Obviously, this belief was incorrect.

Thanks to the Comics Journal readers can see the transcript of the School Board meeting that decided to remove *Maus* from the curriculum themselves. The transcripts are not flattering to either the elected officials or the voters that put them there. Board member Tony Allman comes off particularly poorly. He complains that of *Maus* that "It shows people hanging, it shows them killing kids, why does the educational system promote this kind of stuff, it is not wise or healthy." It's not a good sign for Allman's reading comprehension if he thinks that *Maus*, by depicting the Holocaust, is somehow promoting the cause of Nazism. It also begs the question of how Allman thinks the Holocaust, the mass murder of millions of people, can be taught without referencing the horrific violence that occurred.

This confusion between depicting violence and endorsement of said violence is another commonality with the 1950s anti-comics crusade. While testifying before the Senate, Frederic Wertham ripped into the story "the Whipping" from EC Comics' *Shock SuspenStories*. Wertham objected to the story's use of racial slurs and the violence committed by racist vigilantes. However, "the Whipping" was actually a story with an anti-bigotry message. Wertham either didn't know this or did know and argued that the story was racist in order to

bolster his anti-comics argument.

Allman also takes issue with Spiegelman's previous illustrative work for *Playboy* saying "this guy that created the artwork used to do the graphics for Playboy. You can look at his history, and we're letting him do graphics in books for students in elementary school. If I had a child in the eighth grade, this ain't happening." Allman here forgets that the meeting is about the 8th grade English Language Arts curriculum, not elementary school. He draws a connection between *Playboy* and *Maus* where none exists and implies that because Spiegelman worked for *Playboy* his illustrations in Maus are somehow pornographic. Any reader of *Maus* knows that this is far from the truth. There is one brief image of female nudity in a scene depicting the suicide of Spiegelman's mother and it is not titillating or arousing in any way.

A disturbing quote comes from School Board member Rob Shamblin who said "It's banned many places in Europe because of how critical it is against the heinous acts that were done." First, Shamblin's statement is false. A Polish translation of *Maus* was delayed until 2001 due to concerns over the depiction of Poles and Putin's Russia (that bastion of freedom) banned the book in 2015 because it has a swastika on the cover. Neither of these incidents have anything to do with the book's depictions of the Holocaust. Second, why does Shamblin think it is wrong to educate children on the horror's of Nazism? Shamblin's comment reminds one of the U.S. Senate's bumbling investigation of anti-Nazi films like *The Great Dictator* and *Confesssions of a Nazi Spy* as "war mongering" propaganda, as though there's something distasteful about being anti-Hitler.

Continuing on this opposition to anti-Nazi literature, the banning of *Maus* at this time feels like a form of intellectual disarmament. At a time when Nazis feel free to march in the streets and elected officials meet with white supremacists and Holocaust deniers it is vital that people have a full understanding of what Nazis have done and will do in power. To teach a cleaned up, sanitized Holocaust is not just a disservice to those who died, it is dangerous given current events.

Since McMinn County Schools banned *Maus*, interest in the title has soared and many have donated copies of the book to the local library. However, record numbers of book bans are being pushed in school and public libraries according to the American Library Association. While no other institution has banned *Maus* yet, this does not mean that those of us devoted readers who believe in the freedom of our citizens to read can relax. In the words of Art Spiegelman "Keep your nose in a book-and keep other people's noses out of which books you choose to stick your nose into!"

The Dissolution of Marxist Humanism

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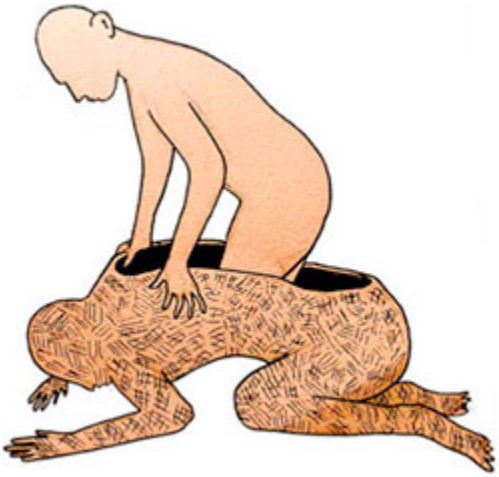
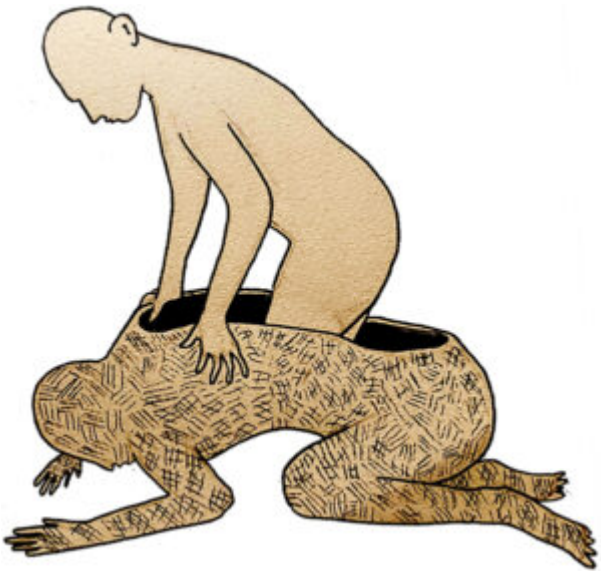


In 1906, Benedetto Croce, in his *What is Living and What is Dead of the Philosophy of Hegel*, inquired about philosophy in a new way. Instead of asking what is true and what false in the established idiom of philosophy, he posed the question in a way that was immediately historical: what was true might have become false and what was false might have become true. It asked about the here and now of philosophy not its eternal content. To be sure, this historical reference already existed in Hegel insofar as truth was understood to come into being but it was also seen to culminate in logic—that is to say, a truth that encapsulated history even while emerging from it. Croce implicitly asserted the incompatibility of logic and history. His verdict was that what is dead amounted to Friedrich Engels' reduction of philosophy to the logic and dialectic of the positive sciences. What is living is the idea of a concrete philosophy, "a form of mind, which should be mobile as the movement of the real."[1] For the mobility of thought to catch the movement of reality it must be willing to take leave, not only of the falsehoods of the past, but of its truths.



Given that it is now more than a half-century since the iconic year 1968, a reflection on the philosophical situation of that time, and our distance from it, seems in order.[2] Though 1968 is no longer simply a year but a name for what is known as “the Sixties,” a time whose myth still survives in our cultural history. Philosophy in that time was part and parcel of the international phenomenon of the Sixties in which decolonisation, the New Left, youth politics, the fight against institutional racism, women’s liberation, anti-war activism, cultural radicalism, and many more strands were woven together.

The philosophy of the Sixties which I want to define is not the thought of one situated person, nor a group, even less a party. It is a discursive space within which philosophies oriented to their time operate. By a discursive space I mean a realm in which arguments and explications can be made, which is structured in a certain form, but which remains as a background to explicit philosophical articulations and debates between them. The interplay between more-or-less structured background assumptions and explicit articulations means that, while there are certainly characteristic philosophies of the time, those which are less characteristic are subliminally required to address those which are dominant. While I will explain the discursive space of philosophical discourse in the Sixties with reference to influential figures, the discursive space itself is a more encompassing phenomenon whose full explication would require a much more detailed investigation.[3] One’s own struggle for truth operates within such a discursive space and in this way we not only are born into a time but struggle to become true children of our time and thus perhaps adults who may define their time and play a role in shaping it.

Without further preamble, I want to assert that the dominant philosophy of the Sixties was Marxist humanism or existential Marxism. I mean no distinction between these two terms that were both very much in evidence at the time. The interplay between three key terms define its discursive space: a certain understanding of Marx, existentialism (primarily of the French variety), and humanism—a term with a long history that took on a quite specific meaning. Marxist humanism began in philosophical exchanges between Western and Eastern Europe and became a world phenomenon dominating the “discourse” of the times. What is living and what is dead in Marxist humanism? This question may be broken into three parts: 1] what was it? 2] how and why did it dissolve? and 3] what blindspots in Marxist humanism can be retrospectively discovered?

1. What was Marxist Humanism?

The humanist reading of Marx can be dated from Erich Fromm’s *Marx’s Concept of Man* which appeared in 1961 and went through sixteen printings by 1971. Fromm convinced T.B. Bottomore to translate Marx’s 1844 *Economic and Philosophical Manuscripts* into English for his volume.[4] The manuscripts had been available in German since 1932 but had not made inroad into English-language discussions. Even in Europe, the Second World War had interrupted the continuity of Marxist theory, so that the 1960s reading occurred largely independently of former discussions. Bottomore also published Marx’s Early Writings, which included the Manuscripts, in a separate 1963 edition. The foreword by Fromm emphasised that

“Marx was a humanist, for whom man’s freedom, dignity, and activity were the basic premises of the ‘good society’.”[5] Similarly, his introductory interpretation in *Marx’s Concept of Man* emphasised that “Marx’s central criticism of capitalism is not the injustice in the distribution of wealth; it is the perversion of labor into forced, alienated, meaningless labour, hence the transformation of man into a ‘crippled monstrosity’.”[6] The appropriation of Marx in Marxist humanism was the conception of the whole human being alienated by capitalism from the human essence and capable of recovering that essence through the activity of creative labour. This conception allowed a dual critique of the Cold War: consumerism as alienating in the West and the subjection of the individual by the state in the Soviet bloc.[7] In 1965, Fromm edited a volume of essays by 35 contributors from both East and West that showed that socialist humanism had become not only a philosophical tendency but a rallying cry. As he put it in the introduction, “socialist Humanism is no longer the concern of a few dispersed intellectuals, but a movement to be found throughout the world.”[8] The hierarchical control of the labour process, and the subjection of the individual worker to the factory, appeared no different on either side. Marxist humanism aimed to avoid the confrontation of East and West through a return to the creative individual in search of non-alienated work and social relations.

This humanist interpretation was so much on the agenda that when Louis Althusser responded to the French translation of the Manuscripts in the Communist journal *La Pensée* in 1962 he attempted to draw a strict line between the early and late Marx, relegating the early work to a surpassed period of political ideology that was left unpublished for good reason.[9] We can see this also in Fromm’s interpretation of Freud with the concept of alienation that allowed him to see Marx and Freud as parallel thinkers: through an analysis of the external factors that condition and limit human beings, the capacity for freedom and conscious action can be revivified and returned to the humanist subject. As he said, “by being driven by forces unknown to him, man is not free. He can attain freedom (and health) only by becoming aware of these motivating forces, that is, of reality, and thus he can become the master of his life (within the limitations of reality) rather than the slave of blind forces.”[10] Both Marx and Freud were interpreted as pointing to barriers that need to be removed for the free, self-determining human subject to emerge.

Humanist Marxism was the basis for critique of alienation in both West and East not only in the West. The Praxis School, based in Zagreb and Belgrade, gathering annually at the Korčula Summer School and expressing itself in the international journal Praxis, developed a critique of Soviet authoritarianism in dialogue with critical voices in the West. Gajo Petrović emphasised that Marx’s humanism was a philosophy of praxisand that action requires an orientation to the future, so that humanism is oriented to “historically created human possibilities.”[11] Ivan Svitak elaborated a certain convergence thesis between East and West, suggesting that the industrial maturity of the Soviet Union had led to its adoption of “a modified version of the American way of life” by making a high level of consumption its main priority.[12] Future possibility thus seemed to be aligned with a critique of consumer society and a recovery of the creative activity of social individuals. A major point of orientation for this was the current state of industrial self-management in Yugoslavia. Without overlooking its difficulties, self-management within the more independent countries of state socialism provided a starting-

point for the development of industrial democracy as the form of work organisation that would fit with Marxist humanism. Mihailo Marković argued that the "natural extension and integration of various bodies of self-management into a whole would be a practical negation of the state and would put an end to professional politics."[13] While the rejection of the authoritarian state was more a matter of immediate reaction in the West, in the East it provoked analysis of the failure of state socialism and an attempt to recover a humanist Marx from official state ideology. The fact that private property had already been abolished in Soviet-style societies showed that social revolution had to go beyond it. As Marković said, "the essential characteristic of revolution is a radical transformation of the essential internal limit of a certain social formation."[14]

It was the goal of Marxist humanism to mark the limit of consumer society in its twin forms of capitalism and state socialism and to propose a future form of active individual participation in authentic social life grounded in work relations and extending throughout all institutions. One aspect of this approach that needed especial underlining was the role of the individual due to the neglect or suppression of the individual in all current forms of Marxism. In this respect existentialism, especially but not exclusively of the French variety, came to play an essential supplementary role to the rediscovery of the early Marx. Fromm, in support of his claim that "Marx's aim [was] the development of the human personality," referred to his philosophy as humanist existentialism.[15] The Czech philosopher Karel Kosík argued that "the pseudoconcrete of the alienated everyday world is destroyed through estrangement, through existential modification, and through revolutionary transformation."[16] In his critique of orthodox Marxism's one-sided focus on structural change, Kosík suggested that a prior individual act turns merely accepted reality into an active attempt to live authentically. Without such an existential modification the subsumption of the individual to social structures would persist after revolutionary change. Kosík utilised his appropriation of phenomenology and existentialism to show that philosophy is an opening of human reality toward being. Whereas in contemporary society "man is walled in in his socialness"—it is seen as a limitation—Marx's philosophy of praxis is oriented to "the process of forming a socio-human reality as well as man's openness toward being and toward the truth of objects."[17]Existentialism came to the aid of Marxism in order to revivify its relation to philosophy and to understand philosophy as an active stance in the world.

The key figure for the existentialism of the period was Jean-Paul Sartre and its ground was provided by Sartre's 1936 text *Transcendence of the Ego* in which he criticized the phenomenological philosophy of Edmund Husserl. Husserl is one of the most significant figures in 20th century philosophy whose influence went far beyond those who remained faithful to his ideas. Husserl had distinguished between the concrete, or individual human, ego and the transcendental ego. The transcendental ego emerged through what was called a transcendental reduction in which the question of the reality of the world was neither affirmed nor denied but simply set aside. This allowed for the human world as a world of meaning to emerge and become systematically investigated. In philosophical language, transcendental refers not to the immediate contents of experience but to the conditions or grounds which allow those contents to appear. Phenomenology, in Husserl's terms, would investigate the

meaning of events in the human world in relation to the ultimate source of such meanings. This duality was expressed in terms of that between the concrete, or socio-historical, individual subject and the transcendental ego which is anonymous, non-individual, and stands outside of history.

In Husserl's view, the transcendental ego was a necessary aspect of ordinary perception insofar as ordinary perception presupposes a temporal structure, an intentional relation between perception and object perceived, a world including both perceiver and perceived, etc. None of these are constructed by the individual subject. He spoke of these transcendental features of experience as belonging to a transcendental ego and it is this with which Sartre took issue. Sartre argued that whatever might be called transcendental is not an ego but a pure impersonal spontaneity with no egoic features.[18] The consequence was that

The phenomenologists have plunged man back into the world; they have given full measure to man's agonies and also to his rebellions. Unfortunately, as long as the I remains a structure of absolute consciousness, one will still be able to reproach phenomenology for being an escapist doctrine … It seems to us that this reproach no longer has any justification if one makes me an existent, strictly contemporaneous with the world, whose existence has the same essential characteristics as the world.[19]

Sartre's rejection of the transcendental ego was his point of departure from Husserlian phenomenology and his point of entry into the existential philosophy that he would elaborate in Being and Nothingness. A subject that was thoroughly worldly could not seek its authenticity in ascending beyond immediate historical conditions but only through confronting them on the basis of its own responsibility. This emphasis on individual choice and freedom was the acid bath out of which humanist Marxism could emerge without any remaining stain linking it to orthodox, authoritarian, state-centred, Soviet Marxism. By making meaning dependent on individual free choice Sartre seemed to totter on a slippery slope toward egotism or even solipsism. However, very much like Kosík, he argued that this did not mean an enclosure within the individual but rather the individual as the necessary basis for openness to authentic social commitment. Since the choice for resistance against Nazi occupation was for Sartre and his readers a recent memory, it could be in a certain sense reprised during the 1960s as a free choice for the Extra-Parliamentary Opposition. To this extent, it was as much anti-authoritarian and anarchist as Marxist—as the practice of the New Left often was. As Sartre said in the 1945 lecture "Existentialism Is a Humanism"

When we say that man chooses himself, we do mean that every one of us must choose himself; but by that we also mean that in choosing for himself he chooses for all men. … To choose between this or that is at the same time to affirm the value of that which is chosen; for we are unable ever to choose the worse. What we choose is always the better; and nothing can be better for us unless it is better for all.[20]

In 1948, essentially contemporaneous with Sartre's public lecture, Herbert Marcuse had criticized Sartre's existentialism of *Being and Nothingness* as a positivist tract which lost the

transcendence of the given world that it was the job of philosophy to furnish.[21] However, when he republished the essay in 1972, Marcuse changed his tune:

The basic existentialist concept is rescued through the consciousness which declares war on this reality—in the knowledge that reality will remain the victor. For how long? This question, which has no answer, does not alter the validity of the position which is today the only possible one for the thinking person.[22]

In this way existentialist choice became fundamental to Marxist humanism: a subject fully immersed in the world but nevertheless with the freedom to choose to revolt could enter into the historical analysis and revolutionary transformation proposed by Marxism with sacrifice of neither individual value nor responsibility.

This humanist subject was taken to subtend all of the different forms of oppression and exploitation. In Brazil, Paulo Freire began from this point to develop further Sartre's critique of education as a form of digestion in which students are passively fed knowledge by professors.[23] It entered into Simone de Beauvoir's examination of woman's situation and possibilities. It allowed Sartre to declare in his introduction to Frantz Fanon's *Wretched of the Earth* that "the Third World finds itself and speaks to itself in this voice."[24] To be sure, the critique of consumerism co-existed somewhat uneasily with the critique of colonialism, but they were held together by the concept of human liberation as the development of human capacities in a social form. Kwame Nkrumah emphasised the necessity for a new socialist philosophy that could synthesise the humanist basis of traditional African society with Islamic and Euro-Christian humanism.[25] In all of these versions the humanist subject "man" was taken as a unity that could be explicated whose necessary explication through differences of sex, gender, race, centre/periphery, etc. did not undermine a philosophical expression that could address all the different forms of oppression and exploitation.

Existential choice filled the hole brought about in Marxism, of whatever kind, by the change in the class structure and world order since Marx's time. The existential decision of the individual taken alone in free choice but in favour of the freedom of all appeared to be able to hold together decolonisation, women's liberation, the socialism of the working class, and the search for individual meaning, in one great theory of human liberation. Perhaps the most significant index of this is that Herbert Marcuse's influential *One-Dimensional Man*—a book arguably the most characteristic of the 1960s—could hover without resolution between the expectation that advanced industrial society could contain its contradictions and that an explosive break could occur.[26]Marcuse presented a mountain of evidence for containment yet clearly appealed to the reader to follow him in enacting the moment of freedom in its ungrounded leap from enclosure within a given reality toward a commitment to making a new world.

The 1960s was an era of decolonisation in what was then referred to as the Third World alongside an internal radicalism within the East-West division of the industrialised world. The former was oriented towards national liberation movements that aimed to end imperialist exploitation and cultural subjugation. The latter was oriented to a critique of advanced

consumerism in the West and the aspiration to match or surpass Western consumerism in the East. It was the capitulation of both the social-democratic left and Soviet Marxism to a consumerist model that allowed the New Left to synthesise a critique of consumerism with support for national liberation movements in the Third World. It was necessary to address the Cold War division of the world into East and West, the welfare state compromise in the West that raised the standard of living of the working class, the family wage that sent women back to the domestic sphere, the rise of consumer capitalism, institutionalised racism and decolonisation in the so-called Third World. These events overlapped and reinforced each other in many ways. As Kwame Nkrumah pointed out:

In the industrially more developed countries, capitalism, far from disappearing, became infinitely stronger. This strength was only achieved by the sacrifice of two principles which had inspired early capitalism, namely the subjugation of the working classes within each individual country and the exclusion of the State from any say in the control of capitalist enterprise. By abandoning these two principles and substituting for them 'welfare states' based on high working-class living standards and on a State-regulated capitalism at home, the developed countries succeeded in exporting their internal problem and transferring the conflict between rich and poor from the national to the international stage.[27]

In the sense that it spoke to the integrated form of these historical and political realities, Marxist humanism was a philosophy both of that time and for that time. It both expressed the common situation and provided reference points for transforming that situation—even though the standpoint of salient groups within it were different. What we are lacking these days is precisely a common philosophy that could articulate the different standpoints of the various groups situated within the world-system.

The background of this radicalism in the West was the welfare state compromise that followed the Second World War. The working class had been brought into the system through a social welfare package including unemployment insurance, subsidised higher education, and progressive wage legislation. In the current neo-liberal age, after decades of right-wing attacks on even the mildest forms of social welfare, it is surprising to recall to what extent the gains of social democracy and the welfare state were taken for granted at that time. The main reason was that social democrats had bought into Cold War ideology and supported the war in Vietnam as well as benefitting from imperialist exploitation. Radical movements assumed this welfare state background and fought for its extension to still-unfranchised groups. Thus, the critique of consumerism co-existed somewhat uneasily with the aim of establishing a decent standard of living in the Third World. They were held together by the aim of a different model of development that would both spread material wealth more equally and also develop cooperative work and social relations. In its critical focus it was an era of anti-imperialism. While Marxist theory pointed to the industrial working class as the political actor, the many movements developed critiques of this focus based on a model of national liberation. Many retrospective analyses of the Sixties have interpreted student and youth radicalism in the West as primarily a reform movement aimed at developing cultural alternatives and less hierarchical socio-political relations. While there is some merit to this as an evaluation of the upshot of such

movements, it ignores entirely the central role of national liberation movements as the spiritual centre of the idea of new social relations. It was fundamentally an anti-imperialist period and even many political issues within the advanced West were seen in these terms—such as Québec liberation, women's liberation, Black liberation (especially in the U.S.A.), Red Power, etc. In our time only the remnants of a welfare state survive. However, the capitalist economy is no longer held sufficiently within the bounds of the nation-state and the background political-economic assumptions of the discourse of Marxist humanism no longer obtain.

2. The Dissolution of Humanist Marxism

I have suggested that the philosophy of the Sixties should be understood as a compelling discursive space and not as a specific doctrine. Now I want to focus on how certain problematic aspects of Marxist humanism provoked subsequent reactions and developments that led to its dissolution. Again using the terminology of popular philosophical discourse, these developments can be designated as "post-structuralism" and explained with reference to several highly influential works of Michel Foucault and Jacques Derrida. Parenthetically, they also marked in Anglophone discourse a shift in the primary reference from German to French philosophy. Dissolution began already within the heyday of Marxist humanism.

Foucault's early masterpiece *The Order of Things: An Archeology of the Human Sciences* appeared in French in 1966 and English in 1970. One of its major theses was that the modern attempt to understand empirical human reality through the human sciences entailed a doubling of the subject. Humanity appeared as the object of the various sciences that, at least in principle, would add up to an eventually complete knowledge of empirical humans but also appeared as the subject of knowledge—a transcendental subject. To be sure, this in itself was not an original thesis. Notably it had appeared in Edmund Husserl's phenomenology, especially in the later work *The Crisis of the European Sciences and Transcendental Phenomenology*. Foucault's specific thesis is that this "empirico-transcendental doublet" could not be maintained as two separate dimensions but, through the central concept of critique, depends on the idea of a true scientific discourse that cannot localized as either transcendental or empirical. "In fact, it is not so much of an alternative as a fluctuation inherent in all analysis, which brings out the value of the empirical at the transcendental level."[28] The necessary fluctuation in the doubling of man (sic) means that the radical question is whether "man" exists at all or, as the famous last sentence of the book muses, classical modern thought might end such that "man would be erased, like a face drawn in sand at the edge of the sea."[29]

Yet despite this powerful first salvo at the central, ambiguous concept of man at the centre of Marxist humanism, this text was too difficult to have a widespread effect. The clearest and most influential rejection of Marxist humanism came in volume 1 of Michel Foucault's *History of Sexuality*, which appeared in 1976 and was translated into English two years later. He identified what he called the "repressive hypothesis" that put into parallel the repression of sexuality with the rise of capitalism due to the incompatibility of pleasure with work. Against this, he asserted that the idea of sex as repressed feeds a facile pose of transgression, characterizing

a society which has been loudly castigating itself for its hypocrisy for more than a century, which speaks verbosely of its own silence, takes great pains to relate in detail the things it does not say, denounces the powers it exercises, and promises to liberate itself from the very laws that have made it function.[30]

Foucault's own programme was, in contrast, to investigate the productive power of discourses about sex and, beyond sex, this idea of the productivity of discourse in constituting subjectivities has become the general figure of social analysis since then. From this point of view, Freud, instead of being a great liberator, became the producer of discourses that constituted constraining subjectivities. Marx was treated more carefully, mentioned only once in Foucault's text to show that the bourgeoisie took a long time to acknowledge the bodies and sex of the proletariat.[31] However, the direct reversal of the form of critique suggested that "it is a ruse to make prohibition into the basic and constitutive element from which one would be able to write the history of what has been said concerning sex starting from the modern epoch."[32] Since then, Foucault and his analysis of power as productive rather than repressive has become ubiquitous in Anglophone social sciences. We may note that, if this approach were to be applied to Marx, it would suggest that it is also a ruse to claim that labour in its capitalist form is a prohibition, a containment, or a loss of the worker's truly human powers. Perhaps this might explain why Marx has largely disappeared from the writings of those who begin from the notion of discursive productivity.

Foucault's reversal of the model of critique was elaborated in direct opposition to the Marxist humanist figure of alienation. Whether it applied very well to Freud or Marx is open to debate, but it certainly applied to the synthesis of Marx and Freud through the concept of alienation that immediately preceded it. It leads us to question the humanist premise expressed succinctly in Fromm's phrase that I mentioned previously, that one can "attain freedom (and health) only by becoming aware of these motivating forces [and] become the master of his life (within the limitations of reality) rather than the slave of blind forces."[33] Everything at issue depends on this small, almost-parenthetical insert "within the limitations of reality." If there are limits to being a master rather than a slave, how do we know these limits? Are there elements of human being that are not captured adequately within the alternative of master or slave? If there is no original human subject, and therefore no human essence, how can social revolution claim to establish human creative powers in an authentic social form?

The interventions by Derrida show a similar oscillation between philosophical and popular dimensions. In 1966 he gave a lecture at the famous John Hopkins conference on *The Language of Criticism and the Sciences of Man* which was ostensibly to be about French structuralism. However, Derrida's talk, later published in the widely read book of conference papers, rather announced the end of structuralism, specifically centring on a critique of Levi-Strauss. Arguing that every structure requires a centre that both stands above the structure and organizes its dispersal, he elaborated his deconstruction of the empirico-transcendental doublet. The problematic of language, which determines structuralism, entered "when everything became a system where the central signified, the original or transcendental signified, is never absolutely present outside a system of differences."[34] The

superabundance, or apparently transcendental character, of the centre should thus be understood as a supplement of finitude or empirical reality. It derives from a lack within finite reality itself. The end of modern knowledge would be in the abandonment of any humanist centre "in the face of the as yet unnameable which is proclaiming itself."[35]

Another lecture in 1968 solidified Derrida's role in the dissolution of humanism. "The Ends of Man" begins with a long reflection on the purpose of international philosophical meetings and the meaning of categorizing philosophy by nation, in the course of which he referred to the assassination of Martin Luther King, Jr., Vietnam and the Paris university upheavals. While these references were short and rather indefinite, he claimed that "these feelings seem to me to belong by right to the essential domain and the general problematics facing this conference" giving them a sharp contemporary historical reference.[36] To address the question of how France stands with the question of man, he analyzed the three German thinkers, reaction to whom had largely defined recent French thought: Hegel, Husserl, Heidegger. His thesis is that the French reception of these thinkers, all of whom were taken to be critics of anthropologism, was still a humanist critique and thus that current French philosophy "seems … to amalgamate Hegel, Husserl, and in a more diffuse and ambiguous manner, Heidegger, with the old humanist metaphysics."[37] The current situation thus opens two possibilities: either to attempt a deconstruction which repeats the founding gestures of the metaphysics of presence or to "decide to change ground, in a discontinuous and eruptive manner, by stepping abruptly outside and by affirming absolute rupture and difference."[38] It is of course the latter alternative with which Derrida identified himself and which he pursued through an application of Heidegger's thesis of a metaphysics of presence infecting philosophy since Plato to current French philosophy marking it as insufficiently anti-humanist. The undeveloped references to the contemporary politics of the 1960s served to colour this philosophical thesis with a political, or apparently political, radicalism.

These interventions by Foucault and Derrida in the 1960s began an effective puncture of the predominant discourse of Marxist humanism. At the time they occurred in relatively esoteric philosophical contexts but over time their thesis of the end, or death, of "man" became accepted as if proven beyond doubt, primarily through its popularization in Foucault's *History of Sexuality, Volume 1*. Recall that my discussion is oriented to the shift in a dominant philosophical discourse, not with the intrinsic validity of the texts and their arguments themselves. In sum, they served to displace the central concept of "man" that anchored Marxist humanism and ushered in a new discourse, often called post-structuralism, which did not have the generally compelling role of Marxist humanism. Indeed, since that time philosophical discourse has become much more plural and a replacement is not on the horizon.

3. Blindspots in Marxist Humanism

I have up to now focussed on the key central term "man" through which Marxist humanism was articulated and which was criticized by the emergent post-structuralist discourse. This criticism opened up its fractioning by race, sex, gender, and other social positions and undermined the unity of the theory of liberation proposed by Marxist humanism. While we can

mark the dissolution of humanist Marxism clearly enough, it does not suffice to answer the question of how its emancipatory role might be transformed and renewed in the light of new political and philosophical challenges. Indeed, the outright rejection of Marxist humanism would rather seem to motivate a wholescale abandonment of a philosophy of human liberation—or at least any unified or general theory.[39] Let us now undertake a more detailed examination of specific features of humanist Marxism which have demanded re-evaluation by taking each of its three parts in turn: Marxism, humanism, existentialism.

Marxism was understood in the terms of Marx's early critique of capitalist society such that the later, detailed, and theoretically rich critique of political economy in Capital was interpreted as if it added nothing significant to the concept of alienation.[40] While in the 1960s Marxist humanism and Althusserian structuralism were viewed as an either-or decision between the early and late Marx, it is now possible to see that the late critique of political economy is a development of the early alienation theory and therefore to seek a precise definition of what aspects are significantly improved. I want to make just two observations about this advance.

When Marx returns in Capital to the dialectical relation between humanity and nature that he described initially in his early work, he significantly adds technology as the mediation between humanity and nature.[41]He describes the transhistorical, or ontological, features of labour in its components of work, the natural material worked upon, and the instruments (or technology) used in work. Technology is the specifically human aspect of labour which is both a product of a previous labour process and operative in living labour. The category of technology is interestingly elastic. Marx says,

In a wider sense we may include among the instruments of labour … all the objective conditions necessary for carrying on the labour process. … [T]he earth itself is a universal instrument of this kind, for it provides the worker with the ground beneath his feet and a 'field of employment' for his own particular process. Instruments of this kind, which have already been mediated through past labour, include workshops, canals, etc.[42]

This wider sense of technology thus includes the earth as it has been modified by previous human activity as well as the earth unmodified as a 'ground' insofar as it is a necessary condition for living labour—such as water, air, gravity, etc. In this sense, Marx includes what Hegel calls first and second nature as aspects of technology. Technology, even "in a wider sense," seems a strange name for this. We would now likely call it the environment, or even ecology, as well as the built environment. By introducing this wider sense of technology Marx aims at a sense of nature, or environment, which may well be altered by human activity but has not been in its totality the object of human activity. Marx did not draw this conclusion, but it is implied by his expanded conception of technology. Nature and the built environment are the cumulative, unintended upshot of previous labour that supports and conditions subsequent living labour. Since human activity aims at specific goals, this cumulative historical totality of original nature and built environment modified through technology cannot be itself understood as an intended product of human action. In this sense, Marx himself seems to me not guilty of the Prometheanism of the domination of nature with which he is often charged but which does

apply to the dominant official versions of Marxism. The philosophical issue becomes one of the initial natural ecology, its transformation by technology into the built environment, and the surplus labour through which human activity exceeds simple reproduction and allows the development of technology that alters the character of the labour process historically.

Interestingly, while in Volume One Marx utilises the surplus productivity of labour to explain the surplus value that is appropriated from the labour process by the capitalist, he does not explain its origin until the discussion of ground rent in Volume Three. There it becomes apparent that the surplus productivity of labour in the end rests on a natural fact that is more evident in agricultural labour in the direct interchange between human labour and nature.

The natural basis of surplus-labour in general, that is, a natural prerequisite without which such labour cannot be performed, is that Nature must supply—in the form of animal or vegetable products of the land, in fisheries, etc.—the necessary means of subsistence under conditions of an expenditure of labour which does not consume the entire working day. This natural productivity of agricultural labour (which includes here the labour of simple gathering, hunting, fishing, and cattle-raising) is the basis of all surplus-labour, as all labour is primarily and initially directed toward the appropriation and production of food.[43]

We might call this natural fact that makes surplus productivity possible natural fecundity. It inheres in the natural ecology prior to human intervention through technology even though it can be multiplied by such intervention. In this sense, the late Marx grounds the dialectic of humanity and nature in the fecundity of natural ecology.

While the inflection humanist Marxism meant a preference for the early over the late work, the inflection Marxist humanism meant a renewal of the humanist tradition through its extension into the sphere of work and its structures of exploitation. Marx's early theory of alienation allowed this extension of humanism to be understood as a loss and subsequent recovery of the true human subject. The alienation model is originally a trinitarian structure of an authentic internality, an externalisation, and then a new internalisation that incorporates some of the features of the externalisation but returns them to an internal coherence. Of course, this model has been complicated in many of its applications, but the basic structure persists: self-other-expanded selfhood. This model is what allowed Marxist humanism to assume the human subject as its starting and terminal points and thereby launch critiques of alienation in the current world. It also grounds a parallelism between individual and social critiques, the very parallelism that allowed Fromm and others to treat Marxist and Freudian critiques as in principle identical, so that the idea of a return to authenticity from social alienation and individual neurosis governed the practice of critique.

Placing the humanist subject as the point of authentic origin, the constitution of the subject as such was not a matter for concern. For that reason, the ethical basis and goal of Marxist humanism seemed to be guaranteed. Since then we have become much more conscious of the formation of the subject as a socio-psychological process such that the pluralities of gender, race, etc. are not seen simply as alienations that must be cast off, but as constructions that

pluralise the notion of the human subject itself. These days there is a widespread tendency, which parallels that of the invocation of Foucault or Derrida, to quote Althusser's notion of the interpellated subject as if it was characteristic of the Sixties. But if the subject is structurally generated, how can it remain ethically important? Once we understand the individual as constituted through, and not simply alienated by, social processes, the sense in which one could return to an authentic self becomes quite uncertain. As a consequence, we often seem to have lost that sense of human universality in an ethical sense that animated Marxist humanism. Our task now, I would suggest, is to understand the plural constitution of subjectivities alongside an ethical universality.

This is especially significant for the interpretation of Freud as a humanist. To be sure, Freudian analysis aims to free the subject in the sense that neuroses would no longer dominate action in an automatic sense, as Fromm claimed. But there is no sense in which the Freudian unconscious can ever be made fully conscious—so that the constitution of the subject means that it could never recover itself in a full appropriation of its own ground. A similar point can be made in reference to Marković's understanding of revolution as transgressing the internal limits of a social formation. It seems rather incredible that such limits could be made fully conscious within the social formation in a manner that would allow it to be actively transformed such as to breach those limits and become a new social form in which what those limits conceal could be made evident. A social form, and the transition between social forms, is not likely to become transparent in that sense. The point is that the Marxist understanding of humanism through the alienation story over-simplified greatly the issue of how the human individual is constructed by forces that the individual cannot control—not even in principle—and consequently the issue of how the limitations of a social order can be made apparent within it. And, even more, how such limiting perceptions and understandings might be made the object of revolutionary action.

This same issue appears within the existentialist inflection which collapsed what Husserl called the transcendental and empirical egos. For Husserl, worldly intentional meaning in its inherently dual structure of perceiver-perceived, acted-acted upon, or thinker-object of thought, meant that, in order to reveal and understand this structure, a perspective that could get beneath it to its origin was necessary. He called this the transcendental ego. I won't go into this now, but it is not at all clear why Husserl thought that transcendental reflection had the structure of an ego—especially since it encompassed both perceiver and perceived, etc. But there is no doubt that calling it an ego made it seem as if it was an ego in the same, or similar, sense in which a concrete ego, or an individual person, is an ego. Husserl called this a "paradox of human subjectivity," that of being the subject of all possible experience of the world and at the same time being an object within the world. While he termed this an "equivocation" he nevertheless thought it an essential, or inevitable, one—which it must be, if the transcendental field is in some sense an ego.[44] Thus, there was a valid point to be made when Sartre argued that the transcendental ego in Husserl's sense was a flight from one's concrete embeddedness in the world of action. As Husserl said, the transcendental ego is immortal, is not born and does not die.[45] But there is no reason to reject transcendentality itself as an inquiry into the grounds of meaning that constitute the correlation between the

concrete subject and its perceptions, actions, and thoughts. Indeed, unless we are to be left imprisoned inside the actually given social world—which is where Sartre leaves us—some transcendental inquiry into the grounds and presuppositions of a meaningful world must be possible. As Herbert Marcuse never ceased to emphasise, it is philosophy that, due to its transcendence of the existing world, preserves the conceptual basis for the transformation of social reality.[46]In short, Husserl's equivocation led to Sartre's flattening, and Sartre's flattening leads to both an appreciation of the concrete world as the only world for existing humans and the exclusion of sufficient inquiry into the grounds of this world to be able to formulate the project of its overcoming—except as the fiat of an individual choice.

Several strands of our reflection on the dissolution of Marxist humanism converge at this point: how to perceive and act upon the essential internal limit of a certain social formation; the humanist subject as constituted and therefore not a point of origin but still an ethical goal; the too-simple parallelism between the individual and social subject through the paradigm of alienation. Indeed, Husserl himself noted that the resolution of the paradox of subjectivity in a manner that would remove the equivocation could occur through addressing the constitution of intersubjectivity—rather than moving directly from the individual I to the social subject, one would need to pass through all the mediations that assemble individuals into groups, and from there to a universal subject that could ground an ethical humanism. Thus, there emerges a crucial differencebetween individual subjectivity and social change—a difference requiring a great deal of analysis and action—which was covered over and made to seem self-evident by simply calling it an existential choice. One final aspect of this conflation of individual and social dimensions should be mentioned: Marx's paradigm of alienation in the 1844 Manuscripts shunted aside the inevitability of individual death as without interest, precisely because it didn't fit into the definition of human being as species-being and thus universal (Gattungswesen).[47] The humanist nterpretation of existentialism through Sartre's "commitment" rather than Heidegger's "being-toward-death," as well as the loss of the tragic dimension of Freudian psychoanalysis, thus make perfect sense. Though the dissolution was no doubt motivated and perhaps inevitable, one may be forgiven for thinking that something was lost in the process.

4. What Might be a Philosophy for Our Time?

Thus one might understand the original significance of Marxist humanism, its dissolution, and some internal reasons for that dissolution. Recall that I have suggested that the emphasis on the early Marx overlooked the role of technology and the built environment in establishing the historical dynamic between humans and nature. Nowadays, the relationship between Marx's mature critique of capitalism and technology, the built environment, and natural ecology is a pressing issue that has been addressed from many points of view. I have also suggested that the hegemony of the alienation-story over the understanding of humanism ignored the external forces that constitute subjectivity and forms of intersubjectivity. As a consequence, it over-simplified the revolutionary possibility of identifying the limit of a social formation from within it, losing the sense in which the Freudian unconscious of an individual or a historical world can

never be made transparent within it such that the Marxian relationship of analysis and action became much more problematic. Finally, I have suggested that the existentialist collapsing of the distinction between the transcendental constitution of the possibility of meaning and the concrete subjectivity who enacts meaning placed too high an emphasis on what can be accomplished by individual decision or choice and, moreover, occluded the significance of death and tragedy for individual subjectivities. How might the general outline of a philosophy for our time emerge from pushing these critiques further?

It would require a philosophy of technology that considers the role of technology on both the built environment and the natural ecology. It would require a recovery of the universality of humanity as against the contemporary fragmentation of differences into an identity politics that sees no commonality in the "human" and thus cannot think together the different forms of oppression and exploitation. It would require an acceptance of death, limitation and tragedy as the fate of individual subjectivities. It would require a re-justification of the transcendental dimension of human experience as against the contemporary tendency to limit individuals within their immanent experience.[48]

[1] Benedetto Croce, *What is Living and What is Dead of the Philosophy of Hegel*, trans. Douglas Ainslie (London: MacMillan, 1915) p. 214, 206.
[2] This paper was first given as an oral address to the conference *Then and Now: 1968-2018*, November 2-3, 2018, Institute for the Humanities, Simon Fraser University, Vancouver.
[3] Investigating philosophy as a discursive space within a cultural history requires a different methodology than one would use for investigating a specific philosopher or philosophical theme. The choice of authors and references is determined by their popularity and significance at the time more than their intrinsic content or continued validity.
[4] The first translation into English was actually in 1959 by Martin Milligan for Foreign Languages Publishing House (which later became Progress Publishers) in Moscow. Perhaps because this edition came from the official Soviet Communist publishing house, or perhaps because of Fromm's humanist introduction to his slightly later edition, it is Fromm's text that became significant for the philosophy of the Sixties. a translation which presumably came from an earlier collection that he co-edited. Bottomore had earlier published T.B. Bottomore and Maximilien Rubel (eds.), *Marx: Selected Writings in Sociology & Social Philosophy* (London: Watts, 1956; Harmondsworth: Penguin, 1963) which contained short excerpts from the 1844 Manuscripts and was presumably the basis for Fromm's invitation.
[5] Erich Fromm, Foreword to *Karl Marx: Early Writings*, trans. and ed. T.B. Bottomore (New York: McGraw-Hill, 1963), iii.
[6] Erich Fromm, *Marx's Concept of Man, with a translation from Marx's Economic and Philosophical Manuscripts* by T.B. Bottomore (New York: Frederick Ungar, 1971), 42. Nevertheless, the 1844 Manuscripts relied on the theory of material pauperisation to explain the increasing misery of the working class that would turn it into a revolutionary agent. Since work is a loss and servitude of the worker, Marx concluded that "the greater his activity, therefore, the less he possesses." This part of the Manuscripts was an insoluble problem for an analysis of alienation centred on consumerism, such that it often was interpreted in a purely spiritual-moral sense—which was also intended by Marx alongside the material dimension. See

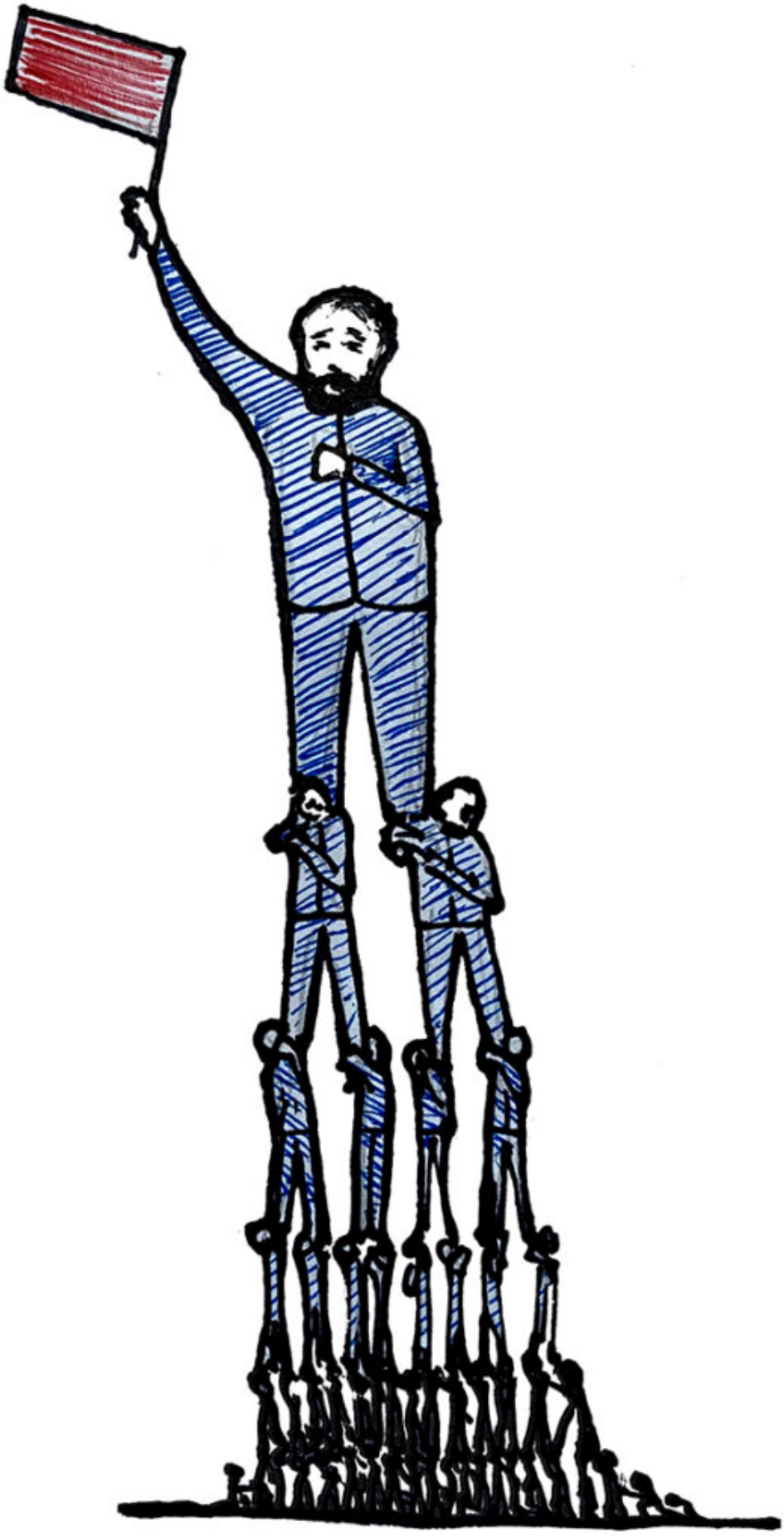
Karl Marx, “Economic and Philosophical Manuscripts: First Manuscript, Alienated Labour,” *Karl Marx: Early Writings*, trans. and ed. T.B. Bottomore (New York: McGraw-Hill, 1963), 122.
[7] Fromm, *Marx’s Concept of Man*, 57, 71ff.
[8] Erich Fromm (ed.), *Socialist Humanism* (Garden City: Doubleday, 1965), x. Even Herbert Marcuse’s characteristic critical tendency was limited in his contribution to this collection to a critique of the purported rejection of violence in the term “humanism,” for which he relied primarily on the work of Maurice Merleau-Ponty.
[9] Louis Althusser, “The ‘1844 Manuscripts’ of Karl Marx” in *For Marx*, trans. Ben Brewster (New York: Vintage, 1970). Originally published in *La Pensée*, December 1962.
[10] Erich Fromm, *Beyond the Chains of Illusion: My encounter with Marx and Freud* (New York: Continuum, 1962), 86, see 16-8, 40-4, 85-7, 132.
[11] Gajo Petrović, *Marx in the Mid-Twentieth Century* (Doubleday: Garden City, 1967), 80.
[12] Ivan Svitak, *Man and His World: A Marxian View*, trans. J. Veltrusky (New York: Dell Publishing, 1970), 153.
[13] Mihailo Marković, *From Affluence to Praxis* (Ann Arbour: University of Michigan Press, 1974) p. 234.
[14] Marković, *From Affluence*, 191.
[15] Fromm, *Marx’s Concept of Man*, 70-1.
[16] Karel Kosík, *Dialectics of the Concrete*, translated by Karel Kovanda and James Schmidt (Dordrecht: D. Reidel, 1976, originally published in Czech in 1963) p. 48.
[17] Kosík, *Dialectics of the Concrete*, 106.
[18] Jean-Paul Sartre, *The Transcendence of the Ego*, trans. F. Williams and R. Fitzpatrick (New York: Farrar, Straus and Giroux: 1957), 98-101.
[19] Sartre, *The Transcendence of the Ego*, 105.
[20] Walter Kaufmann, Existentialism From Dostoevsky to Sartre (New York: New American Library, 1956), 292-3. This was the commonly available edition which included Sartre’s essay during the 1960s.
[21] Herbert Marcuse, “Existentialism: Remarks on Jean-Paul Sartre’s L’Être et le Néant,” *Philosophy and Phenomenological Research*, Vol. 8, No. 3, March 1948.
[22] Herbert Marcuse, “Sartre’s Existentialism” in *Studies in Critical Philosophy*, trans. Joris de Bres (London: New Left Books, 1972), 190.
[23] Paulo Freire, *Pedagogy of the Oppressed: 30th Anniversary Edition*, trans. Myra Bergman Ramos (New York: Continuum, 2000), 76 ftn. 2, 81-2.
[24] Simone de Beauvoir, *The Second Sex*, trans. H.M. Parshley (New York: Bantam, 1953), 30; Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (New York: Grove Weidenfeld, 1968), 10.
[25] Kwame Nkrumah, *Consciencism: Philosophy and Ideology for De-Colonization* (Modern Reader Paperback: U.S.A., 1970), 70, 106.
[26] Herbert Marcuse, *One-Dimensional Man* (Boston: Beacon, 1968), xv.
[27] Kwame Nkrumah, *Neo-Colonialism, the Last Stage of Imperialism* (London: Thomas Nelson, 1965), 255.
[28] Michel Foucault, *The Order of Things: An Archeology of the Human Sciences* (London: Tavistock, 1970) p. 349.
[29] Ibid, p. 422.

[30] Michel Foucault, *The History of Sexuality, Volume I: An Introduction* (New York: Random House, 1978), 8.
[31] Foucault, *The History of Sexuality*, 126, ftn.
[32] Foucault, *The History of Sexuality*, 12.
[33] Fromm, *Beyond the Chains of Illusion*, 86.
[34] Jacques Derrida, "Structure, Sign and Play in the Discourse of the Human Sciences" in Richard Macksey and Eugenio Donato (eds.), *The Structuralist Controversy: The Languages of Criticism and the Sciences of Man* (Baltimore: Johns Hopkins Press, 1970) p. 249.
[35] Ibid, p. 265.
[36] Jacques Derrida, "The Ends of Man," *Philosophy and Phenomenological Research*, Vol. 30, No. 1, Sept. 1969, p. 34. This was the first publication of the lecture in English and was accompanied by commentaries by Richard M. Zaner and Richard Popkin. The essay was later collected in Jacques Derrida, *Margins of Philosophy*, trans. Alan Bass (Brighton: The Harvester Press, 1982) and was no doubt known more widely as a result.
[37] Ibid., p. 39.
[38] Ibid., p. 56.
[39] Marilyn Nissim-Sabat has recently contested the current postcolonial reading of Fanon that foists upon him an outright rejection of humanism as opposed to a decolonial reading that recognises the humanist ethical spirit of Fanon alongside the deformations of that spirit by colonialism. See Marilyn Nissim-Sabat, "Decolonial Humanism: Reflections on Fanon, Marx, and the New Man" on the blogsite Brotherwise Dispatch Vol. 3, Issue 5, Dec. 2018-Feb. 2019. Available at
https://brotherwisedispatch.blogspot.com/2018/12/decolonial-humanism-reflections-on.html.
[40] This dominant figure was not deployed by all Marxist humanists, however, especially not those who attempted to establish a continuity between an earlier Marxism and the New Left. For example, see Raya Dunayevskaya, "Marx's Humanism Today," in Erich Fromm (ed.), *Socialist Humanism*, 68-70.
[41] As soon as one appreciates the analyses of technology and surplus productivity from *Capital, Vol. 1,* it is clear that the work Jacques Derrida, ing class can be exploited to a greater degree and yet simultaneously gain a higher standard of living. As a consequence, Marx's claim for the crucial role of the working class within capitalism as a revolutionary force becomes complicated, to say the least, and probably unsustainable.
[42] Karl Marx, *Capital: A Critique of Political Economy, Vol. 1,* trans. B. Fowkes (New York: Vintage, 1978), 286-7.
[43] Karl Marx, *Capital, Vol. 3*, ed. Frederick Engels (London: Lawrence and Wishart, 1972), 632.
[44] Edmund Husserl, *The Crisis of the European Sciences and Transcendental Phenomenology*, trans. David Carr (Evanston: Northwestern University Press, 1970), 184.
[45] Edmund Husserl, Analyses Concerning Active and Passive Synthesis: Lectures on Transcendental Logic, *Collected Works*, Vol. LX, trans. A.J. Steinbock (Dordrecht: Kluwer, 2001) Appendix 8, Part 10, 466-471.
[46] Herbert Marcuse, "The Concept of Essence," in *Negations*, (tr.) J. J. Shapiro (Boston: Beacon, 1968), 87; Herbert Marcuse, *Reason and Revolution: Hegel and the Rise of Social Theory* (Boston: Beacon, 1969), 251–57; Herbert Marcuse, "On Science and Phenomenology,"

Boston Studies in the Philosophy of Science, Vol. 2: In Honor of Philipp Frank (Proceedings of the Boston Colloquium for the Philosophy of Science, 1962-4), (ed.) R. S. Cohen and M. W. Wartofsky (New York: Humanities Press, 1965), 280.
[47] Karl Marx, *Karl Marx: Early Writings*, p. 157-8.
[48] These are the challenges that my recent book *Groundwork of Phenomenological Marxism: Crisis, Body, World* (Lanham: Lexington Books, 2021) attempts to address.

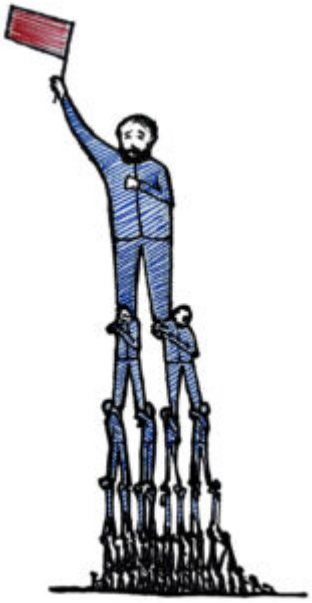
From the Critique of Totalitarianism to the Invention of Democracy

By | 2024: Vol. 23 No. 1



Introduction

I adopt the basic outline of this essay from Miguel Abensour's distinction of "two interpretations of totalitarianism" in Lefort's work. In a word, his first critique was directed at defining, denouncing, and overcoming the practices of Soviet totalitarianism (and its influence on the politics of western Communist parties and their intellectual camp-followers). Step-by-step, beginning in the 1940s, Lefort untangled the aporia of Marxist (and Leninist) politics. He then left behind his days as an active militant to develop a philosophical second critique that he used to decipher the restless ambiguities of modern democracies. A close look at the work of the militant as well as that of the philosopher shows that Lefort's two critiques are complementary; neither can stand alone. That is the reason that Claude Lefort's last book was titled *La complication* (1999).



Lefort's First Critique of Totalitarianism: The Aporia of Marxist Politics

Lefort's philosophy professor in occupied Paris suggested to his young student that he would be interested in reading Trotsky. The professor (who happened to be Maurice Merleau-Ponty) was correct; Lefort joined a Trotskyist resistance group (and continued to study with the philosopher). After the war, in 1948, politics and philosophy led Lefort to join Cornelius Castoriadis to create a militant splinter group which also published a journal called *Socialisme ou Barbarie*, a title reflected the democratic radicalism of Rosa Luxemburg. The occasion for the split was Trotsky's interpretation of Stalinism as a political deformation imposed on the supposedly socialist relations of production that had been established by the 1917 Russian revolution. Trotsky's interpretation assumed that political forms (called "super-structures") had distorted the economic infrastructures producing an alienated working class incapable of autonomous activity. For its part, *Socialisme ou Barbarie* proposed to interpret Soviet relations

of production as the result of the emergence of a new type of social division based on the distinction between those who give orders (the *dirigeants*) and whose who must obey them (the *exécutants*)[1].

From this new perspective, they criticized the Stalinist bureaucracy not only, like Trotsky, because it was a parasite appropriating the economic surplus produced by laboring society; they interpreted it as a new type of dominant class whose position cannot be explained by a Marxist account of the opposition of economic society to a state that owns all private property. A revolution against bureaucratic domination must do more than eliminate the political rulers of the moment; it must inaugurate a social transformation that overcomes the relations of domination that reproduce the division between the *dirigeants* who give orders and the *exécutants* whose passivity is a denial of the capacity for initiative that makes them human. This practical conclusion had theoretical consequences hat questioned fundamental assumptions of Marxism. In the place of the Trotskyist interpretation of the political power of the Stalinist bureaucracy that distorts the relations of production that had been "socialized" by the overthrow of capitalism, *Socialisme ou Barbarie* began to develop the idea of a new type of social division in which political activity cannot be separated from the reproduction of society itself [2]. This was their first step toward the idea of totalitarianism. For Lefort, the first stepping stone (in a 1951 essay) was Marcel Mauss' concept of a "total social fact".

The next step for these critical Marxists was to understand the conditions that permitted the emergence of the unprecedented political domination by the bureaucracy as an unintended result of the 1917 Bolshevik revolution that had claimed to overcome capitalist exploitation [3]. Given Trotsky's role in that revolution and its early aftermath, it is not surprising that despite his opposition to Stalinism, Trotsky was blind to the cascading descent through which the Bolshevik party had become the principal agent and beneficiary of the new form of social division [4]. As Lefort demonstrates, the party's actions were explicable sometimes as the result of its recognition of the imperatives of retaining political control whereas at other moments its choices were based on the social constraints imposed by imperatives of economic production.

After the defeat of its external enemies, the revolution needed to assure its domestic bases. In 1922, under Lenin's (and Trotsky's) leadership, social stability was sought by a "New Economic Policy" (the NEP) based on the principle of a free market and capitalism. Similarly, state run productive enterprises were supposed to operate on "a profit basis". On the other hand, the state had to impose political measures to insure centralized control over the social relations of production. The result was a contradiction between the emerging modern industrial relations that demand autonomous decision-making and the Plan imposed by the ruling party. During the years following Lenin's death in 1924 the aspirants to leadership of the party faced a dilemma. In order to retain its autonomy as a political actor, the party had to adapt to socio-economic realities even though its stated goal was their overcoming in a classless society. To master these economic constraints, the party abandoned its professed materialism in favor of an idealistic voluntarism that treated the difficulty as political. The resulting contradictions became apparent in the contrast between the imaginary results proclaimed by the Five-Year

Plan and the lived experience of the population.

The elimination of both the Right and the Left Opposition (ca. 1933) and the complete domination of Stalin marked the moment when it was apparent that the processes set in motion by the revolution had swept from power both the former Masters of Production and the ephemeral self-rule of the proletariat itself. The Bolshevik party had become a new kind of dominant class, a political bureaucracy whose self-contradictory claim to legitimacy was at once idealist (pretending to seek a new society) and materialist (protecting its own power). The seeds of totalitarianism can be found in this paradoxical prehistory of the rise to power of Stalinism. The total politicization of all types of socio-economic relations eliminates the autonomy of the political, which now can only react to external conditions. In this way, really existing totalitarian politics denies its political nature by appealing to the material necessities that call it to action. As a result, because bureaucracy was all-pervasive. Soviet society had no need for political rule (or its self-justification).

Lefort often talked of the place that the Bolshevik bureaucracy came to occupy can be described by a phrase from Merleau-Ponty: it is “partout et nulle part”[5]. The philosopher was describing the place of philosophy as an “enigma” whose stability is without foundation. For Lefort, the Hungarian revolution of November 1956 ripped apart the illusory permanence and stability of totalitarian domination. Lefort drew together the strands of the paradoxical figure that conceals the origin of totalitarianism in his essay *Totalitarianism without Stalin*. Dead since 1953, Stalin was denounced as a dictator at the Twentieth Congress of the Soviet party three years later in February 1956; in June, Polish workers’ revolts forced the party to accept the return of the “revisionist” Gomulka; in late October, Hungarian workers and intellectuals fought, arms in hand, an invading Soviet army for 12 days. This unexpected concatenation of events triggered two distinct but interrelated challenges to the Marxist project that had been present but never explicit in Lefort’s activism for the past decade [6]. Philosophically, the idea of revolution as an historical rupture between the past and a future in which the truth of history is revealed no longer appeared a desirable goal, or even a real possibility. Politically, the spontaneity of the workers’ revolts showed that society is not composed of inert, lifeless matter that needs to be organized by external actors who know how to reach out for a promised future. If society is inert, this may be the result of its unreasonable blind faith in such Leaders!

The challenges to the Marxist premises of its political engagement led to a split within *Socialisme ou Barbarie*. Lefort and his comrades rejected the need for a vanguard party, but they did not abandon the idea of revolution; they set out to describe, encourage and organize forms of social autonomy. After two years, they had to admit failure [7]. Although he ceased to consider himself a political activist in 1958, Lefort did not abandon his desire for an anti-capitalist revolution. Following the sudden death of Merleau-Ponty, he took responsibility for the edition of the incomplete manuscript of *Le visible et l’invisible*, and later for *La prose du monde*, published respectively in 1964 and 1969. His own major publication during this period, *La politique et la pensée de la politique* (1963) brought together the results of the critique of totalitarianism and his continued attention to political action in a transitional text. The illusory

hopes of the radical left awakened by the Algerian struggle had been dashed (not only by the French acquiescence to independence but by the internal struggles of the Algerian revolt); a new revolutionary subject failed to appear in the non-capitalist world.

Lefort realized that his political critique of totalitarianism had opened a dimension that pointed to a philosophical problem. His critique had been both materialist and idealist; as apparently complete, spontaneous, and independent of external considerations, it claimed to represent the consciousness of a revolutionary subject seeking to free itself from the chains of bureaucratic dominance. At the same time, however, it warned against an illusory unification that imagines the proletariat to be both object and subject, a sort of body that stands at the head of the revolutionary future. The philosophical problem with this imaginary figure is that such an ideal unity leaves no time or space free for reflexion and self-reflexion; it is unable to explain itself because – as in the inertia of society imagined by the vanguard party – it appears as an objective agent rather than as a free subject capable of initiative. The resulting social paralysis can only be escaped by the introduction of an outside agent – the party – that breaks the imaginary spell of unity and makes political action possible. In effect, while the unitary structure was critical (of ideological illusions) it was not self-critical. As a result, criticism of the alienation and exploitation imposed by capitalism was abstractly moral; it left no room for autonomous political action.

The concluding lines of Lefort's brief essay of 1963 point to the need to rethink "la pensée de la politique". It is noteworthy that his second critique of totalitarianism begins by affirming that the critical Marxist inspiration of the first critique had not been in vain. A long citation conveys the spirit of his transition:

The idea of a theory that accepts the absence of determination and of a politics dedicated to conflict is not foreign to the spirit of Marxism. It is Marx who taught us to recognize that the creation of modern society is characterized by the collapse of traditional communities, the destruction of traditional modes of production and communication, of rules, models and ideologies that had assured men that they had a definite place in society and in nature. We see in Marx's image of the proletariat the symbol of the rupture of social unity and, in the very movement of history, we see a question of the relation of man to Being. If those two intuitions have been hidden by the myth of a universal class and of a human community that encompasses the limits of the earth, that is perhaps because he was more indebted than he thought to the rationalism of western political philosophy[8].

The need for a transition becomes explicit in the sentence that concludes Lefort's essay which suggests that "if we now doubt his [Marx's] radicalism, it is perhaps because he was, in spite of appearances, the ultimate expression of a tradition in which modern thought can no longer recognize itself". One can speculate whether the editor of the unpublished manuscripts of Merleau-Ponty was thinking here of the Heideggerian tonalities of *The Visible and the Invisible*, or whether the idea of Marx as "the ultimate expression of a tradition" referred to Marx's unmistakable Hegelian heritage, as another posthumous manuscript of Merleau-Ponty, *Philosophy and Non-Philosophy since Hegel*, that Lefort published while he was elaborating his

second critique of totalitarianism. Rather than debate the undecidable, it is better to turn to the new direction in Lefort's thought [9].

Interlude: From Marx to Machiavelli

Recognizing the difficulties faced by in his first critique of the political logic of totalitarianism, Lefort abandoned the revolutionary project of transcending social division. He returned to his analysis of the figure of Machiavelli as interpreter of the first experiences of modern democracy. Lefort distinguished three distinct critical and self-critical currents that flowed together while retaining their proper form to define the new historical *epoque* of modernity. The first of these articulates forms of Power that must exist in order for a society to understand itself as a society. The modes of existence of power in the modern epoch are distinct from those available to the classical contemplative life of leisure; their basis is the *vita activa*, an historical figure typified by the status of the Prince who is both threatening and threatened. The second current is established by the forms of Law that regulate mutual relations among citizens within a polity; the uniqueness of modernity depends on the need for legitimacy of laws to be based on republican self-government rather than the figure of the classical lawgiver (be it theological or secular). The third element is formed by the new types of Knowledge generated by critical dialogue among peers which can no longer appeal to eternal truths that are objective and universal; rather than rely on a static a priori ontological truth the moderns are concerned with shared meaning (*sens*) that emerges amidst the finitude, temporal fluctuation, and global transformations of new worlds.

The confluence of these three currents in modernity does not unite them in one unique figure similar to the World Spirit or the Philosopher-King; their modern figure accepts a pluralism articulated in configurations that are open to change. Lefort's later philosophical critique of totalitarianism reformulated his rejection of the imaginary idea of the possibility of incarnating the unity of Power, Law, and Knowledge. In the case of Machiavelli, he shows how the Florentine repeatedly analyzes modernity as a contested space with neither a center nor a determined circumference whose its indetermination opens an originary place for a mode of social relations that Lefort began to define as *le politique*. His point was not that Machiavelli offered lessons for the modern democratic practice of *la politique* politics; his argument was that *le politique* is a modern form of social relations that makes possible democracy.

The potentially democratic figure of Machiavelli's analysis acquires its dynamic aspect in his interpretation of the role of conflict in Livy's *Discourses*. Reflecting on Livy's *History of Rome* from his rural exile, Machiavelli underlined the multiple ways that oppression by the powerful had been countered by the desire for freedom. Lefort interprets these conflicts as figurations of what he calls "an originary division of the social" based on the opposition of the desire of the Great to command to the refusal of the People to submit to for that is illegitimate because it is arbitrary. As originary, this conflict has the structure of a dialectic (without any teleology). The outcome of the conflict neither breaks the popular will nor eliminates the plebs, whose renewed refusal is constitutive of freedom. The exercise of freedom is not a zero-sum conflict; it creates a dynamic that encourages the growth of both the desire for domination and the

assertion of liberty.

Lefort enriched this basic perspective in a later development of J.G.A. Pocock's concept of a "Machiavellian moment" that is said to describe the historical genesis of the "originary conflict" in the history of early English democracy. He came to realize that the validity of this positive interpretation of social conflict is expressed in appears as the invention of unimagined figures of Law that replace arbitrary rule by private power with forms of public regulation. Similarly, social conflict can revivify formal juridical institutions whose routinization has desiccated the normative values essential to the life of a republic. Although Lefort never reflected on the unity and coherence of his own work, it is tempting to identify the idea of an "originary conflict" with the concept of a "Machiavellian moment" that occurs when the routinization of conflicts of everyday politics poses the question of their foundation demands the kind of philosophical reflection that Lefort calls "the political" that makes possible the renewed invention of democracy [10]. However these questions are answered, it appears that Lefort has landed far from his Marxist starting point.

The Critique of Totalitarianism as an "invention démocratique"

The most pregnant expression of Lefort's second critique of totalitarianism is found in *Droits de l'homme et politique*. The text was published in 1980 in a new journal, *Libre* whose editorial committee included both Lefort and Castoriadis (among others) who were brought together for a moment by the changed political times. The inglorious end of the American war in Vietnam had discredited liberalism at the same time that Mao's cultural revolution (and Pol Pot's Cambodian reign of terror) had disgraced the vision of socialist revolution. Ideological confusion gave rise to strange bedfellows as former leftists inscribed liberalism and human rights on their crusading banners, forgetting the socio-economic exploitation the new radicals unthinkingly ignored. On the liberal left, the self-proclaimed "New Philosophers" who had thrown out the Marxist baby with the totalitarian bathwater occupied the spotlight.

The title of Lefort's essay could lead to misunderstandings. His claim was not that human rights could or should be the basis of specific political choices; his essay questions the relation of the widely advertised concept of human rights to what Lefort had begun to call «the political». Rereading Marx's 1843 essay *On the Jewish Question*, which apparently marks the young Marx's transition from political idealism to a materialist theory, Lefort notes that it avoids the questionposed by its title. Marx treats the concept of human rights as merely an expression of the hard, self-interested claims of a new bourgeoisie, which Marx deprives its human depth by characterizing it as "Jewish". As a result, argues Lefort, Marx's materialism blinds him to both history and to politics; he is unable to recognize the symbolic horizon opened by the idea that humans have rights that must be affirmed (and also expanded) through political struggle. Rights do not only exist as static statutory laws or constitutional principles; new imagined rights are invented in democratic struggles.

Lefort's argument is not that Marx's critique of the French *Declaration of the Rights of Man* was materially false; his point is that neglect of the symbolic status of the rights claimed by the Declaration led Marx to ignore the distinction between a liberal-moral and a political-historical interpretation of human rights that poses the question of the political[i]that is essential to a dynamic democracy. The fact that rights are only symbolic does mean that they are a token or trivial concession. Lefort's critique of Marx's one-sided materialism has contemporary implication. The defense of really existing human rights as they have come to be in contemporary liberal societies fails to recognize the dynamic space opened by the assertion that humans as such have rights and that their compass can be enlarged (but also eliminated by totalitarianism). This interplay between the symbolic and the political is the reason why Lefort republished his essay in a volume called *L'invention démocratique*. He added to the volume a subtitle, *Les limites du totalitarisme*, that makes it clear that he had abandoned the materialism that was central to his first critique of totalitarianism.

This continuity and the new direction of Lefort's critique explains his increasing use of the concept of the symbolic [11]. He recognizes a further political problem that arises from the fact that the critic who claims to unmask the material presuppositions human rights judges from a moral standpoint whose universality is distinct from the particular interests of actual people. Even if the criticism were both vivid and valid, such universal claims have no hold on the social world. In order for criticism to challenge political conditions, its symbolic character must become clear. This is the challenge that Lefort faced when he intervened in the debates that followed the translation of Solzhenitsyn's *Gulag Archipelago*, which Lefort called "a book that a small number of us had long awaited" [12]. His recognition of the difficulty is expressed in the title of his book, *Un homme en trop*, published in 1976.

Two examples illustrate the centrality of the symbolic to Lefort's renewed critique of Soviet totalitarism. At the summit of the totalitarian system stands the figure of the Egocrat surrounded by mini-egocrats who constitute his organic body. The occupant(s) of the summit answer to the need to incarnate communist rule whose symbolic justification is to unify in one figure the foundation of Power, Law, and Knowledge. This claim to incorporate in one unity the symbolic foundations of society fatally condemns the Egocrat. As in Marx's critique of all unity in reality condemns triad fatally condemns him. As with Marx's critique of the *Declaration*, the incarnation of the symbolic is not its realization but its destruction. The limitlessness of the claims of the Egocrat becomes a parody; its exaggerations are is met by ridicule if not indifference.

The prisoner in the Gulag, represents the other pole of the picture painted by the Gulag. The Zek has not been condemned for a specific act; he is the "excess man", an outcast, useless human refuse whose experience in the camps represents the singularity of a totalitarian world that has neither figure nor features; it is anomic, asocial and ultimately antipolitical. However, unlike the Egocrat, the Zek is also a human, even if he is denied a place in the world of other persons. The apparent similarity of his situation to that of the Marxist proletariat as a «nothing that can become everything» is illusory; the Zek does not incarnate a positive concrete post-totalitarian future[13]. As Lefort insists, Solzhenitsyn describes his book modestly as a «literary

investigation», an analytic mode practiced elsewhere in his writing. Why, then, did Lefort insist on the political importance of Solzhenitsyn's Gulag for "us"?

Although he himself had abandoned the aporias of Marxism in favor of a philosophical critique, he asks "Why were we waiting for this book?". His answer begins with the admission that "[t]he question is hard to formulate, he admits. [H]ow… could fear of the truth have been so stubbornly maintained here in France…by most of those who considered themselves leftists, and who nonetheless knew what they didn't want to know". Lefort explains further that "when I ask this question, I am thinking of how to understand the old enigma described by La Boétie: What are the roots of voluntary servitude when the despot who was supposed to incarnate the answer to that question no longer exists, and when his substitute, the Party, is no longer venerated?". The totalitarianism that replaces the despot who enforced obedience by a self-willed servitude is reinforced an imaginaire structured by the concomitant search for both unity and its incorporation (or embodiment). That imaginaire was incarnate in the Egocrat whose reality is inscribed in the "organs" of the Party; this imaginaire destroys the symbolic place of the political[14]. Lefort's attempt to understand this antipolitical imaginaire no more claims to provide answers than did Solzhenitsyn's "literary investigation" but it did lead him to return repeatedly to Tocqueville's Democracy in America.

Lefort's reading of Tocqueville stresses a series of "inversions" or "reversals" whose unpredictability opens democratic regimes to what I call a totalitarian temptation whose basis is the imaginary search for the incorporation of unity in a stabile body unmoved by the changing whims of liberty or the fluctuating figures of equality. The inversions and reversals take place between the symbolic principles of equality and liberty as each seeks its realization. As real, liberty threatens to dissolve equality, while on the other hand, realized equality leaves no space for liberty to manifest itself. Both now familiar figures are based on the replacement of the symbolic foundation of the political by an imaginary quest for the impossible incarnation of the sovereign people, which will always be either greater or less than its imaginary representation. Lefort's solution to this antinomy rejects the imaginary project of social unity in favor of a recognition that in a democratic society, the place of power must always remain empty for the same reasons that the symbolic can never become real. While Lefort at times suggests that perhaps the concept of a "savage democracy" could at once express the impossible realization of democracy while preserving the symbolic efficacity of democracy. A similar account implicit in the earlier analysis Machiavelli's insight that a necessarily divided society can never know itself from within could also be mobilized to explain the imaginary project of both totalitarianism and phenomenon of voluntary servitude.

The consistency of Lefort's political thinking reappears in his final book, whose title is no surprise: *La complication* (1999). Provoked by the newly popular "ideological" post-Soviet necrologies of totalitarianism in the publications of Martin Malia and François Furet, Lefort reached back to his earlier materialist critique of to show that both historians' analyses were (in different ways) focused exclusively on the imaginary dimension of totalitarianism. Their stress on the supposedly real effects of ideology blinded them its symbolic status. Lefort does not generally dispute their historical research as such because his criticism is ultimately

directed at “us” and our own search for an imaginary logic of history in our uncertain times. Like “us”, Lefort suggests, Malia and Furet wanted their work to be understood as an engagement in their times. Like Marx facing the contradiction between the ideals of the revolutionaries and the reality of the times, each seemed to imagine that he stood at the end of a historical moment which provided a general standpoint from which to judge the past. This assumption could not be more different from whose Lefort’s work whose political judgements were based on a wager accepted en connaissance de cause. Consistent with his understanding of democracy, he appeals neither to historical certainties nor a priori moral universals. There will be no “lutte finale”, nor an “International” that overcomes social division and realizes the “genre humain”[15].

In Guise of a Conclusion

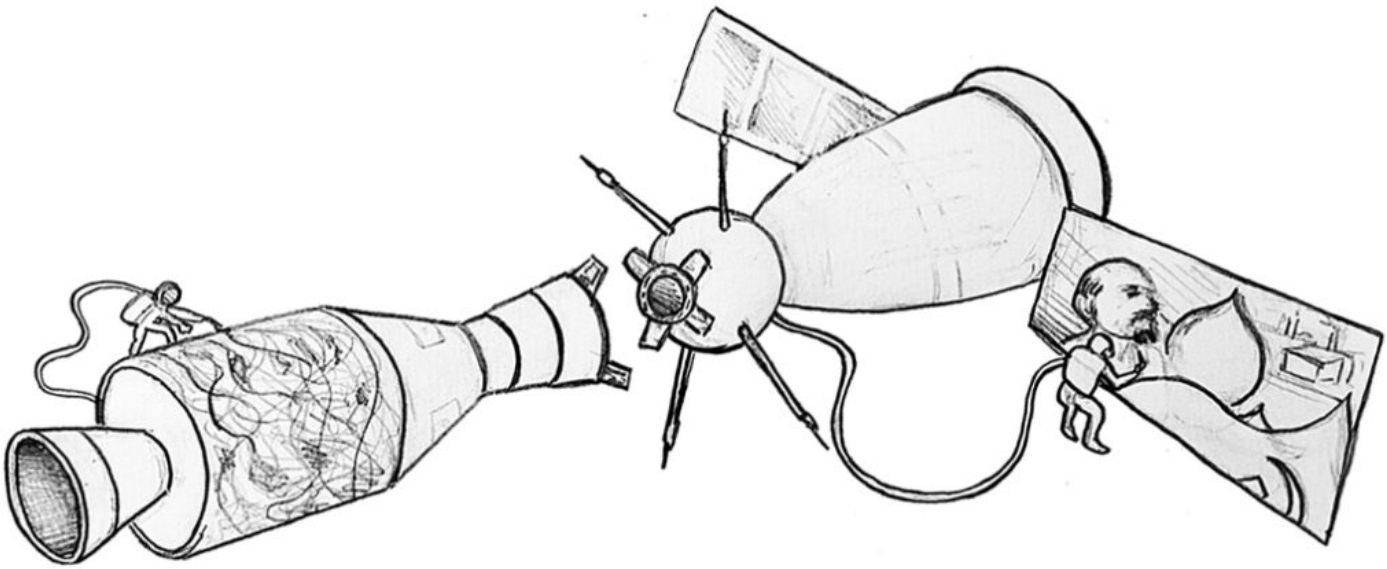
Both the critique of totalitarianism and the invention of democracy employ a grammatical form that may be confusing: who is doing the work of critique, who is doing the inventor? In Lefort’s work, it seems that the object is performing an action; totalitarianism is criticizing itself just as democracy is inventing itself. This structure seems to result from Lefort’s philosophical conception of “the political” (at least after the essay on *Totalitarianism without Stalin*, and more explicitly in *La politique et la pensée de la politique*). This apparently distanced posture regarding the realities of politics seems justified by the refusal to adopt a moral position whose universalist claims are necessarily abstract and foreign to the realities of politics. The symbolic political theory that I have proposed here suggests a way to begin to bridge this gap.

[1] The economic analysis of the USSR was largely inspired by Cornelius Castoriadis, the co-founder of the group with whom Lefort would have political disagreements that led him to leave the group at the end of the 1950s. The two would come together—and then split, before rejoining several projects built around the publication of the journals Textures and Libre, as well as contributing (in June 1968) to the book on the implications of May 1968 in *La brèche*.
[2] See Lefort’s early essays *L’échange et la lutte des hommes* (originally, «Les temps modernes» [1951]), and Société ‘sans histoire’ et historicité (originally, «Cahiers international de Sociologie» [1952]); both are reprinted in Les formes de l’histoire. Essais d’anthropologie politique, Gallimard, Paris 1978.
[3] As a Marxist, Lefort knew that there is a difference between peoples’ conscious intentions and the material results of their actions in actual social-historical conditions. As a student of Merleau-Ponty, he was also familiar with the paradoxes developed in the philosopher’s 1947 *Humanism and Terror*. See Lefort’s Préface to the re-edition of that essay in 1980.
[4] C.f., Lefort’s essay on La contradiction de Trotsky et le problème révolutionnaire, «Les temps modernes» (1948-49), reprinted in C. Lefort, *Eléments d’une théorie de la bureaucratie*, Genève, Droz 1971, 2nd edition augmented 1978 by Galliimard. The fact that this essay was not published in «Socialisme ou barbarie» reflects the influence of Merleau-Ponty, who was at that time an editor of that journal.
[5] See Merleau-Ponty’s Introduction to the collective volume *Les philosophes célèbres*, reprinted Signes (1960).

[6] He recognized a particular type of activist blindness to totalitarianism in his second critique of totalitarianism in his essay on Solzhenitsyn's Gulag Archipelago when he raises La Boétie's question of «self-incurred servitude». C.f. section III, below.
[7] The two organizations they created were the ILO and ICO, abbreviations for Informations et Liasons ouvrières, names that suggest the attempt to avoid the contradictions of a vanguard party. Although Lefort admitted to failure, others persisted, particularly Henri Simon (who discussed the experience in an interview printed by the group of students at Caen called Anti-mythes, which also published interviews with Lefort and Castoriadis).
[9] The first part of *Philosophy and non-Philosophy since Hegel* was published in «Textures», (1974) 8-9, pp. 83-129. The second part appeared in «Textures», (1975) 10-11, pp. 145-73.
[10] The title of the volume in which Lefort republished this essay stresses this point. *L'invention démocratique* (1981) also carried the subtitle, Les limites de la domination totalitaire, pointing to the relation between this new stage of Lefort's thought and his earlier critique of totalitarianism.
[11] Although, like many in his generation, he was influenced by Lacan's distinction of the Imaginary, the Symbolic and the Real, Lefort's own interpretation emerged after he had exhausted the potential of a Marxist leftist in his first critique. The influence of Merleau-Ponty's later work was also important.
[12] The essay that forms the first chapter of Lefort's book was first published as L'Archipel et nous during his renewed collaboration with Castoriadis (among others) in «Textures», (1975) No. 10-11.
[13] A contemporary irony! «Le Monde» (November 18, 2022) notes that Prigogine, the leader of the Wagner Brigade that had been doing the dirty work of the Kremlin in Chechnya, Syria and now Ukraine is a former prisoner (in the camps from 1981 to 1990), who points out that «the prisoners have a level of consciousness that is superior to that of the Russian elites», adding that the elites «have chosen their own comfort rather than the good of the people».
[14] This symbolic structure is also the foundation of Lefort's well-known insistence that in a democracy «the place of power must remain empty».
[15] Mutatis mutandis, Lefort's argument recalls his 1981 Preface to Merleau-Ponty's *Humanism and Terror*, which was often interpreted as a defense of Bolshevism against Koestler's criticisms without asking about its relation to the «provisional morality» that Merleau-Ponty adopted in the next years, after the evidence of the Soviet camps had been blinding. The philosopher's politics anticipate aspects of Lefort's stress in his 1999 essay, La complication.

Cold War Aesthetics: Discriminations and Determinations

By | 2024: Vol. 23 No. 1



…Man is only individualized through the process of history. He originally appears as a generic being, a tribal being, a herd animal….Exchange itself is a major agent of this individualization…Once the situation is such that man as an isolated person has relation only to himself; the means of establishing himself as an isolated individual have become what gives him his general communal character… The forming of the five senses is a labor of the entire history of the world down to the present day.

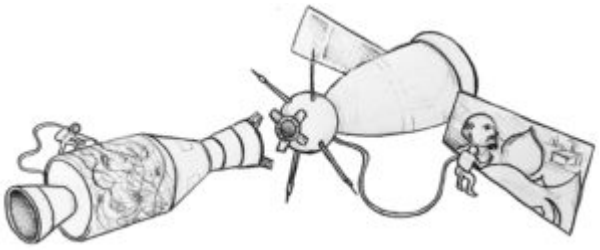
—*Karl Marx*, Pre-Capitalist Economic Formations

Having lived in America, Rudyard Kipling felt obliged to give advice when, in 1898, with the Spanish-American War and the acquisition of the Philippines, the American colonial experience began…"Take up the white Man's burden–/The Savage Wars of Peace–" The wars of peace began almost immediately with the Philippine insurrection–a long, frustrating struggle. But the truly savage one came sixty years later in Vietnam.

—*John Kenneth Galbraith*. The Age of Uncertainty *(130).*

With the death of Henry Kissinger, the war criminal par excellence, one might believe that the Cold War has finally ended, for good. During the Vietnam War, Kissinger became infamous for the genocidal bombing of Laos and Cambodia, the killing of thousands in Chile and all over Latin America, so that there was a warrant of arrest for him in Europe. The magisterial history of the Cold War written by Eric Hobsbawm (chapter 8 of *The Age of Extremes*), mentions Kissinger only once during the 1973 Yom Kippur War between Israel and Egypt-Syria:

“Kissinger….actually declared the first nuclear alert since the Cuban missile crisis, an action characteristic in its brutal insincerity of this able and cynical operator (1994, 245). While Hosbawm declared the Cold War–“the constant confrontation of the two superpowers”– over with the collapse of the Soviet Union, most commentators agree that the communist menace has morphed into the danger of terrorism. During the last three decades, the U.S. devastated Afghanistan, Iraq, Libya, and Syria in its “Global War Against Terrorism.” One will find numerous literary and art apologias for those wars, which require another inventory for another occasion. This essay attempts to explore only one facet of the artists’ involvement in the Cold War between the two superpowers from which one might extrapolate a few cautionary lessons.



Prologue

While war rages in Ukraine, Palestine and all over Africa, is it perverse or foolish to engage in the perennial question of art’s function today? Art’s function, however, has been contentious since the social division of labor began and ramified from primitive times. While reflecting social consciousness and human activity in general, art as a form of creative labor is shaped by concrete historical conditions that determine its methods and intentions. It is no easy task to unravel its complex mediations. Once linked to priestly rituals and symbols of authority, art coincided with the productive-reproduction process. But with the rise of capitalism and labor as commodity, artistic work became alienated, dehumanized. Profit-making converted the arts to “the status of conformist, repetitive, worthless things, whose function is to ensure political quietude” (Wolff 6). For Ortega y Gasset, this vulgarization of art, the mass production of the “commonplace” or k*itsch*, signalled the “triumphs of a hyperdemocracy”; thus, “Whenever the new Muses [of the avantgarde] present themselves, the masses bristle” (6-7).

With the advent of the Cold War, the new Muses—*laissez-faire* American avantgardists Jackson Pollock, Willem de Kooning, etc.—served the “free world” masses, thanks to the Central Intelligence Agency (CIA). Expert managers of the CIA, via the Congress of Cultural Freedom, deployed the art of evangelical geopolitics in the international arena. It was both astute diplomacy and wily propaganda. As Thomas Braden the CIA technocrat explained it, non-conformist artists were recruited “to demonstrate…freedom of expression,without any rigid barriers” or prescribed code of norms. This was in contrast to the Soviet Union which enforced Socialist Realism and its “very rigid patterns” (Saunders, “Modern Art”). It funded museums, writers’ organizations, conferences, exhibits, and magazines like *Encounter* edited by Stephen Spender, and *Solidarity* edited by F. Sionil Jose in the Philippines. Intellectuals such as Archibald MacLeish, Raymond Aron, Lionel Trilling, Hannah Arendt, Arthur Schlesinger Jr.,

John Ford, and nameless others, were harnessed to the CIA stable for PsyOP fabrications, including Clement Greenberg, editor of *Commentary* and *Partisan Review,* aside from being a well-known anti-Stalin Trotskyite intellectual (Levine; Newberry).

Remapping Disjunctions/Conjunctions

We ordinarily assume that art is distinguished as a non-utilitarian object or activity. Reduced to "significant form," art is not meant to deliver learning or induce ecstasy. Do not expect catharsis or wisdom from *Finnegans Wake* or *Waiting for Godot.* We have travelled far from the classic notions of Plato, Aristotle, Longinus, and Horace whose *Ars Poetica* encapsulated art's twin tasks of "prodesse" and "delectare" (quoted in Brooks and Wimsatt 92)—a double function resuscitated in the pronouncements of Shelley, Kenneth Burke, and Bertolt Brecht's theater for pleasure and instruction. Is the artist today forced to choose either one of the alternatives, or refuse outright the terms of categorization? But the Cold War made art useful and seductive (*utile* if not *dulce*), as documented by Saunders, Wilford, and other scholars.

Today, sadly, we are familiar with the neoliberal marketization of almost everytning— bodies and body parts, your grandmother's soul, memories, fantasies, dreams. We are in the postmodern realm of narcissistic end-times, utopia's apocalypse. The fabled culture industry encompassing corporate investments in museums, Christie's auction of art-works, films, mass media, etc., has been with us since the last two centures. It emerged from its antithesis, the religion of art-for-art's sake, which germinated from the romantic movement premised on the Kantian axiom of art's disinterestedness, its absolute uselessness. Has Kant's ghost become the demiurge of orthodox modernism and the postmodern sublime?

All these contentious reflections were broached sometime ago in the expose of some American artists' complicity in the Cold War strategy of the U.S. state apparatus by Frances Stoner Saunders, *The Cultural Cold War—The CIA and the World of Art and Letters,* supplemented by Hugh Wilford's *The Mighty Wurlitzer: How the CIA Played America*. This dicey, hazardous topic of art's entanglement with ideology, politics, and history requires a lengthy, thorough investigation that exceeds the space allotted here. Other scholars have addressed the topic with more depth and elaboration. What follows is a heuristic gloss on one of the critics implicated in this historical conjuncture, Clement Greenberg, who has been labeled, even stigmatized, as impresario/apologist of abstract expressionism (one variant of it). What follows is a footnote to the politics of time and space investigated more thoroughly by Peter Osborne and other scholars of post-conceptual art.

Framing the Field of Antagonism

We venture for now an exploratory contextualization of our discourse. As we go through another global crisis of ecological meltdown, portents of nuclear war, and collapse of US hegemony, it seems extravagant to indulge in speculations on art criticism, formerly known as aesthetics evoking the names of Kant, Croce, Langer, Beardsley, etc. Commentaries by Arthur

Danto, Fredric Jameson, and others have argued the fungibility of art theory—anything goes now as art, such as dead sharks, bloodfests, plastic surgery, and infinite modalities of installation art. Discriminations are worthless. It seems a horrific fulfillment of Nelson Rockefeller's rubric of "Free Enterprise Painting" to descrine abstract expressionist work (Saunders, "Modern Art").

Cynthia Freeland has concluded that given the historical contingency of tastes, values, and institutions, all we can do now is to explain meanings and demonstrate their embodiment (39). Meanings themselves have become disposable or redundant. Hence all art analysis becomes either appetizer or after-dinner nostrum of some kind. This approximates Jacques Ranciere's notion that the aesthetic regime eliminates the hierarchical distribution of the sensible characteristic of representational and realist art, promoting "the equality of represented subjects, the indifference of style with regard to content, and the immanence of meaning in things themselves." But Ranciere also points out the irony in State utilization of high culture/art: "the egalitarian regime of the sensible can only isolate art's specificity at the expense of losing it" in the form of the commodity (81). This paradox manifests itself when the CIA reconciles the abstract-expressionist formalism and its ethical purposiveness in conducting the Cold War, as will be argued later.

For this occasion, I survey one motivation in the discourse of Clement Greenberg, the foremost advocate of abstract expressionism in the latter half of the last century. He has also been labelled a Cold War CIA flunkey together with other accomplices (Saunders). We reserve for another time investigating fully the "weaponization" of art and literature in the ideological/political contestation of our time (San Juan).

Duration versus Dialectics

The measurement of time's passage has obsessed philosophers since Heraclitus and Aristotle up to Bergson, Deleuze, and Heidegger. The query, When? is often detached from Where? From the corpus of Greenberg's literary criticism, one may extrapolate a concept of duration and historicism that may qualify the perceived technical aestheticism of his critical practice. Formalism becomes inflected and nuanced by temporal spcification. I would like to broach this adhoc remark on this perhaps neglected aspect of Greenberg's achievement in the context of the controversy on the obsolescemce if not demise of traditional aesthetics as practised from Croce to Dewey and Sontag (for pragmatic aesthetics, see San Juan, *Peirce's Pragmaticism*).

By consensus, Greenberg is considered the critic most responsible for formulating the principles of modernist art in the U.S. One of the key documents that established Greenberg's moral vantage-point is the 1939 essay, "Avant-garde and Kitsch." While avantgarde art embodies the drive toward originality and innovative resourcefulness, for Greenberg, kitsch is "the epitome of all that is spurious" in our time (1961, 10). What distinguishes kitsch from avantgarde is that the latter "imitates the processes of art," while the former "imitates its effects." In other words, the interaction between viewer and avantgarde art requires a duration of "reflection upon the immediate impression left by the plastic values," whereas, for

kitsch, there is no such process because “the reflected effect has already been included in the picture.” No temporal distancing occurs; the awareness of time is repressed because kitsch “predigests art for the spectator.”

Filipino art-critic Rodolfo Paras-Perez reformulated Greenberg’s thesis in this way. While traditional artists (classical, romantic) focused on the object to be imitated or represented, or reconstituted (as in Cubism), abstract expressionists fashioned forms asserting the “objectness of painting per se.” They emphasized “the structure—the relationships of elements within the pictorial cosmos rather than the element as an element…The relationships of elements…becomes itself the carrier of the expression rather than the figure or object” (26). Paras-Perez quotes Hans Hoffman’s proposition: “One shape in relation to another makes the expression; not one shape or another but the relationship between the two.” In effect, the significant form achieved by any modern artist is one that poses a new solution to the basic form-problem faced by the artist in his historic situation.

It is questionable how Pollock’s gestural style and his focus on flat surface evoke “awareness of time.” What is foregrounded is the artist as subject, the individual performance, the aristocratic *virtu* of exhibiting distinction. This conflicts with any democratizing impulse. Jameson once descrbed de Kooning’s “metabrushstroke as the last gasp of some individualizing art” a pastiche of modernist subjectivity” (Jameson, “Jameso” 63. This subjectivity or agency refers to the charismatic, reason-endowed subject on the verge of metamorphosing into the decentered or schizophrenic subject-position in post-structural textualism.

In any case, the theme of the individualist, ego-centered artist-agent versus the popular/plebeian organic intellectual is a recurrent leitmotif in modernist discourse. However, Greenberg’s disjunction between high/aristocratic culture and plebeian/low culture seems quite dogmatic or unhistorical. As Louis Kampf noted, Caravaggio’s realism shifted visual/perceptual paradigms so that “some see Caravaggio as an earlier version of Rembrandt and therefore a great-grandfather of abstract expressionism” (132). Postmodernism has dissolved the canonical boundaries between elite, sophisticated and vulgar, popular tastes into pastiche and hybrid, liminal compositions and their ludic extrapolations.

Critical frames mix in various interfaces so that avantgarde and kitsch becomes dialectically fused in moments of crisis. The same applies to changes in music where folk, popular and aristocratic trends seem indissociable. But when there is a sharp discrepancy between avantgarde taste and kitsch, ideological reverberations are registered in the praxis of social classes: “An escape from reality does not lead to peaceful life and art, but to more violence. Just as esthetics becomes one of pessimism and violence, all the more harrowing because these storms now seem to come ‘from within.’ “ (Finkelstein 77). Still, a dialectic between oonsciousness and the phenomenal world needs to be pursued to forestall the vertiginous abyss of logocentrism.

Historians trace the origin of abstract expressionism to Wassily Kandinsky’s painting between 1910-14. But the avantgarde New York group (Jackson Pollock, Mark Rothko, Willem de

Kooning, Franz Kline, Hans Hoffman, etc) all had their own personal signatures. United in rejecting traditional styles and techniques and their finished product, they valorized above all the physical act of painting/creation, as exemplified by Pollock's "action painting" of pouring, splashing and dripping paint on the canvas. However, Rothko superimposed fields of colors. Styles vary but the trajectory of focusing on formal qualities and techniques over mimesis of objects/nature predominates.

Finkelstein's judgment (cited earlier) applies to the political-ideological ramifications of Greenberg's medium-specific focus ascribed to flat picture planes, color-field painting, and lyrical abstractions. Whether they can be weaponized for Cold War objectives, depends on their institutional articulation, that is, whether they can be integrated into the mechanisms of the ideological-state apparatuses centered on private property, the cash-nexus, capital accumulation. One can find a more informed and historically contextualized evaluation of kitsch and avantgarde styles/modes of embodiment in Stefan Morawski's *Inquiries into the Fundamentals of Aesthetics,* or in Max Raphael's art-criticism than in most voguish deconstructionist or postmodernist treatises.

Parsing Language-games

But back to Greenberg's focus on "art's area of competence," the play or game of media. He contends that it is an essential attribute, not a static or ahistorical prejudice. As Charles Harrison puts it, Greenberg stresses art's "intentional and self-critical preoccupation with the demands of a specific medium, and its originality with regard to the precedents that medium avails" (146-47). Greenberg locates the temporality of modernist art in the class-divisions of our time which underlie the vicissitudes of taste. Greenberg's intuition of time, in particular the duration of styles, demonstrates a sharpened awareness of the dialectical tension between an established norm and divergences from it. This is evidenced by his view of method as implicitly contingent on social and historical determinants: for example, collage as practiced by Braque and Picasso underwent mutations in their conflation of surface and background in pictorial space. Spatial relations in canvas or defined locations are triangulated with historical sites or historically specific contexts.

Thus it is not.question of spatialization alone, space trumping time or temporality, in the mutations of artistic technique. Ultimately, the use of any method depends on the fundamental question of choosing between representation and illusion, a choice that is ultimately "a question of a vision and an attitude" (Greenberg 83). Overall, it is the changing power of social forces that determines the choices at various stages in the development of productive-reproductive relations.

The value/propriety of mimesis or representation defies simplification. It is in Greenberg's essay on "The Plight of Culture," published in 1953, that we see the antithesis of autonomous aesthetic value and illustrative content (realist or referential topics or themes) rearticulated in the antithesis between leisure and work. Greenberg reflects on a time when work and culture can again be "fused in a single functional complex" as in archaic societies—a utopian vision

that Greenberg registers in valuing the experience of “quality” and the emergence of a new style in post World War II American artists. However, in this new millennium, leisure has become commodified, so it is not easily separable from precarious, commodified work-time. This is probably the reason why postmodern artists valorize “Desire” (an alibi for the libido or Freud’s unconscious) as defying representation, or resisting any rhetorical trope, symbol, or narrativization; hence the sublime, Lacan’s missing object, the inexpressible enigma that transcends language or any mode of sensuous figuration.

Greenberg’s essays on literature exhibit provocative insights that transcend the rigorous rationality of his analysis of painting. His essays on Bertolt Brecht and Franz Kafka are, in my opinion, judicious and provocative. They situate discourse not only in the sociopolitical and cultural contexts but also in the *problematique* of the genres and literary conventions that explain the necessity of their innovations. For example, Greenberg discerns several tempos of duration in Brecht’s poetry (the momentary, the epic, the anecdotal, the ironic), while in Kafka’s enigmatic fables, he apprehends the duration of Jewishness as ”in-dwelling form.” Both writers, in Greenberg’s appraisal, dramatize a modernist intuition of duration as a topology of instances where subjectivity is created and performed as a response to the exigencies of ethnic/class predicament and individual life-circumstance.

What I find challenging as a topic of research for cultural studies inquirers is Greenberg’s theorizing of the dialectics of tradition and innovation. By examining Greenberg’s unpublished papers in the Getty Museum, it may be feasible to elucidate further the contours of this interface insofar as it will show the historical matrix of Greenberg’s seemingly reified notion of art as technical innovation or quality that moves spectators. It may also afford some insight into why abstract expressionism became dated even as a Cold War weapon of mass distraction or deflection, reducing the Cold War into a contest between State control of the arts versus control by the military-industrial-prison complex of the hegemonic West (U.S./Europe) and its satellites.

Configuring the Passage of Time

As a prologue, I offer as exemplary touchstones two passages where Greenberg reveals submerged texts of determinate temporality subtending his judgment of taste. It is a more sophisticated version of Bergson’s duration or Wyndham Lewis’ critique of it as applied to the mutations of the standards of taste in variegated milieux. One is his remark on the “western” genealogy of black/white pictures. It appears that the duration of an art-work hinges on the persistence of certain cultural values specific to society; this persistence is open to alteration relative to the position of the creative agent or sensibility. Greenberg subsumes cultural difference in the multiplicity of conventions in this passage where he responds to the speculation about the origin of the black/white callligraphy of Pollock and Franz Kline:

…the new emphasis on black and white has to do with something that is perhaps more crucial to Western painting than to any other kind. Value contrast, the opposition of the lightness and darkness of colors, has been Western pictorial art’s chief means, far more important than

perspective, to that convincing illlusion of three-dimensionality which distinguishes it most from other traditions of pictorial art (1961, 220-21).

Here a comparative study of differing traditions with diverse temporalities is called for, precisely the opening for the play of “extrinsic” forces. It presages the larger issue of civilizational variation, alterations of mind/perception caused by adjustments to ecological presurres arising from changes in the mode of production, the metabolic interaction between humans and the natural environment.

The second passage I would like to take as a thematic focus for inquiry into Greenberg’s occluded historicism—duration as a succession of normative convention and its deviations—is the hitherto neglected lecture he gave in 1970 on “Counter-Avantgarde.” In prescient glosses on the Futurists and Marcel Duchamp, Greenberg anticipates the moment of postmodernism when he bewails the standardization of newness, innovation, and originality: avantgardism fetishized “the startling as sheer phenomenon or sheer occurrence” (1973, 435). But genuine avantgarde art springs from a dialectic of expectation and satisfaction, a syncopation of the enduring and ephemeral, whose hypothetical causality escapes Greenberg’s idealist/formalist metaphysics:

Superior art comes, almost always, out of a tradition…and a tradition is created by the interplay of expectation and satisfaction through surprise as this interplay operates not only within individual works of art, but between them. Taste develops *as* a context of expectations based on experience of previously surprised expectations…. To repeat: surprise demands a context. According to the record, new and surprising ways of satisfying in art have always been connected closely with immediately previous ways, no matter how much in opposition to these ways they may look or actually have been… The classic avantgarde’s emphasis on “purity” of medium is a time-bound one and no more binding on art than any other timebound emphasis….(440-41).

Within the thematic framework of “Duration,” I want to investigate later on Greenberg’s theorizing of duration in the shift of tastes and conventions in the history of Western art. Greenberg has been charged (by Victor Burgin, among others) as mistakenly collapsing “the project of art into art criticism,” hence the dogmatic narrowness of his strictures and formalist criteria. But an alternative reading is possible. I believe that parts of Greenberg’s discourse involves a more complex understanding of the experience of time and duration, what Micheline Sauvage calls the “superposition of temporal modes,” than what appears in his concern with technical and methodological problems of the medium in the visual arts. It is certain that Greenberg’s literary criticism demonstrates a highly nuanced and discriminating conception of culture as a dense sociohistorical field, a site of contestation and struggles among diverse political and ideological forces and agencies (see Bourdieu).

Historicizing the Art-Politics Connection

Earlier we mentioned Max Raphael as the most perceptive critic who inquired into the dialectic of form/content within a historical-materialist perspective. He begins with the premise that "Art is the creative act which gives the material and ideological life-contents of a concrete society adequate visible forms" (442). Adequacy is the criterion here. We have moved from the time when art was deemed adequate in the imitation of a ready-made world. Modern art assumes a disjunction between traditional fixed forms and inherited contents. It confronts the problem of the contradiction between the process of experience in alienated bourgeois society dominated by bureaucratic, instrumental forces and the process of artistic creation which aims to coalesce nature and art, spirit and sensibility.

Raphael conceives of genuine art as based on the "assumption that the outer and inner worlds, the object and the soul, natural and social compulsions achieve unity in an autonomous element of form that unfolds spontaneously and methodically from a theme both concrete and universal into self-sufficient artistic creation" (444-45). It is an open question whether abstract expressionism has achieved the totalizing unity or the Hegelian-like concrete universal, envisioned by Raphael, given abstract expressionism's matrix in an individualist, bureaucratic, commodifying milieu.

What I suggest finally, as a provisional elucidation, may be a more nuanced way of clarifying the tensions found in all avantgarde art. This can be drawn from Kenneth Burke's dramatistic approach (see the two essays, "Literature as Equipment for Living" and "The Nature of Art Under Capitalism" in T*he Philosophy of Literary Form*). Burke would consider abstract expressionism (as Greenberg would delineate its form and impact) as a strategy for evaluating a situation, deployed as an "equipment for living that sizes up situations in various ways and in keeping with correspondingly various attitudes" (262). The over-all situation that Greenberg's artists faced is of course the vulgarization/reduction of art in capitalism where the machinery of profiteering capital/private property dulls the sensory organs and corrupts principles of discrimination. Reification due to commodity-fetishism abolishes all distinctions and makes impossible the creation of the new, the truly reflective of the dynamic situations in real life. Opposed to the barbarism of class conflict and competition, avantgarde artists seek a cooperative mode of art-making that would integrate existing work-patterns with ethical patterns. They seek to revive the romantic program of defamiliarization and revitalizing our organs of perception debilitated by technology and the profit-motive. Whether conscious of it or not, Greenberg's search for the absolute, the purified or rarefied in the pictorial medium of flatness/two dimensionality. may be regarded as a symptom of the rupture between the cooperative work-pattern and competitive individualism.

Consequently, for any species of "pure art" such as the gestural automatism of Pollock, Burke perceives a hortatory, corrective, or propagandistic function. Its objective is to call attention to "the moral breach arising from vitiation of the work-patterns" (277) caused by the intensifying conditions of economic warfare. Applying Burke's analysis, we can claim that abstract expressionism and Greenberg's articulation of its novelty, performed a pedagogical, forensic

service in exposing the fudamental contradiction between the productive forces (artists making "new") and the repressive, outworn social relations of finance-capital. This aspect of avantgarde art has of course been discussed before, but scarcely in relation to the scandalous liaison between the CIA's Cold War schemes and the New York school of abstract expressionists.

Thus, the supreme irony in the scandalous collaboration of the CIA and American avangardists eluded the calculations of either party. The Cold War intermittently harmonized work and ethics, a division engendered by the social division of labor in class-divided society. Sublimating competition in cooperation, the Cold War dissolved the rupture between work and leisure, between old and new, the condition of possibility for recognizing art as an independent, sovereign realm. No need for either acceptance or rejection of symbols of authority. With distinctions gone, human desire finds its fulfillment in an unconceptualizable utopian duration.

Further reflection on this theme might yield more incisive critique of postmodenist trends in culture in general, as well as tenable judgments on the fate of art criticism in the new stage of decaying monopoly capitalism—the collapse of neoliberal absolutism and catastrophic or cannibal capitalism—an interregnum that breeds monsters and unpredictable barbarism. We cannot fail to note that with the current conflict in the Middle East, we are plunged in a crisis occurring in horizon delimited by the U.S.-NATO proxy war on Russia in Ukraine and the worsening confrontation between China and the United States. We will try to accompany Hegel's owl of Minerva waking up and charting the ruins of Empire in its swerving flights over planet Earth.

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Review Essay: Chile After Allende

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In the 2019 UK General Election, beleaguered by a concerted campaign of print and broadcast media attacks, enfeebled by in-party subterfuge, and twisted inside out over how to resolve the salient issue of Brexit, a ragged and limpen Labour Party succumbed to a heavy defeat. Jeremy Corbyn, the first politician proposing a break from neoliberal orthodoxy to front a major European political party in a generation, was finished.

In the days that followed, Financial Times journalist Jim Pickard recorded Shadow Chancellor John McDonnell in an ill-judged attempt at levity, claiming: *"Normally when a socialist revolution fails, they all get taken to a football stadium and shot, at least that hasn't happened this time."* McDonnell was referring to Santiago's Estadio Nacional, the venue that played host to the 1962 FIFA World Cup Final; which just over a decade later, found itself repurposed into a makeshift torture and execution facility, following General Augusto Pinochet's coup d'état that removed the world's first democratically elected socialist head of state Salvador Allende.

Though never intended to be taken seriously, McDonnell's quote demonstrates how the trauma of what happened on September 11, 1973, still resonates among the left. Chile under Pinochet

would become a Petri dish for the Chicago Boys' economic reforms, made globally hegemonic through Ronald Reagan and Margaret Thatcher. Overpowered, and often violently suppressed, the left and its advocates withered into obscurity and entropy; fifty years on, the collective grief in Chilean culture over what was lost remains raw and irresolvable.

September 11, 1973: As bombs fall, and smoke rises, Chilean troops prepare to storm Palacio de La Moneda, the Presidential residence.

Salvador Allende and Augusto Pinochet have found themselves the subject of two very different fictional portraits, released to mark the fiftieth anniversary of the coup. Ariel Dorfman's autofiction novel *The Suicide Museum,* takes place largely in the aftermath of Pinochet's abdication in 1990, and portrays a writer (also named Ariel Dorfman) returning from exile to Chile. At the request of a Jewish, Dutch billionaire, Dorfman is dispatched to uncover the truth behind what was long considered to be dictatorship propaganda: as Pinochet's troops stormed the Presidential residence, Palacio de La Moneda, Allende committed suicide by shooting himself with an AK-47 gifted to him by Fidel Castro. In a cryptic disclosure, Dorfman is informed that resolving the mystery of Allende's death will help with the billionaire's messianic project to save humanity from climate change.

Through fictionalising his own experiences, Dorfman attempts to wrench Allende from the realm of reverential myth and return him to the plain of history; contesting and re-examining his own hero worship, which shades gradually into an exploration of national guilt.

Pablo Larrain's vertiginously surreal horror film *El Conde (The Count),* takes the exact opposite approach: transporting the historical figure of Pinochet into the realm of mystical unreality. Narrated in admiring tones by the immediately recognisable stern, humourless drawl of Margaret Thatcher, we learn that Pinochet did not die in 2006, but lives on today in rural Chile as a 250-year-old vampire.

Pinochet came of age during the French Revolution, becoming so enamoured by Marie Antoinette's blithe indifference towards the cruelty and suffering inflicted upon her own people, that following her execution, he devotedly licked her blood from the guillotine blade and took her head for himself; pledging to spend eternity avenging her, by devouring pleasure

in the oppression of democratic sentiment. Eventually settling in Chile, a land of "*fatherless peasants,*" making it a ripe and opportune feeding ground for what would become his brand of state-sponsored corporate kleptocracy, where Pinochet himself would plunder a sizeable personal fortune.

Filmed in sunless black and white, *El Conde's* stark compositional arrangements evoke the silent-era films of Dreyer and Murnau, compounding the feeling of a present that exists trapped outside of time. The exultant sounds of Vivaldi's *Four Seasons* are pierced by the noise of Pinochet's cape fluttering in the wind, as he glides over Santiago hunting for prey. A spectre of darkness webbing down like a spider out of an ink black sky to feed upon modern-day Chileans. An undying dread looming over the present; a legacy that cannot be killed. It's significant that what provides the richest sustenance for Pinochet is the blood, and specifically the ripped-out hearts of the young.

Upon seizing power, and ending democracy, Pinochet would promote himself to the invented rank of Captain General. His signature vampiric cape was intended to evoke the great emperors of antiquity.

Although Pinochet ceded power in 1990, the economic system he helped construct has largely remained in place. In the 1970's there were eight universities in Chile, by 2019 there were 150, although two-thirds of those were run by private firms for profit. Chile spends 0.5% of GDP on higher education, the lowest in the OECD. Whereas the cost of a university degree is 41% of average income, the highest in the OECD, meaning that many young Chileans simply cannot afford the price of tuition. Even with so many more universities to choose from, opportunities to scale the economic ladder have been curtailed, not widened. With spiralling higher education costs acting as a tax on social mobility; in 2022, 18% of people between 18-24 were not in employment, education, or training, well above the OECD average. The core promise of neoliberalism that increased private competition would improve quality of service, while simultaneously driving down costs for consumers, proved to be nothing but smoke and mirrors.

A story repeated across almost every sector of the Chilean economy: a transfer of control, oversight, and revenue from public into private hands, while a steady stream of state subsidies

and condition-free bailouts meant private debt was offloaded into public hands. The visual legacy of these neoliberal reforms has rendered our lived environments into ideal dwellings for undead ghouls: as multinational conglomerates have taken charge of manufacturing industries and sent jobs overseas to save on labour costs, de-industrialised cities have become ringed by ghostly, uninhabited factories and decrepit, decaying infrastructure. While the wealthy elites reside in ever higher, ever more iniquitous skyscrapers; looming over the lowborn townsfolk below like a Transylvanian castle on a hilltop.

Following a nationwide campaign of street protests demanding change, a 2020 referendum resulted in 78% of voters agreeing to replace their constitution, drafted in 1980 under Pinochet's rule. Yet the resultant 2022 referendum to ratify a radically-minded, progressive constitution failed. The new constitution would have enshrined gender equality, ensured protection of indigenous communities, and made public universities free, as well as making Chile one of the first nations on earth to prioritise climate policy and action within a written constitution.

Unsurprisingly, the campaign to reject the new constitution was heavily bankrolled by finance and business interests, who outspent the accept campaign by three to one. In an unknowingly felicitous reference to *El Conde,* Colombian President Gustavo Petro went as far as to say the new constitution's defeat meant Chileans had made the choice to: *"Revive Pinochet."*

During one sequence in *El Conde*, Pinochet strides across a black and white square-tiled floor, triumphant, but solitary as the lone King remaining on a chessboard; weary and isolated, the 250-year-old wishes only to be allowed to die. There is a degree of truth to Pinochet being some sort of unfathomable, indestructible other: in 1986 he survived an assassination attempt when guerilla rebels fired a rocket-propelled grenade at his car, which miraculously failed to explode on impact.

The concept of having escaped the certainty of one's death, and the concomitant isolation of survivor's guilt, is a central theme in both *El Conde* and *The Suicide Museum*. The real Ariel Dorfman served as a cultural advisor in Allende's cabinet, and as the situation began to deteriorate with an armed insurrection becoming ever more likely, he was due to stand watch at Palacio de La Moneda the night before the coup, but swapped shifts with his friend and colleague, Claudio Jimeno. After the coup, Dorfman went into hiding in the Argentinian Embassy, sleeping under a billiard table, before eventually escaping into exile in Paris; while Jimeno would become one of the first of 1,469 people who disappeared under the Pinochet regime, never to be seen again.

Jimeno could well have spent his final days at Colonia Dignidad, a cult-like colony set up by ex-Nazis following World War II, which under Pinochet's regime would play host to a secret prison camp. The colony's leader was ex-Nazi Paul Schäfer, who fled West Germany for Chile in 1959, after he was charged with paedophilia. He would eventually be convicted on 25 counts of abusing children in 2005. Schäfer often claimed he lost his right eye in the war, but in actual fact had accidentally gouged out his own eye, while trying to remove a stubborn shoelace with

a fork.

Next to the scarcely believable truths of the Pinochet regime, where one-eyed, paedophile ex-Nazi, cult-leaders oversaw secret prison camps, the idea of nightmare creatures like vampires entering into the same waking reality can begin to feel not so outlandish after all. To this day, despite the efforts of numerous investigations, including a National Search Plan recently set up by President Gabriel Boric, the remains of those who disappeared have never been found.

Dorfman wrote for the LA Times in 2020: *"I have often fantasized about how different the world would be if Allende had not been overthrown […] I wonder where humanity would be if his peaceful revolution had been allowed to run its course and become a template for other countries."* While Dorfman also accepts that it is naïve to imagine that Allende as President of a mid-weight Latin American nation, could have forestalled Milton Friedman and the Chicago Boys' corrosive economic experiment spreading across the world.

Nonetheless, Dorfman in *The Suicide Museum* is forever sifting through the lost promises of Allende's ambitious agenda to nationalise Chile's partly-US owned copper mines (in 1973, Chile was the third largest producer of copper in the world, behind only the USA and Zambia), while also expanding educational access, equitably redistributing farmland, and enacting state control over strategic industries and the banking sector. Allende's government even had the remarkable foresight to develop a 1970's proto-internet in Project Cybersyn: which attempted to centralise economic data, manage the performance of factories, and formulate responses to emergencies, in a radically future-minded vision of an interconnected, tech-powered economy.

A concept for the command HQ of Project Cybersyn, clearly evocative of Gene Roddenberry's Star Trek, 1966-69.

Right-wing opponents of Allende, such as former Editor of The Sunday Times newspaper Andrew Neil, have written about the dire state of the Chilean economy in Allende's final days; or that the democratic mandate for his revolutionary agenda was hardly unanimous: crawling across the finish line to victory with only 36% of the vote after a razor tight three-way race in the 1970 presidential election; or that far from acting as a beacon of democratic freedom, Chile under Allende would have inevitably become a puppet state of the brutal communist

dictatorships in Moscow and Havana.

Neil also argued against Pinochet's 1998 arrest in London under an international warrant issued by a Spanish judge, for his involvement in the killings of 194 Spanish citizens: "*What is ethical about arresting an 82-year-old has-been dictator, who relinquished power without a struggle and bequeathed a prosperous economy to his democratic successors[?]*" Neil goes on to declare that Pinochet: "*merits little more than a footnote in the roll-call of brutal dictators.*" Although Neil does not include any statistics to support this claim; there were an estimated 41,470 victims of detention, torture, disappearance, and extra-judicial executions under Pinochet's regime, though the true number may never be known. In a rare moment of factual history depicted in *El Conde:* Margaret Thatcher would emerge from the shadows of political retirement in 1998, wielding her considerable political capital and influence to publicly defend Pinochet, calling his prosecution: "*a tragedy.*"

Whatever his views on Pinochet, what Neil's analysis of Allende's government neatly overlooks is the extent to which it was hexed from the very beginning by external interference. Outraged by Allende's election, and determined to undermine any prospect of Chilean prosperity under socialism, President Richard Nixon ordered Richard Helms, the head of the CIA to: *"make the economy scream."* Following the advice of his National Security Advisor Henry Kissinger, Nixon would authorise a multi-front economic war that would block multilateral bank loans to Chile, while also threatening to sanction any nation who dared purchase the newly nationalised Chilean copper.

In 2000, in the face of overwhelming evidence, the CIA was forced to admit its role in the murder of General Rene Schneider, the Commander-in-Chief of the Chilean Army, after he spoke out against those who wanted the Army to stop Allende's inauguration. The vacated position of Commander-in-Chief would later be filled by General Augusto Pinochet; although in a cruel twist: it was Allende who appointed Pinochet.

As Naomi Klein in *The Shock Doctrine* points out: "*The dirty secret of the neoliberal era is that these [socialism's] ideas were never defeated in a great battle of ideas, nor were they voted down in elections. They were shocked out of the way at key political junctures. When resistance was fierce, they were defeated with overt violence – rolled over by Pinochet's, Yeltsin's and Deng Xiaoping's tanks.*" Whereas the Pinochet of *El Conde* is unkillable, and with the aid of his powerful friends, untouchable by any attempts at legal, financial, or even religious justice; in *The Suicide Museum,* from the day he was born in 1908,Allende was: "*perhaps already destined to die in the Presidential Palace.*"

Nixon and Kissinger were determined to prevent Chile from becoming an example to other nations for a democratic pathway to socialism, and worked with the CIA to create the conditions of possibility for the coup.

One curious feature of *The Suicide Museum* is that unbeknownst to the *characters* throughout the predominantly 1990-set novel, but public knowledge to readers today, is that the whodunnit over Allende's death was resolved following a 2011 autopsy, which concluded suicide. The novel offers a mystery riddled with contradictions and strange connections: in one flashback sequence, Dorfman recounts a meeting with Allende, who encouraged him to hold the AK-47 mounted on the President's office wall; symbolically linking his past self with his future role as investigator: his own fingerprints were on the murder weapon.

The Suicide Museum confronts why Allende's supporters might find comfort in the fantasy of their idol falling to a hail of gunfire with glorious valour and courage, evoking the defiant spirit of two iconic outlaws killed in the neighbouring state of Bolivia: *Butch Cassidy and The Sundance Kid*. How the fantasy relates to Chile's preeminent wartime legend, which is of defeat, not victory: Naval Commander Arturo Prat and his crew refusing to surrender in the face of insurmountable odds, instead choosing to fight to their deaths at the Battle of Iquique.

The real mystery of the novel is not Allende's cause of death, but why Joseph Hortha, a Jewish, Dutch billionaire, with tenuous connections to Chile, would be so invested in answering that question. Hortha is a holocaust survivor, whose mother died at Treblinka, and bonds with Dorfman over their shared guilt at having survived, when better, more deserving people around them perished. Yet Dorfman remains conflicted over taking a pay-check from a billionaire: *"all excessive money is tainted, most of it can be traced back to some form of suffering that has been erased, made invisible."*

There are 3,194 billionaires in the world today, and the richest 81 among them own more wealth than the bottom 50% of the world's population combined. There is something untethered and illusory about the aura contained within these people: floating freely outside the borders of structured, contained reality that the rest of us inhabit, possessing many vampiric qualities, not least the belief that the omnipotent power of their wealth will eventually grant the power to escape death.

Hortha is no exception. In order to repent for having made his fortune in manufacturing plastics, personally profiting 0.01 cents on every non-degradable supermarket plastic bag made around the world, Hortha's ludicrous fantasy project to save himself and humanity from the existential threat of climate change, is to construct a sprawling exhibition space, featuring a portrait gallery of both real and fictional acts of suicide. Spanning every conceivable epoch and motive: from Vincent van Gogh to Romeo and Juliet, from Marilyn Monroe to Anna Karenina, from Adolf Hitler to Antigone; stories from Masada to Jonestown, from Japanese kamikaze pilots to the Belfast Maze Prison hunger strikes, culminating in scenes of a polluted earth, set ablaze by mankind. Hortha's belief is that upon exposure to all this (the novel's roll call of names lasts several pages), visitors will make the epiphanal realisation that our species, through its continued commitment to inaction in the face of a climate emergency, is choosing to march into oblivion. That we are all complicit in civilisational suicide.

A preposterous idea, but a vision built upon faith in our collective spirit and virtue; *El Conde* meanwhile, offers no such hope. Diverging from the conclusions of Sheridan Le Fanu's *Carmilla,* or Bram Stoker's *Dracula,* with *El Conde,* director Pablo Larrain contends that no force on earth, not even the power of God contained within Carmen the nun (who bears a deliberate resemblance to Renée Falconetti in Dreyer's *The Passion of Joan of Arc*) can hope to kill the malevolence contained within the vampire Pinochet.

He will only liquify and mutate, assuming new forms across time, finding fresh willing allies: from a White Russian butler, eager for any opportunity to torture and kill Chilean "*Bolsheviks*" to avenge Tsar Nicholas II, to Margaret Thatcher and her mission to create a world of individualised mercenaries, incentivised to view one another as competitors and subsequently eliminate the concept of a shared society. The final words of *El Conde* underline the national project Pinochet was able to build upon Allende's grave: *"Beyond the killing, his life's work was to turn us into heroes of greed."*

No accident: Paula Luchsinger as Carmen in El Conde, 2023 (Left) and Renée Falconetti as Joan of Arc in The Passion of Joan of Arc, 1928 (Right).

Chile's present-day miasma does bear some resemblance to the dim, ominous, nowhere-world of *El Conde*. Right-wing opposition parties continue to defend and justify the coup, while in September, opposition leaders refused to sign a government-sponsored commitment to democracy. Next month, one more referendum will be held on whether to ratify a scaled back

version of the rejected 2022 constitution. However, polling indicates this amended version is also likely to be rejected.

It's a common ailment: we are living through an era of unending economic shocks, climate emergencies, mass protests on a historic scale, and perception-altering events like a once in a century global pandemic, yet we wake up the next day and discover that nothing has changed. The vampires who helped make things this way live on into eternity, while no matter how many different ways we try to re-imagine the story of resistance: John Henry always dies in the end.

President Salvador Allende, walking the streets of Santiago, shortly before his death on September 11, 1973. He was popular with children, after instituting a policy to provide every school child with half a litre of milk a day.

Towards the conclusion of *The Suicide Museum,* Dorfman visits Highgate Cemetery in London, the resting place of Karl Marx, and as he walks among the ruined dreams of those revolutionary ideas, he has a revelation: his investigation will not reveal the version of Allende's death that he believes to be true, instead he will make use of his "*compassionate imagination*" and print the legend. But why go against his own instinct, as well as the version confirmed by forensic science, when we all know this wasn't what really happened? Perhaps in the end, Dorfman does find inspiration in the reasoning behind Hortha's suicide museum: "*humanity doesn't require rational arguments, piles of scientific data, news bulletins, equations and formulas and mathematical axioms, none of that has troubled our consciousness. But a chilling story, that's another matter. Technology changes our bodies, but storytelling, ah, that changes our minds. Right?*"

Review Essay: Reflecting On Evil

By | 2024: Vol. 23 No. 1

Evil is a concept with a hazy definition. Admittedly I use the term without having a confident grasp of what behavior constitutes evil. Does evil mean very or extremely bad behavior? Yes, but not precisely because evil, I conclude, connotes conduct that is not relative to other behaviors. It goes beyond them and touches the nether regions of the absolute. It transcends the merely bad and shades into ineffability. It conveys an aura of mystery. In this sense, evil can claim to be a religious concept, residing in a realm beyond words. It is outside of normal conduct, but, tragically, not beyond human possibility. In human affairs, large and small, it has been all too evident.

I would conclude that to be evil, an act needs to be not merely bad but perverse. By perversity, I mean the willful intention to bring harm and hurt to others for its own sake. If each person had his or her own pear tree so that no one would want for pears, there would still be a minority of persons who would want the pear going into your mouth simply because it was going into your mouth. The gratification that would come from the deprivation of others would supersede the fulfillment of having one's own. The act would be irrational from a practical standpoint. By my definition, it would be perverse, but would not necessarily rise to the level of evil. To be evil the perversity would need to be conjoined with cruelty. The propensity for cruelty, as we know too well, abounds in human experience. It was the French essayist Michel de Montaigne, writing in the sixteenth century, who observed, "nature herself, I fear, attaches to man some instinct for inhumanity." Indeed.

Zone of Interest (2023)

History's most salient example of evil is arguably the Holocaust and the Nazi campaign that had as its aim the organized extermination of the world's entire Jewish population. It can be thought of this way: mid-twentieth century Germany produced civilization's most highly educated populace, known for its refinement of reason, science, and advanced technology, the land of Goethe and Beethoven. German culture exemplified the greatest flourishing of the values of the Enlightenment. And what was the consequence of German rationality, technology, and science? What was its end? What was the product of this sophisticated and highly cultured and educated populace? It was employed in the service of building a vast, complex, network of killing factories capable of exterminating the largest number of human beings with the greatest efficiency at the least cost. Values we associate with humanity at its refined best were inverted to serve the purpose of exterminating an entire people for purposes that eluded practical utility. The killing in the concentration camps continued even as it was clear to the Nazis that they were losing the war, even when the resources used for the wholesale murder of Jews could have been used for the purposes of military defense. It is hard to identify a more apt example of evil. As I see it, human flourishing is the end of human existence. The Holocaust was the absolute and total negation of humanity and humanistic values. Perverse. Cruel. Unfathomably evil.

I am a student of human rights. It's a field that focuses on the dark underside of human behavior. With all my reading through human rights literature, from academic treatises to Amnesty International reports documenting torture in excruciating detail, I remain perplexed at the scope of the human capacity for cruelty. I am most at a loss when it comes to understanding genocide. My moral imagination allows me to understand how a person can be so overcome by rage that he can murder another human being. What I cannot understand is how multitudes of people can rise up to murder thousands, tens of thousands, and hundreds of thousands of their fellow human beings. Often the victims are neighbors whom they knew; people who grew up alongside the perpetrators. They shared the same society and had life experiences in common. And this slaughter can take place without a shred of bad conscience.

Contemporary genocide studies have been able to analyze the political, economic, and historical contexts out of which genocide can arise. Genocide watch groups follow and analyze the signs of genocide as it emerges in the hope that the international community can intercede to prevent it before it breaks out in full force.

Scholars have recognized factors that enable genocide to emerge. There are those that are structural and external to individual persons, such as perceived economic inequality and government-led inequality. There may also be deep-reaching historical resentment. Other factors are internal to the psychology of individuals and enable men and women to accept and assimilate the ideas and ideologies to which they are exposed.

The perplexing question is how normal people, who have been raised within the moral frameworks of society, can abandon moral restraint altogether and become evil. Under normal circumstances, most people have an innate sense of empathy. We can sense that just as we do not want to be objects of pain other human beings do not as well. To varying degrees, we can

sense their experience as our own. Our commonality as human beings fosters this moral insight and can thereby foster feelings of compassion, kindness, decency, or at least tolerance. For genocide to take place, this empathetic capacity needs to be thoroughly overcome and erased.

How does this happen?

I recall the famous Stanley Milgram experiments of the 1960s. The experiments were devised to test a person's obedience to authority and were inspired by the Eichmann trial in Jerusalem. They were frightening in their results. Milgram subjected normal individuals who volunteered to administer painful electric shocks to people unknown to them on the orders of a delegated authority. The shocks were fake and their recipients were actors who feigned pain as the authority progressively ordered an increase in the voltage. The experiment found, unexpectedly, that a very high proportion of subjects would fully obey the instructions, with every participant going up to 300 volts, and 65% going up to the full 450 volts, an intensity that would have been fatal had the shocks not been fake. Though Milgram's initial experiment involved 40 men, the experiment was replicated around the world for many years, with the adjustment of several variables, including the participation of women. The results across the board remained essentially the same.

Milgram's work was critiqued as not adequately explaining the behavior of the perpetrators of the Holocaust in that the experiment's participants were told that they would not be causing any lasting harm to the experiment's "learners." Also, the participants were not motivated by hate or racism, whereas the perpetrators of the Holocaust had long been socialized to devalue the personhood of Jews. Nevertheless, what seems evident and germane was the ability of the participants to displace responsibility for their actions onto the authority, which negated their own sense of responsibility and the workings of moral conscience.

But what is a consistent and necessary factor in the enabling of genocide is the process of dehumanization. It is emotionally difficult to kill another being. What facilitates the action is convincing the potential perpetrators that those they are about to kill are less than human.

Genocide scholar James Waller, in his book *Becoming Evil, wrote:*

"In cases of mass killing and genocide, the dehumanization of victims involves categorizing a group as inhuman either by using categories of subhuman creatures (that is, animals) or by using categories of negatively evaluated unhuman creatures (such as demons and monsters). Dehumanization is most likely when the target group can be readily identified as a separate category of people belonging to a distinct racial, ethnic, religious, or political group that the perpetrators regard as inferior or threatening. These isolated subgroups are stigmatized as alien and memories of their past misdeeds, real or imaginary, are activated by the dominant political or social group depriving victims of their identity by defining them entirely by a category to which they belong. The second deprivation is excluding this category from the community of the human family. Once exclusion from the human family is obtained, exclusion from the moral universe of obligation easily follows."

“For example, the groundwork for the moral exclusion of Jewish victims was laid in the centuries preceding the Holocaust: Jews were regarded as aliens who were on the remote fringes of Christian Europe’s universe of moral obligation. The historical stigmatization and exclusion of the Jews meant that the traditions, habits, images, and vocabularies for extreme dehumanization were already well established. The centuries-old image of the vile and diabolical Jew was woven into the fabric of German, and European, culture. The deluge of racist and antisemitic propaganda ribboning throughout German society during the rise of Nazism was thus profoundly effective in placing, and keeping, the Jews entirely outside the realm of moral obligation for perpetrators.”

“Regarding victims as outside our moral universe of obligation impacts how we view and describe them. Perpetrators often disparage their victims, thus helping to justify their hurtful behavior. A common form of disparagement is the use of language to redefine the victims so they will be seen as warranting the aggression.”

“Mass killing and genocide are replete with examples of the linguistic dehumanization of victims. In the Holocaust, for instance, the Nazis redefined Jews as ‘bacilli,’ ‘parasites,’ “vermin,’ ‘demons, ‘syphilis,’ ‘cancer,’ ‘excrement,’ ‘filth,’ ‘tuberculosis,’ and ‘plague.’”

It was the famed historian and philosopher, Hannah Arendt who wrote that dehumanization is a mutual process. By dehumanizing “the other,” the agents themselves become detached from the capacity to recognize their common identities as members of the same species. Compassion and empathy disappear. She noted in *The Origins of Totalitarianism,* “The essence of totalitarian government, and perhaps the nature of every bureaucracy, is to make functionaries and mere cogs in the administrative machinery out of men, and thus to dehumanize them.”

Zone of Interest (2023)

The phenomenon of dehumanization is captured in an extraordinary film *The Zone of Interest* by the British-Jewish producer Jonathan Glazer. The film is discussed in a feature article in “The New York Times” Magazine of December 24th under the title “Filming the Unfilmable.” The article’s theme centers on the difficulty of depicting the Holocaust on film, and the debate that surrounds its depiction. The piece notes that the Holocaust was not visually presented until the 1970s. The writer attributes that omission to the guilt felt by European nations which either perpetrated the Holocaust or contributed to it. This doesn’t

explain the absence of its portrayal in the United States, and I have long attributed the silence about the Holocaust to a collective trauma. Time needed to pass before it could enter into popular consciousness. The breakthrough event in the late 1970s was an NBC miniseries "Holocaust" starring Meryl Streep. I recall the publicity surrounding it, and I came away feeling that the production was not worth the conversation and controversy it aroused. The high-water mark of cinematic depiction came 15 years later with Steven Spielberg's "Schindler's List," which, as the article notes, was seen by hundreds of millions of people around the world.

The debate behind these productions and others that followed is whether the Holocaust can be visually depicted at all, and if so how. Elie Wiesel reflected the view of exceptionalists. In short, the Holocaust is unique. Its embrace of evil transcends understanding and efforts to depict it is sacrilegious. I respectfully dissent from this view on the grounds that if the Holocaust is beyond comprehension then there is nothing we can learn from it. More plausible, I hold, is that the Holocaust was a unique occurrence in significant respects, but bears elements in common with other genocides and mass atrocities.

This leaves open the question of visual rendering, and here I concur with the problem. In its enormity, organized cruelty, and evil unparalleled in scope and efficiency, the Holocaust commands careful treatment. The problem with the depiction of the concentration camps, gas chambers, and crematoria, is that no such presentation can successfully convey the appropriate message. Portraying these horrors will not do it justice, in that movie-watchers have long experienced what can be called a brutalizing effect. Cinema has been committed to pushing the envelope on violence so that nothing can shock any longer. To add the Holocaust to this endeavor is to relativize it, if not render it jejune.

The article cites a British philosopher Gillian Rose who argued that we should not be protected from our own capacity for barbarism. For her, as the article notes, "Schindler's List sentimentalizes the Jewish victims and keeps Nazi perpetrators at arm's length [and as such] was really just a piece of misty-eyed evasion." The piece goes on to say that a richer work "would present the Holocaust as something legibly human and goad the viewer into asking an uncomfortable question: Could I have participated in this?"

"The Zone of Interest" comes close to fulfilling Rose's criterion. The Times article calls it an "astonishing" film. My view is that it is both gripping and brilliant. The film, which is in German with English subtitles, depicts a German family in the 1940s and is drawn from history. Rudolf Höss, his wife, Hedwig, and their five young children comprise the household. They live in a comfortable home, maintained with the assistance of servants. Adjoining the home is a spacious garden, replete with well-manicured flowers, a wading pool, walkways, and neatly trimmed grass. At the rear of the well-ordered garden is a high wall. All is very ordinary, except that the garden wall abuts the Auschwitz concentration camp. The killing factory is immediately next door. All the viewer sees of Auschwitz is the higher wall of the compound, a watchtower, rows of tautly stretched barbed wire, and chimneys in the far distance continuously spewing smoke into the sky by day and flames burning atop the chimneys by

night.

The brilliance of “The Zone of Interest” is that it portrays the Holocaust without portraying it. The film-watcher never sees what transpires on the other side of the wall. It is unseen, but powerfully left to the imagination. There are hints. There are the sounds of occasional gunshots, human screams, a dog barking. In one scene, the oldest son is in bed playing with gold teeth. In another, Hedwig tries on a coat, no doubt having been taken from a concentration camp victim. In a pocket, she discovers a stick of lipstick, which she applies. Rudolf is fishing in the middle of a river on an undeveloped piece of their property. He is distracted by a piece of human remains that is floating down the stream. Startled, he hurriedly removes his children from the river, takes them home, and washes them clean in the bathtub. These cinematic events are episodic, not continuous.

The gripping horror of the film is the normalcy, indeed tedium, of family life. Rudolf dutifully goes off to work each morning, while Hedwig cares for the children. They have dinner together. They celebrate birthday parties and stroll in the garden with ease and delight. There is a festive event for children centered on the kiddy pool. Rudolf and Hedwig engage in practical conversation, chatter, and banter.

Rudolf, who was a historical figure, was the long-serving chief commandant of Auschwitz. But no sense of the inhumanity of what is transpiring immediately next door is ever mentioned. It is absent from their consciousness or so deeply repressed that it is never manifested. In an early scene, Rudolf is discussing with fellow Nazis the design of more efficient crematoria. They might as well be planning the engineering of a highway overpass or a more efficient household appliance.

Essentially nothing happens in this family. The high point of the film comes when Rudolf announces that he is being transferred to a camp closer to Berlin, Hedwig refuses to go, emphatically declaring that she likes it too much where she is. Her life is idyllic. In her argument with her husband, she proclaims, “They’d have to drag me out of here…Everything the Fuhrer said about how to live is how we do. Go east. Living space. *This* is our living space.”

Höss leaves, but is recalled to oversee the annihilation of 400,000 Hungarian Jews in what was named Operation Höss in his honor.

Giles Harvey, the author of the Times piece concludes,

“It’s by withholding violence that he [i.e Glazer] shocks us into recognizing just how much it fascinates us. The effect, at least on me, was a shaming appreciation of complicity. As you watch the film you slowly realize what Glazer is suggesting: that in its ways, the Höss house, where ordinary life goes unconscionably on, is as much a scene of horror as the camp itself. Unlike the abjection unfolding ‘over there,’ this kind of contended obliviousness has rarely been portrayed on screen. The average viewer is unlikely to see himself in the figure of a death camp C.E.O., but a family that sleepwalks through their own lives, heedless of the suffering that surrounds them, may feel closer to home. To a greater or lesser extent, we all ignore and

deny the pain of others, including – perhaps especially – when that pain is inflicted by our own governments on designated enemies."

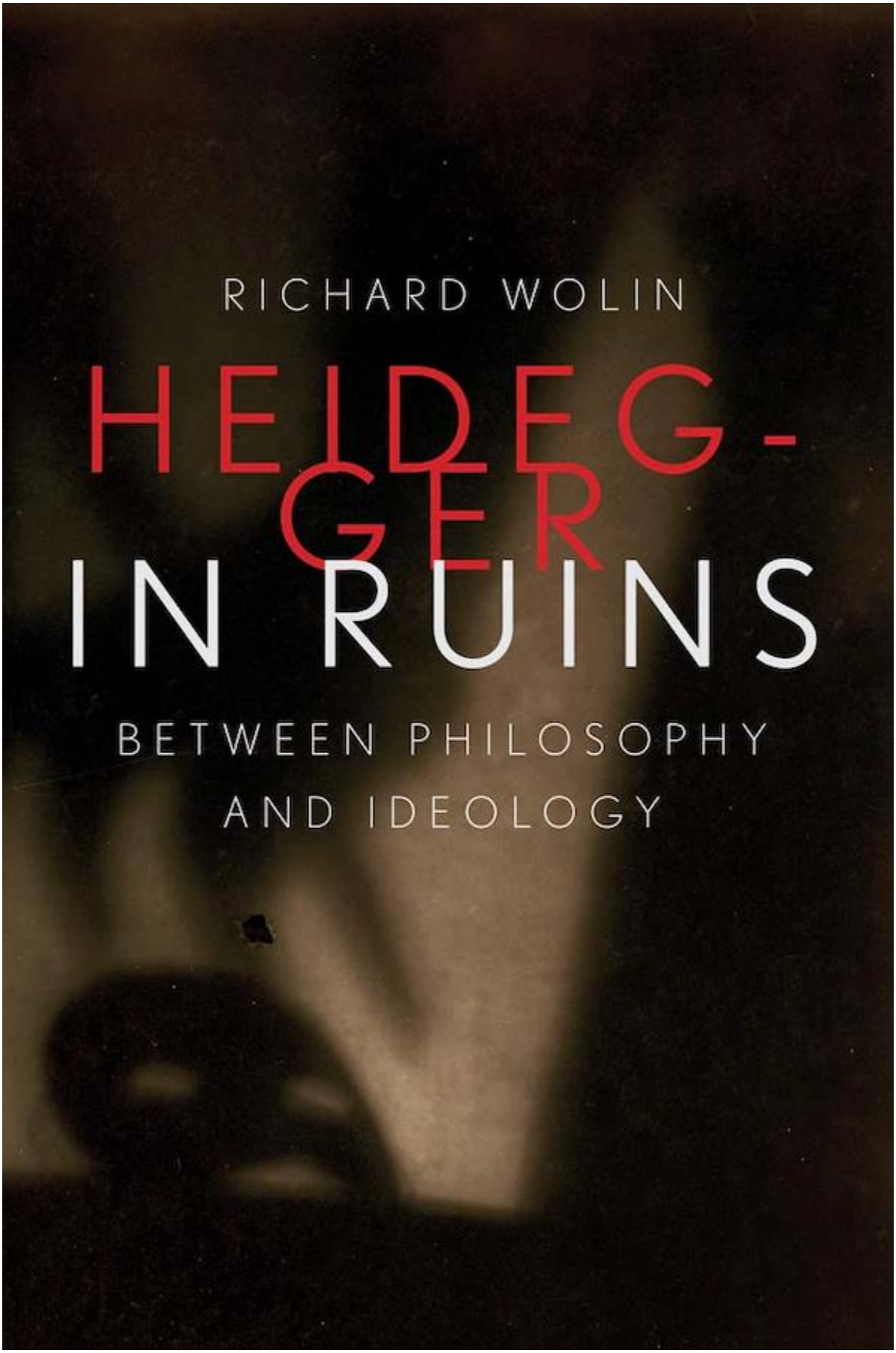
"The Zone of Interest" is a graphic and unusually compelling exemplification on screen of what Hannah Arendt famously identified as the banality of evil. The family portrayed in the film have become obedient, dehumanized, cogs in the vast bureaucratic machinery of the Nazi regime. They are unmindful of the unspeakable cruelty, pain, and suffering transpiring literally at their doorstep.

I could not watch this film without reflecting on the current political moment we are experiencing here and now. I am not drawing false equivalences; we are not about to experience genocide within our borders. But cruelty and evil are on a continuum, and there are unsettling similarities between the tyranny of Nazism and the politics instigated by Donald Trump and his minions. The mind works by association and draws connections. The associations should put us on high alert. Trump's referring to his enemies as "vermin," and classes of immigrants as "animals." The talk of constructing vast deportation camps. His reduction of our vast, complex, society to "us" and "them," His narcissistic identity as a cult leader who demands loyalty above all to himself. His total lack of regard and respect for democratic values, his commitment to autocracy, and his love of tyrants. And his creation of an alternative reality based on lies, fabricated conspiracies, and its ability to ensnare the credibility of tens of millions of Americans. His rhetoric and Trump's tactics have been used by past tyrants to perpetuate and inspire unspeakable horror.

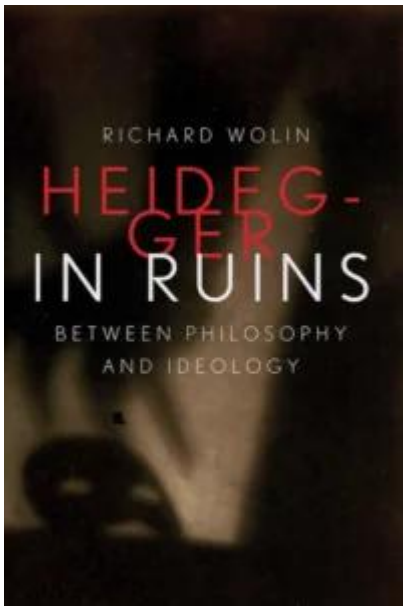
We need to reaffirm humanity and promote it as our supreme value wherever necessary in our political life, our love of democracy, in the defense of the rights and welfare of all, and in our own souls.

Richard Wolin’s Heidegger in Ruins: Between Philosophy and Ideology

By | 2024: Vol. 23 No. 1


RICHARD WOLIN
HEIDEG-
GER
IN RUINS
BETWEEN PHILOSOPHY
AND IDEOLOGY

Standing as one of the most powerful works of twentieth-century philosophy, Heidegger's 1927 *Being and Time* is a text that fundamentally shatters the metaphysical tradition since Plato by reposing the question of Being itself, a question that, Heidegger claims, has been forgotten by philosophy since the pre-Socratics. Moving from an interpretation of Dasein in its temporality to ask after the meaning of Being in general, the text unfolds in terms of "possibility." In the immediate aftermath of its publication, however, the task of eliciting a fundamental ontology of Being from the hermeneutic of Dasein was becoming, in Heidegger's view, increasingly impossible. It was in this period, a still illusory and mysterious episode in Heidegger's thought known as the *Kehre*, or the "turn," that Heidegger became Rector of the University of Freiburg on 21 April 1933 and on 1 May of that same year joined the Nazis.



Despite distancing himself from the regime not a year later, Heidegger never resigned his party membership, nor did he make any apology after the war. All of this is well known, as are Heidegger's poetically dubious reflections on his decision making, one of the most notable of which cites the "inner truth and greatness" of a politics that, in Heidegger's view, might not have been radical enough. Due in large part to his famous *Letter on Humanism* and the efforts of the French philosopher and Germanist Jean Beaufret, Heidegger nonetheless found an audience in post-war Paris among the existentialists, in particular Jean-Paul Sartre, Jacques Derrida, and Maurice Merleau-Ponty, to name only a few. More broadly, Heidegger's thinking has gone on to shape fields from hermeneutics, with Hans Georg Gadamer and Paul Ricoeur, to political theory, with Herbert Marcuse and Hannah Arendt, as well as theology, sociology, literary theory, and the visual arts. With all of the above already common knowledge to readers, Heidegger's place on syllabi has been both necessary and fraught.

In 1990 Richard Wolin brought out his well-known *The Politics of Being*, which details the Faustian bargain Heidegger made with National Socialism by applying the phenomenology of Heidegger's *Being and Time* to the Nazi worldview. In my own early years of reading Heidegger, Wolin's text rode around with me in my bag as a near constant companion and sat, maybe a bit uncomfortably, next to my copies of *Being and Time* and Heidegger's *Basic*

Writings. Already in 1990 Wolin was firm in his indictment of Heidegger's thought beginning with *Being and Time*. In 2014, as I was hurriedly scribbling away at my undergraduate thesis on Heidegger, Heidegger's *Überlegungen* or *Ponderings*, what are colloquially known as the first set of his *Black Notebooks*, were published. The first 15 pieces of what would eventually be a 34-piece set, the *Black Notebooks* (or, *Schwarze Hefte*), contain Heidegger's reflections, in no particular order, on *Being and Time*, the Nazis, cybernetics, the flight of the gods, industrial society, and "world Judaism," to name only a select few. Brought out in full between 2014 and 2022 and composed mainly of aphorisms, short essays, and lecture notes, the *Black Notebooks* now comprise volumes 94 to 102 of Heidegger's *Gesamtausgabe*. With their publication, the question concerning Heidegger was back to the table and more troubling than before. In Freiburg, where Heidegger had once been Rector and given his, "Self-Assertion of the German University" speech in 1933, the then chair of the philosophy department Günter Figal resigned his post and the chair of phenomenology and hermeneutics was shortly thereafter replaced by an assistant professorship in logic and analytic philosophy of language. I had received my affiliation with the university to go to Freiburg and study Heidegger scarcely weeks before. Everything shifted and as I reconsidered the course of my studies, I ordered a copy of *Ponderings*.

Richard Wolin's most recent book, *Heidegger in Ruins: Between Philosophy and Ideology*, published in January 2023, is Wolin's long in the works response not only to the publication of the initial 15 Black Notebooks nor the subsequent volumes brought out but to what he demonstrates in the text is an even more dubious story of redacted quotations and withheld manuscripts. Focused now much less on what Wolin once saw as the philosophical harmony of *Being and Time* with Nazism's "romanticism of steel," *Heidegger in Ruins* turns squarely to the Heidegger of the *Kehre,*this time with irreproachable evidence of Heidegger's philosophical antisemitism. Framed now much less by *Being and Time* and much more so by his works from the early 1930s onward, Wolin's newest book essentially brings Heidegger's entire philosophical output and later reception into question. The book opens with an introduction that returns to what Wolin calls the "ontological privilege of German Dasein" and an analysis of the 2014 publication of the first wave of notebooks, which as he rightly mentions, caused an "earthquake" in the field. From here the text unfolds in six chapters beginning with what Wolin names in chapter one as, "The Heidegger Hoax."

In chapter one, Wolin essentially documents a cloak and dagger legacy of editorial deceit that challenges the foundations of scholarly integrity. Following Wolin's claims, in 2014, Peter Trawny, the editor of Heidegger's extensive *Gesamtausgabe* as well as the at the time still forthcoming *Black Notebooks*, revealed that he had been pressured by Heidegger's literary executors to excise antisemitic remarks from Heidegger's texts. The specific lectures Trawny is referencing, which were published in 1998, contain remarks from a 1939 seminar during which Heidegger suggests that it, "would be worthwhile inquiring into world Jewry's predisposition to planetary criminality." As Wolin comments: "one would urgently like to know on what editorial grounds Trawny consented to this elision as well as why he waited 16 years before finally revealing the truth." This quotation is, according to Wolin, only one of the more questionable examples of redactions executed by the editorial team on a slew of texts published between

1945 and the early 1980s. As Wolin moves into the heart of the matter, four succeeding chapters turn to examine the infamous notebooks. Chapter Two, “Heidegger in Ruins,” opens with an account of Heidegger’s spiritual enthusiasm for Nazism as a “barbaric” force, which Wolin contextualizes in the experience of the *Fronterlebnis* or, as he puts it in the text, the *Frontgeist*, a reaction to the German experience of World War One that by and large characterized all facets of Heidegger’s historical moment, socially, intellectually, and economically, as well as physically and psychologically. The chapter goes on to detail Heidegger’s engagement with German nationalism, Völkisch ideology, and currents of racism and antisemitism. Chapter Three, “Heidegger and Race,” pushes deeper into claims made in the previous chapter and draws out parallels between Heidegger’s spiritual and philosophical celebration of German Dasein and Nazi biological racism, particularly in terms of the “rootlessness” of Jewish life. Chapter Four, “Arbeit Macht Frei: Heidegger and the German Ideology of Work,” opens by drawing out the parallels between “work” and Heidegger’s thinking on “authenticity” and includes an analysis of Heidegger’s engagement with Ernst Jünger in terms of both “work” and Jünger’s idea of “total mobilization.” In Chapter Five, “Earth and Soil: Heidegger and the National Socialist Politics of Space,” Wolin then turn to offer a lengthy analysis of how both the Heidegger of *Being and Time* and the Heidegger of the *Kehre* can be read in keeping with Nazi policies of expansion and relocation in the Second World War.

Since the publication of *The Politics of Being* in 1990, Wolin has brought out a string of books, titles like *Heidegger’s Children* and *The Seduction of Unreason* among them, that have sought to, on the one hand take Heidegger very seriously as a philosopher while on the other place him very firmly, at times prosecutorially, in the context of German fascism. *Heidegger in Ruins* is then perhaps his latest work in something that is beginning to look like a series. If this is the case and we are encouraged to continue to think with Heidegger while also having, so to speak, all the facts, Wolin’s method is maybe a curious one. Although his intention is to expressly and seriously articulate the elective affinities of Heidegger’s thought with Nazism, the text very nearly works against itself by situating Heidegger in the company of the vanguard of the conservative revolution in such a way that he beings to seem simply like product of his times. Indeed, the pantheon of the conservative revolution is present in the book, from the “cosmopolitan fascist” Ernst Jünger to Carl Schmitt, Oswald Spengler, and several acolytes of the Stefan George Circle among others. This heavy contextualization might not at all be a problem for Wolin if the work is meant to simply give its readers more details, however in this set up Heidegger appears more as one among many in a way that is, unfortunately, unsurprising.

The sixth and final chapter to the book, however, makes the stakes of Wolin’s argument crystal clear. The last chapter, “From Beyond the Grave: Heidegger and the New Right” provides a conclusion for the text that draws history into the present by investigating the contemporary zeal for Heidegger among prominent figures from the *Neue Rechte* in Germany and Austria alongside Alexander Dugin and his Putinist acolytes in Russia, as well as the Nouvelle Droit in France, the contemporary American alt right, and groups in both Norway and New Zealand. When taken alongside his earlier claim that this is in fact no attempt to cancel Heidegger, the

very title of the text, *Heidegger in Ruins*, becomes slightly confusing. For whom is Heidegger in ruins? Is he in ruins as a source of inspiration for thinking within the academy, for all but a diminishing few? It would seem that outside the academy and particularly on the political right Heidegger isn't in ruins at all.

In the book Wolin is very clear that his takeaway is "not … that one should abandon Heidegger's philosophy as irreparably contaminated and hence, irredeemable. Instead," he argues, "Heidegger's thought must be patiently and systematically reevaluated in view of the revelations of the Black Notebooks. … *Heidegger in Ruins* is intended as a modest contribution to a more demanding and long-term process of rethinking and reconsideration." When trying to work out first of all what exactly Wolin might mean by this, the epigraph he chose for the book offers some help: "The philosopher believes that the value of his philosophy lies in the whole, in the building, but posterity discovers it in the bricks that he used and which others will often make use of again for better building; in fact, that is to say, that the building can be destroyed and nevertheless poses value as material." Nietzsche, *Human, All too Human* (1878). It's an admirable thought. But is this not in some sense simply going the way of deconstruction? A path we've already traveled? In addition to the aforementioned series of would-be prosecutorial texts on Heidegger that we've seen from Wolin over the years, Wolin has also lent his hand to publishing Heidegger and his disciples and in 1991, one short year after the publication of *The Politics of Being*, brought out the edited volume, *The Heidegger Controversy*. A collection of Heidegger's texts supplemented by commentaries from his contemporaries and early critics, in the book Wolin included a translation of Karl Löwith's essay, "The Political Implications of Heidegger's Existentialism." First published in *Les Temps Modernes* only a year after the German defeat, I'll simply end my analysis of Wolin's new book with these words. In his essay, Löwith, who knew Heidegger the man and Heidegger the thinker very well, wrote:

Given the significant attachment of the philosopher to the climate and intellectual habitus of National Socialism, it would be inappropriate to criticize his political decision [to support the Nazi regime] in isolation from the very principles of Heideggerian philosophy itself. It is not Heidegger, who, opting for Hitler, "misunderstood himself"; instead, those who cannot understand why he acted this way have failed to understand him.