2024: Vol. 23, No. 2

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A Humanist Perspective on the Causes, Reasonings and Consequences of the Israeli-Palestinian War

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Introduction

Wars always cause human suffering, even when they are justified. Although suffering is not measurable, it is possible to qualify it as an illegitimate endeavor. Therefore, wars are substantially immoral. If this is the case, one should ask why human beings resort to war and violence, causing much suffering. Many philosophers, historians, and social scientists have been engaged in answering this question (Mann, 2023; Gat, 2006; von Clausewitz, 2008). They have argued that it is rooted in human animalist aggressions and, therefore, part and parcel of human existential drives (Payne, 2015; Pinker, 2013). Others have emphasized the indispensability of war due to the scarcity of resources and the need to fight for their availability to guarantee survival (Mann, 2023; Bayman and van Evera, 1998). However, others view war in realist terms and as an integral component of a system composed of a balance of power between multiple players (Waltz, 1979; Wagner, 2007). According to this realist view, wars are never local and motivated by the will of a particular player, even when players have a central role in their instigation (Mann, 2023; Gilpin, 1981; Walt, 1987). Accordingly, wars result from polarity in a regional and international system of power in which players seek to either maintain the status quo or change it in their favor (Mearsheimer, 2001). That given, when seeking an explanation for a particular war, it is necessary to bring together all the causes of war mentioned above and look at the way local, regional, and international factors play in a structure of power that is systemic rather than solely agent-based (Bayman and van

Evera, 1998).

Artist: Drew Martin

Notwithstanding the causes of a particular war, wars entail a hierarchy of suffering, according to which the suffering of one's side is always more valued and counted than the sufferings of others. Therefore, we must consider the psycho-social dimensions of wars to understand them better (Payne, 2015). The hierarchy of suffering has strategic ramifications, especially when we consider the immediate relationship between suffering and humiliation, and the urge of human beings to retaliate or take revenge and to deter others (Zabad, 2019). The politics of feelings is a pivotal factor in that war continues to characterize human societies and those that have experienced enlightenment, modernization, and cultural elevation (Nussbaum, 2003). Although some would argue that the level of human damage resulting from wars has been markedly reduced in modern society compared to pre-modern societies, the enduring amount of human suffering necessitates thinking about the causes, reasoning, and ramifications of wars (Mann, 2018; Gat, 2012). In the following brief analysis of the 2023-2024 Israeli-Palestinian war, I aim to relate to its causes, reasoning, and the necessary measures to end human suffering. For that purpose, I locate it in its broader context and demonstrate how local, regional, and international factors interplay, causing human suffering that could be avoided (Huber, 2021). The argument is that the historical, regional and international context feeds the flames of war and keep it ongoing.

The Israeli-Palestinian conflict is over one hundred years old (Khalidi, 2021; Tessler, 2009). It has been undergoing significant shifts in the last three decades, in which the relations between the two sides have been shifting between peace accords and several cycles of vicious violence. Since October 7th, 2023, a turning point occurred in the relationship between the two sides. This war marks a watershed that seems to make the conflict even more intractable than it has been so far. The sudden, surprising, and unprecedented Palestinian attack on Israel caused hundreds of deaths and injuries in one day. It entailed atrocities, human rights violations, and

humiliation of basic human dignity. This war marks the first time that the Palestinians gained a unique strategic success by surprising the Israeli intelligence, landing a blow to the strongest army in the region, and causing an unprecedented number of casualties that left the Israelis in shock, grief, rage, and humiliation. That said, the subsequent Israeli ruthless war on Gaza, killing tens of thousands, most of whom are innocent civilians, and the devastation of hundreds of thousands of residential buildings, leaving their inhabitants without shelter, has also been shocking, painful, infuriating, and exasperating. The conduct of the Israeli security forces has been in magnitude and scale not seen before (Levy, 2024). They also include human rights violations, humiliation of basic human dignity and violation of international humanitarian law. As a result, this war includes actions and sufferings that twist the asymmetry of power between the two sides in a way that has not been experienced before. The dread and awe in Israel caused by the Palestinian attack is on a scale that changes the balance of suffering to an extent. Israel, on its part, has been waging a vicious and revengeful war in Gaza and the occupied West Bank. Notwithstanding, the pain and suffering it has been causing, the Israeli army has not achieved any of the declared goals of the war until the end of June 2024. The enormous number of Palestinian casualties and devastation will leave physical and psychological scars that innocent people will endure for a long time. They will have a long-standing psycho-political impact on both sides' future behavior and considerations, not that previous painful events have been missing between the two sides.

Questions Looking for Answers,

Many questions come to mind when seeking to explain this war and provide some logic to its timing, causes, reasonings, and implications. The war is still ongoing when writing these words, so it is impossible to answer all questions about it. Nonetheless, it is possible to tackle some of them, especially regarding what has happened so far. Why did the Palestinians attack Israel at a time when Israel is ruled by the most extreme nationalistic government in its history, knowing the disproportionate balance of power and a harsh retaliation would be expected? What are the goals of Hamas and its allies? Why did the Israeli army fail to prevent the attack despite the existence of sufficient intelligence about the intentions and training of Hamas soldiers? Why did Israel retaliate in the way it did, and what are the objectives the government is seeking to achieve? What is this war's strategic meaning, and what are its possible ramifications for the two sides and the Middle East region?

Palestinians transport the injured to the Indonesian Hospital in Jabalia, north of the Gaza Strip on October 9, 2023.

This article aims to answer some of these questions by providing a psycho-political and strategic analysis of the timing, causes, and reasonings behind the war, while locating it in its regional and international context. The assumption behind the analysis is that one cannot understand the Palestinian attack and the nature of the Israeli response without theorizing war as a combination of psycho-political motivations and strategic action within regional and international systems of power (Dierauer, 2013). This argument obliges us to go beyond the standard framing of current events and look at regional and international factors.

It is argued that although the Palestinians were the ones to open the war this time, their decision was not disconnected from a good reading of the regional and international scene, especially given the Israeli strategy to sideline them when promoting the normalization of Israel's relations with Arab countries (Jamal, 2022). The profound interrelationship between internal developments on both sides of the conflict on the one hand and regional and international polarization on the other provides the reasoning behind the tragic events of October 7th, 2023 and what has been occurring since then. Although the impact of the sides on the conflict is incomparable, it is the antagonistic developments within them that have led to the recent explosion. On the internal level, it is the rise of messianic nationalism in Israel and its occupation of the highest ranks in government and partially the security forces and simultaneously the rise of fundamental religious forces, especially Hamas, in Palestinian society. There is disproportionate power between the Israeli state, as the sovereign state in the entire area between the Jordan River and the Mediterranean Sea, and the Palestinian resistance movement, which has been operating under occupation and siege for decades (Shafir, 2017). Nonetheless, the internal developments have increasingly become negatively dialectical. This is especially true, given the fact that Israel has been an important active player behind the rising power of Hamas, aiming to weaken the Palestinian Authority (PA) as an officially recognized representative of the Palestinian cause and thereby avoid negotiations based on former peace agreements with it. This antagonistic dialectic has to be placed in its regional and international context in order to be better understood as a central factor in leading to the war. One must consider the efforts made by subsequent US administrations and its allies in Europe to promote normalization between what they have defined as moderate Arab states and Israel, thereby accepting the Israeli strategy of sidelining the Palestinians and subsiding their aspiration for liberation and statehood.

That said, the timing of this war provides a partial explanation not only of the reasons behind its breakout, but also of its brutality and ruthlessness. The Palestinian attack did not only lead to the falling astray of many Israeli misconceptions and prejudices regarding the daring and capacity of the Palestinians in Gaza, but also of the black holes in the Israeli defense strategy. It led to national humiliation, reminding many Jews of past events when they had no one to protect them, and to the sabotaging of strategic plans and goals the nationalist Israeli government thought to be able to realize. Therefore, contextualizing this war, going beyond the

official discourse of the sides enables us to avoid the trap of the propaganda war and provide comprehensive answers to part of the questions raised above (Tiripelli, 2016). The contextualization of grand events in the psyche and memory of the two sides is of great epistemological and ethical importance (Hesselgrave & Rommen, 2013; Stocking, 1993). It allows us to better understand the players' behavior and strategic goals without belittling the tremendous human suffering and pain. Contextualization means path-dependent analysis and process tracking (Mahoney, 2000; Goertz, 1994), following what has been recommended by many philosophers of social science. Furthermore, contextualization, unlike some viewpoints, mainly in Israel, does not necessarily imply falling into the trap of relativization or justification.[1] To comprehend the cycle of violence that has been ongoing since October 7th, we must meticulously trace the steps taken by all sides. This includes their initial intentions, the extent to which they could implement their plans, unforeseen events, and why these factors should be considered when attempting to explain the complex reality we are discussing. What they thought they would achieve, the extent to which they could enact what they had planned, what unplanned occurrences took place, and why that could or should be considered when trying to explicate the complex reality of which we speak. Nothing in contextualizing the war relativizes or justifies the violations of human dignity and the killing and kidnapping of innocent civilians.

While the context provides a reasoning for the war, it does not explain the cruelty inflicted by both sides and the disproportionate damage and human suffering it causes. Notwithstanding, the ongoing tragic events require a realistic understanding of both sides' planned steps and calculated measures to achieve their goals, making realist theory necessary. However, a simple, realistic understanding is not sufficient. The cold-mindedness of realism must be combined with an understanding of the psychology of maltreatment, fear, shock, and awe. Political philosophers, from Aristotle and Thomas Hobbes to Martha Nussbaum (2003), have recognized that human conduct is loaded with emotions and pathos. Every human action entails acting upon something or someone and being affected by it (Rorty, 1984). Human interactions involve multiple aspects, including rational, psychological, and ethical factors. If we seek a comprehensive understanding of the motivations, meaning, and implications of such interactions, whether they are calculated behaviors, emotional ones, or a combination of the two, these aspects are important. In conflict settings and wars, the two processes of acting and being acted upon are essential features of the human condition. Understanding this can provide a constructive perspective to better explain the Israeli-Palestinian conflict and ways to heal the wounds it has caused. This understanding also helps us clarify why the unfolding reality's severity necessitates a different pattern of international intervention (Spitka, 2016; Tannam, 2014).

The Why and How of the Palestinian Attack

Hamas' attack on October 7th is called the "Al-Aqsa Flood". Although it has an immediate religious connotation because Hamas and Islamic Jihad are religious movements, this attack has a strategic purpose that serves political goals. Therefore, to understand the reasoning of the attack, we need to consider the official documents issued by Hamas on 21 January

2024. According to Hamas, the operation against Israel is a response to Israel's long-standing colonization of Palestine, which can be justified based on seven factors.[2] These factors include Israel's plans to Judaize the Al-Aqsa Mosque, the annexation plans of the Israeli government, the thousands of Palestinian detainees in Israeli jails, the blockade on Gaza, the expansion of Jewish settlements in the West Bank, the seven million Palestinian refugees living in extreme conditions in refugee camps, and the prevention of establishing a Palestinian state by the superpowers.

Disaster Victim Identification after 2023 Hamas attack on Israel.

Despite the circumstances, the operation was meticulously planned using advanced rational and strategic calculations. From a military standpoint, Hamas and its allies managed to strike the most powerful regional force at the heart of its strategic doctrine, which includes early warning, deterrence, and quick, short, and decisive warfare on enemy territory (Rodman, 2024; Eilam, 2018). The fact that they were able to neutralize all Israeli surveillance mechanisms, subdue all security forces, and launch a coordinated air, sea, and land attack reflects a military capability gained through training for years under the watchful eye of Israeli intelligence.

The planners of the attack were aware of the power imbalance between their abilities and the Israeli army's capabilities. Therefore, they chose October 7th as the attack date for five interrelated reasons:

1-The first reason was symbolic. It had to do with the sudden and surprising attack of the Egyptian and Syrian armies on Israel on 6 October 1973 and their ability to quickly change the balance of strategic power between the two sides.

2-The second reason was tactical. The attack was planned on the Israeli holiday and was kept secret until the last moment. The Hamas leadership based their plan on well-studied intelligence, taking into account that the Israelis would not be on high alert during one of the central Jewish holidays. They had information that there would not be many soldiers on the border with Gaza, and those who were there would not be ready for a sudden and heavy attack from the outside. This was a decisive factor in carrying out the operation on that day. According to the Israeli army's information, the Hamas leadership was entirely correct. The

Israelis believed that Hamas and its allies were deterred and had no intention of engaging in a new war. Therefore, the number of soldiers was too small to face thousands of Palestinians, some of whom were highly trained and determined to break the siege, occupy Israeli territory, and kidnap as many Israelis as possible.

3-The timing of the October 7th attack was strategically planned to take advantage of the internal division in Israel over judicial reform. Many pilots in the Air Force, as well as officers in other elite army units, had threatened to suspend their voluntary service, which prompted the defense minister to publicly warn of the dangers to Israel's national security. These threats created a sense of vulnerability and unpreparedness in Israel's special elite army units.

4-Additionally, on the strategic level, there were rumors of a possible breakthrough in the normalization of relations between Israel and Saudi Arabia.. In the lead-up to October, the media in Israel were discussing a possible breakthrough in the US-sponsored Israeli-Saudi normalization negotiations. If this normalization were to occur, it would deal a heavy blow to the Palestinians, especially since Saudi Arabia holds significant symbolic weight as the guardian of the holiest sites in Islam and a leading Arab country in the Gulf. This factor has most likely played a role in determining the timing of the attack and the efforts to sabotage the normalization process between Israel and Saudi Arabia.

5- Hamas and its other religious allies have been seeking to place themselves as the authentic representatives of the Palestinian struggle for liberation and independence and for that purpose they sought to further weaken the PA and destabilize its power in the West Bank.

Based on the events of October 7th, it seems that Hamas and its allies were not only able to surprise the Israeli army, but they also surprised themselves. Initially, they did not expect their operation to be as successful as it was, with their forces being able to occupy Israeli territory for hours and kidnap as many Israelis as they did. Based on interviews with their leaders, they probably did not anticipate that their operation would break the Israeli security myth so quickly. Secondly, they were taken aback by the fact that many Palestinian civilians participated in the attack, causing damage and unnecessary civilian casualties, as well as kidnapping civilians that became difficult to hide and sustain for an extended period of time for an exchange deal. The fact that hundreds of civilians were involved in the attack, conducting atrocities, overshadowed the military success of the operation. The kidnapping of women, the elderly, and children played a decisive role not only in how the Israeli response took place, but also in the response of many Muslim countries that condemned the violation of Islamic principles in war. Thirdly, they were taken aback by the fact that Israel had been allowed to invade Gaza without any hindrance. Even when it became evident that Israel's actions clearly violated international humanitarian law, the official support for its right for self-defense, also when it has been widely translated, remained unchanged. Fourthly, they were surprised that their allies, particularly those from Lebanon, shied away from total war with Israel, which could have drastically altered the situation.

Hamas and its allies misjudged the reactions of the world's superpowers to Israel's

systematically and brutally conducting massive killings by bombing and bombarding densely populated areas with tons of explosives from the air and the ground. They may have expected the Israeli retaliation to be severe, causing regional instability and leading to significant international intervention. Otherwise, it is plausible to assume that the Hamas leaders and their allies believe that the price all Palestinians would pay is worth the risk and better than the humiliating and undignified reality in which they have lived under arrogant Israeli control for years.

Based on interviews given by Hamas leaders, the recent attack was a long-planned operation, with daily training conducted in front of the Israeli intelligence forces.[3] Hamas and its allies demonstrated the capacity to carry out a broad-scale attack. They successfully faced one of the world's most sophisticated and well-equipped armies, overcoming fences built with the best technology. This operation displayed sophistication and the ability to wage war, with humble air forces, land troops, and marines coordinating their attack to surprise and destabilize the other side's ability to respond. These tactics were successful, leading to the humiliation of the Israeli army. The goal was to retaliate and defeat the Israeli arrogant sense of human and technological superiority, leading to a change in the strategic local and regional military and political formula.

The Why of the Israeli Surprise

Regarding the Israeli side, numerous questions need answering, which may not all be covered in this context. Nevertheless, the questions about why Israel was caught off-guard and defeated, why it took the army many hours to respond, what the objectives of the Israeli war are, and how future relations between the two sides would develop after such a brutal war can be briefly answered.

Demonstrators at Trafalgar Square, November 4, 2023. (Alisdaire Hickson)

It is reasonable to argue that Israel's surprise and defeat on October 7th was a result of a combination of arrogance, contempt and a deep conviction in Israeli superiority and unique security capabilities (Goodman, 2024). As the historian Uri Bar-Joseph argued, there was a significant measure of indifference in the Israeli security forces, which is rooted in two

interconnected factors.[4] The first factor relates to the methods of collecting information about the opposing side, which proved inadequate in providing a complete picture of Hamas' intentions and plans. The second factor relates to the government's dominant political perspective, which viewed Hamas as a partner in sabotaging any peace process with the PA based on the initiative of the Arab League. As a result, despite the information available to the Israeli army intelligence and the National Security Service (Shabak), they were unable to decipher Hamas' plans, misread its intentions, and underestimated its capabilities. They believed that they would have enough time to react and "ring the bell" if Hamas and its allies decided to attack. The army thought that even if they did not manage to know of an attack in advance, they had enough power to defend the border and the settlements close to it until reinforcements arrived. However, this assumption also proved to be false.

The army did not come as fast as expected and faced significant difficulties in responding to the Palestinian forces that had infiltrated deep into many settlements and towns, making it challenging to locate them and directly fight them in densely populated areas, such as in Sderot. The delay in a massive and organized response, even though many individuals volunteered to fight and protect the civilians, gave the invading forces time to occupy Israeli territory for the first time since 1948, killing hundreds, injuring thousands, and traumatizing an enormous number of civilians. The chief of staff, Herzi Halevi, has repeatedly admitted that the army did not do its job,[5] which could be attributed to its belief in its own invincibility. The Israeli army was also influenced by the dispute over the judicial reform, causing most units to be ill-prepared for quick action during the combat on October 7th.[6]

The attack led by Hamas caused chaos and terror among most Israelis, as it was broadcast live, making it personal for everyone, regardless of where they lived in Israel. Israelis suddenly realized that they could be vulnerable to a sudden, sophisticated attack and subjected to acts of revenge and humiliation. The inability of the security forces, especially the air force to utilize their advantage, as a result of the fact that it was impossible for them to clearly differentiate between Israeli civilians and the invading Palestinians, created a sense of helplessness among most civilians. If such a frightening possibility became a reality within a few hours by what Israelis considered to be under-equipped and poorly trained Palestinians, it could become even worse with better-trained forces like the Radwan (commandos) of Hezbollah on the northern border (Kannaneh, 2021; Gleis & Bertti, 2012). This realization established a considerable gap between the image of security created by Israeli security forces and the reality on the ground. Many civilians and soldiers were neglected during the attack, and the government's decision to evacuate all residents of the area, as well as many settlements near the northern border, created a deep sense of insecurity. The displacement of Israelis by their own government in such security situations, not being able to allow them back for more than nine months after the beginning of the war, was unprecedented and unforgivable from the standpoint of these citizens. It became an alarming example for all Israelis of what could happen to people living near the borders of the country (Goodman, 2024).

The strategic defeat of Israel, the humiliation of its army, and the abuses of civilian dignity made the Israeli response indispensable. Too many Israelis were hurt, and the state

sovereignty was violated. Given the combination of the two and the fact that Israel is led by the most nationalist government in its history (Del Sarto, 2017) and by the most experienced prime minister, whose worldview is around the arrogant manifestation of power, the retaliation was a question of time. Although Israel is neither innocent when it comes to the Palestinians nor is the underdog in the conflict with them, the Palestinian attack reminded the Israelis of the Jewish past in exile (Goodman, 2024). The inefficiency of the government and the dysfunctionality of the army twisted the feeling of many people in Israel from being confident and completely trusting in their capabilities to shock and awe.

After the attack, officials portrayed Israel as the victim and attempted to create an image of it as an innocent oasis of peace, attacked by "human animals" and savages.[7] This perception obscured the fact that Israel is the colonial power that has been leading a brutal policy of oppression and systematic repression of the Palestinian aspiration for liberation and statehood for decades. This framing prepared the way for a brutal response that ignored the fact that Israel's actions were a continuation of long-standing military attacks on the Palestinians. Israel aimed to win the support of its Western allies, especially the US, UK, Germany, and France, by framing the conflict as a war between good and evil and between the liberal West and Islamic fundamentalism.

This enabled Israel to respond brutally, viciously, and inhumanely with a free hand. The Israeli brutality has led to accusing it of conducting genocide and causing intentional unnecessary destruction all over the Gaza Strip. The Israeli brutal war has led to accusing its army of conducting war crimes and breaking international humanitarian law. The evidence is that over 37,600 were killed, 15,800 out of whom are children, 10,475 are women and 85,911 have been injured. The Israeli air strikes have not differentiated between combatants and innocent civilians. These strikes have led to the destruction of tens of thousands of buildings and houses, leaving numerous people under the rubble. The devastating Israeli military war, in which tens of thousands of soldiers are taking part in a densely populated area, has also led to the displacement of most Palestinians from their homes to which they cannot return, creating a new Palestinian Nakba with over 1.8 million refugees, suffering from starvation and famine.

Several psycho-strategic factors are behind the nature of the Israeli brutal war (Bar-Tal, 2024). These factors demonstrate the use of illegitimate and immoral means to achieve goals more related to revenge and purposeless collective punishment than to self-defense or facilitating a reality that could lead to future reconciliation between the two peoples. The Israeli government has defined two main goals for the war, namely dismantling Hamas' military and governmental capabilities and the return of the hostages. Nine months after the beginning of the war, and despite the Israeli military upper hand, Israel has not achieved any of its declared war goals. It does not seem to be able to achieve what has been repeatedly defined as "total victory" by Prime Minister Benjamin Netanyahu.[8] This failure casts doubt on the declared goals of the war and brings to the fore the mere option of creating chaos in Gaza, making their life impossible. Such a reality would encourage an increasing number of people to leave, given the fact that Israel has not been able to expel the Gazans from Gaza.

The Why of the Israeli Brutal War

A key factor that led to the brutal and immoral Israeli response was strategic-psychological. The fact that the entire Israeli security forces and there are many, having the best technology available, were taken by surprise led to the breakdown of the Israeli's internal conviction as superior and undefeatable and humiliated their honor. This is especially true given the fact that the Israelis have built the most sophisticated fences possible, have the technology that allows them to oversee every movement and gesture in Gaza, and have engaged in several cycles of violence against the Palestinian resistance movement to guarantee their deterrence. Neither of these means and policies has stood the reality of a sudden attack by thousands of well-trained Palestinians who utilized relatively primitive technology to manipulate the entire Israeli security system. As a result, and beyond the suffering and pain caused to many citizens, the patriotic code of the security personnel was disgraced. This sense of betrayal of the code of duty made vengeance necessary to compensate, regain honor, and reacquire the confidence of the Israeli public. This is done in light of the world's initial empathy with Israelis, who paid the price of the politics of arrogance and neglect.

Palestinians transport the injured to the Indonesian Hospital in Jabalia, north of the Gaza Strip on October 9, 2023.

The Israeli security forces exploited the circumstances to "teach the Palestinians a lesson" and take revenge not only on Hamas' people, but on all Palestinians living in the Gaza Strip. Many Israeli leaders spoke of the affinity between the brutal and intentional killing and destruction and the aspiration to deter other enemies, especially Iranian-sponsored movements, such as Hezbollah in Lebanon. To justify revenge, many Israeli leaders have argued that it is necessary to speak a language that the Palestinians best understand (Harari, 2024). This orientalist tribal claim has been rooted in the Israeli colonial mind for years. It is utilized every time the arrogant Israeli self-perception is broken by a Palestinian resistance operation (Thrall, 2017). Therefore, when looking at the scale of violence against civilians and the devastation of almost all human facilities, one can argue that the Israelis are seeking to topple not only Hamas, which they have not managed to do in over nine months since the beginning of the war, but also the idea of a Palestinian national problem. Politicide, as Baruch Kimmerling (2003) had depicted the Israeli policies of the 1980s-90s has returned, this time on the wings of the F-16s

and the wheels of panzers in Gaza. As most of the Knesset (99 out of 120) clarified in its decision on 21 February 2024, this war is about killing the dream of liberation and independence.[9]

The second factor behind Israel's brutal war is the long-standing colonial mentality that is evident in the disrespect for Palestinian lives and the failure to recognize their right to liberation and statehood (Harari, 2024). This attitude has been evident in the mainstream Israeli discourse, which has referred to Palestinians as "human animals" who are responsible for their own suffering and have themselves to blame for what is happening to them. This disregard for Palestinian lives is not new. Israel has always treated Palestinians as inferior (Bar-Tal & Teichman, 2007). This policy has been declared publicly, framing all Palestinians as responsible for the actions of Hamas and other resistance groups. This framing has made Israel's retaliation against all Palestinians seem legitimate to Israelis and has prevented sufficient criticism to stop the war. The Israeli president, the minister of defense, several prominent politicians, army officers and ordinary citizens have accused all Palestinians of being responsible for the attack and the atrocities conducted against Israeli civilians on October 7th. The International Court of Justice documented these accusations after South Africa accused Israel of violating the UN Genocide Convention. Whereas many Israelis, including the president, have named all Palestinians as "human animals," "Amalek," "savages," "monsters," and "Satan" and wished them painful deaths, the Israeli media has refrained from showing the devastation in Gaza and censored any use of wording utilized in the world to criticize the inhumane conduct of the Israeli army.[10] Despite the existence of a small minority and various channels of communication, such as Haaretz, 972, Sicha Mekomit, and several human rights organizations that report on the ongoing war in Gaza, they hold little influence in shaping the minds and emotions of the Israeli public (Tiripelli, 2016). When the public is exposed to graphic footage from Gaza, their primary reaction tends to be either that the people of Gaza have brought the violence upon themselves or that the footage is fake news and rooted in anti-Semitic propaganda.

It seems that Israel's strategy in this ongoing war between Israel and Palestine is two-fold. Firstly, Israel aims to prevent Palestinians from having any options for self-defense. Secondly, they aim to undermine the dream of Palestinians having self-government, which could lead to their right to self-determination in the future. Israel's actions of massive killing, devastation, and destruction in Gaza are intended to revert the region to what it was like fifty years ago so that Palestinians have to start their struggle against occupation all over again. This means that Israel is not looking to end its occupation, but rather to make it easier to deal with its costs in the future.

The Israeli war on Hamas is framed as a total war against a splinter group of a broader radical Islamic jihadist movement, equating it with Daesh (ISIS). This approach aims to leave the door open for a long-standing Israeli military intervention in Gaza, similar to the ongoing American war on terror, without losing the official support Israel receives from Western countries. However, this approach has not been successful in the international media, leading to significant public pressure from Israel's allies. Despite this pressure, the official positions of

the US, the UK, Germany, France, and several other European countries have not seriously changed. Israel has been accused of targeting densely populated areas with intense air strikes, leading to the killing of thousands of innocent civilians, destroying their homes, and leaving public institutions and infrastructure dysfunctional. Despite these accusations, Israel claims that it does everything possible to avoid harming civilians, and this claim is met with partial consent. When Israeli officials are faced with criticism of their military operations, they often make references to the colonial history of European states, arguing that they have not done any better. Israeli officials make the same claim made by the US after 9/11, 2001, and the attack on the World Trade Center that self-defense is not only necessary, but also obligatory when confronting what the Western world considers to be an existential threat, namely fundamentalist Islam. Israel is positioning itself as a defender of the Western world, waging war in their name, and is using the just war doctrine, which was developed in the West, to justify its actions (Brooks, 2013; Walzer, 2000). Western states have officially supported Israel's right to self-defense, a position that Israel has exploited in its efforts to carry out a second Palestinian Nakba. However, in practical terms and the context of the current war, as it was before 1948, the Palestinians are not granted, as if not deserving, the right to defend themselves.

The strategic factors driving Israel's brutal military strategy in Gaza are not only local, but also regional, and international. As already clarified, on the local level, the Israeli security forces operate under the urgent need to regain the confidence of the Israeli public, who fear that they would not be defended if attacked. The ease with which civilian settlements were invaded and the government's decision to evacuate thousands of Israelis from the southern and northern borders have led to a psychological factor where returning the confidence of the Israeli public is crucial. It is widely accepted by the Israeli military elite that this can be achieved by demonstrating the Israeli army's superiority and ability to inflict significant damage on Palestinian civilians who show empathy with the October 7th attack.

At the regional level, Israel has been striving to establish itself as a powerful regional player that cannot be defeated and is, therefore, a valuable ally in the battle for power and leadership. This strategic framing has been used to promote the recent normalization of relations with Arab countries. However, when negotiations to normalize relations with Saudi Arabia were at their peak, the attack by Hamas and its Palestinian allies, the Israeli military's inadequate response, and the government's inability to take control of the situation created an impression that Israel is not a reliable partner. This gap between the image projected by Israel and the reality on the ground has made it necessary for the Israeli leadership to demonstrate the country's military might and strength, especially since Hamas and its allies are backed by Iran, which Israel considers to be its major enemy in the region. This Israeli effort, despite some critical statements and slight differences, is fully backed by the American administration that has been fully drawn into the war by providing endless military and logistical help to the Israeli army, estimated to be around $6.5 billion, in order to rebuild its deterring image and strategic reliability.

Israel is required to prove that it is a dependable ally that can not only defend itself and cause

harm to its enemies but also assist in promoting Western interests in the region. This is particularly true regarding American interests in ensuring the security of Arab states that cannot face Iran alone. Nevertheless, the Israeli government's misconduct and security forces' failure could undermine its position as a trustworthy ally. The war on Gaza's brutality is an attempt to exert pressure on Western allies to uphold their commitments to Israel's security. Otherwise, Israel may resort to other methods to achieve its goals. However, these tactics have sparked public outrage in most Western countries, and governments remain loyal to their commitments while urging Israel to ease its hand on civilians and concentrate on defeating Hamas. As a result, Israel has managed to hold Western powers hostage to its brutal measures.

The How of the International Community: A Way Out

The war in Gaza has captured global attention due to its shocking atrocities, war crimes, and violations of international humanitarian law. It has sparked unprecedented widespread protests in many cities worldwide, having regional and international repercussions and causing regional instability. The high number of casualties and devastation and, as a result, the starvation of hundreds of thousands of fleeing Palestinians have drawn massive public criticism in many countries of the world. Israel's brutal and inhumane response, which has caused intense human suffering without achieving the declared goals of its war, has led to a shift in world opinion, causing many countries, especially the most prominent Israeli allies, the US and Germany, to feel uneasy. Although these two countries have not changed their official policy towards the war, providing Israel with sophisticated weapons and lethal ammunition even in the face of criticism, they publicly express concern and pressure Israel to minimize civilian casualties and provide enough aid to avoid starvation and famine. This pressure, which comes rather too late and is mainly practiced for internal political reasons, does not reflect a sudden discovery of human morality and may leave no choice, but to impose changes in the Israeli determination not to allow the possibility for normal life anymore in the Gaza Strip.

A U.S. Air Force C-130J Super Hercules conducts airdrop of humanitarian assistance over Gaza, Mar. 2, 2024. (U.S. Air Force)

It is hard to predict how this war will end. However, it is clear that the scale of human loss, devastation, and the growing number of Palestinian refugees who are starving is

unprecedented. This will likely lead to further violence, at least by some of those who have lost their families and, as a result, lost hope for a better life. Even though Istishhad (martyr death) is not necessarily a proactive act of seeking death and does not mean belittling the value of life, as Israeli and Western propaganda asserts, given the vast numbers of people who lost their houses and families, the willingness to make sacrifices in the search for justice through revenge, may become a common phenomenon in the future. This is a real possibility because the dismantling of Hamas' military capabilities does not mean the repression of the Palestinian people's ability to resist and retaliate. The Gaza war has established the psychological and political motivation for carrying on the struggle for liberation and independence, convincing every Palestinian that Israel is determined to keep oppressing their aspirations and violating their national and individual rights.

Despite its military might, Israel is vincible. The combination of emotional grief and mourning, psychological entrapment, and deep belief in their just struggle will continue to motivate Palestinians to resist what they have endured for decades. Therefore, if not given a glimpse of hope for a better future (Mihaylova & Ezekiel, 2023; Shade, 2001; Bloch, 1974), the willingness of an increasing number of Palestinians to take revenge will soar. Meanwhile, the radical nationalist Israeli government is intentionally prolonging the war, endangering its own hostage civilians, for reasons that cannot be strategically explained. Nine months after the beginning of the Israeli military operation, the Israeli army has not managed to dismantle Hamas' ability to fight or free the hostages. It seeks an exchange deal that allows an honorable exit from the indecisive situation while indirectly admitting that Hamas is a partner with whom to negotiate. This reality unfolds amid widespread public rage and increasing condemnation and boycott of Israel in many countries in the world. The Israeli government continues to act based on the long-standing and ineffective belief that military might is the only way to facilitate the freeing of the hostages without having to pay the necessary political price for it. The unfortunate result of such a failed strategy could be the tragic death of all the hostages, a price that the current Israeli government seems to be willing to pay, as its behavior and the announcements made by some of its members demonstrate.

The current war in Gaza is having a significant impact on the Israeli-Palestinian conflict and the balance of power in the region. No matter how much harm remains to be caused and how many lives are still to be lost, Israelis have learned that they have a weak enemy they can defeat in battle, but cannot effectively overcome in war despite their superior military and technological power. This economic, military, and technological superiority has become Israel's Achilles' heel in its conflict with the Palestinian resistance movements. Israel is too strong to be able to use its capabilities against the Palestinians and to further justify its endless and merciless control of millions of Palestinians while the world is constantly watching. Therefore, Israelis must accept that there are around seven million Palestinians between the Jordan River and the Mediterranean Sea who intend to remain and defend their right to a dignified life in their homeland. The Israelis' military and technological upper hand has proven to be ineffective against sudden attacks by Palestinians who face the daily aggression of the Israeli army and seek revenge (Natanel, 2016; Azoulay & Ophir, 2012). Even though the Palestinians do not pose an existential threat, they have the potential to cause harm and disrupt the normal way of

life for many Israelis. The Palestinian situation also presents a moral dilemma for Israel, which has a technological and economic advantage, as it appears unjust compared to the misery of Palestinians facing aggressive, well-equipped Israelis. Furthermore, the Israelis are realizing that no matter how many peace agreements they sign with the Arab states, their real challenge is with the Palestinians. Israel needs Palestinian recognition if it seeks to legitimize its claim to the land both people consider home.

Therefore, it is important to acknowledge that any attempt to sideline the Palestinians or ignore their national rights will only lead to more violence and prevent Israelis from feeling secure. Peace and reconciliation have been proven to be the only way to guarantee security. Therefore, they must be an integral part of Israel's strategy to resolve its conflict with the indigenous Palestinians. It is crucial to recognize that the conflict did not start on October 7th, and the attempt to reduce it to a conflict between a righteous state and a terrorist organization, ignoring Israeli settler colonial policies in the areas occupied by the state in 1967, does not help avoid human suffering or save innocent lives. While it is true that the Palestinians must take responsibility for their actions, especially the atrocities conducted on October 7th, it is vital to acknowledge that Israel's upper hand and its ability to disrupt any peaceful solution make it more responsible for the unfolding tragic reality. It is essential to remember that all inhabitants of Israel/Palestine have the unalienable right to security, prosperity, and happiness.

The resolution of the conflict should follow a fundamental principle that both sides agree upon, but the lack of trust between them has made it difficult. The conflict is not just between the two sides, but also involves the regional and international community. Therefore, it is important to promote a long confidence-building process involving international intervention and pressure. However, for such a process to work, it must be ethical (Finlay, 2015; Walzer, 2006; Waldron, 2010). This cannot be achieved as long as Israel's leading Western allies, which speak the language of human rights and morality, continue to apply them selectively and manipulatively, denying the Palestinians the fundamental right to have rights. It also cannot be realized if moral agents in world politics continue to either sit on the fence or lead a policy of one-sidedness, according to which only the victims of one side count (Weizman, 2012). This one-sidedness is demonstrated in the way the superpowers have been acting in the conflict and is a significant cause behind the despair of many Palestinians and the arrogance of nationalist Israelis. It is this one-sidedness that provides the enemies of peace, especially those that have the power to push others into the hill of war, with the reasoning and justifications they need to advance their inhumane behavior. Therefore, all parties involved must act fairly and justly to achieve peace. It is difficult to have hope, given the grim reality in Palestine/Israel. However, hope can be fostered and wisely created in people's hearts and minds if we are to facilitate their ability to forgive (Lysaker, 2023). People need to avoid desperate actions and instead work towards peaceful solutions. Public protests around the world against the war grant Palestinians hope that somebody hears their call. These protests do not and should not be exclusively perceived as being anti-Israeli, but rather as a way to show empathy towards the innocent victims. This urge was behind the empathy that Israelis received after October 7th, but unfortunately, it was wasted by the behavior of their government. This same empathy

is now being extended to hundreds of thousands of fleeing and starving Palestinians. It is essential for those seeking ethical human coexistence to direct public empathy toward creating hope for a better future for all. For this to happen, both sides must be encouraged to give peace a chance.

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A New Judaism?*

By | 2024: Vol. 23, No. 2

A fundamental question:

“Are we, Israelis, still Jews?”, asked the philosopher Ernest Simon in 1953.[1]

What looks like a provocative question, was indeed a descriptive statement. He concluded that the establishment of the Jewish state sharply imposes on Israeli Jews a new type of religion in which the state enjoys total rule over religious institutions. In other words, the religious autonomy that Jewish communities enjoyed in the diaspora, the platform that enabled Judaism to develop and prosper, did not exist in Israel. In order to save Jewish values from the state’s dictates and let Judaism develop unlimitedly, Simon called to give religion a free hand in inspiring the values of individuals and local communites values.

Artist: Drew Martin

Seventy years later I consider Simon's question relevant but in a different context. Simon was interested in inter-Jewish relations, i.e. state – religious establishment relations. I, however, examine how the Jewish state treats its non-Jewish, Palestinian, subjects. More precisely, how ruling over the Palestinians created a new Judaism. Most probably my findings are not those that Professor Ernest Simon, the great humanist and Jewish – Arab peace seeker, hoped for.

Bi-polar (dis)order

Only a few years divide the extreme manifestations of Jewish powerlessness, the Holocaust, and the Jews' reentering the game of political power and military might with the establishment of the state of Israel. In the Jewish mind, argues David Biale, they are inseparable. The Jewish quest for power after the Holocaust, is a means to survive existential threats. "Israel is a continuation of the unique Jewish fate of anti-Semitism, but it is also a miraculous manifestation of power".[2] Post-Holocaust Zionism and the continuing conflict with the Arabs, in general, and the Palestinians, in particular, writes Biale, changed the biblical theological doctrine of the Jews as chosen people from being the weakest and marginal nation to a bi-polar (dis)ordered identity. "Between the Jews as victim and the Jews as military hero, the ideal of the Jew as a normal human being has begun to disappear" he concludes. "A legacy of powerlessness becomes the justification for the exercise of power".[3]

Biale published his book in the mid-1980s, before the massive settlement expansion in the West Bank that created a de-facto one Israeli–Jewish regime over the area between the Jordan River and the Mediterranean. Fifty percent of the population in this area, the Jews, rule over the other half non-Jewish Palestinians. When Biale published his book, the main Israeli–Palestinian front was along and beyond Israel–Lebanon border. He deals with Israeli power exercised externally rather than on the Palestinians incorporated within the Israeli ruling system. Moreover, while Biale asks if and how Israeli sovereignty changed Jewish history, I would like

to find out how Jews exercising unprecedented power over such a great number of non-Jews changed Judaism.

No Judaism without Jews

Can there be Judaism without Jews? Is there somewhere an entity called “Judaism” that exists disconnected from Jews in terms of time and place? This question does not relate to the source of the authority of Judaism. In other words, this question does not address the issue of who authorized people to create this entity – whether it is God, as tradition maintains, or a social-human initiative, as biblical criticism argues. The question I am positing here deals with a given situation in which Judaism already exists. Who if not human beings created it? And can it exist without Jews, detached from a concrete social experience?

I want to argue that it cannot.

The fact is that Judaism as we have known it for the past 2,000 years is post-Temple Judaism. It is a Judaism that the sages renewed upon the destruction of the Second Temple in Jerusalem in 70 C.E., and the failure of the Bar-Kochba revolt in 132-136 C.E. Effectively, the sages fomented a total revolution in Judaism; they changed the modes of worship, the religious experience and the connection with God. Prayer and intensive study of the Holy Scriptures replaced animal sacrifices. The rabbinical revolution also changed the social stratification of the Jewish people. Its leaders supplanted the priests and the Levites as the social and religious elite.

As a result, the path by which one entered this elite underwent a dramatic transformation. It no longer depended on one’s biological origin – being born to a father from the tribe of Levi – but rather was dependent on the individual’s intellectual and religious efforts deeds and personality.

The historical circumstances of the time also led to geographical and political decentralization. Jerusalem remained only as a symbolic focal point of Judaism. Religious authority was no longer centered in one place or in a hierarchical religious establishment of the priests as had been the case in the past. After 70 C.E. the Jews had neither a church nor a pope, as it were with the Chief Priest and the Supreme Tribunal (Sanhedrin). Even in rabbinical Judaism after that time there is no single model of authority. Alongside the Torah scholar were now the admor (a Hasidic spiritual leader), mystic, folk preacher, dayan (religious judge) and professor.

Faith, Practice, Belonging

In Judaism, like in other religions, its permanent internal structure is based on three formative foundations: an abstract believe system, the faith; religious demonstrations in private and communal rituals; and belonging to both an institutionalized congregation and to an imagined nation. In a world dominated by religions, belonging was the key factor by which one identified himself externally and was judged by others. Domestically, Jews lived in distinctive geographical and social boundaries without overall institutional authoritative that formulates

official dogma. Formal and voluntary social inspection often evaluated the practice of sacred law more than the statements of abstract belief. Theological debates deeply split Jews and led to the transformation of common practices, for example: studying Maimonides and Greek philosophy in the 13th century, Shabtai Zvi's messianic movement in the 17th century, the widespread of Hasidic communities that combined belief in charismatic authority with new group rituals and the establishment of the Reform movement, both in the 18th century.

If the face of Judaism reflects the situation of Jews, and if Jews shape Judaism in keeping with the circumstances of time and place – then what Jews are doing in the sovereign State of Israel is also shaping Judaism. Sovereignty involves the exercise of effective rule over a territory and a population. It behooves us, then, to consider how ruling a territory and population has changed Judaism. And, in the main, how rule over a non-Jewish population – in our case, the Palestinians – has spawned a new Judaism.

There is no precedent in Jewish history for the existence of a Jewish state that constitutes a regional power and rules another people. Never before has the Jewish people possessed a combination like this of sovereignty, power, and control, which are being exploited to oppress another people. The Hasmonean Kingdom (140-63 B.C.E.) was not a regional power. The Hasmonean ruler and high priest John Hyrcanus I converted the inhabitants of the Kingdom of Edom to Judaism in 125 B.C.E. after conquering them. But a mass conversion to Judaism of the Palestinians was not and is not on the agenda – the Palestinians are meant to remain outside the Jewish collective.

Ethnocentrism with no power

The Jewish people were always ethnocentric. Jewish belief emphasizes the supremacy of its ethnic collective over other nations. This is a blatantly hierarchical conception, according to which the Jew is superior to the non-Jew. But throughout history this was a supremacy that lacked the force of a state and an apparatus for wielding control over non-Jews. On the contrary, the Jews were inferior in status in the social and religious order that was established by the empires and states that ruled them over the two millennia.

IDF soldiers and Israeli settlers (August 7, 2009)

Internally, by contrast, Jewish writings and conduct accorded with the self-perception of being a chosen people. In the 11th and 12th centuries C.E. Maimonides explained that this was based on what Jews saw as the supremacy of the Torah, their religion, and their way of life. On the other hand, Rabbi Yehuda Halevi believed that the collective possessed an existential-biological supremacy vis-à-vis other peoples. And in the late 18th century Rabbi Shneur Zalman, the founder of the Chabad Hasidic dynasty, wrote in the "Book of Tanya" about the Jewish soul being superior to the inferior soul of the rest of humanity.

Grounded in these notions of supremacy, messianic Judaism envisions a new order, in which Jews will openly realize their spiritual and political supremacy over other peoples. Accordingly, messianic Judaism anticipates a return of the diaspora led by King David's descendent. Jewish tradition states that God will establish this new order at some point in the future. Hasidic dynasties transposed the new order from the historic reality into the mental consciousness. They transpose the idea of the new order from a sought-after historical reality into a form of mental consciousness The result was the emergence of a concrete spiritualization of messianism, severed from historic reality.

The extensive dissemination of such approaches among the Jewish people in exile was not only a theological matter, but also a reaction to the position taken by the societies and the religions under whose auspices Jewish communities existed. In those societies, the status of the Jews was *a priori* inferior. Indeed, Jews were influenced by all the cultures surrounding them; some of them rose to senior positions in their countries' political, military and financial establishments.[4] However, as long as they did not convert to the ruling religion, they were "the other," an inferior people. In some cases, they were forced to reside in a defined geographical area: the ghetto, the Pale of Settlement, and so on. Their theological perception of being a chosen, superior people whose time would come one day was compensation for their plight.

Emancipation, colonialism and Jews

The emancipation, modernity, and Jewish integration into contemporary life created a new conception of the chosen people. This conception was translated into a universal-educational mission, as opposed to connoting the insular superiority of Orthodoxy. Instead of an isolated form of Judaism, passive vis-a-vis the broader human environment, a new generation of Jewish theologians, including Hermann Cohen (1842-1918) and Franz Rosenzweig (1886-1929), and, to a certain extent also Rabbi Samson Raphael Hirsch (1808-1888), proposed an open, universal, and egalitarian Judaism – a messianism without a Jewish king-messiah and without territory or rule over other peoples. The objective of the Jewish people, according to these scholars, is to extend the ideological boundaries of their religion to include all of humanity. This is a Judaism of content, not of weapons or force. Based on the experiences of World War I, Rabbi Aaron Samuel Tamares (1869-1931) advocated Jewish nationalism based not on a state *per se*, but one based on a predominantly spiritual and civilizing character; similar notions were propounded in 1945 by Makhlouf Avitan (1908-1960) in Casablanca.

These approaches developed at a time when the majority societies in which Jews resided were imperialist, colonialist, and missionary in nature. Imperialism spawns the development of mechanisms of control over regions and societies across borders and overseas. To this, colonialism adds the element of settlement in such areas, aimed at perpetuating control over land resources and over the labor of an indigenous population, exploiting it for the benefit of the occupying power. Imperialism and colonialism generate power relations in which the foreigner, the occupier, and the settler hold a position of superiority *vis-à-vis* local inhabitants, although those in power are far fewer in number than the latter.

The Western, colonizing settlers were accompanied by missionaries who sought to change the indigenous people's religion and culture. The efforts to civilize others as undertaken by the missionary – and to this can be added the so-called enlightened settler – reduces the religious and cultural distance between the occupiers and the occupied natives. The former learn the language of the local population, fall in love with them, marry, and have families. Time and distance dull the settler-colonizers' ties to their homeland and heighten their pursuit of local interests at the expense of those in the distant metropolis from which they came.

For some 300 years, Jews proudly integrated in the imperialistic and colonialist establishments. They served as cabinet ministers, financiers, settlers in colonies, and owners of slaves.[5] For her part, educator Emma Mordecai (1812-1906), who was religiously observant and active in the Jewish community of Richmond, Virginia, was a slave owner who openly supported the Confederacy in the American Civil War. Throughout the second half of the 18th century, the Gabay family in Jamaica employed hundreds of Black slaves in the large sugar plantations it owned throughout the Caribbean. Edwin Montagu (1879-1924) was secretary of state for India from 1917 to 1922, when the subcontinent was the jewel in the crown of British imperialism. Léon Blum (1872-1950) served three terms as prime minister of France when that country ruled vast swaths of Africa. The Jewishness of these figures was a part of their personal identity, not part of the colonial and missionary project per se.

In contrast, the idea of a universalist mission was also a Jewish response to the spirit of those times: This involved missionary work without a defined religious mission and without a church, cultural expansionism instead of colonial rule, and preventing the creation of relations of authority and force with indigenous peoples.

Zionism and the establishment of the Jewish state foisted a territorial framework and regime on the modern conception of a chosen people. David Ben-Gurion demanded that the State of Israel be a light unto the nations. The Labor movement spoke of creating an egalitarian model society. Of course, a gap always existed between the self-perception of Jews and their behavior, such as can be seen, for example, in Western colonialism proclaims, in the Soviet Bloc ideal type of socialism and in the United States between the American dream and the socio-economic reality. But that consciousness existed together with the ambition to be the best and to constitute a model for the enlightened world. And then came the Six-Day War, the occupation and the settlements.

Colony across the fence

In fact, rule over the Palestinians did not begin in 1967. A sovereign state with a large Jewish majority could not have existed without the ethnic cleansing that was carried out in the 1948 war and its aftermath. Back then, a new form of Judaism already started to take form and substance. That process was accelerated after 1967 with the establishment of the settlements. In school textbooks, the Books of *Joshua*, *Judges*, and *Kings* supplanted the *Prophets* – Isaiah, Jeremiah and Amos – who had preached social justice and a moral regime.

Armed Israeli settler accompanied by soldiers threatens Palestinian farmers near a-Tuwani, South Hebron Hills. (Basel al-'Adrah, BT'selem volunteer)

Initially, the settlements were a semi-wild phenomenon that was cultivated by the Labor governments. The ruling establishment turned a blind eye, while the other eye ensured that its collaboration with the settlers would stay under the radar. The Likud governments since 1977 happily opened their gates to the settler groups; indeed, the enterprise spawned by those elements took root as an act of state. Unlike Western colonialism, Israeli colonialism was implemented on the playing fields of the neighbors, just across the fence. The geographical proximity between sovereign Israel, the metropole, and its colony, created convenient conditions for massive investment by the state and the private sector in the settlement project. It is the largest and most expensive enterprise undertaken by Israel since its establishment, and Israel has become subjugated by it.

The geographical proximity also created settlers without settlements; that is, family members, friends and supporters of their ideology and their politics without actual involvement in the concrete practical colonialism on the ground. The latter continue to reside in the areas of 1948 within Israel proper. In contrast to classic colonialists, the majority of Israeli settlers created a hybrid reality for themselves associated with their country of origin – not the indigenous population. They are dependent on the state financially and institutionally. Many of them cross the imaginary boundary between the occupied West Bank and sovereign Israel, and return, every day. They maintain their ethnic isolation from the indigenous Palestinian population, do not intermarry or carry on affairs with its members as was true of colonizers of centuries past. The settlers' local councils and municipalities are separate in every way, from those of their neighbors. The settlers do not aspire to refashion the latter's culture or to turn them into

Israelis. Like many Israelis living in the 1948 areas of Israel proper, they want to seize control of most of the territory of the West Bank and Gaza Strip and to wipe out the separate identity and national aspirations of the Palestinians.

In the 21st century, the expansion of the settlements and the transformation of the Palestinian Authority into a subcontractor of Israel has resulted in a single regime between the Jordan River and the Mediterranean Sea. The settlements are not built "there," far away; they are "here." This is, in effect, a regime of Jewish supremacy. The number of Jews living under that system is roughly equal to or slightly less than the number of Palestinians. Therefore, there is no point in continuing to hide the ethnic supremacy felt by these Jews behind the slogan of a "democratic majority" in a Jewish state. Thanks to the 2018 nation-state law, in fact, one can take pride in Jewish supremacy and in national exclusivity. The law signifies that the land of Israel is the historical homeland of the Jewish people and that the right to exercise national self-determination in the State of Israel is unique to the Jewish people. Beyond negating Palestinian attachment to the land and equal citizenship, the law downgrades the Arab language (from a state's language alongside Hebrew as in the Israeli Declaration of Independence) to a special status language.

There is also no need for the "grandchild clause" in the Law of Return of 1950 (which allows anyone with one Jewish grandparent to become an Israeli citizen) – an important anti-Nazi declaration – in order to create an artificial Jewish majority. Recent coalition agreements aspire to expunge that policy.

Jewish supremacy is also the response to the challenge posed by Palestinians who are Israeli citizens. Their increasing integration into the Jewish-controlled public domain and labor market, while emphasizing their indigenous Palestinian identity, and their collaboration with Jewish civil society organizations, are giving rise to a hybrid reality. This is an ethnic-civil hybridity based on equal citizenship status. In practice they are discriminated against, yet their status as citizens is secured. Their growing occupational and residential integration in the Jewish sector threatens the ethnic basis of the regime.

In Jerusalem, a hybrid reality exists that is both geographic and ethnic. A full forty percent of the city's inhabitants are not Jews or citizens of Israel. In contrast to West Bank Palestinians, their counterparts in Jerusalem have permanent residency status. Their prominent role in the labor market and in Israeli institutions of higher learning, on the one hand, and the establishment of settlements in the Palestinian area of the city, on the other, reveal the tensions in Israel's categorical assertion that Jerusalem is a Jewish city. In reality, it is binational.

Governability and revolution

Sovereignty, power and rule over the Palestinians have transformed Judaism. This new Judaism was not shaped in the beit midrash (religious college) as classical Judaism was, but within the framework of a dominant Israeli regime, in general, and rule over the Palestinians, in

particular. The ethnocentrism evolved from a form of self-awareness into a *modus operandi*, from a universal mission into oppression and occupation. The moral paradigm that Ben-Gurion and the Labor movement demanded was converted into arms exports and various means of control and aid to despotic regimes, to enable them to surveil their opponents by instruments shown effective in the West Bank and Gaza Strip.

Graffiti settlers spray-painted on a home in the village of Burqa, Ramallah District. The text reads, in Hebrew: "Supporters of terrorism live here. Deport or kill." (Iyad Hadad, B'Tselem, 21 April 2018)

Religious Zionist ideology oils the state machinery that puts Jewish superiority into operation. Until 1967, religious Zionism still lagged in the wake of secular or traditionalist Zionism. In similar fashion, it founded kibbutzim and moshavim (family-based economic production), workers unions, a youth movement and an anti-ultra-Orthodox ideology. After the war, religious Zionism harnessed its Zionist activism to ruling the territories and the population Israel conquered in 1967. Since the Oslo Accords and following Camp David in 2000 where Palestinian sovereignty over East Jerusalem and the Temple Mount were discussed, this activism has been aimed at changing the *status quo* on the Temple Mount and establishing settlements in the heart of Palestinian residential areas in Jerusalem. Moreover, national religious groups including settlers move to so-called mixed cities in Israel in order to "Judaize" them.

Orthodox Jewry has changed accordingly. The Temple Mount is no longer off-limits as a site that's forbidden to visit until the conditions are created for the arrival of the Messiah. On the contrary: The sovereignty of the State of Israel must also be applied there. Groups seeking to rebuild the Temple go even further. They seek to transform Judaism from a post-Temple religion into a pre-Temple faith. For them, sovereignty of a people that is like all other peoples as classical Zionism defined its goal, is not Jewish.

Jewish messianism has undergone a transformation. Classic Jewish literature depicted the advent of a messianic age following a catastrophe or great crisis, the birth pangs of the

Messiah, a war of Gog and Magog. All those elements are part of the transition from the realm of history into one that transcends history. In contrast, the new Jewish messianism is a product of historical success, the achievement of Jewish sovereignty, and the wielding of power over non-Jewish surroundings. Rabbi Abraham Isaac Kook saw Zionism as a breakthrough to the coming of the Messiah, whereas his son Zvi Yehuda Kook and his disciples believe that we have already reached that stage. The secularity of Zionism is only a semblance, they believe; in practice, it is the unconscious realization of Jewish messianism. This is not a person-based form of messianism – the Messiah is not a human being – but a period where Jews possess territorial rule and sovereignty. This perception has been bolstered significantly since the Six-Day War. Following its worldwide activity and popularity, Chabad also transformed classical Jewish messianism from a great catastrophe to unprecedented success. Among those affiliated with Chabad, sovereignty, and rule over the Palestinians are intertwined with ethno-Jewish supremacy, as per the teaching of the Hasidic sect's founder and the messianic spiritual leadership of its late Rebbe (religious leader).

Another attribute of this form of messianism is its unidirectional determinism. Messianic determinism negates a priori the possibility of failure, and provides an incentive to propel the process forward. This determinism constitutes a sort of divine insurance policy under the auspices of which Jewish sovereignty and rule over the Palestinians are intensifying. That situation mollifies believers in the new messianism, who are disappointed that secular Jewry has rejected Orthodoxy despite their multiple efforts to get that population "to repent."

Concurrent with these streams, Rabbi Meir Kahane developed a power-based, racist approach toward non-Jews in general and Palestinians in particular. For him and his followers, Jewish sovereignty above all meant the use of force and violence by Jews against non-Jews. The relocation of his activity from New York to Israel combined force use with Jewish sovereignty and made the Palestinians a particularly sought-after target, especially those in Hebron where Kahane's supporters have a solid base.

A toxic mix of all these phenomena ignited the flames that consumed dozens of homes in the Palestinian town of Hawara and nearby three villages on February 2023 and brought settlers and Chabad followers back there a week later to celebrate Purim with soldiers, near the burned-out wreckages of homes and cars.

In recent years, those people have been joined by the ultra-Orthodox, or Haredim, both Ashkenazim and Sephardim alike. The historic successes of the State of Israel, and the integration of the Haredim into the government, Israeli society and the settlers' movement (they form about half of the settler population, concentrated in two big cities and East Jerusalem neighborhoods) have eroded the status of classic, non-Zionist Orthodoxy. Bolstering that trend are the anti-liberal and fundamentalist traits of the new Judaism. Public opinion surveys show a consistent correlation over recent years between the level of religiosity and a hawkish, racist stance. It's not by chance that the most strident statements informing this new form of Judaism are being uttered by rabbis who come from such circles. They are shedding any of the ostensibly normative coating of this discourse.

Aggressive state-made superiority

Jewish supremacy is no longer something one needs to be ashamed of – to the contrary. Jewish supremacy and rule are not merely instrumental, enabling religious precepts to be upheld, but are a goal in and of themselves that creates a common denominator among all the Orthodox streams. Just as it is difficult today to imagine a Jewish present and future without the State of Israel, so too it is difficult to imagine Judaism without sovereignty, Jewish supremacy and domination over Palestinians.

"Fight the enemy. Price Tag." Graffiti settlers spray-painted in Hebrew on a water tank in the village of 'Urif, Nablus District. (Salma a-Deb'i, B'Tselem, 29 April 2018)

The new Judaism is not proposing to annul or even add to existing precepts. The observant communities that see military service as a religious obligation include that imperative within their existing reservoir of precepts. The new Judaism is proposing a new public domain, identity and means for belonging to an apparatus of sovereignty and rule. For the hard-core proponents of the new Judaism, governability and a judicial overhaul that the right-wing government advanced in 2022-24, are not only authoritarian practices advanced by a central government, but a cluster of values. New Judaism's proponents resort to identity politics whereas it is their opponents that speak in a discourse of minority rights. Together with support for "the normative family," theidentity discourse of the new Judaism is part of a package of conservative principles that have supplanted the social democracy and moderate liberalism of Israeli Orthodoxy.[6]

Linking religion to the state may indeed have transformed religion into the handmaiden of the state, as Prof. Yeshayahu Leibowitz has argued. But the opposite also occurred. Because Israeli citizenship is based on ethnicity, and because it is linked to religion, there is no clear separation in Israel between religion, ethnicity, and the state. Nor is there a significant number of secular individuals, in the full sense of the word. Most of the Jews in Israel are positioned along the spectrum between a great number of rigid Orthodoxy and a few atheists. Along this broad spectrum there is a mixture, to varying degrees, of religious practice, mainly relating to rites of passage, belief in God, religiosity, family tradition, historical consciousness and myths.

The binary perception of religion and religious people vs. secular people does not reflect Israeli reality properly.

Demographically and ideologically, the settlers' movement is led and profoundly supported by orthodox communities. It is not by chance that the Israel Defense Forces and the security establishment highly valued by them and are at the center of the new Judaism. They constitute principal organizations of control over the Palestinian territory and population, defending Jewish sovereignty.

Israeli society is militaristic; it confers on the army and the security organizations not only means and disproportionate material rewards, but also prestige and status. The army is also an instrument of socialization and citizenship. Military service is considered an entry ticket to society and proof of good citizenship. People considered to be non-Jews, on the basis of halakha (religious law), who serve in the army are considered to have entered the Jewish state and undergone a sociological conversion to Judaism. Moreover, in the eyes of the general public, military service by Haredim is considered to be a condition for receiving full rights. For religious Zionism, military service is a precept, and every security-related activity has theological and messianic import.

Its social structure support maintains high commitment to the belief-group. Religious populations of all kinds, from the extreme National-religious to the Ultra-orthodox to the mainstream national-religious is deeply communitarian. It is organized around synagogues, settlements, distinct neighborhoods, youth movements, and an education system controlled by religiously and nationalistically hardline ideologues. They consume sectorial, non-pluralistic media that heavily features nationalist-religious preaching. Those in the community who feel uncomfortable with such an ideology, and try to consider what is beyond, are subjected to intense social pressure. In practice, they often remain in the community's ranks despite their reservations. The old order's advocates are far more individualistic than community-oriented and spend most of their time with their inner circles of the nuclear family, close friends, and coworkers. Their most defined imagined community is the military unit in which they served; after that, there are organizations based on residency location, profession, and higher education.[7]

Supremacy challenged

Since its epic victory in the 1967 war, Jewish supremacy has been challenged by its neighbors. In the 1973 war Arab states significantly decreased Israel's power as did the PLO-led popular uprising of 1987 and Hamas's barbaric attack in 2023.

The Labor Party members that led Israel until 1977 built Jewish supremacy on two layers. Influenced by Jewish emancipatory philosophy, the political elite that was born and raised up in the diaspora defined it as global moral mission. Israel should become the model nation state in its moral standards. Below that, there were young military experts, many of whom born and educated in Mandatory Palestine, that translated Jewish supremacy to military might that

guaranteed the state upper hand in any armed conflict.

Egypt and Syria's gains in the 1973 war brought about elite change. Under Begin, the Likud perspective on Jewish supremacy was ethno-nationalistic and romantic. Only the Jewish nation would have the right to exercise collective sovereignty over the historic Land of Israel/Palestine. Begin agreed to return Sinai to Egypt when he learned that Sadat was neither going to demand Palestinian independence in the West Bank and Gaza Strip nor to withdraw Israeli annexation of East Jerusalem or stop settlement expansion.

The Intifada of 1987 brought the Labor Party back to power and, ultimately, forced it to recognize the PLO. Rabin, who was one of the security experts in previous Labor administrations, redefined Jewish supremacy and introduced it to Oslo peace process. Accordingly, the Jewish state enforced confines on the PLO territorial and sovereignty .

In its peace agreements with Egypt (1979) and Jordan (1994) Israel acknowledged external limits on her superiority . However, Right-wing governments that have led Israel since 2001 strongly rejected making the same concessions domestically. The Palestinians have been incorporated in as an inferior group under a *de facto* one-state ruling over all historic Palestine.

Jewish superiority is no longer concealed under romantic notions, but exposed in all its brutality. To dismantle it, Hamas hit Israel on a scale that no other Palestinian organization or Arab army had attempted since the 1948 war. Before October 7th, no Israeli settlement had been occupied since 1948. On October 7th, some of them were totally destroyed. Since the Holocaust not so many Jews, 1200, were murdered in one day. Also unprecedented since 1948 is the large number of Israeli citizens – about 330,000 living near the front lines – that has been displaced .Trying to restore Jewish superiority, Israel has managed its anger through a dehumanizingly brutal reaction. The number of Palestinian dead, wounded, or displaced is higher than the Palestinian people experienced in 1984 and in a much shorter span of time.

Marching blindly

The writer A.B. Yehoshua noted the fact that Israel's collective state framework is forging a type of new Jew who does not exist outside the Jewish state, for example, in the United States. Yehoshua characterized this individual as a "complete Jew":

"Who is a complete Jew, or in a different, precise word – an Israeli? It's a Jew who is governed by Jews, pays taxes to Jews, is bound by solidarity to other Jews, is sent to war by Jews, evacuates Jews from their homes or goes to guard settlements he abhors. In short, who lives in a binding relationship with other Jews. For example, when the State of Israel was established, the Israeli Jew entered into an austerity regime in order to integrate hundreds of thousands of other Jews who chose to ascend to the Land of Israel and to transform their partial Jewishness into complete Jewishness – in the historic Jewish territory and in Hebrew, which is the original language that unites the whole people."

Yehoshua wrote those words in April 2012. He also asked, “Are we marching with political blindness to an apartheid state, will the occupation be a permanent part of our identity… Will the racism and the pogroms against the Arabs in the soccer fields continue… Will the religious fanaticism trample more precious aspects of the Israeli identity?” [8]

Today, more than a decade later, those question marks have been replaced, at least in part, by exclamation marks. Rule over others is not something that’s realized outside religion in the Israeli sense – it is part of it. For the Orthodox it is a substantive element of their theology and messianism. Their national – militaristic theology spread throughout the army. In the 2023 war, it led the army to implement indiscriminate bombardment of heavily populated areas causing unprecedented numbers of innocent casualties. Senior politicians, rabbis, high ranking army officers, and public figures used a toxic mixture of Biblical and operationally dehumanizing language bordering on genocide justification to direct the army and legitimize the war. They explicitly called to kill or permanently expel all of the Gaza Strip residents and totally destroy their infrastructure. War atrocities that Israel committed were presented by some rabbis as spiritually uplifting and justice making of the highest moral standard. [9] Hamas’ barbaric attack led those authorities to replace Jewish superiority with much worse acts. Where the assertion of Jewish superiority fails, mass killings, displacement and ethnic cleansing starts.

Global networks

The influence of the new Judaism is also felt outside Israel. It is present throughout the Orthodox Jewish communities in the West , and, to a lesser degree, in the liberal and traditionalist Jewish groups, whose members adopt pared-down versions of it thanks to their identification with Israel. Outside Israel, Jews’ attitude to the state of Israel is emotional rather than based on sharing the same system of governance. It is mediated through ethnoreligious belonging, care, and solidarity.[10] In the United States, the Israeli flag can be found in many synagogues next to the American flag. The members of liberal communities tend to close ranks with their brothers and sisters in Israel in light of the assault on their Jewish identity by the racist right. In some cases, that assault is not only verbally violent, but has also brought about loss of life.

The State of Israel, Jewish sovereignty, and Jewish rule seemingly provide a haven during times of trouble. It’s difficult for old and mainstream Jews in the West to disengage from Israel even if the country undergoes a radical face-lift. Their emotional-romantic bond with Israel is strong and is based on support for Jewish sovereignty that makes no apology for the force it wields, even if Israeli violence conflicts with their values from time to time. Simultaneously they hope that soon Israel will restore its father-founders’ value system.

The new Judaism – Israeli Judaism– identifies sovereignty and the rule wielded in its name, with Jewish supremacy and oppression. That is not only a justification for sovereignty, it is also a directive for implementing a particular practice and assuming responsibility for activating sovereignty as an instrument to subjugate Palestinians.

Israel's appropriation of Jewish identity in general and Jewish supremacy in particular accelerate antisemitism, argues Brian Klug. "Israel sees… that its state and the Jews are the same; Israel does not regard itself as just **a** Jewish state, a state that happens to have a Jewish identity, but as **the** Jewish state, the state of the Jews that represents all Jews collectively. In other words, Israel claims Jews as its own, and Jews en masse proclaim Israel to be theirs. Therefore others fail to make the distinction between Jewish state and the Jewish people. Anti-Semitism becomes an expression of an anti-Israeli protest".[11] This was demonstrated by the profound increase in anti-Semitic attacks on Jews following the war crimes Israel committed[12] during its 2023 war against Hamas.

Progressive Jews in the West who cannot identify with the new Judaism, the young generation, whose consciousness is already less shaped by the Holocaust, are taking an interest in tikkun olam – repairing the world. They are active in the protection of human rights in general and of the rights of the Black minority in the United States, in particular. They belong to organizations that deal with climate change, environmental issues, and animal rights. This is a contemporary version of the Jews' universal mission. They reject the concept of Jewish sovereignty and rule that is at the core of contemporary Israeli Judaism. Instead, they are proposing a supra-ethnic frameworks for improving the world and using Jewish rationales to support them.

Nevertheless, antisemitism expressed by non-Jewish progressive leftists following the war crimes Israel unapologetically implemented in the Gaza Strip, creates an identity problem for those liberal Jews. Their own ideological partners moved from seeing Western Jews as a minority whose rights should be protected alongside other minority groups, like people of the African diaspora, to seeing them all as an integral part of white supremacist neocolonialism and oppression. Progressive Jews face a choice between their Jewish identity and emotional attachment to Israel and commitment to their progressive value system. It seems that never before has it been so urgent to identify an alternative Judaism to the one Israel has cultivated.

Jewish sovereignty without superiority

The Jewish challenge today, both theological and practical, is to establish an alternative new Judaism that envisions Jewish sovereignty without superiority or oppression. That would be a sovereignty that can deservedly be described as "Jewish." Sovereignty without oppression translates into equality and full partnership of non-Jews in the exercise of that sovereignty.

Graffiti settlers spray-painted on the fence of

Mahmoud Salah's home in Far'ata. The text reads, in Hebrew: "No more administrative orders." (Abdulkarim Sadi, B'Tselem, 4 April 2018)

Daniel Boyarin suggests giving up statehood and sovereignty in order to save Judaism and its values of universal justice and morality. According to Boyarin the Jews are a diasporic nation.[13] But is there an alternative way for those who wish to bind together Jewish nationalism with Judaism as a historic religion and people, fostering equality and partnership of non-Jews in Israel's sovereignty? One could, of course, argue against the self-determination of the State of Israel as a Jewish state, and endeavor to divorce it completely from historic Judaism and from the ideology and practice of Jewish supremacy. Seeing Zionism as a secular revolution, Chaim Gans[14] ignores the Jewish component in Israeli identity. Likewise, Michael Walzer[15]perceives classical Zionism as liberal and secular, aiming to integrate Jews in the modern world of nation states. The counter-revolution that religious-Zionism promotes, Walzer argues, wishes to reverse Zionist's achievements. Both Gans and Walzer see Zionism and the state of Israel apart from Judaism, at least ideologically.

Separation of that kind would create an Israeli nation in which all the citizens are equal – a far-reaching move that has failed in the past, in society and in the Israeli Supreme Court. On the other hand, Ofer Zalzberg and Roie Ravitzky[16] try to keep religion politically uncontaminated. Jewish orthodox groups reject Israeli peace-making methods because "the customary discourse of the international order is legalistic, rights-based, and employs theologically neutral reasoning". For them, "the word of God is more important than the government's contractual commitments". Moreover, "accepting the other and intensifying a relationship with the other potentially threatens a community particular culture and identity".

Another possibility, which hasn't yet been fully tried, is to find a Jewish theological and historic basis for sharing sovereignty with non-Jews. That challenge now awaits the opponents of Jewish supremacy. Indeed, a few steps towards it are already being made.

The Bible, Menachem Fish[17] argues, suggests two models of collective identity. One inclusive, multi-cultural and politically egalitarian that reached its culmination in the kingdom King Solomon established. He expanded the collective boundaries of the nation beyond Jewish ethno-religious boundaries. In contrast, Ezra and Nehemiah founded the opposite model for their Jewish community members that returned from Babylonian exile to their ancestor's Land of Israel. Ezra and Nehemiah established anti-political identity, a segregated tribal entity that strongly rejected non-Jews. Whereas the first model emphasizes human action here and now over the sacred law, and sometimes against it, the anti-political approach is oriented toward Heaven and God's will. Moreover, Fish argues, post-Biblical era rabies adopted Ezra and Nehemiah's ethno-centric model and institutionalized it in Jewish prayers. The repetitive prayers and holy sermons shaped Jews' imagination away from politics. In other words, dominant Judaism is anti-political. Jewish nation state building is incomplete, Fish argues, unless it's re-politicized by connecting it to the neglected model of King Solomon.

The idea of being chosen, which was endorsed by Emanuel Levinas , does not involve exceptional rights, but instead involves exceptional duties. You have to engage with other individuals. “What makes the idea of politics -and of Israel- so difficult for Levinas”, Michael F. Bernard-Donals concludes, “is that the Jew must negotiate between Judaism and Israel…. What politics ultimately requires” he writes, “is a language in which the real may be written. While such a language doesn’t establish a foundation for political thought, it nonetheless establishes the ethical ground on which such a politics might be enacted. It remains to be seen whether, in the language of displacement and of patient and painful encounters with individual others, a politics will ultimately emerge”.[18]

Surprisingly, Levinas approach to the individual’s’ existential engagement in mutual interdependency, is similar to Fanie du Toit conclusions about South Africa reconciliation process. “In South Africa, reconciliation politics propagated the idea, diametrically opposed to apartheid, that racial groups were fundamentally and comprehensively *inter*dependent. This provided a compelling rationale for taking reconciliation seriously—and twenty-four years on, it still does. Reconciliation embraces a shared future on the basis that this is not only desirable but unavoidable, and turns to deal with a troubled past because it obstructs this future”.[19] Whereas Levinas focuses on individuals’ interdependence, du Toit suggests that it exist between collectives as well. One may argue that interdependency within one state, as in South Africa, is different than that between two states, as Israelis and Palestinians may prefer for their future. Yet, both Levinas and du Toit show a way forward awaiting explorationby Jewish supremacy’s opponents.

** This text is based on my shorter article in Haaretz, April 8, 2023*

Notes

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Has Labor Reawakened?

By | 2024: Vol. 23, No. 2

For the past four decades the labor movement in the United States has been somnolent. Ever since the administration of Ronald Reagan broke the Professional Air Traffic Controllers' (PATCO) strike in 1981 organized labor has staggered from defeat to defeat. Its most effective weapon, the strike, atrophied. Too often when unions chose to strike, usually as a last resort in their battles with employers, they lost when their adversaries broke strikes with replacement workers. By 1981 union power had declined substantially from its high point, c. 1947-1971, when fully one-third of all non-agricultural workers belonged to unions and even many nonunion enterprises offered their employees wages and benefits comparable to those achieved through collective bargaining. Over the next four decades the proportion of union members in the private sector steadily declined until it fell to six percent, a level not experienced since before the First World War. By the second decade of the twenty-first century only unionized public employees kept total membership above the ten percent level by and even among such workers organized labor suffered significant defeats in the twenty-first century. Only public school teachers unions made few, if any, inroads among public employees in Sunbelt states, nearly all of which outlawed strikes or union membership by public employees. Most remarkably, in the state that had pioneered public employee unionism and collective bargaining, Wisconsin, a Republican state administration amended state labor law to undermine the stability of public employee unions and their ability to bargain collectively, causing a decline of more than one-third in union membership. Shortly afterward, the Supreme Court delivered a ruling that outlawed union or agency-shop agreements for public employees.

Artist: Drew Martin

A similar dynamic occurred nationally. From the 1970s to 2021 it mattered not whether Democrats or Republicans held power in Washington. When Republicans controlled the White House or Congress (1973-77, 1981-89, 2001-08, and 2017-20), the federal courts, the National Labor Relations Board (NLRB), and even the Department of Labor favored capital over labor. When Democrats took command (1977-80, 1993-2000, 2009-16), organized labor fared marginally better at the hands of its political allies. The NLRB and the Department of Labor acted as labor's allies but Democratic economic advisers and policy-makers pursued policies that weakened union power. The Jimmy Carter administration deregulated the transportation sector setting off a form of deregulated competition that decimated the Teamsters power in over-the-road trucking and weakened unionism in the airline and railroad industries. Carter's primary economic advisers advised him that union members were the enemy of the nonunion workingclass majority. Bill Clinton's administration directed equally hard blows at its trade union allies. It used its political muscle to push the North American Free Trade Agreement through Congress and to admit China to the World Trade Organization (WTO), opening the domestic market to Chinese imports. The result of such policies was the wholesale abandonment of domestic manufacturing and a widening rust belt across the nation's midsection. With the election of Barack Obama in 2008, labor's hope for relief awakened only to be dashed. In the morass of the financial crash of 2008-09, the administration saved the banks, bailed out the bankrupt automobile companies, stabilized the economy but required workers to offer concessions, and mortgagees, often the self-same workers, to fulfill their financial obligations or lose their homes.

The result of four decades-plus of such policies was ever-widening economic and social inequality. By 2020 economic inequality surpassed the level of 1929 and approached or exceeded that of the "gilded age." For four decades only the top ten percent, and more especially, the top one percent enjoyed substantial rising incomes and amassed a growing

share of national wealth. By 2020 the US had become the most unequal of all major advanced economies and the one with the least measurable opportunity for social and economic mobility. For more than forty years too large a proportion of the working population experienced little to no rise in their basic real income. Too many had to work too much (excessive overtime or second or third jobs) or send multiple members of the household into the labor market to satisfy basic needs, to maintain adequate care, or obtain the education necessary for decent employment opportunities. All while executive compensation and returns to capital grew excessively ever widening the gap between those who commanded and those who obeyed.[1]

How do we explain the contrast between the US of c. 1947-72 and the US, c. 1981-2020, between a relatively egalitarian polity with substantial working-class power and a grossly unequal polity with minuscule working-class power? Let me offer a few suggestions. The US emerged from World War II with unchallenged economic supremacy. The war had destroyed the economies of all the nation's major prewar competitors. The war had also solidified a union presence in the towering heights of the economy—basic metal manufacturing, automobile production, petro-chemicals, consumer durables, and transportation. Three books that appeared in the 1950s and 1960s—Adolph Berle Jr.'s The Twentieth Century Capitalist Revolution and John Kenneth Galbraith's American Capitalism: A Theory of Countervailing Powerand The New Industrial State—dissected the lineaments of the "new order." According to Berle, the corporate economy that he and Gardiner Means had examined early in the Great Depression—primarily the separation between corporate ownership and corporate management had become the dominant aspect of the modern corporation. Because corporate managers did not own the firms that they managed and their compensation came in the form of salary and not return to capital, they did not have to focus on profit maximization. Instead, they could act as responsible corporate citizens by caring for their employees, including those in unions, and benefiting the communities in which they were located in manifold ways. Galbraith took as given the separation between corporate ownership and corporate management and postulated that what kept the entire system in balance was the countervailing power balance among big business, big agriculture, big labor, and big government (that is, the New Deal administrative state). By the mid-1960s as the system envisaged by Galbraith seemed unassailable, he argued in his second book that the demands of modern technology pushed all economies toward a similar destination and power arrangement and that even the Soviet Union would come to resemble the United States.

How, then, did this seemingly unassailable balanced political economy fall apart? The answer is not too complicated. First, the US's global economic dominance diminished. Rebuilt economies in Germany, Japan, France, and Italy later to be joined by South Korea, Taiwan, and the BRIC nations, Brazil, Russia, India, and China, cut into the markets of their US competitors. In automobiles, steel, petro-chemicals, and consumer durables US corporations lost market share and faced falling profit margins. Two OPEC-inspired oil embargos in the 1970s further undermined the domestic economy. By the late 1970s, "stagflation," accelerating inflation despite loose labor markets and declining corporate profits, plagued the US economy and presaged the death throes of the New Deal political and economic order, the system that had created the widely shared prosperity of the postwar era.

The ideas and policies that came to mark the neoliberal political order that prevailed from the 1980s to 2020 originated in corporate and conservative circles during the New Deal era but lacked wide purchase while the system generated rising real incomes and greater equality. As inflation threatened living standards, reduced corporate profits, and pressured government budgets, neoliberal ideas gained greater purchase. Neoliberal policies loosened government regulation, provided tax relief for investors and job-creators, and enabled employers to attack union and worker power in what the then president of the UAW, Doug Fraser, described as a corporate class war. Reversing Berle's capitalist revolution, corporations were now to serve only one constituency, their shareholders. Proft maximization became the rule even when it required employee layoffs and community devastation with plant relocations overseas. To complete this twenty-first century "capitalist counter-revolution" corporate boards linked executive compensation to stock options whose value rose and fell in relation to company profits. The result a trail of devastation for communities deserted by their primary employers, frustration for workers left without jobs or unions to defend them where they remained employed, and a federal government bereft of the tax income to balance its books or invest in its people and the nation's future.

Why, then, has labor suddenly awakened? If we examine the past three years or so of worker and union activity, what do we see? We see worker resistance and union revival across the economy. We also see for the first time since the post-World War II years community sentiment that endorses unions at least in the abstract.[2] We also have a federal administration that endorses union power as shown in recent actions by the NLRB and the Department of Labor as well as a president who claims to be the most prounion ever and even walked a picket line for the UAW. Far more important, however, has been the recovery of the economy from the depths of the Covid pandemic. For the first time in decades employers face a tight labor market in which workers can expect to find new jobs if they quit existing ones. The option to exit without having to sacrifice alternative employment and income has stimulated workers to demand voice where they work. Thus workers in jobs once considered nearly impossible to unionize such as Amazon warehouses and Starbucks cafes have demanded union recognition, signed union cards, and won NLRB union recognition elections. Simultaneously, workers in enterprises that have long been unionized have rebelled against concessions granted when labor markets were loose, and firms threatened by bankruptcy. Other union members who had previously granted concessions now rebelled against new technologies that threaten their job security or stream of income.

There is scarcely a sector of the economy that has not been affected by the labor upheaval. Unions and their members have sought aggressively to restore the wages, benefits, and power on the job lost steadily during the decades of neoliberalism. On the Pacific Coast members of the International Longshore and Warehouse Union used their power at vital nodes for trans-oceanic shipping to maintain the high wages and job security that resulted from their control over the loading and unloading of cargo containers, the innovation that transformed global trade. Operating railroad workers walked off the job on the major trans-continental freight railroads in a rebellion against company rules that intensified the burden of work, threatened their health and safety, and restrained wage growth. Their threat to the national economy led the Biden administration to enjoin the walkout but to grant the workers many of their demands, except for the right to multiple paid days for medical leave. Yet persistent worker threats to railroad traffic led the companies to concede additional paid medical leave to their employees. But even employees in the most unlikely places unionized and walked off their jobs to demand better conditions, most notably in colleges and universities. Graduate students walked off their jobs across the entire University of California system, numbering in the many thousands, to demand relief from the state's high cost of living in the form of substantial salary increases, rent subsidies, and improved health insurance. And they won. Most Democratic states allowed graduate students to unionize and bargain collectively but the NLRB under Republican administrations had ruled that graduate students at private institutions were not employees as defined by labor law and hence lacked a basis for collective action. This enabled such institutions as Harvard, Yale, and Columbia, among others, to resist collective action by their graduate students. When the Biden NLRB ruled that graduate students in private institutions who were employed as researchers or as actual teachers were indeed employees previously resistant universities began to recognize student unions and to bargain with them. Unions even spread among undergraduates when dining service workers and dormitory assistants demanded the right to unionize and bargain.

There seemed no limit to where the right to unionize, to bargain collectively, and to achieve real gains might go. In the city and county of Los Angeles, hotel workers (members of Unite-HERE) walked off the job to demand higher wages as protection against California's high cost-of-living as had the state's graduate students. A second major economic sector in Southern California experienced strikes by its "employees," film and television production. Screenwriters

and actors were both threatened by new forms of television and film production. The streaming of both television and film undercut the income writers and performers received from syndication and residuals. No reliable data existed as to the actual total worldwide audience for a streamed TV show or film, and streamed productions unlike more traditional television and film could be completely erased with the flip of a switch. Artificial intelligence (AI) and facial recognition software potentially threatened writers and performers. Writers worried that AI might be used to produce scripts in their place and actors worried that facial recognition might eliminate their personal appearance income. Already streamed TV shows had shorter seasons than traditional television requiring fewer writers who received less compensation for fewer scripts. Thus members of the Writers Guild of America (WGA) went on strike demanding minimum staffing for writers' rooms, guaranteed weeks of employment, improved accounting of total streamed income, and protection against the arbitrary use of AI. As their strike threatened the opening of the new fall TV season and limited the production of new streamed shows, networks, producers, and streaming companies conceded to the writers' demands, offering minimum staffing levels for writers' rooms, fuller accounting of streaming income, and protection against AI. Actors organized in SAG-AFTRA struck soon after the writers and made comparable demands. They had a significantly larger membership but most of the members were little known actors who played bit parts and were scarcely recognizable to the audience. What gave SAG-AFTRA real power was the participation of film stars with instant recognition and huge audiences. In the end, SAGAFTRA members won an agreement as generous as that of the screenwriters.

The truly remarkable labor triumph occurred in the automobile industry. For too long, the UAW had atrophied as an administration caucus first established by Walter Reuther in the 1950s dominated the union autocratically. Over time the caucus calcified, became self-serving, and disregarded the needs and voice of its members. By the twenty-first century its leaders had grown corrupt as well as contemptuous of their members. By 2022 its last two presidents had been indicted by the federal government for corrupt practices (stealing millions from the union), tried in court, convicted and imprisoned. The Department of Labor then compelled the UAW to sign a consent decree that for the first time enabled members to vote directly for their leaders. The result was a slate of insurgent officers, most notably President Shawn Fain, who promised militant action to eliminate the concessions to employers that the union had granted in the aftermath of the 2008 financial collapse. No more two-tier wage system in which newer employees earned substantially lower wages, substantial wage increases for all to match the increases in executive compensation, and health insurance and guaranteed pensions comparable to what the union had won in the 1950s. Instead of following the past UAW practice of selecting one of the big three US automobile companies to strike, Fain pursued a more innovative strategy. The union called its members out at specific plants of all three companies—General Motors, Ford, and Stellantis—while members remained at work at the remaining plants. As the strike dragged on, the UAW would call out its members at additional plants, raising the pressure on the companies. President Biden even became the first US president to join a union picket line. By engaging in a selective series of walkouts, the UAW reduced the financial costs of the strike and eased the pressure on its strike fund.

The strategy worked. First, General Motors and then Ford and finally Stellantis settled with the union and on generous terms. The three-year contract eliminated tiered wages, provided a 25-40% wage increase over its duration, and improved pensions and other fringe benefits. Stellantis even agreed to reopen a plant in Belvidere, Illinois that it had previously scheduled to close and to build a new electric battery factory in town.

Using the momentum of its victory over the "big three," Fain and the UAW resolved once again to unionize the nonunion plants in the South, where previously the union had experienced nothing but failure. The UAW decisively won a union representation election at the Volkswagen plant in Chattanooga, Tennessee, the first major victory in the South in more than half a century. Victory there raised the union's hope for a second triumph at Mercedes' plant in Alabama. There, however, the union narrowly lost a hard fought election, leading the UAW to demand a re-election, owing to Mercedes' alleged illegal practices during the initial attempt. For the moment its defeat in Alabama has put the UAW's effort to unionize BMW and the Japanese and Korean implants in the South in peril. Once again, as happened in two earlier efforts by the CIO to unionize the South and attack the region's reactionary political influence regionally and nationally, failure appears as likely as success.

The UAW was not alone in achieving success in the Fall of 2023. By then, as noted above, screen and television writers as well as actors had won their strikes against their employers, as also had the 100,000 plus graduate students at the University of California. The UAW had so many graduate student members by 2024 that several sat on the union's executive board and proved even more militant than their auto worker brothers and sisters.

President Joe Biden walks along the UAW picket line and engages with union members at the GM Willow Run Distribution Center, Tuesday, September 26, 2023, in Belleville, Michigan. (Official White House Photo by Adam Schultz)

Organizing and strike action also swept across the sales and service sectors, which employ far more workers than manufacturing. Employees at Amazon, especially its warehouse workers, Trader Joe's, bookstores, and other retail establishments formed unions and occasionally struck. Like most retail and service establishments, these either refused to recognize unions or

negotiate a first contract with those few that they recognize. Indeed, the unions and the NLRB have accused these employers of engaging in persistent illegal antiunion actions.

The one exception to this story of union failure in retail is Starbucks. Among all the retail establishments Starbucks employees had unionized at the largest number of company stores, still only a small minority of the company's 19,000 establishments though still a significant number. At first, Starbucks, like the companies above, engaged in blatant antiunion activities, including firing union activists, and denying union members benefits granted nonunion employees, as proved by the NLRB. It also refused to negotiate a first contract at any of its unionized stores. Then early in 2024 its new CEO, who replaced founder Howard Schultz, awarded union members the same wage increases and improved benefits already granted nonunion employees. He also promised to negotiate a first contract with employees at unionized stores. The question remains whether this shift in company policy will lead to unionization at a vast majority of unorganized Starbucks' stores.

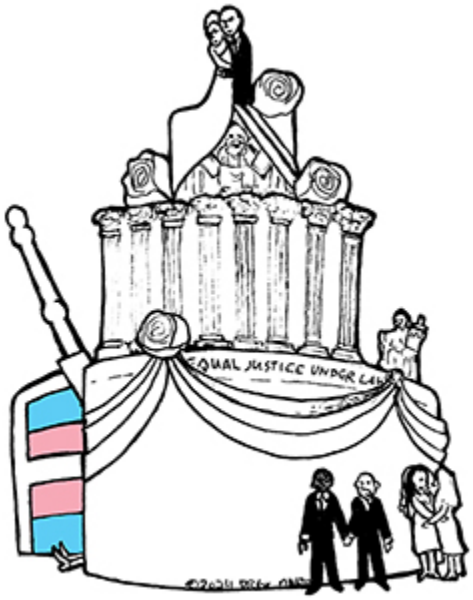
More troubling still is the reality that all the strikes and union organizing in 2023-24 did not increase union density. Indeed the total number of new employees continues to grow more rapidly than that of union members. More threatening still, Amazon, Trader Joe's, and Elon Musk are all challenging the constitutionality of the National Labor Relations Act in federal court. And with a presidential election impending in November, the threat to organized labor only worsens. Were Trump to be elected and Republicans to retake power in the Senate labor might face a parlous future. The NLRB, as has been typical during Republican administrations, would prove to be more amenable to the interests of employers than to those of workers, and this time likely even more so. Even worse there would be no restraint on the federal judiciary in which a majority of the circuit courts of appeal have established clear antiunion, anti-worker sensibilities. To put it simply the recent successes of organized labor and its future prospects depend on the results of the November elections.

[1] How Democratic as well as Republican administrations and their common commitment to neoliberalism undermined union power can be followed in the following histories: Melvyn Dubofsky, "Jimmy Carter and the End of the Politics of Productivity," The Carter Presidency: Policy Choices in the Post-New Deal Era, eds., Gary Fink and Hugh Davis Graham (1998), 95-116; Nelson Lichtenstein, A Fabulous Failure: Bill Clinton and the Transformation of American Capitalism (2023); Gary Gerstle, The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era (2022).

[2] I take such opinion surveys as those conducted by the Gallup Poll with a grain of salt. Too much depends on how the questions are posed and external circumstances at the time, that is whether or not unions have acted in a manner that might cause discomfort for non-participants.

The Backlash Continues: How Two Recent SCOTUS Rulings Pose a Threat to LGBTQ+ and Especially Trans and Gender Non-Binary Persons

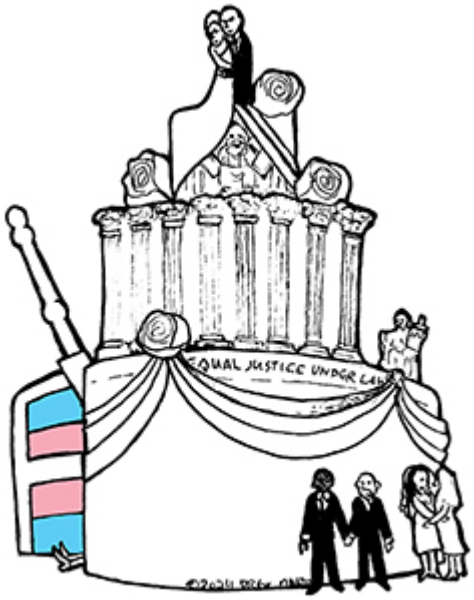
By | 2024: Vol. 23, No. 2



Our Present Context

My research and analysis of the backlash against LGBTQ+ and trans inclusion since the Obergefell decision of 2015 legalized same-sex marriage, has convinced me that trans and gender non-binary persons exist as a newly created national political scapegoat of the far right. This isn't to suggest that trans and gender non-binary persons, especially those of other marginalized and racialized identities, haven't long faced discrimination, family abandonment, and violence. Still the hundreds of specifically anti-transgender or anti-LGBTQ bills proposed in this country since 2015 makes clear that the collective and national targeting of gender transgressive folks is taking a much different form than anti-trans efforts have taken in decades past. The evidence for this claim is no longer difficult to produce. Recent investigatory reporting on anti-transgender legislation, by journalist Erin Reed, identifies five levels of risk to trans and gender non-binary person by their home state, and also identifies safe havens for those who have these identities. According to the most recent reporting, the level of risk identified as "Do Not Travel" includes only the state of Florida where, among other concerns, a trans or gender non-binary person could be arrested for using the restroom corresponding to their gender identity. The next category of states are identified as the "Worst States, "(KS, MT, OK, ND, TN, UT) and include bathroom laws and legislation that erases transgender identity

from any form of legal documentation, putting trans and gender non-binary persons at great risk. Categories of “High,” “Moderate,” and “Low Risk,” states follow and are characterized by the level of restrictive and dangerous legislation in place. Forms of legislation include bathroom bills, legal erasure, limits to health care for youth or adults, restrictions on gaining proper identification, the ability to change identification, etc. The states identified as kinds of safer-havens for these targeted classes include CA, CO, CT, DC, HI, IL, MA, MD, MN, NJ, NM, NY, OR, VT, WA. Thus, it is only in fifteen out of fifty states, or 30% of the States of this country that trans and gender non-binary folks can’t reasonably expect their safety and human rights to face infringement.[1]



Artist: Drew Martin

It is noteworthy that on January 6, 2021, Donald Trump Jr., in his speech to the crowd that later engaged in an insurrection at our National Capital, included disparagement of trans women. At the time I was stunned that attacking the dignity and legitimacy of trans women would warrant mentioning among talk of “rigged elections” and the victimhood of the former president. Now, three years later, debating which civil rights will be curtailed on the basis of trans or gender non-binary identity has been a part, sometimes a significant part, of each of the GOP Presidential candidates’ debates. The accepted nominee of the GOP ticket, Donald Trump, is increasing his rhetoric against trans persons in his attempt to again win the presidency. In a video released to social media, January 31, 2023, the former president promised his base, that his future administration is committed to marginalizing members of the trans and gender non-conforming community even more than he did in his previous administration. He promises that (presumably K-12) teachers will,

> …promote positive education about the nuclear family, the roles of mothers and fathers and celebrating, rather than erasing the things that make men and women different and unique. I will ask congress to pass a bill establishing, that the only genders recognized by the United States Government, are male and female and they are assigned at birth.[2]

After promising to prohibit trans athletes from participating in sports and teachers from supporting trans students, he disregards the long and multi-cultural history of trans identities and instead likens anything but traditional heteropatriarchical cissexism to be conjured by the political left.

> No serious country should be telling its children that they are born with the wrong gender. A concept that was never heard of, in all of human history, nobody has ever heard of this. What is happening today, it was all with the radical left invented it, just a few years ago. Under my leadership, this madness will end.[3]

Anti-transgender and anti-LGBTQ+ rhetoric is not just seen in presidential candidates, but among current law makers. The late March 2024 bipartisan bill, needed to avoid a government shutdown, not just agreed to continue to pay the government's bills, but in its over 1,000 pages included language prohibiting the flying of the Pride Flag at U.S. Embassies. Risking a government shutdown and loan default over the Pride flag is as silly as it is symbolic. This "compromise" with the group of far-right lawmakers however, resulted in less harm than their original proposal that included various anti-trans laws including a limitation on trans healthcare.[4]

The political climate has become toxic not just because of ongoing efforts to thwart the flourishing of gender transgressing adults and youth. The "War on Wokeness" targets immigrants, LGBTQ+ persons, women and their right to bodily autonomy, and the collegiate disciplines of Critical Race Theory, Gender Theory. Understanding the current political climate, especially as it impacts those minoritized based on sexual orientation or gender expression/ identity requires us to watch what politicians say, what legislation they support, and their tactics of dog whistling and chest-beating-virtue-signaling used to guarantee that they are the ones to slay the conjured dragon of dangerous "gender ideology" or "woke politics." Political speeches and performative legislative support are meant to be seen, to invoke both headlines and emotion. On the other hand, it has only become more recently noted that it the relatively quiet machinations of our legal system, including the appointment of judgeships, the usually unpublicized court rulings, and the nearly invisible non-events of rejecting a case for further consideration, that will increasingly impact those minorized through LGBTQ+ identity and other marginalizations.

My specific concern involves the widening of an understanding of freedom of speech as it is related to religious expression and its impact on those whose sexual or gender expression is not consistent with cisheteropatriachical and fundamentalist Christian norms. The two cases that I wish to focus on herein are not the only ones that have gained recent attention in terms of the broadening of religious expression. In "American Crusade, How the Supreme Court Is Weaponizing Religious Freedom," Andrew L. Siedel, looks carefully at cases ranging from the *Hobby Lobby Case* of 2014, to Covid Era Cases involving mandatory vaccinations, to those that used religious freedom arguments as claim that racial discrimination is within their legal rights.[5] I predict that the two cases of focus in this essay, *Kennedy v. Bremerton School District*, and *303 Creative et al. v. Elenis et al.*, will not be the last of those that increase the

sphere of religious freedom to the detriment of other precious freedoms in ways that severely limit the ability for many of us, especially those that are trans, non-binary, or LGBTQ+, to live flourishing and dignified lives. These won't be the last since the Supreme Court not only implicitly invites cases regarding religious freedom simply by its conservative majority makeup, but explicitly invite such. Recall Justice Thomas' notorious invitation in his comments in the Dobbs ruling overturning Roe v. Wade (2022) that other rulings leaning on the 14th Amendment should also be reviewed, including the *Obergefell Ruling* of 2015 proving marriage rights to all regardless of sexual orientation, *Lawrence v. Texas* (2003) that established the legal right to same sex intimacy, and even *Griswald v. Connecticut* (1965) that established the right of married couples to use contraception. In this essay, I focus on two recent Supreme Court Cases; that of *303 Creative v Elenis* in 2022 and *Kennedy v. Bremerton School District in 2021*. Both cases, in very different ways, expand what is thought to be a freedom of religions expression and speech in ways that are legally unsound and morally dangerous. I believe that these cases may come to be seen as precedent setting in years to come creating a cascading effect that will disadvantage many. I will clarify herein why I think the *303 Creative* and *Kennedy* cases represent what will become a vice grip of increasing pressure on those who wish to express their sexual or gender identity in ways that vary from the cisheteropatrichal standard. I fear that the walls are closing in on these forms of expression and will have serious ramifications for LGBTQ+, Trans, gender non-binary persons both in the school system and outside of it. My analysis will proceed after a brief description of each case.

303 Creative v. Elenis

The case of *303 Creative v. Elenis* in 2022 serves as an example of how the current Supreme Court has expanded freedom of speech as related to religious conviction and expression.[6] This ruling broadens the reach of freedom of speech claims (regarding religious belief) to circumvent, or otherwise exempt obligation to the duty of Public Accommodation. In other words, businesses that involve some form of speech, in this case the creation of artistic web based content, can refuse to do business with individuals, even those of protected political status, if the business owner can make the argument that the speech (written or verbal) involved is condoning lifestyles or beliefs which are inconsistent with the business owner's religious beliefs. Given that there are many ways that businesses employ various kinds of speech, the consequences of this ruling can be potentially very far reaching and have serious ramifications to marginalized groups, especially those of the LGBTQ+ community.

First a brief review of the specific facts of the case. Coloradan Lorie Smith felt called by God to go into the business of creating wedding websites. This is not something she wished to do for friends or on a limited basis, it seems that she understood God's plan to be that she engage in a for – profit web site design business which was fully open to the public. She wished to answer this spiritual call to action but was concerned that she would be seen as violating

Arguments at the United States Supreme Court for Same-Sex Marriage on April 28, 2015 (Ted Eytan)

the Colorado Anti-Discrimination Act because she would refuse to create web pages celebrating same-sex marriages. She also wished to be able to specify on her landing website, internet commerce's equivalent of a store front, that she would only do business that resulted in webpages for traditional heterosexual marriages. She believes that same-sex marriages are contrary to "biblical truth" [7] and believes that "marriage is a union between one man and one woman" and that this is her "sincerely held religious conviction."[8] What is thought to be relevant, according to the opinion of the court, is that it is not the case that Ms. Smith wishes to discriminate against any individuals of protected status (the Colorado Law protects LGBTQ individuals), because, she argues, is open to doing business with individuals of the LGBTQ community, she is *just* unwilling to celebrate same sex marriage or any other activity or belief that contradicts how she understands her Bible. As described in the court's opinion, "Ms. Smith acknowledges that her views about marriage may not be popular in all quarters, But, she asserts, The First Amendment's Free Speech Clause protects her from being compelled to speak what she does not believe. The Constitution, she insists, protects her right to differ."[9] The majority of the high court overruled the lower court ruling and concluded that refusing to make a web page for same-sex weddings in a for-profit public business was justified by the First Amendment. Furthermore, she also earned the right to legally publish statements explicitly identifying her refusal to serve same-sex wedding celebrants, something central to the Communications clause of the Colorado Anti-Discrimination Act. Imagine something like, "Celebrating Gays Need Not Inquire."[10]

The majority opinion in this case, written by Gorsuch, with Roberts, Alito, Kavanaugh and Barrett joining, imagines the legal principle involved not to involve Public Accommodation, but about Freedom of Speech. In essence, they claim that requiring Ms. Smith to accommodate those who wish to celebrate same-sex marriages is to force Ms. Smith to express ideas that are disagreeable to her intellect, and most importantly, her faith. Gorsuch likens the requirement for Smith to create webpages for same-sex marriages as a kind of governmental coercion

toward "enlightened speech."[11] Gorsuch, in critiquing the lower court ruling against Smith, regards their position as one that "compels" Smith to "create websites celebrating marriages she does not endorse,"[12] and to produce speech in violation of her own beliefs.[13] Instead, the majority believes that our founders would advocate ruling in favor of Smith to nurture the marketplace of ideas that are a vital part of democracy. "By allowing all views to flourish, the framers understood, we may test and improve our own thinking both as individuals and as a Nation."[14]

Given that Smith's legal team needed to cast this case to be about Free Speech and not Public Accommodation, it was crucial for them to construct the case with Smith's creative *expression* as center stage. This was accomplished by creating a connection between her self-expression and the product she wished to offer on the public market. Her potential wedding webpages are described as "'original,' 'customized,' and 'tailored creations.'" They will be " 'expressive in nature,' designed to communicate a particular message,' '' and will be Smith's " 'original artwork.'"[15] According the opinion of the court, the fact that Smith's imagined webpages (recall, she hasn't yet created one yet) will be "expressive" is reason to believe that they can be regarded as "pure speech."[16] From the court's decision,

> It is a conclusion that flows directly from the parties' stipulations. They have stipulated that Ms. Smith's websites promise to contain "images, words, symbols, and other modes of expression.…They have stipulated that every website will be her 'original, customized' creation.…And they have stipulated that Ms. Smith will create these websites to communicate ideas – namely, to 'celebrate and promote the couple's wedding and unique love story' and to 'celebrat[e] and promot[e]' what Ms. Smith understands to be a true marriage.[17]

The court sights three different precedent cases that they believe support the idea that laws of Public Accommodation are secondary to "expressive" content in for profit businesses. The cases sighted include 1.) West Virginia Bd. Of Ed. V. Barnette (1943), 2.) Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc (1995), and 3.) Boy Scouts of America v. Dale (2000). In the first case, it was ruled that students need not recite the pledge of allegiance at school, since doing so (in the case those who are members of the Jehovah's Witnesses) was contrary to their religious beliefs. The second case involved a Saint Patrick's Day Parade to which the Irish American Gay, Lesbian and Bisexual Group of Boston wished to join, but were denied inclusion from parade organizers. In the last case, the Boy Scouts of America won the right to exclude from the organization a gay man. By some accounts it was his activism not his identity that resulted in the exclusion. In each of these cases, what is thought as the compelling of certain speech played a central role. That is, in each case the court argued that individuals would be compelled to speak or express ideas contrary to their own. The first case involving the recitation of the pledge of allegiance is the most obvious of the three. In the second case, it was that the Irish American Gay, Lesbian and Bisexual Group of Boston group wished to walk behind a banner, that I expect championed the civil rights for LGBTQ persons, that was seen as expressive and that by their inclusion the organizers were thus coerced into also expressing that belief. In the last case, the Boy Scouts were determined to be an

"expressive" organization, and so to be forced to include those that expressed different beliefs (Dale), was an infringement on their First Amendment rights.

The minority decision was penned by Justice Sotomayor to which Justices Kagan and Jackson joined. Sotomayor reframes the discussion to be not about Freedom of Speech of an individual with particular religious beliefs, but about Public Accommodations. Referencing *Bostock v. Clayton County Ruling* that concluded that discrimination on the basis of sexual orientation and gender identity was a violation of Title VII, the first lines of her dissent proceed as,

> Five years ago, This Court recognized the 'general rule' that religious and philosophical objections to gay marriage 'do not allow business owners and other actors in the economy and in society to deny protected persons equal access to goods and services under a neutral and generally applicable public accommodations law…..Today, the Court in the first time in its history, grants a business open to the public a constitutional right to refuse to serve members of a protected class."[18]

For Sotomayor, this isn't a case about *speech*, but about an *action* of discrimination. For Sotomayor, the mistake of the majority is that they conflate protected *expression* with denial of service. This she calls, "a grave error."[19] Contrary to the majority opinion, Sotomayor argues that no speech need be compelled here at all. Smith can easily tailor her (possible future) wedding website business to include only include Bible verses or sentiments supporting heterosexual marriage.[20] In this case she would be able to offer the same product to all, without discrimination. As Sotomayor explains, one can specify the product or service as one chooses, one simply can't refuse to serve those of protected classes in a for-profit business. Alternatively and following the advice of the Colorado court, she could use a kind of a "shell" webpage she did for a heterosexual wedding and simply re-purpose it in ways that don't require her to engage in any further creative activity. To the argument that refusing to do wedding webpages for same-sex weddings isn't discrimination on the basis of sexual orientation since she will work with members of the LGBTQ community in creating non-marriage webpages, Sotomayor remarks, "This logic would be amusing if it were not so embarrassing."[21] In her dissent she recognizes how the 1964 Civil Rights Act inspired a number of failed attempts of individuals claiming that their religious expression or political liberty required them to continue to discriminate against Black folks in the public market place. In the case involving the "Heart of Atlanta Motel," the owner argued that being forced to his rent his hotel rooms to Black folks violated his constitutionally guaranteed right to liberty. In a similar kind of argument, Ollie McClung, owner of a barbeque business, thought that he should be able to discriminate against Black folks by refusing to attend to their orders unless they only ordered take-out and used a separate counter for ordering. Sotomayor references these cases when she makes clear that Smith's denial of engaging in discriminating action utterly fails.

> I suppose the Heart of Atlanta Motel could have argued that Black people may still rent rooms for their white friends. Smith answers that she will sell other websites for gay or lesbian clients. But then she, like Ollie McClung, who would serve Black people take-out but not table service, discriminates against LGBT people by offering them a limited menu.

This is plain to see for all who do not look the other way.[22]

Central to Sotomayor's main argument is that Smith is expecting an exception to the Public Accommodations clause. What should take center stage is whether or to what degree such an exception is justified. This clause has two main elements, first, it requires "equal access to publicly available goods and services" and second provides "equal dignity in the common market.[23] Referring to the necessity for "equal dignity," Sotomayor contends that not being able to participate in the common market induces a "stigmatizing injury."[24] The harm that results from discrimination in public accommodation isn't simply a kind of frustration that one need to look elsewhere to be served or to purchase certain goods. This harm exists even if the individual is able to find service somewhere else. "When a young Jewish girl and her parents come across a business with a sign out front that says, "No dogs or Jews allowed," the fact that another business might serve her family does not redress that 'stigmatizing injury'"[25] As mentioned, Smith won the right to not only discriminate against same-sex wedding celebrants, but the right to post information on her webpage that clearly and publicly characterizes this bias. This stigmatizes at the same time that it broadcasts other's potential ability to do the same.

Foundationally, according to Sotomayor, the Public Accommodation clause is a form of a social contract. No one, including Smith, is required to own a business that is open to the public, doing so is fully her choice. Similarly, as mentioned, she can tailor this business to offer services to all, but within her acceptable levels of comfort and expression. Doing so requires little imagination but does require willingness to abide by the law. As Sotomayor explains, "… if a business chooses to profit from the public market, which is established and maintained by the state, the state may require the business to abide by a legal norm of non-discrimination."[26] It is the legal norm of non-discrimination that Smith, and her supporters, wish to erode.

Sotomayor easily dispenses with the argument from the majority that this is foundationally a case about Freedom of Speech and Expression. She notes, as probably most did when reading this essay, that the cases identified as relevant precedents by the majority do not include expressions within the context of a for profit business. Neither the U.S. Boy Scouts, the Saint Patrick's Day Parade organizers, nor the West Virginia Board of Education are for -profit businesses benefiting from the current social and economic conditions that allow such businesses to flourish. Furthermore, Sotomayor identifies precedent setting cases that show that one's *expression* does not give any individual free reign to discriminate against legally protected categories nor is it the case that the government may not have legitimate interest in overriding certain forms of expression. In terms of the latter, she cites United States v. O'Brien, (391 U.S. 367 (1968) where the obviously politically expressive activity of burning a draft card was legally prohibited. Here, the court concluded that since the intent of the government to regulate this conduct was *not* to burden the expression of those who might receive draft cards, it was ruled that the burning of such cards was not immune to governmental regulation. This standard, called the "O'Brien Standard" invokes the notion of a substantial governmental interest in certain activities, even those activities that for some are highly and importantly expressive. If there is a substantial governmental interest in having

draft cards not burned, consider how much greater the governmental interest in having businesses not discriminate against those of protected categories. It is indisputable that the government does, in fact, have such an interest, and that there are alternative ways for Smith to conjure a business that is consistent with her heart felt beliefs about the sanctity of heterosexual marriage. The fact that Smith's case went forward for the express purpose of obtaining an exception to the Public Accommodation clause and that the services in question were not even yet available, is telling. This now precedent setting case has favored Religious Expression over the Public Accommodation of same-sex marriage celebrants. This case invites others that, even tenuously, can claim that their product or service is "expressive" and thus they are legally permitted to discriminate on the basis of protected categories. In thinking about the recent trans directed backlash, I sincerely doubt that Smith would be willing to make webpages that celebrate weddings that involve one or more trans or non-binary person, a bar mitzvah of trans young man, or a quinceanera for a trans young person. The writing is unfortunately on the wall.

Kennedy v. Bremerton School District

The case of *Kennedy v. Bremerton School District*, decided in the summer of 2022, just one year before *303 Creative*, establishes a dangerous and distinct precedent that I fear will be used in the future to further marginalize LGBTQ+ folks and especially those of us who are trans or gender non-binary.[27] Recall that the results of the *303 Creative* case are that religious expression and freedom of speech includes the right to discriminate in the public market, for *Kennedy*, the context of religious expression is widened to include governmental spaces, here, a public high school. The facts of the case are easy to grasp. Coach Kennedy regularly led students in prayer before games (a long standing practice of the coaching staff before his leadership), and additionally had a practice of praying on the 50-yard line of the football field right after the game was ended. It was not unusual for his students, those of the opposing team, and other coaches to join him in this post-game prayer. He would, at times, lead a short inspirational Christian speech at this time, sometimes holding a football helmet aloof…for (I am assuming) dramatic effect.

The school district found out about this and asked that he no longer lead prayers before the game. He agreed to forego the pre-game prayer in the locker room, but he could not bring himself to abide by the request that he stop praying on the 50-yard line of the football field after the game. Kennedy claimed that this was a personal and silent prayer, and while he didn't mind if players and others joined him, he did not coerce anyone to do so. Coach Kenedy, acting in direct conflict with the request of school district officials, vowed to pray on the 50-yard line after homecoming game and even went to the press to publicize this in multiple media appearances

Protest for LGBTQ Equality, Washington DC, 2019 (Ted Eytan)

including a local television broadcast and local newspaper.[28] The result is easily imaginable. After the game, players of both teams and coaches joined him in prayer, he had a chance to give a little religious speech, and supporters from the stands, in violation of safety protocols, clamored over each other to participate on the field. Coach Kennedy was then fired. Recognizing that this kind of display could easily be seen as the school district's intention to promote the Christian religion, the Satanic Temple of Seattle requested the school district that they too be able to engage in public ceremony after the game[29]. (Bless their cold black hearts of political and religious freedom.) They were denied, of course.

This case involves the Establishment Clause. That is, the school district believed that these displays on the 50-yard line could reasonably be perceived as an Establishment of Religion, of a district sponsored religious ritual. School officials asked Coach Kennedy to pray, if he wished to, after the game, but not on the 50-yard line, (a place he had access to only as coach), not when others were still around, and not when he still had post-game supervisory duties. Kennedy's lawyers argued that it is very common for coaches to do a number of tasks directly after the game (check their phone, say hello to friends in the stands, etc. etc.) and that since these other activities were not being curtailed the district could not curtail Kennedy in his post-game prayer, without being hostile to all religious expression. His legal team argued that if the District took such a position, teachers could no longer be allowed to say a personal prayer of grace before meals at school, or wear a head scarf or kippah (skull hat) in their religious expression.

In this case, Gorsuch again delivered the opinion of the court, with Roberts, Thomas, Alito and Barrett joining him.[30] Briefly put, the court did not see Kennedy's prayer on the 50-yard line after games as evidence that the school or school district could be seen as advocating for a particular religion, in this case, Christianity. They came to this conclusion since Kennedy did not coerce players or others to join him in prayer, nor was that time used for instruction or game analysis. His prayer was regarded as that of a private citizen and not a public employee. The fact that he was still "on-duty" as a coach at that time, that he only had access to the 50-yard line after games due to his position as coach, and that he was a role model for students, was not found to be adequate for the school district to justifiably ask him to pray on his own time or to do so privately. Gorsuch writes, "To hold otherwise is to posit an 'excessively broad job description' by treating everything teachers and coaches say in the workplace as government speech subject to government control."[31] The court also found that the "second step" of analysis required in these cases was to Kennedy's advantage. In this case, the "second step" involves the school district arguing that they have special interest in regulating their employee's speech, even though it is private speech. The majority of the court ruled that the district's concern that they be found liable under the Establishment Clause was not sufficient

for them to require him to pray elsewhere or at a different time.

Like the *303 Creative* case, Sotomayor wrote the dissent on this opinion as well, with Justices Breyer and Kagan joining. Unlike the majority, she disagreed that this was simply a case of a brief personal prayer, but that since Kennedy was still on duty as a coach, was wearing his official coaching attire as representative of his professional role, had supervisory duties at the time, was on school property, and that the religious display was likely coercive to his students, meant that this violated the Establishment Clause. Sotomayor, unlike Gorsuch, notes that there were many occasions that Kennedy did, in fact, invite others to pray with him and recognizes the implicit or explicit coercion that Kennedy's display would have on his young student-athletes. To this issue, Sotomayor writes, "After the issues with Kennedy arose, several parents reached out to the District saying that their children had participated in Kennedy's prayers solely to avoid separating themselves from the rest of the team."[32] Kennedy's appeal to the media to announce his post-homecoming prayer and his lack of response to the crowd when they violated safety protocols to pray with him are also telling. As a coach still on duty on the field, part of his responsibilities was to prevent the kind of unsafe behavior that his public rallying cries produced.

> Kennedy did nothing to stop this unauthorized access to the field, a clear dereliction of his duties.…and himself apparently anticipated that his continued prayer practice would draw student participation, requesting that the District agree that it would not "interfere" with students joining him in the future.[33]

Given that Kennedy was not barred from saying a private non-demonstrative prayer while at work when it didn't interfere with his duties, but that he refused to do so and claimed, in violation of the District's explicit directives, that the prayer had to be directly after the game on the 50-yard line, makes clear that this was not [just] about a quick prayer to his God, but public religious performance. Sotomayor makes her point clear,

> Properly understood, this case is not about the limits on an individual's ability to engage in private prayer at work. This case is about whether a school district is required to allow one of its employees to incorporate a public, communicative display of the employee's personal religious beliefs into a school event, where that display is recognizable as part of a long standing practice of the employee ministering religion to students as the public watched. A school district is not required to permit such conduct; in fact, the Establishment Clause prohibits it from doing so.[34]

I believe that this case, like that of *303 Creative*, has serious ramifications for those of marginalized identities, including LGBTQ+ persons and those who are not Christian. Here, the majority doesn't simply rule on the specifics of the case, but attempts to shift the decision making procedure of what should or should not be seen as an establishment clause violation. It is well known that legal arguments often employ a "reasonable person" standard. In this case, the question is whether a "reasonable person" who watched these Kennedy's public prayers would think that these activities involved government (school) officials engaging in an officially

sponsored and potentially coercive religious activity. It seems that this case would certainly violate this standard. However, the court wishes to replace the "reasonable person" standard for a "history-tradition" test. While the majority neither justifies nor explains what this test might look like, it is clearly consistent with an originalist interpretation of the law. Rather than employing the reasonable person standard, the court would be directed to wonder whether how the authors of our nation's founding documents would regard these particular events. Would they think that Coach Kennedy was infringing on the Establishment Clause? It is notable that these individuals from the mid-18th Century wouldn't have over two hundred years of research about what can be rightly seen as implicitly coercive to adolescents, even though it is clear that such knowledge would be relevant here. Would our Founding Fathers realize that if a player wants to get in the good graces with Coach Kennedy and gain more time on the field it makes sense to indulge him in his prayerful practices and that this is implicit coercion? Perhaps more worrisomely, the conclusion of this "history-tradition test" is up to the judges to decide what aspects of our history or historical documents are relevant to the present case at hand. Indigenous folks, Asian and Pacific Islanders, Black folks, Latinx and other people of color, along with women and LGBTQ+ people of all backgrounds are rightfully reticent to try to unearth attitudes held by white, propertied colonial men of the 18th Century.

The Legal and Social Ramifications of the *303 Creative* and *Kennedy* cases.

Both of these Supreme Court rulings have come at a time of increased politicization of LGBTQ+ and especially trans and gender non-binary identities. Be assured, I find it obvious that there is no necessarily antagonistic relationship between LGBTQ+ persons and the Christian Faith. Many of the LGBTQ+ community practice Christianity of various sects and find spiritual fulfillment in those practices and beliefs. Just recently, in the same week that Pope Francis declared that "gender affirming surgery is an affront to human dignity, "[35] a professor of Baptist Baylor University got in a tweet war claiming that J.K. Rowling needed to stop her constant tirades against transgender persons…after she targeted individual trans women on the social media outlet.[36] The professor's Christianity did not impede his motivation to be an ally to trans folks. So, yes, Christianity and LGBTQ+ identities have a complicated relationship. Still, it can't be denied that a good bit of the legal and legislative onslaught against LGBTQ+ persons has been supported by certain Evangelical and Fundamental Christians Groups. These are the same folks to whom Trump appealed to in the speech mentioned earlier in this essay. Trump is looking to win an election and a good deal of his base is fully engaged in the culture wars, especially when it comes to the rights of trans and gender non-binary persons.

It isn't difficult to imagine how the two cases just discussed will make living as a trans, gender non-binary person, or LGBQ+ person potentially more difficult in the years to come. If coaches can pray and lead mini-sermons on the football playing field, why not a demonstrative and collective practice of saying grace before lunch at the school cafeteria, or a prayer to start off or end the day at the school entrance? Following the Kennedy case, as long as there is only implicit and not explicit coercion, such activities could be seen as being protected under the First Amendment. Would students consider participate to gain positive feedback from their faculty mentor, to gain higher scores on assignments, or simply to be "part of the group"? It seems highly likely. The result would involve LGBTQ+ students, and especially trans and gender non-binary hiding their identities, living in the "closet," and fearing the newly emboldened school bullies. Since groups like "LifeWise Academy" have recently found legal ways to include Biblical teaching into the public school curriculum, future generations of students may be even less likely to support their trans and LGBTQ+ peers.[37] I have written extensively and in agreement with Sotomayor that the word "backlash" is descriptive of this political moment.[38]

Broadening the scope of free speech/expression in the marketplace, in ways that are thought to be justified exceptions of the right to Public Accommodation, based on the *303 Creative* case, is similarly worrisome. Given that Smith is allowed to discriminate openly against those celebrating their same -sex wedding, and the intense scapegoating of trans and non-binary persons, virtually any event that celebrates a life event of those individuals would mean that one was supporting the legal and moral recognition of that person's identity, something both the former President and many religious and politically right organizations refuse to do. Given that the *303 Creative* case was argued with the key premise that her work on webpages was "expressive," what else might be identified as such? It seems clear that personal and professional expressions are never fully independent from each other. Teachers express themselves in their craft, as do barbers, store owners, lawyers, book store owners, even restauranteers. If one holds a committed religious belief that persons identifying as or expressing themselves as trans or gender non-binary, or otherwise LBGTQ+ are essentially demonic and contrary to God's plan, it could conceivably be argued that nearly any professional interaction is an infringement of their First Amendment Rights, thus justifying public discrimination.

Conclusion

The impacts of the anti-trans legislative onslaught, the ramifications of both *Kennedy* and *303 Creative* undoubtably threaten the well-being of LGBTQ+ folks, trans and gender non-binary folks nationwide. But this is not all. These movements of unjust exclusion threaten our nation as a whole. Restricting gender expression as a kind of self-expression is one step toward restricting other sorts of personal expression, whether that be an expression of political belief, or related to a marginalized identity. Scapegoating others is not just the aim of true believing zealots, but a step in the direction of amassing more control that some politicians seek. Demonizing transgender and gender non-binary folks isn't just an end in itself, it is a step towards further authoritarian power. As recently penned by Judith Butler,

> The fear of "gender" allows existing powers — states, churches, political movements — to frighten people to come back into their ranks, to accept censorship and to externalize their fear and hatred onto vulnerable communities. Those powers not only appeal to existing fears that many working people have about the future of their work or the sanctity of their family life but also incite those fears, insisting, as it were, that people conveniently identify gender as the true cause of their feelings of anxiety and trepidation about the world.[39]

In agreement with Butler, it is important that we understand the political moment in which we presently reside, and the political and moral ramifications for those targeted. The lessoning of restrictions against the Establishment of Religion and provide exceptions to the Public Accommodations poses a severe threat to trans, gender non-binary, and all LGBTQ+ persons. The scapegoating and targeting of folks in these groups that began shortly after the Supreme Court Ruling on same sex marriage in 2015 continues unabated and now employs both the court system as well as local and national law-making bodies. In the meantime, the political rallies of former president Trump do all they can to marry the cause of his reelection with the goals of one variety of Christianity. This year, 2024, Transgender Day of Visibility happened to land on Easter Sunday. President Biden's acknowledgment of the day was characterized as one that was a "total disrespect to Christians" and Trump vowed to make election day "Christian Visibility Day," clearly drawing the lines of animosity between the nation's most popular religion and the transgender existence.[40] Interestingly, while the former President's rallies are full of calls for retribution of his enemies and the demonization of trans individuals, Critical Race Theory Professors, immigrants, and other imagined evils, they have now begun to end with solemn prayers for political victory.[41] This mixture of political aspiration and religious fervor, accompanied by ideologically driven Supreme Court Rulings and explicit anti-LGBTQ+ state and local legislation, mean not only that the political gains of sexual and gender minorities will be lost, but distort our collective understanding of justice, to the detriment of all.

Notes

[1] Erin Reed, "Anti-Trans Legislative Risk Assessment Map, March 2024 Update," March 25

2024, <https://www.erininthemorning.com/p/anti-trans-legislative-risk-assessment-cd3?utm_campaign=email-post&r=2a4dyr&utm_source=substack&utm_medium=email>

[2] <https://www.youtube.com/watch?v=vdNRsCLRxhg>

[3] <https://www.youtube.com/watch?v=vdNRsCLRxhg>

[4] Matt Lavietes, "Bipartisan Spending Bill Includes Effective Ban on Pride Flags Over Embassies," NBC News, March 22, 2024. <https://www.nbcnews.com/nbc-out/out-politics-and-policy/pride-flag-ban-us-embassies-government-shutdown-deal-rcna144647>

[5] Andrew L. Seidel, American Crusade, How the Supreme Court Is Weaponizing Religious Freedom, Union Square and Company, subsidiary of Sterling Publishing Co, New York

[6] *303 Creative LLC* v. *Elenis,* ___ U. S. ___ (2023)

[7] Ibid, Opinion of the Court, 4

[8] Ibid, 4

[9] Ibid, 2

[10] These are my words, not those that she put on her webpage. Her website, as of April 2024, has no other information about wedding websites, except a "Coming Soon" message.

[11] Ibid, 24

[12] Ibid 4

[13] Ibid 11

[14] Ibid 7

[15] Ibid 2

[16] Ibid 9

[17] Ibid 9

[18] *303 Creative LLC* v. *Elenis,* ___ U. S. ___ (2023), Sotomayor Dissenting, 1.

[19] Ibid 24.

[20] Ibid 27.

[21] Ibid 32.

[22] Ibid 32.

[23] Dissent, 4 -5.

[24] Ibid, 5, Sotomayor quoting …Roberts 468 U.S., at 625.

[25] Iid 5, quoting Roberts, 468 U.S., at 625.

[26] Ibid 7.

[27] *Kennedy* v. *Bremerton School Dist.,* 597 U. S. ___ (2022)

[28] Ibid, Sotomayor Dissenting, 7.

[29] Christine Clarridge, "Jesus' Chants Greet Satanists at Bremerton Football Game," The Seattle Times, February 4, 2016. < https://www.seattletimes.com/seattle-news/education/jesus-chants-jeers-greet-satanists-during-bremerton-football-game/>

[30] Kavanaugh agreed with Gorsuch's appraisal except on one small point, and Thomas and Alito filed concurring opinions.

[31] Ibid, Syllabus, 3

[32] Ibid, Sotomayor dissenting, 11.

[33] Ibid 19.

[34] Ibid 13- 14

[35] Jason Horowitz and Elisabetta Povoledo, "Vatican Document Casts Gender Change and Fluidity as a Threat To Human Dignity" New York Times, April 8, 2024, <https://www.nytimes.com/2024/04/08/world/europe/vatican-sex-change-surrogacy-dignity.html>

[36] Jon Brown, "Baylor University's 'Harry Potter Professor,' Goes Viral After Blasting J.K. Rowling for 'Hatred of Trans People,'" Christian Post, April 6, 2024, < https://www.christianpost.com/news/baylor-u-professor-goes-viral-for-accusing-jk-rowling-ofhate.html?utm_source=Weekend&utm_campaign=Weekend&utm_medium=newsletter>

[37] "Lifewise Academy" is an organization that facilitates Bible education in public schools to take place during the regular school day. Organizers cite a 1951 Supreme Court Ruling, Zorach v. Clauson, that they believe allows for this kind of religious education as long as it is off the property of the public school, does not use public funds, and requires parental consent.

Organizers claim that, as of April 2024 tens of thousands of school children attend Bible classes during regular school hours, through LifeWise Academy See <https://lifewise.org/>

[38] Sotomayor's dissent in the *303 Creative v. Elenis* ruling includes, "Around the country, there has been a backlash to the movement for liberty and equality for gender and sexual minorities. New forms of inclusion have been met with reactionary exclusion. This is heartbreaking." Dissent page 2.

[39] Judith Butler, "How the anti-gender movement is bringing us closer to totalitarianism," L.A. Times, March 6th 2024. < https://www.latimes.com/opinion/story/2024-03-16/anti-gender-ideology-sexual-identity-transgender-violence>

[40] Jon Brown, "Trump Floats 'Christian Visibility Day' in Response to Biden's 'Trans Visibility Day'" "The Christian Post," April 3, 2024. < https://www.christianpost.com/news/trump-floats-christian-visibility-day-in-response-to-biden.html?utm_source=Daily&utm_campaign=Daily&utm_medium=newsletter>

[41] Michael C. Bender, "The Church of Trump, How He is Infusing Christianity into his Movement," The New York Times, April 1, 2024. <https://www.nytimes.com/2024/04/01/us/politics/trump-2024-religion.html>

The Rise of Trumpism

By | 2024: Vol. 23, No. 2

In today's politics, Donald Trump supporters praise him as welcome relief to what they consider failed politics and policies. Trump opponents see him as narrow minded and intemperate. But there's more. In a December 2023 national poll, 51 percent of the respondents agreed that Trump would be "a threat to democracy if he is elected president." Yet in the same poll asking about the November 2024 presidential election, the respondents favored Trump over Democratic incumbent Joe Biden 47 percent to 42 percent. So, what is it that makes Trump so appealing, given that so many believe he will hurt democracy as president? We learn something of an answer in diagnosing Trumpism, the movement that has catapulted Donald Trump to the presidency.

Artist: Pedro Camargo

Trumpism offers a simplistic political design for attending to society's problems, washing away political demons (and enemies) in the process. In essence, followers view it as a political cleansing agent with the promise of permanent change. Trumpism is now a part of American politics and culture, extending well beyond its namesake.

An Anti-Democratic Combination

Trumpism is manifested through the interaction of four central properties: populism, racism, isolationism, and authoritarianism. Combined, these elements have become a powerful socio-political mechanism for undermining democracy and pushing American society into chaos.

Populism

At its root, populists recoil from abrupt change. In post-Civil War America, the country moved swiftly toward industrialization and urbanization, creating a sense of abandonment for some sectors of society. And so emerged populism. Many small town residents and members of the agricultural sector particularly felt ignored and left behind. Racism, antisemitism, and a general fear of immigrants were mainstays in populism. The growing dominance of government as well as large corporations were also blamed for an unnatural reordering of society. Waxing nostalgia, people yearned for someone to lead them to a simpler and calmer past. Briefly a small political party, the populist movement waned by the late 1890s.

In recent years, populism has re-emerged in American society. Growing resentment of "bigness" whether by Big Government, large corporations, outsized interest groups, and massive immigration have led large numbers of Americans to look for someone able to regain control of the American dream.

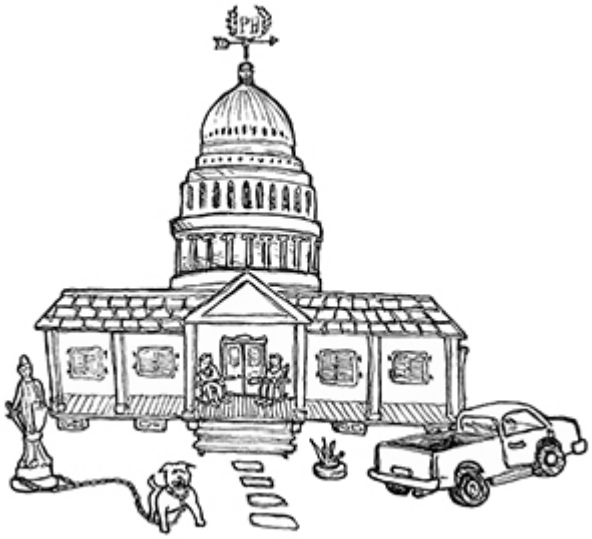
Few modern politicians have seized populism as a tool for power more successfully than Donald Trump. Repeatedly, he has pinpointed grievances against immigrants and minorities, who are "stealing our culture," exhorting his supporters to "take our country back." And how can such devastating developments be overcome? Trump would ask rhetorically. "I am your voice," Trump declared during the 2016 Republican National Convention. And with respect to the myriad problems emerging from the deterioration of American greatness, Trump pronounced, "I alone can fix it." The delegates roared with approval

Racism

When Trump urges his rally attendees to join him in the fight to "take our country back," one might ask, from who? The answer is, from those robbing us of "our culture." It boils down to "us" versus "them." The "us" represents largely White Christians, guardians of the American dream and preservationists of culture molded by White Christian forbearers. The "them" are found mostly with Black, Brown, Indigenous, and Asian Americans, immigrants of color, and

members of non-Christian religions. This approach has served as a powerful force for leaving a major wedge between Americans.

Once he became a contender for the 2016 presidential election, Trump made racism a centerpiece of his candidacy. He accused Mexico and other Latin American countries of sending rapists, crime, and drugs. Upon his election in 2016, Trump pledged to deport every one of the nation's undocumented immigrants, even though close to half in the U.S. were guilty of nothing other than entering legally and overstaying their visas.



Artist: Drew Martin

An early presidential test of Trump and bigotry occurred in 2017 when a peaceful group in Charlottesville, Virginia gathered to support removal of a Confederate monument and were viciously attacked by a group of torch-carrying men displaying Nazi symbols and chanting "Jews will not replace us." At the end of a melee where one person died and dozens of non-violent demonstrators were injured, Trump complained that "the press has treated [the Neo-Nazis] unfairly….You had some very fine people on both sides."

But there was so much more. During his presidency Trump attacked supporters of the non-violent Black Lives Movement for disseminating "toxic propaganda," tried to ban all Muslims from entering the United States, and labeled undocumented immigrants entering the United States from Latin American countries "animals." And who can forget Trump's reference to COVID-19 as the Kung Flu, his attempt to blame China for causing the virus?

"Birtherism," the baseless belief that a candidate for national office is born outside the United States, has been a favorite tool for Donald Trump. Between 2012 and 2016, he frequently wondered aloud whether then-President Barack Obama, an African-American born in Hawaii, was from Kenya (his father's place of birth). Later, Trump used the same tactic on then-Democratic Vice-Presidential candidate, Kamala Harris, the child of Jamaican and Indian

immigrants who was born in Oakland, California. As with the first claim against Obama, conspiracy theorists spread the false claim like wildfire.

Variations of Trump's racism continue to this day. During the 2024 campaign, he employed anti-immigrant and antisemitic rhetoric once used by Adolph Hitler, describing them as "vermin…poisoning the blood of our country." Taking a swipe at Republican challenger Nikki Haley, an Indian American, Trump has referred to her as Nimarata Nikki Haleyand claimed that she was ineligible to run for president. In fact, Nikki Haley was born in South Carolina and, hence a U.S. citizen. Nimarata was her given first name, but she has gone with her middle name for most of her life. Clearly, racism is a mainstay of Trump's political arsenal.

Isolationism

Isolationism refers to the practice of a nation behaving inwardly with respect to interaction with other nations. For more than one hundred years, American isolation was guaranteed by oceans to our east and west. U.S. isolation ended briefly with late participation in World War I, after which Americans resumed an inward attitude. Even when Hitler menaced Europe and Japan attacked China and other nearby nations, America resisted involvement. That distance ended in theory with the attack on Pearl Harbor by Japan on December 7, 1941.

Economically, militarily, and politically the international role of the United States changed markedly after World War II. From that point on, the United States became the most powerful nation in the world, working with allies to create the North American Treaty Organization (NATO), where an attack on any member would be an attack on all with a commensurate response. Over time, the collection of NATO nations has grown to 32 members.

Currently, the U.S. has seven collective military arrangements with various groups of nations all over the world, with the most recent being coordination with NATO partners for aid to Ukraine against a Russian invasion in 2022. These changes have led some Americans to wonder about the extent of American investments—military and political—abroad.

But isolationism goes beyond severing relationships with other countries. For Donald Trump, saving America and protecting social homogeneity are part of his effort to not only separate the United States from other countries, but to keep the U.S. from accepting the "thems" from other countries. He has embraced isolationism as the basis for its "America First" policy, part of his "Make America Great Again" slogan. If the phrase sounds familiar, it's because it was the call of those American Nazi sympathizers during the 1930s who wanted the United States to stay away from the fighting in Europe.

When discussing American assistance to allies during his presidential campaign in 2024, Trump has argued against it. The military agreements between the U.S. and allies, he argues, have been prohibitively costly to the U.S. and not worth the investment. This shouldn't be a surprise. As President, Trump scuttled a several-nation nuclear agreement with Iran, withdrew the United States from the Paris Climate Accord, and renounced American participation in the Trans-Pacific Partnership designed to contain China's influence in Asia. Toward the end of

office, Trump pondered leaving NATO and told European leaders if he returned to the presidency, the United States would never help Europe if a member country suffered attack.

Authoritarianism

Authoritarianism is an approach to rule resting on intolerance of differences and imposed group conformity. There is only one accepted form of behavior, the one declared by the leader and supported by his sycophants; deviation from an enforced value system is not permitted. If necessary, authoritarians will rely on physical strength to compel acceptance of their rule.

Donald Trump believes in authoritarianism. He has declared that only he knows what's best for the United States. Recall Trump's assessments of America's problems at the 2016 Republican convention, where he promised the delegates that "I am your voice," and that regarding the nation's condition, "I alone can fix it." From Trump's perspective, it was more important for the nation to follow him than interact with him.

Trump feels particularly comfortable with fellow autocrats. In fact, he has expressed undying admiration for despots. Often, he has voiced effusive praise on China's Xi Jinping, Russia's Vladimir Putin, North Korea's Kim Jong-Un, Hungary's Viktor Orban, Turkey's Recep Erdogan, and Egypt's Abdel Fattah el-Sisi. In Trump's words, "the tougher and meaner they [autocrats] are, the better I get along with them…." On assessing the leadership of Xi Jinping, Trump said of the Chinese leader, "President for life! That's pretty good."

His four years as President offered ample evidence that Trump was fully committed to authoritarianism. Some examples:

- Firing F.B.I. Director James Comey for his unwillingness to give Trump total loyalty; Comey's loyalty was to the Constitution.
- Obstructing the Special Counsel appointed by Trump's Deputy Attorney General to examine possible Russian interference relating to the 2016 presidential election.
- Issuing executive orders making it easier for executive department and agency heads to fire civil servants.
- Deriding the press for presenting "fake news," which was information Trump didn't like.
- Upon losing the 2020 election, he asserted that the best way to undo his defeat would come from terminating the Constitution.
- Ordering federal officials to seize the voting machines in several states that went for Biden in the 2020 election.
- Supporting the January 6, 2021 insurrection against the Capitol as Congress met to confirm the election results.

All told, Donald Trump used his presidency to maximize his power and prevent anyone from interfering with his activities.

Losing his re-election in 2020 only emboldened Trump for his next calling in 2024. Shortly

after he declared for the presidential nomination in 2023, Trump recited his grievances about the "rigged results," and told his followers at his first rally, "I am your retribution." Translation: Once in office, Trump would get even with his tormentors. He later spoke of executing at least one opponent from his administration who interfered with Trump's efforts.

Trumpism: More than an Idea

Combined, populism, racism, isolationism, and authoritarianism became the essential ingredients of Trumpism. As interacting components, they make Trumpism the most powerful anti-democratic threat in the nation's history.

The Restructuring of American Values

Trumpism is a powerful political force, especially for those living in fear—fear of surrendering their place in society to others, fear of government-imposed constraints on their lives, fear of losing their way of life. These examples show how Trumpism thrives on the "us" versus "them" classification of society and the results that follow. That very chaos is the source of strength for Donald Trump and his allies.

It's important to note that in America, divisions are not new. There have always been tensions between Whites and non-Whites, Christians and non-Christians, anchored citizens and newcomers. The very multicultural nature of American society virtually guarantees such tensions; they are endemic to a pluralistic society. But for the most part, throughout the nation's history, there have been constraints on what those in power could do to the powerless, whether from competing government entities or the voters.

Increasingly, the voices of those seeking fairness have been overcome by Trumpists who have no such interest or care. Its power has impacted our lives to the extent of promoting hate over tolerance, order at any price, and institutionalized discrimination over informal prejudice. As a result, today we live in an environment that threatens to alter American cultural values.

Hate Over Tolerance

In a democracy, we don't have to agree with others; rather, we need to acknowledge that others may not see things as we do and respect their points of view. From there, good governance comes from those with differing opinions who, on the same issue, seek common ground. This is the essence of tolerance.

Hate, however, interferes with democracy to the extent that it is a key component of authoritarianism. It doesn't have to be that way. Studies show that tolerance in America on issues related to race grew substantially between the 1960's and 1990's. But that seems to be a bygone era. With Trumpism, tolerance has given way to hate and intolerance, especially with respect for racial, ethnic, and religious minorities. Research shows that during the 2016 presidential campaign, hate crimes increased in counties that voted for Trump. Another data point: Nationwide research by ABC on the relationship between Trump and violence found at

least 54 instances between 2015 and 2020 where Trump supporters physically attacked anti-Trump supporters, sometimes during or after rallies and other times where they cited Trump's name as the source of their anger. Most of the attackers were White young men, similar to the profile at the infamous January 6, 2021 insurrection against the Capitol.

Trump's open contempt for minorities and immigrants has opened the door for hate groups to act out their anger. Their menacing presence at Trump rallies, willingness to take on peaceful protesters, and threats against election officials simply trying to do their jobs speak volumes about their willingness to dismember American society as we know this. And Trump has expressed his approbation in rather direct terms. We only have to recall a 2020 presidential debate between Trump and Biden. When asked by the moderator to condemn violence the Proud Boys, a well known hate group, Trump responded, "Proud Boys, stand back and stand by." Within minutes, that statement circulated through the dark places of social media. The surge of Trumpism-inspired hate in the United States has lessened the commitment to democracy. Most of the assaults were against minorities including African-Americans, Latinos, Muslims, and gay men.

Order at Any Price

In early 2024, Donald Trump pronounced that upon resuming the presidency, he would be a "dictator," ruling with an iron fist. After his candid remark provoked widespread concern, Trump amended his statement, saying that he would be a dictator for his first day only. Nevertheless, Trump made the point. Giving a speech on Veterans Day in 2023, when leaders traditionally honor military personnel who have defended the United States in times of war, Trump vowed to "root out the communists, Marxists, fascists, and the radical left thugs that live like vermin within the confines of our country that lie and steal and cheat on elections" upon his return to office.

Trump has plenty of authoritarian followers, which makes his behavior all the more frightening for those concerned with losing our democracy. All we have to do is remember the 147 members of Congress (139 in the House of Representatives and 8 in the U.S. Senate) who on January 6, 2021, *after* the insurrection against the Capitol, voted to overturn the results of the 2020 election despite the absence of any evidence. In fact, some members rejected the thought of an insurrection altogether, suggesting that the insurrection was little more than a tour of the Capitol. Republican Representative Paul Gosar (AZ) went so far as to categorize the insurrectionists as "peaceful patriots."

The growing comfort with order at any price has seeped into large swaths of American society. A 2023 national poll asked whether "we need a leader who is willing to break some rules if that's what it takes to set things right." Thirty-eight percent of the respondents agreed with the idea, including 48 percent of Republicans. That survey is not an outlier. In a 2022 national survey of Americans, 42 percent agreed that "having a strong leader is more important than having a democracy." Simply put, Trumpism has impacted American society.

Lost Faith in Democracy

The restructuring of American culture to include hate and violence coincide with the beliefs of many that American democracy is on the wane. In a 2022 national survey of Americans, 52 percent were “very concerned” with the future of American Democracy. Another national poll taken by NPR/Ipsos the same year offers an even more dour assessment with 64 percent agreeing that “American democracy is in crisis and at risk of failing.”

What do we do about this? In a democracy, we count on leaders to promote democratic values from the top down to the people. We expect them to set examples, give us hope, and work toward better times. If that’s the case, Trumpists have failed us as leaders, for their grievances focus on division and anger. Trumpists would rather exploit differences than heal them. Instead, they should be focusing on political ways to expand the economic pie and the extoll the benefits of diversity in democracy. So, the broken society goes on, and no one deserves more blame for that than Donald Trump.

Trump and Trumpism: An American Brand of Fascism

By | 2024: Vol. 23, No. 2

All too often, pundits depict Trump and Trumpism as a unique expression of political extremism, but Trumpism is not entirely unique. When the defining characteristics of his campaign were made public in 2016, Trump and Trumpism began to amplify forms of hate and violence that were pre-existing in the political culture of the United States. There is no denying that there are novel aspects to Trump and Trumpism, which derive from ongoing historical expression of extreme forms of hate and violence. It is a lengthy history in which hate and violence has been used consistently to demonize various social segments, such as indigenous people, people of color, women and organized labor and employed and expressed as various isms, racism, sexism and anti-Semitism. These isms are a reaction against what is perceived to be threats to the ideal image of an America that consists of upper-class whites, dominated by males.

Artist: Pedro Camargo

From the moment Trump descended the escalator to launch his campaign for the presidency, he identified the non-white threat to the United States. On his first day in office, the hate-driven political agenda unfolded with the signing of his executive order to remove the mandates of the Affordable Care Act, followed by another executive order to remove Federal Housing Administration mortgage discounts for low-income buyers. His January 25, 2017 executive order mandated the construction of a 2,000-mile wall along the southern border of the United States in order to keep migrants out. His anti-Semitism was evident in his remarks after the Charlotte Unite the Right rally. The Access Hollywood tape along with his selection of three Supreme Court justices who could be counted on to overturn Roe v. Wade revealed the depth of his inability to tolerate women controlling their bodies. His racism is evident in his attacks on demonstrators who protested the murder of George Floyd with his remark, “When the looting starts, the shooting starts.”

There is a segment of the middle class that responds to his instigation of violence at rallies where his intent is to whip the crowd into a hate-filled frenzy. As former Black Panther H. Rap Brown put it, “Violence is as American as cherry pie.” In the U.S., violence has been and continues to be normalized in such things as the prevalence of violent sports, America’s global military presence and a lengthy history of invading and supporting the overthrow of governments overseas. The United States is a global leader in the production and distribution of weapons, which translates domestically into violence being expressed as a might makes right culture.

Trumpism has manifested itself as an extreme form of destructive politics, the goal of which is to cause harm to various social segments. Trump’s appeal to segments of the middle class was made clear during his inaugural speech when he said, “This American carnage stops here and stops right now.” He was signaling not only that he recognized their historic decline but that he was going to be the one who would be able to reverse it. It was the beginning of the clear

symbiotic relationship between Trump and his followers, epitomizing the ties forged between Trump and the Trumpists, a base that consists of parts of America's middle class.

Trump's social base consists of these parts of the middle class as well as members of the upper classes, according to media reports of exit polls of the 2016 and 2020 elections. Similarly, the Washington Post in 2019 ran an article headlined, "White Trump voters are richer than they appear," and they identify and support policies that benefit the upper class. The willingness to follow Trump no matter what is based on a deeply held belief that Trump will be able to achieve a dystopian destruction that will undermine the diverse social segments that parts of the middle class see as threats and will ultimately result in the middle class returning to its former glory.

There is something truthful in the perception of middle-class decline; Trump has effectively tapped into and exploited the rage the middle class has against its own decline. In so doing, Trump positions himself as the savior of this declining middle class while scapegoating various diverse social segments as the cause behind this precipitous decline. The MAGA base puts its unquestioning blind trust in the belief that Trump will somehow rescue the middle class. The bulk of Trump voters are members of the fearful, declining middle class segments that historically have functioned as the political backbone of fascism.

While Trump has been effective in manipulating the fears and hopes of this middle class segment by scapegoating social segments, the mobilization of support for Trump also functions as a political smokescreen for his policies, which are designed to almost exclusively benefit the upper classes. One indication that this is where Trump's emphasis lies is in his handpicking billionaires as his advisors and policymakers: Linda McMahon, Betsy DeVos, Wilbur Ross, Todd Ricketts and Gary Cohen, all drawn from the upmost echelons of corporate America.

While extreme forms of hatred and violence against diverse social segments are supported by Trumpism, the focus of his administration's policies was to take action to deregulate the economy. In 2017, Trump claimed responsibility for 83 deregulations that expanded the greater extraction of fossil fuels and allowed companies to dump hazardous waste in rivers and streams, contributing to water pollution and creating greater threats to drinking water, not to mention hastening climate change. His Department of Agriculture deregulated policy in poultry plants and accelerated production lines, endangering the health and safety of workers, many of whom are immigrants, and consumers. He instituted many anti-labor policies, such as stacking the National Labor Relations Board with appointees who reversed the "Transparency Rule," which allowed workers to know when employers engaged in anti-union activity. Under a new policy that he established, restaurant employers no longer had to distribute pool tips among the staff and could pocket servers' tips.

Trump also intended to repeal and replace the Affordable Care Act. While that didn't happen, he was able to repeal the individual mandate and reduce the advertising of the exchange and enrollment periods. In other actions taken, Trump vetoed a bill that would have allowed the government to negotiate drug costs with manufacturers. He also expressed interest in the

privatizing of schools. He considered his greatest achievement his signing into law in December 2017 the Tax Cut and Jobs Act. Corporate America was the beneficiary of this a $1.9 trillion tax cut of which $1.3 trillion went into the pockets of top executives and shareholders of corporate America.

This brief sample of Trump's two-fold agenda demonstrates how he mobilizes segments of the middle class who amplify existing forms of hatred and violence while Trump supports policies that benefit America's upper class. The ongoing inherent danger that looms following the 2024 election are the institutional preconditions for fascism to unfold in the United States. Should Trump achieve a second term in 2024, he will implement many of the policies outlined in the GOP's Project 2025, cementing the unity of state and corporate policymaking, which is the essence of fascism.

And Trump makes no secret of his unabashed support for corporatism. In "How America's Oligarchy Has Paved the Road to Fascism," Robert Reich identified the billionaires, such as Phil Ruffin, Charles Kushner, Robert Johnson, Bernie Marcus, Robert Bigelow and Scott Bessert, who have contributed billions to Trump's 2024 presidential campaign. Trump's support comes from segments of the middle and upper classes, which share in common a class struggle that they are waging against a heterogeneous America. However, the motivations of each of these segments differ.

Artist: Drew Martin

Trump's mobilization of middle-class segments function as the social support for the anti-democratic fascist movement who in their blind loyalty spearheaded an attempted coup on Jan. 6, 2021. Had the coup succeeded, Trump and his followers in Congress would have cemented a merger of governmental and corporate power, which is a definition of fascism. What has blinded Trump's followers is the overriding myth of the ruler who governs by the force of his will and is not bound by the rule of law. A suspension of law by the Enabling Act put Hitler

above the law and bears a striking similarity to Trump's argument in the courts for his immunity from prosecution. Trump's intention to assume dictatorial authority is stated in his recent remarks to the media that he would be "a dictator for one day" once elected.

Trump's mindset echoes the writing of Carl Schmitt, who expressed in his book Political Theology, the idea of "the sovereign is he who decides the exception." For Trump, like Schmitt, sovereign authority is not to be constrained by legalism. For both Trump and Schmitt, there is no conception of a universal law existing in a constitution; there is only the sovereign who decides on the basis of what he considers to be situational law. Within the pages of Political Theology, Schmitt like Trump expresses the belief that politics is the difference between friends and enemies. It is as if Trump, who never read Schmitt, is simply attempting to realize the concept of a sovereign dictatorship. Both Trump and Schmitt have expressed admiration for Hitler.

Anti-Fascists protesting Donald Trump. (Lorie Shaull, 2017)

Part of Trump's grand strategy to undermine the legal system, which is a key feature of fascist ideology, is his effort to delay his court cases until after the election. Upon returning to power, he can then employ the Schmittian principle that the sovereign alone decides the exception; in so doing, he can then will away the federal cases. While on the campaign trail, Trump consistently references his victimhood, which he says demonstrates that he is being legally persecuted. To drive home the point and to underscore and strengthen the political paranoia that helps cement his ties with his middle class base, he says, "They're not after me, they are after you."

During Trump's time in office, 27 psychiatrists collaborated to write *The Dangerous Case of Donald Trump* in which they refer to his pathological narcissism and extreme paranoia. And possibly because of what numerous observers have identified as his more recent mental decline, his political paranoia has only increased. At a rally last November in New Hampshire, Trump made the following statement, evidence that his political paranoia has reached a fever pitch. "We will root out the communists, Marxists, fascists and the radical left thugs that live like vermin within the confines of our country, that lie and steal and cheat on elections and will do anything possible—they'll do anything, whether legally or illegally, to destroy America and

to destroy the American dream." The ongoing assault on diversity that would result and the undermining of incremental advances made by women, people of color, gays, Jews, immigrants and other diverse segments sets the political tone for the continued manipulation of a fearful segment of the middle class that is prone to violence. This is also the segment that was the social and electoral base of support for fascism in Nazi Germany.

Middle class segments that support Trump are motivated by his rhetoric to act with unrestrained freedom to harm others. Trump as mythmaker instills in this segment of the middle class the idea of a reactionary return to a time of white, middle-class glory, which would be preceded by organized violence against diverse groups. These groups, have, in the view of this segment of the middle class, taken over the political culture, which they believe they had previously dominated. This misdirection away from holding corporate America responsible for this segment's perceived decline provides a license to express a vicarious, sadistic delight at times expressed as violence as middle class fears and suffering are projected onto diverse groups. These actions find expression as creative destruction intended to cause harm to various social segments. By causing harm to these segments, Trump and his followers are undermining democracy, which in turn, strengthens the position of America's upper classes. Trump's appeal to this part of the middle class creates a mystical union between them and Trump with a shared irrational bond which suspends critical thinking and unfolds as a form of malignant narcissism. Any idea or policy that might redefine this group identity is regarded as a threat. He has bonded with his followers by infusing them with a delusional and paranoid mindset.

Anti-fascists protesting against Trump in Tucson, Arizona.

Trump formulates policies that are designed to benefit the upper classes while at the same time expressing a political paranoia about diverse groups that appeals to the middle-class segments that support him. In terms of how he relates to those parts of the middle and upper classes, Trump's political psychology, according to Andrew Lobaczewski, in his book *Political Ponerology: A Science on the Nature of Evil Adjusted for Political Purposes*, is experimental in that on an almost daily basis, he will change the manner in which he manipulates his followers. At the same time, there is consistency in the references that Trump makes to specific concepts and groups that are framed as threatening.

Trump instigates his followers to engage in creative destruction, which means to seize control and do harm to other peoples' bodies for its own sake, a consistent element of fascist movements. One recent example is the Alabama Supreme Court ruling on in vitro fertilization (IVF), which created a legal category for fetal personhood, a striking example of women losing autonomy over their own bodies. Iowa also has moved forward with legislation on fetal personhood. This is the ripple effect that initiated by the Supreme Court's Dobbs decision, and quickly was replicated on the state level, undermining privacy and establishing that the government has the legal authority to intervene over women's reproductive functions. It would not at all be surprising for the Court to further undermine privacy and strike down Griswold v. Connecticut, which granted married couples the right to contraception in 1965. In fact, several justices in Dobbs said they intend to do just that.

Regardless of whether or not there is a Trump victory in 2024, the undeniable issue facing the country is the long term effect that Trump and his movement have had on putting in place the preconditions for fascism in the United States. Having learned to better make use of the levers of power, Trump's delusional paranoia will know no limits if he wins. If, on the other hand, Biden wins, Trump has clearly instructed his base as to what their role will be. At a Buckeye Values Rally, in Dayton, Ohio on March 16, he said, "Now if I don't get elected, it's going to be a bloodbath for the whole — that's gonna be the least of it. It's going to be a bloodbath for the country. After the rally, to make sure his fascist intentions are understood, he went on Truth Social to state that as president, he must have full immunity from prosecutions. His statement is an unequivocal reflection of the Schmittian principle that the sovereign decides the exceptions by exercising a political will unrestrained by legality.

Kant After Three Centuries

By | 2024: Vol. 23, No. 2

April 22, 2024 was Immanuel Kant's three-hundredth birthday. Kant is the most influential modern European philosopher, viewed as a direct ancestor by both the European continental and the Anglophone "analytical" traditions. His philosophy, and the revolution (or revolutions) it set in motion, mark the point of division between early modern and later modern philosophy. Kant is studied not only in Europe and the Americas, but also prominently in the Far East and throughout the world. As we enter the fourth century of his influence, it makes sense to ask what Kant might have to teach us for the future, though we cannot with any confidence pretend to the ability to answer that question. It is one of the lessons of Kant's own philosophy – stated forcefully in the opening sentence of the *Critique of Pure Reason* — that human reason is driven by its own needs to ask questions it can never answer (KrV Avii).

Artist: Drew Martin

We can ask, for example, what Kant's philosophy of right and politics might say about the current political situation, in which the world is threatened by a return to authoritarianism and reactionary nationalism in many places. Kant himself lived his entire life under an authoritarian military despotism. He treated it as a legitimate condition of right, but he hoped for political progress in the form of a representative republic respecting the rights of all citizens. He regarded as a sign of the moral progress of the human species that enlightened observers everywhere felt enthusiasm for the ideals of the French Revolution, and Kant retained that attitude even after the course of events in France led him to question whether in light of the turmoil of the Terror, the human race would want to undertake such a venture a second time (SF 7:85). Kant believed in the nation state, declaring that a single world-government would be "the graveyard of freedom" (EF 8:367). Despite that, he was a cosmopolitan, who hoped for a federation of states maintaining peace in the world. It was quite consciously Kant's vision that inspired the founding of the League of Nations after World War I and the United Nations after World War II. Kant also entertained the thought of a World Republic, whose members would themselves be sovereign states, and that could maintain a just peace among them (I 8:24-26, EF 8:343-386).

Kant's thought on human biology, inspired by Linnaeus and Blumenbach, led him to favor a theory of monogenesis for the human species rather than seeing different races as having distinct biological origins. But he also adopted a version of Linnaeus' theory of four human races with a racialist hierarchy among them. Kant is prominent among those who influenced the racist pseudo-science that dominated European and American physical anthropology in the nineteenth and twentieth centuries. He has been widely criticized for this in the last generation or so. But probably the most thoughtful of these critics was the late Charles Mills, who in moral and political philosophy was himself explicitly a Kantian, and described his own position as "black radical Kantianism" (Mills, 2017). Further, when Kant turned his attention from biology

to politics, he was a severe critic of European imperialism throughout the world, and praised those non-Europeans who restricted the access of Europeans to their territories (EF 8:357-360).

In fact, twentieth- and twenty-first century criticism of racism, sexism and other forms of ethnic supremacy and hatred have usually been based mainly on Kantian ethics, and its defense of the dignity of all human beings as ends in themselves. The definitive formula of the moral law for Kant is the formula of autonomy, which represents morality as legislated by and to each of us by our own reason (G 4:427-429). The variant of this formula is the formula of the realm of ends, which represents all rational beings as constituting a single ideal moral community bound by moral duties whose perfect observance would bring the ends of every rational being into harmony with the ends of every other (G 4:433-435). Because Kant represents morality in legal or even forensic terms, as a moral law, and conscience as an inner court through which each of us finds ourselves either guilty or innocent in relation to our moral choices, Kantian ethics has often been seen as cold, "legalistic" in a bad sense of the term, and even hostile to human emotions. That is a grotesque caricature, but perhaps understandable due not only to the difficulty and obscurity of Kant's writing, but also to the fact that people have mainly read his foundational ethical writings – the *Groundwork* and the *Critique of Practical Reason* – that are not focused on the questions they bring to Kant's writings rather than the works (such as the Doctrine of Virtue in the *Metaphysics of Morals*) which do take up those questions.

Kant belongs to a tradition in moral philosophy in which the fundamental moral concept is *obligation,* which he understands in terms of obedience to the moral *law*. But the aim of the moral life for Kant is not only obedience, but chiefly virtue. And virtue for Kant consists in what he calls "goodness of heart" (R 6:29, 50; cf. G 4:410, KpV 5:156, MS 6:441) respect and love, united and kept in balance. Virtues and vices for Kant, as for Aristotle, consist not only in what we do, but also in what we feel and desire. So our moral duties consist prominently in our cultivation of the virtues of love: benevolence, gratitude and sympathetic participation in the situation of others and of respect for their dignity as rational beings. The vice of ingratitude

includes the resentment we may feel toward someone whose generosity toward us makes us feel obligated to return their favors. The vices opposed to love, envy, for example, consists not only in hostile acts toward our rivals, but also in wishing them ill, and being distressed by their success and good fortune. The vices of defamation and ridicule, opposed to respect, consists not only in the spreading of stories (even true ones) that bring others into ill-repute and derision, but also in gloating and gaining satisfaction when they bring disgrace and mockery on themselves (MS 6:452-457, 458-459, 466-468).

Above all, Kantian ethics is an ethics of *caring*: Caring for others who need our love and respect, and caring about ourselves and the kind of person we are. When Kant speaks of "duty" (*Pflich*t), we ought to hear its relation to the German verb *pflegen* (to care for). Our duties are what should matter to us. Even in our relation to non-rational animals, in regard to which Kant thinks we have duties analogous to those we have toward humans (VE 27:459); and an important part of why we should care about them is that we can see they care – about their own kind, about their young, even about us humans. "The more we devote ourselves to observing animals and their behavior," Kant says, "the more we love them, on seeing how greatly they care for their young; in such a context we cannot even contemplate cruelty to a wolf" (VE 27:710). This central feature of Kantian ethics is at least as badly needed today as it was in the eighteenth century.

In some ways, however, the most fundamental virtue in Kant's ethics is truthfulness or honesty. Kant is often caricatured based on gross misunderstandings of a late, brief essay in which he seems to hostile readers to be saying that we must tell the truth even to a murderer who asks us where his intended victim is hiding. But a careful reading of that essay (which it has all too seldom received) reveals that Kant's only real point is that in a special class of cases where truthfulness is a matter of right – as in the cases of testimony in court or declarations in a contract – our obligation to be truthful is owed to humanity in general even in cases where the person to whom we are speaking has forfeited (for example, by his criminal intent) the right not to be lied to (VRL 8:425-430; cf. Wood, 2008, Ch. 14). But today the importance of truthfulness in our public life, and especially our politics, is an area in which it should be obvious that Kant's strict views on issues of truthfulness and lying are badly needed. Those who want to quibble with them and offer clever and cynical rationalizing defenses of mendacity ought to be ashamed of themselves. Such critics are part of the problem, not part of the solution.

Kant's strict views on truthfulness led him to criticize the policies of the Prussian government when they tried to compel clergy and academics, in violation of their own consciences, to preach and teach outdated and superstitious versions of Christian religious doctrine in which educated people could no longer believe (MVT 8:253-271, R 6:185-190), ED 8:336-339). It was this which brought him into conflict with the authorities over his teachings on religion. Kant was no enemy of religion. On the contrary, he thought religious community was essential to humanity's moral progress. But he held that ecclestiastical faiths can fulfill their true religious vocation only if they interpret traditional doctrines in ways that bring them into harmony with reason and science (R 6:93-102). Today the freedom of religious conscience that Kant defended

is as badly needed as it was two and a half centuries ago during the Enlightenment. In religious traditions throughout the world, backward traditional understandings of religious doctrine are a direct threat to honest thinking and human rights. Kant's teachings on these topics are therefore again of vital importance.

Kant's emphasis on honesty is in this way closely related to the topic of enlightenment (*Aufklärung*). Kant revised the very concept of enlightenment by drawing out what is really at issue. He defined 'enlightenment' as the human being's exit from self-incurred minority (*selbstverschuldete Unmündigkeit*) (WA 8:35). Kant's claim is that we are all to some extent in a condition of minority or tutelage, like the condition of children, who need a guardian (*Vormund*) to direct their lives for them. But many of us adults let ourselves remain in a condition of minority that is s*elbstverschuldet* or our own fault. We do this out of laziness, habit, or fear (fear of taking responsibility for our own thoughts and our own lives). The most degrading form of this minority, in Kant's view, occurs in religion, where we let a clergyman or holy book, or its unthinking traditional interpretation, usurp the authority of our own conscience. Enlightenment, as Kant understands it, is releasing ourselves from this false minority, by learning to *think for ourselves* (WA 8:35-42, O 8:141-146).

To think for oneself, as Kant means it, is not being stubborn, contrarian, still less thinking selfishly or self-interestedly (as the war criminal-dictator Vladimir Putin has recently presented it). All that is merely another form of childishness or immaturity. Kant holds that thinking for oneself is making the basis of your thought something that is valid for all thinkers (O 8:146n).

During the 1780s, Kant develops this into three rules or maxims for all our thinking, which he associates with the *sensus communis* or common sense (KU 5:294-296, cf. Ak 25:1480, cf. Ak 15:715; Anth 7:220, 228; VL 9:57). The first rule: *Think for yourself*, which Kant describes as "freedom from prejudice," therefore, leads in Kant's view to a second rule: *Think from the standpoint of everyone else*, or "broadmindedness in thinking" (KU 5:294-295). You should not, therefore, despise or reject the thoughts of others, even those of the clergyman or the traditional reading of the holy book. The point is rather to accept the thoughts of others, but critically and maturely, not deferring to them but taking responsibility for your own thoughts and actions, like an adult. In his thought about religion, Kant even holds that we need religious community for our own moral improvement, but that traditional religious communities need to

be reflective and reformist, reinterpreting their holy books to bring them into harmony with rational morality. Kant ran into problems with the Prussian state over his own writings on religion, and for at time was forbidden to lecture or write on the subject (SF 6:6-10).

The ultimate aim of thinking for oneself, according to Kant, is the third rule: *Think consistently*. This means not only that you should not contradict yourself, but also that your thoughts should harmonize and be mutually supporting. Kant held that none of his three rules can be followed perfectly or completely. We should always be striving to follow them and self-aware about the extent to which we do not, and perhaps cannot, think for ourselves, from the standpoint of others, and self-consistently. Kant held that he was not living in an enlightened aga, but in an age of enlightenment – an age in which people were becoming enlightened. No one, for Kant, is ever completely enlightened, and no one can become enlightened just by resolving on our own. Kant holds that people can become enlightened only collectively and as a community; and that they do this through free and open communication. By each of us freely expressing our own thoughts, we learn how to think for ourselves and we encourage others to think for themselves. There is no enlightened elite whose task is to enlighten others. It is instead the task of each of us to enlighten both ourselves and others by communicating freely with one another.

It is no accident that Kant's ethics was an ethics of autonomy or self-government, and Kant's political philosophy or philosophy of right was based on what he considered the only innate human right, the right to freedom from being constrained by the will of others, but only to the extent that our freedom leaves others equally free according to universal law. Kant's moral and political philosophy was designed for an age of enlightenment: an age in which people were gaining the freedom to think for themselves, which means also from the standpoint of others, and consistently, so that the human community can be a community of free, rational and caring beings acting toward each other with love and respect.

Kant thought that if we are free to communicate, enlightenment will eventually happen inevitably (WA 8:36-37). I think we have learned to our sorrow that here Kant was too optimistic. In the age of the internet, social media and propaganda, we have seen how what has been represented as freedom of communication can easily lead to lies, disinformation and new forms of tutelage or minority and illegitimate authority created under the false pretense of freedom. What we have to learn from Kant today is that his goal is more urgent than ever, but its pursuit is beset with more obstacles than he realized. It is our task to understand and overcome these obstacles. But it is also a Kantian task to do this, and to face up to the difficulty of doing it. For the meaning of 'critique' in Kant's philosophy is the acknowledgment and the self-knowledge to be aware that there are questions we must ask, but can never answer.

Kant's philosophy, especially in religion and in relation to human history, was based on a principled hope for the progress of the human species and a providential order of the world. But what is perhaps the most difficult lesson of enlightenment, of autonomous adulthood, is that we must maintain this hope while also taking responsibility for governing our lives in a condition of sober uncertainty concerning the questions that matter most to us.

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Ca *Cambridge Edition of the Writings of Immanuel Kant* (New York: Cambridge University Press, 1992-) This edition provides marginal Ak volume:page citations. Specific works will be cited using the following system of abbreviations (works not abbreviated below will be cited simply as Ak volume: page).

Anth *Anthropologie in pragmatischer Hinsicht* (1798), Ak 7

Anthropology from a pragmatic point of view, Ca Anthropology, History and Education

ED *Das Ende Aller Dinge*, Ak 8

The End of All Things, Ca Writings on Religion and Natural Theology

EF *Zum ewigen Frieden: Ein philosophischer Entwurf* (1795*)* , Ak 8

Toward perpetual peace: A philosophical project, Ca Practical Philosophy

G *Grundlegung zur Metaphysik der Sitten* (1785), Ak 4

Groundwork of the metaphysics of morals, Ca Practical Philosophy

I *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht* (1784), Ak 8

Idea toward a universal history with a cosmopolitan aim, Ca Anthropology History and Education

KrV *Kritik der reinen Vernunft* (1781, 1787). Cited by A/B pagination.

Critique of pure reason, Ca Critique of Pure Reason

KpV *Kritik der praktischen Vernunft* (1788), Ak 5

Critique of practical reason, Ca Practical Philosophy

KU *Kritik der Urteilskraft* (1790), Ak 5

Critique of the power of judgment, Ca Critique of the Power of Judgment

MVT *Über das Mißlingen aller philosophischen Versuche in der Theodicee*, Ak 8

On the Miscarriage of All Philosophical Trials in Theodicy, Ca Religion and Rational Theology

MS *Metaphysik der Sitten* (1797-1798), Ak 6

Metaphysics of morals, Ca Practical Philosophy

O *Was heißt: Sich im Denken orientieren?* (1786), Ak 8

What does it mean to orient oneself in thinking? Ca Religion and Rational Theology

R *Religion innerhalb der Grenzen der bloßen Vernunft* (1793-1794), Ak 6

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SF *Streit der Fakultäten* (1798), Ak 7

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VE *Vorlesungen über Ethik*, Ak 27, 29

Lectures on Ethics, Ca Lectures on Ethics

VL *Vorlesungen über Logik*, Ak 9

Lectures on Logic, Ca Lectures on Logic

VpR *Vorlesungen über die philosophische Religionslehre*, Ak 28

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Marcuse’s Most Famous Student: Angela Davis on Critical Theory and German Idealism*

By | 2024: Vol. 23, No. 2

**This article is adapted from a chapter in Joy James’s new book,* Contextualizing Angela Davis: The Agency and Identity of Icon*. We thank Bloomsbury Press for permission to publish this excerpt.*

Angela Davis’s interactions with the famous philosopher of critical theory, Herbert Marcuse (1898–1979), shaped not only her university studies but stages within her intellectual and political life. In the first stage, she began as his undergraduate student at Brandeis University in her senior year. She graduated, in the second stage, to attend the Frankfurt School—to which he directed her for advanced study, and vouched for her enrollment. In the third stage, Davis left Germany to enroll in the doctoral philosophy program at UC San Diego with Marcuse as her advisor. Undergrad, MA graduate, doctoral studies: this standard academic trajectory within the professional professoriate was shaped by a (in)famous radical Jewish leftist theorist. Philosophy, critical theory, radical thinking, and praxis with the leftist or post-Marxist theorist revealed transformational stages for Davis: caterpillar, cocoon, chrysalis. Davis was indebted to Herbert Marcuse. Marcuse was indebted to Davis. Their intellectual and political studies would prove beneficial to both.

Artist: Drew Martin

Davis's *An Autobiography* says little about Marcuse; this is odd because he is likely one of the greatest influences on her intellectual and philosophical development. Marcuse died in 1979 in Germany; his ashes were interned in a cemetery in the United States for decades (only when a graduate student doing research on Marcuse noted that there was no grave for the Marxist theorist and professor was a ceremony and internment held in Germany—which Marcuse might have protested). Marcuse had a significant impact on Davis's intellectual formation and an incredible impact on the American and European left. Davis's association brought her notoriety as a student, but there was also the aura of celebrity and authentic commitment to radical thinking and transformations. Marcuse had many students, including prominent scholars such as Bettina Aptheker, who would become Davis's colleague at UC Santa Cruz for decades, and notorious radicals and martyrs such as Sam Melville, who was killed at Attica. However, his "most famous student" was a young Black woman who was raised in the segregated south.

"The Man"

Herbert Marcuse1 grew up in a comfortable family in Berlin as a privileged, gifted youth who belonged to a stigmatized ethnic and religious minority. There may have been empathic recognition between the Jewish professor and his Black student. Both came from persecuted ethnic and racial groups whose families still managed to accumulate and maintain status despite devastating race wars. Marcuse was confronted with pogroms and the Nazi Holocaust, Davis with Jim Crow and Klan terrorism. After fighting in the First World War, Marcuse joined the German Social Democratic Party and later completed his doctorate at the University of Freiburg in 1922. He worked alongside Jean Paul Sartre as the research assistant of Martin Heidegger, who became a Nazi.2

Nazism forced Marcuse from Germany in 1933 to Geneva where, at the invitation of Adorno and Max Horkheimer, he joined the Institute for Social Research (Frankfurt School).3 He

immigrated to the United States, obtaining citizenship in 1940.4 In New York City, he taught at Columbia University; his research focused on anti-Semitism, racism, fascism, totalitarianism, dissent, persecution, and war—the travail devastating Germany and Europe. After the December 1941 attack on Pearl Harbor, Marcuse joined the Office of Strategic Services (OSS) in Washington, DC. When the US entered the Second World War in December 1942, President Roosevelt's Coordinator of Information, William Donovan, formed the Research and Analysis Branch (R&A) with 900 scholars (which grew to 1,200), which was described as "first-class minds" without "political commitments" eager to serve the war effort. R&A members included Marcuse, Arthur Schlesinger, Jr., Ralph Bunche, seven future presidents of the American Historical Association and five of the American Economic Association, and two Nobel Laureates.5 As would be the case for his "most famous student"—Angela Davis—Marcuse's radicalism did not preclude him from aligning or working with non-radicals based in academia.

OSS men analyzed Nazi Germany with "scientific objectivity"; their research contributed to the Nuremburg trials.6 (Marcuse, Franz Neumann, and Otto Kirchheimer's intelligence reports would later be compiled and published, in 2013, as *Secret Reports on Nazi Germany: The Frankfurt School Contributions to the War Effort*.) In 1945, the OSS dissolved; it was reconstituted in 1947 as the Central Intelligence Agency (CIA), which, during the Cold War, would persecute Marcuse, the Black Panthers, and US radicals. There is no indication that the CIA persecuted Davis. Working at the US State Department, Marcuse was pushed out by 1951. After teaching at Columbia and Harvard, in 1954, he settled at Brandeis. There he met and taught Angela Davis and her former Elizabeth Irwin high school classmates. Professor Marcuse candidly observed that his excellent student at Brandeis was gifted but seemed apolitical and disinterested in activism. As an undergrad, Angela Davis presented as the opposite of Marcuse's more militant white students (who also enrolled in the UC system); these activists were engaged in insurrectionist speech and acts to advance liberation struggles in the 1960s and beyond.7 Some of the white students, such as Bettina Aptheker, participated in the southern civil rights movement, which Davis had avoided. Radicalized by the repressive violence and murders against US activists or Third World liberation movements, some formed underground cells.8 Their names—and deeds—would be eclipsed by "Angela," who, unlike the Weather Underground and Panthers, engaged in no illegal protests or acts against the state and its police and military forces.

When Marcuse was teaching full-time at Brandeis, he publicly condemned the US imperial wars in Southeast Asia and US racism, two years before Martin Luther King, Jr., delivered his sermon, "Beyond Vietnam: A Time to Break Silence," at Riverside Church in Manhattan, on April 4, 1967 (King's assassination occurred on the anniversary of that sermon the following year). Dissatisfied with the professor's public stances for justice and human rights and his opposition to capitalism and imperialism, Brandeis offered him a yearly renewable contract as he reached the retirement age of sixty-five. He rejected it for UC San Diego. Originally, UCSD had a small liberal arts college; its liberal arts departments had three faculty in philosophy and four in literature in 1963. The philosophy department invited Herbert Marcuse to attend its 1964 symposium "Marxism Today." The Brandeis professor "was well known in academic circles as a social and political theorist, a critic of postindustrial society, and a committed but

non-dogmatic Marxist." Out of the symposium event, Marcuse was invited to teach in the UCSD philosophy department. UCSD offered him a (potentially renewable) three-year "postretirement appointment"9 while Brandeis pushed him toward retirement.

Herbert Marcuse giving a lecture in Berlin, 1967.

Although Marcuse had warned in his text *Soviet Marxism*, written for the OSS, that the Soviet state had turned "Marxism" into "state Marxism," or "Soviet Marxism," that did not deter his doctoral student Angela Davis from joining the CPUSA in 1968. In Marcuse's analysis, the CPSU presented itself as the stand-in for the proletariat, or for workers and laborers. Hence, in theory, it could speak for the proletariat. If this were true in the USSR, then, logically, it would be true in the United States; i.e., the CPUSA in the states could speak not only for the proletariat but also for the Black masses, because the party knew their interests better than the workers and/or the Blacks—understood as racially oppressed workers—did themselves. The vanguard as party elites would steer the masses and attempt to absorb them within or adjacent to more established organizations. The party under Gus Hall, the same leader that would lock out Davis's cadre in 1991 when they sought to liberalize the CPUSA and address LGBTQ and feminist rights, saw other leftist organizations as potential competitors. The derisive use of the term "the central committee" came to represent concentrated control over decision-making and anti-democratic leanings within the CPUSA and CPSU. In both formations, party leaders consolidated power into an official "voice" to represent the proletariat. The working class would "rule" via the will of the governing elites. The CPSU, under siege by the West, sought control of its satellite countries; the "Stalinist" CPUSA defended the USSR and its 1955 Warsaw Pact (a response to the formation of NATO); and Davis, after her 1972 acquittal, would serve on the CPUSA central committee for nearly twenty years as that organization expressed the "will" of the people.10

The Frankfurt Institute

Angela Davis (center, no glasses) enters Royce Hall with Kendra Alexander (right, with glasses) at UCLA for her first philosophy lecture in October 1969. (George Louis)

Three years after participating in the 1962 Soviet-sponsored International Youth and Student Festival in Helsinki, Davis moved to Germany. She had Marcuse's support. An earlier biographer, Marc Olden, suggests that Davis's decision to study in Germany was (partially) influenced by her desire to continue—despite parental objections—her romance and relationship with a graduate student from Germany studying American cultural studies, Manfred Clemenz.11 Angela Davis had met her first partner at Brandeis. Manfred returned to Germany with Angela Davis after they both graduated from Brandeis. The couple enrolled in the Frankfurt School to study with Theodor Adorno. They considered marriage, to the consternation of their parents. Black and white parents were apprehensive or hostile to interracial and intercontinental marriage between their gifted children. Biographer Regina Nadelson speculates that while studying abroad at that time, the young Davis also suffered from depression and anxiety and began to see a clinician, the father of her European boyfriend.12 Davis's and Clemenz's names appear on graduate student projects and publications, which indicates that they were both enrolled at the Frankfurt Institute at the same time and worked together on class assignments. Both studied with Adorno and Oskar Negt.13

The Institute for Social Research had relocated to Geneva from Frankfurt, Germany, when Adolf Hitler consolidated power in 1933. Two years later, moving to New York City, it merged with Columbia University. No longer working for the OSS, Herbert Marcuse joined the Institute, beginning his US teaching career in 1952 at Columbia. By the 1950s, Horkheimer, Adorno, and Pollock had returned to West Germany, while Marcuse stayed in the United States and eventually secured a position at Brandeis University. In 1953 – around the time Marcuse was pushed out of Columbia, largely due to anti-communism – the Institute for Social Research permanently returned to Frankfurt, West Germany. Recommending that Davis study with Theodor Adorno (1903–69) at the Frankfurt School in Germany, Marcuse wrote a letter of introduction to Adorno. She applied and was accepted. Adorno's "resignation" as to the possibilities of political struggles and liberation movements led to disagreements between him and Marcuse. Adorno would argue that leftist members of the 1960s student movement were reverting to fascism in their increasingly confrontational protests in Germany. In response, from 1965 to 1967, while Davis was enrolled in her graduate degree program, Marcuse argued that Adorno and other Frankfurt School faculty theorists had given up on the proletariat

revolution that Marx had predicted. Not only had the European working class failed to execute their "historic task" of ushering in socialism, many were rapidly becoming fascists. Much of the Frankfurt School's initial efforts, then, were spent deriving the position from which a critical theory of society was at all possible.14

Failing to sufficiently factor into his analysis the forces of racism/anti-Blackness and patriarchy, Marx incorrectly believed that "the standpoint of the proletariat" would allow one "to decipher the future of capitalism and predict its demise."15 Adorno—who did a series of public radio addresses in 1960s Germany—developed the "critique of capitalism into a critique of Western 'instrumentalist' reason in general, thereby making it unclear not only from what standpoint they were speaking, but also to whom they were speaking."16 Philosopher Nicole Yokum reflects:

Adorno and Horkheimer's *Dialectic of Enlightenment* famously claims that the form of reason dominant in modernity, instrumental rationality (means-end reasoning), helps to explain how the Enlightenment ended up reverting into fascism. According to them, "enlightened" thought contains the seeds of its own demise, insofar as it's all about subsuming particulars under categories (ignoring and doing violence to what makes them unique), so that things all become replaceable, like laborers in the capitalist economy. They link this to trends in Western philosophy, too. But they take the Holocaust as the emblem of the "regression into barbarism" and they are really not thinking about colonialism and imperialism. Marcuse … was the only one at the time who was taking colonialism into account, at least a little bit.

(December 6, 2022 notes to author)

In Frankfurt, Davis established her credentials as a stellar student. Negt described her as the most outstanding among the 120–150 students attending his seminar. While in Germany, Davis also began organizing with an activist socialist student group.17 (That group, co-led by Manfred Clemenz, would organize from 1970 to 1972 for Davis's acquittal and decry that she was a "militant" who would have knowingly participated in an effort to clandestinely free Black political prisoners.)

After two years of study in Frankfurt, Angela Davis was preparing for final exams. Observing US rebellions from a great distance, pondering her contributions to a Black freedom movement that she had yet refused to join, her tutelage on violence was shaped by the perspectives of a spectator and a scholar in Europe. The Frankfurt School theorists had experienced and survived Nazi Germany by fleeing to the United States and working for the US Department of State during the Second World War. The US they fled to for safety and democracy was the same nation and imperial project that systemically stole and degraded Black lives. It is likely that the Frankfurt School was not teaching Fanon or Mao, texts the Panthers and militants were studying in their own "schools"; genocide, anti-Black violence and Jim Crow terrorism could be seen as analogs but likely not templates for theory. Davis studied in Europe with German Jewish men grappling with the horrors of Nazism and fascism, but she likely did not fully comprehend those experiences; and, she lacked experiential knowledge in radical

organizing and poverty—the experiences of Black laborers, workers, rebels whose insights into US repression expanded but did not fully restructure dominant narratives taught by European scholars.

Defending Marcuse in California

The *San Diego Union*'s June 11, 1968, editorial "This Is an Order!" demanded that the University of California investigate Angela Davis's Marxist mentor and advisor, Herbert Marcuse. Marcuse, unlike Davis, was not aligned with the CPSU. Unlike his most famous student, he was not a communist; he was a critical theorist who studied Marx. His critiques and opposition to capitalism and Stalinism rendered him an "enemy of the state"—actually two states: the United States and the USSR. Supporting civil rights and leftist student movements, Marcuse also opposed the US war in Vietnam, CIA and military recruitment on campuses, and university grants funded by the Defense Department. Incensed at his presence on campus, reactionary US veterans escalated their warfare against anti-war and anti-racist activists. They became so reactionary that, though they had fought the fascists and Nazis during the Second World War,18 they were now promoting Nazi ideas and violence during the Cold War against the civil rights movement and the anti-imperialist war movement. Balanced journalism found Marcuse to be "far less active in civil rights and antiwar movements than … Benjamin Spock and two-time Nobel Prize-winner Linus Pauling, who were highly visible in newspapers and on television news."19 Yet he became a primary target, likely because he was a Marxist. Marcuse had introduced her—after she read *The Communist Manifesto* in high school—to Marxist philosophy. Mentored for CPUSA leadership, Davis chose orthodoxy and was not deterred by the rigid structure and managerial ethos described in *Soviet Ethics*, if she even read it. That CPUSA General Secretary Gus Hall was a Stalinist did not negatively impact Davis until the Soviet Union collapsed and Hall sought control by locking out reformers, including Davis and Charlene Mitchell (several hundred members, including many academics, left the party that day).

Angela Davis and the CPUSA were clear; they spoke to the factory working class and the laboring class (Chicano/Latinx farm workers) as well as disaffected middle-class student militants (such as Davis) of all racial backgrounds.20 For Davis's advisor also had an analysis of culture. For Marcuse, contemporary society was "unfree and by its very nature repressive," and Marx's worker as revolutionary agent had been seduced by consumerism and marketing, accumulating stuff, distracted by consumption and materialism; its vanguard role was not predictable. Yokum notes that the Frankfurt School and Marcuse studied cultural products, e.g., radio, magazines, movies, etc., and how consumption of capitalist goods and cultural commodities fed into the working class's identification with capitalist ideology that masked domination.21 Marcuse discussed how people enamored with

apparently elegant or sexy split-level homes rendered their working-class lives *just* comfortable and luxurious enough to bind them to capitalism.22 Marcuse did not fully note, and likely the CPUSA underplayed, the entrenched white supremacy and anti-Blackness in the United States and global working classes. (Anti-racists overlooked how liberation movements could also become commodities, as images of sleek, attractive, articulate, and affluent Black radicalism became sold as simulacra, e.g., in the Blaxploitation film industry and other sectors.) Contrary to the CPUSA, the white male worker did not constitute the progressive vanguard, as Marcuse's 1964 *One-Dimensional Man* warned:

[L]iberty can be made into a powerful instrument of domination. The range of choice open to the individual is not the decisive factor in determining the degree of human freedom, but *what* can be chosen and what *is* chosen by the individual. Free election of the masters does not abolish the masters of the slaves.23

Disenfranchised "students, artists, Third World peoples, and U.S. racial minorities" embodied Marcuse's concept of "revolutionary potential."24

Soviet Marxism condemned Stalinist Marxism (as noted, the CIA supported the text). The CPUSA likely considered Marcuse a pariah but left the verbal bashing to the Soviets or CPSU. The CPUSA was attempting to recruit Marcuse's student into the CPUSA.

Marcuse's undergraduate courses, such as "The Present Age," focused on contemporary thinkers. Under student pressure, he offered a course on Karl Marx but discouraged graduate students from writing on Marx given the conservative job market. A year after Angela Davis arrived on campus, in 1968, San Diego County citizens began to protest Marcuse and his anti-war students. Marcuse had visited Socialist German Student Organization Rudi ("Red Rudi") Dutschke, who was shot in the head by a reactionary during a student demonstration. Following that gesture of compassion and solidarity, on May Day, leftist students of the University of Paris carried banners reading "Mao, Marx, et Marcuse!" and occupied a lecture hall. International media began to refer to Marcuse as the "Father of the New Left" and "Angel of the Apocalypse."

That year Governor Ronald Reagan referred to student protestors as fomenting a "climate of violence" on and off campus. In mid-May, Marcuse and his wife Inge Neumann (Franz Neumann's widow) traveled to Germany and France, where he had been invited to speak at an academic conference. It was while in Berlin that the Marcuses visited the gravely wounded Rudi Dutschke in his hospital room. Soon after their visit, the *Bonn Advertiser* quoted a "well-informed" unnamed source who claimed that Marcuse had invited the West German student radical to bring his wife and son to San Diego. Furthermore, according to the *Advertiser*, Marcuse had offered Dutschke a teaching assistantship at UCSD. The story was picked up by *Newsweek*, the *New York Times*, and the *San Diego Union*, which was sufficiently provoked to write its "This Is an Order!" editorial calling for an "investigation." Even before the Marcuses returned to La Jolla, threatening letters were mailed en mass to the professor, UCSD administrators, and Chancellor William McGill. Marcuse informed *New York Times* reporters

that he and his wife, upon visiting with Rudi Dutschke in the hospital, had recommended to the student leader that he recuperate in the United States with his wife and young son but not enroll in a US university for formal study given the political hostility. (Dutschke did not survive the attack by his right-wing assailant and died soon after the visit.)

While in France in 1968, during student and worker protests, Marcuse attended a UN Educational, Scientific and Cultural Organization (UNESCO) conference on Karl Marx in Paris. When student activists occupying the École des Beaux Arts asked him to speak to their gathering, he assented and brought "greetings from the developing movement in the United States"; Marcuse "praised the students for their critiques of capitalist consumerism."25 Constant negative news about Marcuse drove headlines. The UC administration was being pressured to act. William McGill had been named to the UCSD chancellorship on June 21, 1968. The American Legion lobbied McGill to fire Marcuse and offered to buy out the professor's contract. The Regents' agenda for its September UCLA meeting included Marcuse's reappointment and the "Dehumanization and Regeneration in the American Social Order" course that UC Berkeley's Free Speech Movement wanted for Panther Eldridge Cleaver, author of *Soul on Ice* (Cleaver was hired to give ten lectures in thirteen-week course).26 The day before the Regents' September 19 meeting at UCLA, the *Union* editorial linked Marcuse to Cleaver, reprimanding the Regents if they permitted

[the] world-infamous Marxist [Marcuse to use] the facilities and prestige of the University of California to preach everything contrary to the American tradition, heritage, and Constitution … [and] Eldridge Cleaver, rapist, revolutionist, and advocate of militant violence, to lecture at Berkeley and Irvine campuses.27

Highlighting ideologically driven attacks from conservative news outlets, *The Nation* championed Marcuse and critiqued the propaganda that the professor was "fomenting dissent." It noted that San Diego County had "twenty-one military bases and retired military personnel." Marcuse had supporters within the academy that resisted a "purge" and the return of McCarthyism. The Pacific Division of the American Philosophical Association elected him its president. UCSD faculty negotiated with the administration for contract renewal while the majority of faculty supported his reappointment. His students began target-practicing to offer him armed protection.28 In 1968, Marcuse's most promising student began purchasing guns.

According to John Burke, the *Union* slandered Marcuse for "inciting students," although Marcuse never sought to influence student opinions. He did not know until later, after they had created defense units and strategies, that his students were taking up arms to counter death threats against him. He spoke with students who sought him out, yet he did not proselytize. Burke recalls Marcuse saying, "if my words are enough to disrupt society, then society is in bad shape."29 A faculty committee began investigating Marcuse in October, the month UCSD students had invited Eldridge Cleaver to speak to a mass of 4,000 on campus. Cleaver led students in chanting "Fuck Ronald Reagan!"30 Provocative and performative—decades before he (d)evolved into an arch-conservative Christian republican—Cleaver taunted Governor Reagan through the press: *"I challenged Ronald Reagan to a duel and I reiterate that challenge*

*tonight, … And, I give him his choice of weapons. He can use a gun, a knife, a baseball bat or a marshmallow. And I'll beat him to death with a marshmallow."*31

In 1969, Reagan would continue to pressure for Marcuse's removal. He would turn his ire on the professor's stellar doctoral student. The Regents were formed in 1868 and for over a century were plagued by corruption, insider dealing on contracts, and considerable unethical and anti-intellectual conduct. After appointing William French Smith as UC Regent in 1968, Governor Reagan demanded that UC Regents fire Davis as a UCLA instructor-professor in the philosophy department. Marcuse was still teaching at UCSD in spite of Governor Reagan and the Regents' attempts to fire him. Some speculated that Davis was targeted by the Regents because it was easier to destroy her budding academic career, as an avowed member of the CPUSA, than that of an august European left thinker who was not a party member; perhaps attacking Davis was one form of retaliation against her mentor.

Threats against Marcuse increased. That fall, students guarded the entry to his lectures. Students searched unregistered persons who wanted to enter his large survey courses and recruited a friend not enrolled at USCD to sit with his weapon and monitor Marcuse's large class. The widower Marcuse's future third wife—after Inge Marcuse's death—graduate student Ricky Sherover attended Saturday target practice with students who defended Marcuse.32 Whereas Adorno's students in the Frankfurt School allegedly protested his lack of support for the student movement, Marcuse's students constituted a vanguard to protect their radical professor.

Rather than denounce conservatives' attempts to remove him from his teaching post, Marcuse apologized to UCSD Chancellor McGill for the "trouble" he was "causing." Witnessing what happened to her mentor, Angela Davis would take the opposite strategy the following year when conservatives tried to oust her from UCLA. As reactionaries threatened to kill Davis, she would vigorously challenge the Regents, the governor, rightist ideologies, racism, and sexism.

On November 22, the Regents and Governor Reagan met in the same gymnasium where Cleaver had spoken a month before. Several hundred students and faculty, including Marcuse, waited quietly outside. One hundred students watched from the balcony while a vote was taken to determine the status of Marcuse's course "Social Analysis 139X." The Regents voted to limit guest lecturers to one lecture in credit courses and struck Marcuse's course from the list of courses taken for credit. Students walked out and rallied. Marcuse protested the Regents' action, stating he would no longer serve on administrative committees. On February 3, 1969, the faculty committee investigating Marcuse reported that he ranked highly among sociologists and political theorists, but not philosophers, and was considered a highly gifted teacher; the committee recommended that UCSD renew Marcuse's contract.33 McGill's "policy on post-retirement appointments" limited Marcuse's continuance as faculty;

Angela Davis in Moscow in 1972. (Yuriy Ivanov)

the policy went into effect in June 1970. The February 17 *Union* ran headlines of McGill's announcement and the second bombing of San Francisco State College's administration buildings. The next day it reported protestors firing tear gas and cherry bombs and shattering windows at UC Berkeley. Republican Assemblyman John Stull petitioned for Chancellor McGill's dismissal. The San Francisco Police Department guarded the regental executive session on McGill's decision to rehire Marcuse. Reagan advocated that Regents take control over postretirement appointments. Jonas Salk and prominent academics sent a telegram in support of McGill. McGill notified Marcuse of his 1969–70 contract. Marcuse was seventy-two when the contract expired in June; seventy was mandatory retirement age. UCSD, however, allowed him to retain his office on campus and teach informally.

Thousands of students were inspired by Herbert Marcuse, the courageous academic intellectual with the mass appeal of a "rock star" for the New Left. Davis modeled Marcuse. Yet her adjacency to the armed rebellions of Black militants – not her philosophy – allowed her stature to surpass, among the global left, both those faithful to the CPUSA and those derisive of it. She rejected Marcuse's critiques of the hypocrisies and spiritual emptiness of capitalist consumerism *and* communist conformity. During the Cold War, Davis was in "good standing" with the Soviets whom the vilified Marcuse criticized. The Soviet's official paper *Pravda* castigated Marcuse. Its 11 million readers read descriptions of Herbert Marcuse as a "werewolf," and denunciations of his criticisms of Soviet rigidity and repression. The Pope hated Marcuse's call for a revolution based in "erotic liberation":

In 1969, Pope Paul VI condemned him by name, blaming Marcuse—along with Sigmund Freud—for promoting the "disgusting and unbridled" manifestations of eroticism and the "animal, barbarous and subhuman degradations" commonly known as the sexual revolution. The hostility that Marcuse aroused was ideologically ecumenical.34

Marcuse urged students to think critically about the world and to reject unhealthy social and political orders driven by alienation, technology, and ideology. This did not win him academic friends in the White House or the Kremlin. Rejecting the title "Father of the New Left" and the celebrity status that comes with such appointments, the professor remained a protective and political mentor for Angela Davis, Fania Davis, Bettina Aptheker, Mario Savio, and scores of other students who chose to align with and learn from him.

Marcuse would support Davis throughout her incarceration and trial with a defense mounted by the CPUSA. Angela Davis makes little reference to Marcuse until after her departure from the CPUSA and his commemorations in 2003, when his remains were finally located by a diligent grad student writing about the critical theorist. As noted earlier, the German graduate student realized, through his research, that there was no grave for Marcuse in Germany or in the United States. The industrious student tracked down the philosopher's ashes to a New

England moratorium where they had sat for nearly a quarter of a century. Marcuse had been forgotten. Herbert Marcuse had died in Germany in July 1979 after suffering a stroke; his death had garnered little public notice. With news accounts of a graduate student "finding Marcuse," interest in him was renewed. Angela Davis was sought to speak about his life and attend his "repatriation" for burial in Germany. (It is likely that Marcuse, who had survived the German Holocaust, might have preferred being buried in England, to the right of Karl Marx rather than on German soil.) Although the CPSU had attacked Marcuse years earlier, Davis appears to have offered no public critique. After her acquittal, and leadership in the NAARPR/CPUSA, she had lost touch with the autonomous thinker. Only decades later would she offer commentary, noting that he "engage[d] directly with ideas associated with movements of that period" and that his "reference to 'feminist socialism' in the latter essay ["Marxism and Feminism"] predicted the important influence of anti-capitalist and anti-racist feminism on many contemporary movements, including prison abolition, campaigns against police violence, and justice for people with disabilities."35

Dissertation Prospectus: Immanuel Kant

Despite turmoil, Angela Davis immersed herself in academic studies. In the 1967 to 1968 academic school year, she completed her doctoral course work with excellent grades.36 She found that she had clearly "benefited both from [Marcuse's] deep knowledge of European philosophical traditions" and insistence that students stay involved with the world. After course work was completed, Davis began to work on the dissertation. (Davis's 1974 dissertation on Immanuel Kant from Humboldt University in East Germany is not available in digital format, nor was it made available to researchers who approached Humboldt University; the university cited Davis's privacy rights.) The dissertation prospectus was titled "Toward a Kantian Theory of Force."

The dissertation is organized into four parts: I. The Principle of Morality versus the Principle of Legality; II. The State as the Custodian of Coercions; III. The Role of Force in History; IV. A Kantian Theory of Force. Davis writes that in the concluding section, she seeks "to delineate a more far-reaching notion of the importance of force for Kant" by exploring the theories of force in the writings of Fichte, Hegel, and Marx.

Marrying scholarship with activism might or might not be possible in a dissertation theorizing context and addressing contemporary political struggles. Davis's "Toward a Kantian Theory of Force" focuses on the development of morality through the state or against state repression. She writes: "The importance of the category of force in Kant's political and moral philosophy has been virtually ignored. Indeed, scant attention has been directed to his *Metaphysical Elements of Justice*." Davis notes that she would "remedy this deficiency by shedding some light on these works via the concept of force." She proceeds to identify the "various functions of force" as "legal coercion, illegitimate violence (crème and revolution) and war as an action prohibited by reason yet necessitated by historical progress." Her stated problem for interrogation is the "conflict between historically necessary force and its historically desirable abolition." Davis wants to explore if Kantian political theory and philosophy of history contain

or recognize forms of violence that stabilize or reproduce, to undermine his "rationally organized society based on freedom." The paradox, as she notes, appears to be that "certain forms of violence must prevail" if Kant's goal of justice is to be achieved.

Angela Davis posits two choices for Kant's theory, queries which her dissertation would explore and attempt to answer: was Kant's concept of force homogeneous enough to encompass diversity and antithetical functions, due to the theoretical paradigm of material conditions, *or* was "a rupture and contradiction within the very concept of force itself" the issue? Kant posits a dualism between morality and legality, theory and history. Discussing self-coercion, coercion, and force, Davis argues that "force is an essential element of freedom. It is the link between the theory and practice of freedom." Davis writes that Rousseau asserted people "must be 'forced to be free'." In a Kantian sense, "the threat of force can bring about external freedom only, i.e., the freedom to act without fear of arbitrary intervention by another." Only the external conditions exist, so this is not a moral freedom. Moral freedom "is the internal conformity with the moral law" which is not affected by external coercion.37

If Kant argues "that only a legal order can lay the empirical base for the unfolding of morality in the empirical individual," then, Angela Davis asks, what is his "view of the relationship between morality and legality?" She asserts that legality "can never enter the realm of freedom." But humans need law in order for their societies to evolve, so Kant's concept of justice comes from the template of moral law: a belief that "the state should … be a collective moral being."38 Grappling with a dilemma that she states most philosophers have shirked, Angela Davis tackles "the analysis of the morality-legality dualism" as "the problem of justified coercion by the state." So the question is: what is the state? As an aggregate of external legal relations based on a social contract, the state is about coercion primarily, and only secondarily concerned with "the moral maturation of its members." If, however, the state is "a collective moral being"—an idea or ideal—then "its task of protecting the external freedom of its members as a precondition of their moral development is the primary concern."

Angela Davis meets with East German leader, Erich Honecker, September 11, 1972. (Peter Koard)

The coercive means are secondary to the goal which is moral development; per this thesis, coercion on an evolutionary trek would fade away as humans became more moral, hence Kant's idealism. Davis writes that her thesis seeks "to determine whether the relationship exists" between the "Idea" or theory of the state and the material state in the twentieth century.

The “objective necessity of history forces men, through war, to make his entrance into … society.”39 In sum, Davis argues that “Kant’s view of history as force” mandates a rejection of his theory of morality as outside of the boundaries of time. If war becomes a precondition for history, then “history and morality are directly opposed to one another”—a fact Angela Davis notes is “untenable.” She asserts that “morality has a historical dimension” unexplored by Kant.40

The dissertation prospectus was submitted to the UCSD philosophy department at a time when Davis observed that Marcuse’s grasp of theory and “the fearless way he manifested his solidarity with movements challenging military aggression, academic repression, and pervasive racism” were unparalleled. That hold on theory helped Davis to hone her theoretical skills to bridge the world of conceptual thought with the world of political activism, specifically politically dissent. Her professor identified academia/theory and activism as distinct partners in a dialectical dance: “Marcuse counseled us always to acknowledge the important differences between the realms of philosophy and political activism, as well as the complex relation between theory and radical social transformation.”41 One can assume that Davis is arguing that the state, in theory, has the right to legal enforcement of its law; and evolving morality, in theory, can emerge in opposition to repressive law; hence both the state and the citizenry that opposes its repression would, in theory, have the “right” to use force. In the state’s case it would be legal; in the militants’ case it would be illegal. Which party, though, possesses the moral high ground? What is the argument for state laws, i.e., legal codes that exist to cultivate morality and ethical behavior in society?

For Davis, Marcuse was a reminder “that the most meaningful dimension of philosophy was its utopian element. ‘When truth cannot be realized within the established social order, it always appears to the latter as mere utopia’.”42 He taught his students to reject the “unmediated translation[s] of theory into praxis.” Marcuse believed that the student rebellions were neither “revolutionary” nor “pre-revolutionary”; rather, he argued, they formed an era in which student militancy “demanded recognition of new possibilities of emancipation” that brought in the immediate moment or the future “fresh air that would certainly not [be] the air of the establishment.”43 It is not clear how Marcuse approached s*tudent* rebellions as being a catalyst (or utopian element).

Just as Kant’s notion of “man” had gender, racial, and class connotations, Marcuse’s notion of the “student” was shaped by the elite white male students at the Frankfurt School, Columbia, Harvard, Brandeis, and UC San Diego. There is data showing Marcuse being criticized by feminist students for his lack of an analysis of gender. Fania Davis Jordan and Angela Davis were likely his only Black students, or, at least, were the only ones mentioned in Marcuse’s legacy of teaching. The sisters are also Black *women*, which is a phenomenon under-analyzed in *An Autobiography*. Yet, their experiences as Black graduate students, of course, did not typify the *Black experience* in an era in which less than 5 percent of Black Americans had a college or university degree.

Herbert Marcuse, Angela Davis, Fania Davis, and many others in academia faced death threats

from racist and anti-Semitic vigilantes and police departments. However, there was always resistance. Demonstrations led by feminist, gay, Black, Chicano, Asian, American Indian, and white anti-war protesters rattled the social order.44 Police forces and vigilantes worked violently to quell unrest. The concept of a Third World campus at UCSD seemed sensible, but the organizing was not sustainable. It had no adequate self-defense component. As anti-war protests on the campus became more heated and violent, repression became more intense.

As the doctoral student worked on her thesis, she found that German (Jewish) philosophy provided a paradigm to analyze moral freedom in the contemporary struggle amidst state and police repression of Black liberation and worker movements. For Davis, radical struggles would deliver progress but not denouement: "Marcuse did not always agree with particular tactics of radical movements of that era, he was very clear about the extent to which calls for Black liberation, peace, gender justice, and for the restructuring of education represented important emancipatory tendencies [that] helped to push theory in progressive directions."45 One wonders if the ultimate goal is to help theory become more "progressive."

As Davis studied Marcuse's *An Essay on Liberation* (1969) *and Counterrevolution and Revolt* (1972),46 other women students working with Marcuse began to critique his lack of gender analysis (and edited his 1974 "Marxism and Feminism" paper presented at Stanford University).47 Marcuse's "*An Essay on Liberation*" references militant Third World organizations, *not* the USSR or CPUSA, as the potential future of "revolution":

In Vietnam, in Cuba, in China, a revolution is being defended and driven forward which struggles to eschew the bureaucratic administration of socialism. The guerrilla forces in Latin America seem to be animated by that same subversive impulse: liberation. At the same time, the apparently impregnable economic fortress of corporate capitalism shows signs of mounting strain: it seems that even the United States cannot indefinitely deliver its goods—guns and butter, napalm and color TV. The ghetto populations may well become the first mass basis of revolt (though not of revolution). The student opposition is spreading in the old socialist as well as capitalist countries. In France, it has for the first time challenged the full force of the regime and recaptured, for a short moment, the libertarian power of the red and the Black flags; moreover, it has demonstrated the prospects for an enlarged basis. The temporary suppression of the rebellion will not reverse the trend.48

Impressed by Marcuse's optimism, Davis would assert that a key part of his legacy for people was an increased capacity to imagine a holistic and shared future. Marcuse and Davis likely underestimated the rise of reactionary or protofascist forces stemming from the Vietnam War. As students demonstrated against the Vietnam War, veterans—who felt betrayed by a Republican administration that "caved" in to anti-war protesters, and "inferior races"—waged domestic warfare, reconciling with the Nazis against whom they had fought in the Second World War.49 According to Davis, "political imagination reflects the possibilities" for future productive struggles.50 Her professor who had introduced her to philosophy provided relevant lessons: "The insistence on imagining emancipatory futures, even under the most desperate of circumstances, remains—Marcuse teaches us—a decisive element of both theory and

practice."51

Marcuse's esteem for his most (in)famous student would lead him to give unwavering support when Davis was arrested in 1970 and incarcerated in a small, cramped cell in the Marin County Jail. The professor's draft notes for the January 31, 1971 *NBC* interview about Angela Davis evinced a steadfast belief in her innocence and exceptionalism.52 For Marcuse, his undergraduate and graduate student philosopher was assuredly *nonviolent.* Marcuse noted the complexity and rigor of her educational background, one shared by white European/American elites: "She was my student in philosophy and political theory. In lectures and seminars, we discussed the great texts which have shaped the history of Western civilization: from the Greek philosophers to Hegel and Nietzsche; from the political theorists of ancient Greece to Marx."53 Marcuse restated previous assertions about her exemplary scholastic achievements—"because it may help to explain her development, her life" and described her as "the best or one of the very best students I had in more than 30 years of teaching."54

Marcuse humanized Davis to a media and white society that hounded her. To Herbert Marcuse, the young Angela Davis was "an extraordinary student not only because of her intelligence and her eagerness to learn … but also because she had that sensitivity, that human warmth without which all learning and all knowledge remain 'abstract,' merely 'professional,' and eventually irrelevant."55 His loyalty to "the left" was unwavering but unconventional. For some, the German-Jewish philosopher was a thorn in the sides of the "establishment." For others, he rejected orthodoxy in Marxism and critical theory. His philosophical reflections could be considered "abstract scholarship." Yet his militant students took theory to heart and engaged in political dissent and organizing in order to change the material struggles of liberation. Marcuse was attacked because he "championed student militants against the Establishment … decried 'increasing repression' under the Nixon Administration … [and] refused to turn his back on his former pupil Angela Davis."56 He confides to Davis her impact on his critical thinking:

Frederick Douglass one day hits back, he fights the slave-breaker with all his force, and the slave-breaker does not hit back; he stands trembling [and] calls other slaves to help, and they refuse. The abstract philosophical concept of a freedom which can never be taken away suddenly comes to life and reveals its very concrete truth: freedom is not only the goal of liberation, it begins with liberation; it is there to be "practiced." This, I confess, I learned from you.57

Some observers felt that Herbert Marcuse's "consistent espousal of radical action [was] an offense to liberals who have opted for sensible gradualism and modification rather than eradication of the political culture."58

For fifteen years, Marcuse supported Angela Davis as she evolved from an undergraduate into a graduate student and critical theorist. He and his wife Inge Marcuse visited her in jail and offered support throughout her trial; the couple celebrated her acquittal. Angela Davis did not finish her dissertation on Kant with Marcuse, who was pushed out of UCSD by June 1970. After

her acquittal, Davis traveled to East Germany and obtained her doctorate from Humboldt University. Humboldt University's illustrious alumni include Karl Marx, Friedrich Engels and G.W.F. Hegel, W. E. B. DuBois, Albert Einstein, and Walter Benjamin. The dissertation (as of the last inquiry in 2019 made by a German graduate student returning from studies in Massachusetts) remains sealed and unavailable to the public.

Notes

1 Herbert Marcuse was an intellectual celebrity of activists and the New Left. In 1969, Marcuse's *One-Dimensional Man* (1964) sold more than 100,000 copies in the United States and was translated into sixteen languages. Marcuse was internationally greeted by dignitaries and student activists, celebrated or vilified with tag lines of "Marx, Mao and Marcuse" and "unofficial faculty advisor to the New Left." Condemned by Catholics and communists, as noted earlier, anti-communist Pope Paul VI attacked his books for promoting "disgusting and unbridled" eroticism while communist *Pravda's* Yuri Zhukov condemned him as a "werewolf " and "false prophet." Apartheid South Africa banned his books.

2 Nazi Martin Heidegger, dissertation adviser and one-time lover of Hannah Arendt, became the rector of the University of Freiburg, where Marcuse received his degree. Heidegger used Third Reich decrees to purge all Jewish professors from the faculty. Survivors who emerged in academia made ideological choices as loyalty oaths to their adopted nations: Marcuse critiqued the United States and advocated socialism and social revolution; Arendt aligned with liberalism.

3 The Frankfurt School (Institute for Social Research in Frankfurt, Germany) emerged during the Weimar Republic (1918–33); its scholars critiqued capitalism, fascism, and communism (Marxist-Leninism).

4 Herbert Marcuse, Sam Keen, and John Raser, "Conversation with Marcuse in *Psychology Today*," in *Philosophy, Psychoanalysis and Emancipation: Collected Papers of Herbert Marcuse, Volume 5*, eds. Herbert Marcuse, Douglas Kellner, and Clayton Pierce (London: Routledge, 2017), 201–2.

5 Assisted by British and Polish intelligence, the Enemy Objectives Unit located Allied bombing targets in Europe, disrupting German oil production; lack of aviation fuel and diesel/gasoline helped to ground Hitler's Luftwaffe and render German tanks and trucks inoperable.

6 See Franz Neumann, Herbert Marcuse, and Otto Kirchheimer, *Secret Reports on Nazi Germany: The Frankfurt School Contribution to the War Effort*, edited by Raffaele Laudani (Princeton: Princeton University Press, 2013).

7 Naomi Jaffe joined the Weather Underground, which bombed the Pentagon (no injuries to humans) over its war atrocities against Vietnam and US support for apartheid in South Africa, and its hiring mercenaries and assassinations of liberation movement leaders in the Third World. Mario Savio and Bettina Aptheker were leaders in the 1964 Berkeley Free Speech

Movement. Anarchist bomber Sam Melville was killed in the 1971 National Guard retaking of the Attica Prison in New York.

8 Following the September 1971 suppression of the Attica rebellion, *Ms. Magazine* published a letter from Jane Alpert—Swarthmore grad, and Columbia university grad student—former partner of Sam Melville, whom she accused of domestic abuse. *Ms. Magazine* editors published Jane Alpert's letter condemning Melville and the imprisoned men who died in Attica as "chauvinist pigs" who "would not be missed." It is unclear if *Ms.* was outraged not only by patriarchy but also by rebellions against the state waged by the impoverished or imprisoned. In *Ms.,* Albert celebrated the deaths of rebels by prison guards.

An "open letter" from Miss Alpert, which was published by *Ms.* magazine last year, had urged women to renounce left-wing causes and "work for ourselves." In recounting her own progress from "serious militant leftist" to a radical feminist, she had urged women to break from such "male supremacist" groups as the Weathermen. Melville, Alpert and two others—protesting the war and genocide in Vietnam—had engaged in a serial bombing campaign. They were arrested on November 12, 1969, "after a bomb exploded at the Manhattan Criminal Courts Building at 100 Centre Street—the eighth Government or corporate building to be struck by the group since a wave of bombings began on July 26, 1969."

Albert went underground in May 1970, three months before Angela Davis disappeared into her underground. See Robert Mcg. Thomas Jr., "Jane Alpert Gives up after Four Years" (*New York Times*, November 15, 1974, https://www.nytimes. com/1974/11/15/archives/jane-alpert-gives-up-after-four-years-jane-alpert-surrenders-here.html); Lucinda Franks, "The 4-Year Odyssey of Jane Alpert, From Revolutionary Bomber to Feminist" (*New York Times*, January 14, 1975, https://
www.nytimes.com/1975/01/14/archives/the-4year-odyssey-of-jane-alpert-from-revolutionary-bomber-to.html).

9 Judith Moore, "Marxist Professor Herbert Marcuse's Years at UCSD Were Marked by Crisis, Strife, and Controversy: Angel of the Apocalypse" (*San Diego Reader*, September 11, 1986).

10 The Editors of *Encyclopedia Britannica*, "Warsaw Pact" (*Britannica*, updated December 23, 2022, https://www.britannica.com/event/Warsaw-Pact).

11 Marc Olden, *Angela Davis: An Objective Assessment* (New York: Lancer Books, 1973). Manfred Clemenz (1938–) studied American literature at Brandeis as a graduate student. His online bio states that he received a doctorate in sociology and philosophy after studying with Adorno and Horkheimer at the Frankfurt School, specializing in analyses of fascism and racism. He became a professor of sociology and later a psychotherapist. Within Germany, he and other graduate students organized for Davis's defense, 1970–2, finding it absurd that their former classmate had politics similar to those of Black revolutionary militants. See https://www.manfredclemenz.de/.

12 Regina Nadelson, "*Who Is Angela Davis?*" (New York: Peter H. Wyden, 1972).

13 See note 11 on Clemenz, who co-led a German Solidarity Committee for Angela Davis during her trial. Author's papers.

14 Georgia Warnke, "Feminism, the Frankfurt School, and Nancy Fraser" (*Los Angeles Review of Books*, August 4, 2013).

15 Warnke, "Feminism, the Frankfurt School, and Nancy Fraser."

16 Warnke, "Feminism, the Frankfurt School, and Nancy Fraser."

17 Angela Davis, "Explorations in Black Leadership," interview by Julian Bond (*C-Span*, April 15, 2009, https://www.c-span.org/video/?328898-1/angela-davis-oral-history-interview).

18 See Kathleen Belew, *Bring the War Home: The White Power Movement and Paramilitary* (Cambridge, MA: Harvard University Press, 2018).

19 Moore, "Marxist Professor Herbert Marcuse's Years at UCSD."

20 Warnke, "Feminism, the Frankfurt School, and Nancy Fraser."

21 December 2022 conversation, Nicole Yokum and Joy James.

22 Nicole Yokum, written communique to author, December 2022.

23 Moore quoting Marcuse in "Marxist Professor Herbert Marcuse's Years at UCSD."

24 Moore, "Marxist Professor Herbert Marcuse's Years at UCSD."

25 See Angela Davis, "Angela Davis on Protest, 1968, and Her Old Teacher, Herbert Marcuse" (*Literary Hub*, April 3, 2019, https://lithub.com/angela-davis-on-protest- 1968-and-her-old-teacher-herbert-marcuse/).

26 Moore, "Marxist Professor Herbert Marcuse's Years at UCSD."

27 Moore, "Marxist Professor Herbert Marcuse's Years at UCSD."

28 Moore, "Marxist Professor Herbert Marcuse's Years at UCSD."

29 Moore, "Marxist Professor Herbert Marcuse's Years at UCSD."

30 Moore, "Marxist Professor Herbert Marcuse's Years at UCSD."

31 Richard McDonough, "Eldridge Cleaver: From Violent Anti-Americanism to Christian Conservativism" (*The Postil Magazine*, February 1, 2021, https://www.thepostil.com/ eldridge-cleaver-from-violent-anti-americanism-to-christian-conservativism/).

32 Moore, "Marxist Professor Herbert Marcuse's Years at UCSD." At the age of fifty-nine, Mrs.

Inge Werner Neumann Marcuse, wife of Prof. Herbert Marcuse, the political philosopher, died of cancer in La Jolla, Calif. Born in Madgeburg, Germany, she had accompanied her first husband, Prof. Franz Neumann—a professor at Columbia University—to the United States in 1936. He died in 1954. She then married Professor Marcuse and taught French in California. "Mrs. Herbert Marcuse," *New York Times* Obituary (August 2, 1973, https://www.nytimes.com/1973/08/02/ archives/mrs-herbert-marcuse.html).

33 Moore, "Marxist Professor Herbert Marcuse's Years at UCSD."

34 See Whitfield, "Refusing Marcuse."

35 Davis, "Angela Davis on Protest."

36 See Davis, "Angela Davis on Protest."

37 Kant quoted in Angela's dissertation prospectus. Author's papers.

38 Kant quoted in Angela Davis's dissertation prospectus, 3. Author's papers.

39 Kant quoted in Davis's dissertation prospectus. Author's papers.

40 Angela Davis's dissertation prospectus, 3. Author's papers.

41 Davis, "Angela Davis on Protest."

42 Davis, "Angela Davis on Protest."

43 Davis, "Angela Davis on Protest."

44 California students were not the only ones in rebellion. Columbia University's radical white students rioted against the Vietnam War and the social order. Some were beaten brutally by police. One jumped out of a window and broke an NYPD officer's back. Black students occupied another building to protest against a proposed segregated gym in Morningside Park that divided the campus from Harlem. During the violent fracas, Black police officers secretly led them down back corridors to off-campus safety. Each segment of students appeared to be organizing in separate silos. University administrations increasingly deployed riot police and the National Guard against student protestors in order to control campuses.

45 Davis, "Angela Davis on Protest."

46 Alongside his wife, whom he does not name, Marcuse acknowledged colleagues who offered helpful critiques for *An Essay on Liberation*. All of the commentators are professors at the most elite US institutions: UC Berkeley's Leo Lowenthal, Princeton's Arno J. Mayer, and Harvard's Barrington Moore, Jr. See "Acknowledgments" in Herbert Marcuse, *An Essay on Liberation* (Boston: Beacon Press, 1971).

47 While Angela Davis was completing her dissertation at Humboldt University and touring for her 1974 autobiography, Marcuse referenced her work in his university lecture on “Marxism and Feminism”: “advanced capitalism gradually created the material conditions for translating the ideology of feminine characteristics into reality, the objective conditions for turning the weakness that was attached to them into strength, turning the sexual object into a subject, and making feminism a political force in the struggle against capitalism, against the Performance Principle. It is with the view of these prospects that Angela Davis speaks of the revolutionary function of the female as antithesis to the Performance Principle [a social norm “based on the efficiency and prowess in the fulfilment of competitive economic and acquisitive functions,” 279], in a paper written in the Palo Alto Jail, “Women and Capitalism,” December, 1971.” See Herbert Marcuse, “Marxism and Feminism” (*Women’s Studies* 2, 1974: 279–88, http://platypus1917.org/wp-content/ uploads/archive/rgroups/2006-chicago/marcusemarxismfeminism.pdf), 284.

48 Marcuse, *An Essay on Liberation*.

49 See Belew, *Bring the War Home*.

50 Davis, “Angela Davis on Protest.”

51 Davis, “Angela Davis on Protest.”

52 See Marcuse, draft notes for interview with NBC, January 31, 1971 (author’s papers).

53 Herbert Marcuse, draft notes.

54 Marcuse, draft notes.

55 Marcuse, draft notes. The *UCSD Alumni Magazine* recognizes its impressive alumna: “Marcuse’s best-known student, the civil rights activist Angela Davis, M.A. ’69.” In the decades that followed her acquittal, Angela rarely publicly spoke of Marcuse until memorials and media following the repatriation of his remains brought him back into the spotlight.

56 See Marcuse et al., “Conversation with Marcuse.”

57 Quote reprinted in Robert Gooding Williams, “Douglass’s Declarations of Independence and Practices of Politics.”

58 See Marcuse et al. “Conversation with Marcuse.”

Africa, We the Underdeveloped: Wynter's Discontent in the Light of Hegel's Conception of Development

By | 2024: Vol. 23, No. 2

*Originally presented at the Caribbean Philosophical Association, Brown University, June 2019

Introduction

A passing note, couched in one of the various editions of Hegel's *Philosophy of Right*, states the following. "A human being, in the process of necessarily forming itself, is historical, i.e., belongs in time, in the history **prior** to freedom. **Prior** to freedom, there is history."[i] Admittedly the simplicity of this point conceals a complex manifold of interpretations which can be drawn from it. But that concealment becomes surreptitious when placed in the context of the inimical character of Hegel's remarks about Africa. Those remarks stem prominently from his claim in the *Philosophy of History* that "Africa has no history in the true sense of the word."[ii] If Africa is without history in the true sense, it would then appear that Africans are not historical and thus not human beings.

Artist: Drew Martin

Now there is a distinction, which critiques of Hegel's remarks about Africa need to heed. It is that between (a) denying empirically or as a matter of fact that Africa is without historical relevance and (b) denying normatively Africa without historical relevance is what it ought to be. Most believe that a successful critique along factual lines is simultaneously a successful critique along normative ones, conflating their critique via (a) with that via (b). Consequently, critiques of Hegel's remarks about Africa mistakenly mixes a **rebuttal** of a so-called factual claim, viz., (a), with what would have to be a **disavowal** of a normative one, viz., (b). Such a conflation mistakenly presupposes that Hegel's claim "Africa has no history in the true sense of the word" is an empirically real one purported as a matter of fact. But, for Hegel, 'history in the true sense of the word' is a normatively focused one. In effect, Hegel would be saying **not** that **factually** Africa is without history, **but** that **normatively** Africa without history is what it ought to be.

So, Hegel's claim that "Africa has no history in the true sense of the word" is a normative one. Indeed, it appears to render a conclusion about Africa much worse than the empirical one. But the conclusion of that normative version has never been investigated or evaluated, let alone challenged, because any investigation into, let alone challenge to it, will need to operate on the normative plane as well. Unfortunately, most do not exercise their critique of Hegel's derogatory remarks about Africa on that plane. And most would rhetorically ask — 'why should they?' Thus, wittingly they confront the claim — "Africa does not have a history", but unwittingly **not** confront the stipulation — "not having a history is what Africa ought to be". So, the claim, due to the stipulation that African people are purposively at sea in the dark without a compass to make sense, is confronted simply with the empirical history about Africa as the refutation. But, for Hegel's idealism, what is called for is not refuting the claim, but addressing the stipulation of the claim, whether the claim meets or does **not** meet the condition and why.

If the condition is met, it is thereby **avowed**, not by presenting the non-existence of the

empirical history of Africa, but by presenting Africans as **unable** to think and act historically. On the other hand, if the condition is **not** met, it is thereby **disavowed**, not by addressing the empirical history of Africa, but by addressing Africans as thinking and acting historically. The capability to think and act historically, for Hegel's idealism, is to do so under the "Idea of freedom," and such a capacity is not an attribute, but an achievement of a people. To be sure, Hegel himself never directly made these points with Africa and its diaspora in mind. He left the impression that Africa's lack of historical relevance satisfied a norm, which would bind and be credited to non-Europeans generally and Africans specifically, as unhistorical. This should be the reason why criticism of Hegel on Africa should be made and held.

But there is a reason stemming from Hegel's idealism, which would disable that conclusion. Under his idealism, to be, to do, or to know "x" is to be cognizant of so being, so doing, or so knowing "x" with a purpose or aim. The aim of being, say, unhistorical, would have to be in sync with the norm of being unhistorical again and again repeatedly. Indeed, if that possibility were the case, the efficacy of that norm would be **either** in accord with matters natural **or** never subject to breakdown, to expiration, to inefficacy, to alteration. Both disjuncts would be impossible under Hegel's idealism.

Were the aforementioned scenario to be the case for African peoples, they would be perennially isolated from grounding contingencies, from accounting for matters which happen to them, or immediately and automatically in sync with contingencies or matters naturally happening to them. However, since it is not the case, they would have **not yet encountered** the contingencies, which could threaten the justifiable and motivational efficacy of a norm. Without that threat to or failure of the norm, thereby making needless and unwarranted the responsiveness to reasons for criticizing and changing the norm, an account measured in terms of the **development** of the motivational and justifiable efficacy of norms via reason could not be had.[iii] What is noteworthy here is that, without the threat, a conception of **"development"** would be puzzling, paradoxical, out of place for Africa and Africans under the lights of Hegel's idealism.

Wynter's Discontent with "Development"

This point is important because it is next to impossible not to connect Africa to a conception of "development," Hegelian or otherwise, wherein Africa is regarded as **radically other** than and recalcitrant to it. A person who has addressed this matter in terms of the pitfalls of "development" as it pertains to Africa's history, its landscape, its people, and its diaspora has been the noted playwright, writer, scholar, and professor emeritus of Hispanic/Luso-Brazilian Literatures & Languages and African/African-Diasporic Studies at Stanford University, the Honorable Sylvia Wynter.

Now it should be noted that her exceptional and well-known essay, "Is 'Development' a Purely Empirical Concept or also Teleological?: A Perspective from 'We the Underdeveloped'," is **not** specifically a critique of Hegel. Nonetheless Wynter generally shares with Hegel his grandiosity of philosophical schemes and vision, his complexity of argument for them, his

density of language in articulating both and, most importantly, his **non-materialist** conception of "development."[iv] She specifically shares, but not identifies, with his idealism a restraint on scientific realism, historiographical evidence, and social-scientific 'facts of the matter' to give an account for Africa and its diaspora. But her account is **not** based on an idealism.

Image of Sylvia Wynter courtesy of Schomburg Center for Research in Black Culture, Photographs and Prints Division, The New York Public Library.

Although her essay is itself modest in size, it is still an ambitiously large-scale account, consistent and continuous with her much longer and comprehensive essays. Those essays deal with framing the "West" in terms of a historical unfolding of what counts as **binary conceptions of "being human"**. Those conceptions are set in various inquiries into "being human" from their earliest theological inceptions to their current secular culminations. Wynter would not have any problem naming Hegel as one among many surrogates for and virtuosos of and in the "**Western epistemological order**", an order whereby the "**present culture ensures the regulation of its members' behavior (cognizing, affective, and actional)" [v] of being human in either a superordinate or a subordinate fashion**.

In keeping with this rubric, Wynter argues that "development" is culturally specific, not culturally neutral, whose genesis and structure are subject to the "Western epistemological order," in which even an understanding of African "traditional system of thought" would remain entrapped. Briefly the strategies of sustainably material development, long implemented for centuries to remedy Africa's longstanding and, for the most part, European-made underdevelopment of its economic and ecological fronts, have been and still are reliant, she contends, principally on that epistemological order. According to Wynter, as "underdeveloped," Africa and its diaspora have been called upon, time and again, to acquiesce to "development" along both material (empirical) and normative (teleological) lines they do not and would not prescribe for themselves. They have been made to experience and conduct themselves as the functional equivalent of the "**massa damnata** (those not elected for salvation),"[vi] construed in a modern secular vein as "we, the underdeveloped." Their history, for Wynter, has reflected this equivalence. Why? How?

Wynter ties both “development” and “underdevelopment” to the emergence of a kind of connection with matters “onto-theological.” She references Cheik Hamidou Kane’s novel, *Ambiguous Adventure*, and Julia Kristeva’s *Power of Horror: An Essay on Abjection* to claim that an “onto-theologically” inspired **“sense of right” for “both being and not being human”** was shared and best exemplified by the Christian West and the Islamic East. Both codified the respective contrast between those elected and those not elected for other-worldly redemption.[vii] This mutual codification was transformed when employed by the Christian West to defend its conquests of non-Christians. That defense however, Wynter argues, was reliant on the West’s break from the “sense of right” sanctioned by divine invocation to that sanctioned by a secular one, now rendered epistemically, not sacredly, legitimate in the West. By doing so, she is neither designating “underdevelopment” in either socio-economic terms different from socio-economic “development” nor designating lexical terms contrary to or excluded from “development.” She is rather specifying it as the outcome of an originary “onto-theological” gap of non-being between them,[viii] an originary “metaphysical lack,” a break characteristic of a sacred space and a fall from it, which persists through the manifold variants of what is conveyed as a “sense of right” for “being and not being human.” In short, what must be the “sense of right,” given what can be called the “problem of being human.”

For example, sacredly legitimized, as stated above, a codified “sense of right” establishes the contrast between those elected and those not elected for other-worldly salvation. But epistemically legitimized, a codified “sense of right” eventually establishes the contrast between, on the one hand, those made to experience, see, and conduct themselves as both “developed” and “developing” and, on the other, those made to experience, see, and conduct themselves as “underdeveloped.” Those represented as “developed” and “developing” are a culturally systemic variant of, but a functionally systemic equivalent with, those elected for redemption under the same, say, Judeo-Christian or “onto-theological” matrix. The same matrix looms over the culturally systemic variants of and functionally systemic equivalents with those not elected for salvation and those experiencing themselves as “we, the underdeveloped.” It both contributes to and is conveyed by the meaning of each of the categorially paired variants.

Despite each of the four variants referring culturally and specifically to 4 different groups, the difference in each of the two categorially paired variants (“electively redeemed/not electively redeemed” **and “**developed/underdeveloped”) is **functionally**equivalent to the other in meaning. For Wynter, each of the two categorial pairs is a governing concept whose rule cannot be established without a contrasting concept, **not** as categorially **relational**, but as “categorially **liminal**” to it. What is the difference?[ix]

To understand this difference, let us briefly compare, say, what Wynter is proposing with what Kant proposes about categories. As **relationa**l, a categorial pair for Kant **under theoretical reason** stipulates for an individual the rule for relating judgements to and with each other, for combining two or more judgements in a (larger) judgement, i.e., in various kinds of inference or kinds of making sense inferentially about what is (or ought to be) the case about “X” and thereby to take a stand on “X.” The categorial pair would serve as an **epistemic condition of experience**. **Under practical reason**, however, a categorial pair as relational **ought** reflect

the unconditional necessity of (moral) **imperatives to act in conformity with obligation and, simultaneously, to be motivated to so act devoid of both natural sympathy and prudence.**

Therefore, for Kant, a **relational** categorial pair through practical reason stipulates for an individual **either** (a) the volition of a course of action in life is necessarily dependent on satisfying a sensible condition **or** (b) the volition of a course of action in life is necessarily subject to what ought be moral considerations without condition. As **liminal**, on the other hand, a categorial pair, according to Wynter, would be subject to an "onto-theological" threshold or gap showing that non-being always impends on making sense inferentially on what is (or should be) the case about "X" and would be already ontologically definitive in setting an individual's volitional orientation, indifferent to (a) or (b), toward "X." Such a gap would thwart reasons from addressing or undoing what is **already pre-delineated in advance** about "X", about the persistence of the codified **"sense of right"** throughout its variants.

For Wynter, this "onto-theological" gap bears on the "problem of being human". It highlights the historical character of a threshold, from which questions about the being of those elected or not elected (x1 or y1) for salvation under divine law; the being of those designated human or sub-human (x2 or y2) under scientific law; the being of those rendered slavers or enslaved (x3 or y3) under enslavement; the being of those selected or not selected (x4 or y4) under evolution; the being of those developed or underdeveloped (x5 or y5) under colonialism are all existentially at issue and whose resolutions are based on something wholly other than reason. Judgements and inferences would thereby be made to turn on non-being, bound to the "problem of being human" (superordinately or subordinately,) rather than that problem turning on what judgements and inferences would respectively make determinately of it as well as draw from it.

Wynter's categorial pairs thus are **not** relational in the Kantian (or even Hegelian) sense since they would contribute neither relationally nor modally to making inferential sense of anything Kant himself would regard as matters for a "pre-critical metaphysics" or traditional ontology. But Wynter is not concerned with traditional western metaphysics. Like Heidegger, her focus is on "onto-theology" as the **condition of western metaphysics**; but not in the same way he characterizes it. For Heidegger, "onto-theology" has been that metaphysics' condition is repeatedly portrayed in and by the "forgottenness" of the "Seinsfrage," forgetting that the response to that question (or Frage) is that the meaning of Being (Sein) itself is **neither** first cause (ontologically) **nor**highest being (theologically.) In contrast, for Wynter, it has been the condition repeatedly characterized in and by the "problem of being human" in subordinate fashion, even where both the inference and promise for eliminating that problem via "development" has been conveyed.

What also courses through Wynter's argument is an affirmation of the "post-development" thesis which gives impetus to the need for a "decolonization of the mind."[x] This thesis works on the premises that reason is (a) universally instrumental and strategic without boundary and thereby of consequence for any-and-everyone regardless of cost or price and (b) thoroughly

related to power and thereby hegemonic. The universality and hegemony of instrumental and strategic reason effectively pervades, sanctions, compels "development" in both the advance and the decline of colonial/imperialist practices, for which there would not be any constraint on their exercise and acquiescence. Colonizing and imperial forces would be employed to guarantee the boundless ambit of "development" as concomitant with the universality and limitlessness of instrumental and strategic reason's force. To decolonize the mind, then, would be to undo "development" as well as instrumental and strategic reason's universal and hegemonic character underwriting it, to undo them for the sake of the agency and awareness of those "being human" in a form of life formerly bound to the kind of hegemony and coercion "development" endorses.

Still, although Wynter gives credence to the "post-development" thesis, **it would be a mistake not to distinguish that thesis from her "onto-theological" one**. Under the former thesis, as stated above, "development" is intrinsically linked with reason's universality and hegemony sanctioned through colonizing and imperial forces. Liminality is not at issue. In contrast, under the latter thesis, "development" is an outcome of the historical reiteration of the "onto-theological" problem of being human in subordinate fashion. Liminality becomes the issue.

Keeping the latter point in mind, if we were to aim the relational/liminal distinction toward the categorially paired variant "development/underdevelopment," we would get the following. As **relational**, "development" could be employed in an inferential process accounting for all features of precedence and salience by which "underdevelopment" would be rationally precluded from it, but never outside the co-relational (or modally) conceptual jurisdiction wherein its possible or necessary exclusion inferentially would make sense. As **liminal**, however, "development" could not be employed to account for all features of precedence and salience, because it would "onto-theologically" sustain its conflicting opposition to "underdevelopment" as originally conveyed in "**being recalcitrant to salvation**" and historically reiterated in the changing forms of "**being damned**," of "**being wretched**," to finally "**being underdeveloped**." All of these would be connected to the "**problem of being human subordinately**". The being of each would be outside of reason's capacity to motivate and justify their condemnation. "Development" and "underdevelopment," construed as liminal, could not be construed in terms of relation (substance/accident; cause/effect; community/disjunction) but oddly coupled, an "odd couple," so to speak, outside of the space of reasons.[xi]

In short, Wynter contends "our present world system, as a culture-specific 'form of life,' must necessarily institute itself on the basis of a **binary opposition** between the underdeveloped (as the embodiment of the metaphysical lack of the supraordinate goal of 'development') and the developed (as the exemplary realization of this goal.) …, Black Africa [and its diaspora] has been made to embody the extreme form of the category of lack."[xii] As categorially liminal of or "conceptually other" to, say, "development," "underdevelopment" then would be able to represent "being damned" as a way of being human ("the underdeveloped.")[xiii] It would be subject to the "remedy" of development, which "the developed" (the other way of being human,) given the history of conquest, has extensively had as a remedy for "the

underdeveloped" and, given the persistence of non-being on "the underdeveloped," would wittingly or unwittingly let be and go on. "Being underdeveloped" entails living in an environment, embodying the inefficacy or nullity of development, revealing it as inescapable, and framed as unreflectively and foreseeably familiar..

Usually "development" is purported as a "remedy" to "underdevelopment." Its meaning is carried along either material socio-economic lines (globalizing modernization) or inflated, over-determined philosophies of history, allegedly like Hegel's, with their so-called affirmation of "faith in progress" or colonized adaptation to "Western culture" as the goal for Africans and their diasporic constituents. But, for Wynter, there is nothing remedial in these. For her, Africa and its diaspora are joined to "development" as the maintenance and expansion, not the elimination or diminution, of "we, the underdeveloped," as the conservation of its "metaphysical lack" or "non-being." Indeed "underdevelopment" would here be "baked into" "development." Consequently, Wynter is highly incredulous of "development." By interpreting "development" in terms of its categorially liminal status, she would likewise extend her skepticism toward "development" to cover even Hegel's, given his alleged emphasis on progress and his seemingly intellectual complicity in the "underdevelopment" of Africa and its diaspora in *LPWH*.

Wynter's account, as presented here, entwines "being subordinate" as a human being, especially as an African ethno-racial being, in all of its aforementioned historical reiterations, with "metaphysical lack" or non-being. Where would Hegel's idealism stand in relation to her account? There are a number of responses.

First, within Hegel's idealism, a human being could not "be subordinate" *simpliciter* as a matter of non-being. "Being subordinate" as a matter of non-being is not simply a way for someone to be or to occupy. On the contrary, "being subordinate" would be impossible without cognizance or reason for or against being subordinate, without taking ourselves being subordinate. Such cognizance or reason would involve, if not full, at least some kind of acknowledgement of **why** I, as a human being, am and ought not to be, even in this way, subordinate. Wynter suggests, however, that the metaphysical horizon of non-being puts out of play any stance from which a reason could be proffered, pro or con, to being subordinate. In effect, its omnipresence would **not** be in need of any justification with reference to the reasons of those upon whom it has always already suffused and enthralled.

Second, the liminality of a categorial pair would not involve "negation" under Hegelian lights. Wynter's aforementioned account, however, would ignore this point, since she tends to employ "liminality" and "negation" interchangeably.[xiv] She does so, I think, because "conceptual otherness" is at play in both. As liminal, a categorial pair does not generate conceptual relations of exclusion about "X." Rather since non-being impends on it, the pair would be in opposition, not in co-relation, with each other. The opposing concepts would be revealed as both existentially incompatible with the world's characterization of, say, "X" and subjectively incompatible with any response thought or comprehensible in and by reason to that characterization. What could have been inferred is treated as an inexplicable novelty or a "new

descriptive statement," relinquishing any connection to reason or to being motivated and justified thereby.

In contrast, as "negative", under Hegelian guidelines, a categorial pair enables the conceptual relations of exclusion not solely to make sense inferentially about "X" but, more importantly, to make sense inferentially of the way "X" is determinate not as simply set by the features causally and substantiating "X," but as normatively prescribed by our responsiveness in the exchange of reasons to maintain, modify, or reject that characterization. Such responsiveness is, as stated earlier, reflective of spirit increasingly mitigating (negating) natural or habitual influences on accounts of what is to be comprehended or inferred self-consciously and how. Furthermore, it is continuous with spirit increasingly amplifying reason-sharing accounts of what is to be comprehended or inferred through a self-conscious relation both diminishing (negating) the custody of its self-certainty and simultaneously augmenting (negating its negation) the achievement of its freely like-minded relation with others.[xv]

The determinacy of, say, "X" via negation is expressed by the categorial pair grasped in reason self-consciously for the sake of amplifying the pair's significance and perspicacity of "X's" determinacy in ongoing fashion. An "inexplicable novelty" or "new descriptive statement," as Wynter is wont to say, relinquishing any connection to reason, would not be in the picture. What this implies is that such a "new descriptive statement" could not be attached to the role it could or could not play as a component of any judgement or inference. If, as Wynter maintains, black people are the embodiment of "metaphysical lack," it would then be outside the capacity of African peoples, unlike all ethno-racial others, to be committed, entitled, or permitted to "maneuver" about in grasping and employing licensed judgments or inferences in social space.[xvi] Being outside their capacity would be metaphysically pre-delineated in advance.

Yet Wynter's commitment to "inexplicable novelty" as an outcome of a category's liminality is reflected in her emphasis on an episode in Kane's aforementioned novel *Ambiguous Adventure*, wherein the characters of the Islamicized knight of the "people of the Diallobė" and his French colonizer-guest, Lacroix, are antagonists. She invokes this episode to show the transformation in the codification of the "sense of right" in what counts as being human from sacral to epistemic legitimation in the Christian West's conquest over Christian and Islamic Africa. What she makes poignant is the comment the knight (as being subordinate) poses to the French colonizer (as being superordinate) in response to the transformation cum conquest, symbolically addressing the "necessary blindness" of the West's to the "metaphysical lack," to non-being, attached to that transformation/conquest.[xvii] "What you do not see," the knight cautions Lacroix, "does not exist. The moment, like a raft, carries you on the luminous surface of its round disc, and you deny the abyss that lies about you."[xviii] For Wynter, this is the "problem of being human **superordinately"**.

It is this "abyss" wherefrom the "inexplicable novelty" makes its emergence, an "abyss" wherefrom emergent novelty is neither seen nor comprehended. The "problem of being human **superordinately**", rather than subordinately, is the blindness to and ignorance of this "abyss." It entails living life freely and gracefully while ignoring, overlooking that such a life is not

settled, not secured, does not rest on a fidelity to being who one substantially is. The problem of being human **superordinately** is overlooking and neglecting that the aforementioned life signals **only** a temporary haven, so to speak, and this neglect is characteristic of the failure of neither grasping nor seeing the impending likelihood of being dislodged from it. Only being human **subordinately**, the Islamicized knight, we, the underdeveloped, Africans, for example, are perceptive of the displacement looming, as a problem, over being human **superordinately**, for whom such displacement would be an inexplicable novelty.[xix]

Still be mindful that Wynter places great emphasis on Africans, as well as any member of the human species, being necessarily oriented in the manner by which 'we' know and act within a shared form of life. She also gives weight to her conception of human beings as a compatible combination of ontogeny/phylogeny and sociogeny, of nature and culture. Both of these points appear to bear broadly some resemblance to Hegel's bio-social conception of natural spirit wherein, as stated above, only do the reasons arising from spirit gradually break with nature. As Wynter puts it,

Frantz Fanon has pointed out — in his book *Black Skin, White Masks* — that Freud oversaw the fact that at the level of human life, the organic process of ontogenesis, is always accompanied by the culturally instituted processes of sociogenesis. It is this rupture with the purely organic processes of ontogenesis and its correlation with the always culture-systemic processes of sociogenesis that can be defined as the **first** emergence [of human life—FMK.] For this was a process by which all human forms of life, and their languaging living systems, can now be seen to have come into being only on the basis of their rupture with the genetically regulated circuits of organic life, therefore, for the narratively instituted symbolic circuits that were to orient our socialized modes of subjectivity and of interaltruistic symbolic conspecificity, or non-genetically determined variant forms of "kin" recognition and misrecognition that are defining of human "forms of life."[xx]

As noted, she explicitly relies on Fanon and Freud, rather than Hegel, to make the points with which Hegel's idealism concerning natural spirit would concur. Nonetheless any resemblance to his idealism stops in full on two fronts. First, in contrast, Wynter explains the "first emergence" of human form of life (or spirit) in terms of a "rupture" rather than an incremental break with nature. Moreover, she points to a "second emergence," a second rupture, different from the first yet parallel under provisions equivalent with the first. It represents a break from an unreflective acquiescence to a witting and technologically mediated one to a culturally induced subservience.

The **first** emergence saw the rupture effected by humans with the constraints of primarily genetically oriented behaviors; the **second** emergence, which now confronts us, can be defined in parallel terms. In that this emergence will, therefore, entail a rupture with our **nonconscious subordination** to the narratively instituted culture-systemic symbolic circuits by which we are aggregated as human subjects; symbolic and to the tekhne of their represented modes of lack and their correlated supraordinate teloi or goals by means of which we have oriented our behaviors in culture-systemic rather than genetically determined

terms.[xxi]

Her commitments to this "first, second (and even third[xxii]) emergences" of human life and categorial liminality are, secondly, what put Wynter strongly at odds with Hegel's idealism. Her commitments to the rightful criticism of what is taken as Hegel's denials of history and humanity to African peoples would be dependent on her reflections on "development." By treating "development" as categorially liminal and "onto-theologically" coupled with "underdevelopment," Wynter is claiming that human subordination is an outcome of the "onto-theological" reauthorization of the "problem of being human" and is incalculably more significant than reason calling such subordination into question, subjecting it to critique, or the sense reason makes of it.

For Wynter, what is needed is a "human species-perspective" of self-formation enabled and empowered **not** to fall victim to the reproduction of those "codes" and "techniques," whose history reveals their ever present "onto-theological" maintenance of those who count as "developed, on the one hand," as well as "underdeveloped," on the other.[xxiii] "We, the underdeveloped," according to Wynter, can avoid falling victim to this maintenance of "our" "underdevelopment," repeated in "our" behaviors to the cognitive, moral, economic, and political codes and techniques of "our" times not by "negation," but by availing "ourselves" of aesthetically "ceremonious" self-invention.[xxiv] What would such an aesthetically ceremonious self-invention look like?

To this question I can only speculate since I've been unable to lay out an interpretation in detail from her writings what Wynter has in mind. Pressed I would say that such self-invention entails for her African ethno-racial forms of life freeing themselves from being bound to the historically reiterative onto-theological gap codified in "senses of right." Africans as "we, the underdeveloped" are grandly to turn inward, Wynter claims, "toward a new human-species interest," redirecting themselves "toward a new order of culture-scientific truth that Africa now finds the dynamic of its own urgent thrust to escape the condemnation imposed on it by the logic of our present 'local culture's' order of knowledge, to be linked to that of the securing of the well-being of the species; of universal individual human welfare."[xxv]

On the surface, there would appear to be nothing wrong with Wynter's proposal as an aesthetically prospective claim for the unconditional resolution of the "problem of being human subordinately". There is, however, some implausibility to it. It is unclear how this "new human-species interest" can be the source accounting for "new descriptive statements," bestowing meaning to "inexplicable novelties". How do such "statements" provide the bridge over the void of the abyss, lead "ceremoniously" to self-invention **without** their possibility of making sense connect to individuals exchanging and promising reasons (via judgements and inferences,) participating in or assenting/dissenting to a practice in an African ethno-racial form of life? There appears to be a possible answer.

From Wynter's vantage point, African ethno-racial forms of life shall themselves reach a point that any commitment to "development" is no longer credible or no longer available, and that it

is inevitable that every human being will come to that point too. She appears to suggest it is unavoidable that “development” shall lose its significance and value as a binding force, and that to remain committed to it is to embrace it unwitting of the insignificance of “development” to come.

For her, ‘our’ orientation “toward a new human-species interest” is a turn away from salvation, not just other-worldly, but from “development.” This turn would not involve a crisis of faith or require a method. It would rather entail the possibility of a genuinely “ceremonious self-invention,” wherein ‘we, the underdeveloped’ do not come to understand this turn away from “development” as salvation, as something that can be certified epistemically as true or false, but as something that simply happens in some markedly complicated way and eventually goes away. This gesture of hers would appear to be something made plausible by a religion that coordinates poets, singers, and political deeds, a politicized “theo-musicology” if I may paraphrase the words of Reverend William E. Barber, making manifest the way such “ceremonious self-invention” is an epochal event, i.e., happening for a time wherein it would be impossible to claim that it happened only for that time. Otherwise, her gesture suggests some kind of enchantment project.

A Hegelian Response to Wynter’s Discontent

But there are a number of points that must be kept in mind when considering her conception of development in the light of Hegel’s. “Development” in Hegel’s idealism is, **first**, **not** natural maturation or growth to a natural end state, because it is a matter operative in relation to or in the jurisdiction of spirit. **Second**, it is **not** progress to an end state of perfection or something utopian, material or otherwise because it is not subject to the indeterminacy surrounding “perfection.” **Third**, it is **not** eschatology, involving some dramatically transcendent incursion consummating the history of the world from the divinely outside because it proceeds via reason’s “return on itself.” **Fourth**, it is **not** an instrumentally or strategically driven process, set in motion by the selection of the best efficient means or the execution of the most detailed plan because, as a “spiritual” process, (a) its normative orientation, conveyed in the exchange of reasons, of acting and knowing under the “idea of freedom” would be open to struggles and (b) the comprehension and evaluation of that “idea” could never be **immediately** assured that those struggles are not reliant on factors or criteria diminishing or even repudiating the impact of that “idea.” These points are crucial when examining “development’s” relation to matters of spirit. In short, for Hegel, “development” involves freedom of the rationality of cognitive and practical enactments.

“Development in the spiritual world,” as Hegel puts it, “is at once a hard and unending struggle with itself…hard and obstinate labor on itself.”[xxvi] If so, how then is this conception of development at work in history, especially since Hegel claims that spirit’s aim in history “would be the freedom of the subject to assert and maintain [both] its own conscience and morality as well as its own ongoing universal ends[?]”[xxvii] How is that aim in history a matter of “hard and unending struggle of spirit with itself?”

Since the issue is “spirit’s aim in history,” we would not be talking about history, not be talking about events in history or matters historical which, for Hegel, would be, as we know from him, a “slaughterbench.” Instead, we would be depicting historically the peculiar advancement of reasons and their normative efficacy in our cognitive and practical enactments. At first, that depiction would be taken as an **elucidation of contingencies under specific accounts,** stemming from an ethno-racial form of life, that people would confer as reasons on them. Such accounts would be bracketed from any causal relationship of contingencies to each other. As it stands, this view would be consistent with persons in their ethno-racial form of life committed to like-minded accounts, presumed in and stipulated by their form of life, for contingencies faced. All this, however, addresses only reasons’ intimacy and complicity with people’s ethno-racial form of life. But we would be hard pressed to characterize reasons’ “**volksgeistlich**” intimacy and complicity in terms of spirit’s “hard and obstinate labor on itself,” since the distinguishing of people’s reasons from what is stipulated by their form of life would not even be entertained in the characterization.

A way out of this problem, however, may be found in a remark Hegel makes about spirit. “The concept of spirit involves a **return to** (**Rückkehr in sich**) itself, whereby it makes itself its own object; progress [here]…has a determinate aim, viz., that of [spirit] **returning to** itself.”[xxviii] There is a retrospective dimension pertinent to “development in the spiritual world” wherein spirit is its own “measure.” and which is **not** relevant elsewhere. As stated earlier, development entails the advancement of reasons in their giving and sharing exercise from being presumed efficacious to being achieved efficaciously. It is reasons’ quest for better

reasons signaling the movement from the former to the latter. The former represents reasons already in play with an orientation presumed; the latter represents reasons which override the presumptive character or the presumed orientation of the former via the quest for reasons better upheld or newly revised. Be mindful, as natural spirit, spirit has its genesis in nature, but its own development and truth are **not** reliant on spirit's compatibilism with nature or with nature's evolution. More importantly, it is **not** reliant on a return to the ethno-racial saliency of habits and customs whose motivating and justifying reasons are **not** able to advance beyond what they already presume and thus are subject to petering out, to becoming "devoid of life and interest."[xxix] To be sure, an ethno-racial form of life is inseparable, but distinguishable, from spirit. An ethno-racial form of life or singularity as a "**volksgeistlich**" like-mindedness is representative of spirit's gradual and variable parting from nature, wherein such a form of life, in comparison with other such forms, incrementally yet unevenly **comes to distinguish** the saliency of its habits, customs, enactments and explanations from processes connected to nature. But once that distinguishing is fully achieved, **spirit's development is not reliant on a return to nature or a return to the saliency of an ethno-race's "volksgeistlich" habits**, **but on a self-conscious return to itself. Such a self- conscious return enables spirit to distinguish reasons too presumptive to rely necessarily on reasons' motivating activity, from those whose justification is achieved in conjunction with their motivating activity in ways both amplifying and diversifying.** How is this to be understood?

Take, for example, an ethno-racial form of life wherein the belief in the viability of, say, coal is longstanding, salient, so presumptively justified. Although Hegel's idealism would not deny the fact that such a belief can be empirically falsified **outside** of that form of life, that fact would not be what it takes as the measure for successfully challenging any reason to continue upholding that belief. Rather what his idealism would take as such measure would be that an ethno-racial form of life's failure to both (1) acknowledge the dissolution of its presumptiveness supporting such a belief or norm and (2) provide, on the failure of (1), new or revised reasons as its grounds or accounts, rather than commit to its earlier presumed ones, for the sake of their amplification across and diversification within such forms of life, i.e., for the sake of reasons/grounds being shared both within and across forms of life in ongoing fashion. Newly revised and shareable reasons are oriented to motivate and justify **both across and within** ethno-racial forms of life.[xxx] They would, however, be tied solely to **neither** a specifically particular ethno-racial form of life **nor** a specific individual or set thereof within such a form of life. If so tied, such reasons would not be different from reasons belonging to an ethno-racial form of life or unshareable within that form of life. They thus would not expand across and differentiate within ethno-racial "boundaries." Instead, they would be geared to broaden what counts as motivationally and justifiably reason-sharing in an ongoing way. They would thereby be geared to make thematic the ways, socially and historically, how ethno-racial forms of life come to be committed to "thinking and acting under the idea of freedom," which would enable the normative dimensions of reasons to extend across and within ethno-racial boundaries.

Socially and historically spirit then, variously and variantly through ethno-races, becomes itself the target of its re-evaluation, comes to the aforementioned commitment. It comes back to

reasons presumed that periodically peter out, that were in play at an earlier time, not to restore them, but to advance newly revised reasons amplifying shareable responses in the face of conflict and struggle incessantly contributing to the inefficacy of prior reasons. Spirit's "return to itself" is, in short, reason's critical examination of itself via the giving and sharing of reasons in an ongoing way.

Spirit's "return to itself" then does **not** refer to its **recommitment** in social space to already extant beliefs and norms whose reasons are presumed reliable even in the face of such conflicts. Rather it refers to its **re-evaluation** in social space of already extant beliefs and norms whose prior saliency supporting cognitive and practical enactments has lost its efficacy to motivate and justify further and better such enactments in the face of unavoidable, even interminable, conflict or, say, "inertial" customs and habits.

For Hegel, the "development in the spiritual world" is the "advancement" in the normative efficacy of reasons via a return to or re-evaluation of norms whose efficacy to motivate and justify is no longer. It would not be due to a norm's content or would not come from a preceding norm whose presumptiveness dictating cognitive and practical enactments would not be called into question. The former could not motivate on its own or independently of the commitment to "think and act under the idea of freedom." The latter would not have an impetus to motivate beyond what is held in force. So, under Hegelian lights, normative development could not obtain in either circumstance.

Rather "development" would emerge once there is a self-conscious "**return"** to a preceding norm to grasp why it no longer motivates, why it loses its binding force. This is "spirit's" coming back to itself, "revisiting" itself, so to speak. And it does so to find the reasons contributing to why a norm peters out, destabilizes, breaks down, fails to motivate enactmments, cognitive and practical, in a social arrangement. It then self-consciously leads in obtaining or revising norms whose reasons justifying them are oriented to express and to ground their own motivational effectiveness in ongoing fashion in that arrangement. The norms, which would then motivate, could be expressive of reasons historically partaken to amplify "development in the spiritual world" and to "heal," at least provisionally, their "wound" from the loss of efficacy prior norms could undergo when reasons supporting them are called into question, if not undermined, in social space.

Admittedly these remarks sound rather extravagant, especially when plied to Africa and its diaspora. Indeed, Hegel himself never directly made them with Africa and its diaspora in mind. As I said earlier, Hegel's claim that "Africa has no history in the true sense of the word" is not an empirical, but a normative, claim. Given the long-held conviction in the inimical relation of Hegel's thought to Africa, the aforementioned point leaves the impression that Africa's lack of historical relevance is what ought to be the case, i.e., satisfies a norm, which ethno-racially belongs and is ascribed to Africa alone, to be unhistorical. "Development" would be puzzling and paradoxical ethno-racially to Africa under Hegelian lights and thus could give major weight to Wynter's position.

Yet there are two reasons stemming from Hegel's idealism which would disable that conclusion from being drawn from that normative claim. First, under that idealism, to be, to do, or to know "x" is to be cognizant of so being, so doing, or so knowing having a purpose or aim. The aim of being, say, unhistorical would have to be complicit with the norm of being unhistorical again and again repeatedly.[xxxi] Thus the efficacy of that norm would **not** be subject to breakdown which, as we have seen, would be impossible under Hegel's idealism. But if this were to be the case under the Hegelian guise, the issue for African ethno-racial singularities would be that they are permanently isolated from grounding contingencies or immediately and naturally in sync with them as many have claimed. However, since it is not, the issue instead would be that they **have not yet encountered** the contingencies, which would threaten the justifiable and motivational efficacy of a norm. Without that threat to or failure in the norm, making needless and unwarranted the responsiveness of reasons, an account of historical alteration measured in terms of the development of the motivational and justifiable efficacy of norms could not be had.

Second when Wynter deals with "development," she does not speak in any way to address what Hegel takes as important to it, viz., spirit's "return" to itself or its re-evaluation of norms whose efficacy has been lost, in the face of contingencies thrown up incessantly in struggles, in order to provide new or revised ones through the giving and sharing of reasons. As Hegel notes, unfortunately under a compressed argument for the unity of being and purpose,

"This consonance between 'is' and 'ought' is not rigid and inert; however, the final purpose of the world, i.e., the good, is **only that which repeatedly, over and over, brings itself forth**, [such that] the distinction between the spiritual and natural worlds is comprised of the latter [natural] simply continuing to return to itself while the former [spiritual] enables [laboriously] a progression as well."[xxxii]

Wynter's skeptical account of "development" cannot and does not tally with Hegel's "development's hard and strenuous labor on itself." Hegel does not employ "underdevelopment" in his writings. But I have wittingly used it here in my discussion of non-European peoples, particularly Africans, in the early/immediate phase of this developmental sequence. Unlike Wynter, I do not imply that 'we, Africans' have been **perennially** underdeveloped in a "Western" scheme of material and teleological development and necessarily so. Rather, under a Hegelian conception, as I have claimed, 'we, Africans' have been **transiently** underdeveloped by virtue of the early stage wherein 'we, Africans' have not yet freely recognized the fullest extent that what counts as objective, obligatory, and desirable for us are matters whose authority and rationality are open to failure and thereby open to ongoing alteration, evincing the openness of 'we, Africans' to the freedom of all as individuals in an amplifying and ongoing way.

What people of African descent as ethno-racial singularities have thought, desired, and did, and why they thought, desired, and did it in the face and setting of oppressive institutions, such as colonialism, enslavement, persistent racist and sexist denigration, and their aftermaths, would be, for Hegel, "matters" subject to re-evaluation, to spirit returning to itself, **only after following** what 'we, Africans' have grasped and reconstructed what 'we, Africans' were

dedicated to enacting, recognized as 'our' thoughts, desires, and deeds. Oppressive institutions such as these "peculiar" ones were and, in more places than not, still resonate as coins of the realm.

Their real historical purpose as impediments to both the human self-development and material development of African as well as other non-white ethno-racial singularities has been and is still evident. But, since they are of the "spiritual world," they may not preclude, in the light of Hegel's conception of "development," other institutions and practices, consistent with the impetus pertinent to those singularities being free, **if and only if** that consistency is expressed in a manner wherein even the background assumption, not just the explicit claim, of stifling that impetus, stemming from oppressive institutions, is either non-existent or not in force. This does not take out root and branch oppressive institutions and the purposes they advance. But it does provide the condition for struggle against them and for the sake of sharing motivational and justifiable reasons at one with both being free and seeking to think and act under the "idea of freedom."

[i] G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, eds. E. Moldenhauer and K. Michel, (Frankfurt: Suhrkamp Verlag, 1970), §57, p. 124 [My translation.]; *Elements of the Philosophy of Right*, ed. A Wood, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991), §57, p. xxx. Be mindful that the position Hegel takes on Africa can be found later in this text as well.

[ii] G.W.F. Hegel, *Vorlesung über die Philosophie der Weltgeschichte: Band I: Die Vernunft in der Geschichte*, ed., J.Hoffmeister, (Hamburg: Felix Meiner, 1994) p. xxx; *Lectures on the Philosophy of World History: Introduction*, trans., H.B. Nisbet, (Cambridge: Cambridge University Press, 1984) p. 190. Hereafter cited as *LPWH*.

[iii] It is usually held that early stages, represented by non-European forms of life, in the developmental sequence of Hegel's philosophy of history represent failed versions of a philosophical (normative) history of European life. In short, an inflexible developmental sequence across races. Although not argued here, I claim instead that such stages are the start of a philosophical (normative) history of spirit's normative development dispersed throughout and within an ethno-racial plurality/variety of forms of life. That sequence would not move inflexibly from non-European forms of life to a European form of life as the end-state. Rather it would be embodied in the dispersal and variations of contingencies grounded and open to reason's aims flexibly and multilaterally for spirit's normative development, from being underway to being achieved in an ongoing way, **within each ethno-racial form of life**. See G.W.F. Hegel, *Lectures on the Philosophy of World History*, p. 55.

[iv] In contrast, see Walter Rodney, *How Europe Underdeveloped Africa* (African Tree Press, 2014).

[v] "Development," p. 302

[vi] *Ibid*., p. 305.

[vii] Besides Kane and Kristeva, Wynter both alludes to the works of Mudimbe, Blumenberg, Rorty, and Foucault among others and operates with the presumptions of Fanon and Lacan.

[viii] Although Wynter does not employ at all the term "onto-theological" in a Kantian vein, she does so partly in a Heideggerian one to which, she believes, we are connected. For Kant, "**onto-theology**" is itself one of two metaphysical versions representative of "transcendental theology." It tries to demonstrate the existence of God by means of concepts alone. It stands in contrast to "**cosmo-theology**," which tries to demonstrate the existence of God by means of a general experience, which is deprived of any firmer location in the world on and to which that experience would be based and pertinent respectively. For Heidegger, "onto-theology" is itself the **condition** of metaphysics. It is strongly tied to the "Seinsfrage," the **question of Being**, as a matter critical of the ontological grounding principle, as first cause, of entities, which is tied to the theological idea of the creator God as highest being. For Wynter, ontology admits to the presence of non-being or lack of being, an ontological incompleteness of reality making possible a void in knowledge. But its theological connection is to the idea of the **God of salvation, not of creation**, thus addressing who is worthy of being saved or not, which indelibly marks the array of those who are deemed unworthy of salvation as deemed worthy of various types of human subordination. Each type of human subordination represents one of two ways of being human and runs contrary to the humanly superordinate other way in a culturally codified "sense of right." As we shall see, a liminal category enables those subject to human subordination to be aesthetically reactive to a normative indifference non-being or the lack of being supposedly provides.

[ix] "Development," p. 305. **Relational** categories are categorial pairs, originating under a single heading in Kant's logic (substance & accident; cause & effect; community & disjunction). Each pair is comprehended and recognized as the manner wherein a proposition stands in connection to its condition Each is rule-determining of the orientation of the intellect to employ concepts for the formation of inferences in the acquisition to knowledge of objects, an acquisition not grasped, for example in Aristotelian logic. **Liminal** categories, on the other hand, may appear as a categorial pair, but are dependent on which one of the two the "onto-theological" difference of being human is operative. A pair does not represent a proposition's relation to its condition but is itself subject to the "onto-theological" difference of being human, thereby sequestering the pair's inferential impact on cognitive and ethical behaviors and perspectives.

[x] See Ashis Nandy, "Colonization of the Mind" in *The Post-Development Reader*, eds. M. Rahnema & V. Bawtree, (London: Zed Books, 1997), pp. 168-78. Also see Ngũgĩ wa Thiong'o, *Decolonizing the Mind: The Politics of Language in African Literature*

[xi] "Being underdeveloped" would entail that the dismal environment surrounding one as "underdeveloped" is understood in terms of how it fits into a longstanding failure of "development's purpose, a failure to which one unproblematically acquiesces and with which one is unreflectively familiar. Under the "post-development" thesis, "being underdeveloped" represents a kind of overpowering "fatigue", both cognitively and practically, with

"development." Under the "onto-theological" thesis, "being underdeveloped" represents a kind of modern cybernetic/technological framing of the problem of being human subordinately.

[xii] "Development," p. 310.

[xiii] "Unsettling," p. 330. Wynter would put the matter thusly. "Underdevelopment" is "effected by means of a redescription parallel to that by means of which the lay humanists had invented Man and its Human Others in the reoccupied place of the Christian genre of the human and its pagan/idolator/Enemies-of-Christ/Christ-killer/infidel Others." It would be the emergence of a "new descriptive statement" both parallel and re-anchored to "being other-worldly unsaved."

[xiv] It is possible to construe liminality as "indeterminately," not "determinately," negative.

[xv] As Hegel puts the matter—"The I is now this subjectivity, this infinite relation to itself, but therein, namely in this subjectivity, lies its negative relation to itself, diremption, differentiation, judgment. The I judges, and this constitutes it as consciousness; it repels itself from itself; this is a logical determination." See G.W.F. Hegel, *Berlin Phenomenology*, trans. M. Petry (Dordrecht: Reidel, 1981), p. 2?

[xvi] There is a paradox here. This scenario goes a long way in explaining not that Africans could not reason or think by nature. But it yields the same racist result that they were historically stifled and precluded from maneuvering and "playing" in the so-called "space of reasons." By throttling such "play," Africans were subject to that which could be thought for them rather than endorsing the latitude by which they could express their thought in that "space." This point shall be a matter of discussion in later chapters regarding spirit.

[xvii] "Development," p. 305.

[xviii] *Ibid*.

[xix] The classic example of this "inexplicable novelty", given the analysis so far, would be the **European** stance toward the Saint Domingue Revolution, a matter to be taken up elsewhere.

[xx] "Development," p. 310

[xxi] *Ibid*., pp. 310-11. My emphases.

[xxii] *Ibid*., pp. 312-13. After speaking of the "second emergence," Wynter continues to state "…the only possible viable strategy is an epistemological revolution and epochal second emergence by which 'we-the-underdeveloped' intelligentsia who feel ourselves 'clumsy' in a world of 'mechanistic' explanatory models transferred reductively form a natural-scientific order of truth to a culture-systemic order of being/reality, will seek to complete the only 'partial truth' of the West's science by means of the **third** 'true victory,' which refers to this "new human-species interest."

[xxiii] “Unsettling,” p. 260.

[xxiv] Sylvia Wynter, The Ceremony Must Be Found: After Humanism” in *boundary 2*, vol. 12, no. 3 (Spring-Autumn, 1984), pp. 19-70. Hereafter cited as “Ceremony.”

[xxv] “Development,” p. 312.

[xxvi] *LPWH*, p. 127.

[xxvii] *Ibid*., p. 55. [My translation.] My focus on this note for this chapter does not address the subject’s assertion and maintenance of its own “conscience and morality.” Rather it addresses the subject’s assertion and maintenance of its own “universal ends.” For an excellent consideration of the former, see Dean Moyar, *Hegel’s Conscience* (New York: Oxford University Press, 2010).

[xxviii] *Ibid*., p. 149. [My translation]

[xxix] *Ibid*., p.59; *VPW*, p. 69

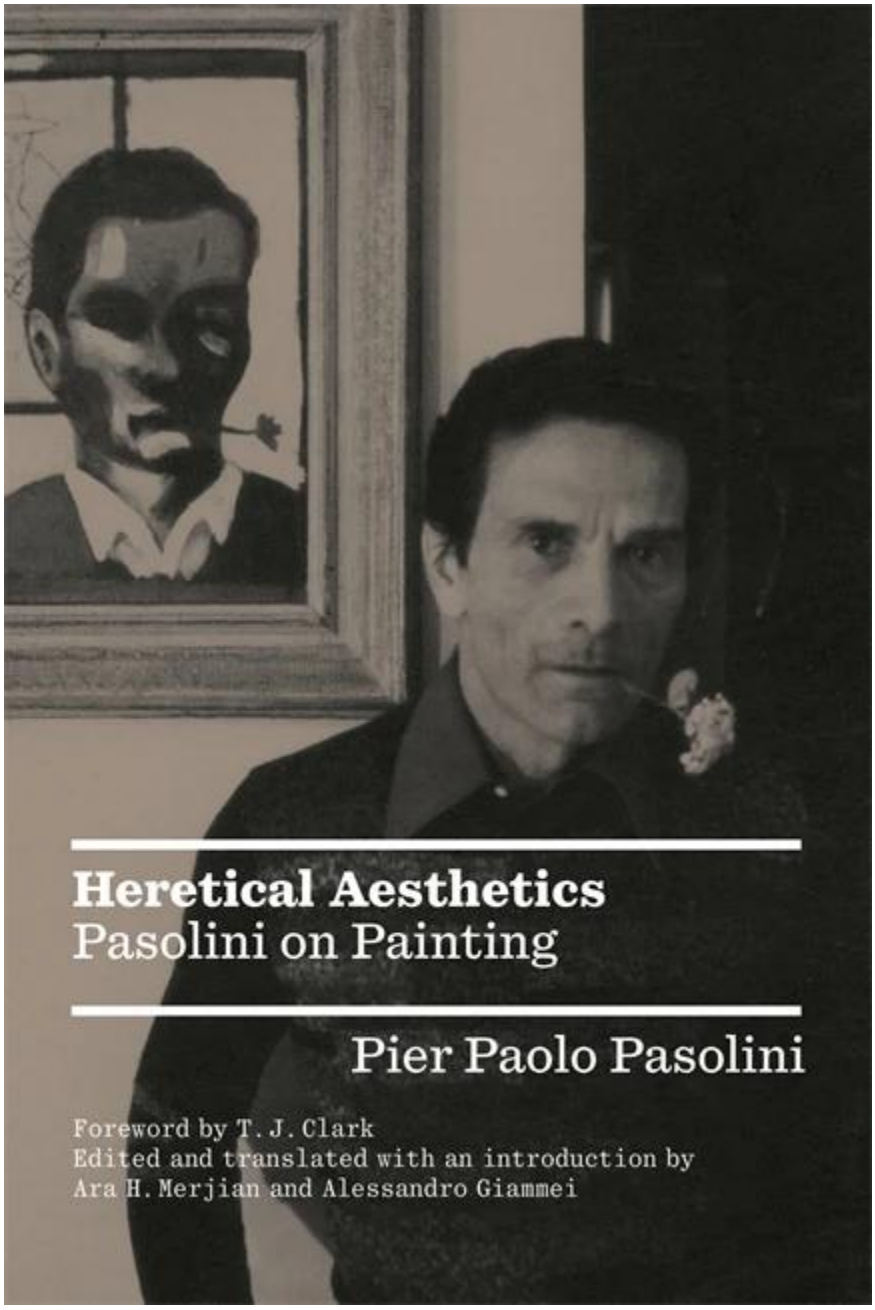
[xxx] I draw this conclusion from Christine Korsgaard’s essay on the “shareability” of reasons. See her “The Reasons We Can Share: An Attack on the Distinction between Agent-Relative and Agent-Neutral Values” in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), pp. 275-310.

[xxxi] It would also raise the paradoxical question of what significance is drawn from having as an aim or purpose “being unhistorical.”

[xxxii] G.W.F. Hegel, *Enzyklopädie der philosophischen Wissenschaften–Logik,* vol.8, eds. E. Moldenhauer & K.M. Michel (Frankfurt: Suhrkamp, 1969-70), §234, p. xxx; *Hegel’s Logic: Being Part One of the Encyclopedia of the Philosophical Sciences*, trans. W. Wallace, (Oxford: Clarendon Press, 1982), §234, pp. 302-03. [My translation; my additions].

Pasolini’s Aesthetics

By | 2024: Vol. 23, No. 2



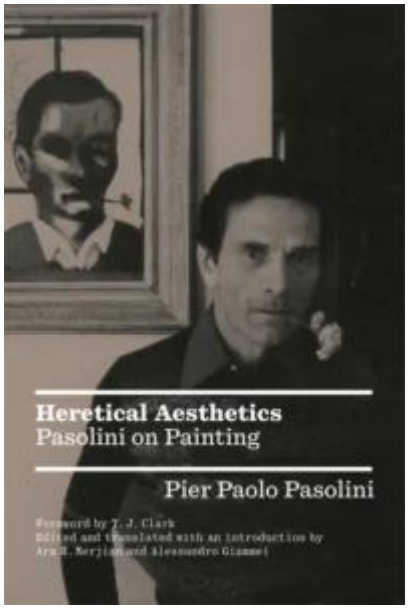
Works Discussed:

Pier Paolo Pasolini, ***Heretical Aesthetics:* Pasolini on Painting**, edited and translated by Ara H. Merjian and Alessandro Giammei

Ara H. Merjian, ***Against the Avant-Garde: Pier Paolo Pasolini, Contemporary Art, and Neocapitalism***

The first part of *Heretical Aesthetics* actually recycles the title of the first section in Ara H. Merjian's previous, much lengthier, volume, purportedly on Pasolini, in reality mostly about some of the other topics listed (especially contemporary art): *Against the Avant-Garde: Pier Paolo Pasolini, Contemporary Art, and Neocapitalism*.

Heretical Aesthetics is a selection of essays on subjects and artists mainly related to painting, twenty-eight in all: it allows English-speaking readers to access a certain number of Pasolini's critical essays that had mostly remained untranslated. Painters discussed by PPP in this selection are the following: Giacomo Manzù, George Besson, Giuseppe Zigaina, Pablo Picasso, Toti Scialoja, Fabio Mauri, Renzo Vespignani, Piero della Francesca, Federico de Rocco, Renato Guttuso, Girolamo Romani (Romanino), Lorenzo Tornabuoni, Carlo Levi, Michelangelo Merisi (Caravaggio), Nabil Reda Mehaini and Andy Warhol. Among the most important remaining essays are one on a work by art historian Roberto Longhi, one of the most influential figures in Pasolini's education (as well as Pasolini's reflections on his own intellectual 'formation' and development), a brief essay on Longhi as 'teacher', extracts from a fundamental essay on 'free indirect discourse' from *Empirismo eretico* (Heretical Empiricism), and reflections on some of his films. The editors/translators also provide an introduction, some basic information appended to each essay, as well as an editorial history for each essay.



Painting is one of the media that Pasolini practiced (albeit minimally) and critically appraised that is least dealt with by the majority of critics. Since part of the foundation of my personal critical approach to Pasolini is to highlight the (many) elements of a de facto materialist world view in his work, his criticism and his artistic practice(s) (a materialism, alluded to in the choice of the word "empiricism", which provides the foundation for his rationalism), I do want to point out that while the two translators talk fairly extensively about the connections between painting and cinema in Pasolini, they completely omit two other areas that are fundamental 'transitional' media between these two: theater and photography. In recent years there have been significantly more contributions about Pasolini's own theatrical pieces and his interest in theater. Photography is admittedly hardly present in Pasolini's work and/or critical essays, but

is so very significantly in his *Iconografia ingiallita* (which was a planned, late, addition to *La divina mimesis*) which would have been an important 'bridge' for the two translators to mention.

The editors' introductory essay is a mix of insightful philological information, and some of the most trite, unexamined, and frankly just philologically and critically unsupported cliches about Pasolini's work that have proliferated in the last several (post)post-modern decades in both Italy and internationally: alleged narcissism, the body, 'lyricism', a backward-looking gaze on the past, populism, archaism, mythological fetishizations of the 'peasantry, etc. etc. These could all be traced to specific critics and ideological and critical areas, for instance Alberto Asor Rosa and Toni Negri (operaismo, alleged enshrinement of 'cultura grande borghese' (Asor Rosa)), etc. all of which are based at the very least on serious misreadings of Pasolini's work (Asor Rosa in later life actually withdrew and/or backpedaled on most of the labeling of PPP he had engaged in at the time of *Scrittori e popolo*) or, as in the case of much of Negri's 'criticism', an almost complete ignorance of PPP's actual work, and a simple recycling of entitled aspiring Parisian *haute couture/culture*snottiness towards anything and anyone that didn't partake of the critical and ideological fad of the moment. Negri for instance mocked PPP's use of St. Francis (cf. *Uccellacci e uccellini*), to only then assert something much less defensible, ca. that Francis was the saint of 'anti-capitalists' in *Empire*. Pasolini's use of St. Francis was partially based on a reference to Rossellini's *Francesco, giullare di Dio* (which is one explanation of the widespread bird symbolism in PPP's film), but was far from an uncritical endorsement of the saint, in fact was part of a complex criticism of 'leaders' and 'father figures' in the film (including the parallel with Togliatti), as well as culture used as deformation/cancellation of nature, vs. culture as a cultivation/construction emerging out of nature (cf. the first, ultimately omitted, section of *Uccellacci e uccellini*, *L'aigle*).While I am aware of Negri's passing, and as with any loss sorry for those who were close to him, criticism of the work in no way should be affected by existential events concerning their author. It should be noted that PPP's detractors were legion during his lifetime, and certainly not only on the right, or among homophobes, but also in the PCI (mostly due to PPP's 'heterodoxy' and criticism of many (neo)stalinist elements in the party 'line'), in much of the 1960s 'left' following Pasolini's trenchant criticism of many aspects of the 'movement' in *Il PCI ai giovani*, and in several essays (the most significant of which is *Prologo: E.M.*) as well as in much of academia given his very individual takes on Dante, semiotics, Eco, and other topics (cf. Cesare Segre). Negri belongs to that 'left' which attacked PPP because they disagreed with him politically, Asor Rosa belonged to both that 'left' (but the *operaista* strain, at least initially) and the academic critics of PPP. The incredibly pervasive nature of these prejudices and misreadings in Pasolini criticism as I stated above mostly traces to these sources, and as the Italian 'left' in the 1960s was incredibly diverse and complex, to some extent this could be construed as an excuse for the editors lack of philological and critical awareness regarding this history and these issues. Carla Benedetti has noted in "Le ceneri di Pasolini" how extensive these prejudices and bile were/are, even extending to the main curator of PPP's collected works in the *Meridiani* series, Walter Siti, who not only made a significant number of dubious editorial decisions (for instance the *Manifesto per un nuovo teatro* is not even included in the volume devoted to theater), allowed detractors of PPP during his lifetime, like Cesare Segre, to

write extensive essays for this collection, but also added his own very personal ‘cacchina’ in the form of a *Postfazione* to the last volume, in order to have the, disparaging, ‘last word’. So the editors of this collection did indeed not face an easy task had they wanted to assess the body of criticism in an informed and dispassionate fashion.

The critical bias(es) they subscribe to are however also informed by an unscientific (tacit) premise that artists are really only ‘worthy’ if they are ca. ‘precursors of the present’ (cf. my reference to ‘apologists for the present’ below), which is probably the most widespread prejudicial premise of most contemporary (post)post-modern Pasolini criticism.

While the introduction does provide some help in guiding a reader who is not familiar with Pasolini’s work from extract to extract (the paragraphs appended to each translated essay are most helpful for readers unfamiliar with PPP or the subjects he is discussing), one is left with an impression of fragmentariness. An impression that is perhaps inevitable since the collection is dedicated to works on painting, which is one of the art forms Pasolini wrote the least about, and which he also practiced the least (which absolutely does not imply a judgment regarding the importance of the medium for his aesthetic sensibility or the formation of his idiosyncratic combination of materialist semiotic and philological interpretive frameworks: many of the essays in *Empirismo eretico* and elsewhere are testament to his, materialist, interest in the characteristics of the different media in relation to one another). In using the adjective ‘aesthetic’ I by no means wish to tarnish the poet with the brush of ‘aesthete’ (comparing him to D’Annunzio and similar gambits, which are also part of the heritage of critical misreadings I mentioned above: in using the word “aestheticism” in the title of their selection the editors might have added some qualification or comment to this effect). One should also note that while for philosophers empiricism and materialism are quite distinct, in PPP’s case ’empiricism’ was often de facto a stand-in for materialist perspectives.

A discussion of the most important ‘theoretical’ presuppositions of Pasolini’s own critical writings over the course of his life would have been helpful. As stated I think both the influence of philology and a materialist interpretation of semiotics (not only in terms of reacting to Eco, but also Roland Barthes and Christian Metz among others) are the two major areas that informed his critical perspective, though they both evolved during the course of his lifetime and were not concurrent, except for the last decade or so of his life (semiotics obviously entered the scene later). The reason for the editors omission(s) may be several (including the complexity of dealing with the volume of PPP’s oeuvre, not to mention the mass of critical literature), but I think the authors really believe in one of the most prevalent and unexamined critical clichés about Pasolini’s critical essays, namely that they mostly constitute projections of a presumed narcissism onto the work of others. While we are all particularly drawn to works that intersect our own interests, PPP very clearly addressed an enormous number of issues based on their impact on the present in which he lived, not necessarily because they were extensions of his own inclinations (cf. the bulk of his collected essays, and, most particularly, *Dialoghi con i lettori*).

This alleged ca. ‘narcissistic projection’ is often tied to PPP’s inclination towards *pastiche*.

While Pasolini was certainly the first to point out his work was largely in the vein of *pastiche*, and he therefore had an interest in forms that were not too 'closed' or 'formalized', especially towards the end of his life, I think the cliché is very misleading to say the least. The poet's lifelong interest and utilization of the works of Dante hardly led him to see them as *pastiche*… (for instance). Instead it is one of the reasons the work of many philologists (from Contini to Auerbach via Spitzer, Pasquali, Devoto and others) was so influential in the development of his critical toolbox, but, in many indirect ways, also on his literary production.

This rehashing of critical cliches from the conformist 'norms' of Pasolini criticism, which rarely engage in a meticulous examination of the author's works, hardly advances our understanding of a, very complex, and very stratified, oeuvre. Admittedly since it is mostly recent Italian criticism that has built up this uninformed *doxa*, it is much more difficult for interpreters and critics mostly active in other languages and cultures to extricate themselves from the morass.

Here are some examples of the lengthy flow of cliches used by the editors (and these are just from the first few pages): "paternalistic narcissism" (3), "[PPP] dreamed of regression rather than revolution" (4), "necromantic disciplines" (5) (referring to philology and 'connoisseurship' (an incredibly ambiguous term Pasolini would never have used positively for himself or those he looked up to)), "Pasolini's communism longed for an age that pre-dated class itself" (5), "a blessed aspirational Eden [i.e. what PPP was aspiring to]" (6), and so on for the rest of the introduction.

While the editors are (mostly unwittingly) correct in citing the centrality of "sono una forza del passato" (ca. I am a force of/from the past) for Pasolini, this is precisely in the philological, scientific, sense that no truly grounded and truly explanatory interpretation of present and future is possible without the foundation of an understanding of the past. These are obviously not unilinear or static efforts at understanding, but their basic historic and materialist premise is actually unassailable.

Ultimately the editors engage in accusing the author of what PPP had explicitly written he was NOT doing, i.e. engaging in some forms of nostalgia and 'passatismo' (cf. the quote at the beginning of page 1), and they ultimately do become 'apologists of the present' (cf. the same quote).

Of course this fundamental lack of understanding of the premises and frameworks of Pasolini's production has a very serious impact on the (mis)understanding of his politics also (which I repeat was at the origins of these chains of critical misreadings in figures like Asor Rosa and Negri, who not rarely simply attacked PPP on the basis of trivial articles they read in the contemporary press, not on the basis of a serious reading and engagement with Pasolini's work, statements and actions themselves).

One need only think of the category of "progress". Here is a very telling quotation from the editors: "his political and erotic utopia had to be protected from, not liberated by, progress – protected, in fact, from history" (5). In actual fact there are hardly any Italian authors of the

last century and beyond, who are more profoundly historical in every scientific sense of the word than Pasolini. So the authors prejudice just ties in with their complete misunderstanding of the quote on p. 1.

While toying with the category 'Marxism', the editors, by resorting to this category of "progress" demonstrate how profoundly they do not understand either Marx and the Marxian tradition or revolutionary politics. The "progress" they invoke is precisely that of the (neo)liberals, rightly mocked by Leopardi ("magnifiche sorti e progressive", "secol superbo e sciocco"). And yes, Leopardi obviously predates Marx by many decades, and is in no way a revolutionary in the classical sense, but a number of his insights have revolutionary potential (as demonstrated by the great works of Sebastiano Timpanaro). It is also central to the differences between the social-democratic and the actually revolutionary traditions within Marxism. It is the social-democrats who, as many decades of history have amply demonstrated, are ultimately politically very close to the classical liberals (and today to neoliberalism), and who believe(d) in some impersonal, mechanistic, basically almost theological, 'arrival' of the "revolution" as a result of 'progress' (i.e. capitalism somehow imploding and magically leading to the promised land of communism and proletarian revolution; cf. Lenin's criticism of Kautsky). It is essentially a linear and eschatological form of thinking and exempting oneself from action. Thinkers in the actually revolutionary tradition(s) of Marxian thought and practice, like Lenin or Luxembourg, or many others, understood that "progress" is most often simply a liberal category and an excuse for inaction. Historical change almost never occurs in linear fashion except in the abstractions of statistical analysis. It is complex, contradictory, multidimensional, multilinear, and never (if it wants to remain true to a revolutionary spirit) eschatological (which is by definition a closed, pre-judicial, and immobile form of wishful thinking). Organization, action, institutions are needed, and the incredibly complex task has been to find the balance and juncture between subjective 'will' and 'desire' and objective analysis, judgment of opportunities/openings, organization and timing.

There are also many important thinkers who may not immediately come to mind in terms of ca. 'politically' revolutionary traditions, but who were nonetheless sharply critical of the linear and social-democratic trends in (non)'Marxist' thought: one need only think of Raymond Williams, some aspects of the work of Ernst Bloch as regards historical interpretation, Timpanaro of course in terms of relations with materialist traditions and so forth. Pasolini's early essays show very clearly he was aware of the importance of both Leopardi and the scientific status of philology. Indeed his interest and defense of science was rare among his contemporary Italian fellow artists, and closely tied to his understanding of history and critique of eschatological thinking (cf. "Fare nostro il rischio della scienza").

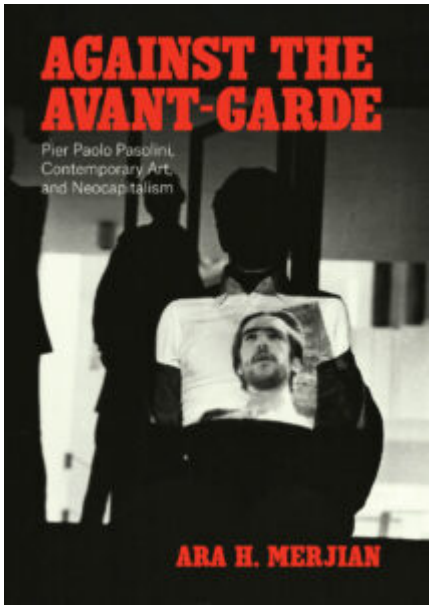
What PPP is actually targeting in his criticisms of "progress" is the ever more (neo)totalitarian aspects of consumerist monopoly capitalism/imperialism, and has nothing to do with the, partially, liberating aspects of scientific and technological advances that actually (!!) do benefit human beings, and do not enslave or disempower them. His criticism was of "sviluppo senza progresso." In other words of something that claims to be "progress" (in propaganda, self-understanding, media conformism, neototalitarian brain-washing, etc.), but which in reality in

terms of actual human advancement, of achieving the human potential Marx points towards in post-capitalist social formations, are actually forms of regression, cooptation, amputation, constraint, in other words 'development' with no actual progress. I have shown PPP's defense of science and liberating forms of progress in several of my essays on Pasolini.

What is more PPP clearly believes in the accrual and stratification of historical meaning and significance (including forms of attribution of 'value', or not…), in a fashion which seems to have been very strongly influenced by philology (and even the editors have to admit to the obvious given their subject matter, namely the importance of Longhi in PPP's education/formation: Longhi who was, essentially, especially in Pasolini's understanding, a 'philologist of painting').

This path to the understanding of history aims precisely to understand it in its full contradictoriness, complexity, multilinearity and stratification. It is most emphatically NOT the farcical, bourgeois, 'liberal' linear notion that somehow progress is an endless succession of unequaled 'Edens', of 'Paradise(s) Gained', devoid of any prehistory, and magically put forth by the capitalist/imperialist machine (which is ultimately what the "dialectics of postwar aesthetic progression" (p. 42) rather closely resembles, if one is not mesmerized by the vague and all too omnipresent use of 'dialectics').

The absence of an informed and critically relevant framework is projected onto PPP, presenting him as ca. 'chaotic', almost incoherent, 'contradictory' (in a negative way) and so forth. A look at pp's 2 and 3 (the quote from Ben Lawton) exhibit just some of the many examples of a presentation of PPP as a chaotic hodge-podge of incompatible and incoherent elements. One also finds the frequent overemphasis on the 'identitarian' aspect of PPP being gay, which though it obviously did create very significant obstacles and prejudices against the poet and his work during his lifetime, Pasolini himself never saw, expressed or valued as central to his work in almost any of his oeuvre, especially not the critical essays. The appreciation of certain contemporaries, and important elements of *Petrolio*, *Salò* and *Bestia da stile* (as well as a number of the other *tragedie borghesi*) could be listed as some of the exceptions, but overall PPP's works had nothing to do with today's postmodern 'identitarianism', its thought-police, cancel culture and neoliberal neototalitarian aspects, though much contemporary criticism tries to force PPP and his work into that mold (I examine this in more detail in "La ricezione di Procuste: Pasolini visto dall'Impero"). Indeed to the extent he did explore identity, erotic and sexual issues tied to being gay, they were closely intertwined with his explorations of human sexuality as a whole: I need only mention the extraordinary documentary (especially for its times) *Comizi d'amore*, the trio of films devoted to masterpieces of (also) sexual literature (Chaucer, Boccaccio, the *Thousand and One Nights*), known as the *Trilogia della vita* (which he effectively renounced with *Salò*), and a number of his 'tragedie borghesi'.



This hop-scotching hodge-podge approach is characteristic of Merjian's previous volume, *Against the Avant-Garde*, which tries to touch on as many visual artists, critics, and fashionable topics as possible, but in which it is essentially impossible to find a coherent, sustained, philologically founded and supported interpretation of Pasolini's artistic and critical oeuvre. The task is obviously a difficult and complex one, but attempting to bite off much more than one can chew, and jumping all over the board chronologically, in terms of artists and topics discussed, in a very short space (what I refer to as "hopscotching", and I am not referring to Cortazar), is not only thoroughly confusing for any reader, but essentially never manages to formulate a cogent, documented, finite interpretation of Pasolini's works. This kind of "hopscotching" is not uncommon in contemporary criticism, and is in fact characteristic of the work of critics like Pierpaolo Antonello.

It is also an example of a common self-understanding of the contemporary, postmodern identitarian 'left', one that has introduced the most confusing, unsupported, dogmatic mixture of Marx with Nietzsche and Heidegger (a Nietzsche whose pre-totalitarian 'conservatism' was informed by his reaction and fears re the Paris Commune), characteristic of French postmodern 'criticism'. A conformist "minestrone" that Timpanaro, and then Franco Fortini (a critical inspiration of Pasolini's) and later younger critics influenced by Fortini, like Daniele Balicco (*Nietzsche a Wall Street*) were among the first to expose in their swamp of contradictions, to take apart and then demolish.

It is a *c*ritical dogmatism that is mostly completely blind to the philosophical intellectual origins of most of its world view and philosophical tools in the work of Nazi ideologist (and programmatically anti-Enlightenment 'thinker') Martin Heidegger and his many Parisian *nipotini* (I have translated Roberto Esposito, and I know what I am talking about: Esposito would not agree with my characterization of Heidegger, but I find it misleading to think of 'Nazism' as essentially reducible to biologistic racism, though, as we know from recent research, Heidegger was also a racist, when Nazism was an incredibly complex and diverse phenomenon, which also included many forms of authoritarian elitism which are part of what

puts Heidegger in the category of a, broad spectrum, of Nazi ideologists). This reversal even reaches farcical heights if one thinks of the term “regression” applied to PPP. Costanzo Preve has, in my mind completely accurately, qualified Heidegger’s thought as ‘destinal thinking’ and a form of inverted historicism: in other words a thought whose principal goal (!!) is indeed regression into a presumed (ab)original swamp that attains indistinction/obliteration of ‘thought’ (and its historically achieved conceptual markers). Nothing could be further from Pasolini’s intellectual universe. The only very partially accurate use of a term like “regression” for PPP’s work, would be related to the way he thought of ‘free indirect discourse’, as, also, a path, to ‘entering’ into the material, practical, sociological, intellectual ‘universe’ of a character (Emanuela Patti discusses aspects of this type of ‘regression’). In that sense though it is much closer to the German *Einfühlung* (whose use can be traced to the hermeneutical traditions in German philosophy and culture, for instance in the work of Wilhelm Worringer, traditions that certainly were present in and influenced the philologists PPP most admired).

Far from being a narcissist, PPP was one of the most self-critical Italian intellectuals of his time, a fact and an awareness that can be grasped when one reads his years of exchanges with everyday readers in a number of newspapers *(Dialoghi con i lettori*, ca. 1960-65). He was, very painfully, aware of what it meant to be a privileged middle-class intellectual when engaged in a Marxian project. And he also never tried to hide or find alibis for this biographical fact, as was instead the case with so many of his, superficially, more radical contemporaries, the likes of Toni Negri, Mario Tronti, Alberto Asor Rosa, Massimo Cacciari and many others (it is certainly not happenstance that ‘operaismo’ was a sterile, ‘left’, analogue of the ‘identitarian’ involution one witnessed in the rest of the bourgeois ‘left’ and to a paroxystic degree in the ivory towers of Akademistan/Korporativersity, the ever more narcissistically self-enclosed ghetto of the bureaucrats of the mind). Characteristically it was figures like Asor Rosa and Tronti who, after their extremist/infantile ‘operaista’ phase, dutifully returned to the PCI and its successor incarnation, the PD, in a conformist, toeing-the-line, retreat. Pasolini always maintained a very critical relationship to the PCI, and one that was principally predicated on the fact that it was the party the oppressed classes felt most closely represented them. Pasolini did not agree, but very much respected and deferred to this ‘class loyalty’, qualifying this institutional devotion as “commovente”.

While PPP was inspired by Gramsci for a certain period (preceding his interest in materialst semiotics), this was precisely because of Gramsci’s insights into Italy’s very particular history and the need for an alliance of working class and peasant oppressed classes, a new ‘blocco storico’, and this is part of what informed Pasolini’s interest in popular culture, pre-capitalist oppressed classes and the peasantry. A logical and cogent point of view, based in Italy’s material history. All the snotty pontifications about ‘nostalgia for peasant utopias’ etc., came from those quarters, like the ‘operaista’ trends who were pushing the identitarian aberration of some ‘purist’ ‘working-class’ ghetto (not coincidentally pushed by intellectuals who were far from working class…), which of course in the reality of the extremely complex interconnections between classes and class-fractions in recent capitalism, one moving away from mainly industrial, factory-based, production, made basically no sense at all.

In other words Pasolini, and others of his generation, took solidarity very seriously, especially given the fierce class divisions of the time. A solidarity that is basically, in practical behavior, the opposite of today's identitarian social-climbing tactics. It is rather amusing to witness this identitarianism based on Heidegger's anti-Enlightenment, and its pushing of ca. 'identity 'rights", that are at best very partial, very belated, echoes of a much more radical and, for the times, egalitarian, philosophy in the Enlightenment: mostly egotistical, exclusionary, entitled, careerist tools camouflaged as 'democratic'.

Pasolini's reflections in *Manifesto per un nuovo teatro* on the succession of historical 'theaters' and later on those he conceived of as the ideal public for his theatrical pieces such as *Orgia*, bear witness to the fact that, as an artist, he was reflecting on the same extremely difficult problems of the relations between privileged, bourgeois, 'cultured', classes and exploited classes, albeit in relation to art, culture, knowledge, that Lenin had reflected on in dealing with/proposing the concept/practice of a 'vanguard' (which is not to say that I think that contradictory complex of problems has been resolved by exclusively relying on this path: providing the means of greater self-education for the exploited classes on as universal a scale as possible also seems another path to explore for possible solutions). In other words, in more Marxian terms, how the surplus, or surplus value affects class relations and is apportioned in different class-based societies. Pierre Bourdieu, to cite one French intellectual who was much less infantile, and whose knowledge of the history of philosophy and relations between phenomenology and Heideggerian destinal regressions was significant, did indeed try to explore the characteristics and contradictions of the intellectual middle-classes in much greater depth, but was very isolated in doing so.

On the one hand this lack of self-critical awareness exempts interpreters from asking and attempting to inquire what PPP's interpretive interests, convictions and frameworks actually were; secondarily this implies one does not examine how they could have changed over time; and finally it exempts critics from having to evaluate which of these frameworks Pasolini might have given most weight, critical importance and value to.

In other words it is not a matter of "venerating" the " 'sacred icon' made of 'Pasolinism'" (p. 28, whatever 'Pasolinism' is actually supposed to be…??), but of first of all taking the time and effort to understand Pasolini's work(s) in their artistic, historical and philological foundations. Once one has reached that knowledge and foundation, then of course any and all, founded, criticisms are welcome, constructive, productive, and move research and dialogue further. Smashing 'idols' that are actually non-existent in the forms one claims, is ultimately circular self-destruction and negation.

In conclusion, one should be thankful to the editors/translators for making these essays available to an English-speaking public, but their interpretive framework leaves a lot to be desired. The facile recycling of cliches, sort of paternalistically condescending to PPP's 'bourgeois' nature and 'regression', in reality I think lays bare the fact that much of the Italian 'left' has never forgiven PPP for his incredibly incisive and astute analysis of much of the 1960s as actually being the work of an extremist, infantile, new bourgeois generation, that, far from

moving a real left forward, or working towards a genuine refoundation as a basis for such an advance, were actually the grave-diggers of the 'old left', but for the benefit of the incipient neoliberal, neototalitarian, consumerism, and its destruction of the few remaining, historically actually (!!!) progressive conquests of the Enlightenment.

The 'left' as represented by the bureaucrats of the mind in Akademistan/Korporativersity has basically mostly engaged in cancel culture and the denigration of the work of others (almost always on completely unsupported and pretextual grounds), and it is the one that has actually pursued endless deflections of its own impotence and lack of organizational and truly (non-academic) revolutionary objectives, belittling others in the, completely misguided, belief this will somehow raise their own profile and status. Pasolini on the contrary was about understanding, and, even where he disagreed, as with Spitzer's 'stylistics', pointing to the usefulness of parts of his work if utilized in different ways. He completely disagreed with the tactics and behavior of 'Lotta continua' and yet helped its members in film projects. These are a part of the important influence of existentialism (on the ethical, if not necessarily on other, level(s)) on Pasolini and others he admired, which implied taking authorial responsibility very seriously, politically and socially yes, but also ethically. This foundation was at the root of his criticism, in human terms, of the Italian *neoavanguardia*, like the *Gruppo 63*; in artistic terms his use of the analogy of 'being at the front/firing line' was to show that one can change 'accepted' norms only if one engages with the presuppositions of those who only accept existing (perhaps restrictive) ones; in other words one does not fight for better (shared!) norms by belittling those who adhere to other or older ones (the ca. 'concentration camp' of hyper-infantile 'provocative' avant-gardism ultimately is mostly completely self-referential, hence its 'closure' in the concentration camp, because it ultimately only addresses itself and not a wider world whose norms it ultimately always depends on, if only in gestures of nihilistic rejection, cf. the editors references on pp. 41-42), in other words destruction and negation (nihilism, cf. the very recent works of Emmanuel Todd on the cultures of the EU and the Empire; i.e. not 'nihilism' in the Heideggerian sense), but by working towards building/constructing shared and supported norms)), and is also the reason why so much of the conformist post-modern critical horde (a fairly representative example could be Pierpaolo Antonello's *Dimenticare Pasolini*) constantly attempt to exorcise Pasolini's presence in the culture, because, ultimately, on an existential level, they find its courage and *coerenza* rather threatening (also as it relates to Akademistan/Korporativersity). A more careful look at Pasolini's relations with the various avant-gardes would have shown the editors that actually his analyses were always specific and founded on concrete elements. One only has to read *Petrolio* or *Bestia da stile* to see how interested PPP was in Russian futurism, Russian formalist criticism (Propp, Shklovskij, Jakobson, the Prague School of linguistics), and so on. It was not a contestation of norms or traditions per se that Pasolini criticized, rather the lack of any constructive, positive, purpose and concern with shared foundations when doing so. Many essays from the time of *Officina*, such as "La libertà stilistica" and "La reazione stilistica", only confirm this careful and differentiated evaluation of formal innovation and aspects of avant-gardism.

Ultimately the *Gruppo 63* never even had the cultural impact of Futurism in its heyday, largely precisely because it was an (aesthetic) facade of neoliberal neototalitarianism, and ultimately

complicit with the consumerist flood, and PPP analyzed these aspects in relation to the (de)volution of the Italian language contemporary to him. It is no accident that, much like most modern poetry, this 2nd or 3rd wave of belated 'vanguardism' ultimately could only find refuge in the halls of Akademistan/Korporativersity, and barely impacted the broader culture. Ultimately artistic products that do also attempt to dialogue with mass, consumer, culture, while retaining a degree of independence and elements of experimentalism (*The Simpsons*, *The Sopranos*, to cite just a couple) have a much greater impact on the wider culture in terms of various kinds of awareness than the posturings of extremist/ 'purist' formalist forms of 'epater les (vieux!) bourgeois', like Abstract Expressionism. To those familiar with *Manifesto per un nuovo teatro*, and its critique of (mostly US) 'avant-garde' theater, hence also the 'happening', it seems very very doubtful Pasolini saw this as an inspiration of his (materialist semiotic) reflections on the nature of film/cinema in *Empirismo eretico* (p. 36), and elsewhere. His analysis instead is explicitly tied to linguistic, semiotic and philological instruments and realities. Seen from a materialist perspective…

It is PPP's uncompromising courage, honesty, and constant concern with his present, in terms of both his art and his politics, that has made his work so relevant to such a wide public, something most avant-gardist, bourgeois (new), provocateurs can only dream of…

Erich Fromm’s Contribution to Critical Theory

By | 2024: Vol. 23, No. 2

Born in Frankfurt am Main in 1900, Erich Fromm completed a sociological dissertation with Alfred Weber at the University of Heidelberg in 1922 and then became acquainted with Sigmund Freud’s psychoanalysis (for Fromm’s biography, see Funk 2000, pp. 78-103; 2019; Hardeck 2005, pp. 30-40; Friedman 2013, pp. 28-62). In 1930, he completed his therapeutic training as a psychoanalyst in Berlin. As early as 1929, he established close contact with the Institute for Social Research through his childhood friend Leo Loewenthal, resulting in Max Horkheimer inviting him to work at the Institute in 1930 and appointing him section head for questions of psychoanalysis and social psychology.

Artist: Drew Martin

Horkheimer himself had experienced, during a short period of psychoanalytical therapy with Karl Landauer, that his inability to speak freely stemmed from repressions. When these repressions were resolved, this inability disappeared, and Horkheimer realized for himself how powerful unconscious desires and aspirations can be in determining a person’s thoughts, feelings, and actions. Thus, it comes as no surprise that psychoanalysis played a major role at the Institute for Social Research in the early 1930s. As Fromm was the only trained and practicing psychoanalyst at the Institute, he was commissioned to develop the methodological and theoretical significance of psychoanalysis as part of the Institute’s social science project. The fact that the historiography of the Institute for Social Research is mostly silent about this must be briefly addressed.

1. **The historiography of Fromm’s significance in the 1930s**

As is well known, Fromm is not the only one whose contribution to the Institute for Social Research program and Critical Theory was later forgotten and denied. In Fromm’s case, however, the denial was particularly fierce and lasting. For example, Max Horkheimer (1969, p. 327) mentions Fromm in an interview as just one of a circle of psychoanalysts who were “only loosely connected [with the Institute].” In reality, however, Fromm was a permanent employee at the Institute between 1931 and 1939 with a lifetime contract. It was not until the research of Rolf Wiggershaus (1995) and Gunzelin Schmid Noerr (2000; 2020) that Fromm’s being ignored was somewhat counteracted. Martin Jay (1973) simply ignored answers to the contrary that Fromm gave him in a letter in 1971 (reprinted in Funk & Kessler 1992, an important anthology on the subject of “Erich Fromm and the Frankfurt School”). Why Fromm

was disregarded will be discussed later.

With his work “The Method and Function of an Analytic Social Psychology” (Fromm 1932), Fromm did indeed combine sociological thinking (of Marxian provenance) and psychological thinking (of Freudian provenance) theoretically and methodologically and thus played a key role in shaping the interdisciplinary project of the Institute for Social Research and Critical Theory. Moreover, it was Fromm, with his concept of the authoritarian character, who played a decisive role in shaping the Institute’s program on authority and family in the early 1930s (cf. Horkheimer 1936).

Of even greater significance, it was Fromm who conducted the empirical study of authoritarian character among German workers and employees as early as 1930 (i.e., almost 20 years before *The Authoritarian Personality*, Adorno et al. 1950), which was fundamental to the development of Critical Theory. Horkheimer prevented its publication at the end of the 1930s, so it was not published until 1980 when Wolfgang Bonss edited it (Fromm 1984).

With this empirical study, Fromm showed how conscious thinking and conscious convictions can be at odds with what people unconsciously feel, think, and strive for. Fromm thus laid the socio-psychological foundation for a Critical Theory that critically confronts the prevailing social consciousness and questions the normality of social consciousness as alienated and alienating. Fromm, therefore, later spoke of the “pathology of normalcy” (Fromm 1955, pp. 12-21). — But let’s take a closer look at how Fromm developed his socio-psychological theory.

2. The social psychological theory developed by Fromm

Even in his sociological dissertation (Fromm 1989 [1922]), Fromm explored the psychological question of the inner structure formations that lead many people to think, feel, and act similarly. The subject of the study was three groups of diaspora Jewry. The basic idea that a certain social, economic, and, in this case, religious practice of life leads to internalized strivings and behavioral patterns already determined Fromm’s thinking at a time when he was not yet familiar with Freud’s psychoanalysis.

Fromm became acquainted with psychoanalysis shortly after completing his dissertation. Freud’s insights into the power of the unconscious and the repressed also provided Fromm with an answer to two further questions that arose for him (for example, in view of the enthusiasm for war in 1914): “Why do many people behave irrationally and dysfunctionally?” and “Why are certain social groups *not even aware* of their irrational thinking, feeling, and acting?”

The answer that Freud gave with his drive theories fascinated Fromm at the time, especially because the repression of desires, strivings, and fantasies associated with libido is not removed from the world but returns in a modified form in irrational, inhibited, self-damaging strivings and behavioral patterns. Exploring this in relation to social groups motivated Fromm to become a psychoanalyst himself. From the outset, the main interest was to identify those influencing factors and internal structural formations that can explain what holds a social group together,

even if the behavior of the many is irrational.

In the spring of 1929, Fromm was one of the co-founders of the Südwestdeutsche Psychoanalytische Arbeitsgemeinschaft (Southwest German Psychoanalytic Association) and spoke at the opening ceremony on “Psychoanalysis and Sociology.” His lecture was published in condensed form in the same year (Fromm 1929). In it, he already indicates how he envisioned a methodological link between the study of society (sociology) and the study of the psyche of the individual (psychoanalysis). The starting point is the question: “What connections exist between the social, especially the economic-technical, development of humanity, and the development of the psychic apparatus, especially the ego-organization, of the human being?” (ibid., p. 39). Psychoanalysis had so far only posed this question for the individual but had not “extended this genetic inquiry to the psychic development of society” (ibid.). It is precisely this question, however, that psychoanalysis has to address, starting from the premise that psychoanalysis “interprets the human being as a socialized being, and the psychic apparatus as essentially developed and determined through the relationship of the individual to society” (ibid.).

Fromm then explained how the individual can be understood as “developed and determined” by their “relationship to society” in a “psychoanalytical study on the socio-psychological function of religion,” which was published in 1930 under the title *Die Entwicklung des Christusdogmas* (*The Dogma of Christ*, Fromm 1930). The study makes clear how sociology and psychology can be methodologically linked.

In this study, Fromm focused on the concrete life practice of many Christians and showed that the changes in the confessional formulas were always based on political and social changes among Christians. “The cause for the development lies in the change in the socioeconomic situation or in the retrogression of economic forces and their social consequences.” (Fromm 1930, p. 90.) The changing creed of Jesus and the altered forms of religious practice are therefore an expression of the changed inner impulses due to the changing economic, political, and social living conditions of Christians.

Two years later, Fromm presented his social psychological theory in the first volume of the *Zeitschrift für Sozialforschung* in the article “The Method and Function of an Analytic Social Psychology” (Fromm 1932). In doing so, he used the ideas of Freud’s libido theory because the libido theory, based on drives, fit in with the Institute’s materialistic conception of science. A libidinal structure representing the social practice of life must be formed in each individual. This already begins in early childhood, with the parents acting as the “psychological agency of society” (Fromm 1932, p. 117).

The similar behaviors and reactions of social groups are therefore “to be understood as processes involving the active and passive adaptation of the instinctual apparatus to the socioeconomic situation. In certain fundamental respects, the instinctual apparatus itself is a biological given; but it is highly modifiable. The role of primary formative factors goes to the economic conditions. (Ibid., p. 121.)

A libidinal structure is thus formed in each individual, which ensures that many people passionately strive for what is expected for the economic success, the stability ("cement") of a society, and the identity of a culture as a means of adaptation, in which a "libidinal structure of society" can then be recognized (ibid., p. 132).

The 1932 essay gave Freudo-Marxism a socio-psychological foundation, which is why Fromm linked his approach to Freud's understanding of social psychology. However, the significant differences should not be overlooked (see also Silver 2017). While Freud focused on the inter-subjective and family relationships and assumed that the demands of society adapt to an intrinsic drive dynamic, which as such can only be modified to a limited extent, Fromm had been thinking in terms of the collective-social and socio-economic life practice since his dissertation. In that way, however, he sees the libidinal structure as being formed from the requirements of life practice and not merely as a modification of an innate drive dynamic.

3 Fromm's revision of his own social psychological theory

It soon became clear to Fromm that his socio-psychological approach could not be reconciled with the libido theory favored by Freud to explain conscious and unconscious strivings. A whole series of findings made him doubt the validity of the libido theory: for example, Bachofen's research on matricentric cultures or Margaret Mead's and Ruth Benedict's cultural anthropological findings (see Funk 2009; 2013; Frie 2014). They supported Fromm's criticism of patriarchal aspects of Freud's psychoanalysis and therapeutic practice. Fromm first wrote about this criticism of Freud in the article "The Social Determinants of Psychoanalytic Theory" (Fromm 1935), which was published in the *Zeitschrift für Sozialforschung* but already provoked discussion at the Institute.

The decisive impetus to rethink his own socio-psychological approach undoubtedly came from conversations Fromm had with Harry Stack Sullivan after his emigration in 1934. The very fact that the most severe mental illnesses are psychotic distortions of relatedness to reality, to other people, and to oneself suggests that the question of relatedness is the basic psychological problem of the human being and not the question of the satisfaction or denial of the sexual drive and its offspring.

In the winter of 1936/37, Fromm took a break to make the change from a libido-theoretical to a relatedness-theoretical explanatory framework. To August Wittfogel from the Institute Fromm wrote on December 18, 1936: "I am trying to demonstrate that the drives which motivate social activities are not, as Freud supposes, sublimations of sexual instincts, rather products of social processes" (Letter at the Fromm Archive, Tübingen).

The 85-page manuscript, which was considered lost until I discovered it in Fromm's estate at the New York Public Library in 1990 and which was published shortly afterward (for details, see Funk 2015), has the same title as his 1932 essay: "The Method and Function of an Analytic Social Psychology" (1992 [1937]). There are many psychoanalytical assumptions and

interpretations that Fromm questions, from primary narcissism and the significance of the Oedipus complex, which cannot be confirmed in other cultures, to the role of the family and Freud's psychology of women, to Freud's concept of man and his mechanistic view of the world. The main criticism, however, is directed at the attribution of various psychological phenomena to the sexual drive and its derivations. Fromm exemplifies this in great detail with Freud's explanation of the anal character (ibid., pp. 46-58). According to Fromm, this is not due to the "uniformity of a particular erogenous zone" but "to the uniformity of a certain way of life constellation" (ibid., p. 49).

Due to the rejection of the libido theory, the essay fell out of favor with his colleagues at the Institute (see Funk 2015). They refused to publish this revised social psychological theory in the *Zeitschrift für Sozialforschung* because only Freud's libido theory could substantiate their concept of a materialistic social science. The refusal of publication by Fromm's childhood friend Leo Loewenthal, who was editing the journal, but also by Horkheimer and Marcuse, led to a significant cooling of the relationship between Horkheimer and Fromm, which had been very cordial and cooperative until then—at least in the letters published in the German Horkheimer Collected Works. This prompted Adorno, who did not yet have a position at the Institute, to draw more attention to himself. Horkheimer let Adorno know in a letter dated June 18, 1937: "We absolutely need you to fulfill the task of advancing theory."

Beneath the surface, Fromm's revision of his social-psychological theory and Adorno's entry into the Institute in the summer of 1937 had already set the course for Fromm's departure from the Institute. The definitive break came in 1939, when the Institute's funds became scarcer and Fromm was forced to leave the Institute (for details, see Funk 2000, pp. 90-101).

In 1941, in the appendix to his book *Escape from Freedom* (1941) under the title "Character and the Social Process" (cf. also Fromm 1949), Fromm summarized the conclusions that arose from the lost essay on Fromm's understanding of social psychology. The antagonism between the individual and society, which has been typical of modern thought since Descartes (see Frie 2015) and which is not only articulated psychoanalytically by Freud but also in the social psychology of Adorno and Marcuse's Critical Theory as a conflict between drive structure and society, becomes obsolete in Fromm's work. Fromm not only considers man to be "primarily a social being" (Fromm 1941, p. 287) but also explains the uniform and similar thinking, feeling, and acting of a social group with a character formation that results from the necessary relationship of the individual to a social group. *"Society is nothing but living, concrete individuals, and the individual can live only as a social human being"*(Fromm 1992 [1937], p. 58).

The primary sociality of human beings is therefore reflected, according to Fromm, in a separate dimension of psychological structure formation, the "social-typical character" (ibid.) or "social character" (cf. Fromm 1962, pp. 71-87). However, this must be examined in each case to determine whether it leads to irrational behavior and psychological defects, as Fromm has shown in detail, especially in regard to the authoritarian character (Fromm 1936; 1941, pp. 141-179), but also in the social characters analyzed later, such as the marketing character

(Fromm 1947, pp. 82-107; 1976, pp. 147-154) or the (group) narcissistic character (Fromm 1964, chapter 4; 1973, pp. 200-205).

For Fromm, the methodological question of combining sociology and psychoanalysis was essentially answered with the publication of *Escape from Freedom* (1941) and the concept of the social character. After Fromm's expulsion, Marcuse was the only one to debate him directly, namely in connection with the publication of *Eros and Civilization* (Marcuse 1955) in the mid-1950s in the journal *Dissent*. Adorno attacked Karen Horney in 1946 but wanted to hit Fromm and turn him into a conformist with his concept of the social character (see Adorno 1962). The main weapon, however, was to keep Fromm silent and ignore his merits for a psychoanalytically based Critical Theory.

4. Conclusion

The extent to which Fromm was correct in his paradigm shift from a libido-oriented psychoanalysis to a relational psychoanalysis is shown by the development of psychoanalysis, which since John Bowlby's attachment research in the 1960s, and with the increasingly dominant object relations theory, has focused on relatedness as the motivating force behind the formation of psychological structures (Funk 2023).

In light of the threatening crises of the present time, only good can come from allowing the old trench warfare to fade and ending Fromm's exclusion. The question of how the irrational behavior of many people can be scientifically researched with a socio-critical approach is highly topical. Fromm's combination of sociology and psychology and his concept of social character remain relevant today for a socio-psychologically oriented Critical Theory.

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Joy James's New Bones Abolition

By | 2024: Vol. 23, No. 2

New Bones Abolition: Captive Maternal Agency and the (after)life of Erica Garner is an urgent and cogent addition to the literature about protest and movement generally and Black mobilizing and resistance specifically. Joy James harnesses the tragic story of Erica Garner's death from a broken heart – a heart that could not withstand the unequal access to healthcare for Black and Brown mothers postpartum in the United States of America, but also a heart made weak by the relics of colonial logics that give rise to anti-Black racism and Black death. Although James uses the geographical space, United States of America because it was Erica Garner's containment, she signals from very early in the introductory chapter that her work is transnational. James signals that whether it is families responding to death and separation as a historical plantation experience, current Indigenous families gathering the pieces after residential schools or the female relatives who preserve memory of and fight for justice on behalf of slain relatives, dehumanization is debilitating and requires extra emotional labour. The book can be applied across societies because racism is a global scourge affecting populations dehumanized by colonial experiences.

An important way that the book under review departs from available literature is that it focusses not only on the products of resistance but on the care and support of war resisters, or captive maternals. James asserts that community action is critical to safeguard against early death as Erica Garner succumbed to. James uses the introductory chapter to proffer an alternative approach to caring and resisting – agape – which she defines as "love as political will" (4). For James, the usefulness of agape becomes a sinew of hope for communities constantly fractured by death and loss. In her guiding notes about her foundational concept – captive maternal James explains that the importance of the role is functional and unmarked by gender. James's work repositions caring beyond a female marked activity and makes useful space for male and gender expansiveness in resistance and caring. Discussions about resistance in marginalized communities have evoked 'consciousness' as an important tool for organizing. James has built on that by clearly delineating in her terms, concentric circles of consciousness (7). While James is charting new ground for approaches to resistance, she is also anchoring modern struggles to those early ancestors who became Maroons in their deflection from proto-capitalist planation societies. James is resuscitating revolution and revolutionary impulses as desirable and legitimate.

Another significant contribution of *New Bones* is its frankness in addressing the complexities of funding resistance. James underlines the importance of disconnecting resistance movements from United Nations (UN) neoliberalism and "corporate and non-profit buyouts" (10). James works her way from current problematic systems, approaches and theories of liberation such

as feminism(s), academia, monetization of Black death and the legal/judicial system to refining her ideas about the captive maternal and their stages of engagement using Erica Garner's tactics as exemplars. James frames individual acts of police violence as a conceptual problem for Black feminism. Women's rights and liberty are halted by acts of violence that leave them grieving and fighting for justice. Black women are continually cleaning up the mess of police violence and fighting for safety and well-being. Additionally, James' reading of various engagements with Black feminism challenges the concept 'big tent' feminism. James reads differing approaches to feminism with those of bell hooks and Assata Shakur representing a healthy feminism contrasted with state feminism used in harmful ways by compradors (the idea of compradors emerges later in the book in relation to funding and various organizing tactics in the wider Black community).

Comprador approaches result in antagonism for Erica Garner and captive maternal, who dare not to temper their revolution – received generally as unruliness. The problem with sanitizing Black liberation struggles is that power is powerful. No one with power is inclined to just give power away. Power requires new ways to construct freedom. Freedom must be personal first – we cannot save people before we save ourselves. In a way, this lesson is one of the most important of the afterlife of Erica Garner's death. As James argues, the captive maternal, "trains [us] to develop defenses against predatory aggressions as a form of self-worth and self-love" (202). Chapter two problematizes the involvement of (white, Western) academies in Black liberation. James concludes that academies continue to create and generate largesse on the backs of Black suffering while silencing the first-person embodiment of captive maternal like herself and Erica Garner.

James 'airs out' the contentious and troubling issue of funding and organizing in Black liberation work in Chapter three. Every family that loses a relative is not driven by a common goal that facilitates organizing and money complicates already complicated community relations. Where families are deprived of housing and resources, payouts can compromise struggle. Additionally, the lure of opportunities for 'black leaders' often results in cooptation and betrayal of Black movements. Chapters four through seven document Erica Garner's activism as it advances through the concentric stages of captive maternal power with agape as the driving force in memorializing her father, Eric Garner. The legal system failed Erica Garner and many of the other families seeking to memorialize Black death and suffering beyond monetization. Policing, carceral control and the legal system are themselves a series of concentric circles that enfold Black life and distances it from freedom. As James notes the only way to break free of unfreedom is through a mix of love and as importantly, discipline (37).

James' *New Bones* provides important reflections for activists, students of politics, gender justice, and sociology. It can also be a useful guide for researchers engaged in decolonial and Equity, Diversity and Inclusion (EDI) work. Notwithstanding, there is perhaps one important shortcoming in James' argument which should be highlighted. As James expands her argument into international spaces, she reads a difference between "police forces" and "police services" in a way that obfuscates the connection between policing, carcerality and colonial logics. From its inception, the prison system has been manipulated by colonial logic and practice. In almost

every region where large Black populations gained legal freedom after the abolition of slavery, prisons were established immediately to thwart and curtail Black, Brown and Indigenous movement and survival. The logics of violence and abuse that had enabled plantation became and remain the modus of policing. Therefore, there is no real differentiation to be made between a “police force” and a “police service”, as James suggests (198-199). The prison industrial complex as we know it is a recycled version of the plantations that existed during legal slavery. It should be noted that the 13th Amendment was reworked by the predatory state to uphold their control over Indigenous, Black and Brown bodies in the United States. Since the control of Black and Brown bodies could no longer be legally facilitated through slavery and plantations, the 13th Amendment facilitated the same punishment being used against convicted bodies. Unsurprisingly, this system allowed police forces to exist primarily in Black and Brown communities. Highly policed areas directly correlate to the density of Black and Brown populations, therefore permitting the mass incarceration of these communities.

This logic is repeated across geographical space as James argues throughout the book. It manifests as residential schools in Canada and Reformatory Schools in the Caribbean as examples. James highlights a “predatory state” throughout the work as the main oppressor of Black and Brown communities. This is the crucial takeaway of the book. James follows the predation of the state through other mechanisms of white benevolence such as the UN. These mechanisms of state do not assist the fight for justice because they are not built on agape. An important contribution of Erica Garner is her fierce callout because “the state is unethical so it will not dismantle or derail predatory policing” (126). The state is upheld by white benevolent mechanisms, and both are complicit with Indigenous, Black and Brown unsafety. Garner’s agape embraced revolution, rudeness and discipline as important crucibles for change.

Determinism and Freedom: A Review of Michael Löwy's Rosa Luxemburg: The Incendiary Spark

By | 2024: Vol. 23, No. 2

Few thinkers in the radical left have had a more sustained and creative engagement with the thought of Rosa Luxemburg than Michael Löwy. After encountering several of her works as a teenager in Brazil in the mid-1950s, he arrived in France in the early 1960s with the "conscious and deliberate objective"[1] of providing a "Luxemburgist" reading of Marx in his dissertation, *The Theory of Revolution in the Young Marx*. In the decades since, his extensive body of work as scholar and activist—ranging from studies of Lukács, Benjamin, Kafka, and Che Guevara to revolutionary romanticism, Latin American politics, and ecosocialism—has been marked by a spirit of political independence and theoretical clarity that resonates with what continues to draw so many to Luxemburg's legacy.

This collection of ten essays has the virtue of covering Luxemburg's political as well as economic writings—including an important analysis of one of her least-discussed works in the Anglophone world, *The Introduction to Political Economy*. The essays explore aspects of Luxemburg's work through a philosophic lens, without presuming she was in any way a professional philosopher. These include discussions of her theory of class-consciousness, positive appraisal of anti-colonial revolts and precapitalist forms of communal life, critique of the suppression of democracy by both rightwing social democrats and the Bolsheviks following its seizure of power, and the ambiguities of the early Lukács's effort to appropriate aspects of her thought.

Löwy's most original (and contentious) contribution is the claim that Luxemburg was the first Marxist to reject the notion that socialism is the inevitable product of historical necessity. This represented "a real turning point in modern socialist thinking" (p. 75) that in many respects, he argues, makes her as our contemporary. After all, while the idea of a socialist society free of class domination, racism, sexism, and colonial domination refuses to go away, no one today argues that it is inevitably fated to come into existence. If not a mere subjective wish, the quest for socialism is most often seen today as a wager in which the odds are hardly stacked in our favor. This was not, of course, always the case. Löwy states, "Luxemburg has the merit of being one of the few in the workers and socialist movements to challenge the ideology of Progress, which was common among bourgeois liberals and among a good part of the Left" (p. 27).

It may help to back up a step and recall *why* it seemed self-evident to Marxists of her

generation (and long afterward) that socialism is the inevitable product of historical necessity. The inner drive and compulsion of capitalism, virtually all Marxists recognized, is to accumulate capital, or self-expanding value, as an end-in-itself. Since economies of scale tend to generate greater rates of surplus value and profit, competitive pressures between enterprises augment the concentration and centralization of capital. This leads to the *socialization of production*, as competing units of capital become absorbed into massive enterprises owned by a relatively small number of individuals. At the same time, the concentration and centralization of capital leads to the *socialization of labor*, as large numbers of workers are brought together in the labor process to generate the surplus value needed for the expanded reproduction of capital. From the objective side, an "organized" form of social production arises that creates the material condition for overcoming "market anarchy." From the subjective side, "there also grows the revolt of the working class… [which is] trained, united and organized by the very mechanism of the capitalist process of production."[2] When these objective and subjective determinants converge, the *potential* for the supersession of capitalism and the creation of socialism becomes *actualized*.

Of course, exactly *when* and how they converge was a subject of intense debates within Marxism. Some gave more weight to the objective side, arguing that socialism will naturally arise from the socialization of production, others gave more weight to the subjective side, arguing that the determinant is the revolt of a working class conditioned by the socialization of labor. Others spoke of the "dialectical" relationship between the two. But all more or less agreed that the "laws of motion" of capitalism were inevitably laying the ground for socialism.

As Löwy shows, Luxemburg initially did so as well. Her early work, such as *Reform or Revolution*, held to the standard refrain among Marxists of the time that "the anarchy of the capitalist system leads *inevitably* to its ruin." She also refers to Social Democracy is a "stimulant" that "hastens" the necessary rise of socialism. And she calls proletarian class consciousness "the simple intellectual *reflection* of the growing contradictions of capitalism and of its *approaching* decline'" (p. 2).

The critical phrase here is "the intellectual *reflection*." This is the mainstay of the photo-copy theory of reality—that cultural and intellectual creation is "nothing but" but a reflection of the economic base. It was the governing epistemology of the Marxists of the Second International, including its most sophisticated theoreticians—Luxemburg, Kautsky, and Lenin included (at least up to 1914 for the latter, when he broke from it during his direct encounter with Hegel). This reductionist epistemology was brilliantly critiqued by Karel Kosík, whom Löwy has expressed his indebtedness to in other contexts.[3] Kosík writes in *Dialectics of the Concrete*,

> Marxism is no mechanical materialism that would reduce social consciousness, philosophy and art to "economic conditions" and whose analytical activity would entail revealing this earthly kernel of spiritual artifacts. Materialist dialectics on the contrary demonstrates how a concrete historical subject uses his material-economic base to form corresponding ideas and an entire set of forms of consciousness. Consciousness is not reduced to conditions: rather, attention is focused on the process in which *a concrete*

> *subject produces and reproduces a social reality, while being historically produced and reproduced in it himself as well.*[4]

Nevertheless, as Löwy argues, even in *Reform of Revolution* Luxemburg was hardly a crude materialist, since her emphasis on the need to *actively* foster class consciousness made her "optimistic fatalism" more of a *temptation* than a hard-core *doctrine*. The latter, he claims, applied more to Karl Kautsky. In a refreshing retort to the neo-Kautskyian revival in parts of today's Left, Löwy argues that his "entire worldview [was] the product of a marvelously successful fusion between the illuminist metaphysic of progress, social Darwinian evolutionism, and pseudo 'orthodox Marxist' determinism'" (pp. 2-3). He takes Kautsky's *Ethics and Materialist Conception of History* (1906) to task for describing Marxism as "scientific research on the laws of evolution and the movement of the social organism" which seeks to "eliminate…a moral ideal [which] becomes a source of error if it is influences one's aims" (p. 122).

Kautsky directed these comments in large part against Bernstein, who denied that capitalism was headed for crisis or collapse and instead upheld a neo-Kantian version of abstract *Moralität*. Luxemburg, who was politically aligned with Kautsky at the time, fully agreed with his critique of Bernstein's "ethical socialism." Yet Löwy is right that she never accepted the false binary that socialism is *either* the inevitable product of "economically determined historical development' *or* "a moral [or ethical] choice." This is because she emphasized the "socioeconomic conditions that determine, in the last the last instance…socialism as an objective possibility" (p. 7). *Objective possibility* refers to the determinations *immanent* in the object of investigation, whereas abstract possibility is independent of them. The notion of objective possibility informed all of Marx's work, from the very beginning to the end of his intellectual career, as seen from his formulation, "I arrived at the point of seeking the idea in reality itself."[5] That the object generates its own categories of knowing is a distinctly *Hegelian* notion—which was rejected by Bernstein and his fellow neo-Kantians. Luxemburg never made a direct study of Hegel (her references to him were mostly gleaned from Engels and Labriola), but she was an astute enough reader of Marx to know the concept.

Löwy argues that the "true turn in the history of Marxist thought" (p. 88) in breaking from the notion of historical inevitability is found in Luxemburg's famous proclamation of "socialism or barbarism" in the Junius pamphlet (1915):

> Friedrich Engels once said: "Bourgeois society stands at the crossroads, either transition to socialism or regression into barbarism"…. Until now, we have all probably read and repeated these words thoughtlessly, without suspecting their fearsome seriousness…. Today, we face the choice exactly as Friedrich Engels foresaw it a generation ago: either the triumph of imperialism and the collapse of all civilization … or the victory of socialism, that means the conscious active struggle of the international proletariat against imperialism and its method of war.[6]

But if "socialism or barbarism" originally came from Engels, how could Luxemburg be the "*first*

to explicitly deny that socialism is the inevitable product of historical necessity?" Löwy takes the source of Engels' comment to be *Anti-Dühring*, which states, "if the whole of modern society is not to perish, a revolution in the mode of production and distribution must take place." But since he did not use the phrase "socialism or barbarism," Löwy says while Engels may have inspired her, she was the first to take the concept seriously rather than as a rhetorical flourish.

Thanks to Ian Angus, we now know the phrase does not come from Engels at all. It comes from Kautsky's commentary on the Erfurt Program (1892), which became one of the most widely read texts in the socialist movement of the time. It stated, "If indeed the socialist commonwealth were an impossibility, then humanity would be cut off from all further economic development.… As things stand today capitalist civilization cannot continue; we must either move forward into socialism or back into barbarism."[7]

Luxemburg wrote the Junius pamphlet from prison, so it is understandable that her memory did not serve her well when it came to recalling the correct source. But she was accurate enough in referring to it as dating from "a generation ago" (*Anti-Dühring* was written *two* generations previously). Moreover, it is hardly insignificant that she refers to it as what "we have all probably read and repeated." If it is the case (as Angus notes) that "concepts and formulations in Kautsky's book had become common currency in socialist circles,"[8]how much of a break from the established orthodoxy did Luxemburg's evocation of "socialism or barbarism" really represent? To be sure, the shock of the Great Betrayal of 1914 and the carnage of World War I drove home to her the timeliness and urgency of the conception, which explains why 1915 is the first time the phrase appears in her writings.

Löwy acknowledges that the Junius pamphlet is somewhat ambiguous on this score, since it also includes references to inevitable capitalist collapse. Nevertheless, he insists, "'socialism or barbarism' provides the foundations for another conception of the 'dialectic of history,' distinct from economic determinism and the illuminist ideology of continuous progress" (p. 19). I would add that she places even greater stress on inevitable capitalist collapse in the *Anti-Critique*, written several months after the Junius pamphlet: "Marx's schematic representation of accumulation—when rightly understood…constitutes a prognosis of the economically inevitable downfall of capitalism."[9] This did not stop her from stating three years later, in "What Does the Spartacus League Want?": "At this hour, socialism is the only lifeline for humanity. The words of the *Communist Manifesto* blaze like a fiery omen over the crumbling walls of capitalist society: *Socialism or descent into barbarism!*"[10]

Given all of this, it does not seem implausible to hold to a unilinear notion of historical inevitability and still contend that consciousness and organization play an important role in determining political outcomes. Even the crudest economic determinists never doubted the importance of having a political party to advance the cause of socialism. And Kautsky, who was a far more sophisticated thinker than such crude positivists such as Victor Adler (who said "Marxism is in its very essence nothing but pure science"), surely never doubted it as well. Far from leaving everything to "inexorable quasi-natural laws" of evolution, the Marxists of the

Second International *worshipped* organization. Hundreds of thousands (especially in Germany) devoted their whole lives to it. If anything, the Second International *fetishized* organization. Nothing was lower in the eyes of the SPD than the "unorganized"—indeed, Luxemburg fought that attitude for years in arguing (especially from 1905 onward) that the "backward" Russian proletariat was more revolutionary than the "organized" West Europeans.

Löwy is surely right that the more the stick is bent in the direction of historical inevitability, the greater the likelihood of adapting a passive attitude that defers revolutionary action until the "objective conditions ripen." This clearly defined the trajectory of Kautsky and the Austro-Marxists after 1909, with ultimately disastrous results. Marxists had to break from the unilinear historical determinism that defined even many revolutionary social democrats if it were to have a future. The question is to what extent did Luxemburg succeed in doing so.

What speaks to this (even if indirectly) is her writings on precapitalist relations, colonialism, and the non-Western world. The chapter on "Western Imperialism Against Primitive Communism: A New Reading of Rosa Luxemburg's Economic Writings," contains an excellent discussion of her appreciation of precapitalist indigenous communal formations and support of the "fierce resistance" put up by colonized peoples against colonialism and imperialism. After correctly taking issue with her dismissal of demands for national self-determination, he notes, "The idea of an alliance between the communist traditions of colonized peoples and the communist program of the modern workers' movement is only hinted at in her writings" (p. 72). This may be an understatement in light of the recent discovery of a large number of her previously unknown writings on anti-colonial revolts in Africa.

While it has long been known that she attacked Germany's genocide against the Nama and Herero in southwest Africa in *The Accumulation of Capital* and *Junius Pamphlet,* it has only been recently discovered that she wrote a series of twice-weekly analyses of the revolt against it in 1904, in the Polish-language newspaper *Gazeta Ludowa*. The publication was sponsored by the SPD at Luxemburg's insistence (Poznan at the time was part of German-occupied Poland)—though she did not let on that she wrote almost all its articles (she had far fewer followers in Poznan than she had the SPD believe). Virtually every issue between January and June 1904 contained writings by her in support of the ongoing Nama and Herero revolt as well as those in Malawi, the Congo and South Africa. The amount of material on Africa alone comes to about 70 book-length pages. Luxemburg clearly wanted the Polish proletarian to know what was happening in Africa—and for them to extend solidarity with the victims of German colonialism.[11]

Löwy sees in Luxemburg's emphasis on the "resilience" of precapitalist communal formations a **"**break with linear evolutionism, positivist progressivism, and all the banally 'modernizing' interpretations of Marxism that prevailed in her day" (p. 61). She certainly did not accept the modernist assumption that indigenous forms were backward or an obstacle to progress. However, while she credited them for their level of solidarity, reciprocity and social planning, she also held that every one of them was doomed to destruction. She writes in *Introduction to Political Economy*, "The encounter [with capitalism] is deadly for the old society *universally*

and without exception…tearing apart all traditional bonds and transforming the society in a *short period of time* into a shapeless pile of rubble."[12] Although Löwy mentions elements of earlier communal forms that still survive today in Chiapas, the Andes, and elsewhere, it is safe to infer that that this would have come as a great surprise to Luxemburg herself.

Her stress on the inevitable destruction of communal formations is even more pronounced in her dismissal of the ability of Russia's *mir* to serve as a basis for socialism. Löwy acknowledges that her "view is much more critical than Marx's" (p. 61)—but this too is an understatement. She rejected *tout court* his position that "Russia's peasant communal land ownership may serve as the point of departure for a communist development."[13] She did not know of Marx's letter to Vera Zasulich in which he made the same point (Plekhanov prevented its publication and it did not appear until 1924). But she certainly knew of Marx and Engels' Preface to the 1882 Russian edition of the *Communist Manifesto* (from which I just quoted) and went out of her way to never mention it. The reason is rather basic: she didn't agree with Marx and Engels' Preface and didn't want to offer fodder to the Populists by discussing it. The new points of departure contained in Marx's late writings on the non-Western world were not picked up by her generation and only began to be rediscovered in the past several decades.

Nowhere in her writings on Russia or the non-Western world does Luxemburg suggest that a developing society can achieve a transition to socialism without an extended period of capitalism. This includes her estimate of revolutionary possibilities in Russia. She stated as late as April 1917—exactly when Lenin issued his famous "April Theses":

> Thus, the revolution in Russia has today defeated bureaucratic absolutism at the first attempt. However, this victory is not the end, but only a weak beginning. For, on the one hand, the retrograde movement of the bourgeoisie from its present ostensible position of confident liberalism must sooner or later, with inevitable logic, given its general reactionary character, culminate in its class opposition to the proletariat. On the other hand, the once-awakened revolutionary energy of the Russian proletariat must, with equally inevitable historical logic, regain the path of radical democratic and social action and resume the program of 1905: a democratic republic, the eight-hour day, expropriation of large estates, etc. Above all, however, for the socialist proletariat in Russia this is the most urgent slogan that is inextricably linked to all the others: end the imperialist war! [14]

Clearly, as late as 1917 Luxemburg still held that Russia must experience the bourgeois-democratic phase that escaped it with the failure of the 1905 Revolution. There is no evidence that she departed from this perspective, even as she worked tirelessly for socialist revolution in developed capitalist lands like Germany. Nor did this change with the Bolshevik seizure of power, which she strongly supported. She wrote in one of her last letters, "It is clear that, under such conditions, i.e., being caught in the pincers of the imperialist powers from all sides, neither socialism nor the dictatorship of the proletariat can become a reality, but at the most a caricature of both."[15]

What then becomes of the claim that Luxemburg "breaks with linear evolutionism, positivist progressivism"? And if she did not fully break from it, how can it be claimed that she was the *first* to explicitly deny that socialism is the product of historical necessity?

The problem of organization directly impinges on these questions. Löwy argues that Luxemburg's "understanding of the subjective factor, will, and consciousness" in the Junius pamphlet led to a "real rapprochement" between her and Lenin on the question of organization after 1915, "in practice as in theory" (pp. 9-10). He attributes their earlier differences to her "misunderstanding the Leninist theory of the party," since before 1914 she believed "the fall of capitalism was inevitable and that the victory of the proletariat would be irresistible" (p. 93).

This calls for some unraveling. While endless claims have been made that Lenin and Luxemburg were opposites on organization, the historical evidence does not bear this out. Such claims are often made by those who ignore her organizational work in the Polish movement—to which she devoted an immense amount of time and effort. The Polish parties she led (the SDKP and SDKPiL) were highly centralized, hierarchical, and disciplined—in many respects more so than Lenin's. She and Lenin had their organizational differences, including when the Bolsheviks split from the Mensheviks in 1902/03. But it is worth remembering that her 1904 critique of Lenin's centralism came after the SDKPiL attempted to join his party (the effort was aborted over differences on the national question). Moreover, she did not deny the need for centralism in her 1904 polemic: she instead argued that it offers no cure-all for opportunism. Nor did she deny the importance of the power of the will and the need for revolutionary parties to seize the historical initiative. It was central to her writings of 1905-1910 on the mass strike.

All Marxists in the Russian Empire faced the task of applying the organizational principles of Western Social Democracy (largely formulated by Kautsky) to conditions in an absolutist regime lacking the most rudimentary forms of democratic representation. They *had* to be centralist to one or another degree since they largely operated underground in the face of severe repression. Just as the form of the party in England or Germany was not suited for Russia, the same was true in reverse. Lenin pined for the day when he could have a "normal" party along the lines of the SPD once Russia achieved its bourgeois-democratic revolution. And Luxemburg often asked Leo Jogiches, her co-leader in the SDKPiL, "to stop 'baring your teeth,' since his Polish-Russian organizational ideas, which concerned a little group of 'seven and a half,' simply were not applicable to a mass organization like the German."[16]

So, what do we make of Löwy's claim that Luxemburg's disputes with Lenin on organization (those of 1904, 1911, and 1912 were the sharpest) flowed from misunderstanding Lenin's theory of the party due to her belief that the fall of capitalism was inevitable? He writes half a dozen times that Luxemburg was the *first* to break from that idea, in 1915—*which means Lenin had not broken from that idea during their organizational disputes of 1904 to 1912*.

Hence, it cannot be that the differences between Lenin and Luxemburg (in 1904 or afterwards) was due to her adhering to notions of historical inevitability. The organizational dispute that split the RSDLP was not about the inevitability of socialism, which virtually everyone (including

Lenin) took for granted. It was about the specific form of a party whose role is to help generate social democratic class consciousness. They had differences over how to actualize that goal, but they did not differ over the need for a party to take the initiative and at some point seize power.

Lenin did break from unilinear evolutionism in 1914 during his six-month engagement with Hegel's *Science of Logic*, in which he embraced such Hegelian notions as "leaps" and "transformation into opposite." He concretized this in his 1920 "Report on the National and Colonial Question," arguing that "the backward countries may pass to the Soviet [stage]…and [then] to Communism, without passing through the capitalist stage of development."[17] And in 1914 he broke from the crude pre-Kantian photocopy theory of knowledge of his past in writing, "man's consciousness not only reflects the objective world, but creates it."[18] However, he never extended his philosophic breakthrough to the question of the party.

To put it simply, there is no necessary connection between "the question of the party" and the "inevitability of socialism." After the second congress of the RSDLP the Mensheviks accepted the Bolshevik plan for a highly centralized party—but they clearly adhered to a strict version of unilinear historical inevitability in arguing that the liberal bourgeoisie must lead the revolution for a democratic republic. And the anarchists never accepted the idea of historical inevitability, but that hardly warmed them to Lenin's concept of the party. What divided the Mensheviks from Lenin, and what brought Lenin and Luxemburg closer together from 1905 to 1907, was the question of *revolution*—namely, which *class* is to *lead* the Russian revolution.

The question of revolution is also what brought them together in 1917—even though in 1912 their disputes on organization had become so intense that she denounced "this Leninist, anti-Marxist purely bourgeois conception of a political party, according to which the leader is everything and the masses nothing…Leninism is by its nature a policy of perpetual splits."[19]

Quite a way from proclaiming (in 1918) "the future everywhere belongs to Bolshevism"! But where is the evidence of a rapprochement between Lenin and Luxemburg on organization, given her sharp critique of the Bolsheviks for imposing a single-party state that shut down democratic deliberation *after* the seizure of power?

Löwy is at his best discussing Luxemburg's 1918 critique of the Bolsheviks. Although he (rightly in my view) takes issue with her critique of their support for national self-determination and distributing land to the peasants, he is fulsome in praising her attack on the Bolsheviks for suppressing democracy. He calls *The Russian Revolution* "prophetic," noting that Trotsky's comment that "cumbersome democracy…is not adapted to revolutionary periods" implies a refusal of "any popular representation during the revolution" (p. 47).

And he credits her for contrasting "the conception of 'class dictatorship,' as a collective form of power…to the one being implemented by the Bolsheviks, which in her view has more in common with Jacobinism." By shutting down outlets for expression independent of the party, "Bolshevik leaders involuntarily helped to create the golem that was to destroy them" (p. 49).

This is further explored in a fascinating chapter on “Lukács and Rosa Luxemburg,” which tackles the shift in Lukács from his appreciative “The Marxism of Luxemburg” (1921) to his censorious “Critical Evaluations of Luxemburg” (1922). The latter is characterized by a series of falsehoods, such as that she rejected a centralized and disciplined organization and “underestimated the importance of conscious organization” (p. 114). Worse of all, “Lukacs categorically rejected the distinction between the party and class dictatorship” (p. 116). Left unmentioned is that once in power Lenin also categorically rejected this distinction. Given Luxemburg’s explicit attack on substituting the dictatorship of a party for that of the class, it becomes hard to see how there was a rapprochement between the two on organization.

After reading Löwy’s chapter on Lukács, I was reminded of István Mészáros’s comment that *History and Class Consciousness* sought to “out-Hegel-Hegel” by equating proletarian class consciousness with Hegel’s unified subject-object. Lukács’s 1922 essay set the ground for those who would “out-Lenin-Lenin” by promoting his organizational conceptions as a universal. Trotsky comes to mind as the exemplar of this approach. It was bad enough to generalize a “Leninist model” of organization developed in response to specific Russian conditions for Western democracies that had little in common with them, but it was even worse to presume that it offered the template for what to do after the seizure of power elsewhere. The latter notion was upheld by a host of autocratic regimes that *claimed* to be “Leninist,” while the former helped produce perpetual splits that led (more or less) to nowhere.

Although Lówy’s discussion of the organization question is far from convincing, he makes a very astute observation in the book’s final chapter “Ideology and Knowledge in Rosa Luxemburg” in drawing attention to the following comment in *Reform or Revolution*:

> The secret of Marx’s theory of value, of his analysis of money, his theory of capital, his theory of the rate of profit, and consequently of the whole existing economic system is found in the transitory character of capitalism, the inevitability of its collapse leading…to the final goal, socialism. And precisely because, *a priori*, Marx looked at capitalism from the socialist’s viewpoint, that is, from the historical viewpoint, he was enabled to decipher the hieroglyphics of the capitalist economy.[20]

Löwy draws from this that working-class consciousness provides a “higher standpoint” than claims of scientific objectivity. He is right about that, but I think the passage is suggesting more—namely, that viewing the present from the vantage point of a vision of an emancipated future provides a higher standpoint that an empirical critique of the present.

This has taken on far more importance given what faces us today—since as Luxemburg feared, the suppression of democracy in the name of socialism “only discredits socialism and nothing more.”[21] We have experienced a full century of this discrediting, and not alone because of what happened in Russia after 1917. Hence, leaving the discussion of what constitutes a *genuine* socialist society vague and indeterminant is no longer viable. We must begin, as it were, from the “Absolute”—from a vision of the transcendence of capitalism—*even though there is no historical certainty that it will come into being*.

In 1944, when confronting Stalinism—a phenomenon Luxemburg never lived to witness—the young Raya Dunayevskaya wrote the following about the passage in *Reform or Revolution*:

> Had Marx not based himself on the inevitability of socialism, he could not have discerned the law of motion of capitalist collapse; he would have been unable to get out of the web of capitalist phenomena to perceive its contradictory essence. In an age of atom-smashing, must we really go back to a conception of science which is so narrow as to bury the dialectic in the debris of pragmatism?[22]

I believe this addresses the very different reality we face today as compared to Luxemburg or Lenin's time. When the Russian Revolution mutated into totalitarian state-capitalism under Stalin it became all the harder to uphold the notion that the concentration and centralization of capital and its accompanying socialization of production would pave the way for socialism. It became harder still to adhere to such a notion when the collapse of the USSR led not to widespread workers' revolts but rather to the triumph of free market neoliberalism—which has proved so non-viable in turn that we now face the growth of a neo-fascist far Right worldwide. But this does not mean our only option is to posit socialism as a moral or ethical choice now that we can no longer presume that socialism will arise from the laws of historical development. This is because the emergence of ever-new structures of domination is met by "new passions and new forces" striving to liberate themselves from capitalism's logic of self-destruction. What remains missing is a concept of socialism that goes beyond a critique of market anarchy, private property, and the inequitable distribution of surplus value. After all, we have vivid proof that revolutions can target all of these and still fail to posit an exit from capitalism. If this generation is to "decipher the hieroglyphics of capitalist economy" in a way that targets not merely its phenomenal but essential determinants, it too will have to "look at capitalism from the socialist's viewpoint," that is, from the viewpoint of its dialectical opposite, the new society.

This suggests making a distinction between historical and logical inevitability. Historical inevitability is the notion that a given outcome is predetermined to occur; logical inevitability is the notion that presupposing a given outcome provides the vantage point for grasping essential determinants of the present—regardless of whether the outcome will actually occur. Luxemburg hinted at such a distinction in the passage from *Reform or Revolution*, though she never went on to develop it. The strictures against discussing the nature of socialism and "what happens after the revolution" among the Marxists of her time was too powerful for her to overcome. But we cannot afford to succumb to that kind of error today. As I argued in *Marx's Concept of the Alternative to Capitalism*, we desperately need to re-envision what socialism means for today as a liberatory project—and proceed from its standpoint. That is what can help decipher the hieroglyphics of today's capitalist economy and target its essential determinants in a way that can point the path to its supersession. It's late in the day, but not too late.

I'm not sure if Löwy would agree with this way of salvaging a non-determinist notion of the inevitability of socialism, but it is one of the many questions that come to mind in engaging this highly worthwhile and engaging collection.

Notes

[1] “Preface to the French Edition,” Michael Löwy*, Rosa Luxemburg: The Incendiary Spark*, edited by Paul Le Blanc with a Foreword by Helen Scott (Chicago: Haymarket Books: 2024), p. xii. All page refences in this text are to this work.

[2] Karl Marx, *Capital Vol. 1*, translated by Ben Fowkes (New York: Penguin Books, 1976), p. 929.

[3] See Michael Löwy, “Spirit of Resistance: Notes for an Intellectual Biography of Karel Kosík, in *Karel Kosik and the Dialectics of the Concrete*, edited by Joseph Grim Feinberg, Ivan Landa, and Jan Mervart (Chicago: Haymarket Books, 2023).

[4] Karel Kosík, *Dialectics of the Concrete* (Dordrecht-Holland: D. Reidel, 1976, p.69.

[5] “Letter from Marx to His Father in Trier” [1837], in *Marx-Engels Collected Works* (New York: International Publishers, 1975), p. 18.

[6] “*The Junius Pamphlet: The Crisis in German Social Democracy*, in *The Rosa Luxemburg Reader*, edited by Peter Hudis and Kevin B. Anderson (New York: Monthly Review Books, 2004), p. 321.

[7] Karl Kautsky, *Das Erfurter Programmin seinem grundsätzlichen Teil erläutert*,

https://www.marxists.org/deutsch/archiv/kautsky/1892/erfurter/

[8] Ian Angus, “The Origin of Rosa Luxemburg’s Sloan ‘Socialism or Barbarism,’” *Climate & Capitalism*, October 27, 2015, https://climateandcapitalism.com/2014/10/22/origin-rosa-luxemburgs-slogan-socialism-barbarism/

[9] *The Accumulation of Capital, Or, What the Epigones Have Made Out of Marx’s Theory—An Anti-Critique*, in *The Complete Works of Rosa Luxemburg*, Vol. 2, edited by Peter Hudis and Paul Le Blanc (New York and London: Verso Books, 2013), pp. 445-6

[10] “What Does the Spartacus League Want?” in *The Complete Works of Rosa Luxemburg*, Vol. 5, edited by Helen C. Scott and Paul Le Blanc (New York and London: Verso Books, 2024, p. 302.

[11] For more on this, see Peter Hudis, “Rosa Luxemburg Exposed the Colonial Genocide in Namibia,” *Jacobin Online,*February 6, 2024, https://jacobin.com/2024/02/rosa-luxemburg-namibia-genocide-imperialism-capitalism.

[12] *Introduction to Political Economy*, in *The Complete Works of Rosa Luxemburg*, Vol. 1, edited by Peter Hudis (New York and London: Verso Books, 2015), pp. 227-8. My emphasis.

[13] Karl Marx and Friedrich Engels, “Preface to the Second Russian Edition of the *Manifesto of the Communist Party*,” in *Late Marx and the Russian Road*, edited by Teodor Shanin (New York: Monthly Review Books, 1983).

[14] “The Revolution in Russia,” in *The Complete Works of Rosa Luxemburg*, Vol. 5, edited by Helen C. Scott and Paul Le Blanc (New York and London: Verso Books, 2024), p.134.

[15] Letter to Julian Marchlewski of September 30, 1918, in *The Letters of Rosa Luxemburg*, edited by Georg Adler, Peter Hudis and Annaleis Laschitza (New York and London: Verso Books. 2011), pp. 474–5.

[16] Raya Dunayevskaya, *Rosa Luxemburg, Women’s Liberation, and Marx’s Philosophy of Revolution* (New Jersey: Humanities Press, 1982), p. 91.

[17] V. I. Lenin, “Report on the National and Colonial Question,” in *Selected Works*, Vol. 10 (New York: International Publishers, 1943), p. 243.

[18] V.I. Lenin, “Conspectus of Hegel’s *Science of Logic*,” in *Complete Works*, Vol. 38 (Moscow: Progress Publishers, 1896), p. 212.

[19] Rosa Luxemburg, “The Breakdown of Unity in the RSDLP” [1912], https://www.rosalux.de/en/publication/id/49686/rosa-luxemburg-versus-the-leninists

[20] *Reform or Revolution*, in *The Rosa Luxemburg Reader*, edited by Peter Hudis and Kevin B. Anderson (New York: Monthly Review Books, 2004), pp. 150-1.

[21] Letter to Julian Marchlewski of September 30, 1918, *The Letters of Rosa Luxemburg*, edited by Georg Adler, Peter Hudis and Annaleis Laschitza (New York and London: Verso Books. 2011). pp. 474–5.

[22] Raya Dunayevskaya, “The Inevitability of Socialism and the Law of Motion of Capitalist Society,” in *The Raya Dunayevskaya Collection* (Wayne State University Archives of Labor History and Urban Affairs), 9119-9125.

Fred Camper’s Seeking Brakhage

By | 2024: Vol. 23, No. 2

Early in the volume of Fred Camper’s collected writings on the films of Stan Brakhage, an essay appears titled “Senses Working Overtime.” Published shortly after Brakhage’s death, Camper’s essay presents testimonials and anecdotes from students and filmmakers who knew him. As the flaws of Brakhage the human are shared alongside moments of awe, present-day readers must remind themselves that, at the time, this was eulogy, heartache, and that eulogy is sacred and intimate. Couched a quarter of the way into a book compiled twenty years after the man’s passing, though, and the context alters: what was once a means of honoring a mentor, a friend, and a great artist, may now be read as beatification, preservation, and transition into canon.

But what if you haven’t been convinced of Brakhage’s place in the tight pantheon of Great Filmmakers? What if you long preferred Stanley Kubrick or Ingmar Bergman? What if his movies just ain’t your cup o’ tea? Worse, what if your significant other has yet to discover in Brakhage what has moved you in secret for years? Will Camper’s book convince her? More importantly, will he convince you? Pagans typically scorn hagiography. A saint in someone else’s religion better have some extra-theological qualifications to lure the heathens through the door. Perhaps this is why the reader needed not just Dante but a Virgil as well: both lead us into an appreciation that transcends the object of affection. *Seeking Brakhage* is, in this sense, a pilgrimage, and Camper’s essays are his progress, and we are his invited guests.

Prepare your hearts and minds for something more than aesthetics. Ideology and economics make only cursory appearances during biographical interludes (e.g. “Senses Working Overtime”) and in the apologist’s anti-stance of the last two essays of part 1. Beyond these, Camper writes an aesthetics of the eye with the earnestness of Oscar Wilde’s Jokanaan in the midst of his own 3-minute *de profundis*, though maybe not in such a way as to grab Salome’s attention and lose his head. It’s an aesthetics that Socrates would have lumped with the poets outside the city gates, as suspicious of its phenomenology sans naming, as it is of cured lepers and backslid Pythagoreans.

Watching a Stan Brakhage film is an exercise in restraining one’s words, whether alone in your living room via the Criterion Collection (whose two volumes Camper wrote liner notes for), or in a university screening room with a willing professor. Reading Camper’s essays, you begin to discern that maybe what’s wrong with your world is that Brakhage isn’t more widely viewed,

that maybe what's wrong with his world is that we've lost something along the way and Brakhage found it, but only a few noticed. As cinema, his films expose us to our sense of sight in a way that requires our other senses to scurry off to the volumetric space outside the planar film screen: our rabbit hearing on the noises of other viewers around us, our activated skin on the persons to our immediate right and left, our sense of smell on the entrances and exits of the olfactory players on the darkened stage around us, for this is also cinema—but the iron filings of our sense of sight can only be drawn to Brakhage's magnetic screen, and our minds attendant on each shot's passage. A strange, pandemicked sense of time pervades the cinematic experience of a Brakhage film, a reverse hypnotism that narrative cinema rightfully scorns for being anti-narrative: our eyes metamorphose into the alertness of the spider as it sits upon its web, every edit, every shot, all visual data, the duration of shots in relation to the subject or in relation to one another, the frequency of cuts, the mechanical elements of the camera, its movements, the presence of lens and lens flares, and the substrates of the film all come forth in time and rectilinear space, arrange light and color and darkness into a random zodiac that births meaning into our individual and shared experiences of infancy, childhood, adolescence, and on into old age. No wonder Camper's *Seeking Brakhage* is a rich 400-plus pages, a monument birthed *out* of a life *for* a life. This is aesthetics set directly onto our senses where it belongs, this is the religious and scientific fervor of the Pre-Socratics, the feather that tickled Aristotle's foot, the dirty joke that made Francis Bacon blush. And yet, at the heart of the book, Chapter 17, Aristotle gets his categoriae, and Francis Bacon his organon. This is rare in a book of cinema.

Aesthetics, of course, gets dismissed for all the right reasons: it's exclusionary, it's restrictive, it's enamored of its own meaning, valued for itself by itself, rather than for its utility to the party, the friends of the party, or for its vituperations against the enemies of the party, may their mothers rot in hell. And this is where Fred Camper shines. He brings us back to the individual who encounters the art, because *Seeking Brakhage* is about encountering the art as an individual. The book allows us our own interpretations of what we see: for instance, I saw the cuts in the first two minutes of Brakhage's *Anticipation of the Night* (1958) as demonstrations of sleight of hand, temporal evidence of a filmmaker who, after capturing images of light and shadow, of diffusion and sharpness, then entered enamored into a different artistic process involving razors and tape, tools far from the mysteries of lens and emulsion; Camper's essay on the same film goes much wider in a single paragraph than my first impression, acknowledging and moving past—but never denying—my own observations. His writing creates a natural space for the individual viewer to seek Brakhage with him. In this way, Camper's writing separates itself from much writing on abstract art by being both concrete and generous at the same time. In essay after essay Camper posits that Brakhage's films are *already* a part of our common experience, we just don't know it yet. He takes us by the eyelashes and like a mischievous Tex Avery hero pries open our eyelids and asks us in polite tones to please see again as once we saw: *Red Hot Riding Hood wears no hood*.

What is missing from *Seeking Brakhage* is writing that gives in to the laconic methodology of

literary film criticism. Both Brakhage and Camper are prophets of the subvocalized Eye, the former raised up as savior, the other still crying in the wilderness at fredcamper.com and in this book. Maybe we've been fooled into believing that words are the Thing, instead of the Thing-itself deserving ourattention. This makes Brakhage difficult, imposing even, but Brakhage is difficult because we 21st century smartfolk find our meaning in words rather than images, in self-performing posts rather than through events.

The title of Camper's book offers its own key to one's intellectual acquisition of Brakhage films, not as instances of remote events in one's past, but as a never-ending journey through an ever-present Now. Had the title been *Brakhage Sought*, the book would offer the reader a very different sort of experience: exegesis, didactic, polemic, screed, manifesto, eulogy, final word. Instead we are invited to join the author past the final note on the final page, to continue seeking with him. In that sense, Camper's book is generous, not only offering us keyholes through which we might glimpse Brakhage's work, but also vistas off Mount Purgatorio, where we are encouraged to pause and turn away from death's horrors towards sublime, living vistas beyond. At one point (p. 337) Camper describes Brakhage's filmic vision as "…the raw meat of seeing…", a brilliant formulation that explains why many of the essays must introduce Brakhage anew—no matter how much we know about Brakhage and his methods and aims, we are constantly presented with a fresh kill, one that holds within it the potential to nourish or surprise our word-addled minds.

Chelsea Schields's Offshore Attachments

By | 2024: Vol. 23, No. 2

"The offshore accounts for the archipelagos of legal pluralism, extraterritoriality, and supposed exception forged by colonial powers and redefined in the context of contemporary capitalism to reproduce wealth. Even as these spaces appear as expectations, they are, in fact, intimately imbricated in and make possible their seemingly anti-theses: the 'normal' business of onshore capitalism and the sovereign nation-state. These are not opposites of the offshore, but outcomes."

– Chelsea Schields, *Offshore Attachments*, 193.

Aruba and Curaçao are two islands just miles off the coast of Venezuela's Lake Maracaibo region. A visitor to the islands' oft-publicized calm turquoise waters and white sands may scarcely recognize that these two tiny members of the Antillean archipelago were once among the greatest suppliers of the world's oil economy. The islands provided the Allies with 80 percent of their naval and aviation fuel during World War II. Shell's Curaçao refinery, along with John D. Rockefeller's Standard Oil (now Esso) in Aruba, were both among the world's most productive refineries in the late 1930s until the late 1940s (6).

To tell the story of these islands and their oil production means entering a dynamic and multi-faceted history, one that involves grappling with the complexities of emergent global energy sectors and the boom and bust cycles of the twentieth century, as well as with intricately renegotiated sovereignties in the years of destabilizing European empires. However, Chelsea Schields, in her masterful *Offshore Attachments: Oil and Intimacy in the Caribbean* (UC Press, 2023), recognizes that to narrate properly this history at the nexus of global political economy, energy and post-empire also requires a close examination of the lives and labor of those who actually produced the oil. What Schields uncovers is that sex and intimacy were always at the center of oil production.

Offshore Attachments argues that company management, island elites and Dutch officials controlled and regulated sex in myriad ways to enhance the profitability of oil production. And, just as importantly, the manufacture of an abundance of oil relied upon gendered, raced and classed ideals initially forged in earlier periods of colonialism and enslavement, and constantly reshaped in ensuing decades. Schields aptly situates her study within the boom of oil production which occurred from the 1930s through the early 1950s, and carries it through to the bust caused by automation. From 1950 to 1970 the refinery increased its production twofold, but the industry lost two-thirds of its workforce, while the economic crisis and oil shocks of the 1970s led to the shuttering and sale of refineries in the 1980s. Throughout boom

and bust alike, oil managers and state officials developed policies and practices to reshape sex and reproduction.

To achieve the desired productivity levels in the 1930s to the early 1950s required creating an industrial labor force. In 1914 oil deposits were discovered in the Lake Maracaibo region. The following year, Shell commenced building the Isla refinery in Curaçao. Shell management began to recruit foreign workers from throughout the Caribbean for two primary reasons: on the one hand, tropes labeled the local men of African descent as "lazy" and ill-equipped for industrial work, and secondly, borrowing techniques the Dutch employed in Indonesian labor recruitment, it was assumed that a reliance on an itinerant workforce would make laborers more isolated and therefore more controllable. Indeed, in the 1930s – a moment of heightened trade unionism and worker activism – company management discussions were abuzz with debates about "unrest" and concern with achieving worker compliance. As other scholars have shown, Caribbean labor practices relied on enforcing racial and national divisions specifically to distract from labor inequities. Shell enforced such decision by assigning nationally divided camps patrolled by guards and colonial police. But Shell did not manage only to extract profitability through racial divisions; it sought as well to reduce potential expenditures by carefully controlling who would serve as domestic workers in the white homes of management and engineers. Dutch officials, for example, feared that an increase in foreign women workers would likely increase the numbers of children who would be entitled to rights as Dutch subjects. To mitigate such costs, officials placed restrictions on female workers, recruiting only women above the presumed childbearing ages.

Meanwhile, corporate management facilitated the supply of intimacy for the profitability of the oil industry by operating a brothel and importing foreign sex workers to Curaçao. In 1942, a committee that included two Catholic priests argued that the provision of sex workers allowed Shell to avoid the expenses associated with family migration and the higher wages needed to support families. Seeking to satisfy male "erotic yearnings," and defying local laws that prohibited prostitution and brothels as well as international treaties on anti-trafficking in order to operate the Campo Alegre brothel, the authorities provided short-term contracts to light skinned women predominantly from Columbia and the Dominican Republic – whose proximity to whiteness the authorities presumed to be more sexually desirable to the workforce. Yet while this transactional sex was facilitated for the islands' itinerant labor force, authorities sought also to manage local Afro-Curaçaoan men in a "late civilizing mission" by imposing on them marriage and domesticity. Shields documents the campaign to increase discipline in the household and thereby the workplace through monthly corporate magazines that publicized marriages and anniversaries of employees, and included articles on masculine duty, paternal qualities and responsibility in the home. In this section, Shields demonstrates how Caribbean "industrial paternalism" produced and imposed the model of the patriarchal family.

On neighboring Aruba, however, Schields shows how these two models employed in the 1930s-40s – domesticity and transactional sex – came into conflict when approximately three-thousand Aruban housewives protested the construction of a brothel in 1951. While histories of labor often highlight the unrest and strikes of male workers, it is rare to uncover a history of

women—the wives, mothers, daughters of refinery laborers – demanding that Standard Oil change course. Throughout *Offshore Attachments,* Schields maintains a light touch on imparting her own judgements on the historical subjects of her narrative; such is indeed the case with the 1951 protest in which a group of Aruban women employ their proximity to white racial identity and respectable domesticity against the perceived licentiousness of Afro-Curaçaoan foreign sex workers. Grasping the particularities of inter-Antillean racial dynamics, Schields' analysis portrays how Aruban "self-understanding as a white or mestizo island, in contrast to the majority Black population of Curacao" aided Aruban women's "spirited defense of a home life under threat from racialized sexual competition and economic danger (53)." Employing values of chastity, white respectability and conjugal domesticity, the housewives used telegrams, mass demonstrations, slogans, and their knowledge of commonwealth laws to successfully reverse the support of building the brothel.

In yet another twist, as the effects of automation led to mass layoffs and Shell embraced austerity policies and reduced the social programs they had formerly provided (which had included widower pensions, company homes and healthcare), Curaçaoan officials displaced blame for the economic downturns onto working-class reproductive behaviors. As men lost jobs, officials focused on measures to reduce population growth. Relying on radio broadcasts and TV programs depicting images of crying babies, blame was placed on Afro-Curaçaoan men, depicted as absent fathers, and the language of "responsible parenthood" was promoted with thinly veiled racial tropes. Nonetheless, the brunt of the measures to curtail population growth were directed at Afro-Curaçaoan women. Just as authorities had found ways around the legal prohibitions of prostitution to facilitate sex for itinerant male workers in the 1930s-1940s, authorities now defied laws that had prohibited contraception, sterilization and abortion in order to accommodate the industry's reduced labor demands.

While recent works in labor history acknowledge that labor requires the reproduction of labor, and thus seek to include the work and experiences of women whose daily activities supported men's waged work, Schields' analysis pushes this framework much further. And although the field of labor history often bemoans a lack of access to the voices of workers themselves, Schields' archival discoveries are a true testament to the value of exhaustive archival research yielding a plurality of voices, including those of voices largely marginalized by historical analysis such as women, nonunionized workers, and people of color. For example, Schields relies on diaries of employers to glean revelatory glimpses of the experiences of women serving as domestics in middle-class households. Furthermore, she uses police records (found in a 1966 dissertation) to include the voices of prostitutes, including Teresa Perez, a 35-year old sex worker from the Dominican Republic. She also mines newspapers and magazines to include quotations from marginalized voices. Notably, in Chapter 4 on 1960s protests movements, Schields' provides a close reading of *Vitó* and *Kambio*, two leftist journals launched by graduates returning to the Antilles from their studies in the Netherlands. Using the journals' interviews, letters and editorials, Schields enriches the narrative with lively expressions of subjectivities, opinions, and challenges. Methodologically, this intervention supports one of Schields' main argumentative positions: that while the global economy and corporations like Shell or Standard Oil manipulated sex and reproduction for specific industrial imperatives,

workers and Caribbean people challenged and protested to shape their societies.

The term “offshore” is widely used in globalization studies and development discourse to describe ways that the global economy seeks havens in peripheral areas. As Schields so richly documents, to “offshore” also means to create exceptional spaces in which metropolitan practices and laws (such as those on prostitution, marriage, abortion, sterilization, contraception) were deliberately circumvented to meet the demands of the oil industry, and she skillfully uses the concept of the “offshore” as both an analytical and a descriptive category. Indeed, in this transnational examination of the intimate lives that shape the global oil economy, Schields reveals how twentieth-century industry offshored not only tax incentives, itinerant labor and commodity production, but also offshored ideas and practices. Currents of ideas analyzed by *Offshore Attachments* do not just include the four-way conversation between Dutch metropolitan and Antilles-based politicians, oil industry executives and religious leaders to shape others’ personal practices for the benefit of profits. The book additionally traces the vectors of radicalization among the returning students as they interact with currents of ideas imported from the Cuban Revolution, the 1968 protests, and the Black Power movements that sought to challenge the paradigms sustaining oppressive racial hierarchies and sexual unfreedoms.

Offshore Attachments merits broad readership among scholars of empire, the Caribbean, the Oil Industry, labor history, and scholars of sexuality and race. To read this fascinating work of historical research, one is invited alongside Schields’ nuanced and analytical mind, as she turns over her sources meticulously and with care. Attendant at every turn to the concomitant effects of race, gender and class, the book masterfully maintains equal weight for the messy complexity of the particularities, while also grasping their continuous remolding within the purview of the movements of global capital. While the work overwhelmingly benefits from Schields’ capacity to hold so much nuance, at times, this humility may cause readers to lose sight of the work’s understated argumentative developments and interventions – not least of which is the way the book invites much further analysis on the ecological consequences of the oil industry and the consumption practices so deeply embedded in the plastics economy that so powerfully shaped mid-twentieth century domesticity.

This account of twentieth-century oil production in the Dutch Caribbean historicizes the making of the oil industry, but also historicizes the making of racialization and of sexual practices and mores. Yet precisely by attending to the historical specificities of these practices and mores, and thus their capacity to change over time, *Offshore Attachments* also invites readers to imagine the fungibility of these categories and in doing to so to imagine political remaking. As Schields points out, her work “invites historians of sexuality to account for that which, in its ubiquity, hides in plain sight: fossil fuels” (186). But no less significant is that her work brings to light how our energies shape the categories of our everyday life that too have the potential for re-creation, as Schields’ writes, “if we dare to imagine a more just and equitable world to come (187).”