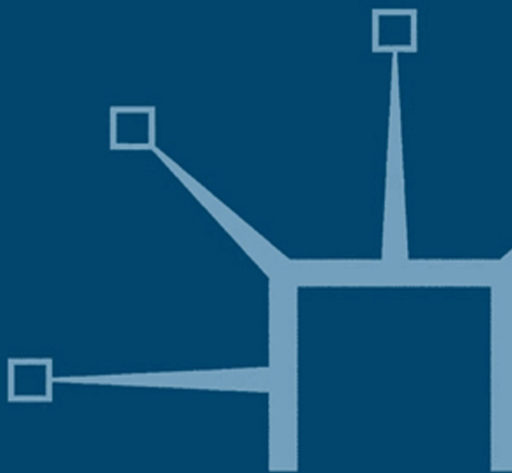# Social Theory of Fear

Terror, Torture, and Death in a Post-Capitalist World

Geoffrey R. Skoll

Social Theory of Fear

Previous Publications

Contemporary Criminology and Criminal Justice Theory: Evaluating Justice Systems in Capitalist Societies, Palgrave Macmillan (2009).
Walk the Walk and Talk the Talk: An Ethnography of a Drug Abuse Treatment Facility (1992).

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palgrave
macmillan

To Jenny Peshut, light and love of my life forever and longer

Solitudinem faciunt pacem appellant.
They made desolation; they called it peace.

(Cornelius Tacitus, Agricola 30)

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Chapter 1

Introduction

Ever since Thucydides justified his history by proclaiming the Peloponnesian War a great war and an epochal event for humanity, analysts of events occurring in their own time and place have risked accusations of hubris for similar claims. Nonetheless, the first years of the twenty-first century seem to portend epochal caesurae. The end of the half-millennium-old world capitalist system and the emerging dominance of a new form of communication and consciousness qualify these years as a time of a dramatic break with the past.

According to Immanuel Wallerstein (2004), the world capitalist system began at the start of the sixteenth century and was centered in Western Europe. It appears to have entered its death throes at the start of the twenty-first century. An even greater change involves the transformation of communication. Writing emerged as the dominant communicative form about two-and-a-half millennia ago, and printing about the same time as capitalism; together they formed a logocentric form of consciousness. Midway through the twentieth century, an iconocentric consciousness began to displace logocentrism. Logocentrism is a writing-based communicative form and iconocentrism is image based.

The chapters that follow concentrate on the United States as a principal site of these changes. The United States is and has been the vanguard for modern capitalism and the place where iconographic communication has developed exuberantly. This is not to say that other countries and regions do not participate in the changes, but the United States remains the pacesetter and the hegemon.

Systems of political economy and consciousness do not seamlessly succeed one another. Typically, an interregnum intervenes. During such interregna, chaos prevails. Among the characteristics of chaotic interregna are "wild fluctuations in all the institutional arenas. . . . The world-economy is subject to acute speculative pressures . . . [and a] high degree of violence is

erupting everywhere" (Wallerstein 2004:87). Most people adjust by relying on short-term adaptations using customary methods and strategies. Class conflict, as has been the case throughout recorded history, continues to prevail. At the beginning of the twenty-first century, it takes the form of "the struggle between the spirit of Davos and the spirit of Porto Alegre" (88).

> In the struggle over the system (or systems) that will succeed our existing world-system, the fundamental cleavage will be between those who wish to expand both liberties—that of the majority and that of the minorities—and those who seek to create a non-libertarian system under the guise of preferring either liberty of the majority or the liberty of minorities. In such a struggle, it becomes clear what the role of opacity is in the struggle. Opacity leads to confusion, and this favors the cause of those who wish to limit liberty (89).

Needless to say, the ruling classes of the current era favor the nonlibertarian solution. Furthermore, the role of opacity in obscuring communication along with analytic and strategic thought looms even larger because of the shift from logocentric consciousness to iconocentric consciousness.

While far from resolved, trends and developments in the first decade of the twenty-first century favor the nonlibertarian solution. Police state controls, pervasive surveillance, and mass incarceration grow apace in the United States. At the same time, the U.S. military spreads war, terror, and torture in a desperate attempt to maintain its elites and their influence over the rest of humanity.

The Risk Society

The Trinity explosion began the risk society on July 16, 1945, in the *Jornada del Muerto* (Journey of Death) desert near Almogordo, New Mexico. It was the first test of the atomic bomb. Three weeks later, on August 6, 1945, the United States used another atomic bomb to destroy the city of Hiroshima, and three days after that, a third bomb blasted Nagasaki.

Ulrich Beck (1986) popularized the term "risk society" to describe a social shift from the past when the main hazards faced by humans came from the natural world. In the new social world, the main hazards are from human products. Beck proposed five principles of the risk society.

First, risks threaten systemic and irreversible harm. Most hazards, according to Beck, used to be personal, whereas in the risk society they are global. Furthermore, they are often beyond ordinary direct detection. For instance, in the case of nuclear explosives, much harm comes from invisible radiation. Beck gave the example of odors in medieval cities as

the old style risk: "[H]azards in those days assaulted the nose or the eyes and were thus perceptible to the senses, while the risks of civilization today typically *escape perception* and are localized in the sphere of *physical and chemical formulas*"(21). Beck's bad history and bad science on this last point are addressed below.

The second of Beck's principles refers to a boomerang effect of risks. Accordingly, those social strata that initially benefit from producing risks eventually turn back and threaten them (23). Genetically modified food might exemplify this proposition as the U.S. corporate leaders who profit from the products may one day find themselves eating the hazardous food they produce. This second principle also relates to the global character of modern risks, a communality of fear and insecurity (Van Brunschot, Gibbs, and Kennedy 2008:29).

Third, modern risks create a positive feedback loop in which risks create more risks. Modern risks are infinite and create infinite demands for reducing them (Beck 1986:23). Risk management has become profitable with the ever-expanding market.

Fourth, risk has become the arbiter of social stratification, replacing the old class and status system based on unequal distribution of scarce resources. In this view, danger, not scarcity, determines social position and relations. Moreover, knowledge of risks has become commodified, a commodity not everyone can afford, because so far as scientists do not recognize risks, they do not exist as social artifacts (Beck 1989:100). This means that scientific risk experts have a monopoly on defining what dangers society contains. Those who lack technical expertise must rely on those who have it, thus removing much of the critical discourse about risk from popular politics (1986:71–72).

Fifth, risk pervades public spaces. Private security measures have increasingly replaced public safety. This point relates to social stratification, as those lower in the social order must rely on more on public space and public safety.

These five principles operate as propositions in Beck's theory of risk. They ignore historical reality. Each one makes an invalid distinction between archaic kinds of risks and modern risks. Beck's example of medieval odors neglects the fact that odors, though noxious, are not dangerous, whereas a good many serious health hazards provide no direct sensory evidence. Moreover, medieval hazards were no less systemic or global. The Black Death of the fourteenth century, which devastated Europe, came from Asia. The plague bacillus is not directly detectable, and even if it were, the public consensus did not have a germ theory of disease (Slack 1988). The Black Death tended to strike differentially—according to social stratification. The wealthy and mobile were more able to escape than impoverished masses

as recounted by Chaucer. Each of Beck's five propositions suffers from similar fatal weaknesses. Therefore, why did his risk society thesis gain so much intellectual purchase? The answer lies in his political economic theory.

Beck's political economic theory is anti-Marxist and neoliberal, with neoconservative implications. He revealed in his argument that the risk society "*set [people] free* from the social forms of industrial society . . . just as during the Reformation people were 'released' from the secular rule of the Church into society" (Beck 1986:87). He outlined his political economy in seven theses. First, welfare states of the West dissolved "class culture and consciousness, gender and family roles." This brought on "a *social surge of individualization*" (87); second, "ties to a social class recede mysteriously into the background. . . . Status-based social milieus and lifestyles . . . lose their luster"; third, "[t]his tendency to the 'classlessness' of social inequality appears as a textbook example in the distribution of mass unemployment" (88); fourth, "[t]he 'freeing' relative to status-like social classes is joined by a 'freeing' relative to *gender status. . . .* The spiral of individualization is thus taking hold *inside* the family"; fifth, "as industrial society triumphs, it has always promoted the dissolution of family morality, its gender fates, its taboos relative to marriage parenthood and sexuality, even the reunification of housework and wage labor" (89); sixth, "[t]he place of hereditary estates is no longer taken by social classes. . . . *The individual himself or herself becomes the reproduction unit of the social in the lifeworld. . . .* What the social is and does has to be involved with individual decisions"; seventh, and finally, individualization becomes "a historically contradictory *process of socialization* . . . social movements and citizens' groups are formed in relation to modernization risks and risk situations" (90).

In sum, Beck confused class and status, offering a bizarre mix of classical-political economic theory derived from Smith and Ricardo with a social phenomenology based on Husserl and Schutz. Beck offers a version of Francis Fukuyama's end of history thesis (1992), with its grounding in Alexander Kojève and Leo Strauss' neoconservatism (Derrida 1993). The popularity of Beck's concepts goes hand in hand with the neoliberal bent of the late twentieth century and its neoconservative culmination in the beginning of the twenty-first century. Nonetheless, the concept of risk has its utility in analyzing contemporary social trends. The British anthropologist Mary Douglas developed her concepts of risk about the same time as Beck, but with greater relevance to social reality.

Mary Douglas prefaced her 1992 collection of essays, *Risk and Blame,* by saying "The day anthropologists give up their attempt to ground meanings in politics and economics will be a sad day" (ix). In the modern contemporary world, "[w]e have disengaged dangers from politics and

ideology, and deal with them by the light of science" (4). As Douglas goes on to show, before we moderns in industrialized societies become blinded by complacency about our superior intellectual grasp, it would be well to examine how we, in fact, bend science to the same political and ideological uses as the taboo-thinking of people from other kinds of societies and other times. Different types of cultures offer three different kinds of explanations for misfortunes: the morality of the victim, the work of individual adversaries in the same society, and the work of outside enemies. The kind of explanation and a society's system of justice "are symptoms of the way the society is organized" (6). In complex, modern, industrialized societies, people use all three kinds of explanations, sometimes even for the same misfortune. Such societies are not governed by rational, scientific dedication to projects designed for the common good; occasionally a bit of such an orientation creeps into public policies. As Douglas pointed out, the taboo-thinking linking danger and morals did not come from lack of knowledge. "Knowledge always lacks. Ambiguity always lurks . . . there are always loopholes for reading the evidence right." Science has not banished the urge to dominate; industrialization has not deconstructed the rhetoric of fear and danger (9). The kinds of dangers identified and the people deemed dangerous reflect social structure and the values that sustain it. The elite always have right on their side; the marginalized are always to blame.

The reintroduction of the concept of risk may have to do with the revival of laissez-faire economics (Lowi 1990). The new meaning of risk, however, differed from the one prevailing when laissez-faire economic theory was new. Then, it meant great chance—the possibility of great gain or loss. Currently, in the sense developed by Beck, usage restricts it to hazard or danger. Meanings, especially of index concepts like "risk," change as the momentum of interlocutors shift with respect to the fulcrum of social change. These debates often pertain to investments in new technologies, decisions to invade, refuse immigration, or to license or withhold consent (Douglas 1992:24). The modern, Beckian concept of risk helps protect vested individualized interests in an individualistic culture such as that of the contemporary United States with its expansive capitalist enterprises (28). Along with risks comes blame. Lately, the blameworthy look like foreigners who hail from oil-rich territories coupled with marginalized, redundant minorities and impoverished Whites in U.S. urban and rural ghettos. Timothy McVeigh joins Jose Padilla, Willie Horton, and the Saudi hijackers of 9/11.

Moral Fears

Building on the seminal work of George Herbert Mead and Georg Simmel in the first decades of the twentieth century, some social scientists

developed an analytics that focuses on social transactions or interactions. Some of the best-known work coming from these interactionists pays special attention to deviance. Deviance refers to people and their acts falling outside of norms. Erving Goffman, in his study of social stigma, identified encounters between normals and deviants as constituting a "primal scene of sociology" (1963:13). It is primal because the encounter makes visible a founding moment of society; their mutual discomfort shows what most routine encounters obscure. Not knowing what another person might do makes every social encounter a potential danger, as in the incident when a distraught tenant shot at Georg Simmel as he approached a property he was managing for his uncle (Frisby 1992:103). A society's moral system offers a general framework for evaluating other individuals, and its norms offer behavioral rules for social encounters. Violations of the rules create deviance, and those whom others perceive as engaging in the violation become deviants.

Critics of the interactionist approach say that it only provides microsociological accounts without connecting interpersonal, small groups to larger, macrosociological concepts. While much interactionist work focuses on microinteractions, its explanatory power connects with macrosociological processes. In her comparative examination of French and U.S. cities, Sophie Body-Gendrot argues for just such a link between quotidian life in urban settings and globalization. She relies on the concept of fractals or Mandelbrot sets, named after the mathematician Benoît Mandelbrot. As Body-Gendrot explains, fractal figures have parts that are the same shape as the whole but on a different scale. She claims that the fractal concept is more than just a metaphor; it defines a model for social organization. "It seems that our current societies are undergoing the same process of differentiation leading to continuous fractalization and to the same unbalance, 'chaotic order,' and constant readjustment" (Body-Gendrot 2000:21). The fractal model harks back to Simmel's determination to found a sociology around the concept of social forms (Simmel 1950:40–57). In a similar manner, I argue that interactionist concepts are useful in helping explain the epochal change in social organization and the current chaotic interlude before new world systems emerge.

In his investigation of such deviants, or "outsiders," Howard Becker observed that the legislation of rules does not fall from the sky; it is the work of what he propitiously called moral entrepreneurs. Their prototype is the crusading reformer (1973:147). Upon the institutionalization of new rules, rule enforcers police them (155). Becker's structural analysis of deviance has borne fruit in case studies, such as Joseph Gusfield's on temperance (1963) and drunk driving (1981) and Stephen Pfohl's on child abuse (1977) to cite some of the better known ones. Studies of deviance,

or as Alexander Liazos (1972) sardonically remarked, "nuts, sluts, and perverts," often abstracted the deviance process, and therefore neglected the context of social struggle. The kinds of people and milieus tend to be the detritus of profound, and often violent, social conflicts (Piven 1981), the walking wounded. As Becker pointed out in his original analysis, moral entrepreneurs, moral interpreters, and rule makers are not drawn from hoi polloi; they are, or represent, societies' elites. Deviance is not conferred by just anyone, but by those who have the greatest stake in either keeping the status quo or sometimes moving it backward to a previous one. The better students of deviance recognized this fact all along. Deviance making is an exercise in social power, to keep it or get more of it. Stanley Cohen (1980) introduced the phrase "moral panics" to designate the construction of a moral state of emergency as part of elitist power strategies, which called for quick social rule making and rectification of class boundaries. Dario Melossi specified the historical sequence and class conflict context for such moral panics.

Melossi reinterpreted Rusche and Kirchheimer's classic *Punishment and Social Structure* (1939) to account for U.S. criminal justice policies and practices since 1970. His thesis states that criminal justice becomes harsher when elites believe the working class is gaining political and economic strength. The elites respond as if this presented a moral crisis in society.

> [L]abor insubordination tends to be interpreted by moral elites as an aspect of general moral malaise of society. . . . Agencies of social control . . . react to what they perceive as a moral crisis without necessarily being cognizant of the more immediate economic aspects of the crisis. . . . Therefore, following social situations during which elites see their hegemony challenged, two things tend to happen simultaneously, apparently linked only in the murky atmosphere of a "public mood": people work harder for less money, and prisons fill beyond capacity.
>
> (Melossi 1993:266)

Writing in 1993, Melossi limited his interpretation to the cycles of capitalism that go through periods of waxing and waning working-class strength. It is easy to expand his thesis. Instead of assuming the objectivity of a moral crisis, the morality crisis of the 1960s came from the elite's reaction to working-class strength of the postwar period. The same pattern of harsher state controls can apply to the current crisis of capitalism; in this case, it is not so much the strength of the working class as the profitability squeeze. The elites create a moral crisis that takes several forms and replicates the three kinds of reactions to danger that Mary Douglas identified. First, outsiders, the impoverished, and economically dependent are blamed for their own moral failings. As Reaganism and Thatcherism

attacked welfare in the United States and Britain, in other countries, elites stirred up nativist reactions; second, while the welfare state shrunk, tending more toward a regulatory state (Braithwaite 2000; Rose 2000), redundant and dependent populations were demonized and dangerized (Lianos and Douglas 2000); third, terrorists became a new outside enemy. Terrorism replaced communism as the gravest threat to the capitalist world order. National moral panics and the moral crusades against a variety of deviants reflect the larger crisis of the world capitalist system.

Modern Capitalism and Its Crises

Modern capitalism is industrial capitalism. It originated with the industrial revolution and the national revolutions in America and France at the end of the eighteenth century. Chapter 2 briefly traces its history to its collapse in the twenty-first century. Marx's analyses of capitalism contain two features salient to current and future social trends. First, capitalism depends on continual change, like a shark that must keep moving lest it drown. The point is captured in the following extracts:

> The bourgeoisie cannot exist without constantly revolutionising the instruments of production, and thereby the relations of production, and with them the whole relations of society. Conservation of the old modes of production in unaltered form, was, on the contrary, the first condition of existence for all earlier industrial classes. Constant revolutionising of production, uninterrupted disturbance of all social conditions, everlasting uncertainty and agitation distinguish the bourgeois epoch from all earlier ones. All fixed, fast-frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away, all new-formed ones become antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned, and man is at last compelled to face with sober senses his, real conditions of life, and his relations with his kind.
>
> ***
>
> The need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe.
>
> ***
>
> The bourgeoisie has through its exploitation of the world market given a cosmopolitan character to production and consumption in every country.
> (Marx and Engels 1848:207)

The second salient feature of capitalism is its falling rate of profit (Harvey 2005). The more the capitalist system functions over time, the smaller will

be the rate of profit (Marx 1894, vol. 3, part III). When the overall rate of profit approaches zero, the moving shark of capitalism stalls and drowns.

Throughout the nineteenth century, capital expanded in Western Europe and North America mainly by exploiting domestic markets. A crisis struck toward the end of the nineteenth century leading to changes in the system. Domestic markets alone, especially in Europe, declined in profitability; competitive capitalism gave way to monopoly capitalism and imperialism (Lenin 1917); capitalism revitalized itself by monopolistic consolidation and neocolonialism in Africa, Asia, and the Pacific.

The next crisis occurred in the period of 1968–1973. It was simultaneously an economic crisis brought on by rising wages and costs coupled with a political crisis. The uprisings of 1968 in Chicago, Mexico City, Paris, Prague, and other locations around the globe signaled the political part of the crisis. Capitalism once again found a solution in a reaction against the political demand, followed by what has come to be called globalization. Globalization brought modern capitalism to the least developed parts of the world, and invaded countries and regions that had called themselves communist, notably China, Eastern Europe, Russia, and Vietnam.

Reaganism and Thatcherism, neoliberal economics, and neoconservative politics replaced the liberal consensus that has governed the West since 1848. "The cultural shock of 1968 unhinged automatic dominance of the liberal center. . . . The center abandoned the theme of developmentalism . . . and replaced it with the theme of globalization" (Wallerstein 2004:85–86). Without ascribing causative force, the attacks of September 11, 2001 (from here on 9/11), marked the end of the modern era and the beginning of postmodernity. As the capitalist world system founders, a chaotic period has ensued, marked by wild fluctuations in all institutions, acute speculative pressures in the world economy, and outbreaks of violence, which do not surrender to conventional exercises of force by the leading imperialist states (87). The political-economic system of capitalism, which had come to dominate the world since its beginnings in the late eighteenth century, faces its death in the early years of the twenty-first century. At the same time, communication, culture, and consciousness have been changing at an accelerating pace in which the millennia-old reign of Logos is replaced by a new form, *Iconos*.

Spectacles and Icons

Historically, writing, laws, and the state coemerged. As bureaucratic social organizations, states need record keeping for such vital concerns as taxation. Keeping fiscal and similar records typically intertwined with religious applications. The ancient empires—Egyptian, Mayan,

Mesopotamian, Indus and Ganges in India, and Chinese—exhibit writing systems that recorded matters of the heavens, conquests, successions, and similar imperial events, along with fiscal and administrative matters. These early imperial states often published written laws regulating all manner of life within their territorial purview. Consolidation of the state political form was logocentric from its beginning. Eric Havelock (1963) and Harold Innis (1950), among others, discussed the transition in ancient Greece from a dominant performative communicative form, Mythos, to a lexical one, Logos. The polis came to dominate the Greek political world along with Greek alphabetic writing. Formerly dominant performance, rather than suffusing all social institutions, became increasingly circumscribed into theater and, especially in Athens, political decision making and economic exchange in the agora.

Just as the state and writing go hand in hand, early capitalism and printing appeared in Europe at about the same time. In the waning years of the fifteenth century, three technologies loosed the capitalist form on the world: moveable type, double-entry book keeping, and navigational and sailing ship refinements. Printed books and documents came from moveable type. The ability to record investments and returns by bookkeeping was essential for tracking the lifeblood of capitalism—profit. Improved navigation, charting, and sailing made possible exploration and trade with Asia and Africa and also the exploitation of the Western hemisphere. The last greatly enlarged the European money economy making possible expanded trade with Asia.

The advent of modern industrial capitalism injected the commodity form into social relations. By the middle of the twentieth century, Guy Debord argued that the society of the spectacle prevailed. His argument proceeded as follows. First, societies where modern production prevails present a massive accumulation of spectacles. "All that once was directly lived has become mere representation. . . . The spectacle is not a collection of images; rather, it is a social relationship between people that is mediated by images" (Debord 1967:12). These mediating spectacles are signs of capitalist production. "The spectacle is *capital* accumulated to the point where it becomes image" (24). The society of the spectacle occurs when "the commodity completes its colonization of social life" (29). Debord relied heavily on Marx, especially Chapter I of *Capital* (1867). The same basic insights are found in Simmel's *Philosophy of Money* (1900) and the widely anthologized "Metropolis and Mental Life" extracted from that larger work (1950). David Frisby (1992:167) quoted Christoph Asendorf (1993:95) as saying, "[p]reviously trusted things have become a plurality of commodities, about which one can relate nothing since they have no

history." Following Debord, Marx, and Simmel, the history of modernity is the history of the commodification of all social relations.

Freud and George Herbert Mead claimed that the ego, or I in the case of Freud and the self for Mead, came from social relations. For both, those relations are mediated by signs. "[T]he character of the ego is a precipitate of abandoned object cathexes" (Freud 1923:19). "So the self reaches its full development . . . by thus becoming an individual reflection of the general systematic pattern of social or group behavior . . ." (Mead 1934:158). This line of thought together with the argument from Debord means that modern persons depend for their identities on commodity relations, which are disguised and occluded social relations in a capitalist system of production.

Communicative forms began breaking away from the logocentric mediation by verbal symbols, during the twentieth century, accelerating with the advent of television midcentury. Instead of verbal symbols, images took over more of the communicative load. By the end of the century, images began to edge out words. The iconic relation, where the sign is based on resemblance, brought people into the age of the iconocentric. This development appears on the millions of computer screens that are dominated by icons. Social relations, already commodified, became image based. The shift from the modern to the post modern is a shift from logo-centrism to iconocentrism.

Controlling the Masses

Elites have the upper hand despite their small numbers, because they can control the masses. Through the ages, they have relied on their position to shape and direct essential social institutions—the economy, politics, education, and so on. One of the most powerful of those institutions has been the state.

One view of the state emphasizes its role as arbiter. This Lockean kind of idea underlies the rationale for late modern neoliberalism. Conceiving of the state as arbiter limits its legitimate function to offering institutions for dispute resolution. To varying extents, political elites during the period of liberal consensus—from 1848 to the late twentieth century—subscribed to this viewpoint. From time to time and place to place in the developed world, versions of more leftist orientation led to more social democracy and culminated in the welfare state in Europe and, to a lesser extent, North America. When the ideology of the liberal consensus began to unravel in the 1970s, the liberal consensus turned into neoliberal regulation.

Always operating alongside the arbiter perspective, the other ideological orientation about states took the Hobbesian approach. This viewpoint treats the state as the ultimate power. There are left versions of this. Among them, social theorists such Pierre Bourdieu, Foucault, and Habermas take a realist position. They critically analyze state power and, to some extent, discuss ways to limit it. Those of right political orientation take an apologetic stance regarding state power. Neoconservative spokespeople went beyond apologias; they celebrated state power, advocating its extension into imperialistic adventures.

States rarely exercise power without institutionalizing it under law. The liberal governments Antonio Gramsci analyzed used their power as hegemonic control. As opposed to authoritarian control, hegemony depends on maintaining widespread consensus. It does so by relying on the state's role as arbiter. Instead of using forceful state apparatuses such as police and armies, the hegemonic state relies on setting the ground rules for what counts as truth, value, and legitimacy. Relatively subtle adjustments in law and other regulatory functions ensure continued elite supremacy while still keeping support of the masses.

Historically, the interwar period introduced a hiatus in the hegemonic development of the liberal state. Assorted authoritarian regimes arose. Fascist Italy, Nazi Germany, and the Stalinist Soviet Union exemplify them. They use two tactics. They terrify the masses with threats of enemies, both internal and external. To escape the monsters underneath the beds and the barbarians at the gates, the masses allow the state extraordinary power over themselves. In the United States, this tactic reveals itself as the promotion of the dual fears of crime and terrorism (Altheide 2002, 2006, 2009a).

The other tactic uses the machinery at the disposal of the state for direct physical control. Domestically, they increase police state tactics. Outside the metropolis, the massive armamentarium extends control by military force. The invasions of Afghanistan and Iraq are part of the second tactic. Twenty-first century imperialism of this kind serves the same purposes as the military exercises used during the period of neocolonialism when Britain, France and, to a lesser extent, other capitalist states, extended control over markets and resources in Africa, Asia, and the Pacific. Fear and force operate in tandem to sustain the elites of the capitalist center in the United States, its Anglophone associates, and other capitalist centers in Europe and Japan.

Law and Terrorism

The United States has built the largest counterterrorism establishment in the world. It dates from the early 1980s when the first federal

counterterrorism laws allowed the military to chase enemies anywhere on earth so long as they called them terrorists. After 9/11, the apparatus expanded with a massive reorganization of government agencies to go with military adventures and invasions. Other Anglophone, metropolitan countries, especially Great Britain and Australia; followed suit. In these countries, the counterterrorism apparatuses depend on laws and legal rationales. These legal structures contrast with regimes using authoritarian and customary methods. Countries such as Indonesia, Saudi Arabia, and Syria do not put so fine a point on repressive measures as those where the common law offers a modicum of protection against state power.

Within the United States, a new government agency took over many internal control functions by absorbing formerly independent agencies such as the Immigration and Naturalization Service, which became Immigration and Customs Enforcement (ICE) under the Department of Homeland Security (DHS). Apparently lacking either a literary or historical sense of irony, U.S. legislators and bureaucrats missed the allusions to Kurt Vonnegut's *Ice-Nine* (1963) or the Nazi RSHA (*Reichsicherheitsamt*), the central security apparatus of the SS. Other agencies and functions retained their independence like the FBI or turned from mainly foreign activities such as the National Security Agency (NSA) to devote more of their energies to surveilling Americans.

Carrying out the counterterrorism legal mandate in the United States has taken the form of rounding up the usual suspects. A swarm of investigations led to a string of prosecutions, resulting in few trials and convictions, many of which count as ludicrous while others are more tragic. John Walker Lind and Jose Padilla fit in the tragic category. Among the outrageous are the Lackawanna Six (Temple-Raston 2007), the Fort Dix case (Belczyk 2009), the so-called Virginia paintball terrorists sentenced to 15 and 20 years respectively (Fox News 2004), and the plight of Sami Al Arian (Shaulis 2008). The Detroit case, in which most convictions were reversed (Detroit News 2004), is somewhere between outrageous and just plain ludicrous as is the alleged plot to blow up the Sears Tower, which has yet to result in any convictions although federal prosecutors plan a third trial (*New York Times* 2009a). The case of Steve Kurtz almost fits in its own category as unbelievable unless one accepts the notion that the world is a very different place than most people think. He is an artist and art professor prosecuted for art terrorism (Duke 2004; *New York Times* 2008).

Because of its reliance on legal justifications, counterterrorism policies and practices by the United States government encountered jurisprudential resistance. Various attempts to resist through legal means have used the Anglo-American traditions with their tools to limit state power, though a few recent court decisions affirmed basic rights. Despite some legal

victories, the state remains the main actor in this type of social control. All others react to it.

Terror, Law, and Torture

As a generalization, states using torture also generate terror laws, often called anti- or counterterrorism; the United States is a case study of the phenomenon. Since the end of the Second World War, the United States developed torture expertise along with cadres of trained personnel. During the Cold War, it exported torture to allies and proxy regimes. In the last decades of the twentieth century, crime hysteria and an expansive crime-control apparatus prepared the U.S. populace to accept torture. The current war on terror combines U.S. imperialism and racism with an ideologically prepared population and laws and organizations enabling the use of torture. Other states using torture may differ in historical particulars, but the generalization appears to hold, as it derives from expanding state control.

Recent revelations emanating from a variety of U.S. government agencies and affiliated private organizations reveal their use of torture in connection with the Global War on Terror, GWOT in government-speak. The manner of the revelations suggests torture is something new. It is not.

The United States is a torturing nation. During the colonial era and the early republic period, America relied on torture as a way to control the indigenous population, convicts, indentured servants, and slaves. Once established in the nineteenth century, municipal police forces used torture as part of interrogations—the so-called third degree. After the Second World War, the U.S. military and intelligence agencies developed torture techniques and mind control as part of clandestine Cold War tactics. The techniques were exported to authoritarian regimes, especially in Latin America, via the School of the Americas training center.

Although most commonly associated with interrogation, torture serves other purposes also. Deterrent torture discourages (or encourages) a population regarding certain activities. Before the Civil War, owners encouraged work by torturing slaves; after the Civil War, the freed slaves were discouraged from seeking betterment through torture and lynching. Another effect of torture aims at dehumanizing the victims to turn them into docile creatures. Simultaneously, it dehumanizes the torturers by brutalizing them. Deterrent and dehumanizing tortures represent concomitant forms of terrorism. Imperialistic enterprises have relied on torture historically and in the present. It is not, therefore, accidental that reports of torture arose with the so-called counterterror wars against Iraq and Afghanistan. Torture remains part of the imperialist toolbox.

Although the use of torture diametrically contradicts basic humanistic ideals of democracy—the Anglo-American legal tradition and what is promoted as Americanism—public opinion in the United States generally supports its use. Torture has a certain populist appeal. Lynching was a populist practice, usually accompanied by torture. The widespread use of torture accompanying public executions under the Ancien Régime in Europe also attests to its popular appeal. American public opinion in its support draws on populist thirst for revenge and retribution.

Increasingly, documentary evidence shows that the G. W. Bush regime planned the use of torture. The intelligence agencies employed torture for all their main purposes—interrogation, deterrence, and dehumanizing. The political leadership relied on its populist appeal. While abjuring the former regime's torture policies, the Obama regime has avoided investigations and prosecutions. There remains a question about whether the practice has stopped.

Camps, Gallows, Ghettos, Gulags, and Prisons

Spatial restriction of targeted, marginalized populations is not new. Jewish ghettos had a long history in Europe before the Nazis established new ones as part of the *Drang Nach Osten*. Residential segregation grew in U.S. cities during the twentieth century. Lagers or concentration camps made their first appearance in the United States with Indian reservations (Biolsi 2007). As a number of historians and social analysts have pointed out, prisons are a phenomenon of industrial capitalism.

Despite its motto as the land of the free, the United States today is the most incarcerating country in the world by a wide margin and may even hold first place in human history. Critiques of this mass incarceration point to multiple causative factors that have been interacting over several decades. In keeping with that multiple causation, contemporary mass incarceration in the leading capitalist society reflects a set of confluent social and cultural trends of late- and postmodernity.

Almost half of those currently imprisoned in the United States are African American, and most of them lived in the urban ghettos. The same holds true for other sequestered minorities, such as Latinos and Native Americans. The pattern suggests a conduit from ghetto to prison, greased by carceral practices in state apparatuses of control but made possible by the overall workings of the political economy that made those populations marginal and redundant in the first place.

Another means of control does not use direct physical restraint. People on probation or parole, along with illegal aliens not captured by immigration authorities, make up a subpopulation whose mobility is not curtailed

but restricted. The rest of the population in the United States is subjected to increasing degrees of surveillance.

The mobile–but-surveilled majority face a barrage of electronic devices. National intelligence agencies in the United States use a variety of techniques for eavesdropping. Cameras are coming into greater use. They already surveil most public places in urban Great Britain. In a sense, this mass surveillance reproduces the surveillance under the French Ancien Régime, except that instead of informers, the current approach relies on electronics. Another comparison is that of the German Democratic Republic during the Cold War with its STASI and their use of hundreds of thousands of informants.

Meanings of Capital Punishment

Persistence of capital punishment in the United States in the face of its abolition in most of the developed world offers a glimpse at the importance of fear by control agents. Most countries in the world have abolished capital punishment. Many others have restricted it to exceptional crimes. Only a few, including the United States, still execute. With the possible exception of China, where the actual number of executions remains uncertain, the death penalty cannot serve instrumental goals (Garland 2005). Studies have shown it has no deterrent effect, and precise talion retribution has always been impossible. Its main function is expressive.

China, Saudi Arabia, and the United States are among the most prolific executioners. Capital punishment has different expressive roles in these countries according their different cultural traditions. In China it demonstrates the importance of social cohesion. Chinese predominantly view it in terms of deterrence, both general and specific including death as incapacitation (Ho 2005; Jiang et al. 2007; Liang et al. 2006). In Saudi Arabia, it supports a religious and traditional autocratic regime, and in the United States, it serves as a form of revenge and terror.

Capital punishment has long been a form of state terror. The term "terrorism" is often traced to *la Terreur* of the French Revolution. Robespierre and Saint Just, both opponents of capital punishment generally, nonetheless led the terror and explained its necessity. After the counterrevolution of Thermidore, the White Terror terrorized the masses whereasthe Red terror (la Terreur) terrorized the aristocracy. (Mayer 2000).

Another famous historical episode of state terrorism came out of the Bolshevik Revolution. First, the various parties involved in the postrevolutionary civil war used terror. Then, Stalin used legalized terrorism to

consolidate his power in the 1930s purges (Mayer 2000; Overy 2004; Thurston 1996).

Following the Chinese Revolution of 1949, Mao started the Cultural Revolution to eliminate vestiges of feudal hierarchy. Although the continued control of the Cultural Revolution by Mao and the party leadership remains disputed, in practice, terrorism was widely employed, including capital punishment. With the capitalist counterrevolution, the government leadership has used capital punishment to manage a potentially explosive social situation (Lu and Zhang 2005).

Religious rationales for capital punishment can be traditional, as in Saudi Arabia, or vengeful as in the United States. Traditional Koranic justice underpins the Saudi monarchy. In the United States, an overwhelmingly Christian country both socially and culturally, capital punishment fulfills a fundamentalist creed. It also serves to terrorize marginalized populations as did lynching. In both religious and terroristic uses, it retains popular support (Lifton and Mitchell 2000; Sarat 2001).

Even in abolitionist countries, public opinion still favors it. The history of abolition in Europe reveals the relation most clearly. Before its abolition, the public generally supported it; after its abolition support gradually declined (Zimring 2003). In Latin America, where the death penalty has been abolished longest, public opinion is nearly split (Briceño-León, Carmadiel, and Avila 2006). In contrast, public opinion in retentionist countries, including the United States and China, shows two-thirds to three-fourths in favor of capital punishment. Laws, politically framed discourses, and public policy shape, channel, and articulate public opinion thereby giving form to the meaning of the death penalty.

The Emergence of Iconocentric Dominance

Coupled with an epochal shift in the central and hegemonic political economy from capitalist to a postcapitalist world system, a revolution has begun to occur in communication and consciousness. This revolution shifts the form of communication from one that is logocentric, mainly represented by print, to one that is iconocentric, representation via images. Iconic representation refers to what C. S. Peirce identified as a kind of sign relation. He distinguished it from two others: the symbolic and the indexical (Deledalle 2000; Peirce 1960). This Peircean semiotic meaning of iconic representation differs from, but, to a degree, overlaps with the meaning of iconic associated with religious icons. In the overlapping area of meaning, analysis of the Biblical injunction against icons and iconoclastic movements throughout history present opportunities to link iconic representation with social changes.

A number of thinkers have noted changes in communicative technology. Perhaps the best known is Marshall McLuhan (1964; McLuhan and Fiore 1967), but he was preceded by his mentor Harold Innis (1951) who was contemporary with the classicist Eric Havelock. All three argued for a link between communicative technology and changing social relations, cultural forms, and consequently, changes in collective consciousness.

The argument begins with Havelock's (1963, 1983) analysis of ancient Greek culture. He said that sometime in the seventh century BCE, Greek communication and thought shifted from one grounded in mythos to one built around logos. Mythos was a performative kind of thought and communication, which depended on presence. Logos was associated with writing. It allowed for increasing abstraction. Printing ushered in another era with attendant changes in communication, thought, and society. As McLuhan famously pointed out, the advent of electronic media in the twentieth century not only changed the way modern peoples communicate but also think. The electronic media's pervasiveness has mediated all other forms of communication (Auslander 2008), and therefore, all social intercourse and social relations. Finally, computerized electronic communication began the process whereby the logocentric mode of communication and thought gives way to the iconocentric—an image-based mode.

Therefore, twenty-first century postmodernity portends not only a postcapitalist world but also a postlogocentric one—an iconocentric world. These two shifts—the end of the capitalist world system and the end of logocentrism giving way to iconocentrism—mark the postmodern era in all social and cultural areas.

Such enormous changes would presumably produce generalized and diffuse anxieties, which people often displace onto more manageable and concrete entities—scapegoats of all kinds. Powerful elites use these anxieties; they magnify and exacerbate them for control of the masses. The ensuing period of chaos predicted by world-system theory may well lead to an oppressive future system, a police state style dystopia. There are, however, discourses of liberation that work against that eventuality. Those discourses use tools that heretofore mainly belonged to ruling elites. They rely on the broad ground of popular culture and will have to include increasing deployment of icons. The recent history of shifts in the arts and humanities provide a sense of direction for discourses of liberation.

Modernism to Postmodernism and beyond

Modernism should be distinguished from modernity. The latter refers to a period of social arrangements and technological developments beginning

roughly with the twentieth century. Modernism, on the other hand, takes in cultural developments in the arts and humanities.

As cultural artifacts, the arts offer texts for nondiscursive reading. More subjective and context dependent, they yield differing perspectives on social realities. By adding perspectives, they permit more complete, and often more profound, analyses when coupled with traditional discursive sources. The arts represent social trends even as they contribute to shaping them. Historically, the arts have represented social trends before sociological discourses have reported them (Best and Kellner 1997 citing Shlain 1991; Jameson 1981).

Modernism and postmodernism have a number of different meanings. In part, the differences arise from disciplinary orientations. They also depend on interpreters' ideological orientations. Modernism usually refers to the cultural aspects of modern times. The beginning and end of the modern period reflects different interpretations including those of history, philosophy, and the social sciences. Different meanings of modernism give way to an array of different meanings of postmodernism. Some interpreters deny the very existence of postmodernism. For the purpose of this book, modernism refers to cultural developments since the late nineteenth century. Impressionism in art and music, realism in literature, and Nietzsche in philosophy signaled the coming of modernity in the twentieth century. Representative developments in other areas include relativity and quantum mechanics in physics, psychoanalysis, extensions of suffrage, and the establishment of sociological studies as an academic discipline.

Just as modernism in the arts anticipated modernity, so postmodernism has anticipated postmodernity. For example, some analysts locate the earliest signs of postmodernism in the architectural trends of the 1950s. In other respects, many analysts cite the 1950s as high modernism, giving the term postmodern to aesthetic and philosophical trends and developments after 1968. The argument of this book places signs of postmodern innovations in cultural practices beginning in the 1970s, and increasingly so in the following decades, to the end of the twentieth century. Postmodernity, in contrast, refers to the period roughly beginning with the twenty-first century and coincident with postcapitalism.

Opportunities for Liberation in Chaotic Interregna

During the periods of chaos between the end of one dominant world system and the emergence of another present opportunities for liberation from repression. Repression is used in two different contexts. One is psychological, the Freudian kind of repression, and the other is political. Links are possible through the thought of Freud and Marx. In both, the

Freudian and Marxian sense, consciousness liberates decision making. Without consciousness, people are driven by forces outside their control. Unconscious impulses play the role on the psychological plane; propagandistic manipulation does it on the political. Liberation from both kinds of control calls for increased consciousness.

During periods of chaos, such as that beginning in the twenty-first century, strange attractors can produce a butterfly effect. That is, relatively small factors in initial conditions can produce great effects in a succeeding system. That possibility makes attempts to gain freedom from domination and achieve greater consciousness more possible. It also makes it more likely to affect future social conditions (Kellert 2008).

Late modern repression has taken several different but related forms. One is based on the actuarial society. The actuarial approach is a way to calculate risk and take steps to reduce its extent (Feeley and Simon 1992). The other form is the control society. That approach uses techniques and tactics to control mass societies. These include, but are not limited to, physical force, propaganda, suppression of information, and obscurantism.

Fighting against both forms of repression entails getting one's hands dirty. The sociologist of work, Everett C. Hughes (1958), spoke of the need for social researchers to get their hands dirty by direct observation of social acts and social relations. Jean-Paul Sartre (1948) used the dirty hands motif in a different context, that of the revolutionary. In both cases, greater consciousness, analytic understanding, and political praxis require involvement in social realities. Dirty hands also can imply a burden of guilt, as in Žižek's (2008a:c.5) discussion of Leninist versus Stalinist objective guilt. Intellectuals play a vital role in liberation. Albert Camus authored one of the noteworthy discussions of that role in *The Rebel* (*L'Homme Révolté* 1951), in which he argued, *pace* Descartes, I rebel, therefore we are.

Many of today's intellectuals discussing ways to resist emerged from the crucible of 1968. Among the most notable, discussed in detail, are the relevant thoughts of Badiou, Rancière, and Žižek. Their ideas apply to a newly emerging world proletariat. This new proletariat occupies the favelas and *banlieue* of urban centers in the developing world.

These new proletarians can be mobilized partly through the work of intellectuals who can provide them with deconstructive and subversive discourses. Recognizing the emergence of iconocentric communication and consciousness, subversive discourses of resistance must use the iconic forms.

Structure of the Book

This first introductory chapter gives an overview of the argument of the book. Chapters 2 and 3 lay the theoretical foundations. Chapter 2

reviews the development of the capitalist world system and shows that capitalism as we know it has reached its senescence with its demise already underway.

Chapter 2 also analyzes the development and role of the state in the exercise of social control. It begins with brief critical summaries of thought about the state from Aristotle, to Hobbes and other Enlightenment philosophers, and finally twentieth century analysts like Weber, and Carl Schmitt. Late modern social analysts such as Pierre Bourdieu and his symbolic violence (1997), Michel Foucault's governmentality (1978), and Jürgen Habermas' communicative action (1984) have described state control and offered ways for people to enlarge their freedom from it. The analysis addresses the state as both a political and cultural institution. Gramsci's concept of hegemony is contrasted to the authoritarian regimes of Fascism and Stalinist communism. It explicates strategies of authoritarian control, and shows how the hegemonic approach under current liberal democracies is giving way to authoritarian strategies in advanced capitalist societies, especially the United States and Britain.

The next three chapters address the control of the masses by elites in the late modern era. They offer a review of empirical data. Chapter 4 shows how advanced capitalist states use law to terrorize domestic populations and populations in peripheral areas of the world system. Chapter 5 examines how torture has played a prominent role in terror and control. Chapter 6 looks at physical restraint in the form of capital punishment, ghettos, prisons, gulags, and lagers combined with increasing reliance on technologies to surveil mass populations.

Chapter 7 traces the revolution in communication and consciousness that began around the mid-twentieth century. Using Peirce's theory of semiosis, it shows how civilizations have relied on a logocentric form for two-and-a-half millennia. With the advent of electronic media, especially since the middle of the twentieth century, reliance is shifting to an iconocentric approach. It describes a shift from verbal forms of communication and consciousness to those based on images.

In Chapter 8 the argument turns to the arts. It interrogates the arts to get a better grasp of the function of fear in the changing political economy—showing how the arts reflect and represent common sensibilities, often presenting them in ways not yet articulated by discursive means.

Chapter 9 reviews means of social control over the masses by the ruling elites. It shows how all forms of social control, formal and informal, have resisted liberation. The repressive apparatuses of the state depend on repressive cultural controls. Cultural controls help ensure repression of discourses of liberations. They commonly do not rely on outright censorship;

instead, they use control of mass media and implicit understandings of what counts as credible, and even how credibility is measured.

The last chapter reviews various approaches to fighting against repression. It provides an analysis and critique of several popular ineffective approaches. Then it explicates and evaluates those that hold more promise. The last part of this chapter consists of a conclusion that points the way toward the specific kind of discourses of rebellion needed in the future.

Chapter 2

Capitalism's Collapse

The collapse of capitalism does not presage the socialist utopia upon which twentieth century revolutionaries pinned their hopes. Nor does it mean the end of capital as the basis for the economy. The capitalism that is collapsing is the kind of political economy regnant since the early nineteenth century, centered first in northern Europe, then in the settler states of North America and Australia, and finally in Japan and other parts of Asia. It is the kind of industrial capitalism described and analyzed by Karl Marx and Frederick Engels. Its essential features include free wage labor, private property, and a regulatory state. The successor system has yet to form. That position is up for grabs.

Immanuel Wallerstein (2003) has argued that "[t]he world capitalist system is, *for the first time*, in true systemic crisis" (223). Inherent instabilities in the system caused the crisis. With its breakdown, the longtime dominance of capital no longer sustains a global political economy. The first decades of the twenty-first century, therefore, reflect an age of transitions between systems. With respect to its transitional character, the current period resembles the late fifteenth century. Wallerstein distinguished cyclical rhythms of the system—the boom and bust cycle—that, in fact, maintain its equilibria based on the trends growing out of those cycles. Accumulation of capital defines capitalism; the mechanism for accumulation is profit; costs offset profit. Wallerstein notes three types of cost: labor, inputs and infrastructure, and taxation. "[O]ver five hundred years and across the capitalist world-economy as a whole, the three costs have all been steadily rising as a percentage of total value produced" (226). The repeated crises caused by overaccumulation—resulting in a falling rate of profit—have reached the point where refashioning the system can no longer restore profitability. The falling rate of profit has reached a global and systemic asymptote. Therefore, the current global financial crisis comes from a basic systemic disequilibrium and not cyclical

readjustments, no matter how severe they seemed. The current crisis goes far beyond the Great Depression of the interwar period, or the Long Depression, which began in 1873 and continued through the last decades of the nineteenth century. Increasing productive efficiency through technological innovations—the computer revolution, for example—and the neoliberal offensive of the late twentieth century are but "one gigantic attempt to slow down the increasing costs of production" (226).

Wallerstein explained the causes of the rise in the three forms of cost. The cost of labor rises through workers organizing—syndical action. Traditionally, capitalists have countered this cost in a two-step process. First, they resisted workers directly—often by force—and ultimately, they relied on the state to suppress workers' organizing efforts. The many industrial clashes famous after the Civil War in the United States and other such events continuing through to the Memorial Day massacre at Republic Steel in Chicago in 1937, record this strategy. Eventually, however, this strategy fails because capitalist societies are also mass-based polities. Regardless of how undemocratic a regime might be, workers ultimately get their raises in the face of forceful opposition. The second step in the process to reduce labor costs takes the form of flight. Capitalists move production to lower labor-cost regions. The northeast and midwest turn into rust belts, while the south and southwest thrive. When those regions become too costly, the capitalist flees farther to so-called developing countries on the periphery. This second step became the preferred model for the late twentieth and early twenty-first century. The latest notorious example is the General Motors bankruptcy. The corporation declared bankruptcy in the United States while using government bailout money to finance moving assets to China (*Daily Finance* 2009; *New York Times* 2009; *Wall Street Journal* 2009). Usually, such moves also help reduce the second and third categories of costs—inputs and infrastructure and taxation.

Inputs and infrastructure costs include raw materials and the costs of transport, waste disposal, and the like. Moving production to developing areas of the world often means moving them to countries with cooperative regimes. The regimes usually offer forces to control labor organizing, relatively few and weakly enforced environmental laws, and low taxes on corporations. Unfortunately for this capitalist strategy, developing areas turn into developed areas, and this occurs much faster than it did in the core areas of capitalism. What took Western Europe and North America a century and a half takes developing areas only a few decades. Fleeing from costs, therefore, just puts off the inevitable. It buys time but does not solve the underlying problem. Furthermore, curbing these sources of costs, especially labor costs, exacerbates one of the underlying contradictions of industrial capitalism: paying low wages reduces the market for the goods and services

that are produced. If workers are not paid enough to buy what they make, the capitalist cannot sell enough to make a profit. All these costs and contradictions have come to the point where capital has no place left to flee.

Marx's Falling Rate of Profit

Marx posited a general law of capital—namely that the rate of profit will decline over time. Its cause is fundamental to the effect of capital in society. Capital organizes productive capacity. It does so by creating those objects needed to produce capital equipment like machines and infrastructure like roads. More importantly, capital organizes the productive capacity of people. Industrial capital, unlike all other forms of political economy, intervenes in the productive process. It organizes work. In Marx's time, the most visible effect of this property of capital took the form of factories and factory discipline. Today, one of the best-known descriptions of this historical process appears in Michel Foucault's *Discipline and Punish* (1975). Worker input or labor capacity is the source of surplus value, which is profit. Capital not only disciplines workers, it also makes their work more efficient. Fewer workers are needed to produce. This creates what twentieth-century economists call structural unemployment. Nonetheless, capital as the organizing force of society takes account of all workers, whether employed by a particular group of capitalists or not. The surplus value of a product contains all the labor power, whether or not it is used to make the product. This is the key to Marx's analysis. One capitalist may increase profits by laying off workers, but the *system* of production employs, in the more abstract sense of that term, *all* the workers in a society.

> The progressive tendency of the general rate of profit to fall is, therefore, just *an expression peculiar to the capitalist mode of production* of the progressive development of the social productivity of labour. This does not mean to say that the rate of profit may not fall temporarily for other reasons. But proceeding from the nature of the capitalist mode of production, it is thereby proved a logical necessity that in its development the general average rate of surplus-value must express itself in a falling general rate of profit. Since the mass of the employed living labour is continually on the decline as compared to the mass of materialised labour set in motion by it, *i.e.*, to the productively consumed means of production, it follows that the portion of living labour, unpaid and congealed in surplus-value, must also be continually on the decrease compared to the amount of value represented by the invested total capital. Since the ratio of the mass of surplus-value to the value of the invested total capital forms the rate of profit, this rate must constantly fall.
>
> (Marx 1894, vol.3:213)

Marx goes on to make clear that the decline in surplus value, and therefore profit, relates to the total capital in a society. And so, once globalization succeeded, the entire world became one big society, at least as far as the capitalist system is concerned. The rate of profit in *global capital* now approaches zero, hence it occasions the collapse of the world capitalist system.

Because the rate of profit declines as a function of capital accumulation—the more capital, the more productive efficiency, the lower the rate of profit—several other consequences follow. In Chapter 15 of Volume 3 of *Capital*, Marx explained that the falling rate of profit weeds out less efficient and smaller capitalists, thereby concentrating capital. Overaccumulation and falling rates of profit lead to overproduction, speculation, crises, and surplus capital, along with redundant populations. In the past, these conditions and consequences have led to the great economic depressions. They last until the surplus capital gets used up. The best-known historical precedent was the Great Depression. It did not end until the Second World War deployed the surplus capital by literally destroying it. Marx's law of the falling rate of profit fulfills the idea made famous in the *Manifesto* of 1848 that capitalism is its own grave digger. Usually taken in a simple political sense—that, by creating a proletariat, capitalism has formed a group that will overthrow the capitalist regime—the falling rate of profit thesis shows that accumulated capital cannot help but eventuate in destroying the capitalist system. The irony is that capital provides the most effective answer to the age-old question of all ruling classes: how to get the masses to work. It does so, however, in a way that guarantees its own destruction.

Marx's theory for the falling rate of profit entails a crucial connection between capital and social control. Capital organizes social production. It organizes time and space, as in Taylorism and Fordism, with the imposition of the assembly line. The assembly line is just an obvious example. Capital organizes all social time and space. For example, in the United States, commercial time—roughly 9 a.m. to 10 p.m.—distinguishes day from night. Nighttime is when most businesses close. Shopping districts define neighborhoods in most cities. Marx observed early on that industrial capitalism differs from all previous modes of production in that capital intervenes in the work process. In feudal production, for example, the ruling class just appropriated work products without themselves organizing workers or their work. Industrial capitalism provides the time, place, and manner of production. Also, as Marx said in the preceding quote from *Capital*, industrial capitalist production organizes *all* the "living labor," not just those employed at a given time or place. To organize all labor implicates the state, as the state is the main instrument of social control. For example, the state operates in the interest of capital's organizing needs through municipal zoning ordinances—heavy industrial, light

industrial, commercial, residential, and so on. The industrial capitalist mode of production inseparably enmeshes the state with a definitive character of capital—policing the social order. The state disciplines labor and creates a disciplinary society. The state's role remains fundamental because it defines private property. By defining private property through law, the state becomes a separate entity, apart from civil society (Marx and Engels 1846). Capital orders labor when workers sell their labor, and private property subsumes labor when employers organize workers' "individual functions into one single productive body" (Marx 1867:449) to overcome their resistance to capital's imperative.

> It was not the introduction of machines that subordinated labour. It was the ill-defined "revolution" in the organization of production during the period of manufacture that facilitated the introduction of machines. *Society is not disciplinary because it is capitalist; rather capital derives its profits from that which makes society disciplinary* [emphasis added]."
>
> (Marsden 1999:144–145)

Systemic Change and the Age of Transition

Wallerstein (2003) used chaos theory to extend the implications of the collapse of the capitalist system. As with all systems, once it enters systemic crisis, it bifurcates as it moves irremediably away from equilibrium. It enters a period of chaos. Such periods have wide fluctuations among all system variables, extremes in all areas of social life, and on a global scale. The twenty-first century opened on the greatest difference between rich and poor in history. Speculation rampages, resulting in, inter alia, the financial crisis that began in 2008. Financial controllers like central banks cannot control it. Wars small and large keep breaking out, not between major powers, but in various combinations of major powers, local, regional, and civil conflicts everywhere. The inability of the United States, the UN, NATO, or any power block to prevent wars in Yugoslavia, the Congo, or Afghanistan testify to such effects. Consequences of socially organized causative vectors, global warming for instance, drastically affect the physical environment. Extreme weather, epidemics, draughts, and floods follow (Wallerstein 2004:87). The good news is that during periods of chaos, people can make effective changes and help mold the successor system.

Catastrophe theory and chaos theory refer to mathematical models of dynamic systems. They build on the general systems theory of Ludwig von Bertalanffy (1950, 1968) that treated interaction holistically. Systems theories describe and explain dynamics in general. They are not bound to

anything particular, but focus on the dynamics themselves. René Thom developed what came to be called catastrophe theory. Thom was a mathematician specializing in topology, a field of geometry. Thom (1973) theorized that changing systems follow a limited number of forms, which he described in mathematical equations. There are no more than seven such forms. Equilibrium points are central to his theory. Stability in dynamic systems assumes fluctuations among points or attractors. For example, in capitalist political economies, capitalists and workers act as the most salient attractors, and their dynamics involve continual class conflict. Perturbations in such systems, such as economic depressions, come from disturbances in the political economy as a whole. Catastrophes occur when systemic regulators no longer contain the conflict through various institutional responses. Such crises always hold the potential for bifurcation of the system. Bifurcation occurs at a tipping point where the system stops organizing itself and enters a chaotic state.

Chaos theory describes chaotic dynamics as nonequilibrium states of systems. Henri Poincaré first described it in his 1890 paper on the three-body problem in astronomy. Despite initial insights in the first half of the twentieth century, chaos theory became formalized as such only in 1960. It first became evident to some scientists that linear theory, the prevailing system theory at that time, simply could not explain observations of certain experiments. What had been excluded as measure imprecision and simple "noise" was considered by chaos theorists as a full component of the studied systems. Edward Lorenz (1963) pioneered modern chaos theory. He discovered a descriptor of chaotic states through his work on weather prediction in 1961. When running a weather simulation, he wanted to see a sequence of data again. To save time, he started the simulation in the middle of its course. He entered data from a printout of the data corresponding to conditions in the middle of his simulation, which he had calculated the last time. To his surprise, the weather that the machine began to predict was completely different from the weather calculated before. The computer worked with 6-digit precision, but the printout rounded variables off to a 3-digit number. This difference is tiny, and the consensus at the time would have been that it should have had practically no effect. Lorenz had discovered that small changes in initial conditions produced large changes in the long-term outcome. Lorenz's discovery gave its name to Lorenz attractors, also known as strange attractors, or the butterfly effect: a butterfly flapping its wings in Argentina can produce a typhoon in Indonesia. When systems lose equilibrium and enter chaos, they do not behave randomly. Typically, they exhibit large fluctuations, but such fluctuations follow patterns around barely detectable variables.

Fractals are another piece of chaos theory. Fractals are forms with the same structural pattern regardless of their size. For example, a one-meter

stretch of the coastline of Britain has the same structure as the coast's entire length. Benoit Mandelbrot (1982) discovered the mathematical description of fractals originally in 1960—about the same time Lorenz discovered his attractors. He found recurring patterns at every scale in data on cotton prices. In 1967, he showed that a coastline's length varies with the scale of the measuring instrument, resembles itself at all scales, and is infinite in length for an infinitesimally small measuring device. An object whose irregularity is constant over different scales, "self-similarity," is a fractal. Fractal theory contributes to chaos theory in showing the replication of small variations according to regularities or structural patterns. Thom's catastrophe theory, Lorenz's attractors, and Mandelbrot's fractals have application to analyzing world systems of political economy, especially when such systems tip past their equilibrium points and bifurcate. All these theories have become subsumed under the general term, "chaos theory" (Gleick 1988; Prigogine and Stengers 1984).

Writing in 1994, Wallerstein argued that the world capitalist system was headed for bifurcation and would enter a state of chaos. He began his argument by pointing to Kondratieff cycles, those long-term fluctuations under capitalism lasting fifty to sixty years. Each cycle separates into an A phase and a B phase, which are roughly equivalent to expansion and contraction or good times and bad times. For instance, the Long Depression that began in 1873 and the Great Depression of the 1930s were parts of Kondratieff B phases. The boom after the Second World War, 1945–1973, was an A phase (Hobsbawm 1994; Mandel 1995). These fluctuations measure capital accumulation and class conflict, in which the working class and bourgeoisie act as poles generating the dynamic flux. Wallerstein argued that, on previous times, factors affecting capital accumulation and class conflict produce perturbations in the world system, but the system continually returned to equilibrium after a period of refashioning itself. The Kondratieff cycles measure these perturbations. One analogy is the human body that maintains a homeostatic internal temperature of 37.0 °C (98.6 °F). Various factors can create disturbances or perturbations so that it rises or falls. Most commonly, we think of infectious disease. Nonetheless, as long as a body continues to live, it returns to somewhere close to the equilibrium point. Similarly with the world capitalist system, as various destabilizing factors beset it.

Wallerstein identified eight such factors. He argued that these eight factors combine to push the system past its tipping point into bifurcation and chaos. The first is that the world will no longer be unipolar under U.S. hegemony. Second, investment will concentrate in older areas such as China and Russia leaving little for the new areas of the global south such as Africa and Latin America. Hence, the global North-South gap will grow.

Coupled with that, the third factor is disparate demographics with continuing high population growth in the South and little growth in the North. Those in the South will exert massive pressure for migration—especially among the middle strata, educated persons—thereby lowering wages of similarly situated white-collar workers in the North. Denizens in the North will apply political pressure in favor of repressive limitation against migration—the formerly so-called dangerous classes (immigrants and marginalized racial and ethnic groups). Fourth, expansion of investment in the coming Kondratieff A phase will squeeze employment in the middle strata as capitalists try to increase profits along with a reduction in state budgets for public services such as health and education. "In any case, the capitalist world-economy will be faced with the immediate dilemma of either limiting capital accumulation or suffering the politico-economic revolt of the erstwhile middle strata" (Wallerstein 1994:445). The fifth factor comes from ecological constraints, both the depletion of natural resources and environmental degradation such as that caused by green house gases and consequent global warming. Sixth, the capitalist world system has run out of world. There are no more areas that capital has not thoroughly penetrated. Deruralization is approaching the maximum. The seventh factor pertains to the middle strata in the global South, whose numbers have risen significantly and who demand a living standard and consumption that will strain the world economy and detract from capital accumulation. Eighth, and finally, Wallerstein pointed to the twin rise of democratization and decline of liberalism. The liberal solution restricted the dangerous classes to the core areas of the world system. Since the 1970s, liberalism has withered. At the same time, pressure for democratization steadily grows. "[T]he dangerous classes become dangerous once more" (449). These factors taken together create conditions of endemic and increasing violence, ever greater speculative fluctuations in the world economy, and relatively unpredictable changes in formerly well-established institutions. Think of the recent movement to privatize public education in the United States as one example. The upshot is the end of the world capitalist system as the system bifurcates under fluctuations it cannot contain.

Elite Responses in Times of Crisis

The elites—the ruling classes—respond to systemic crises by looking out for themselves, not by trying to save the system. If Wallerstein is correct, the current crisis of the world capitalist system has few precedents. One was the collapse of the Roman Empire, which ended the ancient world. The other was the collapse of feudalism and advent of the current system in Europe around 1500 C.E.

Two apologias are in order. First, the following discussions on the Roman Empire and end of feudalism neither prove nor polemicize historical arguments. Instead, they illustrate how elites behave in times of general crisis and collapse. Second, there is a Western, Eurocentric bias. The collapse of Rome did not end a world system, as other empires, notably in Asia, followed their own trajectories. The end of the Middle Ages in Europe also was not a global phenomenon. Nonetheless, the current world capitalist system originated in Europe, and therefore favors the Eurocentric bias.

The mode of production in the ancient world depended on slavery and bound peasantry. Ancient states organized production. The states took the form of empires. Empires enforce a redistributive economy in which basic producers, mainly agricultural with some artisanal manufacture, support the state machinery. The largest state sector is a military that enforces redistribution in domestic populations and conquers new territories, thus ensuring arable land and a supply of slaves. World empires subjugate surrounding tribal peoples and land. The periphery of empire is the site of primitive accumulation. The middle strata control long-distance luxury trade, while the upper strata control the military that garners tribute (Wallerstein 1974b:90). World empires have a political center that controls space. Their control depends on military force under bureaucratic regulation supported by an ideological apparatus, typically based in religion. The means of control are extremely costly and eventually lead to the demise of the empire as it overextends itself. Rome became the most developed and complex of imperial societies, unequaled except by China.

Bryan Ward-Perkins (2005) argued that invasions from the periphery, coupled with internal civil war and social unrest, undid the fabric of the Roman Empire. These dislocations eroded the tax base so critical for supporting a permanent, professional army that functioned as the centerpiece of imperial control. The Roman elite sought their own security. One strategy had peripheral tribal peoples become part of the empire. After all, the barbarians invaded the empire to get a piece of the pie, not due to ideological differences. As Ward-Perkins pointed out, even the Vandals, a scourge of a civilization, found themselves treaty partners with the Empire. "[E]mperors found it easier to make treaties with invading Germanic armies—who would be content with grants of money or land—than with rivals in civil wars—who were normally after their heads" (52). The imperial elite threw local provincials to the wolves to defend against other invading tribes and rivals in civil wars. Of course, these strategies further unraveled the Empire's bonds, as these semiperipheral areas with their own local elites saw little reason to support the imperium. "The imperial government was entirely capable of selling its provincial subjects

downriver, in the interests of short-term political and military gain" (56). Class-consciousness by the imperial elite did not lead them to support the institution of Empire. It did, however, lead them to recognize their self-interests as a class. They were entirely willing to jettison everything but that which maintained their privilege.

The Empire disintegrated, and the Western world entered a chaotic transition phase. Feudalism emerged as the new system. The feudal mode of production differed little from that of the Roman Empire. It was an agricultural economy with bound labor and direct extraction of surplus value in that the political system ensured surplus extraction. The feudal political system differed from that of the ancient world, as relations between producers and exploiters were derived from transgenerational personal bonds. Custom bound both lord and peasant. Unlike the Roman imperial system where the Empire intervened, the manor was the main economic and political unit: "the lord's estate became the state" (Katz 1989:57). Repeatedly, throughout the middle ages, strong men—Charlemagne (742–814), Frederick Barbarossa (1122–1190), and others who were less successful—tried to reestablish a world empire modeled on Rome. None succeeded. Nonetheless, the feudal mode of production persisted, and formed the foundation upon which the capitalist world system emerged.

The Roman Empire and the world empire of the ancient world disintegrated in the fifth century; the medieval world began its end in the fifteenth century. Almost exactly in the middle of the fifth century, around 1450, developments and events marked the end of the old system and a transition to its successor, the world capitalist system. Some of the most prominent of these landmarks are the development of moveable type (printing), the Ottoman conquest of Constantinople, the development of canons, the end of the Hundred Years War, and the employment of linear perspective in drawing. During the succeeding decades of the fifteenth century, technological advances and political reconfiguration facilitated the demise of feudalism. These included the employment of rudders on ships, the invention of the astrolabe—forerunner of the sextant—for navigation, and, probably the most important for the advent of world capitalism, double-entry bookkeeping. The foregoing did not cause the transition of the fifteenth century; they act as historical signposts. Western feudalism broke down for far more existential reasons: a crisis in productivity and means of extracting surplus.

The economy of Europe remained largely agricultural. Beginning in the last half of the fourteenth century, agriculture reached its optimal productivity. At the same time, the landowning seigniorial class competed among themselves to expand their demesnes to secure more income.

Consequently, the ruling class accrued greater expenses due to their internecine warfare. When the landowners squeezed the peasantry to extract greater surplus, they revolted. Peasant revolts became endemic and increasingly intense. A general decline in prosperity ensued abetted by wars, famine, and epidemics, resulting in population decline and a recession from marginal lands. The enclosure movement became a third factor contributing to the crisis. Landowning aristocrats engrossed formerly common lands. Rising management costs prodded them to turn away from direct management toward tenancy. All three—peasant unrest, seigniorial competition, and enclosure—began to transform the politically weak feudal system. Aristocrats increasingly sought more political surety through law so they turned to the state, which, at the time meant, the crown. Louis XI (1423–1483) of France, Henry VII (1457–1509) of England, and Ferdinand (1452–1516) and Isabella (1456–1504) of Spain laid the groundwork for centralized states at the expense of the feudal system. But they were enabled by the desperate scramble of the aristocracy. They created standing armies and enlarged bureaucracies. As with Roman elites, medieval elites threw away the system that had elevated them in favor of immediate preservation of privilege.

Wallerstein (1974a:37) identified three explanations for the crisis of feudalism. First, a cyclical economic contraction beginning in the last half of the fourteenth century combined with a second that posits increased expenditure and demands on peasants by landowning aristocrats. Third, a shift in Europe's climate lowered soil productivity. The elite—the landowning aristocracy—sought surcease by giving up direct management and, therefore, direct extraction of surplus by turning from serfdom or a similar feudal agricultural division of labor to tenancy. Some also sold their land to wealthier peasants. They turned to the crown and court to keep their privilege and advantage.

Review of the two crises in history, the fall of Rome and the demise of feudalism, shows a common reaction from the ruling class. They save their own skins. In the case of Rome, the main immediate threat came from external invasion. Medieval Western Europe successfully stopped external invasions from Asia—the Mongols in the thirteenth century and the Ottomans in the fifteenth. In medieval Europe, the crisis was economic. If the current crisis in the world capitalist system does indeed portend the system's collapse, it is reasonable to expect similar responses by the haute bourgeoisie. They will scramble, often fighting each other, for every possible advantage even while the system is collapsing. Their behavior will act as positive feedback to the crisis, exacerbating it even as they try to avoid its ill effects. They will seek new ways to extract surplus from the masses; at the same time, they will cut down the middle strata's drain

on surplus while using the state to enforce both. These strategies entail a resurgence of imperialism, but of a new kind—something now called globalization. Although they will rely on state power, this does not imply any nationalistic fixation, as they are a global class—a fact of which they are individually and collectively well aware. Financial magnates from Wall Street hobnob with their counterparts from the cities of London and Tokyo. They do not consort with plumbers, computer programmers, or Indonesian sweatshop workers. In the centers of the world capitalist system, ruling classes use every method to keep their privileges. They employ and deploy their access to communication media and the culture industry to help keep control. When that fails or does not reach all of its intended audience, they will resort to force—police and military. Though, economic pressure and social control remain the tools of choice, they vary in technique and proportion by time and place. For instance, corporations employ paramilitary death squads in Latin America, states stage full-scale military invasions in the Middle East, criminal justice apparatuses discipline in the United States, and so on. A consistent theme in all these strategies is the reliance on fear. To keep their privileged position, the ruling classes secure fear.

The Current Crisis

The 9/11 attacks on the World Trade Center and Pentagon offered an opportunity similar to that of the Reichstag Fire of February 27, 1933. Another similarity between the two events lies in their murky causes. There remains no clear proof of or consensus on the perpetrators of either. Nonetheless, Nazi leaders had quickly claimed that Communists set the fire and U.S. officials identified Osama bin Laden within hours. By noon on 9/11, Senator Orin Hatch said intelligence personnel had briefed him to that effect (Tapper 2001). President George W. Bush along with Vice President Richard Cheney and Defense Secretary Donald Rumsfeld followed the reasoning of a group of advisors grouped under the rubric of neoconservatives. It included people like Paul Wolfowitz, Richard Perle, and Douglas Feith. That reasoning led to military attacks on Afghanistan and Iraq as part of a Global War on Terrorism, or GWOT in military-speak. The president couched GWOT in moralistic terms, identifying terrorists as evil and part of an axis of evil (Kirk 2003). Meeting with a central committee of the National Security Council at 9:30 p.m. the day of the attacks, Bush relayed the received wisdom of intelligence advisors that al-Qaeda, allied with the Taliban, were behind the attacks. He assured those in attendance that they would have unlimited support in the coming boundless war, and that the United States would employ the

use of preventive attacks to stop future terrorism (Clarke 2004:23–24; Woodward 2002:31–33). Bush noted that the tragedy presented a great political opportunity (Sammon 2002:133).

Regardless of questions about the origins, causes, or perpetrators of the attacks, 9/11 marked a turning point in the history of the world, because the political and economic leadership took advantage of the opportunity Bush had identified. At this point, and maybe forever, their precise thoughts, plans, and strategies remain hidden. Nonetheless, analysts can draw reasonable inferences from succeeding policies and actions. Moreover, the effects of those policies, coupled with secular political and economic trends, pushed the world capitalist system past its tipping point and into chaos.

In the last third of the twentieth century, the elite began a counterattack against erosion of their relative wealth, control, and privilege. A high point in wealth and income equality in the years 1968–1973 marked that erosion. Richard Nixon's successful presidential campaign in 1968 (Perlstein 2008) and the memorandum written by the soon-to-be Supreme Court Justice Lewis Powell (1971) reveal the basic strategies. The memorandum advanced the interests of the ruling class on every influential front: political, economic, military, intellectual, and cultural. By the 1980s, it had turned the tide against equality, democratic control, and public welfare. That success became symbolized by the Reagan presidency, and the Thatcher premiership, and global and domestic neoliberal political-economic policies. Neoliberalism had two measurable effects among the metropolitan ruling class. With an uptick in the rate of profit, they regained and expanded unequal distribution of income. Even so, there was a lag in a similar movement with respect to wealth mainly due to growing debt (Duménil and Lévy 2004). After the rise in rate of profit in the 1980s, it began to decline once more in the twenty-first century.

An important part of the elites' counteroffensive depended on the popular and political construction of crime and fear of crime. Barry Goldwater had first raised it as a national campaign issue in 1964, but Nixon capitalized on it. On the eve of 9/11, Americans believed interpersonal street crime presented a major threat (Altheide 2002), and they generally supported increasingly repressive and invasive policing with exceptionally harsh sentencing (Beckett 1997; Beckett and Sasson 2004; Glassner 1999). By the new millennium, the United States had become the nation with most incarcerations in the world (Mauer 2006). Another part of the ruling class offensive rebuilt what David Altheide calls "packaged patriotism" (2006:3). Signs of that outlook included a retrofitted and more capital-intensive military and the popularity of entertainment, such as movies in the *Rambo* series. These revanchist campaigns established a cultural landscape of fear of outsiders, who were identified

as criminals, and narcissistic identification with jingoistic militarism. The already-established cultural front became an essential ingredient for taking advantage of the opportunity offered by 9/11.

Important objectives for the neoconservative strategy had four interconnected prongs: (1) aggressive military action to achieve a dominance of force in strategic regions; (2) mass support among metropolitan populations; (3) extraction of surplus wealth from metropolitan populations; and (4) extraction of surplus wealth from the periphery and semiperiphery of the world. The invasions of Afghanistan and Iraq were the most visible of these strategies. Coupled with those, the U.S. military extended its deployment of bases to new areas of the world, especially central Asia (Johnson 2006). Militarism secured fear internationally, while, domestically, continual terror alerts reinforced pervasive policing and surveillance to a degree far surpassing the capability of the Nazis (Gellately 1990; Jeffreys-Jones 2007; Johnson 1999).

Elite control in mass societies uses two interrelated strategies. The first identifies an enemy of the people (Ibsen 1882) and then uses the power of the state to neutralize the ostensible enemy. The second extends and expands the policing power of the state to defend against new or additional enemies of the people. Dario Melossi (1993, 2008) has argued that elites foster moral panics when their control appears to them in some way threatened. In the past, the threats have taken the form of working-class gains in both the economic struggle and the political. Most recently, this occurred in the 1968–1973 period, and the elites did indeed generate a moral panic in the form of fears of rising crime and an imputed moral decline in general. Examples include attributions of immorality among those receiving welfare, especially Aid to Families with Dependent Children (AFDC) and people who consumed illicit drugs. Sometimes, the two combined as in the so-called crack baby scare of the 1980s (Reinarman and Levine 1997). Dario Melossi summed up the construction of crime fear.

> It is conventionally agreed that this new era started in the year of the oil and energy crisis, 1973—the year when according to historian Eric Hobsbawm, the "crisis decades" began (Hobsbawm 1994). The tide of penalty (as well as many other social processes) turned also around this same year. *Before* 1973, *recorded* "crime" had been on the increase especially in aspects—so-called "street crime"—that were particularly worrisome for the middle class (*before,* because the US victimization survey, which started in 1973, has shown no definite trend toward an increase, contrary to common credence, as Katherine Beckett explains in her review of Garland's *The Culture of Control* (Garland 2001a; Beckett 2001). Crime's ascendance in the 1960s was taken to represent the general crisis in authority and conformist values and traditions.

> (Melossi 2008:199–200)

Earlier in the same book, Melossi noted that "[i]t is the *representation* of crime, much more than the *repression* of crime—as we believed in the 1960s—that plays a key role in social control" (155–156). Melossi continued by referring to totalitarian regimes' use of the media, citing Walter Benjamin's observations about the Nazis, where "the star and the dictator emerge victorious" (Benjamin 1936:247). The criminalized individuals become enemies of the people, those who threaten society's very foundation, the basis for the glue that keeps everything running smoothly, especially the cycle of capitalist production (Mead 1918). Typically, outsiders fall into the criminalized population. Melossi (2008:235) called them *la canaille*, those who have subminimum moral worth as humans, who pursue their own ends, and do not fit into the prescribed class roles needed for the social machinery. Jews, Gypsies, and those who were deemed "work shy" exemplified the category in Nazi Germany (Burleigh and Wipperman 1991). They wound up in the concentration camps. In the United States, and more recently in Western Europe, recent immigrants supplied the human universe for *la canaille*, with, of course, the usual stand-bys of African and Native Americans. Furthermore, restrictive immigration policies operate with double efficiency, as immigrants who do not pass through official channels automatically acquire an "illegal" status by virtue of their lack of documentation alone.

Melossi's diagnosis fails to emphasize two factors. First, the construction of a criminal class does not just intensify social cohesion by scapegoating in a quintessentially Durkheimian way (Durkheim 1893, 1895, 1896). The cultural gesture is accompanied by material movement. Increased policing and surveillance control everyone, not just the designated enemies of the people. Consider the recurrent stories of prominent persons—media stars, national politicians, and even the occasional plutocrat—whom the Transportation Security Agency (TSA) stop from boarding flights because their names inadvertently (ostensibly, at least) show up on a suspect list, or worse yet, a "no fly" list. In addition, mass incarceration creates a system of camps or lagers to which populations are removed, segregated from society, and where they become mere or bare life, without full human status (Agamben 1995). Such camps have played an important, if not essential, role in imperialist enterprises—from the reservations for Native Americans established in the nineteenth century, camps in Cuba for those who opposed Spanish rule, and the interring of Boers in South Africa by Lord Kitchener in the early twentieth century, to today's camps in the United States holding "illegal" immigrants. The latter are not charged with crimes, but are interred under civil law, and, therefore, cannot enjoy the benefits of the Bill of Rights.

Melossi's basic argument makes a cogent case for recurrent repressions coinciding with threats to ruling-class control. While Melossi used

it to explain criminal justice policy, especially in the United States, a fortiori, it applies to the current situation of the collapsing world capitalist system. A telling part of the picture pertains to U.S. immigration policy. Immigration prosecutions account for 53 percent of all federal prosecutions as of March 2009, and they have constituted a majority for several years. Almost all such cases come from the Department of Homeland Security—the domestic arm of the GWOT(TRAC 2009a, b, and c). On the surface, these data support one of Immanuel Wallerstein's predictions about the consequences of a collapsing and bifurcating world capitalist system—namely, that core societies will exercise increasingly restrictive immigration policies. Moreover, the data support a generalization of Melossi's argument regarding *la canaille*, as most prosecutions target the usual suspects—immigrant populations who enter the United States for a better life. They are neither terrorists nor criminal schemers. They do, nevertheless, serve to reinforce elite control.

Chalmers Johnson has become a critic of the strategies of elites in the United States. He is a true conservative, similar to Gore Vidal and Lewis Lapham, the former, longtime editor of *Harpers* magazine. They all decry U.S. imperialism as a betrayal of American republican virtues. In Johnson's most recent book of a trilogy (2000, 2004, 2006), he argued that militaristic imperialism exhausts the public treasure so as to lead to the eventual collapse of empire. He compared the United States to Rome and Britain. In the case of Rome, he allied himself with Cicero to lament the passing of the republic—an inevitable result of imperialist policy. He compared the twenty-first century United States with mid-twentieth-century Britain, saying that Britain saved its democracy by relinquishing its empire (2006:279). He laid the blame squarely on the George W. Bush regime. He compared him to other presidents who overstepped Constitutional limits: Lincoln in the Civil War, Wilson and his suppression of dissent during the First World War and the Red Scare after it, and Roosevelt's interment of Americans of Japanese descent during the Second World War. He noted that wars have accreted executive power throughout U.S. history, but that the structural separation of powers in government checked presidential dominance. According to Johnson, the picture changed dramatically with Bush.

> When it comes to the deliberate dismantling of the Constitution, however, the events that followed the Supreme Court's intervention in the election of 2000 that named George W. Bush the forty-third president have proved unprecedented. Bush has since implemented what even right-wing commentator George Will has termed a "monarchical Doctrine" (2006) and launched, as left-wing commentator James Ridgeway put it, "a consistent

and long range policy to wreck constitutional government" (2005). In doing so, Bush has unleashed a political crisis comparable to the one Julius Cesar posed for the Roman constitution. If the United States has neither the means nor the will to overcome this crisis, then we have entered the last days of the republic.

(2006:244)

His argument has several flaws. First, it abstracts politics from the political economy and confuses the state with government. The United States has always followed imperialist policies. It conquered all its current territory through imperialist expansion. Since the end of the nineteenth century, it created an oceanic empire. After the Second World War, it took over the management of former imperial holdings of Japan, Britain, and France. The former Japanese territories, it held directly. Britain did not disengage from its empire in the 1950s and 1960s to save its democracy, but to save the Exchequer and Bank of England, and, not incidentally, provide more effective ways for British investors to extract wealth from former colonies. The George W. Bush regime did not deviate far from the preceding regimes of Clinton and George H. W. Bush. The later Bush's regime just carried imperialist policies out less effectively. The main difference between George W. Bush and other presidents has been one of style and an inability to divert and distract critics. In sum, the anti-Republican trend discerned by Chalmers Johnson is neither sudden nor peculiar to one president. It just became more apparent as the crisis of world capitalism became more acute.

The creation, better termed culmination, of empire by the United States is not a cause, but a consequence of the collapse of world capitalism. To be sure, the behavior of the elites in the current crisis, as in previous crises, hastens the collapse. Nonetheless, empire represents an attempt by elites to keep and expand their privilege. They act like the officers of a sinking ship by grabbing all the life preservers for themselves. Not accidentally, Britain has been the closest ally in the U.S. military and imperial adventures. Ties between capital holdings in the two countries have been inextricably linked for many decades. Observing the recent imperialism, it is not far wrong to call it Anglophone imperialism. Australia, Britain, and, a somewhat less enthusiastic, Canada have joined the invasions and other projections of force. These same countries have assiduously curtailed civil liberties, expanded policing and surveillance. They have also increasingly restricted immigration. It is not a coincidence of language but of capital interests and ruling-class strategies.

Chapter 3

States and Social Control

Stanley Cohen, who made famous the expression "moral panic" in his 1980 study of the Mods and Rockers, said that "social control" is a Mickey Mouse term (1985:2). Regardless of its membership among rodentia, the term is so broad and abstract as to lend itself to Mickey Mouse usage. When Edward A. Ross introduced the term into sociology in his 1901 *Social Control*, he distinguished a broad and narrow usage. The broad usage roughly corresponds to society-wide institutions such as criminal justice, and the narrow usage corresponds to culturally shaped interaction: "purposive actions that define, respond to, and control deviant behavior" (Horwitz 1990:9). For Ross, the problem came down to how democratic polities could maintain orderly societies. The narrow and broad senses of the term might reflect a sociology of institutions derived from Durkheim versus a sociology of interaction acquired from Georg Simmel and George Herbert Mead. The Chicago School of Sociology of the first part of the twentieth century embodied both. In their seminal work, Park and Burgess identified social control as "the central fact and central problem of sociology," and sociology as the "method for investigating the processes by which individuals are inducted to and induced to co-operate in some sort of permanent corporate existence we call society" (Park and Burgess 1924:42). The interactionist view focuses on microsociology while the institutional takes on macrosociology. Of course, outside of heuristics, the two are not separable. Individuals interact with each other in regular ways (institutions) according to their beliefs, expectations, and values (culture). Moreover, interactionist sociology, which spawned what others called labeling theory, is annealed to social hierarchy and stratification.

Combining phenomenological insights and methodology with the American pragmatism and transactional analysis of George Herbert Mead permitted students of social deviance such as Edwin Lemert (1951, 1967; Lemert and Rosberg 1948) and Howard Becker (1963) to develop what

some called, often disparagingly, labeling theory. As Becker pointed out in 1973 by adding a chapter to his 1963 *Outsiders*, the labeling perspective was never meant as a theory. Becker, in despair at correcting the continual misunderstanding, wrote that, from then on, he would call it "an inter-actionist theory of deviance" (181). Both he and Lemert often invoked the fact of social stratification to explain patterns of deviance. Briefly, they argued that those who labeled were the powerful, and those who got labeled were the weak. In modern society, the powerful and weak are defined by class and status.

Therefore, for present purposes, social control refers to those strategies used by ruling classes to get everyone else to follow orders. Chief among the objectives of those orders is to answer the perennial question faced by all ruling classes in history: how to get the masses to work. The "state" refers to those organizations and institutions that employ formal means to implement the orders dispensed by the ruling classes. States have other definitive characteristics.

The Evolution of the State

Too often, commentators confuse, conflate, or blur distinctions between the state and government or the state and politics. All societies, even the simplest, have some form of government as a means of collective decision making. For example, nomadic foraging peoples adopt episodic leadership, in which the best hunters are in charge of hunts, the most knowledgeable healers in charge of healing ceremonies, and so on. So too, all societies engage in politics, which are those activities by which groups make and carry out collective decisions. States, on the other hand, are complex structures involving sets of institutions whose functions control all other institutions in a given society.

Empirically, and maybe theoretically, state political organizations coemerge with writing and class-based social stratification. Where there is a state, there is a written culture and class hierarchy. Settled agriculture has been a precondition for states to emerge, and this factor helps explain states' territoriality. States define territorial boundaries that are both external and internal. External boundaries define the reach of power, while internal boundaries delineate social stratification. Boundaries of stratification begin with reserving the best land for the ruling class so that classes come to form around land boundaries. Social ordering reflects the *nomos* of the earth, to steal a phrase from Carl Schmitt (1950). *Nomos* originally referred to boundary markers in settled areas of ancient Egypt. Later, it took the more abstract meaning in ancient Greek, where *nomos* meant law or custom in contrast with *phusis*, which was nature.

Other structural characteristics of the state in addition to territoriality are sovereignty, centralized government, coercive law, and ideology of legitimation. Cities formed the centers of early states with surrounding territories providing economic support for urban dwellers (Bauer 2007; Starr 1991). The patterns set in Mesopotamia and Egypt in the fourth millennium BCE. are recapitulated wherever pristine state formations emerge: China, the Indus River Valley, Mesoamerica, and so on.

Early states' ideologies of legitimation derived from religion. The state and law had divine origins as did the prevailing class system that divided the populace into royalty, priests, nobles, commoners, and slaves. Typically, royalty claimed divinity. The early Hebrew state notably deviated from this pattern, as the king was not divine and largely a secular ruler. The secularization of royalty was supported by the prohibition against worshipping idols. Royal power was limited by a transcendent god and law—the Torah. The Hebrew founding myth posited a covenant between Yahweh and the people as opposed to a covenant between a god and a king (Frankfort 1978:343; Nelson 2006:13).

Classical Greece represents another watershed in the evolution of the state. Athens is the paramount example, beginning with Cleisthenes' constitutional reforms of 508/507 BCE. "Class conflict and often outright class warfare lay at the very core of the Greek polis. . . . [T]he politically dominant class utterly controlled the state. . . . [T]he result was an intensity of political life and citizen involvement" (Nelson 2006:19; De Ste. Croix 1981, 2004). The first theoretical discourses about politics and the state emerged from turbulence and strife; first Plato's Republic, then Aristotle's Politics and Constitution of Athens. Plato conceived the transcendent state derived from nature and constituting an ethical community premised on an abstract justice. Plato's is an ideal state (Nelson 2006:20). Building on, but differing from Plato, Aristotle argued that justice was a goal, a telos, an end state of perfection toward which humans strive to realize their true nature. An important part of this striving required political engagement so that the ideal state was one that furthered the telic end. In addition, Aristotle recognized the fundamental role of class in politics and class conflict. For him, justice needed to transcend class interests. For the classical Greeks, politics constituted law that was, therefore, always contingent. For Romans, on the other hand, law, although the result of human law making, grounded its authority in natural law (Cicero) or universal moral reason (the Stoics). The Roman idea of the state is first and foremost a legal structure, marking a major step in the evolution of the state. Moreover, the Roman concept identified the state as a public entity established by and through public law, a *res publica*. This Ciceronian idea entails a distinction between private and public and, therefore, a distinction between the state and society (27).

What makes the state distinctive, setting it apart from the rest of society, is its claim on a monopoly of force in a territory (Weber 1919:310). Antonio Gramsci developed the idea of the extended state including the panoply of institutions and organizations that stabilize existing power relations such as the press, trade unions, the church, and mass culture (Wetherly 2005:2 citing Sassoon 1980). In this view, the state manages power, ultimately backed by physical force and coercion. In capitalist societies, the state primarily functions to maintain stability due to the inherent instability of capitalism—the constant revolutionizing of the means of production and all social relations (Marx and Engels 1848:207). During periods of relatively low social—and ultimately class—conflict, the extended state relies on market forces, and the extended state apparatuses to maintain stability. In times of intensifying conflict, however, the state brings to bear the tools of force and violence: "emergency powers are deployed for the exercise of a violence necessary for the permanent refashioning of order—the violence of law, not violence contra law" (Neocleous 2008:73). The periodic exercise of emergency powers springs from the nature and origins of the modern bourgeois state.

The political revolutions of the late eighteenth century, first in America, then in France changed the relation between the state and society. Backed by enlightenment-era political thought, the rising bourgeois classes laid claim to the rights of the social contract. No longer would the state be identified with the crown. It became identified with the people. Throughout the nineteenth century, definitions of the people kept expanding so that by the first decades of the twentieth century, advanced capitalist societies had adopted expanded governmental politics of liberal democracy. Extension of suffrage—women being granted voting rights—measures this expansion most clearly with the last great subpopulation brought into the fold by the end of the First World War in the United States and Britain.

The world economic crisis of the late 1920s and 1930s ushered in the rise of social democratic politics and the welfare state. Following the Second World War, mature capitalist societies governed themselves with a liberal welfare state. Marked by the worldwide uprisings of 1968 and the oil crisis of 1973, leaders of capitalism refashioned the political economy by dismantling the liberal welfare state. In the United States, and to a lesser extent in Great Britain, the welfare state was replaced by the regulatory state through revanchist, reactionary politics of the late twentieth century. This latest development means that the liberal Lockean view of the state as arbiter has increasingly given way to the authoritarian Hobbesian view of the state as absolute power. The significance of this shift cannot be overestimated, because it signals an end to the capitalist political economic

system dominant in the world since the beginning of the nineteenth century.

One distinctive feature of capitalism as a form of political economy comes from its separation of the political and economic spheres. "Capitalism is the first mode of production in history in which the means whereby surplus is pumped out of the direct producer is 'purely' economic in form—the wage contract. . . . All other . . . modes of exploitation operate through extra-economic sanctions—kin, customary religious, legal or political" (Spitzer 1987:56 citing Anderson 1974:403). Under the capitalist system, social regulation largely relies on the economic organization of need and gratification as opposed to the political organization of fear and terror.

> When the market mediates human relationships it is a process of "choice" rather than "constraint." . . . [W]e need a model which goes beyond the concept of control as constraint. From this perspective, any theory of social control must not only understand the ways in which control is exercised through what is prevented or punished, but also what is allowed.
>
> (Spitzer:57 citing D'Amico 1978:89)

Spitzer goes on to contrast the liberal capitalist state with Fascism. Fascism exercises social control through deprivation, identification with a powerful leader, and aggression against internal and external enemies. Liberal capitalism replaces denial with indulgent consumerism and lifestyles replace status identities such as race. In such a consumer society, anxieties are allayed more by purchasing the right product than by persecuting minorities or conquering the world (58). Especially since 9/11, the world has begun to tilt toward the fascist form, which should not be surprising, as Fascism is liberal capitalism's doppelganger (Neocleous 2008:13).

Social Control by the State as Arbiter

Commonly, exegetes contrast John Locke's political philosophy with that of Thomas Hobbes, characterizing the former as liberal and the latter as absolutist. Without entirely gainsaying that interpretation, it is worth pointing out that what they emphasize about Hobbes is his theory of the state, while for Locke, it is his theory of government. Hobbes is famous for his description of the leviathan, the great beast that quells all civic violence by a monopoly of force. Locke is equally famous for discussing government as a third party to settle disputes—the state-as-arbiter viewpoint. Nonetheless, anyone who has toiled in the vineyards of jurisprudence knows that making judgments is one thing, but making sure they are

executed is something else. Most of Locke's discussion of political theory describes the judgment part of the process. In this view, the state serves as a field of contest, setting rules, boundaries and limits, and providing the umpires. Later in this section, I argue for Locke and Hobbes' similar views regarding the state, but, at this point, Locke's theory of government and politics remains paramount for understanding the liberal capitalist political economy.

Locke is well known for arguing that governments should protect property. Less well acknowledged is his assertion that property rights flow from labor; in effect, a labor theory of value. Locke posited abstract individuals entering into commerce with each other and instituting government to facilitate that commerce. Following these principles, governments should provide regulations for the market, for example, ensuring reliability in weights and measures. They should also offer venues for dispute resolution and ensure everyone equal treatment before the relevant tribunals. Locke's system of government assumes a rational populace and advocates a rational system of laws and government. He generally avoids discussions of class conflict of the kind Aristotle made central. The Lockean system, later augmented by such thinkers as Adam Smith and David Ricardo, formed the underpinning of the bourgeois plans for representative, parliamentary government most immediately successful in Britain and its former North American colonies. Nonetheless, a problem soon arose.

Once even limited democratic representative governments begin to function, they soon give rise to contentious, class-interested politics. Moreover, governments have privileged access to state apparatuses of power, control, and force. Within the first decades of the nineteenth century, commoners started demanding expanded democracy and representation. One result was the Peterloo Massacre of 1819, which sowed the seeds for the English Chartist Movement in the 1830s and 1840s. Adopting the strategy of gradual reformism, British ruling classes increasingly formulated a liberal political system. A similar pattern emerged in the United States. On the European continent, however, the ruling classes remained recalcitrant, hence the uprising of 1848. Fear of mass rebellion forced the leading capitalist countries of Europe to adopt the Anglo-American solution, albeit belatedly. These gradual reforms eventually produced a new form of government: mass-based politics. By the end of the First World War, mass politics became the standard in all leading capitalist countries. The formation of mass politics led to two models: Fascism and liberal welfarism. The latter kept the basic Lockean principles, but modified its relatively laissez-faire approach to market regulation. The result was the interventionist state represented in the United States by the New Deal and in Europe by gradualist social democracy.

Social Control by the State as Ultimate Power

Fascism and Stalinism exemplify the Hobbesian leviathan model. Both reputedly autocratic, in practice, they were bureaucratic and, most importantly, dependent on popular support. What the interwar Fascisms and Stalinism shared was less an autocratic form of rule than elevation of a supreme leader to cult-like status—the Führerprinzip. Contrary to the propaganda, especially that churned out during the Second World War, the interventionist states and absolutist states shared a central ideological principle: government under a state of emergency.

The concept of state of emergency brings together Lockean and Hobbesian political philosophy with the rehabilitated, idealist theories of the state. Plato first propounded the ideal state run by philosopher kings who ruled the polis and its population. Hegel (1821) elaborated upon a transcendent state that embodied the world spirit. After the First World War, Max Weber and Carl Schmitt revived Hegel's transcendent state. Weber's version followed the liberal mode, Schmitt's the fascist. Weber provided the main theoretical force behind the Weimar constitution, while Schmitt's early writings sedulously attacked its parliamentarism with lofty and highly abstract politico-legal argumentation. Ironically, Weber insisted on one of the main elements of that constitution that made possible the shift to Fascism in Germany: Article 48 gave the president of the republic power to declare a state of emergency, take control of the state and, in effect, override the Reichstag. It was that legal justification that Hitler used to persuade President Hindenburg to declare a state of emergency after the Reichstag fire of February 27, 1933. The Reichstag Fire Decree eliminated the Communist Party from the elections of March 5. Suppressing the Communists—the third-largest party in the Reichstag—permitted Hitler and the Nazis to pass the Enabling Act of March 23, giving Chancellor Hitler plenary powers, thus ushering in the Third Reich. What made Weber's involvement ironic was that he was a staunch supporter of liberalism and parliamentary, representative government. Ironic it may be, but the theoretical concept behind Article 48 is the necessity of absolutist powers for the sovereign in times of threat to the nation. On this point, Locke and Hobbes agreed.

They agreed, because at the heart of bourgeois liberalism lies the need to ensure stability. That need, and the political and legal institutions required to meet it, signal one of the basic contradictions of capitalism. On the one hand, it produces constant revolutionizing of the means of production and, thereby, constant change in market relations resulting in continual disruption of all social relations, as Marx and Engels observed in their 1848 Manifesto. On the other hand, capitalists need predictability—the

predictability of contracts, laws, markets, and so on—to make profits. Capitalism is a future-oriented economic system. Mark Neocleous has shown in his 2008 *Critique of Security* that the state of emergency must, therefore, be part of every bourgeois liberal political system. He traces its conceptual origins to both Locke and Hobbes. Hobbes explicitly justified the absolute state based on the ever-present threat of society reverting back to a state of nature and, therefore, perpetual insecurity. In contrast, Locke obscured his predilection for absolutism. He called it prerogative. "Prerogative therefore grants to the sovereign discretionary powers not bound by law. This is 'an Arbitrary Power,' Locke comments in parentheses" (Neocleous:15). While Locke implied that such prerogative power by the executive would apply only to foreign affairs and war, elsewhere he said domestic and foreign affairs are not really separable and are almost always united (Neocleous:16 citing Locke 1689 II:§3, 147). His justification was that circumstances arise during which it is impractical to summon the legislature because of immediate need for action, that is, states of emergency.

States of emergency come about in the context of "reasons of state"— one of those sophisticated phrases of ruling elites. Reasons of state differ from politics—the quotidian contentiousness of parties and class interests. Reasons of state trump politics, because they are rationalized by threats to the security of the entire society. States of emergency are matters of state, not politics. This was Carl Schmitt's argument in his antiliberal and antirepublican writing of the 1920s (1919, 1922, 1923, 1927). The same formula figures in the history of Anglo-American jurisprudence and political theory aside from John Locke. James Harrington (1611–1677) in his *The Commonwealth of Oceana*, originally published in 1656 (Blitzer 1981:p. xi) discussed the emergency powers concept. According to one twentieth century Harrington scholar and editor, "At the time of the American Revolution . . . Harrington's writings . . . reached the peak of their popularity in this country, and Harrington himself enjoyed among American political theorists and practitioners a reputation second only to that of John Locke" (Pocock 1977:129–130, 150). In Harrington's plan, the legislature sets up a special council with extraordinary, as he calls it, "Dictatorian" powers (Pocock, 1977:254). Such a council would have complete military command and legislative authority. Harrington cites the survival of the commonwealth as abrogating normal legal and moral constraints. More recently, the rationale of emergency executive powers was made by two political theorists of the Cold War era. Clinton Rossiter, in his 1948 *Constitutional Dictatorship,* used the period of 1919–1933 as a time of emergency, comparing the Unites States, Great Britain, France, and Germany. Perhaps even more pointedly, Rossiter discusses the United

States during the great depression and the Second World War as an example of a constitutional dictatorship. Carl Friedrich (1957) also addressed the issue, reviewing political theorists from Machiavelli through Hegel.

The Nature of Law and the State

As states extend their authority throughout a society, they override and subsume alternative sources of authority—corporate kin groups, religious organizations, and whatever stands in the way of total control. A principal means by which they gain control is law. The state makes laws that create and take account of individualized, legal persons. The law substitutes these persons for families, religious orders, and so on. Instead of corporate responsibility, the state creates several, or individual, responsibilies under law. State formation relies on individualization through law, which is most apparent when examining archaic protostates. Emerging states characteristically create a census-tax-conscription system. The census enumerates individuals, taxes them, and conscripts them into armies or public labor. Individuals become assets of the state (Diamond 1971). As states begin to emerge, laws vie with customs as arbiters of social conflict. Criminal law replaces tort.

The intention of the civil power is epitomized in the sanctions against homicide and suicide—typical of early polities; indeed, they were among the first civil laws. Just as the sovereign is said to own the land, intimating the mature right of eminent domain, so the individual is ultimately conceived as the chattel of the state. Persons are conceived as *les choses du monarchque* (Diamond 1971:252).

This process does not represent some enlightened and progressive development in human rights, but the assertion of authority by a new political form—the state. Without a state, societies treat homicide as a tort, but once the state emerges, the blow striking down a person becomes the deprivation of a political, economic, and military resource to the sovereign. Unlike societies where corporate groups sought compensation, the state resorts to its definitive response, that of retaliation; hence the law of the talion so characteristic of early states. State ideology rationalizes *lex talionis* (law of retaliation) as punishment. Nonetheless, the process of an emerging concept of criminal law and punishment does not occur without, often violent, conflict. Laws create the individual subject of the law, often with grades or variations of rights and obligations depending on the subject's status. As Max Weber put it, the content of law is determined by status (1925:144).

It is a hallmark of rationalizing modernism to separate status and class. Equality before the law increasingly means abolishing status distinction

regarding rights and obligations. American law no longer distinguishes rights and obligations based on race, those based on gender are fast diminishing, and various other status designations are losing legal expression. The trends in law are toward regulating class-based social relations. Consequently, the American criminal justice system keeps order by applying criminal law to the lowest classes, civil law to the middling classes—the professions, technicians, managers, and the like—and corporate law to the ruling classes. In this case, "corporate law" refers to the business corporation along with the older sense of "corporate" referring to kin groups and the similar structures. The content of the law changes, and so does the ontological status of those subject to the law (Chambliss 1964:77).

The law, in its totality, is a sign that stands for force. It is in this sense that law and the state coemerge. As the state claims a monopoly on violence so it claims a monopoly on coining the law. At the same time, the state normalizes the law. Less necessary in absolutist governments where, force, violence, and law exhibit quotidian links and forgetfulness of the force behind law reaches its apotheosis in liberal democracies. It is in law's "representativity that originary violence is consigned to oblivion. This amnesic loss of consciousness does not happen by accident. . . . The parliaments live in forgetfulness of the violence from which they were born" (Derrida 1992:47). Derrida was commenting on Walter Benjamin's 1921 essay, "Critique of Violence." Benjamin singles out police violence.

> Its power is formless, like its nowhere tangible, all-pervasive, ghostly presence in the life of civilized states. . . . Their spirit is less devastating where they represent, in absolute monarch, the power of a ruler in which legislative and executive supremacy are united, than in democracies where their existence, elevated by no such relation, bears witness to the greatest conceivable degeneration of violence. . . . All violence as a means is either law making or law preserving. If it lays claim to neither of these predicates, it forfeits all validity (287).
>
> . . . For the function of violence in lawmaking is twofold, in the sense that lawmaking pursues as its end, with violence as the means, *what* is to be established as law, but at the moment of instatement does not dismiss violence; rather, at this very moment of lawmaking, it specifically establishes as law not an end unalloyed by violence but one necessarily and intimately bound to it, under the title of power. Lawmaking is power making, and, to that extent, an immediate manifestation of violence (295).

Eerily, Egon Bittner (1967) made a similar point about police as the armed force of the state. It is eerie because each was writing in the penumbra of failed revolutions, Benjamin of 1919 and Bittner of 1968, in which state police forces crushed rebellions against state power. Benjamin's point is

broader than Bittner's. What Bittner had in mind was the local cop-on-the-beat kind of policing. Benjamin addressed the police power of the state in general, state-regulated order. However that regulation may be carried out in a particular circumstance, the force and violence of the state always lie underneath. Robert M. Cover applied the concept to judicial interpretation, but his insights are generalizable to all applications of law.

Legal interpretation takes place in a field of pain and death. This is true in several senses. Legal interpretive acts signal and occasion the imposition of violence upon others: a judge articulates her understanding of a text, and as a result, somebody loses his freedom, his property, his children, even his life. Interpretations in law also constitute justifications for violence—which has already occurred or which is about to occur. When interpreters have finished their work, they frequently leave behind victims whose lives have been torn apart by these organized, social practices of violence. Neither legal interpretation nor the violence it occasions may be properly understood apart from one another. This much is obvious though: the growing literature that argues for the centrality of interpretive practices in law blithely ignores it (Cover 1986:1601).

Hegemony: The Liberal Approach

The liberal bourgeois state rationalizes its control by appeals to consent. In fact, such rationalizations are similar to that of hypocrisy as the homage vice pays to virtue (François, duc de La Rochefoucauld in Bartlett 1919:9529). Mass polities cannot be ruled without consent. By the end of the Franco-Prussian War (1871), the bourgeoisie, the capitalist or owning class, had gained control of the state apparatuses in the leading capitalist countries in Europe and North America. Nonetheless, control of the state is a necessary but not sufficient condition for hegemony. Coincident with the reorganization of monopoly and neocolonial capitalism, the ruling classes gradually came to control the various cultural apparatuses. This allowed them to manufacture consent in Michael Buroway's felicitous phrase (1979). They were so successful that among the main belligerents, the masses rushed to the support of their governments for the First World War.

The critical usage of the concept of hegemony comes from Antonio Gramsci's development of the notion in *Prison Notebooks* (1971). That work, and Anne S. Sassoon's (1980, 1987) explication of his political writings, informs the following discussion. The ability to set rules and boundaries defines hegemony. Hegemonic control takes two forms: leadership of allies and domination of adversaries. In the world capitalist system since the Second World War, two organizations exemplify both

strategies: the World Bank and International Monetary Fund (IMF). They coordinate cooperative efforts among the major owners of the world while at the same time they keep in line periphery governments that might otherwise resist or challenge international capitalist supremacy. The fractal nature of the structure of hegemony remains critical for understanding its functioning. The United States holds the majority voice at both the IMF and World Bank, with Japan and Britain playing second leads. The same neoliberal strategies applied by these two world institutions, especially with respect to developing countries, shows up in national neoliberal economic policies in the United States and Britain, where they became known as Reaganism and Thatcherism respectively. At a far lower level in terms of volume of capital, the same principles and kinds of relationships manifest at local levels among small-town Babbitts. Hegemony, therefore, has both vertical and horizontal dimensions. Horizontally, the hegemonic class guides the levers of culture—the mass media, education, arts, and so on. Note that the operative verb is "guide," not control. That is, hegemony eschews domination or micromanaging. Vertically, hegemony replicates its patterns from the highest levels of the world political economy down to the lowest, where it operates in isolated villages of tribal peoples in the Amazon and Andes. In such places and their equivalents throughout the world, peoples who had first contact with the West only a generation or two ago, find themselves dealing with international oil conglomerates like Shell and Chevron.

The analytic power of the concept of hegemony grows out of its utility in providing a theory of class struggle. Class struggle entails a relational concept of class. Classes define each other. "There can be no slaveholders without slaves, no lords without serfs, no capitalists without workers." Moreover, the means of production mediate these class relationships. The question is always who owns the means of production and who has to work for the owners. (Parenti 2007:251). At the same time, the phenomenology of class relationships depends on perceptions of a different moment in the productive process—commodities. Classes, actually people in class relations, perceive each other and themselves through the spectacle of commodities (Debord 1967). At least since the 1920s, people get their identities from their lifestyles, from the commodities they consume (Marchand 1985). Many of those defining commodities come from the culture industries (Horkheimer and Adorno 1944). Gramsci tied both the structural analytic of hegemony and its phenomenological counterpart to the state arguing that

> not only the philosophy of praxis does not exclude ethical-political history but that on the contrary *its most recent phase of development* consists

precisely in the vindication of the moment of hegemony as *essential to its conception of the State* and in the "exploitation" of the cultural factor, of cultural activity, of a cultural front which is as necessary as the merely economic and political ones.

<div align="right">(Sassoon 1987:111 [her emphasis] citing Gramsci 1975:1224)</div>

Gramsci argues that the state is central in class hegemony. Not only does the state monopolize violence and administer forceful coercion, but it is at the center of managing the ideological apparatus (Althusser and Balibar 1968) and culture industries. As an obvious example of the latter, consider the central role of the U.S. Federal Communications Commission (FCC) in managing the broadcast media. Unlike Michel Foucault's (1978) vague and decentered governmentality where controlling powers diffuse throughout society in a capillary structure, Pierre Bourdieu (1972, 1997) analyzed the molding of mass obedience primarily through state agencies. The agencies are not the repressive apparatuses of police power, but more like Gramsci's extended state. Primary schools, for instance, instill an automatic inclination to form lines to wait in turn. Whether of a liberal or authoritarian cast, these examples embodied forms of obedience in present regimes—a template for organizing compliance. Embodied obedience lies beyond conscious deliberation or analysis.

Hegemony relies as much or more on shaping consciousness, desires, and values as it does on threats, force, and physical coercion. Nonetheless, these latter coercive strategies always remain ready when cultural apparatuses go awry. State forms of control under liberal bourgeois regimes differ from authoritarian regimes in the relative emphasis each puts on the cultural centers and on the manner of their management. Liberal regimes manipulate laws and regulations to favor one message over another—for example, the FCC changes regulations so that an owner could own more than one broadcast outlet in a market. An inevitable result was the semimonopoly of Clear Channel in radio across the United States. Authoritarian regimes rely more on force such as outright censorship and state monopolization of the airwaves. Liberal hegemonies marginalize dissent; authoritarian ones suppress it, often with force and violent coercion.

Authoritarian Control

After the First World War, authoritarian regimes took power in all developed countries except those of the North Atlantic rim. They emerged neither accidentally nor incidentally. Authoritarian states signal a solution to the crisis of production of the 1920s. Several historical currents set the stage. The war had wrenched the last grip of the old feudal aristocracy

from the tiller of the state, most notably in Germany and Russia. Without state support, the class of large rentiers could not sustain economic viability. The frenzy of industrial destruction during the war, the exhaustion of neocolonialism to support profits, and the failure to provide sufficient markets led to the financial collapse at the end of the decade. These historically specific forces expressed the long-term crisis of the falling rate of profit, the engine of capital. Capital reorganization offered a solution.

What Gramsci called Fordism, alternatively termed Americanism, introduced mass production and mass consumption (1971:279–318). Mobilization of the masses had been a crucial part of the War with its enormous armies. Such statist techniques applied to industry after the war ended. Concurrent with the social reorganization of production came technological changes. Frederick W. Taylor (1856–1915) brought the two together by applying machine-oriented discipline to labor (Maier 1970:30). Taylorism formed the technological core of Fordism. Innovations in machinery, transport, and chemistry contributed to the modernization of the world economy. Factories turned to electrification with the turbine taking over from the steam engine. Mechanization also helped increase agricultural output along with the use of synthetic fertilizers and pesticides. Especially in the western settlement countries— Argentina, Australia, Canada, the United States, and Uruguay—efficient agricultural production overshadowed the local agriculture in Europe (Federico 2005) putting even more pressure on the landed elites and impoverishing the rural working class. Militant labor resistance became a major political crisis following the First World War. In the United States, the Red Scare of 1919 combined with the suppression of the antiwar left to crush the most militant labor organizations such as the Industrial Workers of the World (IWW). In Europe, elites turned to other means.

Italian Fascism

At first, movements across the political spectrum in Italy included the term "fascist," a reference to the ancient fasces, which was a symbol of power, vitality, and unity dating back to Etruscan times. In 1919, Mussolini founded the Fasci di Combattimento, a movement that combined militant nationalism with vociferous demands for political and social renewal. Its strident antisocialist actions included Black Shirt(camicie nere, CCNN, or squadristi) attacks on socialist and labor demonstrations. In the elections of April 1921, the Fascist political party (Parito Nazionale Fascista, PNF) gained 35 out of 535 parliamentary seats, relying mainly on membership from unemployed veterans of the war with its political base in the urban, industrialized north. Its antisocialism and anti-Bolshevism drew

support from industrialists made uneasy by massive strike waves. Large estate owners soon joined in after rural strikes in 1919 and 1920. Although originally conceived as a military assault, the March on Rome in October 1922 drew support from financiers, industrialists, landowners, and important elements of the aristocracy and royal family, not least King Vittorio Emmanuele III himself, who appointed Mussolini prime minister on October 30. Benito Mussolini presided over a coalition government dominated by non-Fascists. A combination of government acts such as dismissing striking railway workers and Blackshirt local violence fomented fear of revolution or civil war. Under anxieties of civil dissolution, the parliament voted to change the election laws on July 15, 1923, giving the Fascists a majority. Mussolini's fascist political party (PNF) and its allies won the elections of 1924 with a two-thirds majority. Fascist assassins murdered Giacomo Matteotti, a socialist member of parliament on June 11, 1924, soon after his anti-Fascist speech in parliament. The king continued his support of Mussolini who used it to establish a totalitarian, Fascist state, in which power was concentrated in his hands, and where the Fascist movement came to dominate virtually all aspects of Italian life. Trade unions were banned, and the judiciary came under Fascist control (Bosworth 2006; Gallo 1964).

The speech of Benedetto Croce in the Italian Senate demonstrates liberal bourgeois capitulation to Fascism during a time of social crises, fears of mass uprisings, and leftist political movements. Although later a staunch critic of Fascism, when he could have said something to stem Fascism's advance, Croce helped persuade the senators to support Mussolini after the murder of Matteotti. He concluded his address to the Senate saying, "We must allow time for Fascism to complete its process of change; our vote will be prudent and patriotic." Subsequently the Senate voted 225 to 21 with 6 abstentions to support Mussolini's government (Gallo 1964:188).

It is frequently forgotten that the word "totalitarian" originated in Italy. First applied to Mussolini's rule in May 1923 by critics, the title totalitarian was taken up by the regime after 1925 and applied to itself. On 28 October that year, for the third anniversary of the March on Rome, Mussolini coined the formula that Fascism meant a system in which "all is for the state, nothing is outside the state, nothing and no one are against the state" (Bosworth 2006:215).

German Nazism

The First World War ended with a revolution. Kaiser Wilhelm II abdicated November 9, 1918, and a parliamentary government under Friedrich Ebert

of the Socialist Party (SPD) took control of the state, agreeing that an armistice would commence on November 11. The interim government eventually led to the establishment of the Weimar Republic. By December 31, the Spartacist League of revolutionary socialists under the leadership of Rosa Luxemburg and Karl Liebknecht formed the Communist Party(KPD). By January 1919, the KPD led mass uprisings against the government, which used the remnants of the army to crush the revolt and assassinate Luxemburg and Liebknecht. In Germany, the socialists played the role of the left wing of the bourgeoisie, preferring order to equality. Having gained control of the government, they used the armed force of the state to ensure against revolution. Nonetheless, the socialists failed to win over the right wing and reactionary movements, which fashioned their own armed forces from disgruntled and unemployed veterans such as the Freikorps and Stahlhelm.

From 1920 to 1923, reactionary forces continued fighting against the Weimar Republic and left-wing political opponents. In 1920, Wolfgang Kapp in the Kapp Putsch briefly overthrew the German government. Mass public demonstrations forced the short-lived regime out of power. The newly formed National Socialist German Worker's Party (Nationalsozialistische Deutsche Arbeiterpartei, NSDAP)—Nazis—under the leadership of Adolf Hitler and with the support of former German army commander in chief Erich von Ludendorff, entered into political violence against the government and leftist political forces as well. On November 9, 1923, in what is now known as the Beer Hall Putsch, the Nazis took control of parts of Munich, arresting the President of Bavaria, the chief of police, and others and forced them to sign an agreement in which they endorsed the Nazi takeover and the Nazi objective to overthrow the German government. The putsch came to an end when the German army and police were called in to put it down resulting in an armed confrontation where a number of Nazis and some police were killed. Tried for treason before an openly sympathetic court, Hitler and his coconspirators served only months in prison.

The bourgeois socialism of the Weimar Republic appeared to offer a solution similar to that of liberal bourgeois regimes in the United States and Britain. In fact, it paved the way for the Nazi seizure of power in 1933 and the establishment of the Third Reich. Once the Nazis seized the government, they passed a series of laws giving them control of the state and centralizing state power: the Enabling Act of March 23, 1933, gave lawmaking power to the Nazi government while two *Gleichschaltung* laws of March 31 and April 7, 1933, centralized state power in Berlin and diluted the authority of the federated German states. Also, a series of decrees and organizational laws forbid competing political parties established a

unified state labor council, subordinated churches to a Ministry of Ecclesiastical Affairs, and generally took command of all organizations and cultural apparatuses. As in the case of Mussolini and his fascists, Hitler and the Nazis quickly gained hegemony.

Stalinist USSR

Though it may seem strange to argue that Stalinist authoritarianism responded to the falling rate of profit in the world capitalist system, it is not inapropos. After the Bolshevik revolution of November 1917, Russia plunged into civil war until 1923, with the heaviest fighting ending by 1921. Among other consequences, it devastated the economy. Partly as a measure to repair the economy and partly because the Soviet leadership lacked enough technical expertise, the Bolshevik government promulgated the New Economic Policy (NEP) March 21, 1921, lasting until Stalin consolidated power and instituted the first five-year plan and collectivization of agriculture in 1928. Under the NEP, the USSR was a mixed capitalist economy with some socialist elements. Therefore, Stalin's accession came out of a period when long-term forces affecting world capitalism still buffeted the country. Moreover, the world stood on the brink of the great collapse triggered by the U.S. stock market crash of October 24–29, 1929.

Unlike Mussolini and Hitler, however, Stalin did not climb to rule through parliamentary politics, but via bureaucratic maneuvering within the party and state apparatuses. Beginning in 1928, the country underwent a second revolution, or rather its real revolution began after a mere seizure of state power in 1917. The five-year plans for industrialization and the collectivization of agriculture constituted violent class warfare. "Molotov, who became premier in 1930, encouraged the '*unleashing of the revolutionary forces* of the working class and poor and middle peasants'" (Overy 2004:43). In 1934, the same year that Hitler eliminated the possibility of intraparty challenges by his purge of Ernest Röhm and the disbanding of the Sturmabteilung, the Brown shirts, Stalin used the murder of Kirov (Sergei Kostrikov) to put himself beyond challenge and beyond law. A new law allowed the secret police, the OGPU, to arrest terrorist suspects, try them secretly and in absentia, and execute them at once (53). From then on, under Stalin, the USSR became an authoritarian regime controlling every aspect of society.

The Role of Terror in Authoritarian Control

Mussolini, Hitler, and Stalin were certainly dictators, but they were popular dictators. They, and the regimes they headed, had the kind of support

that elected heads of government could only envy. Continual polling and market research to which most people have become accustomed was in its infancy when these authoritarian regimes took control, but from all historical accounts the people of Italy, Germany, and the USSR did not just comply with their leaders, they adored them. That is because authoritarianism is an expression of populism. The fulcrum of that populism is terror.

There is a cartoon in which two white-coated, professorial types are speaking over a Skinner box, and one is telling the other that placing a cat in the box greatly improves the speed of the rats running the maze. Nothing motivates like fear, and gratitude is accorded to those who promise protection. Authoritarian regimes rely on this simple psychology. Authoritarian regimes do not terrorize their nations. They point to enemies who would terrorize without the state's protection. Those propaganda films showing happy workers and the like spun out by the state in Germany and the USSR put an especially glossy façade on the picture, but it was not much of a distortion. Most Germans, Italians, and Russians found the 1930s a better time than the preceding years. A sense of security suffused the new political and economic conditions in contrast to those of the First World War and its aftermath. At the same time, they knew that enemies lurked. There were foreign, external, and internal enemies—terrorists, wreckers, saboteurs, and traitors. A firm hand was needed to ensure the people's safety.

> Stalin's whole political outlook was shaped by a central dualism between virtuous Bolshevik revolutionary and counter-revolutionary opponent [sic]. "We have internal enemies. We have external enemies," announced Stalin in 1928 during the Shakhaty show trial: "This comrades must not be forgotten for a single moment." . . . Enemies   were always defined as part of a network of terror.
>
> (Overy 2004:177)

> . . . Hitler's attitude to the enemy shared the inflammatory language and alien characterization of the Soviet model. In a speech in 1934 he told the audience that his movement had saved the German people "from Red terror." . . . The enemy was sustained, in Hitler's view, by alien forces, predominantly by Jews and Bolsheviks (178–179).

The Führerprinzip, or in the case of Stalin, the cult of personality (Khrushchev 1956), did not eliminate complaints, grumblings, or even straightforward political dissent in the three-model authoritarian societies. For the USSR, Sarah Davies (1997); for Germany, Detelev Peukert (1987); and for Italy, Luisa Passerini (1986) have shown with varying degrees of documentation that the respective publics did not swallow the regimes'

propaganda whole. Nonetheless, the great majority did not just comply upon threat of punishment; they actively supported their governments even while criticizing particular policies (Gellately 2001; Geyer and Fitzpatrick 2009; Bosworth 2006). Even in authoritarian polities, regimes do not control the masses and their opinions; they shape and manage them mainly through instruments of the state.

Whether, therefore, the masses of Germany, Italy, and the USSR agreed or dissented mattered less than their bio-emotional inclination to comply. The state remains instrumental in providing the foundation for a willing population. Fear builds on that foundation fueled by propaganda but also by real threats, even if those threats come from the state itself.

The very real social, economic, and political dislocations of the First World War, its immediate aftermath, and the global economic crisis beginning in the late 1920s proved real enough threats and risks. Nonetheless, everyday life does not comport well with global and abstract analyses. The co-worker who beats a person out of a promotion, a shopkeeper who cheats a purchaser, the landlord who evicts, and similar figures play the role of concrete dangers. On top of such quotidian insults, there were breakdowns in providing essential goods and services, strikes, the hyperinflation in Germany, civil war in Russia, and other severe interruptions of predictable social relations. In the Soviet Union, famine presented existential threats. Some of the threats under the authoritarian regimes were of their own making. For example, the collectivization of agriculture initiated by Stalin in 1928 at least exacerbated, if not caused, famine. The social chaos of the 1920s and early 1930s lent itself to authoritarian regimes identifying particular enemies of the people who played concrete roles that inspired fear and terror—that is, scapegoats.

In Germany, the chaos followed on modernization, democratization, and economic collapse. Society had fundamentally changed as a result of the disintegration of class boundaries and mass impoverishment; social stability had simply collapsed. The question of one's place in society and the meaning of one's own existence presented itself anew with unexpected sharpness. Accordingly, a cultural orientation with changed perceptions of reality emerged in the postwar years. Tradition and cultural legacy no longer constituted the defining categories of this orientation; rather it formed around the desire for a new order with long term stability. "Space" (*Raum*) with "people" (*Volk*) could be understood as eternal concepts, as could "soil," "race," and "art" (Baberowski and Doering-Manteuffel 2009:187).

Similarly in Russia, disruptions of the defeat in the First World War, the Bolshevik Revolution of 1917 civil war, and the contradictions of the New Economic Policy combined with state-engineered modernization begun under the Czarist regime. Ambiguity edging into social chaos had been a

reality in the USSR for almost two decades by the time Stalin asserted his suzerainty. Not entirely unfounded paranoia found purchase in the USSR of the 1930s: the Nazis in Germany and fascist regimes in southern and eastern Europe, spy mania, fear of foreigners, and xenophobia combined with the capitalist powers invasions during the civil war and their support for subversives (210). These factors provided the background of fear. The terror and police state repression secured the fear in the authoritarian regimes.

Terrorizing the Masses

The Czarist regime doubtless deserved its reputation as the most repressive in Europe well before the Bolshevik Revolution. Nonetheless, the Bolsheviks did not do away with police state tactics once they seized control of the state. Soon after the October 1917 revolution, Lenin established the Cheka (All-Russian Extraordinary Commission for Combating Counter-Revolution and Sabotage) as a secret police organization. It was succeeded by the OGPU, NKVD, KGB, and FSB (currently under the new Russia). Despite name changes, their main functions have remained remarkably similar.

"In the 1930s the Stalinists never felt they controlled the country. Transportation and communication were poor, and the regime's representatives were few in number, especially outside the cities" (Getty and Naumov 1999:15). The Stalinist terror began in the highest levels of the ruling party. The expulsion of Trotsky and his followers was followed by a purge of the so-called rightists—Bukharin, Rykov, and Tomsky. Nonetheless, police state tactics were already operating in the countryside against peasants resisting collectivization and more generally against bandits who roamed relatively freely in a nation not yet recovered from war and economic disruption. While Stalin consolidated his power 1928–1932, "the Bolsheviks believed that they were involved in a life-or-death 'class war' against 'capitalist elements in society. . . . Party discipline took on an even more military character than before" (43). The party and its police apparatus enforced the Bolshevik revolution violently resulting in untold deaths, possibly in the millions. Most such deaths came from famine and other generalized conditions and not from deliberate executions (Thurston 1996). The focused terror began in 1937 when the NKVD killed about three quarters of a million, some of whom were party leaders but most were ordinary citizens and foreigners (Baberowski and Doering-Manteuffel 2009; Getty and Naumov 1999). This latter was the Great Terror of 1937–1938.

The Nazi terror was far less deadly until the Second World War began. Part of the reason resides in the greater degree of development

in Germany. Living conditions were less perilous. The Gestapo and SS (Sicherheitdienst, SD) arrested tens of thousands. They executed some leading Communists and union leaders, but most went to concentration camps. Many were tortured, but not interred. Of those sent to the camps, most were mistreated, and then released. About 80,000 spent some time in the camps prior to Kristallnacht, November 9–10, 1938 (Gellately 2007:302–303). "Coercion and violence were limited and predictable and thus different from the arbitrary and sweeping terror of the Soviet Union" (303). Popular media informed the Germans that these measures counteracted Communism. Consequently, public opinion generally supported it, and even applauded it. "The Nazis had grown so confident about their support from the population by the end of 1933 that they seriously considered getting rid of both the Gestapo and the camps" (303). Gradually, the same tactics applied to outcast ethnic groups, most notably Jews and other so-called asocials such as homosexuals. The mass pogrom marked by Kristallnacht began a new and different kind of terror eventuating in the Final Solution. Nonetheless, most Germans supported this focused kind of terror (Burleigh 2001; Burleigh and Wippermann 1991; Fritzsche 1990, 1998; Gellately 1990; Johnson 1999).

The years 1933–1934 marked social upheaval and economic deprivation throughout the world. In the United States, Franklin Roosevelt's New Deal constituted the remedy. It followed and promoted the liberal welfare-state solution. It also put the state into the daily lives of most Americans to a degree unimaginable just decades before. Moreover, FDR carried out many New Deal policies and practices as if acting with plenary powers under a state of emergency. Hitler, Mussolini, and Stalin faced similar disruptive social conditions, albeit with great variation among those countries. Their anodyne followed the authoritarian strategy. At some point, certainly by September 2001, many of the authoritarian strategies displayed by the authoritarian triumvirate came to the United States.

Chapter 4

Law and Terror

The United States—especially since the 9/11 attacks, but beginning even before—ran the biggest counterterror apparatus in the world. It has many components including the military and various national defense and intelligence agencies. A main part of the counterterror effort involves the criminal justice system. The 9/11 attacks transformed this already formidable bureaucracy into a veritable leviathan, or maybe behemoth would be more apt. In any case, after 9/11, the federal government undertook the largest single reorganization in more than forty years by, inter alia, creating the Department of Homeland Security. The FBI alone conducts over 10,000 terror investigations a year (TRAC 2003). As of May 2006, federal agencies maintained surveillance and ongoing investigation of 6,472 individuals as terror suspects (TRAC 2006). Despite over 4,000 referrals for prosecution, the U.S. Justice Department prosecuted only about a third and only about a fifth of the suspects were convicted. The median sentence upon conviction was less than a month—28 days (TRAC 2006). What accounts for such meager results on such an enormous effort?

Despite far reaching antiterror laws, the United States, like other countries with a common law tradition, uses procedural accountability in its criminal justice system. The backbone of this accountability traces its ancestry and logic to the common law. Common law procedural requirements have been and continue to be a bulwark protecting individuals against state power. Therefore, whenever the state wields its penal power in new ways or in new areas, the common law can stymie freebooting state control. While that is one explanation for the inefficient counterterror law enforcement, there are other perspectives offering a more revealing picture of the relationships among the state, its laws and subjects, and common law procedures. While the common law reins in state abuse, it acts on a case-by-case, individual basis. Prosecution in a rational legal system, however, is not necessarily the best measure of the state's counterterror policy.

While prosecutions may suffer inefficiencies, the effect of greater social control and aggrandized state power through policing and surveillance is perhaps the real point of state counterterrorism.

Law and the State

Almost all governments, which exist at present or of which there remains any record in history, have been founded originally—by usurpation or conquest, or both—without any pretence of a fair consent or voluntary subjection of the people (Hume 1758:189–190).

All law expresses the power of the state. It articulates the parts of society organized under state polity. "Law channels and imposes the force of the state" (Merry 1990:10). Law is ideological. It makes a framework for symbols and categories. For example, the current ideology of law in the United States includes categories such as public versus private law, criminal versus civil, regulatory and administrative law, and so on. Law creates entities such as citizens and other persons, both fictive and natural. It creates concepts such as terrorism, fraud, unfair labor practices, and so on ad infinitum. No matter the circumstance, force is always in the offing. Commonly, violent force remains umbral, but as Robert Cover observed, "Legal interpretation takes place in a field of pain and death" (1986:1601).

Transgressions of the law are always at their foundation lese-majesty, because they challenge state power. This applies to all laws, no matter how removed from the paradigm of lese-majesty, that is, treason. In those legal areas where state hegemony is most solidly established, because of long usage and accommodation to the interests of the most powerful social elements, the violent force of the law remains clothed in a velvet glove. Consider an intellectual property lawsuit in a most decorous federal courtroom. Let one of the parties refuse to comply with the judge's order and insult the bench, and armed guards may drag the individual to be locked in irons. For an extreme version, recall the courtroom setting of the Chicago Eight. Following the 1968 Democratic National Convention, the United States charged eight individuals with inciting a riot: David Dellinger, Rennie Davis, Tom Hayden, Abbie Hoffman, Jerry Rubin, Lee Weiner, John Froines, and Bobby Seale. The last was the special target of the ire of federal Judge Julius Hoffman who had him bound to his chair and gagged. Ultimately, law brings to bear the power of the state wherever and whenever someone calls it into play.

Law is closest to enforcing prohibitions on lese-majesty and most directly uses violent force at times and places where the state's hegemony is unclear. It may be unclear for a variety of reasons, for example when the state has moved into a new arena such as labor management in the

post–Civil War era, or because there are real challenges to state authority. At such times, law's iron fist breaks through the velvet glove.

The state's use of law regarding terror illustrates the generalization. Especially since 9/11, but originating before then, countries throughout the world have passed new legislation on terror. Among them are the common law countries—Australia, Canada, the United Kingdom, and the United States. In addition to the common law tradition, these countries trace direct ancestry to the British Empire—the largest empire in history. At its height, it contained about one-fourth of the world's population (Maddison 2001:98, 242) and land surface (Ferguson 2004:4, 15). The imperial lineage has direct bearing on the establishment of the legal antiterror apparatus.

The main U.S. terror law is codified as a criminal statute at 18 USC 2331 et seq. It originated in 1984 with a major extension in the 1996 Anti-Terrorism and Effective Death Penalty Act. After the attacks of 9/11, the USA Patriot Act amended the law, and there have been regular amendments since. The Australian laws include the Criminal Code Amendment (Hamas and Lashkar-e-Tayyiba) Act 2003, the Australian Security Intelligence Organisation Amendment Act 2003, and the Criminal Code Amendment (Terrorist Organisations) Act 2004. For Canada, it is Bill C-36, The Anti-Terrorism Act of 2006, and finally, the UK Terrorism Act of 2000 as amended through 2006. All punish crimes against state authority—the lese-majesty principle. The laws of Australia, the United Kingdom, and the United States—Canada provides the exception—also contain the concept of crimes of association or status. That is, they outlaw certain kinds of social relations as opposed to specific behavior.

With slight variation, the terror laws of these countries define terrorism in ways similar to the U.S. terrorism law: "As used in this chapter [18 USCS §§ 2331 et seq.]—(1) the term 'international terrorism' means activities that—(A) involve violent acts . . . ; (B) appear to be intended—(i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government . . . "

In short, the laws define terrorism as a political crime against the state. In addition, they go beyond the usual kind of criminal statute, say a law against homicide or armed robbery, in that terrorism is not confined to acts of theft and mayhem. Instead, terrorism is a crime of association and intention. They even go beyond typical criminal statutes against conspiracy. Criminal conspiracy requires more than loose talk. Conspirators must have definite and concrete plans—not just, for example, saying it would be a good idea to blow up an airliner. Also, conspirators must take concrete action to put their plans into play. Prosecutors would be unlikely to get a conspiracy conviction for the so-called London airplane bomb plot, since

the would-be plotters lacked flight reservations, and some did not even have passports (Roston, Myers, and NBC 2006).

Terror laws and agents of the state who enforce them make arrests based on Internet chat room dialogue, purchase of otherwise innocuous material like hydrogen peroxide or nail polish remover, contributions to charities, artworks, and the like. This is not the stuff to gain convictions for criminal conspiracies. Terror legislation makes a crime of association and of thought. It more closely resembles political crimes familiar from the past, those concerned with sedition and red scares.

Nonetheless, terror laws do not differ from other criminal laws at a more basic level. Today's criminal codes bear the results of centuries of smoothing over and refinement stemming from their clashes with the common law, especially the requirements of due process, rules of evidence, and the like. Countless criminal trials, in which defense lawyers evaded convictions for their clients based on procedural missteps, have worn off the sharpest edges of most criminal statutes. Still, like pebbles in a riverbed, they share the same composition as rocks sheltered from the elements that still show signs of their violent birth. As those sheltered rocks will reveal more about their origins than riverbed pebbles, the terror laws reveal more about the nature of the law.

Law, Custom, and the State

In his critical history of the state, Fredrick Engels (1891) observed that "an essential characteristic of the state is the existence of a public force differentiated from the mass of people (106). The lowest police officer in the civilized state has more 'authority' than all the organs of gentile [tribal] society put together" (156).

My argument has three parts. First, the criminal justice policies of these states reveal the iron fist of the law, stemming from perceived challenges to their authority, which the laws denote as terrorism; second, all laws originate as assertions of state authority by calling upon the state's power of violent force; and third, common law principles of due process and justice offer some defense against the state's power, but the common law is really a formal, recorded expression of custom, which differs from law and can thwart it only through political action.

Stanley Diamond (1978) argued that "[t]he relation between custom and law is, basically, one of contradiction not continuity" (241). Paul Bohannon made the alternative argument that law grows out of custom in his 1968 article on law (73–78). Relying on Jeremy Bentham and Henry Maine, Diamond said the formation of the state and law are mutually dependent processes. There is no state without law and no law without a

state. He contrasts social rules in nonstate societies where custom reigns. A distinguishing characteristic of nonstate societies are alternative social formations—corporate kin groups, age-grade sets, secret societies, and so on—and corporate responsibility for delicts and debts. State formation is a process. States do not just come into being and then carry on business as usual. All states, whenever they may have first appeared, continually reform in a dialectical process, perhaps not unlike the continual adaptation of biological species in evolutionary dialectics.

The processual view applies to all states, from those that are nascent and fragile to mature, cohesive states such as those of western Europe and North America, and to decrepit or disintegrating states. As states extend their authority throughout a society, they override and subsume alternative sources of authority—corporate kin groups, religious organizations, and whatever stands in the way of total hegemony. A principal means by which they gain hegemony is law. The state makes laws that create and take account of individualized, legal persons. The law substitutes these persons for families, religious orders, and so on. The state creates individual as opposed to corporate or group responsibility under law. It makes legal subjects. State formation relies on individualization through law. It appears most clearly when examining archaic protostates. Emerging states characteristically create a census-tax-conscription system. The census enumerates individuals, taxes them, and conscripts them into armies or public labor. Individuals become assets of the state (Diamond 1978).

Courts of law appear as states emerge. Courts settle social conflicts that previously relied on customary ritual cycles ratified by councils of elders. During early state formation, laws slowly supplant customs as the rules for conflict resolution. Diamond cites the case of the emerging protostate of Dahomey to illustrate. The Dahomean king would send a certain category of his women to reside in villages. Local men who had sexual intercourse with these women were charged with the crime of rape. After a summary trial, the men were conscripted into the king's army as punishment. The crime of rape served the state's purpose, whereas, before the emergence of the state, the wrong would be corrected by composition—ritualized giving of goods to the injured party (Diamond 1978:251). Usually, the injured party was a corporate kin group. Other punishments in nonstate societies include ritual purification, ridicule, and, ultimately, banishment for severe recidivists. These kinds of punishments are easily recognizable as typical for nonstate societies governed by custom rather than law. They do not serve the economic or political needs of the state.

What had been private issues, calling for bargaining over compensation between kin groups or other corporate entities, increasingly became crimes as regulation of labor came to be a concern of the state. By the time

of successful assertion of state authority in the mid-seventeenth century, Hobbes and other literate apologists for state violence created an ideological framework in which individualism was key. As Henry Maine famously pointed out, law moved from status to contract as the state suppressed, redefined, and regulated other, potentially competing social formations.

Penal systems, criminal justice systems, and all systems of law respond to changes of the state and its social environs. The state always disciplines. That is its primary function and its main modus operandi. Styles of punishment and law change and so do the theoretical discourses that purport to explain but in fact rationalize them.

Terrorists and the laws and security procedures purporting to nab them are but the forms of state structures of symbolic violence. State symbolic violence uses the forms of law and regulation to inscribe its demands on the bodies of citizens, much as "the apparatus" inscribed the crimes committed by miscreants in Kafka's "In the Penal Colony" (1919). Air travelers and other citizens of the English-speaking hegemonic states do not *decide* to comply with the current absurdities. They do not evaluate and judge through some public or even private discourse. Their submission comes from lifetimes of training. In day cares, nursery schools, and kindergartens, children's bodies get used to queuing in lines. Put Americans, Britons, Canadians, or Australians in front of a gate, and they will form a line without a word said. Compliance is a physical act; all the rest is later rationalization. Drivers attending to their cell phones or switching CDs catch a traffic signal turning red out of the corner of their eyes. They slam on the brakes, *without thinking*. When we learn another language or play a musical instrument, we strive for fluency or accomplishment by training our bodies to perform automatically. We strive to respond to signs of language or musical notation without thinking, automatically, or as Freud would have it, preconsciously. So the state strives to train the populace.

The intellectualization of bodily conformity finds cognitive schema ready to be filled. Socialization consists first of training but also mental categories molded by a succession of state apparatuses—families, schools, factories, offices, etc. Moreover, these mental appurtenances reflect the prevailing social structures. Pierre Bourdieu (2000) put it thus.

> For the problem is that, for the most part, the established order is not a problem; outside crisis situations, the question of the legitimacy of the State does not arise. The State does not necessarily need to give orders and to exert physical coercion, or disciplinary constraint, to produce an ordered social world, so long as it is able to produce incorporated cognitive structures attuned to the objective [social] structures and so secure doxic submission to the established order (178).

Terror laws are the explicit linguistic signs of implicit obedience. Written laws are part of a dialectical process encompassing agents of the state and the apparatuses where they work that inscribe obedience. The red traffic signal that causes inattentive drivers to brake suddenly has volumes of traffic rules behind it. Modern legal codes legitimize state apparatuses and depend on them to enforce the laws, and both rely on habits of obedience from a populace who rationalize their submission as per an invented logic of the law. It is a dialectical process of *Aufhebung* in which each element depends on the other to continually construct the edifice of the state. Today's terror laws reveal an expansion of state authority—a whole new wing of state control—ostensibly in response to terrorist threats and a crisis of state legitimacy.

Nonetheless, they did not arise in the United States at a time of crisis, at least not the kind of crisis threatening the state. They arose on the brink of triumph, when the Unites States was about to find itself alone as a superpower. The first U.S. law outlawing terror prohibited international terrorism. Attacks by local resistance groups on a U.S. occupying force in Lebanon prompted the 1984 Act to Combat International Terrorism to be passed. Not until 1996 did the law prohibit domestic terrorism, at the time occasioned by the Oklahoma City bombing. The 1996 law, the Antiterrorism and Effective Death Penalty Act, came quickly on the heels of the bombing, because the legislation replicated and extended what the Justice Department had wanted to pass after the first bombing of the World Trade Center in 1993. That had been the work of Muslim Middle Easterners, not Euro-American Christians. Political infighting at the time prevented passage of the law after 1993. By the time of the USA Patriot Act—a law miraculously written in all its almost four hundred pages within weeks after the attacks of 9/11—the basics of outlawing terrorism already were in place. The Patriot Act merely put finishing touches on state power and control.

The twenty-year period from the mid-1980s to the middle of the first decade of the twenty-first century significantly includes the collapse of the Soviet Union and the projection of state control by the United States into central Asia. The terror laws are the effects of that extension of U.S. state power.

Rounding up the Usual Suspects

So long as the people do not care to exercise their freedom, those who wish to tyrannize will do so; for tyrants are active and ardent, and will devote themselves in the name of any number of gods, religious and otherwise, to put shackles upon sleeping men.

(Voltaire [François Marie Arouet] 1764)

Within hours of the 9/11 attacks, teams of Immigration and Naturalization Service (formerly INS, now Immigration and Customs Enforcement, ICE) agents, accompanied by FBI agents and local police officers, fanned out in Muslim-American communities across the United States. They began arresting male Muslim noncitizens from Arab and South Asian countries who had overstayed their visas or otherwise appeared to be out of status. These individuals were designated as "of special interest" to the government's terrorism investigation notwithstanding the absence of evidence linking them to terrorism. Hundreds of post-9/11 detainees were presumed guilty of terrorism until proven innocent to the satisfaction of law enforcement authorities (CCR 2006). The last detainee from these 9/11 sweeps was released July 21, 2006. He had been cleared of all links to terrorism in November 2001 (Hays 2006). Some of those rounded up had various, mainly technical, visa violations. A few have begun civil lawsuits against the U.S. Justice Department. Ruling on the government's motion to dismiss, the trial judge, John Gleeson, summarized the issues concisely.

> This case raises important issues concerning the arrest, detention, and treatment of aliens of Middle Eastern origin in the immediate aftermath of the terrorist attacks of September 11, 2001. The plaintiffs were illegal aliens at the time. In broad strokes, their claims in this case fall into two categories. First they contend that the government used their status as illegal aliens as a cover, as an excuse to hold them in jail while it pursued its real interest— determining whether they were terrorists, or could help catch terrorists. Second, the plaintiffs claim the conditions of their confinement flagrantly violated the U.S. Constitution.
>
> In general, the latter claims survive this motion to dismiss, largely for reasons set forth in *Elmaghraby v. Ashcroft* 2005 U.S. Dist. LEXIS 2134 (E. D. N. Y.).
>
> The claims in the first category are, however, dismissed. After the September 11 attacks, our government used all available law enforcement tools to ferret out the persons responsible for those atrocities and to prevent additional acts of terrorism. We should expect nothing less. One of those tools was the authority to arrest and detain illegal aliens. If the plaintiffs' allegations are true . . . then the government held them in jail for months not because that amount of time was necessary to remove them to their countries of citizenship, but because it wanted to have them available here in the United States in the event criminal charges could be brought against them.
>
> But the government was allowed to do that. An ulterior motive in this context does not render illegal conduct that was within the bounds of the government's authority (*Turkmen v. Ashcroft* 2006:2–3).

In the trial court's decision in *Elmaghraby*, Judge Gleeson went on to compare the roundup of Middle Easterners to police who want to look for guns, pulling over a car for failing to give a lane signal change, citing *United States v. Scopo* (1994). Today's federal bench shares much of his reasoning, doubtless contributing to the fact that the United States has catapulted to world leader in locking up people, with minorities and especially African Americans out of all proportion among them. Implicit is the notion that Middle Easterners, or those with related attributes, are usual and expected suspects for terrorism. Subsequent criminal investigations of such usual suspects have led to mixed results.

In Afghanistan, and later Iraq, U.S. invading forces captured prisoners, or accepted custody of prisoners captured by allies such as Afghani warlords and Pakistan's ISI (secret police). Hundreds went to hastily readied internment camps in Guantanamo Bay, Cuba, Bagram, Afghanistan, Abu Ghraib, Iraq, or various camps and prisons in central Asia. Some are in secret prisons around the world (Amnesty 2005). Some of those captured and imprisoned have gone to court. The results have been mixed. The common law cannot be a bulwark against state power run rampant, but it can be a weapon in the hands of those who would resist tyranny.

John Walker Lindh made a plea bargain, receiving a twenty-year prison sentence (Kayyem 2002). Lindh made admissions under death threats and conditional offers of treating his gunshot wounds. Remarkably, these tortured admissions are on videotape records (Stanley 2001; Doran 2002). To this day, it is unclear what criminal acts Lindh may have committed. He had been found among those identified as Taliban by his initial captors, Afghan warlords temporarily allied with the United States. According a 2009 interview with his parents, he had joined the Taliban to fight the Northern Alliance, which, at the time, Russia supported. He was unaware the United States had invaded Afghanistan (Democracy Now 2009).

President George W. Bush in his January 2003 State of the Union address said "We've broken Al Qaeda cells in Hamburg, London, Paris, as well as Buffalo, New York." The al Qaeda cell consisted of six young U.S. citizens from Lackawanna, New York, who went to Afghanistan in the spring of 2001 to train in supporting the worldwide Muslim cause. They returned in June. After 9/11, they were charged under 18 USC § 2339A: "Providing material support to terrorists." Material support is defined under subsection b as follows:

> In this section, the term "material support or resources" means currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation

or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

The six Muslim Americans had provided nothing like material support. Government prosecutors entertained charging them with one count for each time they had fired a rifle, which would have resulted in effective life sentences. The White House and Justice Department identified them as crucial to their public relations campaign, and the local U.S. Attorney's office took heed. Perhaps most importantly, they came to court in the spring of 2002, when the U.S. populace, including judges and potential jurors harbored fresh rage over the attacks of 9/11. It would have been a hanging jury. So, the Lackawanna Six, as they came to be called, accepted plea bargains of seven to ten-year sentences (Buffalo Case 2003a; Buffalo Case 2003b; Purdy and Bergman 2003; Daalder 2003; Temple-Raston 2007).

In Detroit, just six days after the 9/11 attacks, FBI agents arrested three men who appeared to be of Middle Eastern extraction. They were indicted for having phony identification papers, but, on October 31, U.S. Attorney General John Ashcroft publicly said the men had knowledge of the 9/11 attacks. He later retracted the charge. By January 2002, the lead U.S. prosecutor in the case said he was trying to build a terrorism case. The terrorism indictment came down on August 28, 2002. Their trial began March 26, 2003. It was the first terrorism trial in the United States after 9/11. A plea-bargain witness, Youssef Hmimssa, a Moroccan who also faced unrelated fraud charges, linked the defendants to 9/11. During the trial, Attorney General Ashcroft praised Hmimssa. The jury convicted two defendants of the terrorism charges. The case began to unravel after the verdict. Evidence gained by the FBI showed Hmimssa, the main government witness, to have lied about the links to terrorism, and the prosecutor as having withheld the evidence of his duplicity. In January 2004, the Detroit U.S. Attorney's office gave secret documents from the CIA and other intelligence sources to the judge in the case, Gerald E. Rosen (*Detroit News* 2004). Two defendants' convictions were overturned and a third, Karim Koubriti from Morocco, still faces charges of mail fraud (*United States v. Koubriti* 2006) but not terrorism. The federal prosecutor, Richard Covertino resigned in May 2005, and was charged with obstructing justice and lying to the court (Ashenfelter 2006). Covertino escaped conviction by claiming he had not deliberately withheld evidence but only inadvertently hid documents and photographs from the defense (Rosen-Molina 2007). As the wheels of justice slowly ground on, all the defendants were behind bars.

The last strictly domestic case involves the paintball terrorists. Three men, again with Middle Eastern backgrounds, were convicted of a conspiracy

to wage armed conflict against the United States for practicing paintball combat in the Virginia countryside. The case against them included attending the Dar al Arqam Islamic Center in Falls Church, Virginia, where one Ali Timimi "spoke of the necessity to engage in violent jihad against enemies of Islam and the 'end of time' battle between Muslims and non-Muslims" (*United States v. Khan* 2006:2–3). They and their friends had ties to a Pakistani mujahedeen organization formed to fight the Soviet invasion of Afghanistan in the 1980s. One member of the paintball group, not one of the defendants, discussed his alleged combat experience in Kashmir and urged the destruction of India, Israel, and the United States. Seifulah Chapman, a defendant, traveled to Pakistan in the summer of 2001, where he fired rifles and handguns. He also met another nondefendant there, a man named Singh, the South Asian version of "Smith." Singh allegedly tried to purchase an airborne video system from England, but could not provide a valid credit card to pay for it. In February 2003, the FBI searched Timimi's house. The three defendants were indicted along with eight others in June 2003 for various offenses concerning a conspiracy to engage in military expeditions against India and the United States. In a bench trial, the three defendants Khan, Chapman, and Hammad were convicted. They appealed. The appellate court, the United States Court of Appeals for the Fourth Circuit, upheld the convictions as follows:

> The essential elements of Count One . . . (1) a conspiracy; (2) to enlist or engage within the United States or any place . . . (3) with intent to serve in armed hostility against the United States. 18 U.S.C. §§ 371, 2390. The essential elements of Count Two are (1) a conspiracy (2) to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force prevent, hinder, or delay the execution of any law of the United States . . . 18 U.S.C. § 2384. The essential elements of Count Four are (1) a conspiracy (2) to willfully make or receive any contribution of funds, goods, or services, to or for the benefit of the Taliban.
>
> <div align="right">(50 U.S.C. § 1705(b); 31 C.F.R.§ 545.201–545.208
[<i>United States v. Khan</i> 2006:15])</div>

The appellate court went on to conclude that "[t]here was sufficient evidence to support the district court's finding of guilt on all of these counts" (16).

All these cases show that men of Middle Eastern background, whether legally resident aliens, as in the Detroit and Virginia cases, or U.S. citizens by birth, as in the Lackawanna Six case, are rounded up, jailed, and usually convicted of terrorism or terrorism-related crimes. Their acts, the *actus reus*, consists of loose talk, sometimes travel to the Middle East or South

Asia, and sometimes gun training. John Walker Lindh is an exception, as he is of Northern European extraction and from several generations of Americans. Overzealous policing and prosecutions following 9/11 might be blamed on a first reaction to the shock of the attack like that after Pearl Harbor. Still, the pattern continued years later. The more recent efforts, carried out mainly by the FBI, typically employ informants, sometimes even agents, as provocateurs. The FBI and other federal police agencies have long relied on that technique as in the campaign against the Black Panthers in the late 1960s and 1970s or the War on Drugs that preceded the War on Terror. In 2007, a group—consisting largely of African Americans—was accused of plotting to blow up the Sears Tower in Chicago. After two hung juries, federal prosecutors have yet to gain a conviction but are planning a third trial (*New York Times* 2009a). Another group, men of Middle Eastern descent, was convicted of plotting to bomb Fort Dix, New Jersey, in 2007 (Belczyk 2009). In 2009, the FBI arrested a group of U.S. citizens including Euro-Americans in North Carolina for making plans to engage in guerilla warfare in foreign countries. They have been charged with weapons violations. Each of these cases used agents provocateurs, and each involved arrests long before the accused took any concrete violent actions.

According to public opinion polls in the 1990s, years before 9/11, most Americans, fuelled by inflammatory political rhetoric and racially biased news media coverage, saw Arabs as violent, religious fanatical terrorists. The general public in the United States have been conditioned for decades to support government regimes that pursue military adventures abroad—mainly against racially defined enemies—and authoritarian policing at home (Steuter and Wills 2008; Welch 2006). "Edward Said (1978) reminds us that all knowledge is codified through a political and cultural filter representing certain interests as well as collective fears and anxieties" (Welch 2006:14). Shaped by hegemonic practices by the elite that use apparatuses of the state and control of cultural outlets, a consensual and complicit public has disdained individual rights and freedoms to secure their own fear.

Rights, Writs, and Remedies
No man shall be taken (that is) restrained of liberty, by petition or suggestion to the king or to his councell, unless it be by indictment or presentment of good and lawfull men. . . . Every oppression against law, by colour of any usurped authority, is a kind of destruction . . . and it is the worse oppression, that is done by colour of justice . . . it be contained in the great charter [Magna Carta], that no man may be taken, imprisoned or put out of his freehold, without process of the law. . . . He may have an habeas corpus out of the king's bench.

(Coke 1642)

In a series of cases, the U.S. Supreme Court has issued rulings that limit the military and executive from seizing and imprisoning various persons under the banner of its Global War on Terror. Many of these rulings hinge, either directly or indirectly, on the writ of *habeas corpus ad subjicicendum* or habeas corpus. The writ, issued by a court, orders one who holds another person to bring that person to court where the reasons for the detention can be tested under law.

The first Supreme Court ruling came in 2004 concerning Yaser Esam Hamdi, who had been captured in Afghanistan by warlords who then turned him over to U.S. military authorities. The military sent him to a Navy brig in Virginia and later to South Carolina. Originally held incommunicado and without recourse to counsel, the authorities discovered he was a U.S. citizen, and his father acted as "next friend" to bring legal action for his release. The government fought against court intervention tooth and nail at every step of the process. A very divided court ruled that while the Congressional Authorization for Use of Military Force Resolution (2001) allowed the President to jail citizens as "enemy combatants," such persons still had the right to a hearing (*Hamdi v. Rumsfeld* 2004). The disposition of the case was that Hamdi accepted deportation in lieu of contesting what would have been a weak but protracted prosecution, which would have exacted a heavy price from the defendant, even if he prevailed.

On the same day as *Hamdi*, the Court ruled that U.S. District Courts could hear habeas petitions from foreign nationals held at Guantanamo Bay, Cuba (*Rasul v. Bush* 2004). The main catch to this ruling is that it was not based on the Constitutional right to habeas corpus, which is derived from the common law, but on federal statute (28 USCS § 2241). By implication, Congress could nullify the right. It tried to do just that by passing the Detainee Treatment Act of 2005. It contains the Graham-Levin Amendment eliminating federal courts' jurisdiction on foreigners' habeas claims from the Guantanamo prison. This provision specifically names Guantanamo and no other detention facility. Moreover, the other sections of the act require so-called combatant status reviews by "Tribunals of Propriety of Detention." The decisions of the tribunal are appealable to Circuit Court of Appeals for the District of Columbia. The act allows coerced testimony and immunizes U.S. personnel from lawsuits or criminal prosecution for their actions in detaining or interrogating suspected terrorists.

Before moving to the Supreme Court's interpretation of the Detainee Treatment Act, it is noteworthy that the trial court in the *Rasul* case on remand found that the detainees do have rights under the Fifth Amendment to due process. Further, Judge Green, in ruling against the

government's motion to dismiss, found that the citizenship of those claiming rights is not relevant (*Rasul v. Bush* 2005).

On June 29, 2006, the Supreme Court rejected the limitations Congress tried to place on federal courts. Salim Ahmed Hamdan, the alleged bodyguard and driver for Osama Bin Laden, challenged the Secretary of Defense's plan to try him for war crimes before a military commission. Hamdan argued that the military commission's rules were inconsistent with the Uniform Code of Military Justice, and that he had the right to be treated as a prisoner of war. U.S. District Court Judge Robertson agreed (*Hamdan v. Rumsfeld* 2004). The government appealed, and the Circuit Court reversed (*Hamdan v. Rumsfeld* 2005). The Supreme Court granted certiorari on Hamdan's appeal, ruling on the applicability of the Geneva Conventions and finding that the military commissions are not competent tribunals (*Hamdan v. Rumsfeld* 2006). The next day, however, the Court denied Hamdan's petition for a writ of habeas corpus without opinion. The effect of the Supreme Court's ruling is to nullify the limitation of federal courts by the Detainee Treatment Act. Nonetheless, that did not end the conflict between the common law and the state.

Almost exactly three months after the Supreme Court's *Hamdan* decision, Congress passed the Military Commissions Act on Thursday, September 28, 2006. It specifically rejected an amendment that would have retained the right to habeas corpus. The Military Commissions Act also reiterates provisions of the Detainee Treatment Act that permit coerced testimony and immunize U.S. personnel against lawsuits and prosecution for abuse and mistreatment of prisoners.

The following Monday, October 2, the Center for Constitutional Rights filed a habeas petition in the U.S. District Court of the District of Columbia (*Mohammed v. Rumsfeld* 2006). The petition was for25 men of the over 500 held at Bagram Air Force Base, Afghanistan, who had been imprisoned without charges, many since the U.S. invasion in November 2001. They are held under President Bush's detention order of November 13, 2001 (Order on Detention 2001). The petition, *inter alia*, first claims the writ under the common law (*Mohammed v. Rumsfeld* 2006:20), and its sixth claim is that the suspension of habeas corpus violates the U.S. Constitution, Article 1 § 9, clause 2 (p. 22).

Historical Perspective

In 1957, the U.S. Supreme Court heard a pair of cases arising from crimes committed by dependents of U.S. service personnel stationed in Germany and Japan, respectively. Mrs. Smith and Mrs. Covert killed their husbands who were servicemen. The two women were tried and convicted by the

military in military courts. In an opinion written by Hugo Black, joined by Earl Warren and William Douglas (*Reid v Covert* 1957:5–6), the Court rejected the jurisdiction of the military over civilians.

> At the beginning we reject the idea that when the United States acts against citizens abroad it can do so free of the Bill of Rights. The United States is entirely a creature of the Constitution. Its power and authority have no other source. It can only act in accordance with all the limitations imposed by the Constitution. When the Government reaches out to punish a citizen who is abroad, the shield which the Bill of Rights and other parts of the Constitution provide to protect his life and liberty should not be stripped away just because he happens to be in another land. This is not a novel concept. To the contrary, it is as old as government. It was recognized long before Paul successfully invoked his right as a Roman citizen to be tried in strict accordance with Roman law.

And many centuries later an English historian wrote:

> "In a Settled Colony the inhabitants have all the rights of Englishmen. They take with them, in the first place, that which no Englishman can by expatriation put off, namely, allegiance to the Crown, the duty of obedience to the lawful commands of the Sovereign, and obedience to the Laws which Parliament may think proper to make with reference to such a Colony. But, on the other hand, they take with them all the rights and liberties of British Subjects; all the rights and liberties as against the Prerogative of the Crown, which they would enjoy in this country."

Black enunciated the strength of the common law in his opinion and the historical reference. First, government—the state—is subordinate to law. Second, rights limit state power. Finally, those rights come from ancient custom, not just written laws. In these cases, Mrs. Smith and Mrs. Covert found protection from the state. But the same Justice Black wrote the opinion on Korematsu (*Korematsu v. US* 1944), which was probably the most infamous Supreme Court opinion since Dred Scott (*Scott v. Sanford* 1856). Korematsu, of Japanese descent, was a U.S. citizen by birth who was arrested for living in an American city, instead of one of the concentration camps set up for those of his ilk during the Second World War. The laws and regulations arising out of the war, and especially the panic and rage prompted by the attack on Pearl Harbor, pitted the power of the state against common law rights. The state won.

What distinguishes Second World War Black from 1950s Black is neither a change of heart nor change in the common law. The difference lies in the politics of the times. Law is a product of the state; although it is

difficult to say which comes first and which spawns the other. Common law rights go behind the law, as their history grounds them in custom, which in turn derives from corporate entities that precede state formation. In practice, rights are nothing more than emblems allowing their bearers to call for support. That is, rights require enforcement. Only during times of business as usual can individuals count on some state apparatuses to oppose other state apparatuses. Therein lies the difference between the Hugo Black of 1944 and the Hugo Black of 1957. The United States of 1957 was carrying on business as usual.

The most autocratic regime among modern states, Nazi Germany, had to bow to political pressure, even during wartime. Before setting up the death camps, the Nazi government began a euthanasia program in Germany. Political opposition caused them to curtail it (Friedlander 1995). Also, when "Aryan" spouses of German Jewish men protested their imprisonment in February 1943, even after the beginning of the "Final Solution," the government released them (Stoltzfus 1996, 2001). The politics of the Second World War anathematized those of Japanese descent in the United States, and so they lost their common law rights. Immediately after the 9/11 attacks, the political winds favored roundups of Middle Easterners, invasions of foreign countries, secret imprisonment, and so on. There is still political support for wholesale restrictions on ordinary freedoms, and so the U.S. government can search air travelers, monitor all kinds of electronic communications, and use a variety of Gestapo-like tactics to control the masses. Well-meaning civil liberties organizations and their lawyers can mount legal battles, but they will be of little avail without political opposition.

Custom, the soil from which common law rights have grown, is just another word for everyday practices of a people. Without collective change in those practices, that is to say without political changes, the common law remains feeble and rights are weapons made of paper. When the ruling class and the state secure the fear of the people, the people remain powerless. It is only when the people relinquish their fear that they can take the power that is theirs.

Chapter 5

Terror, Law, and Torture

The United States of America has always been a torturing state, but it has professionally institutionalized the practice only recently. Its political leaders offer denials, but blatant practices and tortuous legal arguments make the denials oxymoronic. The history of torture by the United States supports a more general theoretical proposition: the more states legislate against terrorism, the more likely they will use torture as an instrument of terror. Other examples of this proposition include Britain in Northern Ireland, Russia in Chechnya, and of course Nazi Germany. Terror legislation and torture can accompany an imperialist effort or internal national security regimes to suppress dissent. Both motives apply in the case of the United States.

The recent development of torture falls into three stages. After the Second World War, the United States assembled torture expertise and apparatus in line with a national security ideology springing from the anti-Communist crusade. In a backlash against liberation and equality movements of the 1950s and 1960s, crime hysteria led to criminal justice restructuring beginning in the mid-1970s and continuing into the twenty-first century. Often described as a turn toward punitiveness, crime hysteria and control prepared the United States institutionally and its people ideologically to embark on its current course of terror law and torture.

The U.S. torture regime depends on basic structural characteristics of American society, especially its racism and competitive and individualistic capitalism. These in turn give a particular character to its imperial expansion and assertions of world hegemony. Imperialism is central, so is racism. They are intertwined in the Anglophone history of colonialism, but imperialism and racism so often go together, especially since the advent of European imperialism in the late fifteenth century, as to make their pairing a general rule. At the same time, the United States has countervailing institutions: most prominently, its historical commitment to democracy, equality, and protection of laws.

Expansion of U.S. hegemony after the Second World War, and again after the fall of the USSR and Eastern Bloc, put special demands on the U.S. polity. Ruling classes and power elites faced a pressing need. As recognized at least since the time of Metternich and Talleyrand (Kissinger 1964), expansion of influence and control beyond state borders requires a compliant, if not docile, domestic populace. Dangerous classes must be controlled, especially when, as seemed imminent in 1968, they threaten the status quo of wealth, privilege, and power. The United States used the criminal justice system to control the domestic dangerous classes and counterinsurgency tactics including torture to control foreigners.

The History of U.S. Torture

It was not that state agents did not torture before the end of the Second World War, but the torturers were agents of local governments and the several states of the union. There was no national policy of torture. Settlers and soldiers routinely tortured Native Americans (Churchill 1997; Slotkin 1985). Slave owners tortured slaves, and after 1865, racial lynching often included torture before the coup de grace (Waldrep 2002). Police regularly used the third degree to extract confessions and information. They also punished miscreants by physical abuse, either in lieu of arrest or prior to it. Convicts in state penitentiaries often suffered abuse. Federal police and correctional agencies, if they did employ the use of torture, did so covertly. Beginning in 1936 with the U.S. Supreme Court decision in *Brown v. Mississippi* (1936), federal courts increasingly intervened in state criminal justice systems to curtail official torture. During the Second World War, in the Pacific theater, but rarely in the European theater, units of the U.S. military used torture against Japanese soldiers as part of the overall brutalization of what both sides viewed as a racial war (Horne 2005). Nonetheless, torture was not national policy, even covertly.

As the war in Europe wound down, overtures between Nazi leaders and U.S. intelligence operatives such as Allen Dulles in the OSS (Office of Strategic Services) set the stage for acquiring German expertise; operations Overcast and Paperclip resulted. The Joint Chiefs of Staff authorized Operation Overcast 6 July, 1945, to bring German scientists to the United States, despite possible past membership in the Nazi Party and the SS. In September 1946 President Truman directed bringing various desired specialists to the United States in an operation called Paperclip. Some of the experts were accused of participating in murderous medical experiments on human subjects at concentration camps and brutalizing slave laborers (Simpson 1988:36). Between 1945 and 1955, the United States welcomed 765 German specialists, of whom perhaps 80 percent were Nazi

Party members or SS veterans (Lasby 1975). Some became well known. Werner von Braun appeared on the Walt Disney TV program in the 1950s, for example. Others remained in shadow; among them were those employed in mind control and interrogation techniques.

In April 1950, the CIA launched Operation Bluebird to discover more effective interrogation techniques. Boris Pash—an anticommunist since the 1917 Bolshevik Revolution, counterintelligence chief for the Manhattan Project, and recruiter of German specialists in Operation Paperclip—reviewed Nazi techniques for use in the Cold War (McCoy 2006:26–7; Simpson 1988). By April 1953, the CIA unified various mind control and interrogation researches into MKUltra under the direction of Sidney Gottlieb of its Technical Services Division. Gottlieb reported directly to Chief of Operations Richard Helms, who later became CIA director. The sensory deprivation experiments by Donald O. Hebb, a Canadian psychological researcher, caught the eye of Gottlieb. A few years later, more research at Harvard found that sensory deprivation causes unbearable stress, which progressively leads to hallucinations and delusions (Wexler et al. 1958). Next, a Princeton psychologist, Jack A. Vernon, received lavish funding from the Army and National Science Foundation to pursue this line of research with the view to applying it to interrogation. Vernon noted that physical violence is often counterproductive, but sensory deprivation could be an effective tool for extracting compliance, dependence, and information (Vernon 1963). Whereas Vernon's stated intentions seem benign—he ends his book on sensory deprivation by recommending everyone try it to better appreciate the small things in life—the CIA had applications that were more dubious.

In 1963, the same year Vernon published his book on sensory deprivation, the CIA wrote the *Kubark Counterintelligence* manual. Originally secret, leaks and successful FOIA (Freedom of Information Act) struggles have made it readily available on the Internet. The Web site post, "Prisoner Abuse: Patterns from the Past," by the National Security Archive links to a wealth of information on the topic and related matters.

Kubark defined CIA interrogation methods for the next forty years, until the photographs from Abu Ghraib forced worldwide exposure. *Kubark* premises its techniques for interrogation on inducing regression. Interrogators create existential chaos from the moment of arrest (McCoy 2006:51). The essence of effective interrogation—civil police questioning, military field interrogation of POWs, and even for clandestine work—is to make the subject want to tell the interrogator the desired information. That objective is best reached by creating dependence on the interrogator. While it can be achieved by physical violence, resistance or false compliance is also possible. False compliance occurs when the subject says whatever

seems necessary to stop the pain. Psychological torture is more likely to produce reliable, if not always accurate, information. Of course, reliable information comes from a sincere but not necessarily well-informed subject. McCoy (2006:53) points out another advantage to psychological torture. It leaves none of the usual signs, and thus eludes the strictest human rights protections.

Having given up on drugs such as LSD, electroshock, psychosurgery, and similar invasive techniques, *Kubark* reflects the distillation of research since the end of the Second World War. Once set down in the Kubark manual, the CIA lost no time in exporting the expertise to Cold War allies. Britain used some of them against Northern Ireland guerrillas. Among them are what came to be called the five techniques. They are as follows.

1. Wall standing: forcing detainees to remain in stress positions;
2. Hooding: keeping a light-resistant bag or hood over the detainees' heads;
3. Noise: subjection to continuous loud noises;
4. Sleep deprivation;
5. Reduced diet (*Ireland v. United Kingdom* 1978:96, pp. 35–36)

These are the same techniques applied to Jose Padilla, who also avers that he was given mind-altering drugs, possibly LSD or PCP (Gerstein 2006; Hegarty 2007). Ireland complained to the European Human Rights Commission against British use of such tactics. The Commission issued its 8,400-page report finding that the five techniques were torture. When the complaint proceeded to the European Court of Human Rights, the British Attorney General assured the Court that "The Government of the United Kingdom . . . now give[s] this unqualified undertaking, that the "five techniques" will not in any circumstances be reintroduced as an aid to interrogation" (*Ireland v. United Kingdom* 102, p. 36). This became, in effect, a consent decree. Britain promised not to do it again, and the Court found Britain not guilty of torture by a vote of thirteen to four, but only inhuman treatment, unanimously (*Ireland v. United Kingdom*, Holdings of the Court on Article 3, p. 86). The court later repudiated the principle in *Selmouni v. France* (Application no. 25803/94) July 28, 1999, where it found similar treatment to constitute torture. Although it may seem a distinction without a difference, the Ireland ruling looms large in current U.S. policies and practices of torture. It opened the door to making torture an ambiguous term. Its claimed ambiguity allows U.S. officials to aver that the United States does not torture. At the same time, the U.S. regime sought and got legislation that permits torture by assuring its secrecy and lack of legal recourse under the Military Commissions Act of 2006.

The United States did not export the techniques outlined in *Kubark* only to its special ally and former world colonial power—Britain. It also disseminated them to countries that became the battlefield of the Cold War—that is, the Third World. Nowhere is this better documented than in Latin America (Chomsky and Herman 1979).

The Cuban Revolution of January 1959 and Khrushchev's avowed support for wars of national liberation in January 1961 led the United States to view Latin America as the new battleground of the Cold War (Loveman and Davies 1997:20; Hilsman 1961; Rostow 1962). Soon after Khrushchev's declaration, President Kennedy announced the Alliance for Progress as the U.S. response. The idea was to fight communism in two ways: counterinsurgency and social support programs for the poor to make communism less attractive to them. The second method ensured the first. The Alliance for Progress raised expectations and threatened the local elites (Loveman and Davies 1997:23). Agitation by the masses led to crackdowns by Latin American governments. It also prompted large landowners and industrialists to hire private militias. Both the masses and the elites began to believe that governments could no longer govern. These trends culminated in a series of right-wing coups typically led by elements of the military. The age of the junta was the fruit of the liberal program of anti-Communism in Latin America.

Brazil, in 1964, was the first (Archdiocese of São Paulo 1986). Others followed. Soon, military dictatorships ruled most of South America. They used torture freely to come to and keep power. Many of the torturers learned their trade at the School of the Americas run by the U.S. Army in Panama. Now known as the Western Hemisphere Institute for Security Cooperation, it moved to Fort Benning, Georgia, in 1984. Prior to the U.S. Army taking over in 1963, it was the Latin American Ground School. Its purpose under all its names was to ensure U.S. influence among cadres of Latin American military, police, and state security officials. *Kubark*, its 1983 update, *Human Resource Exploitation Training Manual,* and subsequent editions put out by the Army were standard textbooks for students at the School of the Americas. They were withdrawn in 1991 because of adverse publicity (Haugaard 1997). Under actual conditions, Latin American officials augmented the psychological techniques favored by the CIA with physical violence. One reason for the addition was that torture did not serve a purely interrogatory function. It was part of regimes of terror. The juntas used assassinations, death squads, disappearances, and even genocide to rule the masses. These police state regimes made sure people knew they could expect torture if they came to the attention of the authorities.

Torture serves several purposes. Christopher Tindale (1996) identified a torture typology. Interrogational torture is used to extract information.

Deterrent torture discourages (or encourages) a population regarding certain activities. Dehumanizing torture changes the victim's self-conception. For this last type—dehumanizing torture—Tindale adverts to Bruno Bettleheim (1979) and Primo Levi (1989), and their descriptions of the Nazi camps during the Second World War. Tindale explained that the purpose of dehumanizing torture is to "break people as individuals and change them into docile masses" (Tindale 1996: 351). His conception brings to mind the torture described in George Orwell's *1984*. Elaine Scarry noted that torture's goal is betrayal as the torturer has "a covert disdain for confession." Therefore, confession is not the goal, as "[t]he nature of confession is falsified . . . one betrays oneself and all those aspects of the world— friend, family, country, cause—that the self is made up of" (1985: 29).

Perhaps a fourth type, or possibly a combinatory category, is what Daniel Rothenberg calls "public presentational torture," which he says is a form of state terrorism (Rothenberg 2003). His illustrative case is Guatemala, where a thirty-six-year history of internal armed conflict is called La Violencia. He couches the history in the Cold War and severe domestic inequity. Guatemala is one of the better-known targets of CIA intervention beginning with the regime change of President Arbenz in 1954. Jacobo Arbenz Guzman (1913–1971) served as president 1951–1954 through Guatemala's first ever universal suffrage election. United Fruit enlisted the assistance of the CIA, which initiated Operation PBFORTUNE. Later, the United States supported a line of dictators by, inter alia, training police in counterinsurgency and torture techniques at the School of the Americas. A tactic of state forces was to leave mutilated corpses in public places.

> Counter-insurgency strategies, including the "the appearance of corpses bearing signs of torture" defined a situation of brutal intimidation and overwhelming violence: "the horror was so massive and so flagrant that it defied the imagination." The Guatemalan state's reliance on institutionalized human rights violations became the central mechanism of daily rule.
>
> . . .
>
> [T]orture defines the most primary component of an individual—his or her body—as a site for state action. This is done against the will of the individual and in a manner that deprives him/her of the most basic respect for autonomy, freedom, and self-protection. . . . [T]orture turns responsible government on its head . . . the state is transformed from being the key guarantor of social stability to an agent of intimate brutality.
>
> (Rothenberg 2003:482)

What these displays left ambiguous was whether the person had been tortured or the body mutilated after death to suggest torture. In cases

of actual torture, the torturers might have sought information from the victim, but not necessarily. As Elizabeth Stanley (2004:13) says regarding another regime supported by the United States, Chile under Pinochet,

> Despite the common idea that torture is used solely as a means to extract information, Chilean torturers often knew all about their victims' lives and used torture as a way to demonstrate the 'all-seeing-eye' and the power of the state. Officials engaged in torture to demonstrate to the victim and associates that *they* are watching, that *they* are in charge and can act at will.

This seems to have been the purpose at Abu Ghraib, because the torture revealed in the U.S. media in spring 2004 (Hersh 2004) was not part of interrogations. Erroll Morris' documentary movie, *Standard Operating Procedure* (2008) shows the main objective was domination and humiliation.

The Domestic Groundwork for Abu Ghraib

Torture regimes do not fall from the sky. Modern mass societies do not allow their state apparatuses to do just any old thing, including torture. The political system need not be democratic. The Nazi regime, even in wartime, had to bow to public opinion when it stopped its euthanasia campaign (Friedlander 1995) and released Jewish husbands of "Aryan" wives (Stoltzfus 1996).

The people have to be prepared. During the Cold War, the United States exported torture. It relied on proxy regimes to use the torture techniques they had learned from the United States. It tried to keep secret the pedagogical relation. In the last decades of the twentieth century, American public sensibilities changed. Mass incarceration, a policy of incapacitation, and increasingly punitive penal systems produced a public ready to consider, if not fully countenance, torture. As Ronald Crelinsten explained, "the torture regime must endeavor to ensure that it is reflected in all aspects of social and political life. . . . [T]he techniques used to train torturers . . . are but a reflection of a much wider process: the transformation of society" (2003:295).

An important part of transforming societies is transforming how people in those societies perceive them. How do Americans perceive America? How do they perceive one another? How do they perceive its main institutions? Before getting knee-deep in social-construction-of-reality diversions (Berger and Luckmann 1966), it is useful to recall how Americans thought about the world—in say, 1945—and compare it to how they thought about it in 1950–1955. In a few years, and it took

longer for some than others, the people Americans wanted to slaughter in 1945—Germans and Japanese—became bosom buddies (or at least confederates in the case of Japanese). At the same time, those Russian pals, Chinese innocents, and Korean victims were out to get Americans. This did not occur as part of some inchoate groundswell, a mystical sea change in the *conscience collectif*. Deliberate public policies brought it about. There is an essential ingredient. "A central feature of this reality construction is the creation of a dangerous enemy that threatens the social fabric. Laws are directed against this enemy" (Crelinsten 2003:296).

Beginning in 1933, Franklin Delano Roosevelt's presidency resonated with reassurance. He began his four terms in office with an inaugural address assuring Americans that we have nothing to fear but fear itself. After the Second World War, the preferred theme of political discourse shifted to inducing fear. The first project was the Cold War and Red Scare. Richard Nixon cobbled together the next project in his run for the presidency in 1968. He made crime in the streets a campaign slogan. The slogan coded racial antagonisms, political dissent against the Vietnam War, and a raft of lifestyle images roughly conveyed by sex, drugs, and rock-n-roll. Although the drug war and crime control measures leveled off during the Carter administration, they came back with a vengeance under Reagan. During the entire period beginning in the late 1960s, a backlash militated against social changes connected to the extension of civil rights as a broadly construed concept. These include antidiscrimination laws and policies based on race, gender, age, and disabilities along with exposure and eventual reduction of repressive government tactics such as surveillance and interference with political dissent. The backlash was a reaction that increasingly took the form of criminalizing deviant behavior.

David Altheide (2002) said fear is cumulatively integrated over time and in the process becomes associated with certain topics. Those topics are then associated with terms, as if there were an invisible hyphen. Eventually, the fear becomes implied and unstated. Altheide went on to link fear of crime with fear about major events, such as the 9/11 attacks. Especially since the mid 1960s, a growing fear linked outsiders and deviants to challenges to, and eventual loosening of formerly rock solid values and norms about, sex and gender, race, and America as the land of opportunity. A main part of the fear concerned crime. Specific discourses and public policies focused the unease arising from social change.

Over roughly the last thirty years, a discourse of fear in the United States has focused on crime. Such discourses trickle down from the top levels of ivory towers to popular culture outlets. They culminated in several books. Harvard academics such as James Q. Wilson and Richard J. Herrenstein (1985), revived a thinly disguised racist criminology rooted in a nineteenth

century vulgar Darwinism of Cesare Lombroso. Michael Gottfredson and Travis Hirschi (1990) tiptoe around a biological argument opting for parent blaming instead. They asserted that parents are to blame for delinquent children, because they fail to instill self-control. The lack of self-control does not just manifest as law breaking. It includes other acts they say are equivalent to crimes such as smoking, drinking, and out-of-wedlock sex and pregnancy. The resemblance to culture of poverty ideas of Oscar Lewis (1961 and 1966) and Daniel Patrick Moynihan (1965) is not happenstance.

Paralleling these pseudoscholarly discourses, public policy poured resources into policing, crime (especially drug control) proliferating criminal laws (especially federal crimes) (American Bar Association 1998), and incarceration (Mauer 2006). All the while, popular media kept pumping up fear of criminals who were inevitably portrayed as impoverished minorities—the dangerous classes (Beckett and Sasson 2000; Best 1999; Glassner 1999; and Kappeler and Potter 2005). Two results follow that are essential for a regime of torture: first, acquiescent public opinion, and second, a supply of potential torturers. Physician and medical ethicist Steven Miles noted, "a torturing nation uses fear, persuasion, and propaganda to secure the assent to torture from society in general and from members of its legal, academic, journalistic, and medical professions" (Miles 2006: xii). He went on to observe that "[m]oral responsibility in a torturing society is broadly shared" (p. 6).

In her critique of the ticking-time-bomb excuse for torture, Jessica Wolfendale (2006) pointed out that most torturers are soldiers or military police trained in elite units. Among Western imperialist states, she cites the British and Australian Special Air Services (SAS) and the U.S. Army's Delta Force and Green Berets as illustrative. She explains that the basic training for such units includes brutalization, which inures the soldiers to their own suffering, and by the same token, that of others. Further, their training involves interrogation, survival, and resistance. Citing the Web site for the British SAS, http://geocities.com/sascenter/train.htm, Wolfendale explained that the training includes blindfolding, sleep deprivation, stress positions, reduced food and water, and noise, matching the "five techniques" that the European Court of Human Rights found "inhuman." Consequences for trainees are stressful and can produce mental disruption such as dissociation. Wolfendale cited the John F. Kennedy Special Warfare Center at Fort Bragg, http://training.sfahq.com.com/survival_training.htm.

Torture also needs routinization, as Herbert Kelman (1993) called it. Torturers have to be socialized in the profession beyond learning particular torture techniques (Conroy 2000; Huggins et al 2002). Torture requires institutionalization, a network of organizations cooperating to share

information, methods, and personnel (Arrigo 2004). Cold War counter-insurgency prepared the national military and intelligence apparatuses. Crime hysteria and the rise of a network of criminal justice apparatuses prepared public opinion. Both lead to social control of the nonmarginal parts of the populace as they prepare people to accept control and put control apparatuses in place (Chevigny 2003). Finally, the expansive criminal justice apparatuses created a pool of potential torturers. The crime control industry began growing by leaps and bounds in the 1970s (Chambliss 1994; Christie 1993; Gordon 1990). The growth spurt had a reciprocal relation to political racial polarization (Beckett 1997; Edsall and Edsall 1991) Its model was Nixon's Southern strategy engineered by Kevin Philipps (1969). It also managed to control a burgeoning pool of redundant workers (Davey 1995; Parenti 1999). As the welfare apparatus shrank, crime control replaced informal social controls or capillary control mechanisms as Foucault put it (1975). Crime control drew down potentially dangerous concentrations of minority youths in central cities, removing them to prisons in rural areas (Wacquant 2000). Perhaps the main contribution to constructing the professional institution of torture in the United States was the production of a supply of personnel trained and socialized to use force to control others. Most were relatively unskilled workers, the common laborers in the vineyards of torture, such as Corporal Graner of Abu Ghraib infamy who had been a prison guard in civilian life (Williams 2006).

The Vietnam War ended in 1975, just about the time the crime control industry took off. The volunteer military replaced the draft, resulting in a self-selected cohort of youths who favored employment in total institutions (Goffman 1961). The military, police, and corrections establishments crossrecruited, and their personnel entered revolving-door employment among the various uniformed organizations. A number of anecdotal accounts link employment in U.S. prisons with personnel assigned to prisons in Iraq and Afghanistan (Gordon 2006; Finkel and Davenport 2004; Bastian et al. 2004). As yet, there is no systematic study of brutal practices in U.S. civilian law enforcement and corrections with torture in overseas operations. Nonetheless, Peter Kraska and Victor Kappeler (1997) have studied one part of the obverse—the militarization of police. The central point is that police, prisons, and the military are all armed control organizations. Their personnel are schooled in obedience. When their commanders expect or allow for brutality, they will produce it (Cornwell 2006).

Imperialism and Torture

The populism of fear is an enormously successful policy because it serves to intimidate and demonize some, and at the same time to discipline the rest

who are taught to be afraid of those demons. Since 11 September 2001, the focus has shifted toward international crime. It is easy to demonize foreign terrorists as criminals, to combine the fear of crime with the fear of the foreign invader.

(Chevigny 2003:81)

Paul Chevigny's analysis in the preceding quotation needs elaboration. The U.S. government mobilized popular fear against external and internal communists during the Cold War. The Nixon political machine mobilized and focused fear of crime by linking it to traditions of American racism and Puritanism. Ronald Reagan's political ploy directed that racism and religious intolerance outward, toward so-called international terrorism in Iran and Lebanon, but he linked it to his determination to destroy the Soviet Union as the ultimate source of all terrorism (Evans and Novak 1981; Wills 2003). The collapse of the Soviet Union created a crisis in the U.S. national security state with its massive military and related industries. During the 1990s, the United States pursued a policy of gradualism in extending its hegemony. No one enemy could give it focus. For a while, international crime was a contender—as John Kerry argued in his 1997 book, *The New War: The Web of Crime That Threatens America's Security*. Four years later, attacks on the World Trade Center and Pentagon rescued the U.S. security state from its doldrums.

Terrorism combines all the elements tapped by preceding governments. It has foreign and domestic enemies who are racially and religiously set off. The war on terrorism is both a military and internal security endeavor. The crime control apparatus can be folded into a Homeland Security Department to extend control over Chevigny's demons and the mass of Americans. Anyone who has traveled by air since 9/11, has experienced the control firsthand. All this security tumult blurs the extension of U.S. imperialism. The target of that expansion has been central Asia. U.S. military bases now dot southeastern Europe, which had been Soviet satellites, and new states surrounding the Caspian and Aral Seas, which had been part of the Soviet Union. Of course, the best known are the U.S. invasions of Afghanistan and Iraq. All of these imperialist forays are justified by the Global War on Terrorism.

The U.S. terror laws are linchpins articulating this global war on terrorism. Imperialism is what connects them. The Global War on Terrorism was not inevitable. Without the attacks of 9/11, torture would still be covert and limited to a few selected individuals, the lumpen masses would still be fodder for the domestic crime control industry, U.S. imperialism would still be extending global hegemony through neoliberal economic institutions and collaborative but contained military intrusions

such as in the former Yugoslavia. But 9/11 did occur. The United States seconded by Britain and Australia—other countries participated because of arm-twisting and opportunism—embarked on a twenty-first century imperial expansion. Led by the United States, those countries generated mountains of terror legislation. U.S. terror legislation has added laws every year since the USA Patriot Act in November 2001. At the same time, the United States used torture immediately with almost punctilious attention to legal justifications—for example the Yoo memoranda of September 25, 2001, January 9, 2002, and August 1, 2002; the Bybee memoranda of January 22, 7 February, and August 1, 2002; the Gonzales memorandum of January 25, 2002; and the Ashcroft memorandum of February 1, 2002 (Greenberg and Dratel 2005). U.S. forces tortured prisoners in Afghanistan and then Iraq, but covertly until the revelations of the Abu Ghraib photographs. Nonetheless, the news accounts of John Walker Lindh's capture contained enough information to lead attentive people to learn about the torture. A video showed a CIA officer questioning him, threatening his life, making medical attention contingent on confession and information, and news accounts said he had been transported naked in a freezing plane to the United States (Doran 2002; Stanley 2001).

Torture is a form of what Mark Brown (2002) called penal excess. Brown used the British Empire in nineteenth-century India as his case in point. Two examples illustrate: execution by cannon of the Sepoy mutineers/revolutionaries of 1857 and a law of the Indian Penal Code of 1871 criminalizing certain tribes without proof of particular criminal acts.

The execution by cannon was terrorism. It was a spectacle and terrifying retribution to any who would defy British authority. Brown described it. One British officer, Sir John Lawrence, wrote "Our object is to make an example to terrify others" (Brown 2002:408). Citing Malleson (1897: 367–368), Brown gave the following quotation of Sir John: "I think sufficient example will then be made. . . . The Sipahis will see that we punish to deter, and not for vengeance. . . . [O]therwise they will fight desperately to the last" (Brown 2002:409). Brown's point is to show the modern state using penal excess as exemplary punishment. Deterrence relies on terrifying spectacle much as modern deterrence uses long prison terms, capital punishment, three strikes laws, sexual predator laws, and so on— a far cry from Cesare Beccaria's (1764) minimalist brand of punishment: to punish only enough to deter.

The next example fits better as analogy with current terror laws, which criminalize membership and association along with intention, rather than illegal acts. The Criminal Tribes Act of 1871 targeted traditional, seminomadic tribes that fit Hobsbawm's (1981) definition of bandits—groups

opposing central authorities and fitting with social structures to keep traditional values and norms. The 1871 Act required tribal registration, and confined them to their home villages or forcibly settled them in special areas. It resembled the reservation system for American Indians. Three-time violation of the Act carried a mandatory seven-year prison sentence or penal transportation. It precluded the state having to prove guilt for a particular criminal act.

Brown makes an explicit comparison. "The members of the USA's underclass represent a contemporary analogue of the 'suspect' groups brought under the criminal tribes policy in 19th-century India: groups who stood outside and in opposition to the new extractive colonial economy" (Brown 2002:417). He went on to cite a campaign platform of George W. Bush as the governor "of the killing state, Texas" (418). A more precise analogy, however, is with U.S. treatment of its native inhabitants in the nineteenth century and also with current treatment of outsiders associated with terrorism. The latter group includes ethnic-religious minorities within the United States who are Muslim, Near or Middle Eastern, or otherwise associated in collective imagery with such social categories. The foregoing description is cumbersome and even vague, because it captures a sensibility and set of images and icons instead of discursively defined categories. In addition, the 1871 Act and British policy resemble U.S. laws and policies about those groups and individuals outside the United States who are also associated with terrorism under law. It includes "Al Qaeda," questionably any sort of organization, perhaps a network, but most likely merely a movement. The U.S. terror laws target people who fall into these categories. Within the United States, they are liable to prosecution and imprisonment. Outside U.S. borders, they are subject to assassination or imprisonment and torture.

Another example of imperial policy is that of the British designation of the Mau Mau as a terrorist organization in 1950s Kenya. "To define 'terrorism' or 'terrorist acts' as crimes creates a process of reification which may produce undesired and unanticipated consequences. . . . The a priori definition of 'terrorism' as evil assumes . . . that terrorism is a zero sum game" (Anderson-Sherman 1982:87). Arnold Anderson-Sherman traced British imperial policy and the Kikuyu's response, resistance, and adaptations to it. He argued that it was the terror laws themselves that portrayed these Kikuyu responses as terrorism, and brought about violent conflict in 1950s Kenya. He concluded by observing that the British-Kikuyu conflict might have been resolved otherwise "what is needed is less reification of particularistic self-interest and more adequate diagnosis of the alternative possibilities contained within particular historical contexts" (Anderson-Sherman 1982:99).

The reification of terrorism and terrorists is analogous to the reification of criminality. The U.S. criminal justice system reifies and recursively defines crime as something criminals do. Criminals are members of subordinate social categories who are redundant to the production and profit-making political economy. Criminals, according to these definitions, are also statistically associated with racial minorities. The infamous Willie Horton television ads during the 1988 presidential campaign capture in iconic form these reifying processes. Criminalization processes in the 1970s aimed at controlling insurgent masses in the United States who threatened the structural stability and social hierarchy. Part of the criminalization process molded and manipulated public opinion to redirect fears toward a criminal class and support expansion of state control, especially police and corrections. Criminalization of terrorism beginning in the 1980s mirrored the criminalization process begun ten years before. Terrorism laws built on fertile ground. They combined a well-established public fear of the internal-external enemy of communism with a colonialist racism deeply embedded in America's history. After the attacks of 9/11, terror laws and terror fears coincided with a U.S. imperialist thrust into central Asia. Those in the way became subject to the terror laws.

Torture had largely disappeared from the U.S. criminal justice system by the 1970s, mainly because of U.S. Supreme Court decisions extending Bill of Rights restrictions to state governments. Another part of the U.S. state went in the other direction. The U.S. military and intelligence apparatuses had been building a covert torture capability since the end of the Second World War. First developing modern torture techniques, they then exported and taught them as part of Cold War imperialism in the Third World. Coming full circle, the CIA has used extraordinary rendition to countries practicing torture, often learned from the United States (Grey 2006). By the beginning of the twenty-first century, the United States had techniques and a leadership cadre of torturers in place.

Imperial expansion and invasions brought about a convergence of organizations, personnel, knowledge, and law to produce the torture regime in the United States. It included a public prepared for compliance, personnel in police and corrections for deployment in conquered territories, and terror laws that, arguably, legitimized torture procedures.

Public Opinion and Torture

The American public may have been prepared for compliance with a regime of torture, but the relation between the public and government is not a one-way street. In mass societies the relation between public opinion and the government is dialectic. The originator of public relations,

Edward L. Bernays, recognized and exploited the phenomenon. According to Bernays, shaping public opinion requires constant monitoring, and it is always a matter of shaping, not creating (1934, 1955). With the advent of universal White suffrage in the United States after the First World War and Nineteenth Amendment, racial minorities remained largely excluded until the 1965 Voting Rights Act, when managing and measuring public opinion took on crucial political importance. Polling became a new profession and grew increasingly scientific. While never completely capturing what people believe, modern poll results reveal a public that interacts with government policies and practices.

In her column in *The Nation*, Patricia Williams (2001 cited in Welch 2006) referred to a CNN poll taken shortly after 9/11, which showed that 45 percent of Americans would not object to torture if it provided information about terrorism. Public opinion has changed little subsequently. In contrast, more than 80 percent of people in Western Europe reject torture under any circumstances (Pew 2007:25; World Public Opinion 2008). Revelations of torture—including graphic imagery from Abu Ghraib, televised on *60 Minutes II* April 28, 2004—became public in the intervening years. Nonetheless, the stability of sentiment suggests a deep-seated viewpoint. These data raise several questions. First, why do so many Americans accept torture? Second, how do such sentiments fit with democratic values? Third, what has been the dynamic between the sentiment and the practice of torture by military and intelligence apparatuses?

October 7, 2001, Karl Rove, President George W. Bush's political guide, conveyed a message to him from Roger Ailes. Ailes had been the political adviser of the senior Bush, George H. W., and was at the time head of FOX News. He told the president that the American public expected their president to use "the harshest measures possible. Support would dissipate if the public did not see Bush acting harshly" (Woodward 2002: 207). The incident reveals a crucial third actor, articulating the relation between the government and the people—mass media. The media are more than a simple conduit. The media shape and channel public opinion. The government relies on the media to build and sustain compliance.

The media designated the attacks of 9/11 on the World Trade Center and Pentagon as an "attack on America." The government designed a war on terror as its reaction.

> The war on terror . . . is a violent rejection of the unthinkable and intolerable. It is a disgusting revulsion against something (that America calls 'terror' or 'evil') that does not make sense, that was/is still horrifying, that allegedly comes from 'elsewhere' (although it was and may still be within 'us'), that cannot be identified as a traditional object of geopolitics. . . . As media

pundits and intellectuals of statecraft have reminded Americans, the war on terror is a different war, with no really distinguishable home and away fronts.)

(Debrix 2008:75)

With erasure of a distinction between home and away fronts, an irrational revulsion, free-floating fear, and pervasive rage, the government embarked on a war against evil. The "attack on America" represented a mystical evil. The government called on the people to support a messianic crusade (Welch 2006:8). The post-9/11 war on terror resonated with, and built on, fear of and war against crime. Just as the crime wars of the preceding decades shifted the focus from crime to criminals (Welch 2006:41), so the war on terror shifted from the problem of terrorism to evildoers employing terrorist tactics. "[T]he war on terror is a sustained illusion and mythic cleansing—of terrorists, of evil, of our own fear" (Welch 2006:61 citing Lifton 2003). In this media-fueled and government-orchestrated crusade, mass psychology turns away from focused, rational anger against a threatening enemy—such as the mass anger against Japan following Pearl Harbor. Instead, the mass psychology in the age of terror has become narcissistic rage. The government and media turned the attacks of 9/11 into attacks against the collective self.

Aggression, when employed in the pursuit of maturely experienced causes, is not limitless. However vigorously this aggression is mobilized, its aim is limited and definite: the defeat of the enemy who blocks the way to a cherished goal. As soon as the aim is reached, the rage is gone.

> The narcissistically injured on the other hand, cannot rest until he has blotted out a vaguely experienced offender who dared to oppose him, to disagree with him, or to outshine him. It can never find rest because it can never wipe out the evidence that has contradicted its conviction it is unique and perfect. This archaic rage goes on and on and on. Furthermore, the enemy who calls forth the archaic rage of the narcissistically vulnerable is seen by him not as an autonomous source of impulses, but as a *flaw in a narcissistically perceived reality.* The enemy is experienced as a recalcitrant part of an expanded self over which the narcissistically vulnerable person had expected to exercise full control.
>
> (Wolf 2001:2)

Consider how the mass media might otherwise have designated the 9/11 attacks. Instead of an "attack on America," it could have been an attack on the command and control center of world capitalism or international business and corporations and an attack on the command and control center of global militarism or the central U.S. military headquarters.

Such constructions would militate against narcissistic rage, and encourage reasoned and focused aggressive action. In contrast, the war on terror has become endless and global in which any means, including torture, are justified.

Darius Rejali identified three uses of torture in democracies: national security, civic discipline, and judicial. These uses correspond to the three main purposes for governments' torture: intimidation, coercion, and interrogation (2007:22–23). Rejali argued that democracies rely on stealthy torture that does not leave marks to hide the torture or at least make it deniable. Most techniques used by U.S. military and intelligence personnel in the war on terror favor the stealthy type of torture. Stress positions, water boarding, and sensory deprivation, for instance, leave no marks. There are no images of mangled bodies, and no disfigured torture victims to accuse their torturers.

Americans can accept torture—and even those who reject it are not trying to overthrow the government to stop it—because U.S. government officials keep assuring the public that America does not torture. "The gloves are off," but the bruises are invisible. The public can know that the government is using the "harshest measures possible" without having to confront their reality. Mass narcissistic rage can be vented without shame or guilt.

Securing Fear through Torture

Torture and terror (and counterterrorism) go together. Historically, terror legislation and torture have coincided, as in Latin America in the 1970s and 1980s. Countries that have used torture as part of their justice systems—for example Turkey, Syria, China, and so on—also have fairly extensive terror laws. In contrast, those countries and political confederations, such as the European Union, that have eschewed reified terror legislation, have not employed torture.

The relationship between terror laws and torture is not a simple causal relation. One does not cause the other. Both are indicators of state control. Moreover, in mass societies such as the United States, communications media play a crucial role. Government, public consciousness, and media produce state policies. Recent U.S. history shows how this dialectic resulted in a moral panic (Cohen 2002) about crime in the late twentieth century, which overlapped and blended into a moral panic about terrorism.

Expansion of state control is a definitive part of imperialism. When states embark on imperialist projects, they employ terror legislation and torture. Security states, built in response to perceived threats against

the social and political order, often use both terror laws and torture. Nonetheless, the history of Latin America links antiterrorism crusades and torture to U.S. imperialism. The imperialist effect may not include the government using torture but the result of imperialist influence by an outside force. Racism is also a common, though perhaps not necessary, factor. Racism helps to mark social categories as potential terrorists. It also promotes the dehumanization and distancing that is so much a part of the social psychology of torture. Of course, it is especially central to the U.S. case as part of the long history of torture of African Americans and Native Americans.

Writing in 1946 in an editorial entitled "The Century of Fear" in the once underground newspaper, *Combat,* Camus explained.

> Our twentieth century is the century of fear. . . . My view, however, is that rather than blame our fear, we should regard it as a basic element of the situation and try to remedy it.
>
> In order to come to terms with fear, we need to understand what it signifies and what it rejects. It signifies and rejects the same fact: a world in which murder is legitimate and human life is considered futile. . . . Before we can build anything, we need to ask two questions: "Yes or no, directly or indirectly, do you want to be killed or assaulted? Yes or no, directly or indirectly, do you want to kill or assault.
>
> (Camus 1946:257–259)

In *The Origins of Totalitarianism* (1958), Hannah Arendt proffered the thesis that aggressive warfare against external foes coincides with totalitarian regimes' treatment of their domestic population—that is, the regimes carry out warfare against both. Michael Stohl, in part, building from Arendt's idea, carried out a historical study comparing domestic violence in the United States with states of war in which it participated. He found an unmistakable pattern: increased political violence at home accompanies warfare abroad (1976). Repressive political violence against dissenters and rebels played handmaiden in the United States during the Vietnam War. The U.S. military and intelligence apparatuses used torture and facilitated its use by allied South Vietnamese. Police used torture against dissident racial minorities in the United States. The case of the Black Panthers—accused of a 1973 bank robbery in San Francisco—is but one example. Convicted by tortured confessions, a federal court reversed the convictions (Algeria et al. 2007). The police surveilled, harassed, and jailed White dissidents. They tortured and murdered Black dissidents, as in the Cook County State Attorney's Office murder of Fred Hampton and Mark Clark in Chicago, December 4, 1969 (Alk 1971, *Eyes on the Prize* II:13). Torture marks minorities and secures the fear of majorities.

Chapter 6

Camps, Gallows, Ghettos, Gulags, and Prisons

States' engines of social control are the most fearsome: camps (*Lagers*), gallows, ghettos, gulags, and prisons. The state uses them to control domestic, but not always internal, enemies. Against foreign enemies, it employs war. These engines of domestic control depend on popular compliance—that is, the state could not long maintain them unless the bulk of the population accepted them, if only tacitly. Outside of war, they show the most terrible visage of state power. They are secular societies' divine violence before which citizenry are supposed to stand in "fear and trembling." Unlike Søren Kierkegaard's (1843) exploration of faith by that title, there is nothing holy in the state's divine violence. Also, unlike Kierkegaard's explication and meditation on the binding of Isaac (*Genesis* 22:1–24), the victims of the state's divine violence are not sacrifices. The state means to show that those upon whom it inflicts its power are not worthy of sacrifice. They are bare life (Agamben 1995). Domestically, the state imposes its divine violence in a different way from when it is at war. Once the war concludes, "Where frontiers are decided the adversary is not simply annihilated; indeed he is accorded rights even when the victor's superiority in power is complete" (Benjamin 1921:295). The state's divine violence against its domestic enemies has to be impersonal, dispassionate, and implacable, because those qualities are essential to the rationale for the secular state, since the state has displaced the gods. Nonetheless, the state needs a mythology for its violence, which it finds in law and justice. Inmates of the state's places of confinement and those sent to the gallows have become the objects of law and justice. No longer its subjects, they play their parts in the state's reiteration of its authority. They have become enemies of the people (Ibsen 1882), and therefore the fear they both represent, and which they themselves suffer, is political.

To understand how and why fear is used, consider what happened in the United States after 9/11. "Convinced that we lack moral or political principles to bind us together, we savor the experience of being afraid . . . for only fear, we believe, can turn us from isolated men and women into a united people. . . . We blind ourselves to the real-world conflicts that make fear an instrument of political rule and advance" (Robin 2004:3). The operative word is "rule." Having forsaken burning witches, the governments of capitalist Europe began hanging forgers, "and gentlemen knew why: 'Forgery is a stab to commerce'" (Hay 1975:19 citing Holliday 1797:149). In England, history makes it clear. The eighteenth century saw the establishment of banks' promissory notes as a medium of exchange, thus providing negotiable paper—that is, money. "The result was a rash of capital statutes against forgeries and frauds of all kinds" (Hay 1975:21). Criminal law and its cousins, such as immigration law and all other institutions that identify populations as outsiders and enemies of the people, always enforce authority and rule. "The criminal law was critically important in maintaining bonds of obedience and deference, in legitimizing the status quo, in constantly recreating the structure of authority which arose from property and in turn protected its interests. . . . Terror alone could never have accomplished those ends" (25). The engines of control require acquiescence. Hannah Arendt (1958) attributed fear mainly if not exclusively to totalitarian regimes, and their use of camps, among other things. Nonetheless, parliamentary, liberal democracies use them and other forms of confinement and punishment for much the same ends. Bourgeois liberalism regularly casts aspersions for its own practices on what its lettered apologists call totalitarianism. Citing Richard Hofstadter, Daniel Bell, Talcott Parsons, Seymour Martin Lipset, Nathan Glazer, and David Riesman, Cory Robin noted that Hofstadter blamed the people of the United States for the political repression now called McCarthyism. According to such lights, "McCarthyism . . . was not an instrument of elite or institutional power, nor was it the product of liberal government. It was . . . 'the paranoid style of American politics'" (Robin 2004:15 citing Hofstadter 1965). Political fear, which makes the bulk of the people afraid of some much smaller segment, comes from societies' management of class. The engines of state social control need firm hands on the controls, and those are the hands of the state's managers. A particular group of what C. Wright Mills (1956) called the power elite, the political leaders and bureaucrats, operate the levers of state power.

> But political fear . . . is not the saving agent of self and society. Nor does it reside beyond the domain of politics, liberal or otherwise. It is instead a political tool, an instrument of elite rule or insurgent advance, created and

> sustained by political leaders or activists who stand to gain something from it, either because fear helps them pursue a specific political goal or because it reflects or lends support to their moral and political beliefs—or both.
>
> (Robin 2004:16)

Finally, the elite use political fear as an instrument of control over the masses. "[T]he most salient political fear, the one that structures our lives and limits our possibilities, is the fear among the less powerful of the more powerful." (20). The fear has two moments. First, the less powerful fear some designated subpopulation among them—ironically and usually, but not always, drawn from the least powerful. They become the enemies of the people for a time. Second, the less powerful have to fear the controls used by the more powerful against those designated enemies. The Nazis had the German people fear first communists, then Jews and a raft of others excluded from *ein Volk*. Secondarily, the German people had to fear that what the Nazis used to control those designated undesirables, might be used against any one of them, hence, the fear of concentration camps that Hannah Arendt cited. Closer in time and space, late-twentieth-century Americans learned to fear criminals, or more specifically a particular criminal class, and they also feared what the state did to those criminals, ostensibly in the name of the people.

The Imprisonment of America

As of the end of 2007, the United States incarcerated 2.3 million adults in prisons and jails. The U.S. Justice Department reported 1,610,584 in state and federal prisons and 785,556 in jails. Over 7.3 million were on probation or parole, calculated as 3.2 percent of the resident adult population (BJS 2009). The next closest in the world is China with about 1.5 million, but of course China's population is over four times larger than that of the United States. These numbers translate to an incarceration rate of about 767 prisoners per one hundred thousand of the U.S. population, more than seven times the average incarceration rate that fluctuated around one hundred for most of the twentieth century. In addition, residential juvenile facilities held 104,959 as of 2006 (OJJDP 2009). Those are just the adjudicated prisoners. Furthermore, the United States holds an untold number of children and adults in concentration camps or, euphemistically, detention centers. The number remains secret, according to claims by the Department of Homeland Security because revealing it would breach national security. Most of the camp inmates have no criminal proceedings against them. They are held on immigration violations, which are civil matters, not criminal. Consequently, the Bill of Rights that safeguards

those accused of crimes does not apply to them. Finally, prisons camps and so-called Black Sites around the world contain prisoners whom U.S. intelligence agencies deem worthy of their attention.

The watershed year for this imprisonment explosion was 1975. Only in the past few decades have scholars begun to analyze and try to explain how and why America, the land of the free, turned into the most imprisoned nation in the world and arguably in human history. Paul Hirschi blamed a "populist political response to public fear of rising crime" (2000:280–282). He went on to say that the populist response led to a rapidly growing volume of laws and inspectorates of police. Burgeoning social regulation is not spread evenly. Hirschi (2000) stressed its class distribution. It criminalizes street life, and therefore those whose lives are most exposed to the street, the lower classes. The upper classes retreat to gated communities, leaving those in the middle to live with a heightened sense of risk: they "cannot afford total security, their kids go to public schools, and they regularly have to use the streets" (282). Hence, those in the middle, who make up the bulk of the vocal electorate, turn to the state. The consequences are a carceral society beyond the imagination of Michel Foucault (1975).

> Intensified normalizing regulation by a new class of supervisory professionals is also self-defeating and contradictory in its effects. . . . The principal danger of such intensified regulation by the state is that it undermines the rule of law. This is firstly by the sheer volume of rules produced, which baffles even specialist lawyers. . . . Laws do not aim at the citizen, but at officials in their capacities as regulators of citizens' activities. . . . Government ceases to be limited, it is everywhere, despite all the talk of the "retreat of the state." One might call this a *nouveau ancien regime*.
>
> (Hirschi 2000:283)

In a history of U.S. punishment policies, Michael Tonry identified four factors that explain the imprisonment binge and set the United States apart from comparable countries. The first relies on Richard Hofstadter's (1965) paranoid style of American politics. The second comes from a moral certitude in the American puritanical tradition, mainly associated with colonial New England. The third, Tonry attributes to what he called "obsolete constitutional arrangements" (Tonry 2009:379). The fourth arises from the racism basic to U.S. history, politics, and social structure; that exacerbates the first three. Tonry dismissed several alternative explanations. Rising crime rates fail to account for the incarceration explosion, since "crime rates were much the same throughout the Western world after 1970" (379), but other countries did not indulge in so much imprisonment. The same applies to their public opinion, which fluctuated similarly to that in the

United States during the last forty years, at least in regard to crime and punishment. Tonry also rejected David Garland's (2001a) late modernity thesis that the United States and United Kingdom promulgated expressive penal policies to show that the respective governments were doing their job and protecting the populace. Tonry pointed out that the problem with Garland's analysis is that it cannot account for mild penal policies in most Western European countries and Canada. Another explanation he found wanting centered on a distinction between neoliberal countries such as the United States, Great Britain, and New Zealand and social democratic corporatist nations like those of Scandinavia (Cavadino and Dignan 2005) or majoritarian versus consensus democracies (Green 2008; Lappi-Seppälä 2008; Lijphart 1999). Finally, Tonry found fault with the notion that mild or moderate penal policies go with relative wealth equality, high popular legitimacy of government, and a professionalized as opposed to politicized criminal justice (380–381). He argued that low levels of equality, legitimacy, and professionalism support a punitive policy in the United States with low levels of each, as opposed to countries with high levels of those social and political characteristics that have mild policies.

Although Tonry's four factors work, they do not offer a cogent explanation, because they explain why people accept or even support punitive penal policies and practices, but they do not clarify why they were pursued. The closest Tonry comes to that explanation is his claim that "[c]ynical politicians took advantage of recurring features of American political culture in order to win elections and wields power, but their appeals succeeded only because of deeper elements of American culture and history" (381). Without gainsaying the depths of cynicism and ambition of politicians, the fact remains that political opportunism cannot account for why they succeeded with the appeal for punitiveness at a particular moment in American history. The factors or features Tonry identified—paranoid style, puritanical morality, obsolete governmental structure, and racism—are not new, a point he himself stresses in favor of his argument. Nonetheless, the punitive surge suddenly appeared in the mid-1970s, not, for example, the mid-1990s or mid-1950s. Those cynical politicians drew on fear and anger from the U.S. public to enact punitive penal policies, but the question of why they chose punitive penal policies, and why the populace had so much fear and suspiciousness in the 1970s, remains unexplained.

Structural racism, tied to class structure and coupled with ruling class fears, combined not so much with Hofstadter's paranoid style of politics, but with an emerging postmodern political economy. A focused study of public opinion found that anger about crime coincided with bleak expectations of personal economic well-being among White males in Florida (Costelloe et al. 2009). The researchers concluded that the iconic

"angry white male," as they called the abstract personage, provided a base of support for punitive penal policies in part because he was poorly educated and harbored economic insecurities. That population segment also supported George Wallace's presidential campaigns in the 1960s and gave Richard Nixon his presidential victories in the late 1960s and 1970s. Doubtless, George W. Bush could rely on them in the twenty-first century. Furthermore, that subpopulation can claim a well-deserved reputation for racism and general xenophobia. As with Tonry's argument, however, they alone do not explain the success of punitive penality. Their predecessors, for example, formed the backbone of the Ku Klux Klan and similar movements, and whatever their local successes, they did not turn the ship of American politics throughout the twentieth century.

For example, the enactment of a harsher death penalty statute in Delaware in the early 1990s drew on sentiments associated with the "angry white male." Even so, racist, xenophobic populism remains insufficient in explanatory power. "[I]nstead it was the *re*-creation of a particular political geography of capital punishment in which marginalized voices are silenced and jurors' voices muted" (Fleury-Steiner et al. 2009:19–20). The new law eliminated the jury from sentencing in capital cases, so it may have been populist, but it also was antidemocratic. The civil rights era and the movement for racial equality and redress of the 1960s and early 1970s "transformed crime in Delaware from a local to a broad, highly amorphous problem that was presented in the media as threatening the state's residents as a whole. . . . Rather the dramatic breech that the 'invaders' from Philadelphia *represented*, tapped into the public and political representatives' deeply held commonsense of a moral universe" (20). This conclusion points to more than just cynical politicians. The commonsense morality refers to a basic value orientation tied to long-standing social structures, particularly structural racism in the United States. Structural racism harkens back to the founding structures of the nation. The European invasion slaughtered the native inhabitants to secure the land, and kidnapped slaves provided the labor to make it into a capital resource. Since the seventeenth century, social structural hierarchy at every level of society depended on racial divisions coupled with class relations. The commonsense morality provides a cultural basis rooted in dominant values, cultural identities, explanatory narratives, and cognitive toolkits (Green 2009; Saguy and Stuart 2008; Swidler 1986). All these elements remain quiescent unless called to the fore through representation, which requires not just local politicians but the control of representational media.

Looking at the regulation of British society with respect to punitiveness, surveillance, and a general culture of control, Stuart Waiton argued that the impetus and wherewithal for mobilizing populist sentiments came

from "the incapacity of the elite to govern . . . that led to the necessity—or perhaps more accurately—the preoccupation with the need to regulate society more directly. The growth of crime as a form of 'governing' was one aspect of this development" (Waiton 2009:361–362). Although Waiton focuses almost exclusively on the political ruling class—the leaders of Tory and Labour governments from Thatcher through Blair—he is identifying postmodern politics, which he characterized as "politics without purpose" (362). Increasingly, they intensified and broadened the issue of crime as a political issue, similar to the pattern in the United States. There, a war on drugs and crime in the streets gave way to a host of criminalizations with publicity about incidents of child abduction, stalking, superpredator juveniles, and an almost endless variety of scary stories. In Britain in the 1990s, with the triumph of New Labour, "[t]he 'individual' that emerged . . . was individuated rather than individualized" (366).

> Here New Labour redefined begging not as an offense against the laws of society or a political or social problem of welfare cheats but specifically as an offense against the public (or more accurately, individuals') sense of well-being. Now, rather than the illegal act of begging being the problem—it was the previously legal "attitude" and behavior of the beggar that was criminalized: to protect the newly conceptualized vulnerable public "aggressiveness" needed to be outlawed on British streets (369).
>
> The politicization . . . and problematization of aggressive begging was dependent upon an outlook that understood the problem of this "crime" as one of incivility that undermined the peoples' feeling of security. . . . The connection between the individual and the State was now more direct and based less on the collective will of the people . . . than in the protection of the atomized individual's emotional well-being.
>
> The significance of the "victim" for the representation of arguments was ultimately central to both sides of the aggressive beggars debate (369–370).

The debate took place between the government and charitable organizations. The government spoke of beggars victimizing the public, and the charities noted that beggars, the poorest of the public, were more often the victims. These terms of the debate have a double effect. By creating atomized individuals, the public no longer has the political power of being a democratic force for their own governance. The elevation of internal emotional states, rather than persons' public acts, turns everyone into objects of the state, instead of its subjects. As the state and its laws first created (legal) subjects, it now converts them into objects, as criminal justice formally converts designated criminals from subjects into objects. Now everyone is a convict, which is the real meaning of governing through crime (Simon 2007).

The other crucial element to the antibegging campaign by New Labour has less to do with party politics in Britain and more with the global struggle to maintain hegemony by the capitalist ruling class. As late modernity gave way to postmodernity and world capitalism moved into senescence, the elites clutched at every advantage to keep their wealth and stay on top. The production of images of victimhood, the media campaign in Delaware to mute one of the wellsprings of democracy, the jury, and the recourse to the votes of angry white males and Protestant fundamentalist morality are the symptoms of the ruling class' desperation in the unpredictability of postmodernity. Waiton wrote of "politics without purpose." It is less a lack of purpose than a disguise. The pageant of electoral politics in bourgeois democracies has forever obscured their real power and purpose. It was not that Tory and Labour governments did not know how to govern. They all knew their role was to serve ruling class interests. Their problem was how to do it and keep that purpose obscured or at least distorted. One way was the construction of the crime problem and the encouragement of fear of criminals and anger at their supposed impunity. The issue of begging reveals it. More pithily, the acquiescence of the public to control mechanisms such as CCTV cameras covering much of the public space in Britain and Transportation Security Administration guards in the United States, show the objectification of the public. The objectification of the public renders democracy a dead letter, and so one of the main, historic limitations on ruling class power becomes ineffectual.

The Centrality of Racism

> More than 60% of the people in prison are now racial and ethnic minorities. For Black males in their twenties, 1 in every 8 is in prison or jail on any given day. These trends have been intensified by the disproportionate impact of the "war on drugs," in which three-fourths of all persons in prison for drug offenses are people of color.
>
> (Sentencing Project 2009)

Prison and related projects such as capital punishment increasingly show racial disparities. "[T]he whole experience of the black man in America can be summed up in one word: prison" (Knight et al. 1970:5 quoted in Gottschalk 2006:183). Marie Gottschalk, while recognizing the salience of David Garland's (2001a) culture of control, argued that "the combination of elite behavior and broader cultural trends are insufficient to explain why the United States embraced imprisonment and other get-tough policies so whole heartedly" (Gottschalk 2006:36). She offered two correctives. First, she pointed to a history of punitiveness, especially in the United States.

Second, she tried to show that Garland's thesis was too broad to account for differences between the United States and Great Britain since both national policies moved toward greater punitiveness in the last several decades. She said that "a nuanced focus reveals that the politics of crime and punishment that built the carceral state were more fluid, multilayered, and less deterministic than is commonly assumed" (36). Although her study exposes and explains variation between the United States and United Kingdom particularly, and within each country, its main contribution, merely shows the details at various levels of the two societies. If nothing else, the U.S. federal system has produced great variation among the states. Nonetheless, her detailed history does not derail Garland's cogency. Nonetheless, both Garland and Gottschalk underrate the explanatory power of racism. One rather small illustration comes from Gottschalk's discussion that refers to "moralistic campaigns" such as the Salem witch trials in 1692 and the prostitution sweep of thirty thousand women during the First World War. She points to the rudimentary and amateurish approach to law enforcement in U.S. history. "Colonial justice was a 'business of amateurs' (Friedman 1993:27) with lay magistrates and no real police force" (Gottschalk 2006:42). On the other hand, the same history could mean that the United States had rudimentary government in general, and that local law enforcement remained a matter of local politics until the second half of the twentieth century. More importantly, it neglects the role of racism in state building for the United States with its genocidal controls of the native populations and the bondage and terror visited on the kidnapped African populations whose labor was essential for capitalism's success in the New World.

The History of Imperialism and White Supremacy

In his technocentric interpretation of world history, William H. McNeill identified three elements of Western Europe that allowed its peoples to dominate the earth beginning about the year 1500. First, he noted a character trait: deep-rooted pugnacity and a reckless way of doing things. Second, he noted that by that time they had developed a complex military technology. Finally, he said the region had a population "inured to a variety of diseases which had long been endemic throughout the Old World ecumene" (McNeill 1963:569). More recently, more succinctly, and without the amateur mass psychology, Jared Diamond (1997) wrote that guns, germs, and steel set Western Europeans on their path to imperial domination. Neither Diamond nor McNeill can account for why it was Western Europe rather than China that conquered the world, since China

too had guns, germs, steel, superior naval navigation, and what is more, the kind of imperial state that had extended its rule over much of the landmass of eastern Asia. Regardless of any singular explanation or several-factor approach, the fact remains that Western imperialism went hand-in-hand with the rise of the world capitalist system at the beginning of the sixteenth century. Along with imperialism, racism with its presumption of white supremacy appeared in its modern form. Although not accidental, imperialism and racism conditioned one another; the one did not depend on the other. Another way to put it is that racism was neither a necessary nor sufficient condition of Western imperialism for the rise of world capitalism, but it did coincide with its emergence. That Western cultural legacy of racism became foundational for the American colonies where the European invaders genocidally conquered and subdued the native inhabitants—the Spanish and Portuguese in the south and the British and French in the north. National cultural variations along with differences in economic and political exploitation of the conquered territories led to different forms of racism. Nonetheless, that cultural element was integral to their social structure. Therefore, any social structural analysis of the United States that fails to take in the basic structural legacy of racism must perforce remain incomplete if not incorrect. That general rule applies to control of racially defined populations in the United States through concentration, confinement, death, and fear.

Terrorism against African Americans: Slavery through Jim Crow

The European invaders and Settlers of North America used kidnapped people from Africa as slaves to make the New World economically productive. Since the work of slaves requires their mobility, they rarely had physical restraints on them. Instead, the master class defined them as a race, and controlled them through punishment and fear. Beginning in the late seventeenth century, the plantation economies of the South used an early form of police—slave patrols (Hadden 2001). "In the Old South slave holding classes and their nonslave-owning neighbors lived in constant fear of uprisings . . . slaves posed a constant threat" (Fry 1975:38). To counter loss of their property by flight and rebellion, planters relied on armed Whites. The relationship between slave patrols and militias was blurred (Hadden 2001:42). In addition to physical abuse, patrollers used psychological warfare. They encouraged supernatural fear among slaves by ambushing them at night. The nightriders used demonic disguises and costumes as in the more modern ghost-like apparel of the Ku Klux Klan (Fry 1975: 86–8). Vigilance bands of Whites augmented slave patrols on the eve of the Civil War amid growing anxieties of revolt (Hadden 2001:167–72).

Slave patrolling did not end abruptly after the war. The Reconstruction Act and Fourteenth Amendment ended the formal institution of patrolling, but their techniques and personnel merely transferred to informal organizations, most notoriously the Ku Klux Klan (198–200). Whites allayed their own fears by reasserting psychological domination over freed slaves through terrorism. The Klan and similar organizations such as the White Camelia terrorized African Americans and White Republicans. In effect these terrorist bands were paramilitary units of the Southern Democratic Party (MacPherson 1982:564). The anti-Klan Acts of 1870 and 1871 and the determined prosecution by the Grant administration finally put an end to them, sometimes by invoking martial law.

C. Vann Woodward (1957), supported by W. E. B. DuBois (1935) and Eric Foner's (1988) findings, has argued that the South in the gilded age did not revert to antebellum race relations. The laws and political institutions protected the freed status of African Americans. One way of controlling freed slaves and exploiting their labor was the convict leasing system. It used the criminal justice system for convicting African Americans, sentencing them to prison, and then leasing them to White employers. 90 percent of the leased convicts were African Americans (MacPherson 1982:613–614). In and outside of prisons, the combination of sadistic guards, lack of food, clothing and shelter, and forced labor produced death rates rivaling the Nazi work camps (Lichtenstein 1996; MacPherson 1982:614; Hilberg 1985). Mississippi's Parchman Farm was among the most notorious state prisons (Oshinsky 1996).

Whites used lynching as another social control. Beginning in the 1880s and becoming increasingly prevalent in the South, White lynch mobs replaced the surreptitious violence of the night riders. "Gilded Age lynchers acted with community approval, rarely donning the masks and robes favored by the Klan" (Waldrep 2002:83). Occasions of lynching became public rites of intensification that reaffirmed community solidarity. Lynching differed from Klan or night rider terrorism, as it followed accusations of crimes. During the nineteenth century, throughout the United States it targeted many persons not of African descent—Asians, Latinos, and Europeans from recent immigrant groups such as Jews and Italians. It was not until the twentieth century that it took on its almost exclusively racial character. In the South, racial lynching followed from the Jim Crow laws that began to appear in the 1890s. They coincided with and reacted to a wave of populism sweeping rural America, not just the South. The Southern bourbon hierarchy could not tolerate biracial populism in which poor Whites joined with African Americans. Jim Crow was one solution. Laws enforcing segregation erected barriers to racial intermingling among the lower classes. They also set invidious differential access to social goods

and services. For African Americans, violating Jim Crow became a route to Parchman Farm or lynching.

Fear, Violence, and Ghettoization in the Twentieth Century

The North had always practiced de facto discrimination and segregation, but the Great Migration, more or less coincident with the First World War, brought new African American migrants to northern and western cities. Between 1916 and 1927, 1.2 million African Americans fled north and west (Jones 1992:213). Far from halcyon havens, the urban centers in the first decades of the twentieth century had plenty of intergroup antagonisms. White enmity toward African Americans just added to the mix. The end of the First World War saw exacerbation of racial strife and political oppression represented by the Red Summer of 1919. So-called race riots were really pogroms in which White mobs invaded Black enclaves beating, burning, killing, and raping. Part of the motivation was economic. A Black diaspora produced self-supporting enclaves in places like the greenwood district of Tulsa, Oklahoma (Oliver and Shapiro 1995:48–50), Phillips County, Arkansas (Cortner 1988), and Rosewood, Florida (D'Orso 1996). What made the Red Summer of 1919 in Chicago unusual was that the Black community fought back.

In Chicago, by late July 1919, shortly before the White attacks on the Black Belt, two-hundred-and-fifty thousand workers were on strike or locked out, a quarter of the city's workforce (Tuttle 1970:141). The stockyards were a focus of the labor conflict, struck since July 18. Organized along craft lines, 90 percent of the White workers were unionized; 90 percent of the Black workers were not (142). Employers, especially the meat packers, used racial antagonisms to further their own interests in the conflict. In addition to workplace antagonisms, Chicago's south side had seen bombings and bloodshed as African Americans moved into previously all-White neighborhoods. White mobs, spearheaded by neighborhood street gangs, stormed Black Belt neighborhoods. Young Black men met them. Among them, was a recently mustered out all-Black Army unit from the war, the Eighth Illinois. Consequently African Americans were not the only casualties. After the conflagration in Chicago, Omaha, other cities had riots in which White authorities stood by, often arresting Black victims of White violence. White pogroms did not subside until the mid-1920s.

Roughly at the same time as Red Summer, the Red Scare of 1919 targeted those on the political left, communists, socialists, and Wobblies, members of the Industrial Workers of the World. Led by the Bureau of

Investigation, later the FBI, federal authorities conducted the Palmer raids in 1919–1920. One target became African Americans who had joined or allied themselves with the left political groups seeking racial equality. In this the Bureau anticipated its later role in the 1960s and 1970s. "The Bureau's first priority was to protect the existing racial hierarchy" (Schmidt 2000:202–203). At about the same time, the Military Intelligence Division of the Army shifted from passive to active defense of White supremacy (Kornweibel 1998, 2002).

By the 1960s, agencies of the United States, coordinated by the FBI., moved from surveillance and harassment to outright terrorism. J. Edgar Hoover's decision to destroy the civil rights movement marked the tipping point. Prompted by the 1963 march on Washington, the FBI directly engaged in, or coordinated illegal surveillance, burglary, forgery, and assassination of civil rights leaders and political militants (Churchill and Vanderwall 1990a, b; O'Reilly 1989:355, 1995; Swearingen 1995). In this, Hoover was aided and abetted by Richard M. Nixon. In private remarks, he "emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to" (Haldeman 1994:53). Although he said it in the context of welfare, it also fit with the already established strategy of linking crime, poverty, welfare, race, and political militancy. That culturally defined strategy of repression gave voice to populist White America's racial ressentiment, and resulted in government strategies serving the interests of the White ruling class. The policies fueled the White animus, and produced racial ghettos with increasingly concentrated poverty. At the same time, criminal justice strategies removed potentially revolutionary Black leadership and cadres of political workers and intimidated the Black population against pursuing their militant agendas.

The Nixon approach combined ghettoization with criminal justice. It led to what Michael Tonry (1995) described as "malign neglect." He said that crime and welfare became inextricably linked (7), concluding that African Americans' disadvantages in basic social economic conditions "cause their disproportionate involvement in crime" (39). Christian Parenti offered a more radical assessment.

[C]rime and fear of crime are forms of social control. Strong-arm robbery, rape, homicide, and general thuggery in poor communities leave people scared, divided, cynical, and politically confused; ultimately these acts drive victims of capitalism, racism, and sexism into the arms of the racist, pro-business, sexist state. In short, crime justifies state violence and even creates popular demand for state repression.

(Parenti 2000:44)

Moreover, as Loïc Wacquant has argued (2000, 2001, 2007), ghettos—whether Black or Latin in the United States or the immigrant banlieues of Paris—create imprisoning residential barriers. Especially in the United States, the ghettos suffer from policing strategies that turn them into catchment areas for filling the nations prisons, not unlike the Nazi ghettos did for the concentration camps.

A similar phenomenon obtains in and around Indian reservations. In a study of the Rose Bud Reservation for the Lakota, Thomas Biolsi showed how the supposed endemic animosity between Indians and Whites derived from federal Indian laws and policies. The reservation system itself, abetted by restrictions on real sovereignty for the tribe, set the spatial conditions for the conflict, and produced, as the title of his book intimated, deadliest enemies.

> "Equality before the law" deradicalizes the law by excluding class, race, and gender inequalities from its cognizance and from practical political struggles it underwrites. If such "bourgeois" equality and property rights thus amount to a "coded denial of experience," so does "sovereignty" as constructed in federal Indian law.
>
> (Biolsi 2007:189)

Concentration camps, reservations, or ghettos when coupled with invidious racialist discourses do not need explicit legal sanction. They produce similar results whether the legal discourse is one of equality as in the Anglo-American system, or one of race as in the Nazi system. Camps and ghettos foster self-destructive behavior among their inmates. They attack each other rather than attacking their oppressors.

The Death Penalty: Terror and Social Control

David Garland (2005) has argued that capital punishment's most salient function in the United States is expressive as opposed to instrumental, and therefore is best understood in cultural terms. He has also argued that the reasons the United States retained capital punishment while all other Western, industrialized countries abolished it depend on a general authoritarian shift in politics and culture beginning around 1970. The United States is the only developed Western nation to retain it, whereas 138 countries have abolished the practice for any crime and another 36 have abolished de facto if not de jure. Not surprisingly, African Americans are disproportionately represented on U.S. death rows, comprising about half of those inmates. Despite its rarity as a sentence, and therefore its arguably slight effect on deterrence or operations of criminal justice systems, capital

punishment disproportionately affects the political and legal culture. As Garland (1990, 2002, and 2005) and others (Allen and Chubb 2008; Hood 2002; Lifton and Mitchell 2000; Sarat 2001; Sarat & Boulanger 2005; and Zimring 2003) have observed, the practices of capital punishment and the cultures of both abolitionist and retentionist societies condition each other dialectically. States with the greatest number of executions are disproportionately in the South, excepting mainly California with its massive penal population. James W. Clarke argued that the state-sanctioned death penalty replaced lynching as a way of terrorizing and controlling African Americans (1998).

In line with Garland's thesis, public opinion and the judicial sector of U.S. criminal justice tended toward abolition into the 1970s. Nonetheless, the political right stirred up public sentiment in favor of retention. A particular instance comes from California. When Ronald Reagan ran for governor, he stressed his support for the death penalty as part of a broadly reactionary program. His campaigns pushed public opinion, which had been split on the death penalty, toward a two-thirds support for it (Hamm 2001:148–155). The relation between the death penalty and public opinion seems similar throughout the world—that is, public opinion follows politics and policy. The history of abolition in Europe reveals the relation most clearly. Before its abolition, the public generally supported it; after its abolition support gradually declined (Zimring 2003). Public opinion continues to think of capital punishment in populist retributive terms even in long-standing abolitionist countries. In Latin America, where the death penalty has been abolished longest, public opinion is nearly split (Briceño-León, Carmadiel and Avila 2006). In contrast, public opinion in retentionist countries, including the United States and China, shows two-thirds to three-fourths in favor of capital punishment. Laws, politically framed discourses, and public policy shape, channel, and articulate public opinion thereby giving form to the meaning of the death penalty.

Democratic mythology says laws and public policies follow public opinion. Whatever its validity for other things, with the death penalty, the opposite applies. Generally, political and social elites have led their countries toward abolition. They have not in the United States, because it serves their strategy of using fear to maintain their hegemony and control otherwise demanding masses.

The Gray Zone

Garland's culture of control (2001a) and system of governing through crime, whether Jonathan Simon's (2007) version or Christopher Parenti's (2000), spring from a culture of fear (Glassner 1999). Fear always divides

and never promotes solidarity. First, a culture of fear creates fear among a majority against a marginalized minority, second it generates fear among the majority of those they have given the power to protect them against the minority. It culminates in pervasive fear where everyone fears everyone else. Joseph Kessel and Haakon Chevalier (1944) called it the *Army of Shadows*, a roman à clef about the French resistance against the Nazi occupation. The resistance became shot through with spies and collaborators. In attempts to root out betrayals, resistance cadres too often turned against each other. Primo Levi called it the gray zone. The latter refers to the culture of fear, collaboration, and divisiveness created by the Nazi SS in the camps. Everyone remained silent. The civilian witnesses remained silent through willed ignorance and fear (Levi 1986). The inmates remained silent out of shame, and fear (70–87). The *Kapos*, the inmate overseers and collaborators with the camp regime, remained silent out of guilt and fear because of their collaboration. The SS guards bound them by burdening them with guilt, covering them with blood, and compromising them as much as possible.

> [T]he harsher the oppression, the more widespread among the oppressed is the willingness, with its infinite nuances and motivations, to collaborate: terror, ideological seduction, servile imitation of the victor, myopic desire for any power whatsoever. . . . All these motives, singly or combined have come into play in the creation of this gray zone, whose components are bonded together by the wish to preserve and consolidate established privilege *vis- à-vis* those without privilege (43).

Even outside of, and before the camps in the ghetto, there are the collaborators. One has become notorious—Chaim Rumkowski, the head of the *Judenrat*—the Jewish council, of the Łódź ghetto in occupied Poland. He directed the slow crushing of its population up until final liquidation— a euphemism for removal to the death camps.

> Like Rumkowski, we too are so dazzled by power and prestige as to forget our essential fragility. Willingly or not we come to terms with power, forgetting that we are all in the ghetto, that the ghetto is walled in, that outside the ghetto reign the lords of death, and that close by the train is waiting (69).

Camps, gallows, ghettos, gulags, and prisons all follow the same logic and have the same origin: the desire to dominate, to gain advantage, and fear of being dominated. "[T]he concentration camp system even from its origins . . . had as its primary purpose shattering the adversaries' capacity to resist" (38). The culture of fear pervades the postmodern world. The elite fear loss of privilege and control. The managers, like the collaborators they

are, are burdened with guilt and fear loss of the protections of their offices. The mass majority fears the marginalized minorities and the manager, and eventually each other. The excluded, the others, the minorities fear everybody, not the least each other. It is that way by design, in part, and partly by unforeseen consequence. In either case, the culture of fear has become an inevitable accompaniment to postmodernity.

Chapter 7

The Rise of the Icon

The rise of iconic representation as the dominant form of communication and consciousness marks an even greater epochal shift than the transition from a capitalist to a postcapitalist world system of political economy. The shift from the logocentric to the iconocentric began approximately in the mid-twentieth century. The advent of television signaled it, but should not be confused as its cause. Image began to replace text as the preeminently authoritative sign. The iconic shift strengthened the effectiveness of the fear culture, as characteristics of icons lend themselves to more emotional and less analytic styles of thought.

An analogous shift occurred in Greece roughly twenty-five hundred years before. Eric Havelock (1983) argued for an epochal shift in communication and consciousness among Greeks of the classical age. He placed it sometime in the fifth century BCE. The dominant form of discourse before the shift he called mythos. Its paradigm was the performances of the great epics, the *Iliad* and *Odyssey*. Poets and their entourages recited the mythic stories. These performances constituted the primary form of socialization. Havelock argued that performance characterized discourse and consciousness using mythic history. It was an oral culture in a tribal social order.

Adopting an alphabetic writing system in the seventh or eighth century BCE, the ancient Greeks employed it gradually and increasingly to record the poetic epics, along with more pedestrian uses such as recording tax receipts and the other ancient applications of writing. Adoption of writing as the main form for the ruling epics signified the shift from mythos to logos, a shift from an oral to a written culture, from the performative to the lexical. Whereas Homer exemplified mythos, Plato became the exemplar of logos. The shift in classical Greece set the stage for a logocentric Western culture (Derrida 1967). It had particular application to law and criminal justice. Indeed it was in those institutions that the shift took some of its most dramatic forms.

Today, common usage of the word "icon" has several meanings. Religious icons like those of eastern Christianity depict holy figures such as Jesus and Mary, angels, or saints through portraiture or sculpture. A more modern usage refers to the public personages of exemplary persons. It can also refer to a representation of any object, which occurs frequently in advertising. Most recently, the icon refers to figures that appear on computer screens indicating programs or functions. Apparently disparate, these meanings have a core definition found in the philosophical and semiotic writing of Charles Sanders Peirce (1839–1914).

Peirce introduced iconicity as an element of semiosis, his general theory of signs. He distinguished three kinds of sign relations—icon, index, and symbol. In indexical sign relations, the sign and object relate contiguously, as in smoke and fire, wind and weather vanes, or disease and symptoms. Symbolic sign relations are arbitrary and conventional. A symbol "refers to the Object that it denotes by virtue of a law, usually an association of general ideas" (Peirce 1960 vol. 2:249). Iconic sign relations are those in which the sign represents the object "by virtue of a character which it possesses in itself. . . . [It] does not draw any distinction between itself and its object" (vol. 5:73–74). The sign represents itself "by virtue of its being an immediate image, that is to say by virtue of characters which belong to it in itself as a sensible object, *and which it would possess just the same were there no object in nature that it resembled*" (vol. 4:447 emphasis added). Images constitute the most familiar form of iconic representation. A shorthand version denotes icons as based on resemblance, indexes as pointers, and symbols as meaningful.

The iconic relies most heavily on metaphor, or more exactly, metaform, compared to mythos and logos. Metaform is a connective kind of modeling resulting from representing abstractions in concrete terms (Sebeok and Danesi 2000:38). Willie Horton gave concrete representation to abstractions. So, an image combining Islam, the Middle East, and violence has the implicating force that makes them seem related. Part of the metaphorical maneuver uses domain transference, as in the metaphor "fishing" for information. One domain of food-gathering activities transfers to the domain of communication (Geeraerts 2002). The metaphor naturalizes the transfer, making it seem inherently logical. The image makes the connections concrete, and condenses fields of meaning into one.

Condensation is another characteristic of iconos. Each step in the mythocentric-logocentric-iconocentric evolution increasingly condensed the representation of information. The old saw that a picture has a thousand words catches the sense of condensation. Although aural icons abound, onomatopoeia for example, visual icons carry more power. They exert power because they carry a heavy informational load and because their impact involves more intense emotional responses. The aftermath

of the destruction of the World Trade Center on 9/11 illustrates the emotional impact. The two kinds of power can operate independently. Emotional power of images does not depend on extensive cognitive knowledge, unlike mythic and symbolic representations. The reactions of people to the repeated images of the World Trade Center on 9/11 needed little in the way of higher-level intellectual work.

Icons' ability to bring forth emotional responses makes them especially suited to entertainment or infotainment (Postman 1985). Icons increasingly formed the structure of journalism as television replaced print media as the main source of news. Imagine a nightly news program without images. While a mythocentric, performance-based public discourse also involves entertainment (Bevan 1936), its performative character includes an element largely lacking in electronic mediated discourse: immediate social interaction. Ancient Greek theater, or for that matter Athenian trial courts, performed informational and entertainment functions, but they depended on physically present audiences. Indeed, their effectiveness partly arose from their affirming and intensifying effects on ancient social structure and social relations. Today's mediated observers often engage alone or with a few intimates. Audience engagement by contemporary, electronically mediated observers has become virtual.

Icons stand in contrast to symbolic systems like language, mathematics, or music, which require linear perception. People perceive icons synchronously. Although several icons can follow a linear arrangement, which produce linear perceptions and consciousness—say a series of photographs, statues, or even motion pictures—each one in the series has a synchronic effect. Viewing the stars illustrates the difference between linear and synchronic perception. We see the image of a star years after its visible light originated from its body. A linear perception of the star would perceive the stream of light as it made its way to earth. Having arrived, we perceive the star as a steady image, even when the star may have flamed out and died centuries ago. Performances—plays, dance, television programs, or movies—present their narratives in a linear way. Talking and reading both use linear presentations. Some kinds of knowledge are better suited to linear representations; others fit better with the synchronous style. For instance, baseball is a linear sport well suited to radio reportage, but radio coverage of football and basketball suffers in comparison to televised games. Radio, of course, is a quintessential linear medium, television largely a synchronous one.

Richard L. Fox and Robert W. Van Sickel (2001:3) made a typical comment: "[T]he United States has entered an era of *tabloid justice*, in which the mass media in both their traditional and emerging forms now tend to focus on sensationalistic, personal, lurid, and tawdry details."

Television takes the brunt of the criticism, as its increasing tabloidization plays out in infotainment, where journalism blends with dramatized fiction. This is not limited to television or criminal justice, as Neil Gabler (1998:3–10) argued that all the mass media present fact as if it were fiction, life as entertainment. Nonetheless, the consequences of the late modern or postmodern trends have powerful effects on national policies, according to the critics. Much of the effect comes from imagery appearing on television, which has replaced print media as the main source of news for 80 percent of U.S. adults (Fox and Van Sickel 2001:61).

Kevin Glynn (2000:17–18) gave the most comprehensive description of tabloid culture, linking it to postmodernity.

- media and image saturation
- prioritization of images over "the real"
- instability and uncertainty over modernist categories—e.g., public versus private and reality versus representation
- pluralization, relativization, and fragmentation of discourses
- cultural products marked by stylistic eclecticism and bricolage
- incredulity about narratives, especially those claiming universality and scientific objectivity and rationalism

According to Glynn, tabloid culture "is immersed in image rearticulation and appropriation" (2000:18 citing Collins 1992:333). Furthermore, Glynn said, tabloid media exemplify the commodification of culture that lies at the heart of postmodernity. Finally, Glynn, relying on Frederic Jameson, argued that the postmodern news media relegate recent historical experiences to the past. The logic of "'you are there' is taken to the nth degree" (Glynn 2000:18 citing Jameson 1983:125). Once relegated to the past, media representations deposit residual collective memory traces preparing the way for subsequent media reappropriation. The built-in obsolescence of popular media "thwart[s] precisely those forms of understanding that are needed" (Glynn 2000:19). Consider the fact that the U.S. government never presented any clear and convincing evidence that Osama bin Laden and his organization they dubbed "al Qaeda" planned and carried out the attacks of 9/11, although today the media treat the speculation as established fact based on continual reappropriation of the televised images.

Once the images of 9/11 became established as iconic signs, they contributed to ideological formations.

> In actual fact, each living ideological sign has two faces, like Janus . . . any current truth must inevitably sound to many other people as the greatest lie. This *inner dialectic quality* [sic] of the sign comes out fully in the open only

in times of social crises or revolutionary changes. In the ordinary conditions of life, the contradiction embedded in every ideological sign cannot emerge fully because the ideological sign in an established, dominant ideology is always somewhat reactionary . . . so accentuating yesterday's truth as to make it appear today's. And that is what is responsible for the refracting and distorting peculiarity of the ideological sign within the dominant ideology.

(Vološinov 1973:23–24)

In trials of those accused of terrorism, the prosecution regularly has introduced images and film footage of the 9/11 attacks as part of its evidence. The image, having been embedded in an ideological formation, subsequently proves the truth of the ideology.

Fear of Terrorism and Crime

The events justifying antiterrorism legislation are not immediately understandable as instances of terrorism, but they are understandable as sources of generalized anxiety. The 1984 Act to Combat International Terrorism was prompted by an attack on a military installation in a war zone—the Marine barracks in Beirut. The Oklahoma City bombing was part revenge for the Waco siege and Ruby Ridge fiasco, and if fiction is to be believed, the opening shot in an armed rebellion against the United States. The attacks of 9/11 are the most problematic, and therefore, the most instructive when analyzed.

The French intellectual Jean Baudrillard attracted vituperative opprobrium when he said that the attacks of 9/11 were real events, unlike the Gulf War of 1991, but that they were events in a terrorism constructed largely by the United States. He said that the attacks were a "spectacle of terrorism [which] forces the terrorism of spectacle upon us." (Baudrillard 2002:30). He argued that Western capitalism, militarism, and imperialism had already created a regime of terror in the world, and 9/11 was a token of a type. The type is the reality of terrorism engineered by the United States. That, in Baudrillard's terms, is what makes the 9/11 attacks real events. Ward Churchill said much the same thing in an essay. Later he explicated and expanded the proposition in his 2003 book *On the Justice of Roosting Chickens: Reflections on the Consequences of U. S. Imperial Arrogance and Criminality*. By the time his book came out, he became noticed and had to fend off attacks against his tenure at the University of Colorado. The British philosopher, Ted Honderich (2002), made a similar argument and encountered similar ad hominem criticism.

The targets of the attacks were symbols. The World Trade Center symbolized global capitalism. The Pentagon symbolized global militarism. And if one believes a third plane was headed for either the White House

or the United States Capitol, they symbolize imperialism. It is true that the World Trade Center attack made a significant material dent in global capitalism, producing loss in the stock market of billions of dollars and killing functionaries with important technical skills, as Churchill pointed out. Nevertheless, the greater effect was the attack on the World Trade Center as a symbol. Notwithstanding a precious analogy, the 9/11 attacks were also attacks of the iconocentric against the logocentric, icon against symbol.

Begin with the image of the plane striking the tower on 9/11. At the first level of semiosis, the object of representation is an icon, an image: the plane striking the building. All signs need something to interpret them. Peirce called it the interpretant. In the case of the planes striking the World Trade Center, the image comes from imagination, or from movies depicting high-rise disasters or monsters stalking through New York. At the second moment of semiosis, the interpretant shifts field from fiction to spectacle, a media event. At this stage in the semiosis of 9/11, meaning remains amorphous. Structured meaning awaits the logical discourse to make sense of images of the burning, smoking, and finally collapsing World Trade Center Towers. The federal terrorism statutes are an important part of the discourse. They embody an ideology going back directly to Ronald Reagan's war on terrorism. The discourse of terrorism interprets the icon of 9/11. Terrorism discourse gave meaning to the event, but the icon, the image, stimulated the fear.

Fear itself has become a master interpretant at least since the Reagan era, beginning around 1980. David Altheide (2002) said fear is cumulatively integrated over time and in the process becomes associated with certain topics. The process is semiotic, in which object, sign, and interpretant are bound together through concerted action, ideology, and policy. Certain topics are associated with terms as if there were an invisible hyphen. Eventually, the "fear" term becomes implied and unstated. Altheide goes on to link fear of crime with fears about major events, such as the 9/11 attacks. The resulting linkage becomes part of an ideology of fear as described by Vološinov (1930), the aim of which is social control.

Since the beginning of the Reagan era, around 1980, political discourse explicitly used fear as a master interpretant, binding sign and object. Repeated recourse to fear as a master interpretant increasingly produces a pervasive culture of terror. The phrase "culture of terror" is what Michael Taussig uses to capture the representation of killing, torture, and sorcery in southwest Colombia from 1969 to 1985. He related it to the horrors of the nineteenth century colonial rubber trade in the Congo under King Leopold of Belgium. Taussig makes a point of referring to Joseph Conrad's descriptions in the novel Heart of Darkness. As with McVeigh and the

Oklahoma City bombing, there is no strict line between fact and fiction, event and representation. Recently, Philippe Bourgois adopted Taussig's term to describe the ghetto of East Harlem in New York City during the crescendo of crack dealing in the 1980s.

Over roughly the last thirty years, a discourse of fear in the United States has focused on crime. Such discourses trickle down from the top levels of ivory towers to popular culture outlets. These discourses intersect with simmering racism in American culture, but also play on other deep fears wherein women are victims of stalking, children are sexually exploited, serial killers lurk in shadows everywhere, and so on. The icon of Willie Horton from the Bush-Dukakis presidential campaign of 1988 signified the fear of crime. The icon of the planes hitting the World Trade Center signified fear of terrorism.

Repressive Use of Icons

Propaganda campaigns prepared public opinion for the invasions of Afghanistan in 2002 and Iraq in 2003. Such campaigns to get countries into wars hardly qualify as innovative. One of the best-known examples, typically included in high school American history texts, refers to the campaign leading to the U.S. war against Spain in 1898 known under the sobriquet of the Spanish-American War. A quote from *Wikipedia* illustrates what has now entered common parlance and knowledge.

> The revolution in Havana prompted the United States to send in the warship USS Maine to indicate high national interest. Tension among the American people was raised because of the explosion of the USS Maine, and the yellow journalist newspapers that accused the Spanish of oppression in their colonies, agitating American public opinion. The war ended after the United States earned victories in the Philippine Islands and Cuba.
>
> Upon the destruction of the Maine, newspaper owners such as William Randolph Hearst came to the conclusion that Spanish officials in Cuba were to blame, and they widely publicized this theory as fact. They fueled American anger by publishing sensationalistic and astonishing accounts of "atrocities" committed by Spain in Cuba. A common myth states that Hearst responded to the opinion of his illustrator Frederic Remington, that conditions in Cuba were not bad enough to warrant hostilities with: "You furnish the pictures and I'll furnish the war." Lashed to fury, in part by such press, the American cry of the hour became, "Remember the Maine, To Hell with Spain!" President William McKinley, Speaker of the House Thomas Brackett Reed and the business community opposed the growing public demand for war.
>
> (*Wikipedia* 2009 Spanish-American War)

Despite its hoary pedigree, war propaganda took another turn with the U.S. wars following 9/11. David Altheide has argued for the change. He cited an institutionalized coordination that preempts criticism or even critical analysis. He discerned what he called "war programming" that followed a well-defined sequence.

1. Reportage and visual reports of the most recent war (or two);
2. Anticipation, planning, and preparing the audiences for the impending war, including demonizing certain individual leaders, for example, Noriega, Hussein;
3. Coverage of the subsegments of the current war, using the best visuals available to capture the basic scenes and themes involving the battle lines, the home front, the media coverage, the international reaction, and anticipation of the war's aftermath;
4. Following the war, journalists' reaction and reflection on various governmental restriction, suggestions for the future (which are seldom implemented);
5. Journalists' and academics' diaries, biographies, exposes, critiques and studies about the war, and, increasingly, the media coverage;
6. Media reports about such studies, and so on, which are often cast quite negatively and often lead to the widespread conclusion that perhaps the war was unnecessary, other options were available, and that the price was too high; all of this will be useful for the coverage of the next war.
7. For the next war, return to step 1 (Altheide 2009b:17).

Early justification for the invasion of Iraq centered on the claim that the Hussein government possessed so-called weapons of mass destruction, itself something of a neologism in public discourse. They included chemical and biological weapons. Furthermore, U.S. officials repeatedly asserted that Saddam Hussein planned to produce nuclear weapons. Of course, Iraq had long before destroyed the chemical and biological weapons it had used in its war against Iran (1980–1988). The nuclear weapons claim depended on, inter alia, doctored intelligence. While U.S. officials proffered spurious evidence in support of their claims, major mass media news outlets remained notably uncritical, even to the point of cheerleading. They resorted to the kind of sensationalistic reportage that today is associated with received wisdom and common knowledge attributes to William Randolph Hearst and other newspapers with their yellow journalism. At the same time, such claims put the Hussein government in a quandary. If it categorically denied the weapons and publicly proved it, the country's military weakness might have moved Iran to renew the war with disastrous

results for Iraq because of its decimated military after the First Gulf War (1990–1991).

Altheide concluded his analysis of media and war propaganda by saying that

> The Iraq War was partially produced by the PNAC through an exhaustive propaganda campaign that stressed fear and threats to the United States by Iraqi and al Qaeda forces. Specific claims were made about the likely use of WMD as well as more terrorist attacks. These messages were systematically carried by major news media as a feature of a war programming narrative, which refers to the selective use of claims makers/news sources within a normative pattern, which includes occasional detractors to give the appearance of debate.
>
> (Altheide 2009b:20)

Without taking anything away from Altheide's analysis, the kind of war programming he outlined does not always work. Arguably, it might not have worked in 2002 and 2003 even with the connivance of the journalistic media. There were voices of dissent raised elsewhere. Mass demonstrations in the United States and around the world gave a large and loud public voice against the Iraq invasion. Other countries, long-standing staunch allies demurred about jumping on the war wagon. Several members of the UN Security Council, including France and Germany, did not support the United States. Another major war in U.S. history shows similar divisions among the public. The Wilson government took the country into the First World War after earlier proclaiming steadfast opposition and commitment to neutrality. Even his Secretary of State, William Jennings Bryan, dissented. Bryan resigned in protest against what he called Wilson's war mongering. Even after the U.S. entry, popular agitation against the war and against the draft remained part of public discourse, and the government had to use censorship and arrests to suppress it.

The effectives of U.S. war propaganda and war programming rested on the by then well-established culture of fear; metonymic connections between Afghanistan, Iraq, al Qaeda, and 9/11; and the icons of 9/11, particularly the world trade Center attack. The icons of terrorism served as interpretants for the propaganda. The 9/11 icons could interpret the propaganda, because they partook of the master interpretant of fear. The images of 9/11 had become more real and authentic than the actual events. Partly they seemed more real, because for those who experienced the events "live," so to speak, trauma interfered with acceptance of the reality. More importantly, they attained greater authenticity, because of the epochal iconocentric shift that affects mass consciousness. Therefore, invading Afghanistan and Iraq could

count as protective measures, not as colonial adventures in favor of centers of U.S. capital associated with oil and gas.

Icons, Simulacra, and Spectacles in an Age of Mechanical Reproduction

Walter Benjamin said that "[t]he presence of the original is the prerequisite to the concept of authenticity" (Benjamin 1936:220). Benjamin, however, dealt with mechanical, not virtual reproduction: photographs, gramophone records, movies, and the like—the modern as opposed to postmodern kind of reproduction. Even at that, he noted the perception does not just depend on anatomy, physiology, and the physics of light and sound. It also depends on the political economy, by historical circumstance.

> The degree to which our eyes and ears have been conditioned by mediatization was clear well before the advent of compact discs, stereo television, and sampling: think of people who long brought portable radios or television sets to the baseball park.
>
> (Auslander 2008:38)

Auslander continued with Benjamin's observation that modern culture encourages people to seek proximity and intimacy. Nonetheless, reproduction, whether mechanical, electronic, or virtual, always depreciates the original. That kind of depreciation had gone on so long by the twenty-first century that live presence generally played second fiddle to its representation by mass media. Jean Baudrillard (1981) called such representations simulacra, copies without an original, or in this case, a devalued original. Guy Debord (1967) had anticipated Baudrillard's concept of simulacra by his explication of the spectacle. The spectacle embodies reified and congealed capital in which reproduction is all, because reproductions are commodities. Their ontological status as commodities makes them more authentic, because they are sources of profit and capital.

The postmodern shift to spectacle and simulacra and the change in communication and consciousness toward the iconocentric age have made presence irrelevant. To illustrate by way of contrast, the mythocentric age depended on presence. Even when representation seemed remote, its effect on communication came from a sense of presence. For instance, in ancient times, prior to the logocentric age, writing often appeared on monumental architecture such as temples, stele, statues, and the like. Cuneiform script and glyphs appear to the modern mind as text. Nonetheless, the art historian Zania Bahrani (2003) made a strong argument that the writing really was part of what they represented. A statue of the emperor with

inscriptions was experienced as if he were actually present. The mythocentric age of performance communication and consciousness depended on presence even in its absence. Just so, in the iconocentric age, live presence occurs as iconic representation.

Postwar Society, Culture, and the Rise of the Icon

If one development signals the emergence of iconocentrism it is television. Although first broadcast before the war in 1939, television rose to dominate culture and thinking after the Second World War. Before that, popular entertainment looked to movies as a main site for representations of life. "Going out" often included a movie. Television began to replace movies while moving the venue inside homes. More and more of those homes were suburban. Also, more than any other electronic form, television mediatized culture. Such strong trends emerging in communication, sociality, and consciousness built on similarly momentous changes in social relations in general and the political economy in particular.

The working class and especially industrial labor coalesced around militancy and even radicalism during the 1930s. The wave of postwar strikes in 1945–1946 showed that the war had but created an intermission. In part, the strike wave came from a reaction to what must have seemed like a return to the great depression of the previous decade. "By the winter of 1945–46, one quarter of all war workers had lost their jobs. Nearly 2 million workers found themselves unemployed by October 1, and real income for workers fell by an average of 15 percent in three months" (Lipsitz 1994:99 citing Lichtenstein 1982:99). By 1946, strikes in particular industries began to generalize. Public sector workers began to strike. In certain cities, such as "Rochester, Pittsburgh, and Oakland, defensive strikes with modest demands triggered mass uprisings among the entire working population" (Lipsitz 1994:151). Throughout the country, strikes idled basic industries—notably, coal, electrical, meatpacking, rail, rubber, and steel.

> In 1937 there were 4,740 strikes involving 1,861,000 workers for over 28 million days, by 1945 there were 4,750 strikes involving 3,470,000 workers for 38 million days, and in 1946 there were 4,985 strikes involving 4,600,000 workers for 116 million days.
>
> (Johnson 2007)

Although the strike wave began as a series of defensive tactics in particular industries and cities, it soon spread throughout the working class, building on the militancy of the 1930s and the solidarity of the war. Labor solidarity also came in the form of wildcat strikes, mass protests, and labor

holidays, otherwise called general strikes. At one such mass demonstration in Stamford, Connecticut, "[o]ne prominent slogan on placards at the rally read: 'We will not go back to the old days'" (Johnson 2007). Government and corporate elites responded with a multipronged counterattack. The Taft Hartley Act of 1947 aimed directly at labor militancy. The Marshall Plan and the National Security Act of 1947 helped define the commencement of the Cold War, which in turn built the military industrial complex over the next four decades. The postwar economy depended on two factors promoted by the Truman administration: a consumer-based as opposed to producer-based economy and the Cold War. The latter came from a return to an aggressive anti-Communism in international affairs coupled with support to important corporate industrial interests with public monies poured into weapons construction. These economic and political strategies helped control labor militancy, stop the postwar recession, and build a new, postwar economy. "The administration in fact made doubly certain that there would be no amelioration of the Cold War; besides fomenting anti-Soviet hysteria on the domestic front, it drove a deeper wedge between this country and the U.S.S.R." (Kofsky 1995:235). The anti-Soviet, anti-Communist campaign pervaded political and social life within the next few years—the so-called McCarthy period, although McCarthy himself was a latecomer to the political game of Red baiting. The anti-Communist hysteria had a huge impact on cultural productions, noticeably in Hollywood and broadcast media like television. Anti-Communist propaganda went hand in hand with controlling labor. For instance, Taft Hartley not only curtailed unions' power, but forbid Communists from executive positions within unions. Nowhere did the combination of anti-Communism and antiunionism play out more influentially than Hollywood (Ceplair and Englund 1980; Navasky 1980). By that time, most major studios owed their business control to Wall Street.

Hollywood Icons and the Almost Revolution of 1968

The culture industry has long relied on spectacle to sell its products. Spectacle particularly suited the product of Hollywood. Almost from the beginning, movies created and relied on the production of icons for their commercial success. When sound came so did the consolidation of New York's financial control of the studios. The studios relied on the star system to meet their obligations to their financiers. With the postwar corporate and government campaign against the working class, attacks against Hollywood's more militant unions joined with the goals of propaganda and culture industry commercial success.

> Against the backdrop of the thirties when film stars drew on their screen image to promote unions and the New Deal, the new anticommunist crusade had transformed the structure of power and politics. The convergence of state interests, conservative populism, and the call of Eric Johnson to create a new era of labor-capital cooperation had borne fruit. Yet along with the elimination of radical unions and the destruction of careers of dissenting artists, the Cold Warriors aimed not just to eliminate subversive themes from the screen but to promote a positive vision of the virtues of the American Way of unity and consumer democracy.
>
> (May 2000:202–203)

The anti-Communist strategy attempted a kind of *Gleichschaltung* in U.S. culture and society. It strove for social unity and cultural conformity. Hollywood, a prime venue for cultural production, became a "rigidly standardized middle-class suburbia" (May 2000:219 quoting Orson Welles). "A central goal of the anticommunist crusade was to transform the nature of middle-class life" (219). Dissenters, those who retained their careers after the Red Scare purges, turned away from political radicalism and toward artistic and cultural radicalism. More subtle than propaganda films, a certain rebelliousness emerged in movies. First, film noir in the 1940s and then youth films of the 1950s helped create a disguised but powerful rebelliousness, especially among younger consumers. Culturally rebellious noir productions, and by no means all noir films were rebellious, rested on reorienting cultural authority from state officials and corporate managers to antiheroes and antiheroines (229). Later, in the 1950s, as noir productions decreased, a new kind of narrative emerged, with new, iconic stars. As Larry May stated, three stars rate special attention for their influence on the youth generation that spearheaded the rebellions of the 1960s: Marlon Brando, James Dean, and Marilyn Monroe. Each contributed the thematic qualities of that rebellious decade.

Icons representing personages do not just convey communicative information—media stars whose own, real person often bears little resemblance to their personage created by the culture industry. Their public personage, consequently, serves as a combination of projection screen and mirror. Consumers of media-produced personages project their own personalities and values onto the personage, and the personage reflects them, but with colorings and additions of meaning (Merton 1943). The colorings of the icons could have an especially powerful impact on young consumers, always on the look out for models for their own identities. Consider one of the more important movies and stars: James Dean in Nicholas Ray's *Rebel Without a Cause* (1955). The director helped create the James Dean personage. That created personage contained a good deal

of Ray's (1991–1975) own cultural radicalism and rebelliousness. Larry May quoted from his wife:

> Nick did not like his own generation. He thought them betrayers whose acts of betrayal were in his words like asking your kid to jump into your arms and then pulling your arms away. He was more at ease with my generation [the youth of the fifties and sixties] and he seemed to know more about them than I did.
>
> (May 2000:247 quoting Ray 1993:xxi)

Among the other effects of Brando, Dean, and Monroe, they connected through the screen to society, "restoring mass art and film stars as focal points for a counter narrative of identity" (249). Marlon Brando in *The Wild One* (1954) epitomized the rebel of the time. Leader of a motorcycle gang, he rode outside the law, yet his character demanded sympathy, but more importantly empathy. Marilyn Monroe brought another rebellious theme. She embodied sexuality, especially a self-determined and libratory sexuality at a time in U.S. culture when Victorian standards had once again become idealized. Posters of these three Hollywood star icons not uncommonly adorned the walls of rooms of the youth of the 1960s. They depicted Brando on his motorcycle with leather jacket, jeans, and cap; Dean's intense, tormented visage from a still in *Rebel*; and Monroe with her skirt flaring up from *Some Like It Hot* (1959). Two of the icons, Dean and Monroe, died prematurely. Their deaths in a peculiar way foreshadowed the deaths of several icons of the 1960s. The later ones were not movie stars, but musical performers: Jimi Hendrix (1970), Jim Morrison of The Doors (1971), and Janis Joplin (1970).

It is not that movies, and still less television, provided a hotbed of cultural subversion, far from it. The main effects of these parts of 1940 and 1950s culture industry followed the program of building a unified, White, suburban, middle-class, contented consumer society and culture. A victory culture, in the words of Tom Engelhardt (1995), accompanied the domestic tranquility of Hollywood and, more so, television land. The latter paraded such programs as *Ozzie and Harriet* (1952–1966) and *Father Knows Best* (1954–1963) as models of correct lifestyles. For every Marlon Brando, there were many John Waynes with their swaggering triumphalism and petty bourgeois patriotism. For every Marilyn Monroe there were multiple Jane Wyatts with her demure, Victorian matronliness. Still, the Brandos, Deans, and Monroes contributed to identities of the rebellious youth who watched them, identified with them, and projected their own needs into the imagined antiheroes and antiheroines they represented. Those icons did not and could not promote revolution or even rebellion.

Nonetheless, they could and did provide personas for the prairie fire that scorched the nation and the world in the late 1960s, in the words of the Weather Underground (1974).

The Hollywood rebels, even while they turned away from politics to artistic rebellion, gave grounds for a dialogic contest. In the sense of Mikhail Bakhtin (1981), cultural productions give material form to a cultural memory in which cultural and political struggles never die. "[P]opular art and culture compose part of a dialogic and contested terrain in which ideas emanating from the past and present and expectations for the future operate in a conversation with each other" (May 2000:261). Utopian expectations had been part of 1930s and postwar working-class political radicalism. They depended on the next generation to try to realize them again. "Once the political movements of the sixties spread, often admirers of Dean, Brando, and Monroe looked to them as models of dissent against prescribed gender and racial roles" (268).

Icons manufactured by the culture industry most typically serve the interests of the owners of those industries. The owning class, in cooperation with other ruling class elites, constructs walls against rebellion. The culture industry, in contrast to other manufacturers, depends to a far greater extent on artists, who notoriously tend toward rebellion and subversion. Left to artistic workers, culture industry icons can offer models of rebellious identities.

Chapter 8

Modernism to Postmodernism and Beyond

Terry Eagleton began his 1996 critique of postmodernism by distinguishing culture and history. "The word *postmodernism* generally refers to a form of contemporary culture, whereas the term *postmodernity* alludes to a specific historical period" (vii). "Culture" in Eagleton's usage seems to refer to the arts, broadly speaking. In this discussion, in contrast, "culture" designates the anthropological usage. Anthropological culture refers to what humans make: language, social institutions, ways of life, and so on. In this larger sense, culture forms humans' primary ecological niche. The arts— dance, literature, music, painting, and theater to name a few—encompass those human activities that are relatively more expressive. Expressiveness contrasts with the instrumental, those actions aimed at practical ends. It also contrasts with discourse. Discourse aims at description and explanation, like the sciences both natural and social. An inescapable aporia for culture studies resides in a refractory character of culture: dividing it into parcels always leaves a good bit of overlap. Few human activities or artifacts are purely expressive, instrumental, or discursive. Expressive endeavors always contain discursive and instrumental elements, and mutatis mutandis for the other categories. The arts, then, merely do more expressing than the nonartistic aspects of culture. They are less instrumental or discursive.

So understood, arts offer social analysts a different window from which to view the human panorama. A common, although not definitive, nature of the arts involves them in representation. Again, some arts are more representative than others, but representation gives analysts a chance to do some hermeneutic analysis. A painting, for instance, depicts some objective thing, even if the thing is as amorphous and abstract as an emotion, but the depiction always reflects the peculiar viewpoint of the artists who are embedded in their own culture. In addition, artistic representation has a degree of ambiguity, thus permitting a range of interpretation, and,

therefore, reflexive analysis of the interpreter's own culture. For example, Frederic Jameson (1991) offered several interpretations of Vincent Van Gogh's 1887 painting *A Pair of Boots*. Jameson called the painting "one of the canonical works of high modernism," and he identified the subject of the painting as "peasant shoes" (6). Seemingly simple references, but neither has a claim on objective validity let alone truth. Taking the simplest part, the painting's title names the subject only as boots. They could be peasant shoes, or a factory worker's, or, as they are hobnailed, a soldier's. The arts are shot through with subjectivities. Science looks askance at subjectivism, but it remains crucial to art's value as an analytic tool.

Making a different distinction, Henri Lefebvre said modernism and modernity are contraries.

> By modernism, we mean the consciousness which successive ages, periods and generations had of themselves; thus modernism consists of phenomena of consciousness, of triumphalist images and projections of self. . . . Modernism is a sociological and ideological fact. . . . By modernity, however, we understand the beginnings of a reflective process, a more-or-less advanced attempt at critique and autocritique, a bid for knowledge. . . . Modernity differs from modernism just as a concept differs from social phenomena themselves, just as a thought differs from actual events. . . . We will therefore think deeply about modernity considered objectively and as an essence, stripped of the appearances and illusions of modernism.
>
> (Lefebvre 1962:1–2)

The distinction and analysis that follows here differs from that of Lefebvre only in being less sanguine about objectivity. Getting at objective reality often requires recourse to appearances and illusion, because we humans live in a universe of self-constructed appearances and illusions. Our way out lies in lucid analysis, intellectually rigorous evaluation, and self-reflective interrogation of the phenomenological world we ourselves create.

One effect of art's contribution to culture pertains to lucid analysis: art rounds out and gives depth to discourse. Sometimes art offers information on patterns not yet discernible at the level of conscious discourse. In this latter function, art resembles the role of dreams in psychoanalysis. Dreams provide a window to the individual unconscious; art opens onto the cultural unconscious.

Meanings and Definitions of Modernism and Postmodernism

We are at the ending of what is called The Modern Age. Just as Antiquity was followed by several centuries of Occidental ascendancy, which Westerners

provincially call the Dark Ages, so now The Modern Age is succeeded by a postmodern period.

<div align="right">(Mills 1959:166–167)</div>

Unlike most stories, telling the story of modernism starts best in the middle rather than the beginning. Modernism's middle coincides with the middle of the twentieth century, the post–Second World War period. Mills saw it as the end of an epoch. David Harvey (1989), along with many if not most cultural critics, called it high modernism. Harvey offered a periodization of modernism. Early cultural modernism began in Paris after 1848; the heroic period ran from about 1910 to 1945, and high modernism from 1945 to 1973. The periods are categorized by twists and turns. They are not ideal types, but collections of directions and trends. Harvey quoted Charles Baudelaire writing in 1863 that modern art "is the transient, the fleeting, the contingent; it is one half of art, the other being the eternal and immutable." Harvey went on to say that the history of modernism has careened between the ephemeral and the eternal (1989:10). Accordingly, artists have conveyed and tried to contain the modern experience of time, space, and causality as transitory, fleeting, fortuitous, and arbitrary (11). Maybe because of its historical proximity, high modernism shows the efforts most clearly. On the one hand, efforts to contain the chaos of modernity came in the form of the modernist architecture of Bauhaus and the city planning of Robert Moses. High modernism of that sort exuded rationality, predictability, and control. It was the obsessive-compulsive part of the neurosis of the age. It was also the main target of the postmodernist critics who associated that particular turn with the hegemony of what they called metanarratives (Lyotard 1979). The problem with metanarratives, according to the postmodernist critics, is that they totalize and legitimate. They subsume everything to particular viewpoints of a class, race, or gender. So, high modernist metanarratives were white, male, and bourgeois.

Not to gainsay the critique; there is a good bit of truth in it. Nonetheless, it leaves out the other half of high modernism: the other face of the ephemeral-eternal duality, the hysteria opposing the obsession.

All art is Janus-faced. It reflects and educates on the one hand, and it prophesies on the other. In its first, reflective mode, high modernism captured the culmination of bourgeois hegemony since modernism's appearance in Europe after 1848. Its pedagogical function consorts with reflection. Art teaches its contemporaries how to see, as John Berger demonstrated (1972). Since the rediscovery of linear perspective in the fifteenth century (Edgerton 1975), we expect to see depictions in depth. That innovation culminated in 3D movies in the 1950s. Seeing is not limited to the visual arts but carries the broader metaphorical meaning of

knowing. Art socializes and enculturates. Arts inculcate a way of knowing according to their own cultural-historic present.

Pierre Bourdieu examined the beginnings of modernism in the latter half of the nineteenth century. Liberal mass politics emerged with bourgeois triumph and growing hegemony. In continental Europe, Paris was its center. Modernist art reflected its political economy—a paradoxical mixture of liberation and control, predictability and constant change. The modernists sought autonomy for their art, away from the tradition of aristocratic patronage. Instead of patronage, they sought autonomy in the market. Thoroughly bourgeois, they also strove to escape the incunabula of capital and the market.

> [I]n a field reaching a high degree of autonomy and self-awareness, it is the mechanisms of competition themselves which authorize and favour the ordinary production of out-of-the-ordinary acts, founded on the rejection of temporal satisfactions, worldly gratifications and goals of ordinary action.
>
> (Bourdieu 1992:68)

Charles Baudelaire (1821–1867) was a founder and spokesperson of modernism. "The political attitude of Baudelaire, especially in 1848, is exemplary: he does not fight for the republic, but for the revolution" (77). As Bourdieu put it, modernism represented a double rupture against aristocratic high art and against the facile and vulgar conventionality of the bourgeoisie. Baudelaire and the modernists promoted a symbolic revolution in which they refused to recognize any master except art in a vain attempt to make the market disappear (81). A century later, the modernist spirit culminated in Albert Camus' declaration: *Je me révolte, donc nous sommes* (Camus 1951:36). In the standard 1956 translation, Anthony Bower renders this as "I revolt, therefore we exist" (22), but that injects an unwarranted ideology of Heideggerian existentialism. "I revolt, therefore we are" better preserves Camus' meaning, and better captures the high modernist culmination of modernism. His manifesto also shows the cultural rift between the ephemeral and the eternal, a contradiction both irreducible and dynamic, much like the contradictions in the high capitalism of the postwar period. Moreover, modernism in the arts resembles the symptoms of neurosis. Neurotics suffer, perceive, acknowledge, and above all are conscious of their symptoms, but they do not understand their meanings or causes. Lefebvre's argument that modern*ism* is made up of the conscious parts of Western culture since 1848 refers to these symptoms, which everyone can see and know. Impressionism, Realism, and all the other *isms* of the modern age are the symptoms of its neurosis.

Modern*ity*, in contrast, allows a stripping away of the illusions, the analysis of the age's unconscious. To continue the psychoanalytic metaphor, high modernism represented the working through of insights garnered during the modernity of the twentieth century.

Modernity

The onset of modernity coincides with the beginning of the twentieth century. Freud published *The Interpretation of Dreams* in 1899–1900. Within the next few years, Einstein's theory of relativity, Picasso and Braque's cubism, Schönberg's deconstruction of music, Veblen's economics, imagist poetry, and the social analyses of Durkheim, Simmel, and Weber tore apart and disassembled the prevailing consciousness. Despite Zygmunt Bauman's claim that "[m]odernity was a sworn enemy of contingency, variety, ambiguity, waywardness, and idiosyncrasy" (2000:25), modernity virtually demanded these conditions. Once Einstein dissolved space and time as rigid frameworks; Freud assured people that they did not know why they did what they did and thought as they did; and Picasso and Braque showed them they did not see reality; little remained of the comfort of bourgeois conventions. Modernity, far from offering metanarratives, dissolved them. Modernity revealed that there is no privileged position, no eternal map, no vantage point; all is flux.

James Joyce's *Ulysses* is exemplary. More than most artistic works, it thoroughly and explicitly encapsulates modernity's problematic. Another literary work, Arthur Miller's *Death of a Salesman* (1949), shows how high modernism provided a working through of the modernist neurosis. Unfortunately, and unlike an individual psychoanalysis, the working through did not dissolve the neurosis. It converted it to a psychosis.

Joyce's title obviously refers to a founding artifact of Western culture. But as soon as a reader dives in to Joyce's immense tome, the contrast between it and Homer's work is glaring. *The Odyssey* is an epic adventure, nothing if not a fascinating and exciting tale. *Ulysses* may be the most (intentionally) mundane novel ever published. In *Ulysses*, "with all the trappings of an epic—masks, costumes, scenery—the quotidian steals the show." One of three protagonists, Leopold Bloom's, "overwhelming triviality is encompassed by the City (Dublin), the metaphysical speculations of 'amazed man' (Stephen Dedalus), and the spontaneity of instinctive impulses (Molly). . . . The I merges with Man and Man is engulfed in mediocrity" (Lefebvre 1968:3). Instead of a mythic hero, the Blooms and Dedalus are moderns. Instead of adventures, they opt for mere existence, although even that requires an enormous struggle. The modern self has been sacrificed.

> The level of mythology at which the self appears as sacrifice to itself is an expression not so much of the original conception of popular religion, but the inclusion of myth in civilization. In the history of class conflict, the enmity of the self to sacrifice implied a sacrifice of the self, inasmuch as it was paid for by a denial of nature in man for the sake of domination over non-human nature and over other men. This very denial, the nucleus of all civilizing rationality, is the germ cell of a proliferating mythic irrationality: with the denial of nature in man not merely the *telos* of the outward control of nature but the *telos* of man's own life is distorted and befogged. . . . Man's domination over himself, which grounds his selfhood, is almost always the destruction of the subject in whose service it is undertaken. . . . The irrationalism of totalitarian capitalism, whose way of satisfying needs has an objectified form determined by domination which makes the satisfaction of needs impossible . . . has its prototype in the hero who escapes from sacrifice by sacrificing himself. . . . Everyone who practices renunciation gives away more of his life than is given back to him: and more than the life that he vindicates.
>
> (Horkheimer and Adorno 1944:54–55)

Moderns confront this irreconcilable contradiction. The more they dedicate themselves to humanize the world, the more they dominate the world and each other, and thereby sacrifice their humanity. While striving to make life worth living, they give away its value. In the early twentieth century, society no longer seemed rational. It had lost its function and meaning, it coherence and cohesion, and "*Ulysses* shows precisely the same lack of internal cohesion" (Moretti 1977:183).

Franco Moretti attributed these social conditions and their artistic representation to the historical crisis caused by "disappearance of the self-regulating market" (184). Aside from the doubtful reality of a self-regulating market, modernity first flourished during the ascendance of monopoly capitalism and neocolonialism. Commodity fetishism rose to new heights as profits increasingly depended on consumer markets in the capitalist centers. The characters and action of the novel depict virtually every aspect of daily life, except production: "[I]n *Ulysses*, social relationships appear only through the prism of consumption" (189). Mythic heroes are not made from *flâneurs* (Benjamin 1955). As Joyce strove to represent modernity, he "uses myth only to desecrate it" (Moretti 1977:192). Unlike Homer's Ulysses who used wit and *virtù* to navigate the surrounding world and defeat mythic threats, Joyce's Ulysses becomes Leopold Bloom, an apostate Jewish advertising executive who fecklessly succumbs to modern myths. Joyce's style relies heavily on stream of consciousness. The novel shows characters who are "enslaved by arcane and uncontrollable forces: stream of *un*consciousness would be a better definition. . . . Stream

of consciousness and the crisis of the ideology of the free individual meet under the ensign of advertising," which boosts the commodity by making a fetish of it (195). Having sacrificed the self in pursuit of bare biological existence, moderns try to buy themselves back through consumption of commodities. But like salty seawater that increases thirst instead of quenching it, the more they consume, the more they have to consume. The self becomes an ever elusive object that moderns chase but cannot retrieve.

> It is, therefore, completely logical that stream of consciousness is eminently paratactic: the absence of internal order and of hierarchies indicates its reproduction of a form of consciousness which is subjugated to the principle of the *equivalence of commodities*. It indicates that use-values—the concrete qualities of any given commodity—are by now perceived as secondary. . . . What is left to fire the imagination and inflame desire is only the overall attraction of the chaotic and unattainable collection of commodities (197).

The modern dilemma revolves around a search for authenticity in a world of simulacra where commodities, like the Sirens in Homer's *Odyssey*, promise fulfillment. The Modern Ulysses, while searching for his life, only gets lifestyles. Joyce used words to reproduce "the same deranged mechanisms which governed society" (208). An industry grew around this modern quest: advertising, Bloom's profession. In the 1920s, J. Walter Thompson was the world's largest advertising agency. To quote from one of its internal newsletters: "To sell goods we must also sell words. In fact we have to go further: we must sell life" (Marchand 1985:20 citing JWT News Letter, Nov. 11, 1926, p. 261). In 1926 words created the image. Moreover, the favored advertising technique was "dramatic realism," which imitated the style of romantic novels soon to be translated to radio soap operas (Marchand 1985:24). The technique relied on dramatizations or tableaux created by words. Performances usually used verbalization, and even when they did not, as in mime or silent movies, audiences understood them verbally. Performances in novels and soap operas exploited the quotidian in such a way as to provide a model for life. Life came to imitate art.

Ulysses relates a single day in the lives of its main characters, June 16, 1904. Arthur Miller's play, *Death of a Salesman,* encompasses the same time span. Willy Loman is not an advertising executive but a traveling salesman. First published and performed in 1949, it is one of the pioneering literary works of high modernism in the postwar period. Willy Loman's search for where his life took a wrong turn constitutes the play's problematic. Willy Loman, aged 63, "cannot bear reality, and since he can't do much to change it, he keeps changing his ideas of it" (Miller 1984:27).

"He is a bleeding mass of contradictions" (184). These observations are part of Christopher Bigsby's introduction to the Penguin edition (1998). Estranged from his family, a self-perceived failure in his profession, he anguishes over his circumstances in the twilight of his life. Still, Willy Loman does not submit; he denies. "Denial becomes his mode of being. Whereas a tragic hero comes to self-knowledge, in *Death of a Salesman* Willy does not" (Bigsby 1998:xviii). Willy's denial makes him a modern tragic figure. He refuses to submit, and denies his own being at the same time. The second, more personal and psychological denial befits the modernist neurosis. In an unrecorded television interview, Arthur Miller responded to a question about his own psychoanalysis by saying that he learned he did not know how to live. Neither does Willy Loman, but he refuses to give up. "[U]nder the bullshit of capitalism, this pseudo life that thought to touch the clouds by standing on top of a refrigerator, waving a paid-up mortgage at the moon, victorious at last" (Miller 1984:184), Willy Loman works through the neurosis of the age. Sigmund Freud once remarked that the goal of psychoanalysis was to substitute common unhappiness for neurotic pain, and that is what Willy Loman discovers. Leopold Bloom lived a life of trivial banality; Willy Loman one of painful anguish.

High Modernism

High modernism opened the possibility of self-knowledge and the possibility of dissolving the neurosis of modern capitalism. It did not and could not make possible their resolution. Willy Loman suffered because he did not know how to live, but the ability to overcome the sources of his unhappiness did not lie within himself alone. The main sites of Willy Loman's suffering, his work and his family, are the main institutions of capitalism. The one is the main site of production, the other reproduction of capitalist society. To ameliorate Willy's anguish, those institutions have to change. Neither individual Willy Lomans nor art alone can change them. Their change needs social action. Without that, people face the prospect of being victims or executioners, suicides or murderers as Camus pointed out (1946:255–276). Referring to Hegel's discussion of master and slave from *Phenomenology of Spirit* (1807), Camus argued that once slaves recognize their condition of servitude, they can escape only by suicide or murder, both acts of rebellion (1956:144–145). Either people give up, escape by killing themselves, or enslave others. The predicament of the master-slave relation remains insoluble outside of nihilism so long as the institution of slavery persists. The absurd double bind has to convert rebellion to revolution. "Actually, revolution is only the logical consequence of metaphysical

rebellion, and we shall discover, in our analysis of the revolutionary move-ment, the same desperate and bloody effort to affirm the dignity of man in defiance of the things that deny its existence" (105). Art can suggest and reaffirm the path of rebellion. "Art disputes reality, but does not hide from it. . . . Art thus leads back to the origins of rebellion" (258).

> But art and society, creation and revolution . . . must rediscover the source of rebellion where refusal and acceptance, the unique and the universal, the individual and history balance each other. . . . Rebellion alone, in the blind alley in which we live, allows us to hoe for the future of which Nietzsche dreamed: Instead of the judge and the oppressor, the creator (273).

Rebellion realizes itself in revolution only when the world of master and slave end. Rebellion takes aim against servitude, injustice, and violence. "Already, in fact, rebellion, without claiming to solve everything, can at least confront its problems" (305). Rebellion must always be for humanity. Love, species love, must, therefore, be integral to rebellion. If the Willy Lomans of the world would end their anger and anguish, they must rebel with love. If any one thing marked the rebellions of the late 1960s, it was loving rebellion. After all, summer 1967 was called "the summer of love."

The Almost Revolution

The world approached the brink of revolution in 1968: Chicago, Mexico City, Paris, Prague, and other places had uprisings. They were met by force and crushed. It marked the beginning of the end of modernity, which took another several decades to die. But the almost revolution involved more than the spectacular uprisings and equally spectacular repression. Those uprisings were surrounded by assaults on the cultural front, as institution after institution first came under question and then under attack. The rebellions were neither planned nor wholly spontaneous. There was no master strategy. No metanarratives guided them. Therefore, the rebellions bristled with contradictions. In some cases, they consisted of refusals and negations, in other cases, alternatives. But no institution could rest easy during the 1960s, which inconveniently did not end with 1969 but in the early 1970s.

One of the most intransigent contradictions lay in the commodifica-tion of counterculture. No sooner did a challenge to the social and cultural status quo achieve notoriety, that it, or at least its accessories, entered the market. The Black Panthers, for instance, challenged racial institutions.

Not only did the White power elite use the armed force of the state to destroy them, but their movement spawned a lively trade in black berets and leather jackets. It was to be expected. In a society so saturated by capitalism, everything becomes a commodity, even dissents against commodification (Frank and Weiland 1997; Frank 2000). Nonetheless, a strong theme running through the 1960s counterculture rebelled against commodification. Unlike Willy Loman who would wave a paid-up mortgage at the moon, the counterculture offered different kinds of households. No longer single (nuclear) family dwellings, the 1960s saw the growth of communes of all kinds, experiments with the family form, and even, at a fundamental level, alternative reproductive roles as the politics of sex and gender became a central issue in the latter years of the period. Frequently, one found a rejection of the acceptable twin roles of producer and consumer as phony and vacuous. The derogatory "plastic" carried a heavy information load, referring to general phoniness and to the cheapened commodification of everything with a widely recognized allusion to an iconic movie of the time, *The Graduate* (1967). Therefore, the rebellions of the 1960s challenged almost all institutions and all forms of social control despite commodification, not because of it. A useful measure of the breadth of the rebellions comes from the reaction against them. The elites did not concentrate solely on politics and economics. The reactionary tactics of the 1930s that focused on labor movements and radical politics associated with popular discontent about class inequalities. In contrast, the reaction to the rebellions of the 1960s covered all fronts—political, economic, art, music, education, sex, families, and so on. The 1960s rebellions sparked the culture wars of the 1970s and 1980s. Why this should have been so illuminates much about modernism, modernity, and its demise.

Revolts of High Modernism

The rebels of high modernism had at least one common goal, liberation. Although the liberatory theme pervaded all cultural sectors, few illustrate the point: dance, visual arts, and feminism. Each in its own way did not just offend conservative sensibilities, however much its critics claimed that as its main goal. Historically, cultural conservatism and political reaction do not naturally go hand-in-hand. Some of the most reactionary leaders of the Restoration, both the English of the seventeenth century and on the continent after Napoleon, led flamboyant lives and associated themselves with the artistic avant-garde. The reaction against high modernist revolts took a cultural turn because those revolts threatened capitalism's colonized institutions. The culture industry had long since captured all the

arts, albeit some more than others. Feminism challenged essential parts of the social reproductive processes: the family, sex, and gender. The elite could not allow the cultural challenges to go unanswered, because they threatened critical institutions of social control and social reproduction.

Art

Psychedelia formed one of several axes of sixties rebellions. Humphrey Osmond (1917–2004), the British psychiatrist famous for experiments with LSD, coined the word. It derives the Greek *psyche* (mind) and *deloun* (to make clear). Sometimes categorized as hallucinogenic, their aficionados more often identified psychedelic drugs like LSD as mind or consciousness expanding. Bypassing the controversies over drug use and sixties revolts for now, psychedelic artists intentionally aimed at consciousness expansion. Largely, this meant presenting the quotidian in a way that made for seeing it clearly. Concomitantly, high modern, psychedelic visual art combined the everyday so as to efface the distinction between high and low art, a distinction that Theodore Adorno (1970) persisted in maintaining. "Unknown to one another, a group of painters have come to the common conclusion that the most banal and even vulgar trappings of modern civilization can, when transposed literally to canvas, becomes Art" (Bourdon 1989:110 citing *Time* 1962:56). Had *Time* published at the beginning of the twentieth century, it might have said the same of the Ashcan School (aka The Eight), who (metaphorically) painted ash cans—the most banal, even vulgar trappings of modern civilization (Zurier 2006).

Arthur Danto (1997) gained notoriety for advancing the argument that art ended in the 1960s. His was not an empirical observation, but a philosophical one. Of course, artists did not stop producing or plying their wares. Referencing Hans Belting's (1991) claim that people did not categorize paintings as works of art until the fifteenth century, Danto pointed out that the history of art up to high modernism reflected a series of movements or mannerisms. Throughout each successive period, the artist had only limited ways of presenting images. The end of art for Danto obliterated such restrictions. Therefore, the Ashcan School's ash cans, alleys, and other vulgar ordinariness—maybe Toulouse-Lautrec's similar vulgarities— were, in Danto's view, manifestos, protests against reigning conventions. Warhol's soup cans and Brillo boxes, on the contrary, liberated art from all restrictions. "No art is any longer historically mandated as against other art. Nothing is any more true as art than anything else." (Danto 1997:27). In the 1960s, art reached an apotheosis of freedom for what counted as art, including the socially profane, the everyday, what most people take for reality.

There was a tremendous change in the fabric of society, a demand for libera-
tion which has not ended yet. . . . In my view pop art was not just a move-
ment which followed one movement and was replaced by another. It was a
cataclysmic moment which signaled profound social and political shifts and
which achieved profound philosophical transformations in the concept of
art. It really proclaimed the twentieth century, which had languished for so
long a time—sixty-four years—in the field of the nineteenth century. . . .
One by one the terrible ideas of the nineteenth century have been exhaust-
ing themselves, though many of the nineteenth-century institutions of
repression remain (131–132).

Danto expanded on the concept in a reply to his critics. The end of art for
him, did not mean that "there will be no more stories to tell after the end of
art, only that there will not be a single metanarrative for the future history
of art" (Danto 1998:140). By presenting Brillo boxes, Andy Warhol was
not engaging in representing an image of a Brillo box. He was presenting
a Brillo box. Danto claimed that he could not, philosophically, distinguish
between Warhol's boxes and Brillo boxes. That is, Warhol's boxes embody
their meaning, which is what C. S. Peirce said was iconic representation—
the image of the thing itself is the thing. Therefore, what Danto discovered
was more than just the liberation of art, and thus its end, but a different
way of seeing, a different way of communicating, and, ultimately, a differ-
ent consciousness. If Belting is right—that images were not conceived as
art until the fifteenth century—then the different way of seeing ushered in
by linear perspective served as a similar, albeit smaller, milestone. Danto's
end of art connects to the epochal change in human consciousness from
logocentric to iconocentric. Images as art from the 1400s on became art
for art in the mid-nineteenth century when, according to Baudelaire,
artists had to abstract themselves and their work from social structures,
which culminated in abstract expressionism. Pop art comes full circle
when social life and art become indistinguishable. Anything can be art,
and art can be anything. As revolutionary, pop art, while liberating, made
art more fragile. If anything could be art, then the lag between artistic
innovations—the effect of shock value—and commodification disappears.
As soon as avant-garde art appeared, it was always already a commodity.

Dance

Liberation from rigid boundaries between art and nonart was not limited
to painting or even visual art broadly speaking. It emerged in all the arts
and culture generally. Modern dance carried particularly revealing signifi-
cance. Modern dance emerged in the first part of the twentieth century

as a rebellion against classical ballet. Led by American women—notably Isadora Duncan, Ruth St. Denis, and Martha Graham—modern dance focused on expression rather than technical virtuosity. It uses freer movements governed more by expression of mood as opposed ballet's codified movements. Graham in particular emphasized the meaningfulness of every gesture (Ross 2003:25). That concept resulted in highly stylized forms.

In the 1960s a revolutionary choreographic mode appeared. Just as pop art treated the ordinary as art so did the new dance. "One of the most shocking aspects of avant-garde art in the 1960s was its conspicuous use of ordinary gestures, actions, rhythms, and objects" (Banes 2003:3). Building on Victor Shlovsky's concept of defamiliarization (1929), Sally Banes argued that defamiliarization of the ordinary, incidentally a psychological effect of psychedelic drugs, can also *re*familiarize—that is, demystify, making poetry prosaic and art in general intelligible, accessible, and politically engaged (19 n4). Obviously artistic refamiliarization holds the potential of demystifying commodities. Consequently, even as avant-garde art of the 1960s became already commodified, it could demystify itself. One of the ways dance achieved this end involved using ordinary movements. Instead of a dancer moving as a character in a drama, "[s]he walks as though she's in the street" (3). The rebellious artists of the 1960s tried to transform art from the sacred into the profane, nullify the gulf between art and the quotidian, and subvert commodification. "'Un-art' liberates the artist from conventional modernism. . . . 'As un-art takes a lifelike form and setting, as it begins to function in the world as if it were life, we can speculate that art and all its resonances may one day become unnecessary'" (Banes 2003:17 quoting Krapow 1990:144). By the same token, Allan Krapow's un-art strategy holds forth a promise of making the world artistic instead of a commodity.

According to Noël Carroll, when choreographers in the 1960s challenged the distinction between dance and ordinary gestures, they made the same commitment as pop art. He cited Judith Dunn's *Acapulco*, Steve Paxton's *Satisfying Lover* and *Flat*, and Simone Forti's *See-Saw* (Carroll 2003:93–94). He went on to note another effect of the new dance. It attacked the barrier between high and low art, as did Roy Lichtenstein and Andy Warhol in painting and Claes Oldenburg in sculpture. For example, "[i]n Elaine Summer's *Suite*, the last section is organized around the then-popular dance, the Twist. Not only did the dancers twist, but the audience was invited to join in" (94). Audience participation collectivizes the artistic subject, as the audience members become cocreators in the work, similar to what Bertolt Brecht hoped to achieve theatrically. This erasure of the subject, really a socialization of the subject, clearly belongs to high modernism rather than postmodernism as some critics and exponents claim.

Another implication of capturing ordinary gestures for artistic creativity is potentially liberating a crucial part of the habitus of communication. George Herbert Mead (1934) argued that the self was a social artifact. Interaction among people created the self mainly through what he called significant symbols. Mead's significant symbols closely resemble C. S. Peirce's concept of symbolic sign relations in which a sign comes into relation to an object through an interpretant that is rule governed. Social norms constitute the rules. The most palpable and arguably most frequent traffic in significant symbols takes verbal form—speaking, writing, singing, and so on. Nonetheless, face-to-face interaction contains many gestures, a part of what linguists categorize as pragmatics. When the new dance appropriated the everyday exchange of gestures, it aestheticized not only ordinary communication but self-building. What Mead discursively explained for a rarefied academic audience, high modern dance realized for the masses. Selves became something we all have a say in creating. We do it every day when we interact with our fellows, just as the audience participated in the creation of *Suite* by dancing the Twist. This kind of high modernist liberation contains the germ of a solution to the essential alienation of capitalism. Work—human labor—remains definitive for the species. As a species, humans create their own primary ecological niche; they make culture. Capitalist social relations just as essentially force most people to alienate their creative capacity. Those who do not live by investment have to sell that which makes them human, their work. Recapturing creative productivity can rectify the alienation.

Feminism

Just as dance enjoined ordinary gesture, feminism, in its so-called second-wave beginning in the late 1960s, challenged a fundamental category of alienation. It challenged gendered identity and the processes that construct it. Those processes flit between conscious and unconscious, between voluntary and coerced, a point made by Richard T. Ford by reference to learning the Tango. Relying on ideas from Judith Butler's *Gender Trouble*, Ford described a female Tango student who finds "it easier to conform to the female role than to attack the Tango's structure. . . . Over time conformity will become 'second nature.'" Eventually, she forgets any urge to resist the relative passivity of the female's Tango role; "[a]t that point the status will also have become her identity" (Ford 1999:857). The status, of course, is gender, in which the Tango is another building block in the apparent natural and biologically authorized category. Ford goes on to compare gender statuses to jurisdictional statuses, the legal statuses conferred by jurisdictional boundaries, such as citizenship. There are degrees of citizenship,

as bearers of marginalized statuses continually rediscover. The feminist challenge reverberated through all sectors of mid-twentieth century society and culture. Nonetheless, its most terrifying threat to the elite pertained to gender's role in the main social unit of reproduction, the family. Families have long been the site not only of procreation and primary socialization, but also as social institutions that allow capital formations to externalize costs. Employers do not employ those who toil to reproduce waged workers. "The modern feminist movement has challenged the arbitrary theoretical separation of production from reproduction in the process reducing how material and social existence can be conceptualized" (Rowbotham 1992:278). Moreover, families in their spatial manifestations—households—are key centers of consumerism, a critical part of the market in societies that are centers of world capitalism. As Sheila Rowbotham recounted,

> We were prepared to challenge every sexual convention, yet woefully ignorant often of contraception, abortion, and our bodies. We faced contradictory attitudes toward female sexuality and we were part of a ferment in which received theories and authority of every kind was contested. Every aspect of life was political.
>
> (Rowbotham 1992:261)

Second-wave feminism surfaced in the 1960s. Its formation came from the civil rights movement. After sexual discrimination appeared in the 1964 Civil Rights Act, in an effort by opponents to stop its passage, Betty Friedan formed NOW, the National Organization of Women (258). One point of departure for the women's movement began with "rap" groups devoted to consciousness raising. The advantage lay in exploring epistemological alternatives to patriarchy to assess social conditions and form preliminary strategies followed by emancipatory actions. This beginning also had two disadvantages. First, relying on small group discussions tended to overemphasize individualistic, personal relations. Second, self-selected groups tended to be homogeneous with respect to other social divisions: race, class, sexual orientation, and so on. As discussed below, the elite reaction against feminism exploited both these disadvantages by using the first to blunt and divert its revolutionary potential and the second to foment divisiveness. Nonetheless, second-wave feminism presented a major challenge to the hierarchical status quo.

In a 1998 reflective essay reviewing her earlier essay, Nancy Hartsock restated Camus' "I rebel, therefore we are." She wrote:

> First, rather than getting rid of subjectivity, oppressed groups need to engage in the historical, political, and theoretical process of constituting

ourselves as subjects as well as objects of history. We need to sort out who we really are and in the process dissolve this false "we" into its real multiplicity and variety (240).

In the essay, Hartsock also makes clear that liberated understandings and self-constitution come from material social and political struggle—that is, praxis. Success for the project of liberation does not rely on the particular understandings of individual rebels. The issue is not an opinion poll or social survey, but what Hartsock calls a "standpoint" drawing on Lukács' *History and Class Consciousness*. "Rather a standpoint is a technical device that can allow for the creation of better (more objective, more liberatory) accounts of the world. Thus, I make no claim about the actual consciousness of existing women" (Hartsock 1998:236). Feminism contained a severe challenge because it could realize subjective and universal liberation by conjoining the two goals. As a slogan of the times went, the personal is the political. As it turned out, this revolutionary potential of feminism did not succeed any more than the revolutionary potentials of any of the political, social, and cultural movements of the high modern period. The elite struck back against all of them, and in the process put an end to modernism, which presaged the end of modernity.

After Modernism

David Harvey began his 1989 study by observing that "[t]here has been a sea-change in cultural as well as in political-economic practices since around 1972. This sea-change is bound up with the emergence of new dominant ways in which we experience space and time" (vii).

The sea change did not occur from inexorable trends of social transformation. On the contrary, the causes of the sea change reversed many of those trends. The elites, first in the United States and then followed by those in other countries central to the world system, carried out a deliberate, concerted, and conscious campaign to reverse the trends of modernity. Although there are a variety of documents that reveal the campaign, none do it so concisely and clearly as a memorandum by the soon to be U.S. Supreme Court justice, Lewis Powell, in 1971. Powell, one of Virginia's upper crust, was a partner in the law firm of Hunton, Williams, Gay, Powell and Gibson, now called Hunton and Williams LLP, which employs over a thousand lawyers. Powell specialized in mergers and acquisitions in corporate law. Nixon nominated him to the Supreme Court simultaneously with his nomination of William Rhenquist. Powell had a friend and neighbor, Eugene Sydnor, who was director of education for the U.S. Chamber of Commerce. Conversations between them led to Powell's memorandum,

intended to be secret, which outlined a counterattack by the ruling class against perceived threats to its power, wealth, and privilege. Tracing its direct impact would present an impossible task, but reading it after the reactionary onslaught of the late twentieth century, it offered what seems to be a blueprint for that counterattack. Calling on corporate leaders and the owning class of America, Powell (1971) proposed an eleven-point program of where and how to carry out the counterattack.

1. The campus, especially social science faculties; support right-thinking scholars and academics; suppress radical organizations.
2. Influence and, where possible, control the news media, especially television.
3. Influence the selection of government staffers, consultants, and experts.
4. Support right-thinking politicians in elections.
5. Support independent lecturers, writers, scholars, and others who shape culture.
6. Push universities to include more right-thinking faculty.
7. Evaluate textbooks and other publications; support those expressing right thinking.
8. After universities, carry on the fight in high schools.
9. Conduct a systematic public relations campaign in favor of elite capitalists' interests.
10. Support publications of right-thinking scholars in publications.
11. Get involved in adjudication; support right-thinking lawyers and judges.

It was not too long after his memorandum that the dawn of a new kind of postmodern analysis began to appear on the horizon for intellectual circles. France presents an interesting case, because the intellectuals who constituted what was originally called poststructuralism began having their works published and translated to English with remarkable rapidity. The French invasion of the 1970s was underway. Another aspect to this French wave lay in the backgrounds of many if not most of the scholars. They had been involved in The Events of May 1968, the Parisian rebellion that brought workers and students together. The strikes and other actions of those events and the worker-student coalition itself not only suffered intransigence from the French establishment, but the Communists, Socialists, and largest labor union confederation repudiated the rebellion, thus thwarting its revolutionary potential. What followed resembled the effect of the collapse of the U.S. left in the face of the red scare after the Second World War, popularly known as McCarthyism. Then,

anti-Stalinists, so-called Trotskyites, and various other non-Communists socialists turned abruptly to the right, often in obscurantist ways. That turn spawned what became known as neoconservatism with such lights as Irving Krystal and Norman Podhoretz. Meeting in the United States in the 1970s, these two intellectual strains—the poststructuralists and neo-conservatives—led to a dialectical dynamic that provided the discursive elements of postmodernism. Gestating in intellectual circles and organizations, epigones of these superficially contradictory ideologies soon began to populate positions of policy making in government and business.

Michel Foucault's theory of power exemplifies the French poststructural turn. It is a flawed version of some of the theories of social control articulated by early Chicago School sociologists. Foucault used the metaphor of capillary action to describe power dynamics—an upward flow from pervasive systems of roots. Gilles Deleuze and Félix Guattori (1972, 1980) used the term "rhizome" as a similar, though not identical, metaphor. This model takes power as an effect of modern societies with its complex imbrications of relationships and institutions as opposed to power emanating from the state or ruling class. That model opposes Louis Althusser's (1965; Althusser and Balibar 1968) so-called structural Marxism, which posited a social structure in which the ruling class used its control of state apparatuses to order social relations. Two main state apparatuses are those of force such as police or military and ideological such as schools. Foucault not only rejected the structural model but specifically excluded physical force saying that power and freedom are mutually necessary.

> When one defines the exercise of power as a mode of action upon the actions of others, when one characterizes these actions as the government of men by other men—in the broadest sense of the term—one includes an important element: freedom. Power is exercised only over free subjects and only insofar as they are free. By this we mean individual or collective subjects who are faced with a field of possibilities. . . . Where the determining factors saturate the whole there is no relationship when a man is in chains. . . . The relationship between power and freedom's refusal to submit cannot therefore be separated.
>
> (Foucault 1982:221)

Perhaps unaware of the connection, Foucault did not cite the concept of social control that stemmed from Edward Alsworth Ross, who introduced the idea (1901). In keeping with the liberal orientation of Progressivism of the early twentieth century in the United States, Ross took a social psychological approach to human behavior similar to that of Charles Horton Cooley (1902). "Rather than a conception of 'state' or 'civilization' which

imposes its coercive, external 'law' on 'human nature', the new conceptualization was that of an order which stems from social interaction" (Melossi 1987:28).

Foucault called "pastoral" the kind of power most prevalent in liberal, Western societies. Characteristics of pastoral power are (1) an ultimate aim to ensure individual salvation; (2) agents who are willing to sacrifice themselves for the good of the flock; (3) devotion to the care of individuals throughout their lives; and (4) knowledge of the inside of people's minds. In its modern, secular form, pastoral power relies on an individualizing tactic associated with institutions such as the family, medicine, psychiatry, and employment (Foucault 1982). It might seem that the force of control, or power, in such institutions resides mainly in ideas—that is, power is ideological. Foucault explicitly abjured a connection with the Marxist concept of ideological domination.

> I think I would distinguish myself from both the Marxist and the para-Marxist perspectives. As regards Marxism, I'm not one of those who try to elicit the effects of power at the level of ideology. . . . Because what troubles me with these analyses which prioritize ideology is that there is always pre-supposed a human subject on the lines of the mode provided by classical philosophy endowed with a consciousness which power is then thought to seize on (1980:58).

Foucault elaborated on his idea of a subjectless society by denying the efficacy of communication. "What defines a relationship of power is that it is a mode of action which does not act directly and immediately on others. Instead it acts on others' actions" (1982:220). Foucault's version of power seems more like a tennis match where one player acts on the actions of the other by hitting the ball. It does not comport with ideas of self, ego, or personhood emerging from social interactions and symbolic transaction as one finds in modernist thinkers such as Sigmund Freud (1923), George Herbert Mead (1934), or Georg Simmel (1900). It does not fit with the anthropological finding that persons, as opposed to biological individuals, emerge from social interaction and cultural systems—all of which are thoroughly compatible with Marx's concept of persons emerging from productive relations. The problem Foucault thought he addressed is not so much within Marx's writings, but those of some structuralist interpreters. That problem arises because Marxian structuralism has a tendency to overlook human agency. The solution seems to require some kind of preexisting atoms—that is, subjects upon whom social forces act. Unfortunately, Foucault's solution does not resolve the question of agency; it sinks the analysis in an even worse quagmire. Foucault's notion of power

enunciates a postmodern individuality where there is no subject. There is nobody to blame. There is no slave and no master. Foucault's power depends on accepting the spectacle of reified commodities, like tennis balls, where people do not interact with one another directly, but always and only through mediated things. Individual choice can reign supreme because its effects are only things, the fruits of others actions.

The U.S. intelligentsia eagerly welcomed Foucault. At the same time, he and his compatriot poststructuralists gained currency, neoconservative American intellectuals plied their wares with the support and influence of the ruling class. In political economy, it was Neoliberalism, in other fields, neoconservatism. The two philosophies differ mainly by name, because in practice the liberality in neoliberalism applies only to the ruling class. A University of Chicago economist Milton Friedman recuperated Frederick Hayek's theories, based on the economists of the monopoly capitalism and neocolonialism of Britain and France at the end of the nineteenth century: Alfred Marshall (1842–1924), William Stanley Jevons (1835–1882), and Marie-Esprit-Léon Walras (1834–1910). Their central thesis used marginal utility to displace the classical economics of Adam Smith, David Ricardo, and Karl Marx (Harvey 2005:20). It relied on a strategy of the capital centers—New York, London, and Tokyo most prominently—extracting wealth from the periphery of Africa, Asia, and Latin America. The neoliberal political economics ostensibly advocated free enterprise and individual responsibility while relying on state power, including military force, to ensure market dominance. At the domestic level, the ideas of James Q. Wilson supported a kind of social control through police power that aimed at dominating redundant populations who typically offered the greatest threat and rebellious potential. The success of such ideas depended on restructured class relations and control of outlets for cultural products. In apparent contrast to Foucault and other poststructuralists, the neoconservative philosophy did not deny preexisting subjects. It made them the end-all and be-all of analysis. It dismissed social formations such as class, race, and gender as methodologically unnecessary at best and imaginary at worst. Neoconservative approaches proceed as if there were no such things as social forces, only individual choice.

The apparent contrast between neoconservatism and poststructuralism fueled a phony culture war. Neoconservatives attacked the poststructural trend as nihilist and amoral. Poststructuralists attacked the neoconservatives as naïve and archaic. Occluded by the dispute carried on in rarefied academic venues were real political issues. While the political right shored up ruling-class economic interests, it simultaneously made value-laden appeals to such constituencies as fundamentalist Christians, libertarian-minded new professionals, and older, blue-collar manual laborers.

Abortion, sexuality, and other moralistic matters became vanguard issues for the first target, fundamentalists. New professionals received enormously expanded markets in heretofore-restricted commodities largely devoted to narcissistic appeals. New York City provided the test case. After the bankers' takeover of the city following its debt default in 1975, the elite mobilized to sell its image as a culture center and tourist destination. They supported the opening of the cultural field to diverse cosmopolitan interests. "The narcissistic exploration of self, sexuality, and identity became the leitmotif of bourgeois urban culture" (Harvey 2005:47).

Blue-collar workers had their fears of shrinking opportunities diverted by racial scapegoating and encouragements to their self-image as middle class as opposed to working class. These so-called Reagan Democrats flocked to the image of a renewed American culture where they once again could assume a crucial position, as in the postwar slogan about them as the most productive workers in the world. By diverting and manipulating imagery and hot button issues through control of the culture industry, modernism gave way to postmodernism. It also disguised real political issues (Frank 2004; Gramsci 1971:149; Harvey 2005:39–60). Postmodern culture served to divert resistant energies to straw men and blunt the impact of liberatory art and literature. At the same time, marginalized peoples, both within the metropoles and the periphery, felt the effects of force. As of 2008, the United States had incarcerated 2.3 million people, about half of whom were African American. The United States and its allies carried war to Afghanistan, Iraq, and other less-noticed theaters such as Somalia and Colombia.

Identity politics came to the aid of the revanchist political strategy of the ruling class. The high modern era helped spawn liberation movements of those subordinated by race, gender, class, and other marginalizations. Those movements aimed at freedom, equality, and justice for all. Postmodernism encouraged division by status identity. The political field began to resemble mass marketing, where market segmentation became a main strategy in advertising and public relations. Postmodern style progressively subsumed modernism throughout the last decades of the twentieth century. By the end of the century, art had reached exhausted dead ends in all major fields of endeavor. The visual arts merely rehashed former articulations (Hopkins 2000). Other artistic fields followed the same pattern. It was not that artists stopped painting, film makers stopped making movies, composers stopped writing music, but, while particular works could have a freshness, they presented no challenge to people's lives and perceptions as had modernism. No postmodern painter challenged the way people see, as cubism had done. No composer challenged hearing like Schönberg, no choreographer the way people move like Martha

Graham or Isadora Duncan, no writers like Kafka or Joyce to challenge understandings of daily life, and so on.

Postmodern art offered no challenges, because postmodernity loomed on the horizon. The world political economy was moribund. Chaos would reign. In the last decades of the twentieth century, artists could only envision an inchoate future, one with as yet no templates for a new system. The situation resembled that of early fifteenth century Europe. By midcentury, innovations and changes in society and culture began to shape the new system. But in the 1980s and 1990s, there was no equivalent to linear perspective to help form a new vision, a new way of seeing, and a new consciousness.

Chapter 9

Resistance and the Fight against Repression

At the beginning of the twenty-first century, the world system entered a state of chaos. The global elites resorted to authoritarianism to maintain their positions. Their principal method secured fear through order maintenance. That order, of course, meant the hierarchical social order. Two analysts of political economy, David Harvey and Immanuel Wallerstein, optimistically averred the possibility of alternatives to authoritarian repression. Wallerstein (2004) wrote of the spirit of Porto Alegre, Brazil—the site of the first World Social Forum. Harvey referred to movements against neoliberalism, mentioning worker movements begun in the 1980s in South Korea and South Africa. He assigned particular significance to the Zapatista rebellion in Chiapas, Mexico—the *Ejército Zapatista de Liberación Nacional*—which began January 1, 1994, when the North American Free Trade Agreement (NAFTA) went into effect. Harvey cited that one in particular because it "did not seek to take over state power or accomplish a political revolution; it sought instead a more inclusionary politics" (2005:199). In the economic arena, Marx had defined the realm of freedom as beginning where labor determined by necessity and of mundane considerations ceases and turns toward labor for the sake of human realization (1894:820). Ultimate goals of liberation aim at human realization through freedom, equality, and justice. Reaching these goals, no matter how distant, requires lucid consciousness, which entails revolt against repression, both political and psychological.

Repression

In psychoanalysis, patients—technically called analysands—seek to undo repression to gain greater conscious control of their lives through liberation

from unconscious impulses. The analysands do the analyzing. The analysts assist by helping them overcome their own unconscious resistance against the analytic process. Those resistances come from fear, fear of what analysis might reveal about them. Fears embed themselves in human psyches largely because those fears take root in infantile experiences and understandings of the world. When mature adults in analysis unearth their infantile fears, they realize how unrealistic those fears are to their adult selves. The fears do not go away, they remain in the analysands' minds, but the fears no longer rule their lives. Instead, they can live their lives according to mature reflection.

Just as a part of every analysand fears analysis and resists it, mature adults in contemporary societies fear losing the securities of hierarchical control. It is safer to keep things as they are. It is safer not to know how elites control people to extract wealth. It is safer not to take responsibility for their own lives but to hand it over to someone else whom they can blame if things go wrong. Wilhelm Reich (1946) and Erich Fromm (1941, 1980) made parallel points in describing the populist acceptance and complicity in Nazism. Resistance in psychoanalysis remains mostly a personal, individual matter. Unconscious fears, memories, and fantasies at the individual level manifest as concerted and deliberate manipulation through hegemonic control at the societal level. Investigations about the belief that Saddam Hussein was involved in the 9/11 attacks revealed the social psychological mechanism of inferred justification. Inferred justification is a form of motivated reasoning, a form of cognitive dissonance theory (Prasad et at. 2009 citing Festinger and Carlsmith 1959). At the societal level, forces arrayed against freedom and equality do not operate from infantile motives or ego defenses. Their motives are wealth and power. The analogy between psychoanalytically defined repression and societal level political repression is not just simile or metaphor. Despite psychoanalytic concentration on the personal and psychological, much, if not all, psychological repression finds reinforcement—and often even its origins—in massive, orchestrated social, cultural, and political repression.

Apparatuses of the state spearhead social repression. A case study of a drug abuse treatment center for criminalized adults revealed the process. The center dealt with impoverished and criminalized drug addicts in a long-term, residential setting. Coffee-drinking practices illustrate the mechanism of repression in that social microsystem. The administration of the facility repressed the drug-related aspects of coffee and the fact that the residents paid for the coffee through their food stamps. They repressed the economic and pharmacological facts by forbidding them from conversation. As Freud (1923) explained, consciousness relies on putting thoughts into words. Without verbalization, they remain unconscious.

When forces, psychological or political, forbid verbalization, the thoughts enter the dynamic unconscious—that is, they are repressed.

Repression of the economic facts (food stamps) is effective because it is associated with repressing the drug-related attribute of coffee, and both of these aspects of coffee are associated with the overall economic, political, and legal oppression of the residents. Moreover, by breaking coffee-drinking rules, residents become subject to demotion in the status hierarchy, and thus affirm the imposed microsocial structure. The net effect of the repressions, displacements, and even oppositions is to support the pattern of power relations within this social establishment. Furthermore, the very existence of the institution supports the oppression of the residents, who are members of the underclass in the wider society (Skoll 1991:7).

A popular folksong exemplifies the same principle in a far wider setting. Woody Guthrie wrote *This Land Is Your Land* in 1940 as a rebellious answer to Irving Berlin's *God Bless America*. Although most people know, or at least have heard the first few verses, they remain ignorant of the song's most pithy lyrics. Usually omitted from performances are the following verses:

> There was a big high wall there that tried to stop me;
> Sign was painted, it said—private property;
> But on the back side it didn't say nothing;
> That side was made for you and me.
>
> Nobody living can ever stop me,
> As I go walking that freedom highway;
> Nobody living can ever make me turn back
> This land was made for you and me.
>
> In the squares of the city, In the shadow of a steeple;
> By the relief office, I'd seen my people.
> As they stood there hungry, I stood there asking,
> Is this land made for you and me?

> (Partridge 2002:85)

Bruce Springsteen and Pete Seeger performed the more complete version at Barack Obama's inauguration. Subsequent events have shown this return of the repressed as nothing more than co-optative showmanship by Barack Obama, a master manipulator, a "star of decision" in Guy Debord's terms (1967:39). In the end, most people still do not know, much less care about the significance of the most poignant lyrics.

In keeping with a fractal view of social structure, patterns of repression, oppression, and hegemonic ideological control in social micro-systems, such as the drug treatment center, replicate patterns within

U.S. society, and ultimately at a global level. The observations of the drug center took place in the mid-1980s at the height of the war on drugs under the Reagan regime. The practices of the drug center carry out hegemonic patterns on individuals, mainly the residents, but also the staff. Microsocial control through repression replicates and effectuates control exerted through courts, penal systems, and welfare agencies. The center helps ensure conformity with the pharmaceutical industry that relies on such facilities and attendant legal and welfare policies to regulate the drug market. At the highest level, facilities such as this one are part of U.S. policies that use the international drug trade to facilitate foreign policy. In the end, social control has to employ means to control individuals, but that control always follows systemic patterns, and always serves interests of the ruling class.

In psychoanalysis, people become familiar with the cleverness of psychic defenses. Even when repression lifts, consciousness can remain obscured until the analysand works through conscious and unconscious resistances. Only then can the analysand overcome the compulsion to repeat infantile experiences (Freud 1914, 1926). Societal level resistance against liberation operates similarly. Performances at a presidential inauguration are mere spectacles, a commodification of rebellion turned to political advantage by representatives of ruling-class power. Thus, repression, a crucial tool for social control, operates on individuals through systemic patterns. Repression is both psychological and political, and the two cannot be separated.

The Problem with Empire

Albert Camus repudiated the Catch-22 choice (Heller 1961) between victimhood and executioner (1946:255–277). To stand with Camus means rebellion. It means rejecting the role of either master or slave, Hegel's conundrum. It means dismantling the system—that is, revolution. Currently, and over the past several decades, certain purportedly revolutionary perspectives have circulated. These perspectives—represented by analyses, discourses, and movements—often claim themselves as postmodern, or at least innovative. That claim hinges on understanding contemporary times as different from some recent past, modernity. Capillary (Foucault 1977), rhizomatic, and schizoanalytic (Deleuze and Guattori 1972, 1980), and other terms implying transgressive properties reflect the spectacle of revolutionary change. They share a common theme: today's dispersed power relations require similarly dispersed challenges to power. In fact, many such analyses, discourses, and movements subvert revolution, and some are counterrevolutionary. In the Empire of Michael Hardt and Antonio Negri (2000, 2004), postcolonialism, postfeminism,

and postracial claims distract attention and smother effective rebellion. Frequently, exponents combine them, but their effect remains the same: diversion, distraction, and ineffectiveness. Nonetheless, today's rebels do not lack models. Some models come from years past; others are contemporary. Each has revolutionary potential. Effective models for revolt and revolution obviate the choice between being victims or executioners, masters or slaves.

Michael Hardt and Antonio Negri published *Empire* in 2000 followed by a sequel, *Multitude,* in 2004. Their work swiftly gained popularity among self-described progressives, formerly known as liberals in the United States, and among café crowd revolutionaries. Their thesis argument has two parts. First, Empire represents a new, postmodern form of sovereignty. Second, rebellion against the new sovereignty is and should be local and decentralized. The main difference between old-style imperialism and postmodern empire resides in the elimination of nation states as the imperial agents. Instead of imperialism, the United States conducts postmodern empire. The difference, according to Hardt and Negri, is that "*The United States does not, and indeed no nation-state can today form the center of an imperialist project*" (2000:xiv). Doubtless this assertion might surprise the millions of colonized people throughout the world bearing the brunt of U.S. military enforcement of transnational capitalism. It also would surprise Elihu Root (Secretary of War 1899–1904, Secretary of State 1905–1906) who designed the U.S. imperial project.

> In contrast to imperialism, Empire established no territorial center of power and does not rely on fixed boundaries or barriers. It is *decentered* and *deterritorializing* apparatus of rule that progressively incorporates the entire global realm within its open, expanding frontiers.
>
> (Hardt and Negri 2000:xii)

The sovereignty of Empire is realized at the margins, where borders are flexible and identities are hybrid and fluid. It would be difficult to say which is more important to Empire, the centers or the margins. In fact, center and margins seem continually to be shifting positions, fleeing any determinate locations. We could even say that the process itself is virtual and that power resides in the power of the mind (39).

Given this amorphous, imaginary kind of empire where jouissance replaces domination and exploitation, rebellion against Empire must mirror its structure: "rebellious groups develop more complex, distributed network structures" (Hardt and Negri 2004:58). Both Empire and rebellion against it take the form of networks, although Hardt and Negri do not specify whether they are actual or virtual.

The postmodern Empire consorts with globalization, a world market. Unlike the global capital described by Marx and Engels in the mid-nineteenth century, something Hardt and Negri along with many other so-called Marxists continually overlook is that postmodern world markets come from market*ing*. That is because "capitalist marketing strategies have long been post-modernist, *avant la lettre*" (2000:151). The key strategy for Hardt and Negri is market segmentation—a strategy which arose in a Fordist economy to ensure disposal of surplus production through consumerization of a relatively affluent middle class. In effect, marketing means selling people what they do not need. To compete successfully in the world as created by marketing, capitalists have to develop jouissance. "People of all different races and sexes, and sexual orientations should potentially be included in the corporation; the daily routine of the workplace should be rejuvenated with unexpected changes in an atmosphere of fun" (153). Clearly, the message has not reached the networks of capital-running sweatshops in China, Indonesia, and Guatemala. For Hardt and Negri the best thing about this globally marketed capitalism coupled with Empire is that it creates conditions of rebellion, because Empire and counter-Empire spring from the same postmodern social order. Guido Giacomo Preparata questioned the revolutionary potential of the viewpoint espoused by Hardt and Negri.

> There is something unreal about this passage; it is hard to say whether it is its insincerity, its meretricious plaudit of "postmodern marketing" . . . its cloying conformism, its pandering to multiculturalist affectation, or all of these things together. We're being sold a "postmodern theory of revolution" [Balakrishnan 2003:1]; but where is the "theory," and where is the "revolution"?
>
> (Preparata 2007:129)

Much of Hardt and Negri's failure to proffer either theory or revolution derives from their muddled history. In his reflections on *Empire* (2003), Negri stated its three theses: (1) globalization entails regulation; (2) sovereignty is shifting away from the nation-state and going somewhere else, a nonplace; and (3) Marxian class conflict has disappeared and become a conflict within the capital relation producing a conflictual matrix alternating between resistance and *Potenza* (cf. the French *puissance* or Latin *virtù*). To translate, Empire recognizes that there are no unregulated markets, but nation-states can no longer provide regulation, so regulatory power has become lodged in a noplace, or to use a more familiar term, utopia. Empire is utopia, and within utopia class conflict, no longer a bloody fight over control and exploitation, has

become conflicting marketing strategies. Nonetheless, sovereignty's ability to regulate depends on war. "We say that today it is *war* that constitutes sovereignty and sovereign politics, just as yesterday they were constituted by *discipline* and *control*, to adopt a Foucauldian typology of power" (Negri 2003:2). Apparently according to Hardt and Negri, the British Empire and the lesser empires of France and other European countries did not rest on war. Moreover, the eighteenth and nineteenth century imperialism, especially the neocolonialism of the late nineteenth century, had nothing to do with class conflict, or the establishment of the monopoly form of capitalism. Finally, this muddled history supports a truly extraordinary logic: "our methodological variant is first and foremost *conflictual*. . . . I do not believe that a conflictual point of view implies a monocausal and/or dialectical schema." The reason for this rejection of what seem to be all the possibilities for causes of conflict is that "the method (the methodological variant) that we employ is based on the relationship between material labour and immaterial labour, or rather the process of *transition* from one to the other" (9). They do not describe what immaterial labor might be except to say that it has to do with thought and ideas. The counter-revolutionary effect of the Hardt and Negri enterprise springs from their utopianism and idealism—hardly a new source of counterrevolution. With a ruling body located nowhere, and labor turning from the real, material world to some world of ideas, no wonder class conflict is different from Marx's time, or any other time for that matter.

Postcolonialism and Identity Politics

While Hardt and Negri write in terms of class conflict, albeit one that appears unrecognizable to those actually involved in class struggles, postcolonial and racial-ethnic liberation too often make no accounting for class. Liberation and revolutionary movements founder on several problems associated with this exclusion of class. E. San Juan set forth the ideological problem.

> Emerging from the theoretical debates on structuralism in the sixties, post-colonial criticism arose originally as a critique of Eurocentric discourse and imperial disciplinary practice. In the last quarter of the twentieth century, it evolved as an apologia for neoconservative free marketers and other reactionary social formations. Its method of deconstruction skepticism led to its subsumption in a neoliberal epistemology that displaced concepts of class and nation. By rhetorical and ideological ruses it replaced the conceptual schema of class conflict with questions of indeterminate identity and subjectivity. . . . A metaphysics of relativism and nihilism supervened. . . . Instead

of revolution, postcolonialism opts for a niche within the global intellectual marketplace in which official multiculturalism, cultural diversity, or pluralism allow localized, circumscribed identities based on ethnic markers to flourish. All for the benefit of consumerist pleasures, solipsist jouissance, and other self-serving games that foster the status quo of domination and subordination. . . . It thus serves objectively a counterrevolutionary function in contemporary exchanges as the ideology and practice of global capitalism proceeds to resolve by apocalyptic wars—the holocausts in Iraq, Afghanistan, Lebanon, Palestine, and so on—the crisis of overproduction, unemployment, social ostracism, widespread impoverishment and homelessness, in addition to the irrecoverable devastation of the planet's ecosystem.

<div align="right">(San Juan 2007:xxiii)</div>

While bosses divert the attention of oppressed minorities to their status identities, they are devastated by vicious class warfare, in some cases purely economic, but in others accompanied by military assault. Members of the middling classes—various white-collar workers and some blue-collar workers in the metropole—get to celebrate themselves through Facebook® and MySpace®, both of which signify the latest in commodification of personal interaction. Diversity and multiculturalism turn real subaltern status into cultural difference. "Multiculturalism thus legitimates pluralist stratification, exploitation, and oppression in the process of capital accumulation here and worldwide" (San Juan 2007:16 citing Applebaum 1996).

Race and Racism

Ethnicity, race, gender, and religion denote status identities that serve global capital. Whereas the capitalist economy operates rationally, capital often uses and appeals to irrationalisms. The distinction clarifies analytic confusion, which has confounded even the best theorists. Michael Omi and Howard Winant fall into that category. Their theory of racial formation illustrates the point. They made a valuable contribution in the concept of racial formation (1994). Nonetheless, they both confuse and conflate class and status so their analysis of race and racism in the United States fails to offer a comprehensive account. They "mis-identify bourgeois economics (market theory) with a Marxist analysis by their preoccupation with the labor market" (San Juan 2007:27). They identify class in market exchange, then equate it with life chances, where racial identify becomes conflated with relations of production. Omi and Winant use race as a principal explanation for social action. Racial politics displaces class antagonism. "Unanchored to the material process of wage-labor exploitation, race becomes an enigmatic fetish . . . a floating signifier susceptible to all kinds of contingencies and varying interpretations" (28).

To avoid what they see as the Scylla and Charybdis of treating race as either an essence or an illusion, Omi and Winant say "The effort must be made to understand race as an unstable and 'decentered' complex of social meanings constantly being transformed by political struggle. "*race is a concept which signifies and symbolizes social conflicts and interests by referring to different types of human bodies*" (Omi and Winant 1994:55). This definition may resolve the essence-illusion problem, but it raises more problems. Definitional problems lie at the root of Omi and Winant's failure to explain the racial backlash of the later 1960s and beyond.

Omi and Winant's definition has the right idea, but it does not distinguish between race as a social practice from knowledge of that practice. Americans "do" race all the time in their relations and interactions. They do or make race according to the kind of knowledge that expresses power relations, *savoir* versus *connaissance* in French (Foucault 1971:184–185). Omi and Winant illustrate the distinction between the two kinds of knowledge at the beginning of Chapter 4. In 1970, Louisiana defined anyone with 1/32nd "Negro blood" to be black, whereas research showed most Louisiana Whites to have at least 1/20th Negro ancestry (Omi and Winant 1994:53). The law is an example of power-knowledge; the research illustrates a knowing-about that ignores power, or appears so to do. So, the social practice of race is hedged about by power-knowledge discourses, such as laws.

In addition to race as social practice, race also exists as representations—the signs and symbols of race, which as Omi and Winant say, have a double referent. They point on the one hand toward social conflicts, while at the same time, and with the other hand, they point to persons and their bodies. Omi and Winant fail to distinguish between race as practice and race as signifier.

There is a third failure in their definition. In addition to practices and signifiers, race is also representational in and of itself. To appropriate Henri Lefebvre's application to space, representational race embodies "complex symbolisms, sometimes coded, sometimes not, linked to the clandestine or underground side of social life, as also to art" (Lefebvre 1974:33). Representational race refers to the cultural valences of Blackness, Whiteness, Negritude, and so on. The last, of course, makes explicit the artistic gesture to musicians, poets, writers, painters, and the like. Representational race is race in the mind and race depicted. The definition has to clarify distinctions among (1) social practices of race; (2) representations of race; and (3) representational race.

Omi and Winant define racial formations as "sociohistorical processes by which racial categories are created, inhabited, transformed, and destroyed" (Omi and Winant 1994:55). They say that racial formations

are made up of particular racial projects "in which human bodies and social structures are represented and organized" (56). Racial projects link representations and social structures through ideology, which is the power-knowledge kind of knowledge. The projects interpret, represent, and explain racial dynamics—that is, racial conflict and change. They do it by ascribing ever changing meanings so as to "*redistribute and reorganize resources along particular racial lines*" (56). That is, racial projects supply an ideology for racial categories, for *racializing* people according to the questions of who gets what, how, when, where, and how much.

Since Omi and Winant went to great pains to argue against reducing race to class, they leave off the argument here. They fail to bring their concepts to eliminate the tautology they set up with their definition of race. Race, according to them, turns social conflicts into conflicts among people based on body categories. But what are the social conflicts? They cannot be racial conflicts; otherwise Omi and Winant have produced a vacuous tautology. They are conflicts about the distribution of resources, and the distribution of resources according to people's economic relations and practices—in other words, *class*. The reason Omi and Winant did not recognize the implications of their definitions of race, racial formations, and racial projects is that they treated class and status as the same. They refer to the Marxist understanding of class as social practices determined by people's respective relationships to the means of production and then say that it does not matter if they use Marx's class or Weber's "relationship to the mode of distribution giving rise to particular 'life chances'" (24). They cited Weber, but Weber's distinction addresses class as an abstraction or representation as opposed to class as practice and relationship. In the passage they cite, Weber defined class in terms of a coherent social group, race as an abstraction rather than relation or practice (Gerth and Mills 1958:181–183). They found class explanations wanting because they say "class theories principally explain race by reference to economic processes" (Omi and Winant 1994:24). They used a narrow understanding of "economic" to make this criticism.

Economics always pertains to the distribution of resources, therefore to control of the resources, and therefore to all power relations. The institutionalization of those relations and practices gives rise to class structures, which is the Weberian abstract meaning of class, but it does not explain positions within those structures and positions within other structures in a society. Those positions are statuses. Gender is a status. Age is a status. Race is a status. It is true that race cannot be reduced to class, because race is a different kind of thing—a status, like gender or age, and so on. Class, on the other hand, is not positional but relational. Omi and Winant would have had no worry about reducing race to class if they had recognized

race for what it is: a position in the social structures of American society. Therefore, race and class will always interact, in remarkably complex ways. In the same way, gender and class interact in complex ways.

Gender, Sex, and Feminism

Modern racism, of the kind prevalent in the United States, emerged coincident with European imperialism of the fifteenth and sixteenth centuries. Societies have always had racial distinctions, but the European world imperialism, itself both a part of and precondition for the world capitalist system, made those distinctions to serve economic exploitation. Male dominance occurs in many different kinds of societies, and throughout human history (Etienne and Leacock 1980; Rosaldo and Lamphere 1974; Sanday 1981). Nevertheless, systematic and gender based political and economic exploitation functions only in class-stratified societies. Moreover, class stratification, along with systems of law, intrinsically defines states as political institutions. With states and class comes patriarchy. Karen Sacks (1974:207) said that although Engels made ethnographic errors, his main ideas are correct and remain the best way of explaining patriarchy. The shift from societies organized primarily through kinship to those organized by social class and the state account for modern patriarchy. In her application of these insights to a particular society—the Tongan Islands in Polynesia—Christine Ward Gailey observed that:

> Women's authority and status necessarily decline with class and state formation. Class formation is a process in which groups that cut across age and gender distinctions come to have differential control over what is produced in a society and how it is distributed.... The conflict between producing people, orienting their work toward subsistence, and civil authority, protecting classes that siphon off goods and labor, is a *continual, ongoing* process.... Conceptualizing state formation as a *process* rather than a type or category helps us analyze historical changes and transformations of political institutions.
>
> (Gailey 1987:ix)

In the process of state formation, authority and status, formerly linked to kin, become linked to the abstract category of gender. Class relations pertain to differential access to resources of production, but gender stratification comes about through changing political processes and the institutional means for ensuring class relations (xi–xii). In Tonga, prior to the emergence of the state, "in each kindred or lineage, sisters and their children had claims to the products and labor of brothers and brothers' children.

Today . . . rank considerations have been superseded by class prerogatives; and material and labor claims by sisters are illegal" (xv). A principal tool for state and class formation was the imposition of Christianity supported by military conquest. Missionaries enforced Western notions of appropriate female behavior, which entailed their subordination (xvi). Religious functionaries working on behalf of an organized church enforced gender norms and female subordination. With a certain perhaps predictable irony, the Vatican objected to inclusion of the term "gender" in the program of the Fourth World Conference on Women in Beijing, September 4–15, 1995, because the term connoted homosexuality. Controlling female behavior, therefore, applies to reproduction along with production, at least as far as the Roman Catholic Church is concerned (Butler 2004).

Structuralist analyses have not helped to reveal the interplay of gender and class. Sex, sex roles, and sexuality get linked to gender through reproductive activities. Various theorists have essayed ways of sorting out the four factors. At first blush, they seem different, but their definitions and ontologies remain entangled by necessity. Luce Irigaray (1977), following Jacques Lacan (1953–1954), asserted that sex is neither a biological category nor a social one, but linguistic. Lacan himself asserted that the Law-of-the Father, the phallus, defines sex, and he said there is only one sex. The Law-of-the Father, in Lacan's view, is symbolic and unchangeable. It translates the Real, which remains forever beyond consciousness, into representation. Nonetheless, this symbolic order remains an implicit and unconscious structure of human relations. Lacan derived these formulations from Claude Lévi-Strauss who claimed that the symbolic order structures all human reality (1949). Specifically, Lévi-Strauss maintained that kinship follows from an exchange of women according to a small number of patterns of exchange. The exchange of women articulates the incest taboo, and thereby establishes sex and gender. According to this speculative structural anthropology, exchange of women is the empirically discernible activity of the incest taboo. And the incest taboo creates the symbolic categories of sex. The empirically discernible social practice follows a social structure, which in itself is not subject to empirical observation. It is a structure, and ultimately all social structure, and therefore the symbolic order, flows from the physical structures of humanity (1958). Lévi-Strauss' anthropology resembles Chomsky's theory of language. Chomsky grounded his structural linguistics in the so-called hard-wired anatomy and physiology of the human brain (1972). Following this structuralist train of thought, it turns out that Lacan's Real is biological, and, at base, biology structures the psyche unconsciously, and therefore structures society (Lévi-Strauss 1949, 1958), hence persons' sex comes from their biology. This is how Lacan can claim that the unconscious is structured

like a language, almost precisely the opposite of what Freud said. Freud maintained that consciousness is structured according to language. The linguistic aspect of all this derives from Ferdinand de Saussure's semiology (1911). Saussure's semiology posits a dyadic relation between a sign and a signified. The signified is an idea. Although Saussure himself remained ambiguous about the foundation of signifieds in biology, the structuralists after the Second World War, as more or less materialists, grounded them in biology. Semiology differs from Peirce's semiotics first in that Peirce used a dynamic triad instead of a dyad, and second, Peirce saw semiotics as a pragmatic perspective. Peirce's signs emerge from human conduct in social relations. Maurice Merleau-Ponty resides in the same camp as Freud and Peirce, at least in the respect of biology, consciousness, and the unconscious. He wrote regarding sex and sexuality.

> Thus sexuality is not an autonomous cycle. It has internal links with the whole active and cognitive being . . . standing in a relationship to each other of reciprocal expression. Here we concur with the most lasting discoveries of psychoanalysis . . . [that] psychoanalytic research is in fact led to an explanation of man, not in terms of sexual substructure, but to a discovery in sexuality of relations and attitudes which had previously been held to reside in *consciousness*. Thus the significance of psychoanalysis is less to make psychology biological than to discover a dialectical process in functions of thought as "purely bodily", and to reintegrate sexuality into the human being.
>
> (Merleau-Ponty 1945:157–158)

As usual, reification and undue imposition of conceptual boundaries not only confuses and works against lucid consciousness but also hinders liberation, rebellion, and revolution. Postfeminism reacts against feminism similarly as the postracial reacts against racial equality and liberation, with both as part of postmodernism's reaction against modernism. In the process of state and class formation, divisions of labor by gender, age, and skill become "*abstracted from their particular kinship connections and meanings*" (Gailey 1987:16). Coincidentally, imperialist projects incorporate "new groups into tribute production or labor service . . . [which] often becomes the occasion for an ideology of separate, 'biologically distinctive,' and purportedly inferior humanity—the ethnic group or race. Racism and sexism emerge concomitantly" (20). Racism, sexism, and an invidious split between mental and physical labor (Sohn-Rethel 1978) mark class-stratified societies with a state-level political organization. Abstract and invidious categorizations mark state polities. Commodity production enforces its own abstraction on all social relations. Feminism, especially that of the second-wave feminists of the 1960s and 1970s, worked to

reverse abstractions to concrete relations and replace invidious categorization with mutual appreciation. Their efforts met with resistance, just as did the efforts of those who struggled against racial oppression. The resistance to these liberations resulted in the reactionary backlash of postmodernity.

Postfeminism and the Postracial in Postmodernity

Postfeminism and the postracial are reactionary developments within postmodernity. While the "post" prefix has achieved a certain cachet, it dissembles. The proper prefix should be "anti" or "counter." So, counterfeminism works against feminism, and the antiracial works against racial equality. Both of these discourses and practices involve a retreat from the problems of domination within capitalism (Brown 1995:14). "There is a silent suspension of class analysis . . . [and an] ideological *displacement*: when class antagonism is disavowed, when its key structuring role is suspended, other markers of social difference may come . . . [to] bear all the weight of the sufferings produced by capitalism in addition to that attributable to the explicitly politicized marking" (60 quoted in Žižek 2000:97). The displacement does not revive fights against racism and sexism. On the contrary, it publicizes them while at the same time ensuring that they can offer no real route to rebellion, therefore no revolution, and hence no liberation.

In other words, this displacement accounts for the somewhat "excessive" way the discourse of postmodern identity politics insists on the horrors of sexism, racism, and so on—this "excess" comes from the fact that these other "isms" have to bear the surplus-investment from the class struggle whose extent is not acknowledged (Žižek 2000:97).

Angela McRobbie "understands postfeminism to refer to an active process by which feminist gains of the 1970s and 1980s came to be undermined" (2004:255). McRobbie gave this development historical context. She noted a turning point around 1990 when feminism seemed to shift attention away from concentrations of power such as the state, patriarchy, and the law to dispersed sites. She cited Michel Foucault's thought as influential for this direction. In addition, she remarked on 1990 as the beginning of an opposition between feminism and femininity and the point when the concept of popular feminism found expression (256). This development has two prongs: one is a reaction against women's liberation and the other a celebration of a bygone femininity and apotheosis of female individualism. McRobbie offered the example of an advertisement with the model Eva Herzigova "looking down admiringly at her substantial cleavage enhanced by the lacy pyrotechnics of the Wonderbra. . . .

It was, in a sense, taking feminism into account by showing it to be a thing of the past, provocatively 'enacting sexism'" (258). The subtext, and ostensibly the appeal to consumers—both men and women—has at least three features. First, the advertisement has the obvious appeal to consumerism, a self-construction through purchasing commodities. Second, it denies exploitation since the depicted personage has notoriety as a highly paid supermodel, which relies on a misapprehension and misrepresentation of class. Third, it preempts objection with irony: "a specter of feminism is invoked so it that it might be undone. . . . For male viewers, tradition is restored . . . while for girls what it proposed is a movement beyond feminism to a more comfortable zone where women are now free to choose for themselves" (259 citing Beck 1986). McRobbie links the celebration of individualism to the writings of Ulrich Beck (1986) and Anthony Giddens (1999), and, to a lesser extent, Nikolas Rose (1999) and Zygmunt Bauman (2000). Beck and Giddens lent academic sustenance to the third-way politics of Tony Blair in Great Britain, Gerhard Schröder in Germany, and, indirectly its paramount chief, William Jefferson Clinton in the United States. This so-called third-way politics transformed social democracy (in Europe) and liberalism (in the United States) to a new individualism where exploitation using gender, race, or other status identities emerged from their chrysalises of domination to butterflies of consumer choice. The choice invoked is not free, in either the monetary or the liberated and enfranchised sense. Instead, "[i]ndividuals *must* [emphasis added] now choose the kind of life they want to live. Girls must have a life plan. . . . The individual is compelled to be the kind of subject who can make the right choices" (McRobbie 2004:261).

Examining the covers of the mass-circulation magazines *Time* and *Newsweek*, Sarah Pojansky offered a further analysis and another aspect of postfeminism, this one highlighting girls. "[S]ince the 1990s postfeminist discourse has produced the conditions for the emergence of girl discourse and *girl discourse contributes to and sustains postfeminism*" (Pojansky 2007:44). Pojansky generalized her point to include a range of artifacts of popular culture: magazines, film, television, advertising, T-shirts, sports, popular psychology and education, and music. She argued that "girlness—particularly adolescent girlness—epitomizes postfeminism" (45). Remember that early moves of second-wave feminism attacked the sobriquet "girl" as demeaning in a way similar to the way the term "boy" demeaned Black men. Pojansky argued that "contemporary representations can be understood to cast girls as the daughters of postfeminism and post feminist women, produced by and raised in a postfeminist milieu" (45). In addition, Pojansky's apt analysis relates to another aspect of not only postfeminism, but postmodernity more generally. Second-wave feminism

grew in an era when youth culture overlapped with rebellious culture. The youth of the feminist mothers of today's "girl" daughters overlapped with a wide-ranging rebellious spirit that questioned and challenged hierarchies of all kinds. It tended to reject consumerism as evidenced by what mass media characterized as the hippie culture.

Moreover, this shift from rebellious youth to reactionary youth did not occur on its own. The vague ebb and flow of popular culture is not responsible for the shift. More so than at any other time, the late twentieth century and early twenty-first century is a time of media monopolies and corporate engagement with and intervention in media products (McChesney 2007, 2008). Consequently, postmodern culture is managed culture. And while particular outcomes cannot be foreseen or determined, the general contours of cultural trajectories are more malleable now than in the past and work more conclusively in the interests of the owners of the culture industry and ultimately the ruling class.

The Postracial

The U.S. presidential contest of 2008 displayed the postfeminist and postracial as national, indeed global, spectacles. Hillary Clinton, former Goldwater Girl in 1964 (Middendorf 2006:266) who married into Democratic Party politics, ran against Barack Obama for the party's nomination. Eventually winning the presidency, Obama then appointed her Secretary of State. Hillary Clinton's career serves as exemplary for the new, postfeminist woman who does not challenge and disrupt the structures of patriarchy but changes the meaning of gender so women can partake of those structures. Barack Obama's Blackness offers the same exemplary model of the postracial.

The construction of Obama as a Black man who fits into the White power structure owes much to Bill Cosby's show. *The Cosby Show* ran for eight seasons on NBC from September 20, 1984, to April 30, 1992. The situation comedy became a leading hit throughout the 1980s (TV Guide 2008). It centered on a household led by Bill Cosby who played Cliff Huxtable, a physician and his wife, Claire, played by Phyilicia Rashad, an attorney. This household of professionals, in popular parlance—upper-middle class—was set in Brooklyn Heights, New York. It promoted Black stars through guest appearances, including Jacob Lawrence, Miles Davis, James Brown, Stevie Wonder, Lena Horne, Duke Ellington, Dizzy Gillespie, and Miriam Makeba but only as spectacular performers. Eliding issues of racial struggle and conflict, the weekly program represents a culminating example of the mass-market style of television when the three major networks ruled the airwaves. After the Second World War, television

gained paramount status in producing a new national identity through selective incorporation (Gray 2005:99). After the relative successes of the civil rights movement in the 1960s, "Blacks, Latinos, and Asians no longer remained the silent and servile other to the televisual image of a homogeneous America basking in the spoils of post-war suburban expansion" (101). Postwar television relied on an assimilationist ideology predicated on color blindness, and legal equal opportunity with a morality of individualism. The civil rights movement, followed by the power movements of other racial, ethnic, and sexual minorities, demanded something more like Camus' rebel: an overturning of the system. In the 1970s, and even more stridently in the 1980s, the backlash produced Willie Horton who was juxtaposed with Cliff and Clair Huxtable.

The Willie Horton show was a political television advertisement used by then Vice President George H. W. Bush against his Democratic opponent, Michael Dukakis, governor of Massachusetts. Horton was a convict temporarily released under a Massachusetts' furlough program. While on furlough, he committed armed robbery and rape. The Bush advertisements linked Horton to Dukakis, implying that the governor had personally released him. Whereas *The Cosby Show* constructed a postracial professional, upper-middle class icon, the 1988 campaign commercial constructed the criminal Black man icon (Russell-Brown 2007). Of course, both icons have the character of simulacra—copies without an original (Baudrillard 1981). Whereas the Huxtables were deracialized, Willie Horton was nothing but race, and race playing the part of a dangerous enemy. The Huxtables built on postwar homogenizing television. By the 1980s, the Reagan years brought masterful expertise to the construction of a political culture. "Race and television were the twin pillars that anchored Ronald Reagan's decade of 'feel-good politics'" (Gray 1995:14). Herman Gray connected the Reagan success to the larger project of what he calls the new right. The new right deliberately set out to shift discourse to the right in politics and culture. As part of the effort, they made race a political issue using signs of blackness in "an explosion of television images, photo opportunities, and campaign pledges" (Gray 1995:15). Much of Reagan's success came from making his persona into a "key signifier of the 'authentic America' and the glory days of 'American national preeminence'" (Gray 1995:16 citing Rogin 1987). The construction of an authentic America, that was remarkably white, built on recouped images of television programs such as *The Adventures of Ozzie and Harriet* (ABC 1952–1956) and *Little House on the Prairie* (NBC 1974–1983). That such programs made no claim to documentary accuracy made no difference, as their importance lay in the images they had deposited in American collective memory (Coontz 1992). In contrast to the Reaganesque authentic America, "blackness

was constructed along a continuum ranging from menace on one end to immorality on the other with irresponsibility located somewhere in the middle" (Gray 1995:17). Such images of blackness appealed to the long-established racism in Euro-American culture going back to the earliest colonization, which depicted the indigenous population as hostile savages and employed kidnapped and enslaved Africans to turn the invaded territory into economically productive capital. The masterstroke engineered by new right Republicans appealed to White racism without appearing racist (Gray 1995:18–19). Part of the trick involved spotlighting right-wing African Americans such as Clarence Thomas, Colin Powell, and Condoleeza Rice. Barack Obama is the apotheosis of these postracial icons.

Relying on some technological innovations, the Telecommunications Act of 1996 created a postmodern way to reconcile the racist and postracial. These developments globalized electronic media, and opened myriad avenues of niche marketing. No longer did television, or other communications, have to bow to the majority. They could sell their wares to market segments. Hence BET—the Black Entertainment Network— along with similar marketing devices, appeals to separated audiences, now segregated not by laws or populist racist sentiment, but by air-wave frequencies.

> Cultural politics mobilized through the sign of raced, gendered, sexed, and former colonial subjects continues to carry specific histories, traditions, and memories of social struggle. In contrast to the political investments in the cultural politics of difference (which critiques difference as the basis for inequality and nationalism), the discourse of new media technologies often works to depoliticize difference, making it in effect an inconsequential niche market of shared lifestyles and taste.
>
> (Gray 2005:144)

Twenty-first century descendents of lumpen proletariat Whites whom the bourbon hierarchs of the defeated Confederacy recruited to do the heavy lifting in the Ku Klux Klan and similar organizations in the post-Reconstruction South can find reassurance on cable networks aimed at their sensibilities. Partly pandering to preconceived racism and partly engineering it, market niche telecommunications can afford to deploy specialized propaganda to an entire spectrum of social and cultural desires. At the same time, postracial cultural constructions converted race from a contested source of possibly violent social conflict into diversity, identity, and multiculturalism.

> Indeed, a more overt connection of race with marketing dominated the 1990s, especially marketing the "urban" to young, white middle-class

Americans. This was a different kind of urban image than the images of urban black underclass that constituted most representations of people of color on 1980s American television.

. . .

[C] apitalism and brand name culture, through relentless narrowing of marketing niches by means of gender, sexual identity, and ethnic and racial identity, has *provided for* rather than prevented a kind of diversity.

. . .

Words such as *identity* and *multiculturalism* were, in the 1980s, code words for race; in the early twenty-first century, these same terms are code words (especially for the consumer market) for "hip," "urban," and "cool." Race, like gender as a political identity has been appropriated (at least in part) in the dominant culture through brands the identity of the urban and post-feminism.

(Banet-Weiser 2007:213–215)

Implications and Consequences of the "Posts"

Postfeminism, the postracial, the postsexual, and all the other "posts" are a crucial part of ruling class attempts to preserve their privileges in a crumbling world system. Postmodern public consciousness offers a dual visage. One face turns to the marginalized populations offering scapegoats for their circumstances. They mobilize common working-class people to protest the health-care reform proposals of the Democratic leadership and President Obama, because it would take away their individual freedoms. These are the same populations that Richard Nixon, Ronald Reagan, and other leaders of the political new right used for populist support. They are the equivalent populations who have always supported populist appeals, despite their victimization by those very leaders and those whom the leaders really represent. These populist appeals regularly ignore class as an explanation for the plight of those whom they wish to mobilize. Instead, the leaders tell them it is feminists who want abortions; it is Blacks who want jobs through affirmative action; it is gays and lesbians who want to destroy families; it is the Jews who bilk people out of their livelihood; and so on through history. The material disadvantages to the masses who listen to such leaders are loaded onto status identities. Appeals to status identities evoke people's ressentiment against injustices imposed, not by the proffered scapegoats, but by the backers of the demagogues making the appeals—those who materially benefit: the ruling class. Such appeals deliberately obscure the class origins of disadvantage.

The other side of the Janus face of the postmodern strategy offers deception to those people who pride themselves on fair mindedness and

liberality. Reactionary rhetoric takes on a tone of magnanimity and equity, which conceals its reactionary character, especially when clothed in the status identity marginalization. Two speeches by the postracial Barack Obama illustrate this point. His speech of September 8, 2009 (Obama 2009a), ostensibly directed at school children and his speech on health care of September 10, 2009 (Obama 2009b). The health-care speech presented a plan to ensure income to insurance and managed health-care corporations by requiring everyone in the United States to buy health insurance, fining those who did not, and providing public monies to those who simply did not have enough income. His education speech revealed a "Cosby moment" (Gray 1995:79) when he called on children to take personal responsibility for their education. His own touting of school privatization through charter school schemes and similar devices ensures that public monies will enrich private interests, and the needs for a collectively educated public be damned. That people take such policies that are blatantly designed to enrich financial elites at the public expense as policies of liberality and general welfare come from the success of the "posts" at hiding their true intent. Obama's Blackness obscures his class interests, precisely because he is a quintessential postracial figure. Consequently, his rhetoric can seem "liberal," in the peculiar sense of the term in American politics, because he is a Black man, but one whose Blackness does not determine his beliefs, thoughts, and prescriptions for action. Of course, there is a certain truth to it. His Blackness does not determine his support of finance capital; his class interests are the determining factor.

Another consequence of the "posts" blunts and diverts the revolutionary potential of struggles for gender, racial, sexual, and other equalities and equities. When feminists attacked patriarchy, their assault could not but question and undermine its material base—differences in wealth consequent to class hierarchy. When those striving against racism attacked racial inequalities in the United States, they were also attacking the class structure of White supremacy—a fact that probably contributed at least indirectly to Martin Luther King's assassination when his mission at the time was to support the strike of municipal sanitation workers in Memphis, Tennessee. At the time of the Christopher Street or Stonewall riots in Greenwich Village, New York, in 1969, gay men were not merely taking on sexual prejudice but their own commercial exploitation. The "posts" deny any connection between status identities and class structure. The "post" semiotics abstracts the identity from material reality. Instead of disadvantages in the relations of the political economy, race, gender, sexuality, and so on, become reified things-in-themselves. Blackness stands for an identity that may be "urban," or threatening, or dangerous in and of itself, not because being Black in America might lead some people to rebel against the status quo.

The ultimate problem with the "posts" comes from their counter-revolutionary effects. Nonetheless, the historical period of postmodernity offers at least a possibility of greater revolutionary success than at any time in the last half millennium. Those possibilities and models are the subject of the following and last chapter.

Chapter 10

The Rebel

Rebels have many ways to revolt. Rulers have only two ways to resist them: terror and restraint. Rulers either control the masses through fear—the way Machiavelli recommended in *The Prince*—or they use physical or symbolic restraints. Typically, rulers employ both kinds of restraints. Late modern strategies of restraints increasingly took an actuarial approach. Focusing on penology in the United States, Malcolm Feeley and Jonathan Simon (1992) identified a shift, beginning in the 1970s, away from what they called the old penology towards a new penology. The old penology concerned individual miscreants, measuring responsibility according to moral sensibilities: using diagnosis, intervention, and treatment of individual offenders. The new penology "is concerned with techniques to identify, classify, and manage groupings sorted by dangerousness. The task is managerial, not transformative. . . . It seeks to *regulate* levels of deviance . . ." (452). The new penology tends more toward the impersonal and bureaucratic, a sort of free market conception of crime control where regulatory techniques control the market in crime much as monetary regulation controls financial markets in the neoliberal economy. State bureaucracies, including but by no means limited to those overseeing criminal justice, prioritize the risks of betrayal and disloyalty, foreign invasion, and civil war (Simon 2001:22); or most pertinently, revolt.

Despite the apparent ultrarationality of the actuarial strategy, postmodern states continually turn to physical force and coercion. The penal system in the United States testifies to just such a reliance of physical restraint. The overt military invasions of Afghanistan and Iraq show how much imperial ambitions continue to rely on the most extreme forms of violence. More covert, or at least deniable, applications of massive military might apply to Pakistan and the clandestine military operations in east Africa and Iran with proxy mercenary forces applied in Colombia and other areas of strategic and economic interest. A third form of physical force relies on technologies

of crowd control. Years in research and development; some of these technologies have begun to appear on the streets only recently. In Pittsburgh at the G20 conference in the fall 2009, police used some of them against protesters. Along with the now commonplace beanbags fired from shotguns, rubber bullets, Tasers, and the like, police use the Long Range Acoustic Device mounted on an armored personnel carrier. It produces extremely shrill and piercing sound to clear streets (Ferner 2009). Among the other armamentaria available for police to control popular protests are devices that produce nausea and vomiting and Raytheon's Active Denial System designed for crowd control in combat zones, which uses an energy beam to induce an intolerable heating sensation, like a hot iron placed on the skin. It is effective beyond the range of small arms, in excess of 400 meters.

The strategy of terror similarly ranges from methods employed by local police, the restricted but symbolically significant use of capital punishment by state penal systems, all the way up to the global and most terrifying technology of all, the American preponderance of nuclear weapons coupled with worldwide delivery capabilities. While the political leadership of the United States continues to call for nuclear disarmament, the Pentagon also continually pursues a new generation of nuclear weapons (Cardinale 2009). Nonetheless, and despite new technologies, the strategies of repression are not new. In a similar vein, neither are strategies of revolt.

Revolts and revolutions need theories and models to provide intellectual grounding for their strategies and actions. This chapter examines and critically discusses some of the most promising recent theories and theorists along with models of organized rebellion, both historic and contemporary. They all share at least one common theme: they diminish fear and strive for lucid consciousness.

Models of Rebellion

Revolts against oppression and exploitation have to contend with recent and contemporary developments and technologies in the hands of the elite. Globalism refers to more than globalization, a neoliberal locution that is really an ideological canard. Whereas globalization refers to the effects of lifting national protections against the penetration of international capital, globalism encompasses the opportunities presented by the breakdown of cultural barriers and deployment of worldwide communication technologies. In concrete terms, globalism brings worldwide proletarian revolt within the realm of possibility.

Although presenting opportunities, globalism also, and so far, has facilitated repression on a global scale as never before. The U.S. military uses advanced electronic surveillance, weapons control, and long-range, airborne

weapons systems to destroy what it deems sources of opposition to its hegemony. It carries out such strikes virtually anywhere on the globe using drones, satellite surveillance, military assassination teams, or mercenaries (Ackerman 2009; Marzetti 2009; Marzetti and Shane 2009). The global reach of U.S. military and intelligence violence, subversion, and surveillance militates against highly structured organizations. Similarly, technologies of crowd control and domestic surveillance in the metropole limit organized mass movements. Given such limitations and opportunities, models for rebellion must tend toward fluid networks with a globalized reach.

The Industrial Workers of the World

One such model comes from the early twentieth century in the United States. That period of U.S. history offers an analogy to the entire world a century later. Massive immigration from varied countries of origin, industrialization, expansion of transport and communication, and concentrated extraction of natural resources characterized the continental United States then just as they characterize the entire world in the twenty-first century. Under those conditions, a new, indigenous revolutionary movement arose.

The Industrial Workers of the World (IWW, or self proclaimed Wobblies) formed in June 1905 in a convention of anarchists, socialists, syndicalists, and labor organizers. It succumbed to the Red Scare at the end of the First World War, although membership peaked in the early 1920s. After that date, splits and factions allied themselves with other organizations, largely socialist and communist. Although still extant today, the contemporary organization has membership of a couple of thousands at most with no revolutionary pretension, let alone capabilities. The IWW before the First World War recommends itself as an effective model for postmodern rebellion.

The following discussion owes its greatest debt to Salavatore Salerno's 1989 history and analysis, *Red November, Black November*. A caveat: the exemplary nature of the IWW for rebellion does not rest on the accuracy of Salerno's account over those of Paul Brissenden (1957), Joseph Conlin (1969), Melvin Dubovsky (1969), or Philip Foner (1965). It rests on the historical IWW as Salerno depicted it. Even without his important critical insights, the words of the IWW's own preamble to their constitution carry an important sense of their significance:

> The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of the working people and the few, who make up the employing class, have all the good things of life.

Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the means of production, abolish the wage system, and live in harmony with the Earth.

. . .

Instead of the conservative motto, "A fair day's wage for a fair day's work," we must inscribe on our banner the revolutionary watchword, "Abolition of the wage system."

It is the historic mission of the working class to do away with capitalism.

(Preamble 2005)

The IWW developed an ideology by amalgamating elements of anarchism, Marxism, socialism, and syndicalism into its own unique and indigenous North American version. Although it had an organizational structure, especially prior to the First World War, that structure resembled more a network of locals than a bureaucracy. While often regarded mainly as a labor organization, the organizational aspects of the movement remained secondary to its revolutionary movement character. As a movement, instead of merely a labor union, it relied on its members to take tactical actions toward those ends set forth in the preamble: taking possession of the means of production, abolition of the wage system, eliminating capitalism, and living in harmony with the earth. In contradistinction to every other labor organization contemporary with it, the IWW advocated for and, to a remarkable extent, practiced gender and racial equality. Part of their strategy aimed at unified action among the many recent immigrants to the United States who came during the last part of the nineteenth and first part of the twentieth century. Many of them did not speak English, and they had no common language. Wobbly newsletters and other writings routinely published in several different languages. Nonetheless, the IWW also relied heavily on nonverbal communications using images and music to convey its revolutionary agitation.

The founders of the IWW relied on and often included many anarchists of the 1880s from Chicago, who today gain their main notoriety from the Haymarket Affair of 1886 (Avrich 1984; Green 2006). Those roots lent a libertarian tone to the IWW. Another historical influence, mainly ideological, but also strategic; came from contemporary French syndicalism through the Confédération Générale du Travail, or CGT. "The I. W. W. considered French syndicalism a particular manifestation of industrial unionism. . . . The early Wobblies believed that they were in a position to learn from the experience of the French syndicalists and improve on the contributions made by French syndicalists to revolutionary unionism" (Salerno 1989:95). The central motif of industrial unionism played a role in both ideology and strategy. Wobbly intellectuals recognized the

recent developments of capitalism as creating a new kind of industrialism that relied on machines rather than personal skills. V. I. Lenin (1917) and Thorstein Veblen (1904, 1914, 1921, 1923) made parallel analyses, which Harry Braverman (1974) explicated more recently. Consequently, Wobblies viewed the already established craft unions as obsolete. Their analysis stressed not only the machine technology but also the social relations that went with those new forces of production.

Several strategies became part of the IWW panoply. Each went through development and modification within the pre–First World War thought. From the French, they adapted the general strike. The French conceived of the general strike as a peaceful refusal to work, in which workers in many industries simultaneously laid down their tools for several days with the objective of paralyzing the country (Salerno 1989:101–102). Wobblies criticized this approach, arguing that a strike that separates workers from their tools "is a strike that can be settled with machine guns" (104), an astute observation still relevant in the twenty-first century. To the general strike, the IWW added the general lockout, a lockout not of workers but of capitalists, in which workers would seize the means of production. Workers would occupy the factories instead of leaving them. In the centers of postmodern capitalism, with their dearth of factory production, the basic strategy would take a different form than that of say, the famous sit-down strikes of the 1930s.

The IWW always maintained a kind of grassroots principle in which tactical success depended on the initiative, ingenuity, and intelligence of workers who adapted to fluid conditions and did not limit themselves to particular tactics. While recognizing the importance of local conditions for effective action, the IWW linked local struggles to workers throughout the world, demonstrating that their name was not mere rhetoric.

> the capitalist class throughout the world, through their pliant tools, are watching every move of the proletarians, for fear that methods adopted successfully in the conflicts of one land may be copied in another. . . . But knowledge is power; and to know the fighting methods applied by Industrial Unionists in every land the globe over . . . is one of the essential requisites of those who struggle and strive.
>
> (Salerno 1989:108)

Another strategy the IWW employed and advocated was sabotage. What that meant depended heavily on individual interpretations and activists. In the capitalist press, sabotage often came to mean terrorism and wrecking. Those tactics rarely applied to what Wobblies actually did. Instead, sabotage involved a tactic of what many called passive resistance

or passive action. It usually meant producing poor products and diverting productive capacities away from capitalist gain—think of so-called time stealing in which today's cubicle workers surf the Internet instead of attending to assigned tasks.

Wobblies used art as a sort of mix between ideology, strategy, and organizing methods. Art also adapted to the necessity of cultural pluralism inherent in the social conditions of early twentieth-century America.

> The effort to link art to revolutionary struggle, as a means of both disseminating political ideology and creating a worker's culture that challenged the definition of American life imposed by government and business elites, defined the major motif which emerged from the practice of Wobbly artists.
>
>   This culture was built on the initiative of rank-and-file workers and reflected their struggles, hopes, and aspirations. The labor radicalism of the I.W.W. was not rigidly drawn from a single ideological source. . . . Informed by diverse, often contradictory, sources of influence, the I.W.W.'s labor radicalism formed a complex mixture of inherent and derived forms of knowledge and lived experience.
>
> (Salerno 1989:140)

Using art meant relying on iconic representation more heavily than most propaganda. Their art opposed elite and indeed all class culture that was not working class. Their art was political because of its essential oppositional nature, iconically representing rebellion. Their art was political because it was rebellious as was the entire Wobbly sensibility.

> Wobblies replaced the institutional basis of unionism with a conception of culture and community that was primary and constitutive. They created and used cultural expressions as a means of unifying workers and as a basis to move against the repressive social conditions of industrial development that extended beyond the point of production.
>
> (Salerno 1989:149)

The Wobblies fought resistance, obfuscation, and repression with concerted direct action, not relying on representatives in the approved political sphere. They remained incorrigible because they revolted. The Wobblies embodied Camus' injunction: "I revolt, therefore we are."

The Bolivarian Revolution

The Bolivarian revolution refers to the revolution begun in Venezuela at the beginning of the twenty-first century. In fact, the official name of Venezuela became the Bolivarian Republic of Venezuela. Led by Hugo Chávez

Frias, elected president in 1998, the revolution started as a restoration of liberal democracy. Chávez declared its socialist character in January 2005 (Wilpert 2007:3). Of course, as with similar policy pronouncements from many different political leaders, its socialism remains undefined and vague. Its Bolivarianism, however, consists of national sovereignty, social justice, an emphasis on education, Latin American integration, and civilian-military unity (16).

The namesake for the revolution, Simon Bolivar (1783–1830), earned the honorific title "Liberator" because he orchestrated the liberation of what are now the northern countries of South America—Bolivia, Colombia, Peru, and Venezuela—from Spain. Bolivar's own ideology followed the Enlightenment liberal thought of Jean Jacques Rousseau and Adam Smith, most prominently.

Chávez leads a cabinet and cadre of leftists culled from an array of political parties and movements. First elected president mainly by the middle class, many turned against him when he removed the former governing elite from positions of power. They in turn mounted a political, public relations, and eventually a violent campaign against him. The efforts of the Opposition, as they were called, culminated in a mildly violent coup in April 2002. They forcibly removed Chávez from office and held him prisoner. In the four years of his presidency, he had promoted reforms favoring the poor using the burgeoning oil revenues of the period to finance social security and education. His base of support shifted from the middle classes to the impoverished, who gave him his reelection victory in 2004 with a sizeable majority. When Venezuela had suffered the Washington-led neoliberalism shared by many Latin American countries in the 1980s and 1990s, it boasted the largest increase in poverty of all, rising to a poverty rate of approximately 43 percent of the population at the end of the millennium (Weisbrot et al. 2009:9). It was largely they, the poor, who thwarted the coup by marching into Caracas from the surrounding barrios by the hundreds of thousands demanding his return. *The Revolution Will Not Be Televised* (Bartley and Donnacha 2003) presents a video graphic record of these events. Since the 2002 coup and especially since the failure of the recall election against him in 2004, the Chávez government has engineered a reduction in poverty from its high mark of 54 percent in early 2003 to 26 percent at the end of 2008, while extreme poverty declined from 16.6 percent to 7 percent (Weisbrot et al. 2009:9).

In addition to promoting a massive shift toward economic equality, measured by a seven-point drop in the Gini index (10), the Bolivarian Republic established political reforms mainly through the new constitution adopted in 1999. Political reform accompanied social reform. In Chávez' terms, democracy should be both participatory and proactive to achieve the

"socialism of the political" (Wilpert 2007:239). The Bolivarian Republic set up so-called "missions," which would probably be called "programs" in the United States, such as the antipoverty programs of Lyndon Johnson's Great Society of the 1960s. Each mission had a particular social reform agenda. They also had the advantage of bypassing the conservative and corrupt bureaucracy of the state, which was also beset by cronyism among the Opposition who controlled much of it (Gott 2005:256).

The *Mission Barrio Adentro* provided community health care. By the end of 2004, more than 13,000 physicians from Cuba assisted by 5,000 Venezuelan personnel in allied health professions spread throughout the country, concentrating in impoverished rural and urban areas. Provided with materials and expertise from Caracas, denizens of the locales built their own clinics to house the medical staff, equipment, and medicines. *Mission Robinson*, taken from Simon Bolivar's mentor, Simon Rodriguez' pen name, spurred literacy, increasing it to one of the highest rates in Latin America, mainly by using the new constitution as its basic instructional text. The *Mission Ribas* gave two years instruction and a small stipend to young adults who had dropped out of school. Named after José Felix Ribas—husband to Simon Bolivar's aunt and participant in the wars of independence—it gave night-school instruction in grammar, mathematics, geography, and a second language. 600,000 students were enrolled in 2004. *Mission Sucre* gave 70,000 students with a high school diploma additional education so they could enter universities. *Mission Vuelvan Caras* helped the unemployed find work. *Mission Identidad* was a voter-registration drive. Three missions concentrated in rural areas: *Mission Zamora* instituted land reform and redistribution to poor peasants; *Mission Guaicaipuro* aimed at restoring tribal land and ensuring human rights to indigenous peoples of Venezuela; *Mission Mercal* operates supermarkets and distributes food to urban populations, and it supports food cooperatives selling generic products at a 50 percent discount. *Mission Mercal* aims to restore agricultural self-sufficiency to Venezuela after neoliberalism destroyed domestic food production. It also promotes organic, cooperative gardening in urban areas (Gott 2005:257–259). In the governmental sphere, the Bolivarian Republic strengthened control over the state-owned oil industry, *Petróleos de Venezuela*. The National Assembly enlarged the Supreme Court by seventeen new judges and increased the total from twenty to thirty two. Also, a new media law brought Venezuela in line with countries in Western Europe ensuring public control over the airways and made privately owned outlets legally liable for fomenting treason and spreading libel.

Generally, since 2002—especially after the failure of the oil industry lockout and shutdown begun in late 2003—and continuing into 2004, the Bolivarian Republic has used laws and programs to promote democracy,

reduce poverty, and encourage grass roots self-determination in all sectors of the population. Whether or not such initiatives are twenty-first century socialism remains debatable. Nonetheless, it does not resemble the statism of the former Soviet Union, or the milquetoast reformism of European social democracy. Chávez characterized it as reclaiming socialism as a thesis by putting humans ahead of machines and people ahead of the state (Wilpert 2007:238).

The Bolivarian revolution provides a model because of its ideals and stated goals and because it has been nonviolent. It is the first self-proclaimed socialist revolution that has not taken over the state through violent revolution but by peaceful political struggle. Moreover, its leadership repeatedly acknowledges, indeed insists, that what they have achieved only sets the stage for the real revolution, which the people, not a vanguard, must prosecute.

Democracy

The Wobblies and the Bolivarian Revolution offer models for rebellion because both incline toward democracy. Cleisthenes (fl. c.515–495 BCE) created the eponym of democracy in his constitution of 508 BCE by wresting politics from clans and giving it to demes. The demes cut across kinship hierarchy, which had been the ancient form of government of Athens. By dividing the population into demes for making collective decisions, traditional authority gave way to political authority. Nonetheless, the meaning of democracy has forever been in dispute, as historically and currently tyrants rule in its name. Solon (c. 638–558 BCE) had already introduced government by lot whereby state officials gained office by chance. More a conceptual contribution to democracy than a democratic practice, Cleisthenes' constitution explicitly gave power to the people through their courts. Successive reforms gradually eliminated seats of inherited, aristocratic power in favor of popular participation. Democracy separates collective decision making from other social powers arising from kinship and concentrations of wealth. Therefore, democracy does not just presume a fiction of equality, it requires real equality. Further, it enlarges the public sphere at the expense of the private sphere. These two fundamental themes give the lie to the democratic claims of all the so-called liberal democracies governing most of the world. Jacques Rancière (2008:73) called them state oligarchies in which the state modulates oligarchic rule while ensuring nonthreatening liberties to the masses. Finally, democracy institutionalizes rebellion in politics.

Understanding the relation between democracy and rebellion requires a review of what democracy is not. In recent times self-proclaimed radical

democrats, many of whose ideas comport with popular power, often frame democracy in terms of forms of its function. A common device welds democracy to republican forms, that is, representative democracy. As Rancière pointed out, however, "Originally, representation was the exact contrary of democracy." The founders of the United States, oligarchs almost to a man, constructed the republic so that the elite could exercise de facto power (53). "The idea of the republic is one of a system of institutions, laws and moral values that eliminate democratic excess by making the state and society homogeneous" (68). So, for instance, the business of Congress is hedged in by owners' boxes. Neither does democracy equate with meritocracy; the idea that the best should rule. This concept owes its gravitas if not its origin to Plato, a founding father of antidemocracy. Voting and elections, a common measure of democracy, have little claim to its essence. Mechanisms that rely on the Solonic institution of choosing officials by lot have purer democratic credentials. Behind election by chance lies the presumption of popular rule. If the people really are to rule, then any one of them has the right, and perhaps even the duty, to rule. Besides, election by lot counteracts the tendency for those who desire power to receive it. Furthermore, election by popular vote, even assuming an ideal electoral process and an ideal electorate, would yield at best a technocracy, which weds government by natural elites—the smartest, for example—combined with the social power of those with expert competencies with the power of wealth (69).

Instead of the formalizations of democracy advocated by such as Chantal Mouffe (1992) or Selya Benhabib (1996) for instance, democracy enacts the political. Its direct antagonist is institution: the propensity to establish routines and make permanent decisions. Democracy means perpetual contest, reversible decisions, and the barring of oligarchic influence from wealth, expertise, or force. Sometimes the intellectual antonym of an idea serves to clarify. The thought of Carl Schmitt, the Nazi jurist, represents just such a clarifying opposite. Of course Schmitt was no friend of parliamentarism. He viewed it as dangerous, because it yielded to the influence of parties and factions. His solution was not, on the contrary, democratic participation by all the people. He advocated what has been summed up as decisionism. In decisionism, an executive sovereign takes the power of legislation along with absolute executive power to resolve a state of emergency (Schmitt 1923, 1927). Events of the time in Weimar Germany realized Schmitt's concept, which ended with the ultimate in decisionism: *ein Volk, ein Reich, ein Führer*. Setting aside extreme tyrannies, prior attempts to establish democracy through revolution have all ended in the reinforcement of the state. Revolution seems always to have subverted both rebellion and democracy by augmenting government at the expense of the political. "[T]he strange and terrifying growth of

the modern state can be considered as the logical conclusion of inordinate technical and philosophical ambitions, foreign to the true spirit of rebellion" (Camus 1956:177). The trick remains to achieve the political without an excess of government, without the state. The fascist revolutions achieved the opposite as they, especially the Nazis, realized twentieth century nihilism on a scale never before imagined. The Nazi nihilism substituted action for reason, deifying the irrational (177–178). Perpetual action without reflection, without lucid consciousness, eventuates in a society based on the meaningless. When the metanarratives disappear, as Lyotard characterized postmodernism, "history is only written in terms of the hazards of force. . . . the Hitlerian revolution represented unadulterated dynamism" (178).

The Nazi nihilism explains that while democracy is not a matter of republican forms, neither is it populism. Hitler was nothing if not popular. The German people adored him. Such is the danger of populism. Today's populism tends toward the fascist; Jacques Rancière called it postpolitics (1995) parallel with postfeminism, the postracial and all the other "posts." The populisms in the United States and Western Europe build on a heavy strain of racism, antiimmigrant sentiment, and antiintellectualism found in the election of George W. Bush by, among others, the prototypical NASCAR enthusiasts, the good old boys (and girls) of the South and West.

> There is always something of this trick in populism. So, not only is populism not the arena within which today's emancipatory projects should inscribe themselves, but one should even go a step further and propose that the main task of emancipatory politics, its life-and-death problem, is to find a form of political mobilization that, while (like populism) is critical of institutionalized politics, will *avoid* the populist temptation.
>
> (Žižek 2008a:268–269)

Populism lacks two elements essential to democracy. First, in the words of Maximilien Robespierre, democracy needs "that deep horror of tyranny . . . and holy love for humanity, without which a great revolution is just a noisy crime that destroys another crime" (Robespierre 2007:129). The second lack of populism is class struggle. That is what distinguishes Robespierre from Danton. Conservative historians lay the blame of the Thermidor counterrevolution at the feet of Robespierre and Saint Just and the Terror; it more rightly belongs to Danton who did not see the Terror as an expression of the people's virtue. Danton did not speak for the people, but as their representative, as an embodiment of what was to become bourgeois democracy. He said "Let us be terrible so that the people will not have to be" (Žižek 2008a:415). Thermidore was the statist resolution of Danton's, and others', bourgeois revolution. The Thermidorean constitution of Year III

established a property-qualified voting system for which only 30,000 citizens qualified and a prohibition of popular assembly: Article 366 states, "Every unarmed gathering shall be dispersed," and, "No association may present them collectively, except the constituted authorities, and the only for matters within their jurisdiction" (Badiou 1998:125–126). Citing Boissy d'Anglas as exemplary, Alain Badiou noted that the Thermidor regime established government by the past, by which they meant those owning substantial property, with that same government extended to the colonized. "[T]he colonies belong to France because we have property there; the law must 'pacify' the independence movement's emancipatory fervour because it threatens this property; and finally direct administrative control of these colonies is desirable because our security is at stake" (131). The resonance with suppression of popular protests at the G20 summit of 2009 in Pittsburgh along with the essentially imperialistic War on Terror and invasions of Afghanistan and Iraq should be obvious. With respect to the so-called wars for security, Badiou observed that "we have (and will have, too, if the USA continues in Somalia and in Iraq, etc.) war as an abstract form of theatrical capture of an adversary ('terrorism'), which is in its essence vague and elusive. The war against nothing: itself subtracted from the very idea of war" (Badiou 2006:28–29).

The virtue of the people expressed by Robespierre and Saint Just bore the mark of the times, preceding the flowering of industrial capitalism in the nineteenth century. Therefore, it spoke of virtue instead of class struggle. Nonetheless class struggle by the working class remains critical for democracy. The reason is that the working class struggles against all class relations, and therefore can act as the universal class, which in the end dissolves itself. The question for today's rebel concerns the whereabouts of today's proletariat. They are found in the inhabitants of slums in the new megalopolises composed of marginalized workers, sacked civil servants, and landless peasants. Created by the neoliberal global economy, they join their cousins in the banlieues, ghettos, and favelas of the metropoles. Today they remain unorganized as a class and therefore unconscious of themselves as constituting a class.

> What one finds in the "really-existing slums" is, of course, a mixture of improvised modes of social life, from criminal gangs and religious "fundamentalist" groups held together by a charismatic leader up to and including seeds of new forms of "socialist" solidarity.
>
> (Žižek 2008a:425)

They are not too different from the Parisian sansculottes of the eighteenth century, the constituency of the Jacobins, of Robespierre, and of Saint

Just. They also resemble the workers at whom the Wobblies aimed their organizing efforts in the early twentieth century in the United States. In the twenty-first century, Hugo Chávez founded his Bolivarian Revolution on them. He mobilized the people of the barrios around Caracas and the other major urban centers in Venezuela. His radical democracy expressly embraces the horror of tyranny and love of humanity espoused by Robespierre. Anyone who watches Chávez on television when surrounded by Venezuelans can have no doubt about the latter. Moreover, he has been working to prepare them for class struggle.

> The course on which Chavez embarked from 2006 is the exact opposite of the postmodern Left's mantra regarding de-territorialization, rejection of statist politics, and so on: far from "resisting state power," he *grabbed* power (first by an attempted coup, then democratically), ruthlessly using the state apparatuses and interventions to promote his goals; furthermore he is militarizing the favelas, organizing the training of armed units.
>
> (Žižek 2008a:427)

Militarizing the favelas does not mean putting armed functionaries of the state into them. Just the opposite, it means arming the denizens of them. As noted above, the Bolivarian Revolution does not just arm them; it educates them, encourages their industry, and promotes their inclusion and participation in the polity. If that does not support class struggle, nothing does. That is why the Bolivarian Revolution is the clearest example of radical democracy in the twenty-first century, the best example of emancipatory politics, and the real material expression of rebellion.

Jihad and Dirty Hands

Jihad, originally a word derived from the *Koran* and other classic Islamic texts, has entered contemporary American English. The fourth edition of the *American Heritage Dictionary* (2007) has the following entry:

1. Islam: An individual's striving for spiritual self-perfection.
2. Islam: A Muslim holy war or spiritual struggle against infidels.
3. A crusade or struggle: "The war against smoking is turning into a jihad against people who smoke" (Fortune).
   [Arabic jih d, from jahada, to strive; see ghd in Semitic roots.]

Americanized, it occasionally comes into dispute between those who emphasize the first meaning, a spiritual struggle within individuals, versus the second meaning implying violence and theocratic chauvinism, largely

directed against the West and especially the world capitalist hegemon. U.S. soldiers and some others have taken to using a variation, "jihadis," as a term for what more polite reportage calls "militants" or "insurgents." Such terminology includes the category of terrorists, meaning those individuals and groups using violence against Western states with a strong connotation of Islamic terrorists. Jihadi has come to play a linguistic role similar to that of "gook" during the Vietnam War—that is, any enemy and more generally any non-American. Despite such heavy loading, jihad is a perfectly good word referring to struggle, whether violent or not. As such, it could easily serve to augment the term "class struggle" that long ago acquired a negative association among polite company—that is, among the bourgeoisie—especially in the United States.

"Dirty hands" has an even more varied set of meanings. One of the more straightforward acts as the antonym to the clean hands doctrine in equity law. Under the clean hands doctrine the law denies equitable relief to anyone whose prior conduct has violated conscience, good faith, or any other equitable principle. In sum, "one seeking equitable relief cannot take advantage of one's own wrong" (*Black's Law Dictionary* 1983). This legal definition has relevance because the concept of equitable relief relies on established state power to judge and grant it, and assumes parties in equity have agreed to submit to its power and authority. Another usage comes from social science. Everett C. Hughes used the term "dirty hands" to adjure social researchers, arguing that to do enlightening and intelligent research one had to dirty one's hands (1958). Implicit in Hughes' methodology is the concept that social research had to engage with real people and real situations. Researchers ought not to hold themselves aloof if they hope to find the truth. Alain Badiou identified another source of dirty hands—dirty money. "It is entirely legitimate to stipulate axiomatically that, beyond a certain sum, when one starts calculating in the tens of millions, all capitalist money is bound to be dirty" (Badiou 1998:132). Those who handle dirty money perforce have dirty hands. Finally, the fourth, and most relevant meaning for the present discussion, relates to Jean-Paul Sartre's 1948 play by that title.

The plot of *Dirty Hands* centers on a political assassination. It is set in a fictional eastern European country between 1943 and 1945. A young Communist, Hugo Barine, is told that Hoederer, a party leader, has proposed talks with the other non-Socialist groups, including the fascist government and the liberal and nationalist-led resistance. The idea is to set up a joint resistance group opposing the Germans, and a postwar coalition government. Hugo feels that Hoederer's policy smacks of treachery. Louis, another party leader, has decided that Hoederer must die. He grudgingly agrees to let Hugo, who has more commitment than experience, do the job. In the end, Hugo does assassinate Hoederer, but neither the character Hugo nor the audience

can be certain whether Hugo acted mainly from adherence to party discipline or jealousy over his wife, or possibly an inextricable mixture of motives. In any case, the play raises moral and political issues for rebellion.

First, rebels cannot, and many would say, should not, excise personal emotions from their rebellion. After all, a central goal of rebellion is humanism. Second, there is the question of whether a rebel can afford personal moral purity when exigencies of political conflict require submersion of individual interests in favor of the common good. In such circumstances, innocence remains unattainable, despite protestations to the contrary. Pleading with Hugo not to go through with the assassination, Jessica his wife says

> I don't want to choose: I don't want you to get yourself killed and I don't want you to kill him. . . . I don't understand this whole business and I wash my hands of it. I am neither an oppressor nor a class traitor nor a revolutionary. I've done nothing. I am innocent of everything.
>
> (Sartre 1949:215)

Of course, Jessica's innocence cannot be. There can be and in fact are no bystanders in the kind of fundamental struggle taking place in the setting of the play. Having discovered Hugo's assignment to kill him, Hoederer says to him

> How you cling to your purity young man! How afraid you are to soil your hands! All right, stay pure! . . . Well, I have dirty hands. Right up to the elbows. I've plunged them in filth and blood. . . . If you don't love men, you can't fight for them (223–225).

Robespierre and Saint Just faced the same dilemma. For the love of the people, they had to murder. Another twist to the dirty hands conundrum pervades Stalinism, particularly the Stalinist terror and purges, especially when it came to the purge of the party leaders. Stalin and his Central Committee supporters accused Bolshevik leaders like Nikolai Bukharin (1888–1938) of objective guilt. For Bukharin that meant that, as a major Marxist theoretician as well as a functionary in the Soviet government, he had to support the revolution, never deviating from the party line, and always adhering to Lenin's doctrine of democratic centralism. The Lenin doctrine meant that party leaders could dispute and disagree within their own ranks, in effect, in closed meetings. To the people, however, they must present a united front. Stalin jettisoned the democratic part of Lenin's doctrine so that by 1938, the year of Bukharin's purge trial, the only line possible was Stalin's, whether within the closed circles of party leadership or outside it. Furthermore, deviation was not permitted. The rule applied to genuine disagreement, or even to positions taken which might

miscalculate exactly what party line prevailed, or even more insidiously, *would* prevail. "[I]n the Stalinist universe there are ultimately no dupes, and everyone knows the 'objective meaning' of their acts, disagreement with the party line can only be the result of direct hypocrisy and deceit" (Žižek 2008a:235). This is consequentialism taken to its extreme. That is, people are always completely responsible for the consequences of their acts, even if they cannot foresee those consequences. Outside of the Stalinist Soviet Union of the 1930s, which Žižek aptly compares to Kafka's *The Trial* (1914), the concepts of objective guilt and dirty hands bear on the role of rebels.

Failing to act—Jessica's defense in *Dirty Hands*—does not absolve anyone, because as Trotsky observed, those who stand apart from the revolution, act against it. "[I]n a time of revolution standing on the wall involves great danger. . . . The priests of 'conciliatory justice' are usually found sitting inside the four walls waiting to see which side will win" (Trotsky 1930:xiii). Karl Jaspers offered a broader, and perhaps more poignant, assessment of objective guilt in reviewing the burden all Germans bore for Nazism. In his series of lectures, published as *The Question of German Guilt* (1948). He listed four categories of guilt: criminal guilt (the commitment of overt acts), political guilt (the degree of political acquiescence in the Nazi regime), moral guilt (a matter of private judgment among ones friends), and metaphysical guilt (a universally shared responsibility of those who chose to remain alive rather than die in protest against Nazi atrocities). Minus the adherence to a party line, Jaspers rendered a more stringent standard than that of Stalin. What alternatives do rebels have if they want to avoid objective guilt for the evils of the current system, but still minimize those acts, such as murder, that carry their own, intrinsic burden of guilt?

The answer lies in correct analysis, lucid consciousness, and measured strategy. Outside of those jihadis who must fight against U.S., British, and allied occupation of their countries, rebels in the metropole need not resort to armed struggle. In fact, armed struggle within the United States is merely suicidal, and more importantly, ineffective. It is with that recognition that the models of the IWW, Venezuela, and some other rebel attempts are most useful. The Wobbly strategy of general strike and sabotage was nonviolent. The Bolivarian Revolution remains largely nonviolent. Strategies that recommend themselves are those of the Yes Men, universities in exile, and others discussed below.

Rebel Movements: Class, Gender, and Race

The failed world revolution of 1968, as Wallerstein would have it, did not fail because of inherent defects in the rebellious movements, although

they had plenty of them. Primarily, the ruling world capitalist class used the apparatuses of their respective states to crush them by force. Of course, this included the rulers in the Soviet Union, the *nomenklatura*, who headed the bureaucratic state capitalism long disguised as *socialisme real*. Nonetheless, police and military force only blunted the immediate uprisings of that year. The police in Chicago at the Democratic National Convention, the Soviet tanks on the streets of Prague, the army in Mexico City, and the others acted as the shock troops to thwart the rebellions for a moment. Similarly, the elites used force to block the revolts following the end of the First World War. In Germany, what was to become the Weimar regime with its Social Democratic leadership turned to the army, importantly abetted by the veteran paramilitary organizations like the *Stahlhelm*. In the United States, the Palmer raids virtually stamped out the IWW and other potentially revolutionary socialist organizations.

Dousing the immediate conflagrations of revolt would not have sufficed if not followed by more fundamental and far-reaching strategies of repression. The history of those strategies in Germany and the United States led to rather different outcomes, and so too the long-term strategies of the ruling class varied in their effects in different countries after the initial failure of world revolution of 1968. Especially in the United States and Britain, one of the more successful strategies created divisions among the rebellious movements. The strategy eventuated in what became known as identity politics that appeared in the aftermath of the rebellion. It became manifest in the mid-1970s. Movements for racial equality, feminism, gay rights, and so on had once acted largely cooperatively if not in unison. The ruling class used all its abilities to deconstruct the cooperation at every level of society and culture from the ivory towers of academe to the more mundane, meretricious tools of market hucksterism. Once divisiveness had been sown, the politics of fear replaced it.

> Today's predominant mode of politics is *post-political bio-politics*—an awesome example of theoretical jargon which, however, can be easily unpacked: "post-political" is a politics which claims to leave behind old ideological struggles and instead focus on expert management and administration, while "bio-politics" designates the regulation of security and welfare of human lives as its primary goal. . . . The only way to introduce passion into this field . . . is through fear, a basic constituent of today's subjectivity. For this reason, bio-politics is ultimately a politics of fear. . . . This is what separates a radical emancipatory politics from our political status quo.
>
> (Žižek 2008b:40)

The ever-ready tools of divisiveness served the ruling class as racial politics competed with gender politics, which in turn competed with politics

of sexuality, and so on. Class, always a hushed up subject in the United States, lurked beneath all of them, but the identity movements' leaderships collaborated with the national and global elite to deny it. "Political correctness is the exemplary liberal form of the politics of fear [which] always relies on the manipulation of a paranoid *ochlos* or multitude: it is the frightening rally of frightened people" (41). One of the main tasks for today's rebel, therefore, depends on dampening the fear by undoing divisiveness. Since principal fissures in U.S. society are and perennially have been class, gender, and race, rebellious movements focusing on each must see ways to kit them together so as to work toward emancipatory politics.

Racial Politics

Commenting on the riots of 2005 in the Paris banlieues, Slavoj Žižek called them a case of phatic communication. Finding parallels with 1968, he said. "if May '68 was a revolt with a utopian vision, the 2005 revolt was just an outburst with no pretence to vision. . . . There were no particular demands made by the protesters. . . . There was only an insistence on *recognition* based on a vague, unarticulated *ressentiment*" (Žižek 2008b:774–775). Perhaps they were not so parallel with 1968, but instead with the urban riots in many U.S. cities during the late 1960s. True, those "civil disturbances" as the Kerner Commission called them (National Advisory Commission 1968) also insisted on recognition and expressed ressentiment, but they had, just as for those of the banlieues, deep historical roots coupled with contemporary injuries, and immediate sparks. Not insignificantly, the spark of the 2005 riots was the same as those that the Kerner Commission identified for riots of the 1960s: police brutality, abuse, and insensitivity to the people, coherent with a persistent racism. One of the most important parallels resides in an insight offered by Gerald Horne (1995) about the Watts uprising of 1965. He attributed much of the middle-range cause of the explosion to the fact that Black residents of Los Angeles had been systematically deprived of channels and levers of political redress for the preceding several decades. In the midst of such "outbursts without vision," per Žižek, a movement and organization took shape that addressed both the triggering spark of the riots and its middle-range causes—the Black Panther Party.

Originally the Black Panther Party for Self-Defense combined the politics of racial liberation and equality with an incisive political-economic ideology and class analysis. Bobby Seale and Huey P. Newton founded the organization in fall 1966 and set forth a doctrine calling for the protection of Black neighborhoods from police brutality and injustice for Black

Americans. The Panthers also extended the call for racial justice to all the colonized peoples of the world. Seale said they self-consciously directed their organizing toward "lumpen proletarian Afro-Americans [in] putting together the ideology of the Black Panther Party" (Seale 1970:ix). He went on to say that by doing so, they contradicted the Marxian dictum that the lumpen proletariat was not revolutionary and often served as the shock troops of reaction. Despite that contradiction, Panthers' ideology and analyses were broadly Marxist to which they added the important influence of Frantz Fanon (1952, 1961). The police crushed the organization by force (Churchill and Vander Wall 1990 a, b), but while they persisted they succeeded in mobilizing Black people throughout the United States and built coalitions and connections with other rebellious organizations and movements such as the Weatherman faction and the Brown Berets, a Latino group. Moreover, within the organization and through their organizing and propaganda, they did not fail to recognize the importance of overcoming gender inequality and other injustices (Brown 1992; Hilliard and Cole 1993). Their Ten Point Program, a sort of party platform, remains enlightening and instructive. A synopsis follows.

1. We want freedom. We want power to determine the destiny of our Black community.
2. We want full employment for our people.
3. We want an end to the robbery by the white man of our Black community.
4. We want decent housing, fit shelter of human beings.
5. We want education for our people that exposes the true nature of this decadent American society. We want education that teaches us our true history and our role in present-day society.
6. We want all black men to be exempt from military service.
7. We want an immediate end to POLICE BRUTALITY and MURDER of black people.
8. We want freedom for all black men held in federal, state, county, and city jails.
9. We want all black people when brought to trial to be tried by a jury of their peer group or people from their black communities, as defined by the Constitution of the United States.
10. We want land, bread, housing, education, clothing, justice and peace. (Foner 1970:2–3).

The Panthers Ten Point Program bears a striking resemblance to another program from 1944.

1. The right to a useful and remunerative job in the industries or shops or farms or mines of the nation;
2. The right to earn enough to provide adequate food and clothing and recreation;
3. The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;
4. The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;
5. The right of every family to a decent home;
6. The right to adequate medical care and the opportunity to achieve and enjoy good health;
7. The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;
8. The right to a good education. (Roosevelt 1944)

The latter comes from Franklin Delano Roosevelt's State of the Union address, January 11, 1944. The resemblance testifies to how regressive and reactionary American politics has become. The FBI placed the Panthers on the Ten Most Wanted List, and carried out their campaign of violent repression against them. Today, even when identified as coming from FDR, his "economic Bill of Rights," as he called it, more often than not gets the sobriquet of dangerously socialist. Side-by-side, the Panthers' program and the FDR Economic Bill of Rights spell out minimal conditions for security to work toward human happiness and well being, as Roosevelt put it. Also, they are minimum requirements for basic democracy and the beginning of real, emancipatory politics. Even so, history since 1944 and especially since the failed world revolution of 1968 and the revanchist reaction that ensued makes clear that the only way to work toward those goals remain, as always, rebellion.

Feminism and Gender Politics

Feminism as a rebel movement held great promise as it emerged in the 1970s. It threatened a patriarchy structurally imbricated with racial and class oppression. Different versions of feminism emphasized different approaches: the political, the economic, racism, heterosexism, and so on. The ruling class' counterattack was especially effective against it. The problem centered on the movement's leadership and their goals. The National Women's Studies Association (NWSA) conference of 1990 in Akron, Ohio, shows these effects dramatically. The NWSA is, as the name implies, an outgrowth of the scholarly and academic community. The

leadership of the organization and conference fell to college and university faculty, mostly women, but not exclusively so. Faculty in women's studies or most other disciplines are mostly White. They are middle class, not so much because of their backgrounds, but because of the position faculty hold in academia—they are professionals and middle management. They run the organization and they ran the show at the 1990 Akron annual conference. The conference split along lines of class, race, and sexuality. The Lesbian Caucus, the Poor and Working-Class Caucus, the Women of Color Caucus, and women's studies staff split and withdrew. The conference ended prematurely, and no annual conference convened the following year. By the twenty-first century, those splits were not sutured (Helmbold 2002; Koyama 2000; Van Dyke 2002). An anonymous memorandum from a group of students and staff to the women's studies faculty at the University of Wisconsin-Milwaukee pithily articulated the problem. Some of the eight points follow:

> 2. We see you as walking contradictions. You oppose the so-called "White-Boys Network" on this campus, yet you engage in the same secrecy, back-stabbing, coverup of information, and "protection of your own." You in effect perpetuate the same administration and system of oppression that you supposedly try to eliminate.
>
> 3. We feel that as women, and as faculty, you have disengaged . . . your main concerns are those of salary, daycare, and "scholarship." . . . We feel these may be important issues, but only to those in your <u>class</u>.
>
> 4. We want to know . . is it fear?
>
> 7. Have you forgotten already what it is like to be oppressed? Have you ever been oppressed by other feminists before? We're finding we have.
>
> (Anonymous 1992)

bell hooks summarized the elite's strategy. "Supporting what in effect became white power reformist feminism enabled the mainstream white male patriarchy to bolster its power while simultaneously undermining the radical politics of feminism" (hooks 2000:104). Class and race crosscut feminism, but so do gender and sexuality. Judith Butler interrogated gender and identity in *Gender Trouble* (1990). She questioned whether rebellious politics requires unity and rejected it. "Certain forms of acknowledged fragmentation might facilitate coalitional action precisely because the 'unity' of the category of women is neither presupposed nor desired" (15). Political action from a feminist standpoint need not imply identity politics. "The deconstruction of identity is not the deconstruction of politics; rather, it establishes as political the very terms through which identity is articulated" (148). Feminism can contribute to rebellious politics, because its perspective particularly suits questioning prevailing

categories, assumptions, and reifications. Not just an intellectual strategy, effective questioning always involves material action, refusals to go along with expectations, and rejection of status norms in everyday, ordinary life.

Promising Strategies for Rebellion

The Yes Men use imposture, satire, and parody to subvert elite structures, organizations, and interests. They rely heavily on iconic representation, electronic media, along with lawful and nonviolent confrontation. They deliberately confound identity, and identity politics. On the face of the web page at www.theyesmen.org, they describe themselves as "[i]mpersonating big-time criminals in order to publicly humiliate them. Targets are leaders and big corporations who put profits ahead of everything else."

October 20, 2009, the Yes Men staged an official appearing event at the National Press Club in Washington D.C.; one of the Yes Men announced that the U.S. Chamber of Commerce had reversed its stance and decided to support current climate change legislation before Congress. A genuine representative of the Chamber confronted the Yes Men representative, who in turn promptly accused him of being an imposter (Vallis 2009).

A month earlier, on September 21, 2009—one day before a UN summit lead-up to the United Nations Climate Change Conference 2009—over 2000 volunteers distributed throughout New York City a 32-page "special edition" *New York Post*, with the cover story "We're Screwed" saying that the city could face deadly heat waves, extreme flooding, and other lethal effects of global warming within the next few decades. Other articles describe the Pentagon's alarmed response to global warming, the U.S. government's minuscule response, China's advanced alternative energy program, and how the Copenhagen climate talks could be a "Flopenhagen." There is also a fake Web site, http://nypost-se.com. On September 22, 2009, the Yes Men demonstrated an inflatable, ball-shaped costume claiming it was a self-contained living system for surviving disasters caused by global warming. Over two-dozen people wore the SurvivaBall costumes as it was demonstrated in the East River. Police shut down the demonstration for lack of a permit. Cofounder of the Yes Men, Andy Bichlbaum, was arrested on an outstanding parking ticket charge and a handful of other Yes Men were served with summons and tickets for disorderly behavior and creating hazardous conditions. The Yes Men began their campaign in 1999 by hosting a Web page. The Yes Men's first prank was the satirical Web site www.gwbush.com, established for the 2000 presidential election to draw attention to alleged hypocrisies on Bush's actual Web site. For the 2004 presidential campaign, they went on tour posing as the group "Yes, Bush

Can!" and encouraged supporters to sign a "Patriot Pledge" agreeing to keep nuclear waste in their backyard and send their children off to war.

Possibly their most effective direct action was on December 3, 2004, the twentieth anniversary of the Bhopal disaster, Andy Bichlbaum appeared on BBC World as "Jude Finisterra," a Dow Chemical spokesman. Dow is the owner of Union Carbide, the company responsible for the chemical disaster that killed thousands and left over 120,000 requiring lifelong care. On their fake Dow Chemical Web site, the Yes Men said that Dow Chemical Company had no intention whatsoever of repairing the damage. The Yes Men decided to pressure Dow further, so as "Finisterra" went on the news to claim that Dow planned to liquidate Union Carbide and use the resulting twelve billion dollars to pay for medical care, clean up the site, and fund research into the hazards of other Dow products. After two hours of wide coverage, Dow issued a press release denying the statement, ensuring even greater coverage of the phony news of a cleanup. By the time the original story was discredited, Dow's stock had declined in value by two billion dollars.

Other rebellious strategies include the establishment of universities in exile where scholars from the centers of world capitalism can carry on their research, writing, and teaching without censorship, censure, or interference from elite interest and authorities. Loosely modeled on the haven provided to Frankfurt School scholars fleeing from the Nazi regime, eventually established at the New School in New York, such institutes could locate in welcoming countries to carry on centers of rebellion against hegemonic tyrannies. Jennifer Peshut (2008) who came up with the idea is trying to establish such an institution in Venezuela. From them, scholars like Ward Churchill and Norman Finkelstein, both of whom their universities ousted for their rebellious political views, could find a base and simultaneously augment the culture of their host country.

Finally, more a tactic than a strategy, could subvert the campaign by metropoles against immigrants from the periphery of world capitalism. Rebels could advertise that illegal immigrants are welcome in their homes and businesses.

Most important for rebels in the twenty-first strategy is not any particular strategy, movement or organization, but continual challenge. Imagination, skill, and effective efforts flow from lucid consciousness and correct analysis. Rebellion need not require life-and-death dedication, but it does require intelligent application. To rebel humanizes everyone. I rebel, therefore we are!

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