

Is Democracy Utopian?

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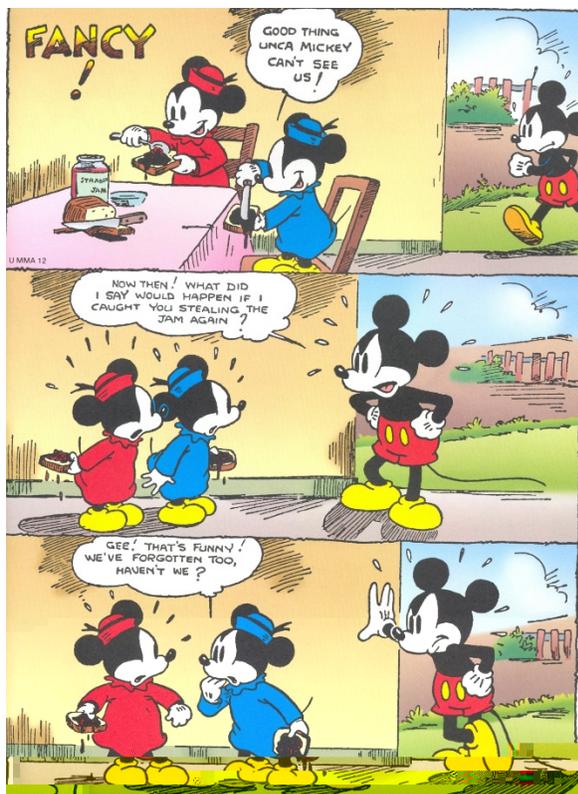
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[Mickey Mouse: Timeless Tales, Volume 3. \[Originally published as MICKEY MOUSE issues #13-21 \(Legacy #322-3301\)\] written and illustrated by Andrea Casty Castellan, Giorgio Cavazzano, Bill Wright \[IDW Publishing 9781684050499\]](#)

When we see Mickey Mouse's gang addressed as "The Sensational Six," we can't help but smile. The popular, alliterative phrase seems to cover Mickey,



Minnie, Donald, Daisy, Pluto, and Goofy so neatly. Two ducks. Two mice. One dog. One dawg.

But wait... what about everyone else in the gang? You know, the characters who aren't so... um, sensational? Well, that's not to say the likes of Humphrey Bear, Bucky Bug, and Gus Goose aren't accomplished in their own way. But that phrase, "The Sensational Six," does seem to imply a pecking order; at least for fans in the English-speaking world, where the phrase is used most.

But leave English behind, and where are you? In countries where simply due to local quirks or editorial choices, very different Disney characters hold the spotlight. Try Brazil, where fictive Rio resident José Carioca is as big a name as Mickey, Donald, and Goofy. Or Italy, where fad-happy Fethry Duck is a household name. Or the Netherlands, where for years Mickey's monthly comic featured back-cover tales of... Leo De Beo?

Today "Leo," or Ellsworth the Mynah Bird to you and me, is back on the radar in this IDW Disney Comics anthology; but even we can't claim he's a leading light. Still, his popularity—and that of his progeny—was once much more; showing that one

never knows where, and in what places, a star might find a niche.

How did Ellsworth and Ellroy find theirs?

Let's flash back to the 1940s, when the classic Mickey Mouse Sunday strips of writer Bill Walsh and artist Manuel Gonzales took inspiration from all sorts of contemporary influences. News issues were spoofed: Mickey struggled with meat rationing after the war. Current music was tuned in: Mickey, Goofy and Horace had a swing band. Popular non-Disney movies were parodied: then-current science fiction invaded Goofy's life.

But what about popular non-Disney cartoons? Most of the time, Disney effectively ignored the animation put out by rival studios. The likes of Bugs Bunny, Popeye, and Mighty Mouse were never mocked by Mickey or Donald.

Gonzy and Walsh broke that mold—for what seems to have been the only time. Troublemaking crows, and other corvids, were a popular cartoon trope in the mid-1940s. At Columbia, mooching Crawford Crow forever outsmarted snooty Fauntleroy Fox. At Paramount's Famous Studios, Buzzy the Funny Crow battled Katnip's efforts to eat him. At Terrytoons, "Talking Magpies" Heckle and Jeckle confused dimwitted Dimwit Dog.

How could the Disney studio go all of these avian hecklers one better? Perhaps by adding an entirely new twist: inventing a bird who was much more than just a heckler. Ellsworth—given the full name "Ellsworth Bheezer" in an early appearance—was the mynah Disney was looking for.

As introduced by Manuel Gonzales and Bill Walsh in late 1949, Ellsworth started out as Goofy's new pet. He busied himself doing pet-like things: fighting with predatory cats, for instance, and grabbing food with smart-alecky skill. But Ellsworth was only getting started. As soon became clear, this bird wasn't just a smart aleck—he was a genius capable of splitting the atom. He didn't just battle cats; he battled with the very nature of comics, acerbically commenting on clichés and logic oddities in his stories.

And Ellsworth went even further: in a funny-animal world, Goofy's mynah pal made fun of the boundary between humanized and non-humanized creatures. While mynah birds—like parrots—do possess the real-life ability to mimic speech,

Ellsworth boasted a full understanding of foreign languages, Brooklyn slang, and complex tech-talk. He could perch by a canvas and paint a masterpiece in minutes. Soon he was giving advice to important people in Mouseton, often leaving a baffled Mickey and Goofy in his wake.

So popular did Ellsworth become, in the mid-1950s Mickey Mouse Sundays, that the bird got a full strip to himself at least once a month. Bill Walsh, then double-timing as Mickey Mouse Club TV show producer, even considered adding Ellsworth to that show as an articulated puppet character.

But not everyone liked the manic mynah. Western Publishing, producer of the Dell-licensed Disney comic books of the time, seemed to object to a character who blurred the lines between humans and animals. As a result, while the newsstand Mickey Mouse and Walt

Disney's Comics and Stories often featured Mickey Mouse Sunday strip reprints, very few with Ellsworth were ever included. Then something—scholars aren't certain what—also affected Ellsworth in the Mickey strip as well. In the late 1950s, the frequency of his Sunday appearances decreased. Combined with his disappearance in the newsstand comics, this led to the former star quickly all but vanishing from sight.

Domestically, that is. The irrepressible Ellsworth had already picked up a head of steam overseas; and in Italy, Mouse comics maestro Romano Scarpa had begun to use the wily bird in new stories—teamed with Goofy, teamed with Pluto, even teamed with the mad scientist Dr. Einmug. From catching Pegleg Pete to protecting a fox from hunters, there was no scheme the genius bird couldn't hatch.

Then Scarpa hatched something else. In search of a new sidekick for long Mickey adventures, Scarpa considered Ellsworth—but decided against it, feeling that the two proactive characters might clash too often. Instead, he sought a sidekick who "was duller, and highlighted Mickey's role": not very flattering in concept, but in fact hilarious in practice. For "duller" didn't mean less interesting; it merely meant a little less educated and quick-witted. Ellroy, a foundling mynah bird "adopted" by Ellsworth in a 1975 adventure, went on to become the new sidekick—teaming up with Mickey in Ellsworth's absence, talking Mickey's ear off, and generally being an endearing, hilarious, and ill-

mannered squirt. Another popular character was born, indirectly, from the Bill Walsh well.

Yet even as this popularity bubbled around Europe, it couldn't bring Ellroy to stardom in Mickey's birth country, where by the 1970s Ellsworth himself had been forgotten. In modern times, however, with the IDW Mickey Mouse series, we North Americans have finally had our chance to catch up with Disney Comics'

international culture which has meant the return of Ellsworth and, at last, Ellroy too. In this volume, you'll find a pair of the earliest Ellroy epics, showing off this bratty bird at his best. It's about time!

Today, as brainiac father and mischievous son, Ellsworth and Ellroy find that their original roles as pet birds are almost forgotten. Ellsworth drives cars, Ellroy gets jobs in the modern comics; the one lingering Gonzales-era feature is their ability to fly! But Mickey and Goofy don't ask questions, because ever-snarky Ellsworth is as quick with a snappy comeback as ever. "Let's not get nose-y, shall we?"

The publisher notes: Some comics in this archival collection were created in an earlier time and may contain cartoon violence and occasional historically-dated content, such as gags about smoking and gunplay. While new Mickey stories would not feature these elements, we include them here with the understanding that they reflect a bygone era.

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[Road Map to Hell: Sex, Drugs and Guns on the Mafia Coast](#) by Barbie Latia Nadeau [Oneworld Publications, 9781786072559]

From sex slaves to drug mules, The Daily Beast's Rome Bureau Chief uncovers a terrifying and intricate web of criminal activity right on Europe's doorstep.

Caught between Camorra gunrunners selling to ISIS and Nigerian drug gangs along Italy's picturesque coast, each year thousands of refugees and migrants are lured into their underworld, forced to become sex slaves, drug mules or weapon smugglers. In this powerful exposé, investigative journalist Barbie Latza Nadeau follows the weapons trail, meets the trafficked women trapped by black magic, the brave nuns who try to save them and the Italian police who turn a blind eye as the most urgent issues facing Europe play out in broad daylight.

"Roadmap to Hell is a crusading piece of journalism that exposes the human face of Italy's growing sex-slavery industry. Roadmap to Hell is a timely and devastating examination of the criminal underworld. Barbie Latza Nadeau's journalistic, snappy, and easy-to-digest work breaks down exactly how West African women are lured to Italy by Nigerian pimps and madams, who, in turn, work closely with Italian organized crime outfits like the Camorra and the Cosa Nostra. While there is no overarching narrative, Roadmap to Hell provides snapshots of the growing sex-trade industry in Italy. Its content is salacious. Nadeau follows and interviews dozens of Nigerian sex slaves, Italian journalists, and political figures, and at least one unembarrassed john who prowls the streets of Castel Volturno. Although she is a well-regarded journalist, Nadeau breaks with journalistic conventions at times, clearly favoring her immigrant subjects and openly admitting her revulsion for the customers who keep the sex trade going. Nadeau's center-left opinions do not stop her from admitting that right-wing parties in Europe have a point when they argue that open-borders-style immigration policies have led to an uptick in crime, demographic problems, and a growing relationship between organized crime and jihadist terrorism. The book shows how Italy's endemic corruption and its two-faced reaction to the migrant

crisis are causing a flowering of Nigerian crime in Italy's already impoverished and crime-ridden south. It does not broach the overriding question of whether or not immigrants have a "right" to migrate anywhere. While she admits that many Nigerians are economic immigrants, Nadeau seems to believe that Italy's monoculture can do more to integrate the thousands of Nigerians who arrive on the shores of Sicily and southern Italy every month. **Roadmap to Hell** is a crusading piece of journalism that exposes the human face of Italy's growing sex-slavery industry. This is a heart-wrenching volume that nevertheless manages to be clear-eyed about the nature of drug addiction, superstition, and illicit practices." (**--Foreword Reviews**)

Journalistic account of the sex trade that runs from the west coast of Africa to the southern coast of Italy and beyond. American journalist Nadeau, author of an earlier account of the Italian trial of American murder suspect Amanda Knox (*Angel Face*, 2010), turns her attention to the Camorra, or Calabrian Mafia, and their engagements with the drug and arms trades, which in turn net them human cargo: young women from Nigeria and other African countries, recruited at home and promised livelihoods in Europe, then smuggled into Italy on overcrowded, easily shipwrecked boats. Reports Nadeau, "in 2016, eleven thousand Nigerian women and girls arrived in Italy on those boats." There they were collected and put to work in the mob-controlled prostitution industry, with no way out. It does not help that Nigerian women can claim asylum easily by saying that they are threatened by Boko Haram, nor that the immigration authorities "may even know that [a woman] is being trafficked and forced to sell sex against her will, but they still look away." Church-based and other nongovernmental agencies have stepped in but have been overwhelmed so that few women are intercepted as they land and can be guided into applying for safe asylum away from Camorra control. "They have to work fast," writes the author, "because the traffickers are waiting in the refugee camps to ferry the girls to their madams, often within the first week of their arrival." The book, built on interviews with many participants, is well-reported and consistently heartbreaking yet occasionally repetitive.5 (y)5 (l)19.5 (an)11.1 (h7 (h)-8.5 (l)3.2 (l(r)C

motorcycles. The teenage boys who stop are invariably riding mopeds"). Though sometimes a chore to read, Nadeau's book makes for a useful work of advocacy, calling attention to a terrible traffic in human misery. (*Kirkus*)

Excerpt: **SETTING THE COMPASS**

When I moved to Italy with my husband in February 1996, I admittedly knew nothing about this country. We were newly married and had left South Dakota in the American Midwest on a blustering snowy day with wind-chill temperatures hovering around forty degrees Celsius below zero. The sight of the green rolling hills and deep blue sea below our TWA 747 as we landed at Rome's Fiumicino Airport was nothing short of magical. The taxi driver even whistled "Smoke Gets in Your Eyes" as he drove us through the cobbled streets of the ancient eternal city with which I would soon fall in love. Twenty years, two sons and

didn't understand at the time, but certainly do now. The type of poverty that permeates much of Africa exists in parts of the Italian south as well. Almost two million Italian children live below the poverty line in the regions that start just a few kilometers south of the capital. UNICEF, the United Nations Children's Fund, says Italy has the highest overall percentage of people living in extreme poverty anywhere in Europe, primarily due to the mismanagement of resources and funds intended for its own people.' With that in mind, it's little surprise that leaders pay even less attention to vulnerable strangers.

Italy's major problems lie in its southern regions, known as the Mezzogiorno (literally "midday"), which holds a third of the country's population and all its organized crime hubs. Unemployment is highest here, hovering around forty percent in some areas, and so is the murder rate, which regularly tops ten murders a month in Naples, a city of just three million people. Puglia, the heel of Italy's boot, was the central entrance point for counterfeit cigarette and arms trafficking in the 1990s, during the height of the Balkan conflicts just a few miles across the Adriatic Sea. Basilicata and Calabria, which make up the boot's insole, still have villages without Internet or schools.

Moving north towards Rome through Campania, from the toe of the boot, the Amalfi Coast is the sparkling diamond among a region that is easily the most lawless and dangerous in the country, made famous by Roberto Saviano's tales of death and despair in his bestselling book *Gomorra*, all just a few hours' drive from Rome.

This southern Italy is not the stuff of guidebooks and postcards. Its ports, as beautiful as they may be over a cocktail at sunset, hide unparalleled criminal activity as everything from deadly arms to stolen antiquities find their way past the often-corrupted customs officials.

Lately, however, Italy's southern ports have become the gateway for a very different type of cargo, with hundreds of thousands of migrants and refugees arriving each year. I started covering the migrant crisis in 2009, when the blue wooden fishing boats bought from scrap yards by enterprising smugglers started washing up on the shores of Lampedusa, filled with economic migrants and those fleeing famine and dirty wars in Africa.

In the beginning, the smugglers would even navigate the old fishing boats themselves and then either escape on smaller speed boats that trailed them or wait until they got caught and were deported back to Tunisia or Morocco and do it all over again. Some of those old blue boats can still be seen, washed up on Lampedusa's coastline, but most have been hauled to the center of the island where they are piled high in what amounts to a gigantic boat cemetery.

It must be noted that the migrant crisis that impacts Italy is a very different one from that involving Syrian refugees in the rest of Europe. Italy's crisis started as a trickle of people coming from across the sea in North Africa to the Sicilian island of Lampedusa more than three decades ago. Arrival numbers rarely topped a few thousand a year. It picked up speed in the years before the Arab Spring, when mostly young men started

arriving, but the uprisings that began in late 2010 marked a great change in number of arrivals, which suddenly started topping fifty thousand or more. This also led to a rise in human smugglers, who soon understood that the more desperate people were, the more they would pay for passage across the sea. When the Arab Spring exodus calmed down, the smugglers weren't ready to give up their profits and soon started actively searching out sub-Saharan African economic migrants and refugees fleeing war and persecution who wanted to take a chance on a better life in Europe, which seemed like a magical land of hopes and dreams until they realized that the opportunities weren't meant for them. It didn't take long for sex traffickers to realize they could use the established smuggling routes to ferry exploited women to Italy.

Of the women making the journey, I met so many who had both emotional and physical scars, with personal stories of war and torture, of mind-numbing poverty and death. Those stories that filled my notebooks have haunted me for all these years as I searched for a way to do them justice and find an audience who might be interested to know more.

Then, around 2012, something changed. The boats were increasingly filled with Nigerian women and, a short time later, so were the streets and back roads of Italy. Prostitution is legal in Italy, so sex

workers from all over, including Nigerians and other sub-Saharan Africans, have always been part of the local landscape. But I noticed that the women who started showing up on the streets after 2012 were young and clearly scared. They were different — not the experienced sex workers who knew if a client was safe or not just by looking, but children the same age as my own, reluctantly getting into cars with men.

What bothered me most was not just that they had crossed the dangerous sea on a dream of a better life only to become sex slaves, but that everyone knew about it. Yet, for all the transparency in this tragedy, I soon discovered that only a few elderly Catholic nuns seemed to be trying to do anything to stop it.

Instead of helping these women, the focus on the migration crisis rests squarely on who should rescue the people on the smugglers' boats and where they should be taken. Millions have been spent by the EU on a program called "Sophia" to destroy smugglers' ships by lighting them on fire at sea once the people have been rescued, which has only resulted in smugglers using cheaper and far more dangerous rubber dinghies instead. The priority is never about who is on those ships and why, apart from the persistent fear that they might be Islamic State terrorists.

But consider this: in 2016, eleven thousand Nigerian women and girls arrived in Italy on those boats. More than eighty percent, that's around nine thousand, were trafficked specifically for sexual slavery in Italy and beyond, according to the International Organization for Migration (IOM), who say many of the rest are also lured into the sex racket upon arrival. When the figures are tallied for 2017, the number is likely to be the same or higher. It seems unthinkable to me that this phenomenon has been allowed to grow steadily for the last five years. I cannot help but wonder: since we know about it, why can't we as a society do anything to save these women?

Some argue that enough is being done just by saving them from drowning in the sea. Indeed, hundreds if not thousands of women who were destined for sexual slavery have drowned over the years when their boats sank. But saving women from death isn't enough if their destiny is a fate some would consider worse: sexual slavery.

When the smugglers' boats first started coming to Italy, the authorities did not allow rescues at sea as they eventually did with the advent of NGO search-and-rescue missions. Instead, the smugglers' ships had to crash quite literally onto the sharp rocks of Lampedusa, which is the closest chunk of land off the North African coast, before they could be rescued. The Coast Guard would use planes to monitor when the boats were coming in, but no one went out to rescue them, no matter how urgent their plight or how rickety the boats might have been. Aid agencies, such as UNHCR and Save the Children, that were set up in Lampedusa would then relay the information to journalists covering the crisis in an attempt to bring exposure to what was happening. Those of us who could convince our editors that the stories were worthy would fly to Lampedusa, an island so small you can see water on both sides of the landing strip as the plane touches down.

More than once I sat on the shores of Lampedusa after nightfall with other journalists waiting for a smuggler ship to crash, listening to the staccato blasts of the waves until the voices wafted ashore. They came in at night because of the lighthouse on the island, which led the way. The eerie noise preceded the outline of the boats, which looked like ghost ships caught between the moonlight and the passing lighthouse beams.

During one particularly horrific crash that happened right under Lampedusa's door-shaped memorial monument called the "Gateway to Europe," which had been erected in 2008 for all the mariners and migrants who had died at sea, there were splashing sounds tied to screams as people jumped off the boat. It was different from other wrecks because the boat was an enormous fishing trawler with a high mast and an actual navigational deck, rather than the smaller boats with telephone-box wheel rooms more common on fishing boats used for people smuggling. The wrenching sound of wood breaking seemed endless, as if the ship wouldn't stop crashing into the rocks.

Lights from the Coast Guard lit up the wreckage, its hull ripped open and a sea of humanity pouring out. I will never forget all those faces of the survivors as they scrambled towards us. It was not the time to conduct interviews. We put down our pens and cameras and helped them, carrying the

small children and holding on to the pregnant women as they tore their bare feet open on the sharp rocks.

On that particular shipwreck assignment, which ended on the cover of the 20 June 2011 issue of Newsweek magazine, I met Dolly, a tall Nigerian woman with long braids of hair she had tied together with leather strings. We kept in touch for the

next two years as she made her way to Sicily and eventually to the Italian mainland. I lost track of her after she left a refugee center near Florence, when her final asylum request was denied. A volunteer there confided that she was denied asylum because she had "run away to be a prostitute" somewhere in northern Italy. When I met her, she knew she might have to sell her body to survive "at first" but she had a real dream. She said she intended to open her own little shop in Venice one day, selling African handicrafts she would import from Nigeria.

In early 2017, I managed to contact Dolly after pleading with workers at the refugee center, explaining that I wanted to find out what had happened to her. After we got back in touch, she sent me a message and told me she had found work as a "window girl" in Amsterdam. She was paid fair wages and lived in a nice apartment by herself.

"It is not so bad," she wrote. "The men are clean and we get free doctor checks all the time."

She later updated me with news that she was planning to marry a Dutch man and quit sex work. The next time I tried to contact her, the email bounced.

Dolly is just one tiny piece of the long, sordid history of sex trafficking to Italy, one story out of thousands of women who came to Italy under different circumstances and who ended up selling their bodies by choice or by force. Whether Dolly chose to be a prostitute or was coerced into it is hard to know. She came at a time of transition, when most Nigerian women came to Italy with dreams that often worked out. That is no longer the case. Now that the sex traffickers piggyback on the migrant crisis, many of the exploited women end up in Italy whether they ever dreamt of coming or not.

It is a deadly and dangerous journey, and many of the trafficked women perish along with the thousands of migrants and refugees who die each year. But it seems that no one pays much attention to the deaths of those who aren't registered on passenger lists or whose families aren't waiting on shore. There is a hierarchy when it comes to tragedies, and the desperate have always been at the bottom. Reports of wooden boats or rubber dinghies going down with a hundred or even two hundred people barely make the news cycle.

In 2012, the Costa Concordia cruise ship, a giant ocean liner with more than 4,200 people on board, crashed onto the shores of the Tuscan island of Giglio. It was a spectacle made for TV. I spent weeks on Giglio, returning time and again over the next several years, even though 'just' thirty-two people had died. I have never been dispatched so often or for so long on a migrant story, where the death tolls were sometimes thought to be three times higher or more. Migrant shipwrecks are so common and the circumstances so vague that they all blend together, made worse by the fact that there are rarely any details about the people who have lost their lives. Unlike the Costa Concordia, where we had names, ages and nationalities, the migrants are nameless and faceless and often die without their family members even knowing. Whole smugglers' ships just disappear off the horizon. Sometimes rescuers find empty dinghies floating at sea or old blue fishing boats with a few dead people onboard. We will never know how many people were on those boats. They're just gone.

Several months after the Costa Concordia went down, a pair of migrant boats sank close to the shore of Lampedusa that did make the news. More than 360 migrants and refugees died, including a woman with her newborn baby still attached by the umbilical cord. The dead were retrieved from one of the sunken ships and eulogized at a mass funeral inside a hangar at Lampedusa's airport. Those incidents changed Italy's approach to migration. In 2013, it launched the Mare Nostrum program, spending €9 million a month on rescue missions to ensure there would be no more sinkings of that magnitude. However, only a year into the mission, under pressure from the rest of Europe to stop what was largely perceived as a program that encouraged illegal migration by creating a pull factor, and along with tight budget demands

following a recession, the program was scrapped. The decision proved lethal and the death toll rose tenfold. The gravity of the danger became clear again when another ship went down in April 2015, with as many as nine hundred people on board.

By this time, NGOs were already taking matters into their own hands. The first was the Mobile Offshore Aid Station, or MOAS, launched by wealthy American entrepreneur Christopher Catrambone and his Italian wife Regina. During the summer of 2013, the couple and their family were sunning themselves on their yacht off the coast of Malta when an abandoned jacket floated by. Regina asked the skipper about it and when he explained that it surely belonged to a dead migrant, the couple decided to act. A million dollars of their own money and a year later, they were out saving lives. By the summer of 2017, there were more than a dozen charity ships run by well-known groups like Doctors Without Borders, Save The Children and SOS. Méditerranée, along with several run by smaller German and Spanish groups. The NGOs coordinate with the Italian Coast Guard, dispatching whichever ships happen to be closest to the smugglers' boats when distress calls are sent out and determining which Italian ports will receive those rescued.

The EU's border control agency Frontex has its own boats at sea as well, but they loathe the NGOs' work, publicly accusing them of creating a pull factor that they say invites more migrants to come, a criticism that was also leveled at the Mare Nostrum program back in 2013. It is unclear if that's true. There is no way to measure this. Of all the rescued migrants I've interviewed, not one even knew what an NGO rescue boat was. They were just thankful someone had saved them. What is clear, is that without the NGOs, the death toll would be more absurd than it already is. Even with a dozen NGO ships at sea, more than five thousand people died making the crossing in 2016, and Amnesty International says the death toll is getting worse, having increased threefold between 2015 and 2017.

In the end, the fate of these trafficked women is the same, whether their boat crashes onto the island of Lampedusa or a charity ship picks them up. No matter what their circumstances are, almost all have endured the same horrific conditions and physical and mental abuse along the way. Many witness

death along the desert trail and are kept in prison-like conditions in Libya, run by the militias that operate freely in the country while they wait for smugglers' boats to become available. Some women are given birth control by their traffickers so they don't end up pregnant as a result of the inevitable rapes along the way. When they are finally taken to the smugglers' boats, it is often at gunpoint. They are then pushed out to sea in boats that are not even remotely seaworthy. At that point, it doesn't really matter if it is a charity ship, a Frontex vessel, the Italian Coast Guard or a merchant ship that picks them up — they are just lucky to be alive.

Of all the nationalities making the treacherous journey, it is the rapid increase in Nigerians that has troubled authorities the most. Incremental increases in asylum requests from people from Syria, Eritrea or Somalia can be justified over the years by conflicts in those regions. Nigeria, on the other hand, is the richest country in Africa based on its GDP, of more than \$405 billion, the twenty-sixth highest in the world, according to the world bank. Despite having widespread corruption and extremes in poverty and wealth that impact the majority of its population, it does not fit the usual economic profile of a country from which asylum seekers should flee, which is reflected in the fact that few Nigerians are granted political asylum when they reach Europe.

Everyone who reaches Italy by sea has a right to apply for asylum, a process that can take more than a year, during which time they are mostly free to come and go from the state-run centers for asylum seekers. So even those who have no real chance at winning the legal right to stay can easily disappear into the country's vast undocumented population while they wait. Sex traffickers take advantage of that and many women destined for sexual slavery are never seen again after they apply for asylum. It shouldn't be this way. Nigeria has the economic power to help its people.

Yet Nigerian women are the single largest group of victims trafficked to Europe for the forced sex slave trade in a racket everyone knows about but no one stops. The US State Department says the government in Nigeria does not even comply with the minimum standards for the elimination of trafficking.

Because prostitution is legal in Italy, there is an assumption that women selling sex on the streets are there by choice. Prostitution is often described as the "oldest profession in the world." But trafficked women do not make choices. Sexual slavery and sex trafficking are assault and systematic rape dressed up as prostitution. A woman who has been sex trafficked may stand on a street in skimpy clothing and solicit sex; she may smile and pretend she wants a client to pull over to the curb. She may willingly take him to a house and open the door to a bedroom. She may touch him, please him and satisfy his sexual wants. She may lie with him after. She may eventually even take what becomes a form of comfort in the familiarity of a regular client. But a woman who has been trafficked for sex is never doing these things by choice. She is threatened by an unseen captor she knows is watching her, whose punishment will be worse than the hand job or blow job or degrading sex act she has to endure. Punishment for not soliciting sex for Nigerian women who have been trafficked is, without exception, a fierce beating — the first time. After that, it is almost always brutal, violent gang rape or death.

What is almost worse than the fact that this skin trade exists in the first place is that this is not in any way a secret in Italy. Every nun, police officer, priest, prosecutor and aid worker who deals with the girls knows exactly how the corrupted system works, yet for some unthinkable reason no one has ever had the means, or maybe the will, to stop it. Despite everything I love about this country, its people and rich culture, this is one thing I can't ignore.

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[Denmark Vesey's Garden: Slavery and Memory in the Cradle of the Confederacy](#) by Ethan J. Kytle And Blain Roberts [The New Press, 978620973653]

In the tradition of James Loewen's *Lies My Teacher Told Me*, a deeply researched book that uncovers competing histories of how slavery is remembered in Charleston, South Carolina—the heart of Dixie

A book that strikes at the heart of the recent flare-ups over Confederate symbols in Charlottesville, New Orleans, and elsewhere, Denmark Vesey's Garden reveals the deep roots of these controversies and traces them to the heart of slavery in the United States: Charleston, South Carolina, where almost half of the U.S. slave population stepped onto our shores, where the first shot at Fort Sumter began the Civil War, and where Dylann Roof shot nine people at Emanuel A.M.E. Church, the congregation of Denmark Vesey, a black revolutionary who plotted a massive slave insurrection in 1822.

As early as 1865, former slaveholders and their descendants began working to preserve a romanticized memory of the antebellum South. In contrast, former slaves, their descendants, and some white allies have worked to preserve an honest, unvarnished account of slavery as the cruel system it was.

Examining public rituals, controversial monuments, and whitewashed historical tourism, Denmark Vesey's Garden tracks these two rival memories from the Civil War all the way to contemporary times, where two segregated tourism industries still reflect these opposing impressions of the past, exposing a hidden dimension of America's deep racial divide. Denmark Vesey's Garden joins the small bookshelf of major, paradigm-shifting new interpretations of slavery's enduring legacy in the United States.

Excerpt: On a sweltering June evening in 2015, members of Emanuel African Methodist Episcopal Church in Charleston, South Carolina, welcomed a stranger into their weekly Bible study group. For this gesture of Christian fellowship, most of them received a death sentence. After listening quietly for about forty minutes, the visitor—Dylann Roof, a twenty-one-year-old white supremacist who had driven in from nearby Columbia—opened fire inside the venerable black church, killing nine

worshippers. Roof then exited through a side door as calmly as he had entered.

Americans soon learned that Roof's flawed understanding of slavery, among other factors, fueled his racial hatred and his attack. In his online manifesto, he claimed that "historical lies, exaggerations and myths" about how poorly African Americans had been treated under slavery are today being used to justify a black takeover of the United States. Framing himself as a white savior in the tradition of the Ku Klux Klan, he explained during his confession to the FBI that he targeted Charleston because "it's a historic city, and at one time, it had the highest ratio of black people to white people in the whole country, when we had slavery."

In the months before the murders, Roof had made six trips to Charleston and the surrounding area. He later told authorities, "I prepared myself mentally." During each trip, he visited plantations and other locations associated with slavery, including Emanuel A.M.E. Church. Mother Emanuel, as it is affectionately known, is among the oldest black congregations in the South. It was the church of Denmark Vesey, Charleston's most famous—and, to some, infamous—black revolutionary. In 1822, Vesey plotted a massive slave uprising for which he and more than thirty co-conspirators were hastily tried and executed. Before Dylann Roof perpetrated his executions two centuries later, he created an archive of his research into Charleston's enslaved past. In Roof's car, investigators found travel brochures and several sheets of paper on which the white supremacist had scrawled the names of black churches, Emanuel A.M.E. among them, as well as the name of Denmark Vesey. On his website, Roof had posted a chilling series of photographs. Some showed him at sites he had toured. Others captured him brandishing the Confederate flag. In all of the images, a menacing Roof stares at the camera, his hatred now all too easy to see.

After the Emanuel massacre, the country looked and felt different. It was as if a veil hiding something disconcerting—an affliction we had been doing our best to ignore—had suddenly been lifted. Behind it sat a toxic mix of beliefs and symbols that, endorsed by some and tolerated by many, came under increased scrutiny. Roof's support for slavery and the Confederacy that

waged war to protect it raised troubling questions about how the country has remembered and commemorated its past. Was it acceptable, for instance, that Confederate statues and flags still enjoyed a prominent place in American culture?

Critics insisted it was not. By late June 2015, New Orleans mayor Mitch Landrieu had asked the city council to take down several monuments, including those honoring Confederate generals Robert E. Lee and P.G.T. Beauregard and the Confederate president, Jefferson Davis. In Tennessee, a bipartisan coalition of lawmakers called for the removal of a bust of Nathan Bedford Forrest, a Confederate general and Ku Klux Klan leader. Critics achieved a major victory on July 9, when South Carolina legislators agreed to remove the Confederate battle flag that had flown at the state capitol since the early 1960s. The effort to purge the country of Confederate and proslavery symbols quickly spread beyond the South, as companies such as Amazon, eBay, Walmart, and Sears prohibited the sale of Confederate flags and similar merchandise from their stores and websites.

Protesters in ten southern states vandalized statues that honored the Confederacy and those who fought for it. Unsurprisingly, Charleston itself—the site of the church shootings and the birthplace of the Civil War—was an epicenter of this grassroots graffiti campaign. Four days after the Emanuel massacre, vandals struck the Fort Sumter Memorial in White Point Garden, spray-painting the neoclassical paean to the Confederate defenders of the city with the phrases "Black lives matter" and "This is the problem #racist." Two days later, the towering memorial in Marion Square that honors John C. Calhoun, the South Carolina statesman who famously called southern slavery "a positive good," was similarly defaced. Protesters painted the word "racist" in red near the base of the tribute. They also modified the monument's engraved testament, which reads "Truth Justice and the Constitution," by adding the words "and Slavery."

The backlash came quickly. In the six months after the Emanuel massacre, tens of thousands of Confederate defenders gathered for more than 350 pro-flag rallies, from Fort Lauderdale, Florida, to Spokane, Washington. One of the largest, in Marion County, Florida, was held to show support for the county's decision to return a Confederate flag to its government complex. Legislators in

Several southern states proposed new laws designed to protect Confederate memorials. One Georgia state representative introduced a bill to

suspected that day and later confirmed, enslaved people in fact lived and worked in the Toomer household.

The apartment was not for us. We found a slightly more ramshackle unit that was a better fit. (By sheer coincidence, our new home was located just half a block from where Denmark Vesey's house had once stood.) But the exchange that June day proved pivotal. Even though we moved to California after only two years in Charleston, we spent the next decade exploring how white residents like the owner of the Toomer house could be oblivious to the role of slavery in their city's history. This book results from our experiea is

Indeed, the potency of Charleston as a place of remembrance is no better illustrated than by Dylann Roof himself. Roof set his sights on Charleston because on some level he recognized that it was the capital of American slavery and a mecca of historical tourism. As he prepared himself for the shootings, he played the part of tourist. Roof visited the restored slave cabins at the plantation museums that surround the city, as well as the site of the pest house on Sullivan's Island, where some victims of the transatlantic slave trade were quarantined. He even chose the location of his attack—Emanuel A.M.E., Denmark Vesey's church—with the memory of slavery in mind. After the thwarted slave insurrection and the hanging of Vesey and his co-conspirators, the church was torn down, only to be rebuilt after emancipation. Mother Emanuel emerged from the ashes of the Civil War as the most significant black church in South Carolina. Its most well-known member, meanwhile, haunted the dreams of white Charlestonians for generations."

Charleston also allows us to explore the long history of the memory of slavery. Memories of the "peculiar institution," the southern euphemism for slavery coined in the 1830s by John C. Calhoun, hung over Lowcountry South Carolina well after emancipation, even when some people attempted to ignore them. Competing recollections of slavery influenced the political debates that roiled Charleston during the 1860s and 1870s, when the city—and the state of South Carolina more generally—was ground zero for the project of Reconstruction. In the decades that followed, Charleston created a tourism industry concerned almost entirely with marketing its history. And within the city and beyond, on the isolated Sea Islands that lay nearby, black remembrances of slavery took root and thrived, surviving the stultifying atmosphere of segregation to become a major source of power during the civil rights movement.

Charleston and the surrounding environs thus enable us to link together a larger narrative usually told only in parts. This extended view yields significant insights. For example, while a whitewashed vision of slavery that softened the institution's cruelties and downplayed its role in causing the Civil War reigned in Charleston for much of the twentieth century, it did not dominate in the aftermath of the conflict. On the contrary, black

Charlestonians and their white Republican allies controlled the public memory of slavery in the city in the late 1860s and 1870s. Black memory is sometimes seen as counter-memory, but as the case of Charleston shows, white remembrances, not black, existed on the sidelines in the wake of the Civil War.

Charleston, too, offers an unusually clear window into the genealogy of social memory. It reveals how personal memories of the past coalesced into collective, social memory—the aggregation of individual remembrances. Neither white nor black Charlestonians could easily forget slavery, though some certainly tried. By virtue of their intimate ties to slavery and their self-conscious approach to interpreting and preserving their past, individual Charlestonians were prolific memory makers. A small group of white writers and editors, to take one example, promoted a Lost Cause narrative that celebrated the Confederacy and disassociated it from slavery—a narrative they helped spread across the country. To take another, the way in which memory was mapped onto Charleston's public landscape as the city became a tourism hub owed much to one white woman steeped in family remembrances that dated back to the colonial era.

Tracing the genealogy of black social memory is not as easy, particularly after the turn of the twentieth century, when segregation forced the retreat of individual memories into the shelter of homes, schools, and churches. But it is possible, and there are parallels between the histories of white and black memories of slavery in the city. When African American tour guides succeeded in diversifying Charleston's tourism industry in the 1980s, for instance, they, too, drew on stories of slavery handed down from family and friends, forging a newly available collective memory for locals and tourists alike.

Finally, although focused on one Deep South city, the story we tell is a national one with national players. Since 1865, Charlestonians' memory work has been the product of ongoing interaction between locals and outsiders, between the city and the rest of the country. To be sure, Charleston would seem nothing if not a provincial backwater throughout the late nineteenth and much of the twentieth centuries. For one, the city continued to support a recalcitrant southern politics long after the Civil War. It was also isolated, a remote

coastal port that was difficult to reach until better roads constructed after World War I facilitated automobile access.

But for many non-natives, Charleston's refusal to join the modern world proved immensely appealing. Some, like Frank Dawson, an Englishman who fought for the Confederacy, made Charleston their adopted home. Moving to the city in 1866, Dawson played a profound role in shaping memories of slavery in his capacity as editor of the *Charleston News and Courier*. Others—like the curious northern tourists who traveled to Charleston to take in its crumbling mansions and scenic plantations—inquired about the history of the peculiar institution in ways that forced local whites to remember it, if on their own terms. One of the most significant efforts to preserve black memories of slavery in Charleston originated with the federal government. The slave narrative program of the Federal Writers' Project resulted from a delicate negotiation between former slaves, local interviewers, and staff at the offices in Charleston, Columbia, and Washington, D.C. While Charleston offered uniquely fertile ground in which memories of slavery could grow, those memories were nurtured by a variety of constituencies, many of whom were not native to the city. As Charleston reminds us, historical memory in the South, and about the South, is not exclusively southern.

This truth has been illustrated time and again since June 2015. Dylann Roof committed the Emanuel massacre in Charleston, and yet the entire nation has since debated how best to remember slavery because the issue has never been—and cannot be—confined within the borders of the South. Since the end of the Civil War, southern memory-making has been American memory-making. The Lost Cause tradition may have been forged in places like Charleston, but its influence extended north and west of the Mason-Dixon Line and persists to this day, even in California's Central Valley, where we now live. Fearful of jeopardizing sales to southern school districts, American publishers have for decades produced middle and high school textbooks that muddy the waters on what caused the Civil War. Despite modern historians' near unanimous agreement that slavery was the central cause of the conflict, these works have taught generations of students that other issues—such as states' rights, tariffs, even the use of public lands—

had as much, if not more, to do with sending southern boys off to war as did slavery.

Opinion polls demonstrate the consequences of these lessons. As the United States began the 150th anniversary commemoration of the Civil War in 2011, the Pew Research Center found that 48 percent of Americans believed that the issue of states' rights was the cause of the conflict. Only 38 percent attributed the war primarily to slavery. Among Americans aged thirty and younger, 60 percent stated that states' rights explained the war—the highest among any age group and a worrisome statistic for the future. The enduring misunderstanding of our nation's pivotal conflict is more common in the South, certainly, but it afflicts residents in every region of the country. Other polls reveal that a broad swath of Americans is ignorant of, or indifferent to, the horrors of slavery. According to a *New York Times* analysis of a poll from early 2016, nearly 20 percent of Donald Trump supporters objected to Abraham Lincoln's Emancipation Proclamation, which declared the vast majority

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[Rescue Board: The Untold Story of America's efforts to save the Jews of Europe](#) by Rebecca Erbelding [Doubleday, 9780385542517]

America has long been criticized for refusing to give harbor to the Jews of Europe as Hitler and the Nazis closed in. Now a lauded Holocaust historian tells the extraordinary story of the War Refugee Board, President Franklin D. Roosevelt's little-known effort late in the war to save the Jews who remained.

In January 1944, a young Treasury lawyer named John Pehle accompanied his boss to a meeting with the president. For more than a decade, the Jews of Germany had sought refuge in the United States and had been stymied by Congress's harsh immigration policy. Now the State Department was refusing to authorize relief funds that Pehle wanted to use to help Jews escape Nazi territory. At the meeting, Pehle made his best case--and prevailed. Within days, FDR created the War Refugee Board, empowering it to rescue the victims of Nazi persecution, and put John Pehle in charge.

Over the next twenty months, Pehle pulled together a team of D.C. pencil pushers, international relief workers, smugglers, diplomats, millionaires, and rabble-rousers to run operations across four continents and a dozen countries. Together, they tricked the Nazis, forged identity papers, maneuvered food and medicine into concentration camps, recruited spies, leaked news stories, laundered money, negotiated ransoms, and funneled millions of dollars into Europe. They bought weapons for the French Resistance and sliced red tape to allow Jewish refugees to escape to Palestine. Altogether, they saved tens of thousands of lives.

For [Rescue Board](#), Rebecca Erbelding undertook a decade of research and uncovered new archival materials to tell the dramatic unknown story of America's last-ditch effort to save the Jews of Europe.

Excerpt: The War Refugee Board's creation was—and remains—the only time in American history that the U.S. government founded a government agency to save the lives of non-Americans being murdered by a wartime enemy.

The WRB's existence is an anomaly, an unexpected deviation, a sudden and surprising altruistic moment

at a time when the world war was all-consuming and official American efforts to assist persecuted European Jews had been halfhearted or nonexistent for a long time. People who point to the 1930s and 1940s with outrage that the United States did not do more to save the Jews of Europe neglect the context of the period. The uncomfortable truth is that the United States could have "saved" the most Jews only by preemptively loosening immigration restrictions—by enlarging and filling the quotas when Nazi persecution became clear but before the murders began. And for myriad reasons, that was unlikely to happen.

The United States in the 1930s was rife with racism and antisemitism and suffering the devastating effects of the Great Depression. Americans warily looked across the ocean at a worsening international situation and grew concerned about national security. Similar economic and security concerns—valid or not—have echoed throughout the decades in the face of most refugee crises since the Holocaust. No one knew the word "genocide" until 1944, and few could imagine that a civilized country would systematically murder millions of people based on race or religion. If we don't have a solution to a refugee crisis or genocide today, when the world is far more interconnected and we have the Holocaust and other genocides as precedents, why should it surprise us that Americans didn't do more in the face of the Nazi threat? And indeed, when the war ended and the WRB dissolved, any lessons learned were promptly forgotten. The United States did not change the immigration laws or substantively address the issue of refugees for another twenty years.

The twenty months between the board's creation in January 1944 and its closure September 1945 represent a moment in history when American action matched American rhetoric about democratic values. In contrast to many subsequent American human rights efforts, the War Refugee Board had no secondary, cynical motive. It was not part of a larger program to gain overseas prestige or power, nor was it driven by the desire for political favor or influence over a minority group. The refugees in peril were not and were never intended to become Americans, nor would most ever know the United States had any interest in their survival. The historian Yehuda Bauer wrote, "What made the WRB such a unique body is that it

was officially permitted to break practically every important law of a nation at war in the name of outraged humanity." That the United States would devote any resources toward a humanitarian crisis abroad while fighting an all-out, two-front war, with sons and daughters, brothers and sisters, dying daily, is illogical. But it happened, and it saved thousands of lives.

Most people have never heard of the War Refugee Board. Its efforts are glossed over or written out of many histories of the United States and the Holocaust. Perhaps this is because the sheer existence of the WRB disrupts the popular narrative that the United States was indifferent or even callous toward the fate of the Jews. Some even claim that Roosevelt and his administration were complicit in their murders. This, of course, is preposterous. Nazi Germany and its collaborators, not the United States, murdered European Jews, and diluting guilt absolves the real perpetrators of these atrocities.

None of the staff members of the War Refugee Board, save for Ira Hirschmann, wrote memoirs or kept daily diaries. By the 1970s, the narrative of an indifferent America, an antisemitic State Department, and a refusal to bomb Auschwitz had taken hold with the American public. The former WRB staff sat for few interviews, and when they did, most questions centered almost exclusively on these topics. Roswell McClelland had no personal knowledge of the wartime State Department's obstruction or the War Department's decision making, yet the documentarian Claude Lanzmann grilled him for details in an interview for his documentary *Shoah*. John Pehle seemed annoyed when asked about the proposal to bomb Auschwitz, a part of the WRB history he barely remembered until aerial photography of the camp was discovered in the late 1970s and interviewers came calling. A popular perception of American abandonment of the Jews, selectively featuring the pieces of the WRB's work that reinforce this narrative, has proven remarkably resilient, robbing us of a more complicated, nuanced, yet ultimately hopeful history.

It is absolutely true, however, that the War Refugee Board had no impact on the lives or deaths of the vast majority of Jews in Europe, and the WRB is frequently dismissed as "too little and too late." Historians often quote John Pehle himself,

who used this phrase in a 1978 interview while answering a question about how he felt about the WRB's work after seeing images of liberation. Yet after the first victim was murdered, wasn't the United States already too late, and what, except somehow preventing the Holocaust entirely, would not have been too little? The fact remains that the mass murder of European Jewry began after American diplomatic and journalistic observers were cut off from Nazi-occupied territory. Mass rescue was never possible, especially after the United States entered the war in December 1941. The Allied armies invaded North Africa in 1942, Italy in 1943, and France in 1944. All along, they were thousands of miles away from the Nazi killing centers where millions were murdered.

The War Refugee Board was created out of the convergence between the State and the Treasury Departments' battle over licenses and the popular support spearheaded by the Bergson group. The particular circumstances of the winter of 1943-1944 meant that Morgenthau and his staff could successfully convince FDR of the need for radical change. The new agency had teeth because it sat outside the State Department and operated in 1944, when the Allies knew more, were clearly winning, and had begun making plans for the postwar world. In February 1944, a CBS radio broadcast similarly argued, "A year or two ago, a War Refugee Board could have accomplished little or nothing. We did not have the power then to bring any pressure to bear on Romania, Hungary, Spain, and other countries more or less in the Axis camp. But the approach of victory changes all that."

The establishment of the War Refugee Board—a purely American program—in January 1944 fundamentally improved the possibilities for relief and rescue in Europe. It is difficult to separate the impact of the WRB's work from Allied military victories, but the United States dedicated many more resources toward humanitarian efforts during 1944-1945 than at any other point during the war.

The War Refugee Board saved lives, though the exact number can never be known. The staff did not publicly attempt to count the number of those "saved" and only produced one internal report on the matter. In February 1945, Paul McCormack sent the newly appointed director, William O'Dwyer, a memo titled "Number of Persons Rescued Since the

Establishment of the War Refugee Board." McCormack's estimate was 116,604, but this number included all refugees known to have escaped enemy territory, with or without the WRB's help. In the board's final report, Florence Hodel wrote, "The accomplishments of the Board cannot be evaluated in terms of exact statistics, but it is clear, however, that hundreds of thousands of persons as well as the tens of thousands who were rescued through activities organized by the Board, continued to live and resist as a result of its vigorous and unremitting efforts, until the might of the Allied armies finally saved them and the millions of others who survived the Nazi holocaust."

The War Refugee Board's importance cannot be measured in the number of people it "saved." While murder is definitive—victims can only be killed once—most Holocaust survivors were "saved" many times, sometimes proactively, but often by accident. Some received visas, safe-conduct passes, or protective papers at the right moment; others found a kind neighbor who hid them; still others survived due to the support of prisoner comrades. Beyond these singular acts are thousands of small graces: every time a false identity paper was acknowledged, a nosy villager purposely ignored a strange new visitor, or a laborer managed to satisfy the capricious whim of a German guard, the person was saved again. Many small "rescue" efforts were needed to save one person.

We know now that many people the WRB assisted were already "saved." The Fort Ontario refugees, for example, were in Allied-occupied southern Italy in 1944. But what if the Allies lost that territory and the Axis deported the Jewish refugees who had managed to flee there? In this counterfactual, the War Refugee Board would have "saved" these 981 (and indeed, McCormack's list includes this group). Rescue is often only evident in retrospect.

Likewise, a person could be saved and later still be murdered in the Holocaust. Slovak Jews saw their protective papers torn up prior to deportation; does this invalidate the WRB's efforts to persuade Latin American countries to recognize those papers? The passengers on the Mefkure perhaps perished as a result of the board's work, as did emaciated prisoners who fatally gorged themselves on food from WRB packages. Should these tragedies be weighed in an examination of the board's merit?

So much of the WRB's work was intangible. It shot arrows into the dark, hoping to have an impact but rarely knowing if a particular project succeeded. The board was usually at least twice removed from any work in enemy territory, because license money funneled through private relief agencies to workers in the underground. Do their successes, so far from Washington, count as WRB successes? Leaflets or radio broadcasts warning would-be war criminals of postwar punishment were widely disseminated, and reports from enemy territory noted their impact. There is no way to quantify how many people survived because of the board's psychological warfare campaign, though it clearly played a role in Admiral Horthy's decision to spare Budapest's Jews from deportation. Does this mean that the board can claim credit for their survival? Does the prevention of atrocities mean that people were "saved" from an act that never happened?

The War Refugee Board's importance is in its sheer existence and its actions, not in pithy summaries of quantifiable "results." There were clearly people alive in 1945 thanks to the board's efforts. We just do not know exactly who they were.

Yet when we forget the War Refugee Board existed, reduce its work to statistics, or treat it merely as an inconvenient afterword to a story of American apathy, indifference, or complicity, we lose the ability to learn from its work.

When today's State Department or Treasury Department officials debate humanitarian questions about money or goods falling into enemy hands, ransom, or collaboration with nongovernmental organizations, they should look to the War Refugee Board and examine how the staff dealt with similar challenges.

When today's private citizens question whether their voices count, they should be inspired by the creation of the WRB, born in part out of public pressure and fueled by idealism.

When today's federal workers wonder if government service can make a difference, the War Refugee Board should demonstrate that bureaucratic tools can be used to cut red tape rather than create it. Henry Morgenthau, John Pehle, Florence Hodel, and the other staff were proud and patriotic members of the Roosevelt administration who saw their country as a force for

good in the world, yet recognized the importance of international cooperation.

The American responses to Nazi genocide—and there were many, not just one—are complicated and nuanced, but the period should not be dismissed solely as a stain on American history. The Holocaust did not occur because the United States stayed silent; rather, the Holocaust happened because the Nazis wanted to kill Jews and had more access, control, and will over and against them than the Allied nations had to protect them. The War Refugee Board tried everything in its power to prevent atrocities, provide relief, and rescue potential victims. The staff worked ceaselessly to save lives during the final months of the Holocaust.

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views and earned the enmity of her neighbours who tried to drive Mrs Rigby and her family out of town; or Dora Thewlis, a weaver, who was sixteen when she came from Huddersfield to be arrested in Westminster; bootmakers Alice Hawkins and her husband Alfred, who kept the WSPU's tricolour flying in Leicester during the militant campaign; Minnie Baldock, a shirt machinist, who founded the first WSPU branch in Canning Town, east London, in 1906, and recruited many women from Poplar, Custom House and East and West Ham; Charlotte Drake, a mother of four from Custom House, who went to work with Sylvia Pankhurst in the East End; Ethel Moorhead, an artist from Dundee, who threw herself into the Scottish struggle on the death of her father; Grace Marcon, a clergyman's daughter from Norfolk, who was a masseuse and gymnastics teacher and joined the WSPU in 1910; music-hall artiste Kitty Marion, who started on stage in panto in Glasgow in 1890 and whose career and health were both undermined by her activism (in prison in 1913 she was force-fed more than 200 times); Mary Gawthorpe from Leeds who was apprenticed as a pupil teacher at thirteen; 'Tough Annie' Cappuccio, who lived in Stepney, where her father owned a sweet shop; Hannah Mitchell, a dressmaker from a poor farming family in Derbyshire, who escaped from her violent mother and joined the WSPU when disillusioned with the Independent Labour Party; Elizabeth Wolstenholme Elmy, and England's first woman doctor, Elizabeth Garrett Anderson, who were both in their seventies when they walked with the suffragettes to Parliament and were roughly handled by the police; sisters Annie, Florence, Minnie, Irene and Dora Spong, tunic-wearing, sandalled, vegetarian suffragettes, who were artists in music, dance, painting and weaving (Dora was also a midwife in the slums of Battersea and Tottenham); the 'Murphy' sisters (Leila and Rosalind Cadiz), who came to London from Dublin in 1911 to join suffragette protests and in 1912 smashed windows in their home city; bank manager's daughter May Billinghurst, who pushed herself around in an invalid tricycle; Ethel Smyth, who composed the suffragette battle anthem 'The March of the Women'; debutante and drug addict Lavender Guthrie, who committed suicide in 1914; the noble Fred and Emmeline Pethick-Lawrence, who gave the modern equivalent of hundreds of thousands of pounds of their own money to bankroll the campaign, only to

be purged from the organisation in 1912, and yet who refused to reproach Mrs Pankhurst and her daughter Christabel for their callous behaviour; and from the USA, Alice Paul and Lucy Burns, who were studying in London when they became suffragettes, and left the United Kingdom with prison records, and who transplanted WSPU tactics to invigorate the American women's suffrage campaign. The lives of all these remarkable women, and a great many more who feature in this book, together make up the extraordinary story of the militant campaign for Votes for Women.

Sylvia Pankhurst's *The Suffragette Movement*, published in 1931, is a detailed account of the suffragette campaign and about the Pankhurst family's role. Underlying family tensions — of which there is no mention in Mrs Pankhurst's *My Own Story*, published in 1914, and Christabel's autobiography, *Unshackled: The Story of How We Won the Vote* (1959) — boiled over in the early days of 1914 when Sylvia was summoned to Paris to be admonished about her relationship with the Labour Party. Sylvia Pankhurst suffered much for the campaign — weeks of hunger- and sleep-striking, which gave her mother immense pride. Christabel disliked all politicians, not just Labour men: she was of the view that no politician could be trusted, and disapproved of Sylvia's close ties to her intimate friend Keir Hardie. In 1907 Christabel had said that Liberal politicians — many of whom professed to support women's suffrage — were 'as wily as serpents'; her opinion would harden as the lies piled up.

The militant campaign for the female vote was like a drama that ran for more than ten years: it had constant stars, scores of supporting actors, hundreds of walk-on parts and a vast chorus who created successful spectacles. These performances were written, directed and played out by a fluid group of politically motivated women, sometimes helped by men, who sacrificed and made friendships, reputations and employment in the struggle.

Mrs Pankhurst discovered, from hearing about 'the Battle of Peterloo' in Manchester in 1819, that you need a huge performance in front of a big audience to effect large political change. She knew the value of events that would later be broadcast via the newspapers to politicians, the voters and supporters.

The suffragette campaign was a defiant panorama of first nights, long runs, tragedies, comedies and coups de théâtre. The suffragettes, unlike the quieter, more staid suffragists of the National Union of Women's Suffrage Societies (NUWSS), practised street theatre, chalking pavements, mass demonstrations, arson and fire-bombing pillar boxes. Their pageants and interruptions of meetings all too often ended in the prison cells.

One hundred years after the historic moment when the vote was granted to some women it is time to take a fresh look at the daring and painful struggle that eventually achieved political representation for all British women, to reflect on what we would have done in their situation and, above all, to salute them.

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[Insane: America's Criminal Treatment of Mental Illness](#)
by Alisa Roth [Basic Books, 9780465094196]

An urgent exposé of the mental health crisis in our courts, jails, and prisons

America has made mental illness a crime. Jails in New York, Los Angeles, and Chicago each house more people with mental illnesses than any hospital. As many as half of all people in America's jails and prisons have a psychiatric disorder. One in four fatal police shootings involves a person with such disorders.

In this revelatory book, journalist Alisa Roth goes deep inside the criminal justice system to show how and why it has become a warehouse where inmates are denied proper treatment, abused, and punished in ways that make them sicker.

Through intimate stories of people in the system and those trying to fix it, Roth reveals the hidden forces behind this crisis and suggests how a fairer and more humane approach might look. *Insane* is a galvanizing wake-up call for criminal justice reformers and anyone concerned about the plight of our most vulnerable.

Reporting on the crisis of mental health illness in our prisons and jails has taken me deep into two of the most closed worlds—mental health care and criminal justice—in the United States. In addition to official rules that limit information flow—HIPAA and sealed court records, among others—the stigma of both mental illness and a criminal record is very real. As a journalist, I have struggled to reconcile my deep-seated belief in open records and information sharing with a desire not to harm people or expose them to unnecessary discrimination.

Wherever possible, I have sought to use in my accounts the real names and identifying characteristics of those interviewed. Unless otherwise noted, I have identified public officials, jail and prison employees, and law enforcement officers by their real names. In some cases I have chosen to refer to a person who only appears once or twice by a generic reference—"a physician who works in a jail," for example—rather than by naming her. Unless otherwise noted, this is simply to avoid bogging down the stories with extraneous detail.

For the prisoners and former prisoners themselves, I have approached the question on a case-by-case basis. Bryan Sanderson and Brian Nelson have both

generously agreed to let me use their real names. The person I call Kyle Muhammad shared his stories and his records with me in exchange for anonymity, which I have granted him. Jamie Wallace is dead, but many details of his life and his case are in the public record; other information has been provided to me by his family members and friends. The generous access I was given to the commitment hearings at Bellevue Hospital and at the restoration-to-competency classes at the Fulton County Jail was in both cases contingent on my maintaining the anonymity of the participants.

Some situations were less clear-cut: during my time at the Los Angeles County Jail, for example, I learned the names of a number of the people being held there. With that information I was often able to use public records to learn more details of their cases. However, because they did not know why I was there and they were not given an opportunity to object to my presence, I have chosen not to identify them by their real names. Finally, in the Epilogue my own connection to the story meant that I have been privy to many more details than I would have been otherwise, and I chose not to use the real name of the person I refer to as "Matthew," or that of "Mr. Johnson," out of respect for this family. In none of these cases have I changed identifying details beyond the name; where there is information about a crime or a person that might compromise the person's privacy, I have simply omitted it.

My research draws on extensive interviews with subjects, family members, and experts; personal medical, jail, and prison records; court and other public documents; and newspaper articles, books, and other source materials. Medical, court, and jail records provide a wealth of information but are not infallible. Likewise, people's memories—and the version of the memories they choose to share—are not always accurate. Wherever possible, I have sought to cross-reference and corroborate stories, and the accounts I present here are, to the best of my understanding, accurate. In cases where I have been unable to confirm details—such as the precise order of events in Jamie Wallace's time in prison—I have tried to make that clear.

In a few places, I have drawn on interviews I did for outlets, including Marketplace and NPR. This includes the interviews at the Cook County Jail (Introduction and Chapter 4), with corrections

officers (Chapter 5), and with Ray Echevarria (Chapter 6). I first interviewed Brian Nelson (Chapter 6) in a project for the ACLU.

A brief note about terminology: in common parlance we tend to use the words jail and prison interchangeably. However, there are important differences. Jails are run at a local, usually county, level, overseen by a warden or deputy with significant autonomy. They are designed primarily to hold people who haven't yet been convicted of any crime. That is, defendants are held there from the time they are arrested until they are bailed out or, if they cannot make bail, until they are tried or accept a plea bargain and are convicted or released. Jails are also used to hold people who have been sentenced to short terms, usually less than one year. Prisons, on the other hand, are run by the state (or federal) government, part of a larger system of institutions. It is here that people serve out longer sentences after they have been convicted of a crime.

The difference is significant for several reasons. The average stay in jail is short, with the result that jail populations tend to be very transient. For people with mental illness, this means that a jail is an especially unstable and disorienting social environment. Medically, it can be difficult or impossible to receive an accurate diagnosis in such settings, let alone an effective course of treatment. If a person is intoxicated when he is arrested, it can take several days just for the drug to clear his system. Jails are sometimes compared to emergency rooms: necessary gateways to the system but largely unprepared to deal with longer stays. Yet people with mental illness, whose cases often take far longer than others to get through the court system, may be stuck in jail for prolonged periods; some defendants end up staying in jail for years before their cases are resolved.

By contrast, in prisons the population consists of people who are serving a specific sentence, which usually means far less turnover and greater stability. These facilities are far from therapeutic and may sometimes be as susceptible to medical neglect and abuse as jails; ultimately, their mission is punishment, not medical care. Nonetheless, they provide a setting in which, ideally, some kind of consistent longer-term treatment can be offered.

Wherever it makes sense, I have distinguished between jails and prisons. If it is an issue that relates to incarceration more generally, I have tried to specify that as well.

Mental illness is a broad term used to describe many different dis-orders and many degrees of illness. Just as the common cold, measles, and AIDS are all infectious diseases, mental illness encompasses everything from anxiety to schizophrenia. The three that come up most frequently in this book are major depression, schizophrenia, and bipolar disorder (previously known as manic depression). The terms and characteristics will likely be familiar to many readers, but for clarity I include a brief summary here.

Major depression is a mood disorder characterized by feelings of great sadness or emptiness. A person with major depression often loses interest in daily activities, has changes in appetite and sleep, may have difficulty concentrating or making decisions, or has recurring thoughts of death and/or suicide.¹ Just under 7 percent of Americans—about 16 million people—have major depression.

Bipolar disorder is characterized by episodes of mania and may also include cycles of depression. In a manic episode, people experience an "abnormally and persistently elevated, expansive or irritable mood... and persistently increased goal-directed activity or energy." They may need less sleep, be more talkative than usual, and engage in "activities that have a high potential for painful consequences," such as excessive spending or risky sexual behavior.¹ About 2.6 percent, or just over 6 million Americans, have bipolar disorder.

Schizophrenia—a condition that appears in just over 1 percent of the population—or about 2.4 million adults—is a disorder characterized by symptoms including delusions (fixed beliefs about something that is not true), hallucinations (sensing something that is not there—for example, hearing voices or seeing things), disorganized thinking or behavior (the person may switch from one topic to another, for example, or do strange things that seem disconnected from reality, like wearing heavy coats in summer), and so-called negative symptoms, which includes things like diminished facial expressions or speaking without affect.

Many jails and prisons identify major depression, bipolar disorder, and schizophrenia as "serious mental illnesses" while referring to other also potentially debilitating conditions (such as post-traumatic stress disorder) as just "mental illness." In their statistics, some differentiate between the two. For example, Rikers Island says that 43 percent of its residents have a mental illness while 11 percent have a serious mental illness.

There are numerous terms—many still in use today—for both people with mental illness and those who have been involved with the criminal justice system that are considered deeply offensive. Others, words or phrases such as "the mentally ill" or "inmates," are still much in use but are seen by the people themselves as derogatory. In an effort to respect the wishes of those with "lived experience," I refer to my subjects as "people with mental illness" or a "person with schizophrenia." I refer to people in jail or prison (or those who were formerly in jail or prison) as people or, where necessary to distinguish them from others, as incarcerated people or prisoners. (Some will argue that "prisoner" is not technically accurate for someone who is in jail, but to avoid unnecessary contortions, I am using this term for any person who is being held in a penal institution.)

There are numerous terms for the people who are responsible for the care of prisoners, terms that vary from institution to institution and jurisdiction to jurisdiction. Again for purposes of consistency, I have chosen to call all of them corrections officers. When the difference between, say, a corrections officer and a sheriff's deputy is relevant, I have tried to clarify that.

Finally, readers will note that I give far more attention to men than women prisoners in my book. Women are the fastest-growing group of prisoners, and incarcerated women are disproportionately more likely to have a mental illness than are incarcerated men. I have tried to address this in Chapter 5. However, women still make up only a tiny fraction of incarcerated people—including the subset of incarcerated people with mental illness—so much of the challenge of remedying the current crisis concerns the male population.

Near the beginning of Ken Kesey's 1962 novel, *One Flew Over the Cuckoo's Nest*, the narrator recalls seeing a public relations man give a tour of

the psychiatric hospital where the story is set. Boasting of how far things have come from the "old-fashioned cruelty" that used to reign in such places, he tells a group of visiting teachers, "What a cheery atmosphere, don't you agree? ... Oh when I think back on the old days, on the filth, the bad food, even, yes, brutality, oh, I realize ladies that we have come a long way."

As Kesey's novel makes devastatingly clear, however, this new-and-improved institution simply offers the same old abuse in a different package. The book centers around the struggle between Randle McMurphy, a rebellious small-time criminal who feigns mental illness to avoid prison time—memorably played by Jack Nicholson in the 1975 film adaptation—and Nurse Ratched, the sadistic manager of the psych ward where he has been sent. McMurphy convinces the other patients to support him in an insurrection against Ratched's control; she eventually puts an end to it by having McMurphy lobotomized.

Few other works of fiction or nonfiction have so indelibly captured the horrors of psychiatric hospitals in the mid-twentieth century, from the lack of any real effort to cure patients to outright abuse of the kind the public relations man promised had disappeared; the overmedication of the patients; the forced inactivity; the humiliating and unsanitary conditions (" [one patient] stood so long in one spot the piss ate the floor and beams away under him").

More than fifty years later, state psychiatric hospitals of this sort are, like lobotomies, long gone. Yet when we think that the hellish world Kesey captured belongs to another era, we are just as deluded as his fictional PR man. It's true that the hospitals have mostly disappeared: between 1950 and 2000 the number of people with serious mental illness living in psychiatric institutions dropped from almost half a million people to about fifty thousand.⁵ But none of the rest of it has gone away, not the cruelty, the filth, the bad food, or the brutality. Nor, most importantly, has the large population of people with mental illness who are kept largely out of sight, their poor treatment invisible to most ordinary Americans.

The only real difference between Kesey's time and our own is that the mistreatment of people with mental illness now happens in jails and prisons. Today, the country's largest providers of psychiatric

care are not hospitals at all, but rather the jails in Chicago, Los Angeles, and New York City. Across the country, correctional facilities are struggling with the reality that they have become the nation's de facto mental health care providers, although they are hopelessly ill-equipped for the job. They are now contending with tens of thousands of people with mental illness who, by some counts, make up as much as half of their populations.

Little acknowledged in public debate, this situation is readily apparent in almost every correctional facility in the country. In Michigan roughly half of all people in county jails have a mental illness, and nearly a quarter of people in state prisons do. In 2016 the state spent nearly \$4 million on psychiatric medication for state prisoners. In Iowa about a third of people in prison have a serious mental illness; another quarter have a chronic mental health diagnosis.⁶ Meanwhile, nearly half of the people executed nationwide between 2000 and 2015 had been diagnosed with a mental illness and/or substance use disorder in their adult lives.⁶ When a legal settlement required California to build a psychiatric unit on its death row at San Quentin, the forty beds were filled immediately. The mental health crisis is especially pronounced among women prisoners: one study by the US Bureau of Justice Statistics found that 75 percent of women incarcerated in jails and prisons had a mental illness, as compared with just over 60 and 55 percent of men, respectively.⁷ A more recent study showed that 20 percent of women in jail and 30 percent in prison had experienced "serious psychological distress" in the month before the survey, compared with 14 percent and 26 percent of men, respectively.

Although the overall number of people behind bars in the United States has decreased in recent years, the proportion of prisoners with mental illness has continued to go up. In 2010, about 30 percent of people at New York's Rikers Island jail had a mental illness; in 2014, the figure rose to 40 percent, and by 2017, it had gone up to 43 percent. Studies of the most frequently arrested people in New York, Los Angeles, and elsewhere have found that they are far more likely than others to have mental illness, to require antipsychotic medications while incarcerated, and to have a substance use problem.

That there are so many people with mental illness locked in our jails and prisons is but one piece of the crisis. Along with race and poverty, mental illness has become a salient feature of mass incarceration, one that must be accounted for in any discussion about criminal justice reform. Mental illness affects every aspect of the criminal justice system, from policing to the courts to prisons and beyond. Nor are the effects limited to the criminal justice system; many people with mental illness cycle back and forth between jail or prison and living in the community. The racial inequity of the criminal justice system has been widely noted: it is estimated that one out of every three African American men and one of every six Hispanic men born in 2001 will be arrested in their lifetimes. But for Americans with serious mental illness, it is estimated that as many as one in two will be arrested at some point in their lives. It's not just arrests. One in four of the nearly one thousand fatal police shootings in 2016 involved a person with mental illness, according to a study by the Washington Post. The Post estimated that mental illness was a factor in a quarter of fatal police shootings in 2017, too.

People with mental illness are among the most disadvantaged members of our society, and when they end up in the criminal justice system, they tend to fare worse than others. People with mental illness are less likely to make bail and more likely to face longer sentences. They are more likely to end up in solitary confinement, less likely to make parole, and more likely to commit suicide. Yet jail and prison have become, for many people, their primary means of getting mental health care. Their experiences offer an especially eye-opening view of a criminal justice system that today houses more than two million people and costs us hundreds of billions of dollars a year.

Diagnosing and treating mental illness is complicated. Unlike physical diseases like diabetes or cancer, there is no definitive test, and our assumptions about what constitutes "craziness" have continued to shift over the centuries. In biblical times and still today in some cultures, seeing visions or hearing voices is an indication of holiness, not madness. I spoke to the mother of a man with severe mental illness who recalled telling her son that the voice he heard couldn't be Jesus because Jesus would never say such awful things. Others

might consider it a sign of mental illness to hear Jesus saying anything, good or bad. Even medical understanding of sanity is ever-changing: as recently as 1973, the Diagnostic and Statistical Manual of Mental Disorders—the preeminent guide to psychiatric diagnosis and treatment—listed homosexuality as a disease. (It was not until 1987 that homosexuality was completely removed from the DSM.)

Beyond the difficulties of diagnosis, finding an effective way to treat serious diseases such as bipolar disorder or schizophrenia is often a matter of trial and error. Sometimes, a medication regimen stops working. Many psychotropic medications have severe side effects. The likelihood of side effects emerging increases the longer a person takes these medicines; sometimes the side effects are so bothersome that patients decide to quit taking them.

In *One Flew Over the Cuckoo's Nest*, Kesey describes the two kinds of patients in the hospital as Acutes ("because the doctors figure them still sick enough to be fixed") and Chronics (who are "in for good, the staff concedes"). When Kristopher Rodriguez, a thirty-one-year-old man from Florida, first went into the criminal justice system, it seemed like he would have been classified as an Acute; now nearly a decade later, he would almost certainly qualify as a Chronic. A tall, strapping boy whose friends called him Dino, as in "dinosaur," he was diagnosed with schizophrenia when he was around fourteen. His mother, Gemma Pena, had come home from work one night to find that he had disconnected the hot-water heater, convinced that the CIA was using it to spy on him. At first she thought his behavior was simply evidence of grief over his grandmother's death a few months earlier; Rodriguez had been especially close to her. But when he continued to act strangely, saying he was hearing voices, Pena called the police and had him hospitalized against his will.

It was the first of perhaps a dozen times that she had him "Baker Acted," as it is known in Florida. (The Baker Act was named for Maxine Baker, a member of the Florida state legislature who pushed for the 1971 law that today governs involuntary commitments in the state.) The next few years were a blur of doctors' appointments, drug use, homelessness, arrests, and voluntary and involuntary hospitalizations, a history that his

mother has documented in four overstuffed shopping bags she keeps hidden away in her rented efficiency apartment in Hialeah, a Miami suburb that has a large Cuban population.

The papers and mementos she spreads on the neatly made double bed include photos of her son as a dark-haired baby with fat cheeks and dark eyes, the remnants of his baseball card collection, certificates of achievement from the taekwondo class he took in middle school, the footprint the hospital took when he was born, letters from mental health clinics following up on missed appointments, worn snapshots of him as a twelve-year-old in his Navy Cadets uniform, and old prescription bottles, some with medication to manage his mental illness still inside: Abilify, Clozaril, Benzotropine. When a hurricane threatened to flood her ground floor apartment recently, she put all the documents into plastic bins, which she wrapped in plastic bags and set on the high bar table in her kitchen alcove. "I had to save my son's records," she said. "That was my main concern."

She keeps them all as if sheer existence of this detritus, this catalog of his long-ago accomplishments might somehow propel him back on track. She hopes the medical records will help him re-qualify for Social Security Disability when he gets out of prison. The pills she keeps as evidence in case he ever decides to join one of the lawsuits alleging that the medication leads to compulsive gambling and other problems.

The dusty artifacts, infused with cigarette smoke, also serve as evidence of her devotion to what could be called the Kristopher Project, the frustrating and years-long effort to manage his illness: all the times she went to court to have him committed to the psychiatric hospital, the pillbox she bought and filled in a vain attempt to help him take his medication, and scraps of paper scrawled with phone numbers of doctors, lawyers, and social workers. Pena, who trained as a medical technician and currently works as an administrative assistant in the maternity clinic at a hospital near her home, attributes her tenacity to maternal love. "I decided to be a mother," she says frequently. "God gives us choices, and I chose to be a mother."

Rodriguez is currently serving a ten-year sentence in a Florida state prison for trying to rob somebody at gunpoint in 2008, when he was twenty-two. He

spent five years in jail before he took the plea bargain; people with mental illness often spend far longer in jail waiting for their cases to be resolved. During his time in jail, he was sick enough that he had to be hospitalized three separate times—twice for psychiatric crises and once because he was so psychotic that he mutilated his genitals. His mother said the second psychiatric hospitalization was the last time she saw him lucid.

Nevertheless, after he accepted a plea bargain, he was transferred to prison. His first few months there, he lived in general population.

(One wonders how Florida's department of corrections was not notified of the extent of his illness before he arrived.) After a few months of occasional run-ins with prison staff, he was moved to a unit for prisoners with mental illness. About a year ago his condition deteriorated to such an extent that he was moved to the Lake Correctional Institution, a prison northwest of Orlando that is equipped with an inpatient psychiatric unit. Even so, his mother says, her son remains severely psychotic, an assessment apparently shared by the Florida Department of Corrections, which regularly denies Pena visits on the basis that Rodriguez is too sick to see her.

Pena says that she writes her son regularly but that it's been years since he's written back. She sent him pictures of herself and his brothers and nieces, but he tore them up. When she does get to visit him, the son who used to take pride in being a natty dresser smells terrible and is often visibly dirty, as if he hasn't bathed in weeks, even though she regularly puts money into his commissary account so that he can buy toiletries. (Prisoners who want basic items, from potato chips to a radio to toothpaste and shampoo, have to use the money in their commissary accounts, usually provided by family and friends.) During their last visit he got so agitated, yelling and pounding his fists on the table, that the corrections officers handcuffed and shackled him, and took him away strapped into a wheelchair. His medical records show that his medication compliance has been spotty; sometimes Rodriguez refuses to take it, and other times it hasn't been available because the supplier didn't deliver it to the prison.

For years now, Rodriguez has been stuck in this sad limbo: according to the state, he is well enough to

stay incarcerated but far too sick to live in the general prison population or even to get regular visits from his mother. Lawyers who have examined his case say his story is typical. Florida's prisons have been the subject of repeated investigations for their treatment of prisoners with mental illness; so have jails and prisons in other states, including California, Illinois, and Alabama. Indeed, jails and prisons across the country are filled with thousands of people like Kristopher Rodriguez.

Tom Dart, the sheriff of Cook County, Illinois, which encompasses the greater Chicago area, says there is a fundamental mismatch between the legions of people with mental illness who inhabit jails and prisons and the services that those jails and prisons are able to provide. So critical is the problem that in 2015, Dart appointed a clinical psychologist to run the Cook County Jail, one of the largest in the country, which he oversees. (It's far more typical for wardens to rise through the ranks of corrections officers or other law enforcement.) "It would be no different if you were to populate college calculus classes with ... preschool kids," he told me. "You would imagine, the professor doesn't know how to deal with it, it's the wrong population for this class, but you keep filling the class with four-year-olds."

When I first started reporting on mental illness in the criminal justice system, I believed the oft-heard explanation that this crisis was the result of closing the state psychiatric hospitals: beginning in the 1960s, we took people out of asylums, and because there was no place else for them to go, they moved, more or less directly, into jails and prisons. But I quickly discovered that the story was far more complicated. The severe neglect of community mental health care in the United States has certainly contributed to the extraordinary number of people with mental illness behind bars. But far worse than that, I came to realize, we have re-created much of the same dysfunction that pervaded the asylums of the nineteenth and twentieth centuries and the very abuses we sought to end by shutting them down. Overcrowding is common, oversight is poor, and abuse is widespread. There is also a more fundamental problem than the sheer number of people with mental illness who get arrested and end up in jails and prisons, or the ways they are treated when

they get there. In many cases, they shouldn't be there at all.

The patchwork of institutions and entities—cops, courts, and correctional facilities—that together make up our criminal justice system is deeply fragmented and bureaucratic. Throughout our history we have struggled to figure out what transgressions should be considered crimes: for a brief period within my grandparents' lifetimes, it was against the law to drink a glass of wine; within my parents' lifetimes, interracial marriage was illegal. In my adult life, I have watched marijuana become legal in state after state. Over the last forty years, the War on Drugs, in combination with aggressive policing tactics like broken windows—cracking down on small crimes to deter people from committing larger ones—drove millions of people into the criminal justice system. And mandatory sentencing laws kept them there for longer and longer periods. State after state has looked to redefine crimes, in part as a way to manage overcrowding in prisons: in 2010, for example, South Carolina raised from \$1,000 to \$2,000 the threshold at which theft was considered a felony so that fewer people would go to prison for the crime, one of at least thirty-five states to make similar changes since 2001. Where marijuana use was once a punishable offense, seven states and DC have now legalized it for recreational use. And several states have begun to view possession of smaller amounts of drugs as misdemeanors, not felonies.

There is still little consensus about the rationale for incarceration: is it deterrence, rehabilitation, or retribution? Given the dramatic overrepresentation in our jails and prisons of people of color and low-income people, it could be argued that the reality has as much to do with oppression and social control as it does with any coherent theory of punishment. Regardless, we have created a system that has left the United States with by far the highest per capita incarceration rate of any large nation in the world.

It's important to acknowledge how often race, poverty, and mental illness overlap in the criminal justice system, creating a mutually reinforcing downward spiral. But of all the gross imbalances of our current approach to criminal justice, perhaps no group has been hurt as much as people with mental illness. Once they are caught in the criminal justice

system, they are far less able to cope with its demands and are at much higher risk for exploitation and abuse. This book seeks to understand why we are shunting some of the most vulnerable people in America into jails and prisons—and why have they been so mistreated when they get there.

In examining the complicated forces behind this crisis, I hope to spur action to end the abuses and to bring more compassion and common sense into the way we approach mental illness in our society. In the course of my research, I have found that people in one jurisdiction or even one area of the criminal justice system are often unaware of what their counterparts in other places or other parts of the system are doing. This book is addressed to the general reader. But I hope that the links made here will encourage practitioners of both law and medicine and others who are involved with mental illness and criminal justice to see that any true reform will require coordination and engagement on many levels and, ultimately, in many places.

We will hear stories of unbearable cruelty, abuse, and neglect. We will also see countless kind acts and unlikely heroes—including corrections officers and judges, attorneys and doctors, family members and social workers—who have, like Kesey and nineteenth-century reformer Dorothea Dix, made the mistreatment of people with mental illness their cause. And we'll see the courage and determination of people who, despite varying degrees of "sanity," struggle to fight the system and improve their lives.

The first part of the book, "Ensnared," shows how and why people with mental illness are so easily swept into the criminal justice system. It begins with the story of Bryan Sanderson, a former firefighter and amateur comedian whose bipolar disorder ruins his career, destroys his marriage, and lands him in the criminal justice system, where, untreated and increasingly psychotic, he is driven to unspeakable acts of self-harm; he now devotes his time to teaching police how to deal with people with mental illness. This section also visits the special mental health units at the Los Angeles County Jail, showing the dark reality of care at one of the nation's largest jails and the extraordinary challenges faced by the medical and security personnel who work there. A third chapter then looks back at the history of mental health care and

criminal justice in this country, showing the extent to which the problems we confront today have been with us since the establishment of the first jails and hospitals in the colonial era.

The second part of the book, "Locked Up," looks at how jails and prisons have taken on the job of providing mental health care. It explores the difficulties of providing quality care in this setting and the abuses—both official and unofficial—that can result. The tragic story of Jamie Wallace, a young man incarcerated in the Alabama prison system—which some have called the worst in the country—shows how the combination of mental illness and a dysfunctional system can be deadly.

The third part, "Breaking Free," shows how difficult it is for people with mental illness to get out of the system once they are in it. It looks at the ways that mental illness puts people at a disadvantage in interactions with both law enforcement and the courts, as well as some nationwide efforts to keep people out of the jail and prison to begin with, by disrupting the structures seen in the first two parts of the book. Much of this is examined through the story of Kyle Muhammad, a man who has tried over and over again to stay on the right side of the law. His mother has, more than once, called the police on him to ensure his safety despite the risk of his getting caught in the criminal justice system again.

Our understanding of mental illness has come a long way over the past two centuries. Thanks to brain scans, we now know that the brains of some people with bipolar disorder respond differently to lithium than others. Researchers have found genes that are linked to an increased likelihood of developing schizophrenia, so in the future we may be able to help people mitigate their risk of developing these illnesses, much as we already can with things such as diabetes, heart disease, and many cancers." The pharmaceuticals we have today, while imperfect, are much more effective at treating symptoms of the diseases than earlier ones, and they are a far cry from early, often cruel treatments such as lobotomies or water immersion—a therapy that involved suspending patients in tubs of water for days on end.

Yet in so many other ways, we continue to treat people with mental illness almost exactly as we did before electricity was invented, before women had

the right to vote, and before the abolition of slavery. We still lock sick people away from the rest of society. We still keep many of them in solitary confinement. We still fail to provide adequate treatment for them. And we have known almost since the beginning that all of this is wrong. It's wrong because it doesn't cure mental illness or prevent people with mental illness from committing crimes when they get out. And it's wrong because locking up vulnerable people in inhumane conditions is fundamentally immoral.

That we know all this but continue to relegate sick people to our courts, our jails, and our prisons shows how irrational—how insane—our approach to both mental health care and criminal justice remains.

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[Building and Dwelling: ethics for the city](#) by Richard Sennett [Farrar, Straus and Giroux, 9780374200336]

A preeminent thinker redefines the meaning of city life and charts a way forward

[Building and Dwelling](#) is the definitive statement on cities by the renowned public intellectual Richard Sennett. In this sweeping work, he traces the

anguished relation between how cities are built and how people live in them, from ancient Athens to twenty-first-century Shanghai. He shows how Paris, Barcelona, and New York City assumed their modern forms; rethinks the reputations of Jane Jacobs, Lewis Mumford, and others; and takes us on a tour of emblematic contemporary locations, from the backstreets of Medellín, Colombia, to the Google headquarters in Manhattan. Through it all, he laments that the “closed city”—segregated, regimented, and controlled—has spread from the global North to the exploding urban agglomerations of the global South. As an alternative, he argues for the “open city,” where citizens actively hash out their differences and planners experiment with urban forms that make it easier for residents to cope. Rich with arguments that speak directly to our moment—a time when more humans live in urban spaces than ever before—[Building and Dwelling](#) draws on Sennett's deep learning and intimate engagement with city life to form a bold and original vision for the future of cities.

Excerpt: Crooked, Open, Modest

In early Christianity `city' stood for two cities: the City of God and the City of Man. St Augustine used the city as a metaphor for God's design of faith, but the ancient reader of St Augustine who wandered the alleys, markets and forums of Rome would get no hint of how God worked as a city planner. Even as this Christian metaphor waned, the idea persisted that `city' meant two different things — one a physical place, the other a mentality compiled from perceptions, behaviours and beliefs. The French language first came to sort out this distinction by using two different words: ville and cité.

Initially these named big and small: ville referred to the overall city, whereas cité designated a particular place. Some time in the sixteenth century the cité came to mean the character of life in a neighbourhood, the feelings people harboured about neighbours and strangers and attachments to place. This old distinction has faded today, at least in France; a cité now most often refers to those grim locales which warehouse the poor on the outskirts of towns. The older usage is worth reviving, though, because it describes a basic distinction: the built environment is one thing, how

people dwell in it another. Today, in New York, traffic jams at the poorly designed tunnels belong to the ville, whereas the rat race driving many New Yorkers to the tunnels at dawn belongs to the cité.

As well as describing the cité's anthropology, 'cité' can refer a kind of consciousness. Proust assembles from his characters' perceptions of the various shops, flats, streets and palaces in which they dwell a picture of Paris as a whole, creating a sort of collective place-consciousness. This contrasts to Balzac, who tells you what's really up in town no matter what his characters think. Cité-consciousness can also represent how people want to live collectively, as during Paris's nineteenth-century upheavals when those in revolt couched their aspirations more generally than specific demands about lower taxes or bread prices; they argued for a new cité, that is, a new political mentality. Indeed, the cité stands next to *citoyenneté*, the French word for citizenship.

The English phrase 'built environment' doesn't do justice to the idea of the ville, if that word 'environment' is taken to be the snail's shell covering the living urban body within. Buildings are seldom isolated facts. Urban forms have their own inner dynamics, as in how buildings relate to one another, or to open spaces, or to infrastructure below ground, or to nature. In the making of the Eiffel Tower, for instance, planning documents in the 1880s canvassed places in eastern Paris far away from the Eiffel Tower before it was built, seeking to assess its urban-wide effects. Moreover, the financing of the Eiffel Tower could not alone explain its design; the same, huge amount of money could have been spent on another kind of monument, such as a triumphal church, which was the monument Eiffel's conservative colleagues preferred. Once chosen, though, the tower's form involved choices rather than being dictated by circumstances: straight rather than curving struts would have been much cheaper, but efficiency alone did not rule Eiffel's vision. Which is true more largely: the built environment is more than a reflection of economics or politics; beyond these conditions, the forms of the built environment are the product of the maker's will.

It might seem that cité and ville should fit together seamlessly: how people want to live should be expressed in how cities are built. But just here lies a great problem. Experience in a city, as in the

bedroom or on the battlefield, is rarely seamless, it is much more often full of contradictions and jagged edges.

In an essay on cosmopolitan life, Immanuel Kant observed in 1784 that 'out of the crooked timber of humanity, no straight thing was ever made'. A city is crooked because it is diverse, full of migrants speaking dozens of languages; because its inequalities are so glaring, svelte ladies lunching a few blocks away from exhausted transport cleaners; because of its stresses, as in concentrating too many young graduates chasing too few jobs ... Can the physical ville straighten out such difficulties? Will plans to pedestrianize a street do anything about the housing crisis? Will the use of sodium borosilicate glass in buildings make people more tolerant of immigrants? The city seems crooked in that asymmetry afflicts its cité and its ville.

It is sometimes right that there be a mis-fit between the builder's own values and those of the public. This mis-fit ought to occur if people reject living with neighbours unlike themselves. Many Europeans find Muslim migrants indigestible; big chunks of Anglo-America feel Mexican migrants should be deported; and from Jerusalem to Mumbai those who pray to different gods find it difficult to live in the same place. One result of this social recoil appears in the gated communities which are today, throughout the world, the most popular form of new residential development. The urbanist should go against the will of the people, refusing to build gated communities; prejudice should be denied in the name of justice. But there's no straightforward way to translate justice into physical form — as I discovered early on in a planning job.

At the beginning of the 1960s, a new school was proposed for a working-class area in Boston. Would it be racially integrated, or segregated as were most working-class parts of the city in those days? If integrated, we planners would have to provide large parking and holding spaces for buses to bring black children to and from school. The white parents resisted integration covertly by claiming the community needed more green space, not bus parking lots. Planners ought to serve the community rather than impose an alien set of values. What right did people like me — Harvard-educated, armed with sheaths of statistics on segregation and impeccably executed blueprints

— have to tell the bus drivers, cleaners and industrial workers of South Boston how to live? I am glad to say my bosses stood their ground; they did not succumb to class guilt. Still, the jaggedness between lived and built cannot be resolved simply by the planner displaying ethical uprightness. In our case, this only made things worse, our virtue-signalling breeding more anger among the white public.

This is the ethical problem in cities today. Should urbanism represent society as it is, or seek to change it? If Kant is right, *ville* and *cit * can never fit together seamlessly. What, then, is to be done?

OPEN

I thought I had found one answer to this when I taught planning at MIT twenty years ago. The Media Lab was near my office, and for my generation it shone as an epicentre of innovation in new digital technology, translating innovative ideas into practical results. Founded by Nicholas Negroponte in 1985, these projects included a super-cheap computer for poor kids, medical prostheses like the robotic knee, and 'digital town centres' to plug people living in remote areas into the doings of cities. The emphasis on built objects made the Media Lab a craftsman's paradise; this glorious operation entailed much furious debate, the diving down into technological rabbit-holes, and a vast amount of waste.

Its ruffled researchers — who never seemed to sleep — explained the difference between a 'Microsoft-level' project and an 'MIT-level' project as follows: the Microsoft project packages existing knowledge, while MIT unpackages it. A favourite pastime in the Lab was tricking Microsoft programs into failing or aborting. Whether fair or not, Media Lab researchers, being on the whole an adventurous lot, tended to snoot normal science as mundane and instead look for the cutting edge; according to their lights, Microsoft thinks 'closed', the Media Lab thinks 'open' — 'open' enables innovation.

In a general way, researchers work within a well-worn orbit when performing an experiment to prove or disprove a hypothesis; the original proposition governs procedures and observations; the denouement of the experiment lies in judging whether the hypothesis is correct or incorrect. In

another way of experimenting, researchers will take seriously unforeseen turns of data, which may cause them to jump tracks and think 'outside the box'. They will ponder contradictions and ambiguities, stewing in these difficulties for a while rather than immediately trying to solve them or sweep them aside. The first kind of experiment is closed in the sense it answers a fixed question: yes or no. Researchers in the second kind of experiment work more openly in that they ask questions which can't be answered in that way.

In a more sober spirit than the Media Lab, the Harvard physician Jerome Groopman has explained the open procedure in clinical trials of new drugs. In an 'adaptive clinical trial', the terms of the trial change as the experiment unfolds. This is not following one's nose wherever it leads. Since experimental drugs can be dangerous, the researcher has to exercise great caution in the course of charting unknown realms — but the experimenter in an adaptive clinical trial is more interested in making sense of things that are surprising or intriguing than in confirming what might have been predictable in advance.

Of course, adventure in a lab can't be divorced from the plodding and plugging grind of sifting in a yes-or-no fashion. Francis Crick, who uncovered the double helix structure of DNA, remarked that its discovery came from studying small 'anomalies' in routine lab work. The researcher needs orientation, and fixed procedure provides it; only then can the self-critical work begin of exploring the odd result, the curious outcome. The challenge is to engage with these possibilities.

'Open' implies a system for fitting together the odd, the curious, the possible. The mathematician Melanie Mitchell has pithily summarized an open system as one 'in which large networks of components with no central control and simple rules of operation give rise to complex collective behavior, sophisticated information processing, and adaptation via learning or evolution'. This means that complexity comes into being in the course of evolution; it emerges through the feedback and sifting of information rather than existing as in a *telos* preordained and programmed at the outset.'

So, too, the open-systems idea of how these parts interact. 'Linear equations', the mathematician Steven Strogatz remarks, 'can be broken into

pieces. Each piece can be analyzed separately and solved, and finally all the separate answers can be recombined ... In a linear system, the whole is exactly equal to the sum of the parts.' Whereas the parts in a non-linear, open system can't be broken up this way; 'the whole system has to be examined all at once, as a coherent entity.' His idea is easy to grasp if you think of chemicals interacting to form a compound: it becomes a new substance of its own.'

Such views had a solid grounding at MIT. The Media Lab was built on the intellectual foundations of the Electronic Systems Laboratory, which Norbert Wiener, arguably the greatest systems analyst of the twentieth century, founded at MIT in the 1940s. Wiener stood on the cusp of an era in which large amounts of information could be digested by machines; he explored different ways to organize the digestive process. He was particularly intrigued by electronic feedback which is complex, ambiguous or contradictory in character rather than straightforward. If what he called a 'learning machine' could speak, it would say 'I didn't expect that X, Y or Z to happen. Now I'll need to figure out why, and how to re-tool.' This epitomizes an open-ended environment, though one inhabited by semiconductors rather than people.

How would the open-laboratory ethos relate to a city? The architect Robert Venturi once declared 'I like complexity and contradiction in architecture ... I am for richness of meaning rather than clarity of meaning.' Though attacking much modern architecture for its stripped-down, functionalist buildings, his words cut deeper. His is the Media Lab transposed to a city — the city is a complex place, which means it is full of contradictions and ambiguities. Complexity enriches experience; clarity thins it.

My friend William Mitchell, an architect who eventually took over the Media Lab, made the bridge between system and city. A bon vivant who frequented the nightlife hotspots of Cambridge, Massachusetts (such as they were in those days), he declared 'the keyboard is my café'. His *City of Bits* was the first book about smart cities; published in 1996, and so before the era of hand-helds, Web 2.0 interactive programs, and nano-technology, Mitchell's book wanted to welcome whatever the future might hold. He imagined that the smart city would be a complex place: information-sharing

which would give citizens ever more choices and so ever greater freedom; the physical buildings, streets, schools and offices of the ville would be made of components which could continually be changed and so could evolve, just as does the flow of information. The smart city would become ever more complex in form, its cité ever richer in meanings.

In one way this technological fantasy was nothing new. Aristotle wrote in the *Politics* that 'a city is composed of different kinds of men; similar people cannot bring a city into existence'. People are stronger together than apart; thus in wartime, Athens sheltered a diverse range of tribes who fled the countryside; it also took in exiles who then remained in the city. Though their status was ever unresolved and ambiguous, these refugees brought new ways of thinking and new crafts to the city. Aristotle drew attention to the fact that trade is more vigorous in a dense city than in a thinly populated village, and in this he was hardly alone; almost all ancient writers on the city noted that diverse, complex economies were more profitable than economic monocultures. Aristotle was also thinking about the virtues of complexity in politics; in a diverse milieu, men (in Aristotle's time, only men) are obliged to understand different points of view in order to govern the city. In all, Aristotle calls the drawing of different people together a *synoikismos*, a putting together like 'synthesis' and 'synergy' — the city is, like Strogatz's equations, a whole greater than the sum of its parts.

'Open' figures as a key word in modern politics. In 1945, the Austrian refugee philosopher Karl Popper published *The Open Society and its Enemies*. He asked a philosopher's question about how Europe had fallen into totalitarianism: was there something in Western thought which had invited people to scupper rational and fact-based debate among different groups in favour of seductive myths of 'we are one' and 'us against them' spun by dictators? The book's theme doesn't date, though *The Open Society and its Enemies* is in a way misnamed, because Popper analysed a long line of illiberal political thought rather than happenings in everyday society. Still, the book had an enormous impact on people engaged in those activities — particularly on his colleagues at the London School of Economics who were at the time devising the British welfare state, hoping to devise

a plan which would keep its bureaucracy loose and open, rather than rigid and closed. Popper's student, the financier George Soros, later devoted vast sums of money to building up institutions like universities in civil society which reflected Popper's liberal values.

It might seem that the liberal values of an open society suit any city that contains many different sorts of peoples; mutual toleration will allow them to live together. Again, an open society should be more equal and more democratic than most today, with wealth and power spread through the entire social body rather than hoarded at the top. But there's nothing especially urban about this aspiration; farmers and people in small towns deserve the same justice. In thinking about urban ethics, we want to know what makes ethics urban.

For instance, freedom has a particular value in the city. The German adage *Stadtluft macht frei* ('city air makes you free') derives from the late Middle Ages; this saying promised that citizens could be freed from a fixed, inherited position in the economic and social pecking order, freed from serving just one master. It didn't mean citizens were isolated individuals; there might be obligations to a guild, to neighbourhood groups, to the Church, but these could shift during the course of a lifetime. In the Autobiography of Benvenuto Cellini, the goldsmith describes shape-shifting in his twenties, once his apprenticeship was done. He availed himself of differences in the laws and mores in the Italian cities where he worked; these allowed him to adopt different personas to suit different patrons; he undertook a variety of jobs — metalworking, versifying, soldiering — as they appeared. His life was more open than it would have been if he had remained in a village, because the city set him free from a single, fixed self to become what he wanted to be.

At MIT, I had occasion to see *Stadtluft macht frei* take form among a group of young architects from Shanghai. Their home city epitomizes the urban explosion occurring throughout the developing world today, a place expanding economically at a headlong rate, drawing young people from all over China into its orbit. Although my band of Shanghainese went home to their villages or small towns each New Year, in the city they left their local outlooks and habits far behind. Some of the young male architects came out as gay; young

female architects delayed or refused to have a child — both sexes causing grief to those at home. When I introduced my charges to *Stadtluft macht frei*, they translated the phrase into Mandarin as 'wearing different hats'. The superficial words convey a deep truth, that when life is open, it becomes multi-layered. As it became for Cellini.

MIT made me think that all these strands of 'open' might address the conundrum of relating *cit * and *ville*. Rather than try to straighten out this relation, an open city would work with its complexities, making, as it were, a complex molecule of experience. The role of the planner and architect would be both to encourage complexity and to create an interactive, synergetic *ville* greater than the sum of its parts, within which pockets of order would orient people. Ethically, an open city would of course tolerate differences and promote equality, but would more specifically free people from the straitjacket of the fixed and the familiar, creating a terrain in which they could experiment and expand their experience.

Idealistic? Of course. Idealism of an American sort, framed by the pragmatist school of philosophy whose key concept was that all experience should be experimental. The worthies of pragmatism — Charles Sanders Peirce, William James, John Dewey — would, I suspect, have felt quite at home in the Media Lab. Those same worthies resisted equating 'pragmatic' and 'practical', because the hard-faced, practical men who dominated the country's values in the late nineteenth and early twentieth centuries scorned the ambiguous or the contradictory, and celebrated efficiency.

Within my small corner of the pragmatist frame, though, it was not so easy to dismiss these hard-faced values. Most urban projects cost a fortune. *Stadtluft macht frei* doesn't tell the urban planner how wide the streets should be. A planner has to be accountable to people who may not appreciate being obliged to live in a caprice, or in an experiment which has proved an interesting failure. Both Dewey and James were not naive in this regard; they recognized that pragmatism had to figure out how to move from experiment to practice. If you are unpackaging an established practice, the deconstruction doesn't tell you what to do next. James even suspected that the open, experimental mindset — so critical of the world as it is, so minded that things could be different —

betrays in fact a fear of commitment; in his words, the eternal experimenter suffers from 'dread of the irrevocable, which often engenders a type of character incapable of prompt and vigorous resolve'. Free of that neurosis, the maker follows a crooked path from the possible to the doable."

The pragmatist problem of how to crystallize an open practice came home to Mitchell in a particular way. A few years after *The City of Bits* appeared, Mitchell, along with the architect Frank Gehry, sponsored a project seeking to design a high-tech, self-drive automobile which would be a pleasure to ride in, rather than serve just as a mechanical container; they wanted to achieve an elusive goal Mitchell called the 'aesthetics of motion'. Pressed by me to define this phrase, he answered, 'I don't know yet' — which was a Media Lab sort of answer. Dropping in on the project from time to time, I noticed that its personnel seemed to change quite often; asked why lab assistants left so frequently, one manager explained to me that many people didn't understand their roles. 'I don't know yet' furnishes no directions to others; the project manager remarked laconically (we were in Mitchell's presence) that the frustration level in this open experiment was 'abnormal'. The two geniuses in search of the undefinable did not, moreover, seek to enlighten their staff; they expected those below to grasp intuitively the inspiration and then carry it out. Thus the open, cutting-edge experiment teetered on the edge of dysfunctional.

Mitchell died of cancer in 2010 and so did not live to see his vision play out, but even in the last years of his life, the tech-world was in transition. It was moving from an open to a closed condition. Yochai Benkler writes, 'what typified the first quarter century of the Internet was an integrated system of open systems ... resisting the application of power from any centralized authority' whereas today 'we are shifting to an Internet that facilitates the accumulation of power by a relatively small set of influential state and non-state actors'. Facebook, Google, Amazon, Intel, Apple: these names embody the problem Benkler sees now: the closed era of the internet consists of a small number of

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blasé; the Greeks were full of wonder at the power to create even the most ordinary things. Pandora's box included not just exotic elixirs but also knives, carpets and pots; the human contribution to existence was to create something where before there was nothing. The Greeks possessed a depth of wonder which has diminished in our more jaded age. They wondered at the sheer fact that things exist at all — that a potter could keep a pot from cracking, or that the colours in which their statues were painted were so vibrant, whereas we wonder only at things which are new, like a pot shape or a colour never seen before.

This celebration of making entered a new domain in the Renaissance. *Stadtluft macht frei* applied the word 'make' to the self. In his *Oration on the Dignity of Man*, the Renaissance philosopher Giovanni Pico della Mirandola declared 'man is an animal of diverse, multiform and destructible nature'; in this pliant condition 'it is given to him to have that which he chooses and to be that which he wills'. This is not immodest boasting, but rather as Montaigne argued at the end of the Renaissance that people construct their lives by distinctive tastes, beliefs or encounters. Waging war against your own father is an experience particular to you; courage in waging war, of any sort, appears or is absent in everyone. Montaigne's essays convey a distinctive contrast between personality, as something which is of a person's own making, and character, which is constituted by beliefs and behaviours common to everyone. Still, that man could be his/her own maker was for Pico more than a matter of personality; it contracted God's power over man's fate; Pico, an intensely religious believer, spent his own life trying to reconcile the two.

Eighteenth-century philosophers sought to relieve this tension by focusing on one aspect of making: the impulse to do good-quality work. This maker's virtue had from the medieval era on been taken as acceptable in the sight of God, good work a sign of service and commitment to something objective which lay beyond personal selfishness. Now the philosophers asserted in worldly terms that people fulfil themselves when as workers they seek to do good-quality work. *Homo faber* appeared in this guise to readers of Denis Diderot's *Encyclopédie*, written from 1751 to 1771, volume after volume of which illustrated how to work well whether one is a

cook, a farmer or a king. The *Encyclopédie's* emphasis on practical work done well challenged Kant's image of crooked human timber, since the able worker is a cooperative being, straightening out his relations to others in the shared effort to create things that are well made.

In modern times, belief in *Homo faber* has dimmed. Industrialism darkened the picture of the skill-proud labourer, as machines took over his or her crafts, and factory conditions demeaned the social setting of work. During the last century, both Nazism and state communism turned *Man as Maker* into an obscene ideological weapon; *Arbeit macht Frei* ('Work is freedom') was written over the entrance to concentration camps. Today, while these totalitarian horrors have gone, new forms of short-term, episodic labour, plus the advance of robotic labour, have denied to large numbers of people pride in themselves as workers.

To understand *Homo faber's* role in the city, we have to conceive of the dignity of labour differently. Rather than espousing a world-view, *Homo faber* in the city acquires honour by practising in a way whose terms are modest: the small house renovation done as cheaply as possible, or planting a street with young trees, or simply providing cheap benches where elderly people can sit safely outside. This ethic of making modestly implies in turn a certain relationship to the *cité*.

As a young urbanist, I was persuaded to the ethics of modest making by reading a book by Bernard Rudofsky written in the 1960s, *Architecture Without Architects*. Removed from the hot issues in those far-off days of postmodernism and theory, Rudofsky documented how the materials, shapes and siting of the built environment have arisen from the practices of everyday life. Away from its main square, Siena exemplifies Rudofsky's view. Its windows, doors and decor covering basically similar building volumes have accumulated in unpredictable ways over the course of centuries, and the accumulation still continues. A walk down a Sienese street — plate-glass shopfronts next to medieval wooden doorways, next to a McDonald's, next to a convent — gives you a strong sense of a process unfolding in this place, which imbues it with a complex and particular character. More, these variations have been made largely by the people who lived here, creating and adapting buildings in time; the glass-

front of McDonald's had to negotiate their signage with a neighbourhood association, and now looks a comfortable fit.

Rudofsky argued that the making of places had no need of self-conscious artiness, citing as examples elegantly shaped elliptical granaries in the Central African bush, or finely detailed towers in Iran built to attract pigeons whose droppings accumulated and so transformed the towers into fertilizer plants. Which is what he meant by architecture without architects: the primacy of the *cit *; making derived from dwelling. The care with which the granaries, towers and whitewashed streets are tended show that people have taken ownership of these places. When we say about a neighbourhood that we feel at home there, I think we are asserting this kind of agency — the physical environment seems to emanate from how we dwell and who we are.

Rudofsky appealed even to seasoned urbanists like Gordon Cullen, who thought more technically about how the lessons of experience should guide physical form. For instance, Cullen studied how changes in building at 'grade level' (the ground plane) appeared in cities built next to seas or rivers; below-grade spaces gradually emerge to accommodate loading and unloading, as in the quays of Paris, or above-grade in the raised squares of Agde built up to avoid flooding, the height calibrated by year-after-year experience. In both cases, use gradually established a precise visual scale. The professional should follow that scale bred of experience, rather than arbitrarily elevating spaces or gouging them out just because the grading looks good on paper.

Rudofsky and Cullen caution the maker against arbitrary innovation for another reason too. Every innovation suffers by definition from a mismatch between the ways people currently do things and the ways they might do them. Open-ended in time means the way an object will evolve, how its use will change; the process cannot often be predicted in advance. Take the scalpel used in surgery, which came into being in the sixteenth century when an advance in metallurgy meant that knives were made with a sharper and more durable edge. It then took doctors nearly eighty years to figure out how to use these sharp knives medically — how, for instance, to hold the knife delicately rather than wielding it too forcefully, like a blunt sword. The knife-blade and handle slimmed down erratically

during those eighty years, different versions of blade-handles appearing each decade, some of these versions adapted into tools for new practices for butchering animals and, thankfully, passing out of the domain of human surgery. In craftwork, it's common for a tool, or a material, to appear before people know what to do with it, discovering its various uses only through trial-and-error experiment. Time reverses the mantra that form should follow function; instead, function follows form — and often follows slowly.

In the same way, people need time to learn the built environment.

Common sense speaks of people knowing 'intuitively' how to move around or make sense of a building or place, but arbitrarily innovative buildings can disrupt just these taken-for-granted habits. This issue arises in school designs which incorporate advances in online learning. A traditional schoolroom consists of rows of seats staring up at a master in front, whereas the new is a more informal clustering of work-stations. Like the tempered-steel knife, teachers don't know immediately how to relate their own bodily presence to these workstations — for instance, where to stand to command everyone's attention — it takes time to learn the new building. Likewise, if our plans for racial integration had succeeded, people would have had to learn how to adapt the hard surfaces accommodating the school's buses as playgrounds when the buses were absent.

Jane Jacobs combined all these views. The great writer-warrior did not dispute the worth of urban design itself, but asserted that urban forms emerged slowly and incrementally, following the lessons of use and experience. Her *b te noire* *Homo faber*, Robert Moses, the New York City planner and power-broker, built in exactly the opposite way: big, fast and arbitrarily. As will emerge in these pages, I dwelt in Jane Jacob's shadow as a young man. Gradually, I have emerged from it.

In part this was because the scene of my own practical activity shifted. As a planner, I have always had a modest practice; indeed, looking back, I regret not grasping the pragmatist nettle by practising more and teaching less. My practice in America was locally based and oriented to strengthening community. In middle age, I began

consulting at the UN, first for UNESCO, then for the UN Development Programme, lately for UN-Habitat. In the Global South, cities were growing so fast and so big that large-scale design was required; slow, cautious and local provided an inadequate guide for how to provide mass housing, schools or transport. How, on a larger scale, could urbanism be practised in a modest spirit? I didn't abandon the ethical outlook that shaped me, but it needed to be reinterpreted.

Another change in outlook has been personal. Several years ago I suffered a serious stroke. In recovering from it, I began to understand buildings and spatial relations differently from the way I had before. I now had to make an effort to be in complex spaces, faced with the problem of staying upright and walking straight, and also with the neurological short-circuit that in crowds disorients those affected by strokes. Curiously, the physical effort required to make my own way expanded my sense of the environment rather than localized it to where I put my foot next or who is immediately in front of me; I became attuned on a broader scale to the ambiguous or complex spaces through which I navigated; I became Venturi's sort of urbanite.

Both changes have prompted me to explore how Homo faber can play a more vigorous role in the city. A more vigorous urbanism has also to be a visceral urbanism, since place and space come alive in the body. As I'll try to show in these pages, proactive urbanism can combine with ethical modesty. Modest does not mean cringing subservience; the urbanist should be a partner to the urbanite, not a servant — both critical of how people live and self-critical about what he or she builds. If this relation between cité and ville can be forged, then the city can open.

There is an argument to be made against this view. Part of the maker's self-respect resides in his or her sheer will. All the great citymakers have taken a deep pride in what they do independent of, indeed against the grain of, the desires of others; the phrases 'not possible', 'unheard of', 'an ego trip', 'so out of context' etc. are all red flags, inspiring even more assertion. A maker who approaches his or her labours in a spirit of modesty, as Gordon Cullen or Jane Jacobs want, will certainly reduce the tension between making and dwelling. Yet he or she may avoid taking risks.

If the immodest, assertive, creative will is full of fire, can a more sensitive, cooperative, self-critical urbanism become as energetic?

Plan of the book This book is the last of three exploring Homo faber's place in society. The first volume studied craftsmanship, particularly the relationship between head and hand it involves. The second studied the cooperation good work entails. This book puts Homo faber in the city. The first part of this study looks at how urbanism — the professional practice of city-making — has evolved. City-makers in the nineteenth century tried to connect the lived and the built; these tissues were fragile and tore easily. In the twentieth century, cité and ville turned away from each other in the ways that urbanists thought about and went about city-making. Urbanism became, internally, a gated community. The book then explores how three big issues are affected by this fault line between the lived and the built. I start with the huge expansion of cities in the Global South, in which the unresolved conflicts of the Global North have reappeared. Socially, cities today are traumatized sociologically by Aristotle's proposition that a cité should be composed of different sorts of people. Mitchell's smart city has evolved humanly, now either a nightmare or a place of promise, as technology can either close or open the cité.

In the third part, I present what a city could be like, were it more open. An open cité requires those who live in it to develop the skills to manage complexity. In the ville, five open forms can make urban places complex in a good way. I've then tried to show how urbanists might collaborate with urbanites in using these open forms.

The final part of the book takes up the essential crookedness of the city. Underlying its social, technological and architectural fissures, the work of time disrupts the relations between lived and built — which is a practical rather than poetic proposition. The turbulence and uncertainties of climate change illuminate ruptures which occur in any city as it evolves. This turbulence takes me back at the end of this book to the issue which first dogged me in Boston — can ethics shape the design of the city?

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[The Plant Messiah: Adventures in Search of the World's Rarest Species](#) by Carlos Magdalena [Doubleday, 9780385543613] Features 16 pages of color photos

An impassioned memoir of saving extraordinary plants on the brink of extinction, by a scientist who has been called a "codebreaker" (Telegraph) and "an inspiration" (Jane Goodall)

Carlos Magdalena is not your average horticulturist. He's a man on a mission to save the world's most endangered plants. First captivated by the flora of his native Spain, he has travelled to the remotest parts of the globe in search of exotic species. Renowned for his pioneering work, he has committed his life to protecting plants from man-made ecological destruction and thieves hunting for wealthy collectors.

In [The Plant Messiah](#), Magdalena takes readers from the Amazon to the jungles of Mauritius to deep within the Australian Outback in search of the rare and the vulnerable. Back in the lab, we watch as he develops groundbreaking, left-field techniques for rescuing species from extinction, encouraging them to propagate and thrive once again. Along the way, he offers moving, heartfelt stories about the secrets contained within these incredible organisms.

Passionate and absorbing, [The Plant Messiah](#) is a tribute to the diversity of life on our planet, and the importance of preserving it.

Excerpt: Let me introduce myself. My name is Carlos Magdalena, and I am passionate about plants. In 2010 I was labeled "El Mesías de las

Plantas" by Pablo Tuñón, a journalist who wrote about my work in the Spanish newspaper *La Nueva España*. I suspect the name was partly inspired by my post-biblical (though pre-hipster) beard and long hair, and also because I was spending a lot of my time trying to save plants on the brink of extinction.

This alias reached a worldwide audience when Sir David Attenborough mentioned it while interviewing me for *Kingdom of Plants*, a series filmed at the Royal Botanic Gardens, Kew. The *Plant Messiah* quickly became my media moniker, offering ample opportunity for mockery among friends and colleagues alike. My family love the idea of my mum coming onto the balcony to shout, "He's not the Messiah, he's a very naughty boy!" in the style of the legendary sketch in Monty Python's *Life of Brian*.

Don't panic, though. I don't have a messiah complex.

I recently looked up the word messiah. It has several definitions: "a leader regarded as the savior of a particular country, group or cause," "a zealous leader of some causes or project," "a deliverer," and "a messenger." I'm aiming to be them all.

My mission is to make you aware of exactly how important plants are; in fact, I am obsessed with this idea. I want to tell you all about them and what they do for us, how crucial they are for our survival, and why we should save them. Plants are the key to the future of the planet—for us and our children—yet they are taken for granted by billions every day and we are often dismissive of their benefits. I am frustrated, sometimes angry, at this ignorance and indifference.

We may be blind to the fact, but plants are the basis of everything, either directly or indirectly. Plants provide the air we breathe; plants clothe us, heal us, and protect us; plants provide our shelter, our daily food, and our drink. Think medicines, building materials, paper, rubber for car tires and contraceptives, cotton for denim jeans and linen for dresses. Think bread, beans, tea, orange juice, beer, and wine. Think Coca-Cola. Then think about how cows eat grass, silage, or hay, supplying our meat and milk; how chickens eat wheat and seeds and give us eggs; how sheep eat grass and give us wool.

You see, plants are our greatest yet most humble servants; they care for us every day, in every way. Without them we would not survive. It is as simple as that.

In return for their generosity, we treat them appallingly. They are unappreciated and drastically undervalued. We don't treat them like servants, but like slaves. Their homes are destroyed, their families decimated. They are forced to mass-produce and are sprayed with chemicals. Factory farming is not just for animals but for plants also, and the environmental cost of this can be just as destructive (unsustainable palm oil development is just one sad example of this).

We destroy rainforests to plant crops in soil that can't support them. Without thought of what treasures the forests might hold, we drive flora and fauna to critically endangered levels and even extinction. During exploration and colonial expansion, we introduced goats to islands where they duly grazed the unique and delicate native flora until there was none left, removing the "green glue" that stabilized the soil and causing erosion problems that washed entire islands away. We introduced invasive weeds: a stifling, creeping death, smothering the local flora in a sinister form of botanical colonialism. Even today we build houses on agricultural land, laying endless miles of lifeless, white-lined tarmac over what were once wild, flowery meadows, blocking our minds to the consequences. It's a display of "plant blindness" of epidemic proportions. With the destruction of plants, we destroy the fauna too. Bird, mammal, and insect species—all gone forever. We rarely even think about what we're doing, and when we occasionally do, we still don't fully understand the consequences.

We have moved away from millennia of direct contact with plants; since the Industrial Revolution the majority of the population in developed nations have never worked with them and rarely communed with them. In the shift from the countryside to the city, we have lost our direct link with plants.

A great part of the problem is that whatever we do to them, plants can't speak, they can't plead their cause, warn of the folly of their destruction, or remind us of their importance with a raised voice or slammed fist on a table. Plants do not bleed when

slashed, can't scream when burned. They can't write a message in a book. They need someone to do it for them.

If they can't produce seeds to ensure their survival, because their populations are so badly fragmented or reduced, or the survivors are just clinging to life, they need someone who will speak up on their behalf. They need someone who will say, "I will not tolerate extinction." Someone who understands plant science and will passionately champion their cause, using whatever means possible to ensure their survival.

Many of the world's great gardens, like Kew, are not just for public education and entertainment. They collect and conserve rare species, in cultivation and in the wild, saving them from oblivion and making them available to science, and have done so for generations. The collective academic and horticultural genius of their staff is unrivaled, their collections world-renowned. Though they are committed and passionate, they need someone to broadcast their message to the people on a global scale.

I want to be this person.

I want to make the world aware of what plants do for us. I want us to give plants a value and appreciate what they do. I want us to understand their importance for our survival and the survival of our families—our babies, grandparents, and future generations. I want us to realize that without them we would die, and most living things on land and in the air would die with us. I want us to be enthused by the importance of conservation, to be fired with the determination that we should never give up, even if there is only one plant left in the world. I want us to understand the importance of plants so much that we are moved to do something about it.

A messiah can't change attitudes without supporters who will spread the gospel. When it comes to conservation we need passion, we need motivation, and we need action. It is time for a change.

I want this book to start that change. People need plants and plants need people, and spreading that message begins with me and you.

[1984 and Philosophy: Is Resistance Futile?](#) by Ezio Di Nucci and Stefan Storrie [Popular Culture and Philosophy, Open Court, 9780812699791]

Although the year 1984 is hurtling back into the distant past, Orwell's novel *Nineteen Eighty-Four* continues to have a huge readership and to help shape the world of 2084. Sales of Orwell's terrifying tale have recently spiked because of current worries about alternate facts, post-truth, and fake news.

[1984 and Philosophy](#) brings together brand new, up-to-the-minute thinking by philosophers about *Nineteen Eighty-Four* as it relates to today's culture, politics, and everyday life. Some of the thinking amounts to thoughtcrime, but we managed to sneak it past the agents of the Ministry of Truth, so this is a book to be read quickly before the words on the page mysteriously transform into something different.

Who's controlling our lives and are they getting even more levers to control us? Is truth objective or just made up? What did Orwell get right—and did he get some things wrong? Are social media opportunities for liberation or instruments of oppression? How can we fight back against totalitarian control? Can Big Brother compel us to love him? How does the language we use affect the way we think? Do we really need the unifying power of hate? Why did Orwell make *Nineteen Eighty-Four* so desperately hopeless? Can science be protected from poisonous ideology? Can we really believe two contradictory things at once? Who surveils the surveilers?

Excerpt: *Are We Living in 1984?*

When the future is already in the past, then there is no more hope left. That's what's so depressing about discussing, in 2018, a book about 1984 published in 1949; but a book that turns out to be, today, more relevant than ever before.

Are we living in 1984? Surely not: it is, after all, 2018! But while living in 2018 is incompatible with living in 1984, it is not incompatible with living in 1984—as in, George Orwell's *Nineteen-Eighty-Four*. It really is unpleasant to think of perpetual war, global surveillance, and deliberate mass distortion of objective facts. Should we consider such possibilities?

Orwell's 1984 has been written off as no longer relevant numerous times. In retrospect such dismissals look laughably naive. Isaac Asimov, in his 1980 review of the book, complained that the specter of tyranny was no longer alive. Sure, at the time of its publication in the late 1940s, with Stalin still in power, it might have had some relevance; and sure, during the McCarthy era in the 1950s it might have had some relevance. But not anymore, declares Asimov: long gone are the days of Hitler, Mussolini, Franco, Mao, and Stalin. "If anything," Asimov muses "governments of the 1980s seem dangerously weak."

A generation later Richard A. Posner, the most-cited legal scholar of the twentieth century, painted a rosy picture of the future where any possibility of the Orwellian nightmare will be left far behind. The reason? "Freethinking among even deeply religious people is the order of the day, not everywhere (in particular, not in all Muslim nations), but in most quarters of the wealthy nations and many of the nonwealthy ones as well." Divested of its political relevance, Orwell's novel amazingly becomes almost pastoral for Posner: "As the political relevance of *Nineteen Eighty-Four* fades" Posner declares, "We can see it better today for what it is—a wonderfully vivid, suspenseful, atmospheric, and horrifying ... romantic adventure story." Posner's paper was written in 2000.

Asimov's and Posner's dismissal of 1984 were exceedingly optimistic in their time of writing and such cosy assurances are now but a faded memory. The events of 9/11 in 2001 heralded a new era of world-wide constant terrorism and sectarian divide. The Iraq war that started in 2003 was premised on deliberately inaccurate claims about Iraq's weapon capabilities and Iraqi co-operation with al-Qaeda. A 2008 study by the Center for Public Integrity found that the US President and top administration officials had made 935 false statements in an orchestrated campaign to sway public opinion for the war between 2001 and 2003, and that the press was complicit in the push for war by its uncritical reporting on the alleged facts.

From Edward Snowden's 2013 global surveillance disclosures we know that the NSA's core purpose is to collect every retrievable communication event in the world. Advances in communication technology have for the first time allowed both state and non-state actors to create personalized propaganda

content which should be properly understood as the weaponization of social media. The blatant disregard for truth and objectivity in the 2016 UK referendum on membership in the EU and the 2016 US presidential election led Oxford Dictionaries to declare "post-truth" the "international word of the year." On cue, in January 2017, US Counselor to the President Kellyanne Conway, faced with White House Press Secretary Sean Spicer's false statement regarding the number of attendees at Donald Trump's inauguration as President of the United States, chose to relativize the notion of truth rather than accepting the falsity of Spicer's claims by coining the iconic term "alternative facts." Orwell's 1984 was at this point the world's best-selling book.

You may understandably believe that this book should really have been about the powerful man who shall not be named—well, we already did name him actually; then call him the man whose name shall not be repeated all too often. And indeed there was between the end of 2016 and the beginning of 2017 a correlation between his election and renewed interest in Orwell's novel. But the Orwellian nature of the modern world transcends the events of November 2016—indeed, those regrettable events may be argued to represent an exception to the algorithmic predictability of modern life. Trump's not the problem: still, the exemplary nature of his political abuse of technology already brings us closer to home; and, inevitably, to 1984.

On Super Bowl Sunday, January 22nd 1984, Apple ran a TV advertisement that declared: "On January 24th, Apple Computer will introduce Macintosh. And you'll see why 1984 won't be like Nineteen Eighty-Four." This is not surprising: the marketing department was apparently already back then the most innovative unit in Cupertino. But technology, such as Apple smartphones, is not the antidote to 1984—indeed, it is much more likely to be part of the problem. The antidote is called Philosophy.

Before beginning to explain the role of philosophy—which is really the task of the whole book—it's worth looking further into the relationship between technology and what we may call 'Orwellian concerns' (which is just short-hand for our original question of whether we are living in 1984). It's ironic that Apple would back in the

1980s advertise their Macintosh as a solution to Orwellian concerns, because it is not just today that we recognize the oppressive potential of technological innovation—that's already there in Orwell's book which, let us not forget, was published in 1949—before Steve Jobs was even born.

Here we have to be careful: it's undeniable that technology also has empowering potential for individuals and not just for institutions—such as for example oppressive governments like the Party in 1984. This is—on a charitable reading—what the Apple marketing department was getting at—remember, it was a Super Bowl ad. Likely, then, that they were appealing to that typically American frontier spirit of anti-government individual empowerment. It was, after all, the dawn of the personal computer, bringing computers in every home, office or cubicle—just the way in which decades before cars had allowed for individual empowerment (which in American English should probably really just read: freedom).

So could we not just conclude that technology is, basically, neutral? Namely that the interesting normative questions are all about the legitimate and illegitimate uses of technology by both individuals and institutions but that there is nothing particularly concerning—in the Orwellian sense—about technology? This question goes not only beyond the scope of this short introduction but also of the whole book: what's relevant here is the perceptiveness and creativity with which Orwell—in the 1940s—anticipated the way in which technology could be effectively used for the manipulation of information—and here the complex bureaucratic structures of totalitarian states should probably themselves count as forms of—if you like—political technology. So please don't just think of the telescreens—which may have an astonishing resemblance to today's smartphones in their omnipresence and inescapability but are probably not the most terrifying instrument deployed by the Party—think for example instead of the Party's complex apparatus for the re-writing of history or its dictionary 'streamlining', and how these elements, when brought together and integrated, amplify oppression.

How, then, is philosophy the solution? Philosophy teaches us to examine the foundations of those beliefs that guide our thinking about politics,

morality and our everyday life. It allows us to become aware of our assumptions and what the credible alternatives are, and allows us to weight and compare different competing views. It makes us reflective and self-aware and therefore less likely to be swayed by bad arguments or by outright lies. At the same time, these skills can allow you to influence and deceive the majority of people who are not trained in these areas.

Everyone with an interest in political power knows this, despite the bad press philosophy often gets. Leaders such as Martin Luther King, Robert McNamara, Bill Clinton, John Paul II, Aung San Suu Kyi, Emmanuel Macron, as well as virtually every British politician and prominent media person have studied philosophy at university level.

Winston knows this too. "His heart sank as he thought of the enormous power arrayed against him, the ease with which any Party intellectual would overthrow him in debate, the subtle arguments which he would not be able to understand, much less answer."

Philosophy enhances our ability to understand concepts, to pose questions and answer them, to analyze problems and possible solutions. Philosophy supplies us the with tools to resist oppression.

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[The Darkest Sides of Politics, I: Postwar Fascism, Covert Operations, and Terrorism](#) by Jeffrey M. Bale
[Extremism and Democracy, Routledge, 9781138785601]

[The Darkest Sides of Politics, II: State Terrorism, "Weapons of Mass Destruction," Religious Extremism, and Organized Crime](#) by Jeffrey M. Bale
[Extremism and Democracy, Routledge 9781138785625]

This book examines a wide array of phenomena that arguably constitute the most noxious, extreme, terrifying, murderous, secretive, authoritarian, and/or anti-democratic aspects of national and international politics. Scholars should not ignore these "dark sides" of politics, however unpleasant they may be, since they influence the world in a multitude of harmful ways.

The first volume in this two-volume collection focuses on the history of underground neo-fascist networks in the post-World War II era; neo-fascist paramilitary and terrorist groups operating in Europe and Latin America in the 1960s and 1970s; and the manipulation of those and other terrorist organizations by the security forces of various states, both authoritarian and democratic. A range of global case studies are included, all of which focus on the lesser known activities of certain secular extremist milieus.

The second volume in this two-volume collection focuses primarily on assorted religious extremists, including apocalyptic millenarian cults, Islamists, and jihadist terrorist networks, as well as CBRN (chemical, biological, radiological, and nuclear) terrorism and the supposedly new "nexus" between organized criminal and extremist groups employing terrorist operational techniques. A range of global case studies are included, most of which focus on the lesser known activities of certain religious extremist milieus.

This collection should prove to be essential reading for students and researchers interested in understanding seemingly arcane but nonetheless important dimensions of recent historical and contemporary politics.

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Excerpt: Ideologies, extremist ideologies, and terrorist violence

The title of this two-volume collection of scholarly materials, *The Darkest Sides of Politics*, should be more or less self-explanatory given the addition of the subtitles to those volumes. The first volume is subtitled *Postwar Fascism, Covert Operations, and Terrorism*, and the second is subtitled *State Terrorism, "Weapons of Mass Destruction," Religious Extremism, and Organized Crime*. Individually and collectively, these subjects arguably constitute the most noxious, extreme, terrifying, murderous, secretive, authoritarian, and/or anti-democratic aspects of national and

international politics. For better or worse, it is precisely these grim but relatively arcane areas of politics and religion that have been the primary focus of my scholarly research for nearly four decades, long before some of them became increasingly "fashionable" in the wake of the spectacular and devastating jihadist terrorist attacks on 11 September 2001. Throughout those decades, faculty colleagues, students, and acquaintances have often asked me how I managed to cope psychologically with devoting so much time and effort studying the most horrific aspects of human political behavior. One of my glib responses has been that "it's a dirty job, but someone has to do it." Yet those who know me better realize that for me it has never been a "dirty" or unpleasant task, but rather an endless source of intellectual fascination, irrespective of whether such subjects happen to be considered important within the halls of academe. In fact, I personally find it much more difficult to understand how so many people in academia can spend their entire lives studying the far more mundane, conventional, and mainstream aspects of politics, most of which I consider to be deadly dull.

In order to explain my obsession with the nastier and less conventional topics that are the focus of these volumes, perhaps a brief personal introduction is called for. I am a very unconventional person who has also had an unusual academic trajectory. It seems that nowadays most people who end up on university faculties go straight from high school into college, then straight from college into graduate school, and then — if they are fortunate, well-connected, brilliant, or sufficiently servile and conformist — straight into junior academic jobs, which means that they usually begin their academic careers in their late twenties or very early thirties. In marked contrast, I did not obtain my Ph.D. in modern European history from the University of California at Berkeley until I was forty-three. The reason for this long delay is directly related to the reasons why I am attracted to studying the aforementioned subjects. Far from being a "normal" academician from a comfortable upper middle class background, I came from a poor, dysfunctional single-family household, and only managed to escape from these difficult, unpleasant childhood circumstances by reading huge numbers of books, especially horror novels and volumes on military history, and listening

obsessively to primitive rock 'n' roll. As a teenager I was a countercultural, authority-hating, rock 'n' roll rebel who soon became one of the first hippies, and thus "dropped out, turned on, and tuned in" as soon as I graduated from my depressing public high school. A few years later, as the '60s counterculture increasingly degenerated into a parody of itself, I entered college and obtained my B.A. in Middle Eastern, Islamic, and Central Asian history from the University of Michigan. Meanwhile, in 1977 I became one of the first punk rockers and again "dropped out, turned on, and tuned in" for several years, which once again interrupted and delayed the completion of my academic career. Even after I completed my doctorate and spent some years teaching, I withdrew from the academic world for a few more years in order to publish and edit an underground rock 'n' roll magazine. Indeed, it was only after 9/11 that I decided to return once and for all to academic life, because everyone else suddenly became interested in certain types of extremist groups that I had already increasingly been examining. As one of the professors on my dissertation committee wryly remarked after 9/11, "the rest of the world has finally caught up with your arcane interests." In short, I have always been psychologically attracted to and intellectually interested in "extreme" phenomena, whether literary, aesthetic, musical, cultural, social, or political. To use the phrase coined in a science fiction/horror novel, I am an "extremophile," someone who loves immersing myself in extreme phenomena.

This peculiar background is important for three reasons. First, it eventually caused me to gradually shift my focus from ancient and medieval to modern history, and to direct my scholarly attention to the post—World War II history of sectarian extremist political and religious groups, in particular violent paramilitary and terrorist organizations. Second, given my rebellious, anti-establishment personality, I have never shied away from bucking academic orthodoxies, rejecting "hegemonic" but often ridiculous academic fads, or openly challenging the views of influential academicians that I regarded as seriously mistaken — for which I make no apologies whatsoever. Third, and perhaps most importantly, because I myself have long been a profoundly alienated, disgruntled person, this has arguably enabled me to better understand, relate

to, and empathize with — albeit, nota bene, not sympathize with — various types of ideological extremists. These extremists, almost by definition, likewise tend to be disgruntled individuals, very often from higher socio-economic classes and with more rather than less educational training, who are profoundly alienated from key aspects of the social and political status quo, so much so that they are willing to formulate utopian, world-transformative agendas, create or join insurgent organizations that advocate the violent overthrow of that status quo, kill people whom they designate as societal villains, and even sacrifice their own lives for what they believe to be a higher cause. Having spent decades reading the ideological treatises and communiques issued by a vast array of ideological extremists, studying their actions in detail on the basis of judicial and parliamentary investigative or archival materials, personally interacting with or interviewing quite a number of them, and also sharing their own psychological alienation from the status quo, I feel that I may have developed a clearer perspective on how their anti-establishment beliefs animate their actions than many of today's terrorism experts, who seem to spend far more time devising fanciful "social science" theories or crunching irrelevant numbers than they do conducting actual qualitative research based on the extensive use of primary sources. Of course, this admittedly partisan hypothesis will be up to readers to evaluate after examining selections from this volume.

As the table of contents indicates, this anthology will cover the following subjects. Volume 1 will concentrate on the history of underground neo-fascist networks in the post—World War II era, neo-fascist paramilitary and terrorist groups operating in Europe and Latin America in the 1960s and 1970s, and the manipulation of those and other terrorist organizations by the security forces of various states, both authoritarian and democratic. Volume 2 will instead focus on state terrorism and assorted religious extremists, including apocalyptic cults, Islamism, and jihadist terrorist networks, as well as on CBRN (chemical, biological, radiological, and nuclear) terrorism and the supposedly new "nexus" between organized criminal and extremist groups employing terrorist operational techniques. One might say, then, that the first volume is dedicated to the darkest, most unsavory dimensions of certain secular political

milieus, whereas the second is dedicated largely to the darkest, most unsavory dimensions of particular religious milieus.

Some problems with the analysis of terrorism and "violent extremism": Definitional problems

As with all broad political concepts (e.g., democracy), it has proven impossible to define the term "terrorism" to everyone's satisfaction despite the existence of tens of thousands of studies devoted to the subject. No unambiguous and universally accepted definition of terrorism yet exists, and its exact relationship to other, related concepts like political violence, guerrilla warfare, and political assassinations also remains a matter of contention. This situation is unlikely to change any time soon. Moreover, both the dramatic nature of the topic and the pejorative connotations of the term contribute to conceptual confusion by lending themselves to overly emotional assessments and political polemics. Scholars have complained for decades that no unanimously accepted definition of terrorism exists, even among specialists, and indeed some have become so frustrated by this that they have advocated abandoning the use of the word altogether. However, it seems unwise to stop using the term simply because not everyone can agree about its definition, just as the fact that specialists cannot fully agree on the definitions of other terms in the humanities and social sciences has not led to their wholesale abandonment. Even if not everyone can be expected to concur, it is not that difficult to identify the unique characteristics of terrorism that serve to distinguish it from other forms of collective violence. In order to avoid the temptation of ascribing the label "terrorist" to every group which resorts to violence whom one does not like, as is all too common, it is necessary to define the term precisely and in a neutral fashion. All such formal definitions are bound to be awkward, but in this volume the word terrorism applies to the use (or threatened imminent use) of violence, directed against victims selected for their symbolic or representative value, as a means of instilling anxiety in, transmitting one or more messages to, and thereby manipulating the perceptions and behavior of a wider target audience (or audiences). Terrorist acts are thus by nature triadic rather than dyadic, in contrast to normal acts of violence. They invariably involve three parties or protagonists — the perpetrator(s), the victim(s), and

the wider target audience(s) whose behavior the perpetrators hope to influence. Hence the key relationship in an act of terrorism is between the perpetrator and the target audience. Paradoxically, the persons who suffer the actual physical harm from such acts have the least intrinsic importance, and are simply the hapless instruments used by the perpetrators to send messages to wider audiences. It is precisely this feature that differentiates acts of terrorism from simple violent assaults upon political enemies. To constitute terrorism, an act of violence has to be specifically intended by the perpetrator to manipulate the perceptions or behavior of a wider target audience (i.e., persons beyond the actual victims of the attack). From this it follows that neither violent actions which inadvertently terrorize or alter the behavior patterns of people beyond the victims (for example, a sequence of rapes in a given neighborhood), nor those aimed merely at physically eliminating a specific enemy (for example, assassinations) are examples of terrorism in the strict sense of the term — unless, of course, the perpetrators mainly intended to deliver some sort of message to a larger audience. A certain group might, of course, try to fulfill two or more objectives at once, such as eliminating a particular police official and transmitting a warning to other such officials and/or the public, but the latter would have to take precedence for this action to be interpreted primarily as an act of terrorism.

Viewed in this way, terrorism is nothing more than a violent operational technique, specifically a violent technique of psychological manipulation. Like any other technique or tool, it can be used by anyone, whatever their ideological orientation or relationship to the state. It can be — and indeed has been — employed by a vast array of actors: by states and non-state groups; on behalf of state power and in opposition to state power; by left-wingers, right-wingers, and centrists; by the religious, the nonreligious, and the anti-religious; and for an almost infinite variety of causes. It is for this reason that pithy phrases such as "one man's terrorist is another man's freedom fighter" are misleading, if not entirely mistaken, except insofar as they reflect the generally partisan and unsystematic way that such labels are applied. First, they confuse means, in this case terrorism, with ends, in this case "freedom fighting," ignoring the possibility that one might employ terrorist

techniques in a fight for freedom. Second, they imply that the term terrorism has no objective meaning, that it is something subjective which is purely in the "eye of the beholder," like idiosyncratic personal tastes in food or women. On the contrary, terrorism is an objectively identifiable operational technique. From a technical point of view, "one man's terrorist" should invariably also be "another man's terrorist," because regardless of the cause involved a terrorist can be identified purely by the methods he or she chooses to employ. Whether or not one sympathizes with a given perpetrator's underlying motives, be they political, religio-political, or criminal, every individual who commits an act of violence which is specifically designed to influence or manipulate a wider audience is, strictly speaking, a terrorist. All other factors are superfluous, and indeed only serve to obscure this fundamental reality. To restrict the term solely to violence committed by one's enemies is thus an error of the first order, one which reflects either a great deal of confusion and ignorance or the thematic requirements of propaganda campaigns.

Methodological problems

In recent years, a number of important volumes have appeared highlighting several of the major methodological problems that afflict the academic literature in the field of Terrorism Studies, an interdisciplinary subfield that has metastasized — some would say like a malignant cancer — in the wake of the 9/11 attacks. Many of the harsh recent criticisms aimed at much of that literature sadly echo criticisms that I myself made back in the early 1990s, in the introductory chapter of my doctoral dissertation. As I argued back then, from an historian's point of view, this literature exhibits the same basic shortcomings as the "social science" literature in general — a penchant for excessive theorizing and speculation, an overabundance of abstraction and schematization at the expense of description and qualitative empirical detail, and an embarrassingly limited use of the relevant primary sources. To which one need only add that the obsessions with the use of quantitative methods, methods that arguably have only limited utility and applicability when one is dealing with the intangible aspects of human behavior, such as the highly important historical, cultural, and ideological factors contributing to terrorism, has only increased. These serious deficiencies are further compounded

by a pronounced infusion of political bias, both unconscious and conscious. This sort of ideological contamination is perhaps to be expected, given the obvious public policy implications of the topic, but it is no less corrosive in its effects. Indeed, the terrorism literature is arguably among the least original and distinguished in all of academia, in part due to the vast influx of people without the requisite scholarly backgrounds who have entered the field in the wake of the 9/11 attacks. There is only a relatively small handful of studies that genuinely contributes to a greater conceptual understanding of the phenomenon, along with an ever-growing number of specialized works that provide valuable information about specific terrorist groups. Even so, many works dealing with terrorism still tend to uncritically recycle many of the same superficial or misguided notions that have held sway in this field for decades, albeit in a variety of new and different contexts. Although these are rather harsh criticisms that deserve further discussion and analysis, a thorough dissection of the methodological shortcomings of this vast literature would require another book-length study.

Disciplinary biases and "mirror imaging"
The phrase "mirror imaging" is used, both within and outside of the intelligence community, to refer to a phenomenon in which analysts unconsciously project their own ways of thinking, their own values, their own frames of reference, and their own fantasies onto their adversaries, including those emanating from very different cultures with very different histories and values, instead of trying to view the world from their adversaries' own perspectives and points of view. This sort of parochial approach is widely regarded — and rightly so — as problematic, counterproductive, harmful, and potentially catastrophic insofar as it can easily lead to serious misunderstandings of the nature of the adversary, which can in turn result in the adoption of misguided policies and ineffective responses. Sadly, this myopic, self-referential mirror imaging approach is nowadays practically the norm in the West, particularly in relation to the threat posed by jihadists, whose actions are undeniably and indeed explicitly animated primarily by their Islamist interpretations of core Islamic doctrines.

The following factors all contribute to the problem of analytical "mirror imaging" in this context:

- First, people who grow up in materialistic societies tend to ascribe materialistic motives to other people, even those from other and quite different foreign cultures — that is, they tend to believe that the "real" underlying motivations of human actors, which they identify as narrowly political goals, materialistic social or economic motives, a vulgar lust for power, and so forth, are either being intentionally concealed or unwittingly distorted in those actors' ideological statements and justifications.
- Second, "social scientists" normally prefer to highlight various tangible supposed causal factors that they believe can be measured, quantified, and "tested," as opposed to concerning themselves with intangible, messy, unquantifiable factors (such as the convoluted influence of beliefs, culture, and history — topics which, by the way, also require years of study to even begin to comprehend).
- Third, academicians from different disciplines not surprisingly tend to overemphasize the value of particular theories and methods deriving from their own disciplines, to minimize the importance of rival theories and methods from their own and other disciplines (especially supposedly "soft" disciplines in the humanities like political philosophy, history, and religious studies), and then to apply their favored theories and methods, sometimes carelessly and uncritically, even to topics that are quite removed from their own areas of specialization. Here are some examples of this rather common phenomenon (albeit ones that often cite, as illustrations, some of the best rather than the worst of the existing terrorism literature):
 - 1 Social scientists in general (and economists in particular) tend to promote hyper-rationalist interpretations of human behavior, as if human beings were little more than androids involved in mechanistically calculating or weighing "costs" and "benefits," even though human behavior is in fact the product of a complex combination of rational, semi-rational, and irrational motives

- 2 undergirded by often subconscious emotional drivers;
- 2 Mathematicians often employ models deriving from the natural sciences to explain human behavior in the social sphere, even though the application of those models to the social sphere is generally fraught with dangers, if not fundamentally ill-conceived;⁵
- 3 Sociologists typically prioritize the impact of large impersonal social structures or the material aspects of social movements such as "resource mobilization," in many cases without paying due attention to the beliefs and underlying emotions of social actors or the role played by influential individuals;
- 4 Economists (as well as many people on the left) tend to overemphasize the importance of economic factors (e.g., poverty, economic exploitation) and economic motives at the expense of non-material factors such as beliefs and values (which Marx erroneously characterized as epiphenomenal "superstructures" deriving from underlying "modes of production");
- 5 Social psychologists tend to exaggerate the importance of the influence of social networks to the exclusion of other factors, including individual proclivities, beliefs, and values;
- 6 Psychologists tend to focus too narrowly on individual psychology, and often attribute psychopathologies to violent human actors who behave in ways that they find incomprehensible or problematic;
- 7 Strategic and military analysts pay special attention to the relatively pragmatic strategic, operational, and tactical methods used by adversaries, rather than to the underlying worldviews that serve to influence those adversaries (including their selection of particular types of targets and their use of certain methods in preference to others).

In short, what many people from these various disciplinary backgrounds all have in common is that they tend to overemphasize the importance of tangible, ostensibly measurable and quantifiable (i.e., economic, psychological, social psychological, sociological, or narrowly political) factors and to ignore or minimize the importance of less tangible (historical, cultural, and ideological) factors, even though the latter are often of decisive importance, especially when one is trying to understand groups animated by extremist ideologies. Surely it is both analytically and methodologically unsound to ignore the influence or deny the importance of the fervently held beliefs of protagonists, all the more so when one is analyzing groups that explicitly define themselves by their beliefs, generally act in accordance with those beliefs, and indeed feel compelled to justify all of their actions on the basis of those beliefs. And it is even more foolish to stubbornly dismiss what the actual protagonists keep telling everyone about their own motivations, and instead to ascribe other preferred motivations to them in the absence of any verifiable evidence.

I am not suggesting, of course, that ideology or any other single factor is alone responsible for the behavior of violent ideological extremists, because all monocausal explanations for complex social phenomena are oversimplifications inasmuch as a multiplicity of intersecting factors are always at play. But not all of those factors are equally important, no matter what the context, and ideology is arguably the single most important factor in understanding the behavior of political and religious extremists. That is why it is necessary at this point to undertake an extended discussion of both ideologies in general and extremist ideologies in particular.

The characteristics of ideological extremism

- Ideology — that is what gives evildoing its long-sought justification and gives the evildoer the necessary steadfastness and determination. That is the social theory which helps to make his acts seem good instead of bad in his own and others' eyes, so that he won't hear reproaches and curses but will receive praise and honours. Aleksandr Solzhenitsyn
- What persuades men and women to mistake each other from time to time for gods or vermin is ideology. Terry Eagleton

- One can say that what the priest is to religion, the intellectual is to ideology. Daniel Bell
- Any examination of ideology makes it difficult to avoid the rueful conclusion that all views about ideology are themselves ideological. But avoided it must be — or at least modified by saying that some views are more ideological than others. David McLellan

Many commentators appear to believe that the terms "extremism" and "extremists" have no substantive meaning, but are simply pejorative labels used by centrist, conventional, consensus thinkers or by supporters of the existing political, social, economic, and cultural status quo as a means of delegitimizing various "anti-Establishment" political and religious groups that they view as disreputable or morally "beyond the pale" in one way or another. Emblematic of this perspective is the oft-cited comment, reportedly made by Jerome L. Himmelstein in 1998 at the American Sociological Association (ASA) convention, that "[a]t best this characterization [extremist] tells us nothing substantive about the people it labels; at worst, it paints a false picture." There is certainly no denying that the terms "extremism" and "extremist" have pejorative connotations inasmuch as the members of groups that others characterize as "extremist" neither accept that characterization nor employ that term to designate themselves. Therefore, in this and other respects, these two terms are more akin to the terms "fanatic" or "terrorist," which are also rejected even by individuals and groups that are characterized — no matter how justifiably — as fanatical or as terrorists, than they are to terms like "fascist," "Nazi," "racist," or "radical," because genuine fascists, Nazis, racists, and assorted radicals not only accept those labels but typically regard them as badges of honor. Indeed, it is an indisputable fact that the terms "fascist" and "Nazi" were originally created by those who enthusiastically espoused those particular ideologies and were later adopted but given a pejorative meaning by their enemies. The terms "radicalism" and "radical" — appellations that are typically preferred and even embraced by many extremists — tend to have broadly positive connotations, because etymologically they signify that the individual or group in question is striving to

understand, confront, and ultimately resolve the deeper "root causes" of existing political and social problems.

A more serious criticism of the appellation "extremist" is that the term is essentially relational — that is, that one can only be considered "extreme" in relation to something that is considered "not extreme," as opposed to one that refers to a concrete, observable socio-political phenomenon with certain intrinsic, identifiable characteristics. For example, Peter T. Coleman and Andrea Bartoli define extremism as "activities (beliefs, attitudes, feelings, actions, strategies) of a character far removed from the ordinary." To some extent the term "extremist" is indeed relational, because almost by definition it tends to be contrasted with terms like "mainstream," "moderate," or "centrist," which are ipso facto regarded as normal, legitimate, and acceptable rather than politically, socially, or morally illegitimate. This is why radicals of various stripes have frequently criticized and condemned the label "extremist," especially when it is applied to themselves, and why they have so often insisted that it is a loaded term with a built-in pro-Establishment bias. It follows from this perspective that people who regularly employ the term are basically endeavoring to support and defend the status quo by delegitimizing and perhaps even justifying the repression of its most fervent, intransigent opponents. Nevertheless, simply because a term has a built-in relational dimension does not mean that it has no substantive meaning or that it does not refer to a "really existing" phenomenon.

For that very reason, even though many pundits have employed the terms "extremism" and "extremist" in a biased, partisan fashion so as to discredit or delegitimize groups they vehemently oppose or find morally distasteful — in the same way that others apply terms like "communist," "fascist," "racist," "sexist," "homophobe," or "Islamophobe" in similarly imprecise, inappropriate, slanderous, or propagandistic ways — a number of scholars have rightly insisted that those terms, while pejorative, have a substantive and objective meaning. Perhaps not surprisingly, however, they have not been able to agree among themselves about exactly what the defining characteristics of extremism are. For example, decades ago Eric

Hoffer provided an essentially psychological analysis of extremists, one that overemphasized the purported psychopathologies of "true believers" and arguably underestimated the crucial importance of the actual contents of their ideological beliefs, even though he was quite right to emphasize that alienated individuals who are attracted to one form of ideological extremism are also likely to find other types appealing. More recently, Laird Wilcox (and his collaborators) has made efforts to describe the characteristics of extremist behavior in a variety of publications dealing with American left- and right-wing extremists. According to his analysis, those characteristics included character assassination, name-calling and labeling, making sweeping and irresponsible generalizations, providing inadequate proof for assertions, advocacy of double standards, viewing their opponents and critics as irremediably evil, a Manichean worldview, advocacy of censorship or repression, identification of themselves in terms of who they hate, a tendency toward argument by intimidation, use of slogans and buzzwords, assumption of moral superiority, doomsday thinking, the use of disreputable means is warranted to achieve noble ends, emphasis on emotions rather than reason, hypersensitivity, intolerance of ambiguity and uncertainty, an inclination toward "groupthink," and the personalization of hostility. American sociologist Neil Smelser has also recently listed some of the traits associated with ideological extremism: the vilification of enemies, the drawing of an absolutist distinction between oneself and one's enemies (i.e., Manicheanism), the exaggeration of the "agency" (i.e., the intentionality and strategic rationality) of enemies, and the reliance on rhetorical excesses to reaffirm one's own legitimacy. In a much more limited context, economist Ronald Wintrobe has argued that the extremists in HAMÁS and Jewish fundamentalist groups share various common traits, including an unwillingness to compromise, the promotion of maximalist goals, complete certainty, a willingness to utilize violence, an intolerance of dissent within their groups, and the demonization of enemies. Finally, Maxwell Taylor has enumerated what he considers to be the ten primary descriptive characteristics of fanaticism, many of which overlap with the aforementioned traits ascribed to extremism, such as "excessive and all-absorbing focusing," "personalisation" of the world (or an

"exclusive concern with his own ideological construction of the world"), insensitivity to others and accepted standards of behavior, loss of critical judgment, logical inconsistency and tolerance of incompatibility, single-minded certainty, Manichean oversimplification of the world's complexity, stubborn resistance to altering views, disdain for outsiders and enemies, and ideological filtering of outside information.

Even so, important differences in their emphases, theoretical approaches, methodologies, and de facto knowledge of actual extremist milieus have made it impossible for the aforementioned scholars to agree completely. Furthermore, much of the current conceptual confusion about the nature of extremism is attributable to a basic failure to distinguish between, or a misleading attempt to conflate or commingle, two distinct types of extremism. The first is extremism of goals, which is almost entirely the product of a group's political or religious ideology. The second is extremism of means, which may or may not be linked to ideological extremism. Extremism of means refers to the employment of methods, means, or techniques that are regarded as extraordinary, disproportionate, unnecessary under the circumstances, or morally beyond the pale within particular social and cultural contexts, such as the use of unconstrained, indiscriminate violence or the carrying out of otherwise violent, destructive, and harmful actions that explicitly or implicitly violate existing cultural taboos (as opposed to similar actions that do not violate such taboos because they are widely regarded as legitimate, such as committing acts of violence in self-defense, executing violent criminals, or carrying out military actions considered vital to national security). Among the types of means that might be considered extreme, at least in the West, would be the commission of war crimes or other atrocities in wartime, the use of torture involving severe physical mutilation (although not necessarily less damaging but nonetheless unpleasant and potentially humiliating "enhanced" interrogation techniques), the deliberate targeting of civilians, depriving people of their constitutional rights without justification, killing family members who are regarded as weak or without economic value, "honor killings," involuntary clitoradectomies, cannibalism, physically or sexually abusing children, and carrying out mass casualty attacks in non-

wartime contexts. Note, however, that what is regarded as extreme can vary significantly in different cultural contexts — not that this should ever make such actions immune from criticism, as radical cultural relativists and hypocritical "multiculturalists" have all too often argued — and that these types of "extreme" methods need not be employed by people who have embraced an extremist ideology, although in practice they frequently are. For example, democratic governments have all too often sanctioned the creation of paramilitary "death squads" as well as their employment of terrorist techniques against perceived "enemies of the state," sometimes in their own homelands but much more often in other countries. In such cases, "extreme means" are essentially authorized or utilized by political "centrists" rather than by ideological extremists.

However, the primary concern at this juncture is to identify the common characteristics of ideological extremism, which in turn often leads to the stubborn and destructive pursuit of delusional (in the non-clinical sense), utopian agendas or goals, rather than focusing on the use of extreme means to achieve those goals. Hence the first desideratum is to clarify what ideologies are, then to enumerate the fundamental questions that all political ideologies, extremist or otherwise, address and purport to provide an answer for. Many scholars have argued that ideology is a particularly difficult term or concept to define, in part because of its radically varying historical interpretations. Thus David McLellan insisted that ideology was "the most elusive concept in the whole of the social sciences," whereas Michael Freedman stated, rather more circumspectly, that "the concept of ideology has emerged as one of the most complex and debatable political ideas," one which has been "remarkable ... for causing confusion among scholars and political commentators."

Despite these claims, the term has nowadays, after a very convoluted history, acquired a broadly accepted basic meaning. In popular parlance, the word ideology remains "a vague term [that] seems to denote a world-view or belief-system or creeds held by a social group about the social arrangements in society, which is Clearly, political ideologies form one very important subset of the systematic sets of ideas that fall within the broader category of ideology, so much so that most of the

intellectual debates about ideology have been concerned mainly with political ideologies. In the words of Andrew Heywood, the author of one of the better introductory books on the subject, a political ideology is "a more or less coherent set of ideas that provides the basis for organized political action, whether this is intended to preserve, modify or overthrow the existing system of power." He adds that "the complexity of [political] ideology derives from the fact that it straddles the conventional boundaries between descriptive and normative thought, and between political theory and political action." Concerning the first combination, political ideologies are descriptive in that ... they provide individuals and groups with an intellectual map of how their society works and, more broadly, with a general view of the world ... However, such descriptive understanding is deeply embedded within a set of normative or prescriptive beliefs, both about the adequacy of present social arrangements and about the nature of any alternative of future society.

With respect to the second, political "ideologies resemble political philosophies in that they deal with abstract ideas and theories, and their proponents may at times seem to be engaged in dispassionate enquiry ... At an operative level, however, ideologies ... may be expressed in sloganizing, political rhetoric, party manifestos and government policies." Furthermore, whereas political philosophizing tends to encourage deeper intellectual introspection, political ideologies instead heighten emotions in order to promote the taking of action. Finally, ideologies are directed toward mobilizing the masses, or at least certain segments of society whose interests the ideologues claim to represent. Several of these points will be discussed further later.

That notions approximating the preceding definition of ideology have now become the standard academic view can be seen in many of the introductory textbooks devoted to political ideologies, all of which include sections on the most historically important and/or currently influential political ideologies, rather than only those that have been characterized in more restrictive, negative ways by, say, Marxists or theorists of totalitarianism. A few examples, either from other scholarly works or from those textbooks, should suffice to illustrate this point. For Eatwell, a political

ideology is "a relatively coherent set of empirical and normative beliefs and thought, focusing on the problems of human nature, the process of history, and socio-political arrangements." For American political theorists Carl J. Friedrich (1901-1984) and Zbigniew Brzezinski (1928-2017), an ideology is a set of literate ideas — a reasonably coherent body of ideas concerning practical means of how to change and reform a society, based upon a more or less elaborate criticism of what is wrong with the existing or antecedent society.

For British political theorist Andrew Vincent, ideologies are bodies of concepts, values and symbols which incorporate conceptions of human nature ...; critical reflections on the nature of human interaction; the values which humans ought either to reject or aspire to; and the correct technical arrangements for social, economic and political life.

For Roy C. Macridis, an ideology is a "set of ideas and beliefs through which we perceive the outside world and act upon our information." Finally, the American social scientist Robert E. Lane reportedly described political ideologies as "organized, articulated, and consciously held systems of political ideas incorporating beliefs, attitudes, and opinions." For most mainstream liberal and conservative academicians, then, the term ideology is no longer reserved exclusively for intellectual worldviews or visions — political or otherwise — that are regarded as intrinsically irrational or otherwise unsavory, which constitutes a significant conceptual advance in relation to the many previous partial, restrictive, and wholly pejorative interpretations of the word. It is now accepted by many that not all ideologies are narrowly political, and that not all political ideologies are inherently or equally problematic. It is precisely for this reason that it is necessary to distinguish conceptually between (1) political ideologies in the general sense of the term and (2) extremist political (and religious) ideologies.

However, before surveying some of the most influential interpretations of the term ideology, it is necessary to counter certain notions that have long encouraged academicians and policy analysts to ignore or underestimate the role and significance of ideas in motivating human behavior. For example, some social scientists have falsely claimed that human beliefs in general are unimportant in terms of their tangible effects on behavior, such as

"radical" behaviorists like B. F. Skinner (1904-1990), whereas far too many others have foolishly concluded that political conflicts are simply the product of naked struggles for power and wealth, and consequently that ideological doctrines and beliefs are little more than propaganda ploys or "window dressing" used by political actors to conceal their vulgar appetites for power behind justificatory moralistic verbiage. It is this widespread underlying assumption, one that is all the more appealing to some given the inherent difficulties involved in "scientifically" (i.e., quantitatively) measuring intangible causal factors like ideological beliefs, which especially accounts for the tendency of Western political analysts to ascribe political behavior mainly, if not exclusively, to the pursuit of concrete material interests. Yet such a hopelessly narrow, reductionist, and one-sided interpretation cannot even be justified when one is trying to comprehend mainstream political behavior in modern Western societies where materialist worldviews — in both senses of that term — are widely held, much less in pre-modern Western societies or non-Western societies, past and present. Stubbornly or unwittingly attempting to project one's own frames of reference onto others instead of endeavoring to see the world from their perspective, the "mirror imaging" phenomenon discussed earlier, is usually a recipe for error if not disaster. Indeed, the adoption of restrictive, intellectually impoverished notions of this sort has in general led to the serious neglect of, failure to understand, and ongoing underestimation of the importance of the ideological beliefs of a wide array of political and religious extremists, including those who rely heavily or primarily on the operational technique of terrorism. This has in turn seriously interfered with the West's ability to comprehend the worldviews, motives, and agendas of its terrorist adversaries, as well as to respond effectively to the threats that they pose.

In marked contrast, a case will be made herein that strongly held ideological beliefs generally exert a significant if not a decisive impact on political behavior. Anyone who has seriously studied or personally witnessed the power of ideas to inspire and mobilize people in particular historical and political contexts, such as specialists on apocalyptic millenarianism, communism, or fascism (not to mention the leaders of successful movements of these types), is very well aware of this. As

American Catholic theologian George Weigel has rightly emphasized, "[i]deas have consequences, and bad ideas can have lethal consequences." American political scientist Max Lerner (1902-1999) went even further by proclaiming that "ideas are weapons." This may be an overstatement, but at the very least, ideas can potentially be used as weapons, both in personal disputes and in larger collective socio-political struggles. It should be apparent that if ideas in general so often have observable and indeed demonstrable behavioral consequences, so too must political ideologies, whose primary functions are, among other things, to inspire and provide guides for political action. Indeed, Eatwell and Anthony Wright insist, quite properly, that ideologies "are major motive forces in history." This is all the more true when one is dealing with political and religious extremists, fanatics, or "true believers," who by definition are obsessed with ideological matters, even if many of those matters seem inexplicable, picayune, or hopelessly arcane to outsiders. In short, far from espousing ideological worldviews as a mere stratagem to disguise the pursuit of narrowly materialistic interests or an atavistic hunger for power (although that phenomenon too is at times observable), an individual's or a social group's "commitment to ideology — the yearning for a cause, or the satisfaction of deep moral feelings — is not necessarily [even] the reflection of interests in the shape of ideas": on the contrary, the ideology in question typically transcends or at least attenuates vulgar material interests and often constitutes something that is far more all-consuming and all-encompassing, that is "a secular religion." This is why Terry Eagleton rightly emphasizes that, while struggling for material reasons is readily comprehensible, it is "much harder to grasp how [people] may come to do so in the name of something as abstract as ideas. Yet ideas are what men live by, and will occasionally die for."

Despite this, the bulk of the recent and current work in various social science fields, driven as it is by predetermined and often problematic theoretical or methodological concerns, studiously ignores the actual ideas expressed by political and social actors, and instead vainly searches for ostensibly "deeper" psychological, economic, or structural "root causes" to explain their behavior. For example, how many people nowadays take the bitter and often arcane ideological disputes

between various sectarian communist groups seriously, even though such disputes once had tremendous historical importance? And how many people are currently taking the ongoing ideological disputes between different types of Islamists sufficiently seriously, despite their overriding importance and tangible influence on Islamist behavior? This neglect is all the more inexplicable given that ideology is arguably the main behavioral driver of individuals who have enthusiastically embraced extremist worldviews, whatever their specific beliefs may be. This is true even though in practice both their behavior and even some of their less fixed ideas are often modified in response to changing circumstances, at least to some extent, and there are usually many other factors that likewise influence their actions. Hence one should not mistakenly go to the opposite extreme by asserting that ideas alone are the sole drivers of behavior, political or otherwise, even for ideological fanatics, if only because — as noted earlier — monocausal explanations for observable human behavior are always inadequate, if not completely false. Given the extraordinary complexity of the world we live in, our behavior will always be affected by a multiplicity of factors, many of them imperceptible, both to ourselves and to others.

It is now time to outline some of the more influential conceptions of ideology, from the time when the term was first introduced into political discourse up to the present. However, at the very outset it would be useful to highlight the important distinction, with respect to ideas about ideology, that political scientist Martin Seliger (1914-2001) made in his outstanding work, *Ideology and Politics*. Therein he rightly differentiated between what he termed "restrictive conceptions" of ideology and "inclusive conceptions" of ideology. A very similar bipartite division has been proffered by J. B. Thompson, who refers, respectively, to "critical conceptions" and "neutral conceptions" of ideology. Those who promoted the "restrictive" or "critical" conceptions characterized ideologies in essentially negative terms and therefore applied the term only to certain types of ideas that they viewed as problematic or dangerous for various reasons, as opposed to other ideas that they favored. In contrast, those who adopted the "inclusive" or "neutral" conceptions sought to define ideologies in more or less non-normative terms and hence

applied the term in a less selective, partial, and partisan fashion. As noted earlier, the common tendency today, at least among most academicians and intellectuals who are not Marxists, critical theorists, or postmodernists, is to adopt an inclusive, relatively neutral conception of the term, although some of the older restrictive or critical conceptions still influence the views of certain analysts.

However, that may be, the English word "ideology" is derived from the French term *idéologie*, which was first used in 1796, in the context of heated debates surrounding the French Revolution and its aftermath, by French Enlightenment philosopher Antoine Destutt de Tracy (1754-1836). The latter term literally means "the science of ideas," and De Tracy viewed it in precisely that positivist way, as a means of disaggregating and analyzing sensations and the ideas they gave rise to in a rigorous, scientific manner. The relatively recent date of the term's first employment has led some analysts of ideology to suggest that not just the term, but ideologies themselves, first appeared in the latter half of the eighteenth century. Briefly, their argument is that ideological conflicts of the modern type could only have emerged during a historical period in which traditional beliefs, based on widely accepted historical and religious "myths" that had an integrative socio-political function and helped to buttress the authority of existing elites, were breaking down.⁶⁶ However, others have rightly noted that this is a very ahistorical view given that periods marked by the breakdown of traditional beliefs and intensified ideological conflict are quite common, even though each individual historical case inevitably has many unique features. As such, although the substantive contents of ideologies in different historical periods and geographical regions are bound to differ, ideologies themselves are certainly not new phenomena that first appeared in modern times. On the contrary, the only "new" thing has been the coining of the term and the ongoing efforts by Western intellectuals to "conceptualize" the term ideology since the late eighteenth century.

In any event, De Tracy's idiosyncratic and ostensibly scientific interpretation of the concept was never even widely understood, much less widely accepted, either by his contemporaries or by later intellectuals who wrote about ideology. Although he viewed ideology as something positive

and even characterized it as the queen of the sciences, many subsequent adopters of the term instead conceptualized it in very negative terms. For example, after falling out with them as a result of his adoption of increasingly autocratic policies and his arranging of a Concordat in 1801 with the Catholic Church, Napoleon Bonaparte (1769-1821) contemptuously referred to "the ideologues" — De Tracy and other positivist, secular liberal republican philosophers — as "windbags," by which he meant that their opinions were overly abstract, pompous, and impractical even if their goal was ultimately to undermine political authority. Indeed, the French emperor subsequently adopted an even harsher and bitterer view of ideologies in the wake of his costly and humiliating retreat from Russia:

It is to ideology, this cloudy metaphysics which, by subtly searching for first causes, wishes to establish on this basis the legislation of peoples, instead of obtaining its laws from knowledge of the human heart and from the lessons of history, that we must attribute all the misfortunes of our fair France.

Meanwhile, the counterrevolutionary right in France likewise explicitly portrayed the very same liberal republican ideologues as potential subversives.

Yet it was the main use of the term by Karl Marx (1818-1883) and Friedrich Engels (1820-1895) that made it increasingly common in modern political discourse. Ironically, they began by characterizing the Young Hegelians in Germany in much the same way as Napoleon had characterized the ideologues in France, that is as armchair metaphysicians peddling unrealistic ideas. However, they soon radically altered the meaning of the word ideology itself by explicitly linking it to their views on class struggle and class consciousness, specifically by identifying it with the dominant ideas promoted by the ruling classes. According to their famous formulation,

[t]he ideas of the ruling class are in every epoch the ruling ideas, i.e., the class which is the ruling material force of society, is at the same time the ruling

intellectual force. The class which has the means of material production at its disposal, has control at the same time over the means of mental production, so that thereby, generally speaking, the ideas of those who lack the means of mental production are subject to it.

In short, the basic notion here was that ideologies were in actuality mechanisms of mystification through which the ruling classes promoted a false, deceptive view of the world that both reflected and benefited their class interests. As a result, the proletariat was being indoctrinated by bourgeois ideologists with what Engels later referred to as a "false consciousness" that prevented them from recognizing their "objectively" revolutionary class interests. Far from agreeing with De Tracy that ideologies were scientific, then, Marx and Engels in the end argued that they were actually distorted, partisan worldviews — which only their own ostensibly "scientific socialist" analyses could unmask.

Given the ongoing failure of the proletariat to rise up and launch a successful revolution against the bourgeoisie in the most advanced capitalist countries, which belied Marx's optimistic, teleological predictions about the looming transition to communism, his ideas were thence adopted and further elaborated upon by subsequent generations of Marxist thinkers. In contrast to Marx, Vladimir Lenin insisted that other social classes, not simply the ruling classes, possessed ideologies designed to advance their interests, including the proletariat in capitalist societies. That meant that there was nothing inherently negative about class-based ideologies, as long as they were "progressive." Indeed, communist ideology was explicitly viewed as a weapon in the class struggle. Alas, because Lenin also apparently believed that the proletariat was currently "enslaved" by bourgeois ideology, he argued that it could never fully achieve class consciousness or mobilize for revolution without the help of so-called vanguard parties composed of professional revolutionaries, people such as himself and his Bolshevik "comrades," one of whose primary tasks would be to develop and disseminate an effectively combative socialist ideology. Hungarian Marxist philosopher György Lukács (1885-1971) agreed with Lenin that the working class possessed an ideology, historical materialism, which he argued was different from other ideologies that embodied "false consciousness" because it was the "ideological expression of the proletariat in its effort to liberate itself." But although Lukács also saw the communist party as the representative of the proletariat's supposed class interests, he explained the existing dominance of bourgeois ideology as being a result

of the basic socio-economic organization of capitalist society. Later, French "structural Marxist" philosopher Louis Althusser (1918-1990) argued that ideology, which he thought had a quasi-material existence because it was rooted in "ideological state apparatuses" despite being antithetical to science, was nonetheless both omnipresent and indispensable for promoting social cohesion, even in communist societies.

However, it was Italian communist Antonio Gramsci (1891-1937) who especially refined and elaborated upon these Marxist notions of ideology. In the first place, like Lukács he challenged the "vulgar Marxist" overemphasis on material factors by emphasizing the importance of what Marx had labeled "superstructural" forces, that is the political, legal, and cultural institutions that supposedly emanated from and functioned to justify particular modes of production, and indeed insisted that ideologies "must be analysed historically, in the terms of the philosophy of praxis, as a superstructure." Second, he argued that the capitalist bourgeoisie had thus far managed to maintain its dominant position and prevent proletarian revolution not primarily by using the coercive powers of the state, but rather mainly by attaining and maintaining what he referred to as ideological and cultural "hegemony" via subtler mechanisms of socialization and indoctrination operating within civil society, which in turn generated the seemingly "spontaneous" consent given by the great masses of the population to the general direction imposed on social life by the dominant functional group [i.e., class]." Thus, in the words of Andrew Vincent, for Gramsci

[t]he ideology of the ruling class becomes vulgarized into the common sense of the average citizen. Power is not just crude legal or physical coercion but domination of language, morality, culture and common sense. The masses are quelled and co-opted by their internalization of ideational domination.

As such, Gramsci concluded that the "organic intellectuals" emerging from the proletariat had to win over segments of the "traditional intellectuals," who fancied themselves to be above the interests of specific social classes but in fact functioned as ideologists and functionaries who buttressed the increasingly moribund status quo, which would then enable the former to contest bourgeois hegemony

in the ideological and cultural spheres by waging a "war of position" and, ultimately, to replace it with "proletarian counter-hegemony" as a necessary precursor to revolution. Hence Gramsci's conception of the term ideology, unlike those of Lenin and Lukács, was a broad one that encompassed not only the coherent doctrines developed by intellectuals, but also their indirect manifestations in the forms of popular culture, religion, folklore, and whatever passes for "common sense."

After World War II, certain left-wing philosophers associated with the so-called Frankfurt School, such as Herbert Marcuse, made even more extravagant claims about the influence and pervasiveness of bourgeois ideology in democratic societies which, under the guise of promoting freedom and tolerance, had instead allegedly facilitated the establishment of an even more insidious form of totalitarian control. Indeed, even early critics of Marxist notions nevertheless ended up accepting some of the same problematic premises despite their efforts to develop new social science interpretations of ideology. For example, although Hungarian sociologist Karl Mannheim (1893-1947) attempted to distinguish between wholly partisan "particular conceptions" and more inclusive "total conceptions" of ideology, and to transform the latter into a new "sociology of knowledge" by means of "purely empirical investigation [s] through description and structural analysis of the ways in which social relationships ... influence thought," he nonetheless could not fully abandon the quasi-materialist and somewhat deterministic Marxian notion that ideologies were invariably formulated by concrete social groups enmeshed in particular historical, political, and socio-economic contexts.

Nor was it only Marxist thinkers who formulated negative characterizations of what ideologies were. For example, French sociologist Émile Durkheim (1858-1917) criticized what he called the "ideological method" for "the use of notions to govern the collation of facts rather than deriving notions from them," an approach he viewed as an inversion of the proper scientific method. No less pejorative views of ideologies were also produced by researchers from other academic disciplines. Thus, according to psychologist Abram Kardiner and his colleagues, ideologies were essentially "compounds of projective systems, in the interest of which empirical evidence is mobilized, and have

therefore the same structure as rationalizations." From this perspective, ideologies were developed to provide more or less elaborate intellectual and moral justifications for the potentially problematic or illegitimate behavior of collectivities, that is to conceal their baser, more reprehensible underlying motives. In the words of political scientist David E. Apter, some analysts appeared to regard ideologies as little more than "a cloak for shabby motives and appearances." For American sociologist Lewis S. Feuer (1912-2002), instead, ideologies had a quasi-Freudian functional interpretation:

the ideological fanatic is repressing tremendous segments of his personality.... Ideology thus helps provide the internal energy for the repression of human impulses and external energy for aggression against others. Ideology is the instrument whereby men repress their humane responses, and shape their behavior to a political mandate.

However, some of the most influential negative characterizations of ideologies were produced by other Western social scientists and philosophers after World War II. Taking a new and different tack, several postwar theorists of totalitarianism tended to restrict the term "ideology" exclusively to extremist ideologies that they characterized as totalitarian, like fascism and communism. They viewed such ideologies as "closed," dogmatic systems of thought that claimed a monopoly on truth and therefore sought to suppress all rival ideas, in contrast to "open" systems of thought like liberalism. Hence totalitarian ideologies, and the movements and states they gave rise to, effectively constituted "secular religions" that aspired to achieve total control not only over the external behavior of people but, even more importantly, over their innermost thoughts. From this perspective, the Fascist regime in Italy, the Nazi regime in Germany, and the Bolshevik regime in the Soviet Union were all examples of a terrible new type of ideologically based totalitarian state. For German-American political theorist Hannah Arendt (1906-1975), "the trouble with totalitarian regimes is not that they play power politics in an especially ruthless way, but that behind their politics is.... their unswerving faith in an ideological fictitious world." Indeed, the core of her argument was that ideological thinking becomes emancipated from the

reality that we perceive with our five senses, and insists on a "truer" reality concealed behind all perceptible things, dominating them from this place of concealment and requiring a sixth sense that enables us to become aware of it. This sixth sense is provided by precisely the ideology ... [which] provides a consistency that exists nowhere in the realm of reality.... Once it has established its premise, its point of departure, experiences no longer interfere with ideological thinking, nor can it be taught by reality.

Hence irrespective of their degree of elaboration and sophistication, totalitarian ideologies were fundamentally if not intrinsically irrational. For their part, Friedrich and Brzezinski — who did make a distinction between ideologies in general and totalitarian ideologies, even though they focused their attention exclusively on the latter in their famous work *Totalitarian Dictatorship and Autocracy* — defined a totalitarian ideology as "a reasonably coherent body of ideas concerning practical means of how totally to change and reconstruct a society by force, or violence, based upon an all-inclusive or total criticism of what is wrong with the existing or antecedent society." In that sense such ideologies were always utopian, because they combined "moral indignation against the Today with a fiercely fanatical conviction that the Tomorrow, which is bound to come, will be a higher, indeed a near perfect, state of society." And like Arendt, they too criticized totalitarian ideologies for being based on pseudo-scientific "myths."

In short, for the theorists of totalitarianism, these sorts of ideologies were not only said to represent the antithesis of liberal democratic politics, which are typically characterized by the promotion of individual freedom, pluralism, toleration of dissent, and a pragmatic willingness to compromise, but also the antithesis of rational scientific thinking. They were not alone in drawing such a sharp dichotomy. For example, in 1959 American sociologist Talcott Parsons (1902-1979) opined that "deviations from [social] scientific objectivity" constituted the "essential criteria of an ideology." Meanwhile, a number of other distinguished Western social scientists, above all sociologists, went so far as to suggest that ideologies, which they too identified with extremist ideologies and hence characterized in similarly negative ways,

were becoming increasingly attenuated, unattractive, and irrelevant in Western democratic consumer societies. This notion was perhaps best expressed by American political sociologist Seymour Martin Lipset (1922-2006) in his famous book, *Political Man*:

The fundamental political problems of the industrial revolution have been solved. The workers have achieved industrial and political citizenship; the conservatives have accepted the welfare state; and the democratic left has recognized that an increase in over-all state power carries with it more dangers to freedom than solutions for economic problems. This very triumph of the democratic social revolution in the West ends domestic politics for those intellectuals who must have ideologies or utopias to motivate them to political action.

For his part, Daniel Bell (1919-2011) argued that for radical intellectuals, these developments "meant an end to chiliastic hopes, to millenarianism, to apocalyptic thinking — and to ideology," which he understood as "an all-inclusive system of comprehensive reality . . . a set of beliefs, infused with passion, [that] seeks to transform the whole of a way of life"⁹⁹ In sum, "[t]oday, these ideologies are exhausted.... [and] the old passions are spent"¹⁰⁰ Likewise, for French sociologist Raymond Aron (1905-1983), "[s]uch fanaticism is not for us." Similar notions were promoted for a time by Edward Shils and Lewis Feuer. Yet this so-called end of ideology thesis was very soon undermined, if not entirely disconfirmed, by the dramatic rise of the New Left(s) in the United States and Western Europe and Third World revolutionary movements, which was marked by the enthusiastic resumption of ideological politics, above all by alienated youths from relatively privileged socio-economic strata. The same embarrassing fate later befell the naïve beliefs of Francis Fukuyama and others in the 1990s that the collapse of the Soviet Union had ushered in the "end of history," because the Western liberal democratic model had seemingly triumphed and allegedly no longer had any significant challengers.

Similarly, several moderately conservative thinkers in Britain likewise consigned the term ideology exclusively to political doctrines and practices that they found objectionable. For example, political philosopher Michael Oakeshott (1901-1990) sought to draw a clear distinction between political

ideas and projects stemming from an arrogant faith in "rationalism," which he portrayed as distorted, misdirected, exquisitely ideological abstractions that grossly oversimplified the complexities of the real world, and those linked to "traditional knowledge," that is more pragmatic, non-ideological political philosophies and practices, which had appropriately limited objectives and were supposedly grounded in reality. For Minogue, ideologies were doctrines that claimed to reveal "the hidden and saving truth about the evils of the world in the form of social analysis," and were specifically premised on the belief that "modern European civilization, beneath its cleverly contrived appearances, is the most systematically oppressive despotism the world has ever known," because only there has oppression "begun to hide itself behind a façade of freedom." He therefore argued that ideology, in this narrowly specific sense, is "incompatible with the activity of politics," first because it "assumes that mankind is enslaved" whereas politics is an activity of the free, and second because the majority of citizens cannot participate actively in politics in equal measure because "the understanding of most people has [supposedly] been fatally clouded by the experience of domination."

Having surveyed some of the main conceptions of ideology proffered by various intellectuals, past and present, it can be seen that they are divided broadly into two contrasting camps. In the first camp, thinkers like Destutt de Tracy argued that "ideology," the study of ideas, was itself a science, whereas most actual ideologues have been convinced that their own doctrinal tenets were intrinsically correct or even scientific, whether or not they referred to them as "ideologies." In the second camp, most theorists have (up until recently) argued that ideologies were worldviews that were intrinsically false, distorted, illusory, and fundamentally unscientific. Those varying interpretations of ideology also clearly illustrate the distinctions that were delineated earlier between "restrictive" or "critical" conceptions on the one hand, and "inclusive" or "neutral" conceptions on the other. However, further potentially significant differences are also noticeable, which has caused French sociologist Raymond Boudon to develop a more sophisticated scheme for categorizing the various historical interpretations of the term ideology. In his scheme, conceptions of

ideology are not based explicitly on the distinction between "partisan" and "neutral" conceptions, but rather on other criteria. He begins by distinguishing between "traditional" definitions of ideology, both Marxist and non-Marxist, which portray ideologies as beliefs that are inherently false in some sense, and "modern" definitions, also both Marxist and non-Marxist, which instead insist that they are not intrinsically false, that is that ideologies can be false, true, or embody a mixture of truth and falsity. His second division is between explanations, both Marxist and non-Marxist, that either characterize ideologies as intrinsically irrational and as the product of forces beyond the individual's control, or as rational in the sense that they "can be analysed as meaningful behavior in the [Max] Weberian sense," without necessarily being "deliberate or calculated." If one combines those definitional and explanatory criteria, one ends up with four possible combinations:

- Traditional definition (ideology is falsehood) and irrational explanation (adherence to ideology is because of forces beyond the control of the subject);
- Traditional definition (ideology is falsehood) and rational explanation (adherence to ideology is meaningful);
- Modern definition (ideology does not derive from the criterion of true or false) and irrational explanation (adherence to ideology is because of forces beyond the control of the subject);
- Modern definition (ideology does not derive from the criterion of true or false) and rational explanation (adherence to ideology is meaningful).

Whether this more elaborate scheme represents a significant improvement vis-à-vis the simpler division between "partisan" and "neutral" conceptions of ideology is likely to remain a matter of opinion. However, it should be noted that the first three of Raymond's categories would all reflect "partisan" conceptions of ideology, for one reason or another, whereas only his fourth category corresponds roughly to "neutral" conceptions of ideology.

In any event, although all of the aforementioned "restrictive" notions of ideology have been widely criticized for their partial and partisan definitions of ideologies, there is much to be said for some of

these critical interpretations of ideologies — provided that one qualifies them by limiting them to extremist ideologies rather than wrongly ascribing them to political ideologies in general. After all, liberalism and conservatism are themselves both political ideologies, albeit ones that most non-Marxist analysts would view in much more neutral, less pejorative senses of that term. However, if one restricted such negative criticisms solely to extremist ideologies, they would arguably be all too applicable, as will soon become clearer.

However that may be, all political ideologies, extremist or otherwise, perform various intellectual and social functions. First, and virtually by definition, they provide a more or less coherent explanation of how the world works, regardless of the accuracy of that explanation. In other words, they provide an explanatory framework for interpreting and understanding human socio-political interaction. And like all French Revolution whose purposes were to justify defending or restoring the power and authority of throne and altar. Indeed, several authors have usefully divided political ideologies into (1) status quo ideologies, "which seek to conserve the existing order"; (2) reform ideologies, "which seek change within the existing order"; and (3) revolutionary ideologies, "which seek to replace the existing order."

Third, it follows that all political ideologies have an important affective dimension. Whether an ideology is seeking to promote the maintenance of the status quo or to justify its overthrow and replacement, it must appeal to the emotions of the individuals or social groups its exponents hope to influence, convince, or mobilize the support of. As Rejai notes, "a most distinctive feature of all ideologies is an appeal to human passion, an eliciting of emotive response." According to Smelser, ideologies provide "a structure for the affects of anxiety, despair, indignation, hope, anticipation, and elation, and [wed] them to its selective existential picture of the world." Indeed, some analysts have gone so far as to claim that ideologies appeal mainly to the emotions rather than to the intellect. However that may be, politically influential ideologies, past and present, are both psychologically seductive and emotionally resonant, which explains why they have so often been capable of inducing certain segments of particular communities to make extraordinary

sacrifices on behalf of the causes they espouse. Indeed, even scholars who have characterized ideologies in a negative, restrictive way have often recognized their tremendous emotional appeal. For example, Aron argued that such political ideologies embody the longing for a purpose, for communion with the people, for something controlled by an idea or a will. The feeling of belonging to the elect, the security provided by a closed system in which the whole of history as well as one's own person find their place and their meaning, the pride of joining the past to the future in present action — all this inspires and sustains the believer.

In what ways, then, are ideologies emotionally appealing? As Aron suggests, they provide the individuals who embrace them — rich or poor, educated or illiterate, fortunate or disadvantaged, young or old, from whatever social strata or life circumstances — with a comforting degree of intellectual certainty, a higher sense of purpose in life, a conviction of their own moral superiority, a feeling of belonging to a special community with a grand historical mission and destiny, and a sense of emotional stability and security in an otherwise inhospitable, chaotic, and seemingly meaningless world.

Fourth, political and religious ideologies function as a powerful source of social solidarity, because they effectively divide — intellectually, psychologically, and perhaps also socially and organizationally — the "righteous" group members from all of the "dark" or "alien" forces operating outside of and allegedly against the interests of the group. They therefore help to provide both a sense of collective identity to individual group members and to bond them socially and emotionally to each other, thus offering them a profound feeling of fellowship as "comrades" or "brothers" who are all ostensibly working together harmoniously and making common (and perhaps even at times extraordinary) sacrifices for a great and noble cause. Hence unlike most other people, such ideologically bonded group members are no longer suffering psychologically from loneliness and anomie or engaged in selfishly pursuing their own individual material interests. Indeed, one might say that the enthusiastic adherence to a common ideology constitutes the intellectual "glue" which holds socio-political organizations and movements together, and which in turn welds their members into a

purposeful collectivity working toward the realization of what they regard as a glorious higher cause. Moreover, once a person embraces such an ideology and joins a particular group, especially one that espouses an extremist ideology, he or she is then typically subjected to further ideological indoctrination, authoritarian forms of charismatic leadership, intense peer group pressure, and severe sanctions for dissenting, refusing to obey, or otherwise violating the group's norms. In the case of clandestine insurgent organizations relying on violence and terrorism, groups which are usually being actively hunted by the security forces of the incumbent regime, these processes become even more intensified, and the result is the development of a kind of insular "hothouse" environment marked by collective paranoia in which the significance and potential danger of every group member's thoughts and actions are magnified. In such a strained micro-social context, what were originally perceived as socially and emotionally attractive elements of belonging to the group can eventually become terribly oppressive.

Be that as it may, all political ideologies, extremist or otherwise, claim to provide the answers to three interrelated questions:

- First, what is wrong with the world?
- Second, who is responsible for those wrongs?
- Third, what needs to be done to correct those wrongs?

This means, effectively, that political ideologies all contain both diagnostic elements — the answers they provide to the first and second questions — and prescriptive elements that are intended to serve as a guide for action — the answer they provide to the third question. The foregoing is a shorthand way of formulating ideas that many other scholars have discussed at greater length. For example, Smelser emphasizes these same three aspects of ideologies, among others. First, ideologies claim to "identify and explain what is wrong or threatened in the world of believers (and

Wrong or threatened in the world of believers (and (i)8.g](h)11.24 (i)8.1 (p0 Td[1]3.3

posits that this reality can be interpreted by a universally true and exhaustive system of ideas." In practice, this translates into the conviction that there is one, and only one, correct belief system, set of moral values, and/or appropriate course of action, whether this is decided upon by recognized group leaders or derived from ostensibly "eternal" theological or intrinsically "correct" political doctrines. The phrase "my way or the highway" epitomizes this attitude, which is extremely intolerant of alternative, contrary, or dissenting views.

- Utopianism — a term referring to the promotion of a political or religious vision, agenda, or plan for a better society that is very unlikely to be achieved, if not impossible to achieve, in the real world (as well as to fictional societies portrayed in literature).¹³² The term "utopia" derives from the Greek phrase *οὐ* ("not") and *τόπος* ("place"), which therefore literally means "no place" or "nowhere," and was the title of a famous novel written in 1516 by Sir Thomas More (1478-1535). Hence in political parlance it is typically applied, pejoratively, to world transformative visions concerning the creation of an idealized society, in which all existing social problems can and will be surmounted or eradicated, visions that are viewed by critics as absurdly impractical because they are premised on false ideas about human nature or about its potential malleability. Among the many extremist ideologies that have been characterized as utopian are communism (which postulates the creation of an ostensibly just, harmonious international classless society free of want, hardship, and exploitation), fascism (which postulates the creation of an ostensibly just, harmonious organic national community free of internal conflict and debilitating divisions), anarchism (which postulates the creation of an ostensibly just, harmonious non-hierarchical, non-authoritarian decentralized socio-political system, also free of exploitation, where decisions are made and collectively acted upon from the bottom up), and Islamism (which postulates the creation of an ostensibly just, harmonious theocratic state and society that is free of want, hardship, and strife because everyone will behave in accordance with a strict, puritanical interpretation of Muslim divine law, the *shari'a*).
- Collectivism — a term referring to beliefs that the interests of the group as a whole, however that group is defined, must invariably take precedence over the rights of the individuals who make up the group. It is antithetical to individualism insofar as the individual is regarded as having no "natural rights" whatsoever that are distinct from his or her membership in the group, much less any intrinsic rights that cannot be abridged by the group, whose needs and interests are always granted priority. In that sense, modern collectivist ideologies have provided new intellectual justifications for suppressing individual rights, which in the West have replaced the unreflective communitarian beliefs commonly held and accepted in pre-modern or non-Western traditional societies, before certain natural rights doctrines had evolved and spread which proclaimed that individuals had certain inalienable rights of a moral, spiritual, or legal nature.
- Hyper-moralism — a word that refers to excessive, uncompromising moralism or self-righteousness, if not outright moral puritanism. Although their opponents have often characterized extremists as either lacking any discernable morality or being unconcerned about moral strictures, the truth is precisely the opposite. Far from consciously ignoring morality (although they may well repudiate and intentionally violate existing moral standards) or lacking a moral compass, if anything they are "moral to a fault," in the sense that they both demand that everyone adhere to moral standards that are so strict that it is virtually impossible to achieve them and also often act to punish those who cannot meet such standards. Even when they cannot personally live up to their own unrealistic moral standards, which is all too common, they nonetheless try to impose them forcibly on everyone else. Extremists invariably believe that they are acting in the service of a higher morality, which is why they tend to be so morally rigid and intolerant of the perceived moral flaws of others and so brutal in dealing with their supposedly "immoral" opponents. Hence the horrendous atrocities and crimes against humanity that have often been committed by extremists are not generally attributable to immorality, amorality, or outright cruelty and sadism, but rather to their excessive moralism

and fanatical conviction that they are struggling righteously against overwhelming odds to create a better world. In such contexts, the proverb incorrectly attributed to famed English author Samuel Johnson (1709-1784) — "the road to Hell is paved with good intentions" — is all too applicable, as is British historian Herbert Butterfield's statement that the "greatest menace to our civilization is the conflict between giant organized systems of self-righteousness...."

- Authoritarianism or Totalitarianism — terms referring to the efforts by the leaders of extremist movements and organizations (1) to tightly control the external behavior of their followers (authoritarianism), or (2) to tightly control the external behavior and to transform and dominate, via a combination of systematic ideological indoctrination, psychological manipulation, and the creation of all-encompassing and confining organizational webs, the very thoughts and consciousness of their followers (totalitarianism). The aim of totalitarian leaders is to get inside their followers' heads and thereby create obedient, enthusiastic, disciplined, deployable "new men" who are willing to sacrifice themselves by struggling, heroically if necessary, in order to achieve their movements' ostensibly higher, noble causes. As the name itself implies, totalitarian leaders and movements aspire to achieve total control over their own followers and, ultimately, their entire societies, even though in practice they are never actually able to achieve such a thoroughgoing level of control.
- Dehumanization or Demonization of Designated Enemies — terms referring to the characterization of opponents as intrinsically and irremediably evil or, in the case of religious extremists, as literally "satanic" or "demonic." Given this simplistic mindset, designated enemies are never viewed as garden variety political rivals or as people who simply have contrasting perspectives or different ideas, but rather as veritable "evildoers" who are consciously doing everything in their power to prevent extremist organizations from achieving their righteous goals. After all, why would anyone who was not thoroughly evil or inhuman intentionally stand in the way of such noble goals? Of course, different types of

extremist groups designate different enemies based on the specific contents of their ideological belief systems: for communists, it is "class enemies"; for anarchists, all illegitimate "authorities" and "hierarchies"; for fascists, "anti-national" elements; for Nazis (and other racial supremacists), "racial enemies"; and for Islamists, "infidels," "hypocrites," and "apostates." Yet irrespective of how their enemies are actually defined, such a dehumanizing perspective easily serves as an intellectual and moral justification for the harsh persecution and physical elimination of real and imagined "enemies." Indeed, the achievement of proclaimed utopian agendas necessitates the suppression and merciless eradication — or, at the very least, the enforced ideological conversion by means of systematic re-education — of any and all opponents.

- Conspiratorial Paranoia — this phrase refers not to clinical forms of paranoia or actual psychopathologies, but to the penchant of extremists for believing that their enemies are utterly malicious, frightfully powerful, omnipresent, and incessantly engaged in sinister plotting to destroy their own group and thereby prevent the realization of its noble goals. Indeed, from their perspective there is not only a vast array of declared enemies operating outside of the movement who must be vanquished, but also "subversive," traitorous enemies operating secretly within the movement itself who must be ruthlessly purged lest they fatally weaken it. Such convictions easily lend themselves to the elaboration or adoption of all-compassing conspiracy theories, which postulate that sinister cabals of evildoers are working constantly behind the scenes so as to manipulate or control the course of events, invariably in detrimental if not catastrophic ways. Alas, because it is never possible for extremist movements to totally defeat or completely eliminate all opposition, group members are urged to remain perpetually vigilant and aggressively wage "continuous," never-ending life-and-death struggles against a host of real or imagined external and internal enemies.

These, then, are the common characteristics of virtually all forms of ideological extremism, and it would be easy enough for anyone who was

sufficiently motivated to find innumerable quotations from a diverse array of extremist ideologues or ideological treatises that would perfectly illustrate all of those characteristics.

The ultimate goal of most political and religio-political extremists is to establish some form or system of "political rule in the name of a monistic ideology," that is an "ideocracy." This term, which combines the ancient Greek root terms *kratía* ("[political] rule") and *idéa* ("idea"), refers to a polity or society that is in theory ruled in accordance with various ideological tenets, in this context those that embody extremist characteristics, albeit in practice one that is actually ruled by particular leaders who claim to adhere to those tenets. In the words of the American esoteric historian Arthur Versluis,

[a]n ideocracy is a form of government characterized by an inflexible adherence to a set of doctrines, or ideas, typically enforced by criminal penalties... An ideocracy is monistic and totalistic; it insists on the total application of ideology to every aspect of life, and in it, pluralism is anathema.... In an ideocracy, the greatest criminal is imagined by ideocrats to be the dissenter, the one who by his very existence reveals the totalistic construct imposed on society to be a lie.

The proponents of such aims can thus be referred to generically as ideocrats, and the political systems they hope to establish can be referred to as ideocracies. Although most ideological extremists fortunately fail either to mobilize mass movements or to seize political power, those who do so typically endeavor to establish ideocratic political systems. That is precisely why one must always take the political or religio-political ideologies they espouse seriously, because those worldviews normally provide a blueprint, however vague and inconsistent it may be, for the regimes and societies they hope to establish should they succeed in coming to power.

[The Cambridge Companion to the United States Constitution](#) by Karen Orren and John Compton [Cambridge University Press, 9781107094666]

This [Companion](#) provides a broad, historically informed introduction to the study of the US constitutional system. In place of the usual laundry lists of cases, doctrines, and theories, it presents a picture of the constitutional system in action, with

separate sections devoted to constitutional principles, organizational structures, and the various legal and extra-legal 'actions' through which litigators and average citizens have attempted to bring about constitutional change. Finally, the volume covers a number of subjects that are rarely discussed in works aimed at a general audience, but which are critical to ensuring that constitutional rights are honored in the day-to-day lives of citizens. These include standing and causes of action, suits against officeholders, and the inner workings of the Foreign Intelligence Surveillance Court (FISC). This Companion places present-day constitutional controversies in historical context, and offers insights from a range of disciplines, including history, political science, and law.

Excerpt: The essays that comprise this volume are written at a time when respected commentators across the ideological spectrum depict the condition of the US Constitution in terms of opprobrium falling somewhere between deviant and dysfunctional.' Ours is a period of political and institutional unease, when rules and rights long taken for granted are in fierce dispute, often under constitutional auspices, and when the accustomed means of resolution are themselves under serious questioning. Any reader's companion to the Constitution today should take these circumstances into account. Accordingly, in these introductory remarks we will stifle all impulses toward reassurance and instead offer a guide for situating the insights of the essays within what we perceive to have been an essential and ongoing problematic of American constitutionalism over time.

Our approach to understanding the Constitution normalizes today's constitutional disputes within a pattern of incongruent elements that has characterized American fundamental law from its beginnings. The approach consists of two essential steps. The first is to conceive of the Constitution's original character as a historical halfway station: halfway between monarchy and democracy, halfway between judicial sovereignty and legislative sovereignty, halfway between prescribed rights and "natural" rights, halfway between jurisprudence and politics, halfway in other respects that we will discuss as we proceed. Various, over several constitutional crises in American history, one of the halves mentioned can be seen to push and pull against its opposite. These

oppositions complicate the project inherent in all constitutions, which is adaptation to changing circumstances. To the degree that words written down more than two centuries ago serve as constant reference and touchstone for every move on every side, they carry this deep unsettlement forward into the present.

The second step in our approach involves taking into account certain implications of the precise moment in English history when the Constitution was framed. This goes beyond the truism that every enterprise, constitutional or otherwise, is limited by the vistas imaginable by its creators. In the case at hand, the effects are concretely lodged in the massive historical fact that every American state in the original republic formally received into its own law the common law and statutes of England as of some specified date, usually the time of the colony's settlement, as its own; only provisions considered on their face to be "repugnant" in this country — for instance, those on the royal succession or on the Anglican church — were excluded from this reception. Except for Louisiana, all subsequent states and territories followed suit, expressly, through constitutions or in legislation; likewise, after initial controversy, so did the federal government.¹ By this means, the new American governments grafted onto themselves the fruits of English political history, including both national rules and individual rights that were established to that point.

Notice that we are not talking here about influences but about legal provision, already up and running or soon to be implemented. The founders themselves accomplished their handiwork atop an immense grid of prior institutional experience, one that would serve to demarcate channels of future discord. From then forward, American judges would argue whether a given right had "vested" with ratification of the Constitution or if a particular substantive or procedural question was the subject of Parliamentary legislation at the date of reception specified and therefore did or did not qualify as a legitimate — that is to say constitutional — subject for American legislation, state or federal. To recognize this inheritance is in no way to discount the spirit of genius and creativity that permeated events in Philadelphia in 1787. Nor does it lessen the significance of the momentous proposals and compromises fashioned there. But it does help

explain certain otherwise quizzical features: how, for instance, the constitutional text could be so short and how it could have been expected that such diverse states would fit smoothly into a single union.

Following its own civil war and revolution, English government was by the eighteenth century partly, but by no means completely, extricated from its premodern past. The authority of the King was greatly diminished and the prerogative courts through which he had governed all but destroyed. Religious and commercial affairs, as well as ultimate control of governmental offices, had passed into the jurisdiction of Parliament, to be ruled from now on by statutes. Individual protections like freedom from censorship and search and seizure without warrant had been added to rights claimed by ancient patrimony. The totality was administered by the several courts of common law, in which, after the Act of Settlement of 1701, judges could for the first time make their decisions independently of the crown's will. At this same juncture, common law in the colonies became, if anything, an even more central institution than in Great Britain. At American independence, common law courts would constitute the most important local institutions of colonial government.

From their disparate beginnings, the colonies' legal systems converged to rely on English rules, English lawbooks, and English-trained judges, both to punish crimes and to regulate civil matters ranging from land sales to education. An ocean away, and therefore untainted by memories of intrigue and bloody reprisals associated with their English counterparts, common law courts enjoyed great respect and incurred none of the hostility visited on the Admiralty courts from the middle of the eighteenth century, though both systems were staffed by Americans. Moreover, common law proceedings included the jury trial, widely regarded by contemporaries as the quintessence of colonial democracy. Importantly, this broad development appears not to have been imposed by English governors but to have proceeded indigenously. Lawyers were in the forefront of the revolutionary struggle. All of these circumstances supported the significant role eventually assigned the judicial branch of government under the Constitution.

As we will see, the inheritance of English law has anchored, defined, and motivated American

constitutional law throughout its history. The procedural provisions received then continue to guide in important ways virtually every decision issued by an American court. The substantive provisions, on the other hand, have had the greatest bearing on constitutional change. It has become something of a commonplace today that the participants at Philadelphia were all white men and that the Constitution they wrote would require amending before their exclusive position in public affairs would be successfully challenged. What is perhaps less understood is how their superior status was hardwired into the Constitution by way of Article III. William Blackstone described the "private relations" of English law as master and servant, husband and wife, parent and child, guardian and ward; in the United States, James Kent would add the variation of domestic slavery. The eradication of these relations, both the rules they countenanced and the hierarchies they expressed, would become the central challenge of constitutional politics for the next two hundred years. It continues into our own time.

The essays in this volume employ no single chronological grid. Yet those that make demarcations in time repeatedly show them in correspondence to this historical project. Diverse conflicts and disruptions cause constitutional strain, including, as we will see, in foreign affairs. Still, it is striking how on every plane — principles, structures, actions — major turning points referenced are the removal of slavery at the end of the civil war; the battle to end master-and-servant law in the "Lochner era" and the coming of the New Deal; the ongoing offensive against the effects of Jim Crow, starting with the Warren Court. Today's openly politicized judiciary features at center stage the demise of traditional family relations and, with this step, unprecedented discord among jurists and scholars over what a Constitution "is" and what its existing words might legitimately command.

The progression to constitutional free fall, that is, to a politically chosen realm without firm rules rooted in the past, exhibits two genealogies. Each stems from the Constitution's "halfway" beginnings. Both of them are typified in the canonical writings of William Blackstone. Blackstone famously depicted English law as a feudal castle, but he set it down in a landscape of natural rights. All evidence

indicates that the framers lived comfortably in both places. In Jefferson's correspondence we read how, for instance, when the author of "life, liberty, and the pursuit of happiness" was tasked with the job of purging English residues from the laws of his own state, he backed off, doing no more than "omitting the expired, the repealed and the obsolete." To act otherwise, he thought, would, "from the imperfection of human language and its inability to express distinctly every shade of idea ... involve us for ages in litigation and render property uncertain" English common law and statutes prior to 1607 and all English law in colonial usage were retained by the Virginia legislature.

Jefferson's ease in such matters was impossible for his successors, many of whom found elements of the English inheritance intolerable. Their eventual dissolution by events caused a continuing division in constitutional thought that persists until today. On the one side are what we might call the "Extrafoundationists." These anticipate what will be discarded with interpretive add-ons: in the 1850s, "higher law"; in the 1930s, "legal realism"; in the 1950s, "evolving standards of decency"; in the 1970s, "representational reinforcement"; in the woods, "popular constitutionalism. On the other side, those we might deem "Foundationists" cleave to the original constitutional package. The common lawyers and formalists of history, when what remains of the past is largely the document itself, they become advocates for the constitutional text; after decades of staring into the abyss — *Brown v. Board*, *Engel v. Vitale*, *Roe v. Wade* — they become "originalists," in the difficult position of proceeding as if momentous social transformations never happened or did not touch on the framers' core assumptions.'

The following essays take no side in this debate. Written independently of these introductory remarks, each offers its own analysis and evaluation of the constitutional topics it surveys. What we propose in light of the foregoing is to convey beforehand how their subjects operate and change together in response to a common set of historical tensions. The essays are arranged in three categories: principles, structures, and actions. We will discuss each in turn, elaborating as we go the historical perspective of a Constitution "halfway."

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[The Mississippi Civil Rights Movement and the Kennedy Administration, 1960-1964: A History in Documents](#) by James P. Marshall [Louisiana State University Press, 9780807168745]

In the early 1960s, civil rights activists and the Kennedy administration engaged in parallel, though not always complementary, efforts to overcome Mississippi's extreme opposition to racial desegregation. In [The Mississippi Civil Rights Movement and the Kennedy Administration, 1960-1964](#), James P. Marshall uncovers this history through primary source documents that explore the legal and political strategies of the federal government, follows the administration's changing and sometimes contentious relationship with civil

rights organizations, and reveals the tactics used by local and state entities in Mississippi to stem the advancement of racial equality.

A historian and longtime civil rights activist, Marshall collects a vast array of documents from the John F. Kennedy Presidential Library and excerpts from his own 1960s interviews with leading figures in the movement for racial justice. This volume tracks early forms of resistance to racial parity adopted by the White Citizens' Councils and chapters of the Ku Klux Klan at the local level as well as by Mississippi congressmen and other elected officials who used both legal obstructionism and extra-legal actions to block efforts meant to promote integration. Quoting from interviews and correspondence among the Student Nonviolent Coordinating Committee members, government officials, and other constituents of the Democratic Party, Marshall also explores decisions about voter registration drives and freedom rides as well as formal efforts by the Kennedy administration--including everything from minority hiring initiatives to federal litigation and party platform changes--to exert pressure on Mississippi to end segregation.

Through a carefully curated selection of letters, interviews, government records, and legal documents, [The Mississippi Civil Rights Movement and the Kennedy Administration, 1960-1964](#) sheds new light on the struggle to advance racial justice for African Americans living in the Magnolia State.

This annotated document reader is a selection of interviews I conducted in the South and Washington, D.C.; New York; Boston; and New Haven, Connecticut, in 1965-66, along with documents I collected from 1960 to 1964 in the South and 1963 to 1966 in New York, and documents from the Kennedy administration that I examined at the John F. Kennedy Library—National Archives from 2014 to 2015. During the initial period, I was a student and a civil rights activist in the South and in New York City. My past activism in the civil rights movement in the 1960 enabled me to gain the trust of and meet and interview many individuals who might not otherwise have been available. This access also influenced the questions I have asked as an academic historian. My continuing civil rights activism has also influenced my research as an independent research professional.

The objective of this reader is to investigate documents from the Mississippi civil rights movement and from the Kennedy administration that reveal the nature of Mississippi's opposition to bringing racial justice to the state and its African American citizens and to show the extent to which the Kennedy administration's actions were parallel to but not necessarily immediately supportive of what the civil rights movement was attempting to accomplish. Moreover, in the initial years of the Kennedy administration, the Kennedys initiated programs that were aimed at executive actions and lawsuits rather than new civil rights legislation.

In my undergraduate years at Yale University, I was a history and political-science major and more importantly a student of bottom-up historiography with Professor Staughton Lynd. His insights into looking at historical documents and events hands-on and up-close deeply influenced my gathering of the materials I was able to find and which I included in my initial research and in this reader. As a result of my direct contact with other civil rights activists, I have been able to ask questions and ascertain which documents I would need in my research. My searches have ranged from this jumping-off point to secondary-source materials, enabling me to obtain a general overview of the events of the Mississippi civil rights movement's creation and growth during the 1960s and earlier.

Years have passed since my initial research at Yale, but my experience there has led to my continued study of the Mississippi movement and its roots in the post—World War II period. I have read numerous studies on this era and visited and explored archival collections at the King Center in Atlanta and online which have shed more light on my understanding of the events of 1960-64. Even though I was able to gather the necessary information to paint a detailed picture of what happened in Mississippi in *Student Activism and Civil Rights in Mississippi: Protest Politics and the Struggle for Racial Justice, 1960-1965*, there were still questions as to how and why the Mississippi movement progressed the way it did, who the movers of events were, and why events happened in the way they did.

In 2014, I was able to get a closer look at some of the documents which helped answer some of the questions as to why the Mississippi civil rights movement of World War II veterans of the 1950s

and 1960s and the student activists of the 1960s in sit-ins, freedom rides, and voter-registration activities were bound together historically with young Mississippi activists. Moreover, it has become evident that the Mississippi elders' importance lies in their mentoring, support, and vetting of young local activists. These issues became apparent to me from my early activism, talks with movement activists, and my examination of movement documents; however, the picture of these events and actions has become even clearer after examining documents in the archives at the John F. Kennedy Library in Boston and comparing them with my prior research.

Among the issues that I have attempted to shed light on are: the contacts between the Kennedy administration, the Democratic Party, and movement activists; the decision to concentrate on voter-registration work to a greater extent than the direct-action programs of freedom rides, sit-ins, and marches; the call for more wide-reaching civil rights legislation than the Civil Rights Acts of 1957 and 1960; the integration of schools and universities in the South; the lack of protection of civil rights activists by federal authorities through the FBI, which rarely confronted official and nonofficial actions by the state of Mississippi and essentially allowed the Ku Klux Klan and the White Citizens' Councils in Mississippi a free reign to oppress African American Mississippians until the late 1960s; the holding of public hearings before the U.S. Commission on Civil Rights on Voting and Law Enforcement only in 1965 rather than in 1962; the failure to reign in federal district-court judges in Mississippi who allowed local authorities to continue restricting voter registration and punish African American Mississippians for moving out of "their place"; the challenge to Mississippi's "Closed Society" through the development of "Protest Politics"; and the movement of the Kennedy administration from the position of acting through existing laws and executive orders to submission of new and stronger civil rights legislation to answer the needs of all Mississippians.

In looking back today at this period, I still find the following statements relevant to my examination of these primary-source materials:

- When you're in Mississippi, the rest of America doesn't seem real. And when you're in the rest of America, Mississippi doesn't

seem real. Robert Parris Moses, quoted in Jack Newfield, *A Prophetic Minority* The closed society of Mississippi thus swears allegiance to a prevailing creed with over a hundred years of homage behind it.... Within its own borders the closed society of Mississippi comes as near to approximating a police state as anything we have yet seen in America. James W. Silver, *Mississippi: The Closed Society*.

- Until the killing of black men, black mothers' sons, becomes as important to the rest of the country as the killing of a white mother's son, we who believe in freedom cannot rest until this happens. Ms. Ella Baker, quoted in Rev. Ed King and Trent Watts, *Ed King's Mississippi: Behind the Scenes of Freedom Summer*.
- Even though much has been written in secondary sources, particularly by supporters and activists of the civil rights movement and by academic historians who have used primary and secondary materials generated by movement people, explanations as to how events took place remain clouded by the interpretations of those who have examined the events. In particular, the documents at the Kennedy Library, except in rare instances, have been largely unexplored in examining the Mississippi movement in depth. In addition, Kennedy biographies have failed to delve deeply into movement sources and are mainly examinations of the federal government's reactions to events in Mississippi rather than what the Mississippi civil rights movement was doing.
- My study is an intertwining of documents from both sides, movement related documents and those collected at the Kennedy Library in Boston.

My aim is to clarify the nature and extent of Mississippi's battle with the Kennedy administration in its continuing oppression of its African American citizens. At the same time it is my hope that I will be able to reveal a fuller pattern and practice of racial discrimination in Mississippi in the 1960s.

My objective is to use those materials that clearly reveal the failed experience of the Kennedy administration and its Department of Justice to achieve its aims from 1961 to 1963, failed not because the Kennedys did not want to bring racial

justice to Mississippi but because Mississippi did not want racial justice to be established there. Moreover, this was in spite of President Kennedy's efforts to pass civil rights legislation from 1963 up to the time of his assassination.

Finally, it is not enough to say that certain events took place. In order to understand why these events did take place, it is necessary to look into them and see their how and why through the eyes of the individuals on the ground who were causal in those events. Sometimes, those events were initiated by individuals on the bottom and then reacted to from the top, which then caused reactions from the bottom up. Thereafter, further interaction on both sides led to additional developments in the particular event.

This volume, then, is a selection of key events in the development and interaction of the Mississippi civil rights movement with white Mississippi and the Kennedy administration and its Civil Rights Division of the Department of Justice. It is my hope that the examination of these documents will provide the reader with a deeper understanding of how and why the events developed and who the participants were.

The prologue is a brief look at John F. Kennedy's nomination for the presidency in 1960, his Democratic Party platform's civil rights plank, and a chronology of significant events during Attorney General Robert F. Kennedy's tenure as head of the Department of Justice.

- Chapter 1 deals with the Jackson movement led by Medgar Evers, the beginning years of the student-supported civil rights movement in McComb, Mississippi, in 1961, and the Citizens' Councils and the Ku Klux Klan.
- Chapter 2 examines the decision of the Mississippi civil rights movement to concentrate on voter-registration work as another form of direct action and Mississippi's leadership in the South in racial discrimination through its 1890 state constitution and its Jim Crow laws in the years afterward.
- Chapter 3 examines the Democratic National Committee and its involvement with voter registration in the South in 1962 and 1964, the Southern Regional Council and the council's part in the Voter Education Project as well as Jack Minnis's position there, and

the implied significance of his leaving the council to become research director of the Student Nonviolent Coordinating Committee (SNCC).

- Chapter 4 deals with the Kennedys' first real crisis, with Alabama and Mississippi, as a result of the freedom rides in 1961. This chapter looks closely at the freedom rides with reference to the civil rights movement, the conversation between Mississippi Attorney General Joseph Patterson and Burke Marshall of the Civil Rights Division of the Department of Justice, the New York Times's Anthony Lewis's interview of Attorney General Robert Kennedy and Burke Marshall, and the resulting issues of the rides and their actions.
- Chapter 5 begins the examination of Attorney General Robert Kennedy's Department of Justice, and in particular the Civil Rights Division and its program of filing suits in order to establish a pattern and practice of discrimination that had to be done case-by-case, county-by-county, registrar-by-registrar, in order to prove discrimination in voter registration. This chapter also looks at the steps taken to develop new civil rights legislation and the strategies to do so.
- Chapter 6 is an examination of the Kennedy administration's appointments of African American officials and the administration's relations with the African American public. These actions are within the framework of an early Kennedy decision to hire minorities and desegregate the federal government in an effort that continued throughout the Kennedy years.
- Chapter 7 examines the next confrontation between the Kennedys and Mississippi, over the integration of the University of Mississippi, and the aftermath in 1962-63. It also brings to light the position of the American Bar Association vis-à-vis the Mississippi Bar Association, the Mississippi governor and legislature, and Mississippi senators and congressmen, while making the connection between the events at Ole Miss with the surrounding African American community.
- Chapter 8 deals with the Department of Justice, the FBI, official and unofficial Mississippi, and the Mississippi civil rights movement. Central to this chapter is a study

of abuses against the movement in its suit in federal district court in Washington, D.C., against Attorney General Robert Kennedy and FBI Director J. Edgar Hoover, along with the testimony of SNCC members before the U.S. House Judiciary Committee.

- Chapter 9 examines the growing attack on the movement; the development of the coalition led by the Council of Federated Organizations (COFO) under the Voter Education Project in the Delta; the Jackson movement in 1963, including the assassination of Medgar Evers; and the beginnings of "protest politics" in the Freedom Vote in Mississippi.
- Chapter 10 then turns to an examination of the U.S. Commission on Civil Rights' apparent inaction and the movement's call for public hearings in Mississippi, as well as Robert Kennedy's postponement of those hearings from 1962 until 1965—after he had left office as attorney general.
- Chapter 11 closely examines the conduct of Judge William Harold Cox, the first federal district-court judge appointed by President Kennedy. Judge Cox, moreover, remained a thorn in the side of the civil rights movement and Mississippi African Americans all of the years he sat on the bench (1961-88). At times, however, during his tenure at the federal court he had his decisions on racial matters overturned by the U.S. Fifth Circuit Court of Appeals and the U.S. Supreme Court.
- Chapter 12 is an examination of President Kennedy's encouragement of the setting up of national lawyers' groups to deal with civil rights issues, the Mississippi movement's decision to use the National Lawyers Guild for the Summer Project in 1964, and the question of Communist influence on the civil rights movement.
- Chapter 13 then examines the 1964 Summer Project's history in part, as well as the Freedom Schools, the Department of Justice's interaction with the Mississippi movement, and white Mississippi's attack on the movement in McComb in 1964.
- Chapter 14 deals with the continued development of "protest politics" in the formation of the Mississippi Freedom Democratic Party, its challenge to the regular Mississippi delegation at the Democratic National Convention in August 1964, and its

subsequent challenge to the seating of Mississippi's congressmen in January 1965.

- Finally, chapter 15 reviews the Kennedy administration's achievements in civil rights through 1963 and Harris Wofford's part in it, even though it took until the summer of 1964 for the proposed civil rights bill to become law.

The interviews (conducted in 1965 and 1966) and documents in this reader are from the period of the student and local civil rights movement in Mississippi and the years of the John F. Kennedy administration to the end of Robert Kennedy's service as attorney general from 1960 through September 1964. Nevertheless, brief mention is made concerning the congressional challenge of January 1965 and the depositions in that investigation that were taken in the summer of 1965, both of which were the result of actions by the Mississippi Freedom Democratic Party in 1964.

This period critically influenced the events that followed. However, inasmuch as I have not presented documents from the later period, and because I believe that one must see the period after 1964 as being greatly influenced by prior events in Mississippi in particular, I recommend that the reader also examine studies relevant to understanding the post-1964 period and civil rights legislation that was passed by Congress.

Mississippians—not only local and national leaders but local private citizens as well—fought to preserve the "Closed Society" in any way they could. And even after the passage of the Voting Rights Act in 1965, Mississippi continued to fight through its legislature and court system to effectively nullify the results of growing numbers of registered African American voters.

Today I believe that I have found some of the answers to certain questions I have asked myself over the years concerning the Mississippi civil rights movement. Nevertheless, even today, more historians as well as participants in the Mississippi movement are continuing to write, and I am sure this primary source reader will cause others to ask additional questions.

[The List: A Week-by-Week Reckoning of Trump's First Year](#) by Amy Siskind [Bloomsbury Publishing, 9781635572711]

The shocking first-draft history of the Trump regime, and its clear authoritarian impulses, based on the viral Internet phenom "The Weekly List."

In the immediate aftermath of Donald Trump's election as president, Amy Siskind, a former Wall Street executive and the founder of The New Agenda, began compiling a list of actions taken by the Trump regime that pose a threat to our democratic norms. Under the headline: "Experts in authoritarianism advise to keep a list of things subtly changing around you, so you'll remember" Siskind's "Weekly List" began as a project she shared with friends, but it soon went viral and now has more than half a million viewers every week.

Compiled in one volume for the first time, *The List* is a first draft history and a comprehensive accounting of Donald Trump's first year. Beginning with Trump's acceptance of white supremacists the week after the election and concluding a year to the day later, we watch as Trump and his regime chips away at the rights and protections of marginalized communities, of women, of us all, via Twitter storms, unchecked executive action, and shifting rules and standards. The List chronicles not only the scandals that made headlines but just as important, the myriad smaller but still consequential unprecedented acts that otherwise fall through cracks. It is this granular detail that makes *The List* such a powerful and important book.

For everyone hoping to #resistTrump, *The List* is a must-have guide to what we as a country have lost in the wake of Trump's election. #Thisisnotnormal. On January 22, 2017, two days after the inauguration of Donald Trump, U.S. counselor to the president Kellyanne Conway went on television to make a case for a new concept: "alternative facts." Conway was defending lies that Press Secretary Sean Spicer had made the day before about the size of Trump's inauguration crowd—lies that could be disproven simply by looking at photographs of the event.

The audacity of Conway's claim left most Americans reeling. After all, what is the purpose of lying when one could be so easily caught? And if likely to be caught, shouldn't one be more subtle, rather than contriving a catchphrase that sounds straight out of a George Orwell novel? What many Americans missed is that the audacity of the lie was the point. Lies are not merely false statements but signals of

power. Conway's goal was not to convince Americans of an alternate narrative but to tell them, "We know that you know that we're lying, and we don't care, because there's absolutely nothing you can do about it."

If there is a Trump Doctrine, it is written in Alternative Facts. Throughout 2017, the Trump administration unleashed a firehose of falsehoods designed to prompt Americans to frantically search for the truth, in the hope that they would ultimately stop valuing it. The difficulty in merely gathering accurate information under these conditions—much less organizing in response to it—was intended to exhaust both the critical thinking and political drive of the administration's opponents. What is the point of speaking truth to power, citizens would ultimately wonder, if power is the only truth?

Though the nomenclature may be new, the tactic is not: Alternative facts have long been a hallmark of authoritarianism, and a propaganda onslaught has never been easier to achieve than it is today. In 1941, Nazi propagandist Joseph Goebbels put forth his theory of "the big lie": "If you tell a lie big enough and keep repeating it, people will eventually come to believe it." Today the big lie finds new reinforcement in digital media: in twisted narratives invented by state officials, validated through retweets and trending topics, and repeated through aggregated content that often seeps into the mainstream press. The big lie is big not only in its audacity but in its pervasiveness, as armies of trolls work to drown out opposing views and a news media unprepared for autocracy scrambles to catch up.

Thankfully, in 2016, Amy Siskind sought to keep people caught up—by writing everything down. Inspired by articles I and other scholars of authoritarian regimes wrote advising citizens to keep track of changes shortly after Trump won the election, Siskind began writing a weekly list of things that were, in her words, "not normal." Given that this is the Trump administration, the list started long and ended longer, with Siskind logging one hundred items per week by midyear and surpassing that number by the time 2017 drew to a close.

Trump's election and first year in office were a brutal awakening for many Americans who did not realize how greatly our democracy rested on norms

instead of laws. Having been falsely assured that America's institutions could withstand an authoritarian onslaught, they learned the hard way that checks and balances are only as good as the people willing to enforce them, and that the constitution is but a piece of paper without officials who will honor its principles in practice.

In contrast to all previous presidents, Trump does not appear to recognize the branches of government as separate administrative organs designed to serve the people, but instead sees them as mechanisms of personal power. He treats the attorney general as his private attorney, asked the head of the FBI for a loyalty oath, and demands blind fealty from Republicans in Congress while flatly labeling the Democrats his enemies, often baselessly calling for them to be prosecuted. The United States has always had corruption in government as well as presidents who abused power for personal gain, but we have never had a president who viewed the entire apparatus of government as designed to serve only himself. Previous controversies, like Nixon's Watergate, now seem refreshingly manageable.

Throughout his campaign, Trump swore he would make America great again, but never specified a particular era as embodying his vision. In many respects, he combines the worst elements of U.S. history, exposing and exacerbating authoritarian tendencies that have been there from the nation's birth, but which—until now—faced staunch and successful opposition in Congress, in law, and in society.

The United States is a country founded on democratic ideas that were radical when first introduced in the eighteenth century and now are taken for granted across much of the world. A respect for empirical truth was critical to the revolution that challenged the myths that had governed aristocratic Europe for centuries. The most radical truth entailed the equality of man, that inherited position or wealth should not confer privilege, that people had a right to self-government. America's progress toward these ideals has certainly been halting. The country was established on stolen land and built by black slaves, and it went on to enforce anti-democratic, inhumane policies such as World War II internment camps, Jim Crow, and the "Red Scare" purges of the McCarthy era. But throughout the centuries, the

United States has generally moved in the direction of freedom and progress. Trump's words and actions—his disdain for truth, his tolerance of Nazis, his targeting of black citizens, his ban on Muslims, his abandonment of Puerto Ricans—are not entirely without precedent, but his wholesale and public rejection of basic constitutional principles have pulled America into a new era of chaos and overt white supremacy in the executive branch.

Trump rose to power by exploiting not only America's most vicious elements, but its most vulnerable. By the time Trump launched his campaign, the United States was in its seventh year of recovering from the Great Recession. The recovery was not distributed equally—expensive coastal cities thrived while much of the Midwest and South was drained of jobs and resources. Nationwide, wages continued their forty-year stagnation, costs of living soared, and income inequality rivaled that of the Gilded Age. Historically, demagogues thrive in times of economic desperation, and Trump was no exception, nor was the United States immune to his con.

Trump had spent his career as a businessman preying on the vulnerable and cheering events such as the 2007 housing bubble collapse as an opportunity to swoop in and make a profit. He viewed the presidency the same way, and operates like a typical kleptocrat, using his position as president to enrich his family's businesses while passing bills designed to exacerbate poverty and obliterate the safety net. Again, some of these policies are not new—America has always stood out from other modern democracies in its refusal to provide health care and other basic social services—but they have never been put into practice in such a blatantly authoritarian matter, with citizens unable to read the laws their representatives pass and representatives seemingly utterly divorced from the public's very negative reaction.

The end result of this mismanagement and malice was mass upheaval, and *The List* tracks each devastating development in detail. The scope of each weekly list is enormous: encapsulating corruption, propaganda, the erosion of civil rights, and other assaults on truth, justice, and the American way. As the year wore on, every day seemed to contain a month's worth of news, and

scandals that would in earlier eras have been covered for weeks were now forgotten in hours. What I warned of in November 2016 came to pass: Standards of both decency and democracy shifted, and events that were once shocking now seemed predictable, albeit still appalling. Our expectations were recalibrated. This psychological change is typical when a country begins a shift from a democracy to an autocracy, and it happens even to citizens who resolutely oppose the transformation.

But there is a difference between expecting autocracy—which is a realistic approach to take under the Trump administration—and accepting it. In order to not accept it, you need to keep your expectations high, even if you assume they will not be met. That means maintaining the standard you had of what is "not normal" from before Trump took office even as a rapid and often terrifying rupture of political and social norms is occurring around you. It means remembering what we had, and realizing what we have lost.

Siskind's lists are essential to that endeavor. By recording events chronologically and in real time, she left a trail of truth in the fog of alternative facts, allowing both continuities and hypocrisies to be more easily exposed. Armed with *The List*, you can see exactly which promises were broken and when, who lied about what and how cover-ups were constructed, which political figures transformed from principled opponents to seemingly terrified lackeys, and how Trump and his colleagues attempted to achieve one of their professed goals: what former adviser Steve Bannon called "the deconstruction of the administrative state."

While some of Trump's challenges to democracy were quick and blatant—executive orders ultimately deemed unconstitutional, for example—others, like Trump and his team's ties to Russia, came to light gradually over the time period Siskind documented, with greater clarity as to their significance emerging only as a large number of abnormal occurrences were viewed in tandem. *The List* is an excellent guide to understanding that crisis, among others.

The lists don't editorialize; they simply document. That is one of this book's advantages in an era of hyperpartisanship and information silos—it is up to

the reader to make sense of the material and to decide what to do in response. I hope Americans do not take this opportunity for granted. I have worked with activists and journalists in authoritarian and semiauthoritarian states, and in many of those countries, a collection like this—a simple weekly tally of events—would be banned (as would, of course, any news outlet that does not flatter the regime or that reveals things it would rather be kept secret).

Though the Trump administration has threatened the media in ways typical of authoritarian states—deeming journalists "members of the opposition party" and "enemies of the people," threatening both individual reporters and entire outlets—it has not succeeded in stifling the free press. That may change in the next year or two, especially given the crackdown on independent outlets and the repeal of net neutrality. It is therefore more important than ever that events be recorded thoroughly and accurately, as Siskind did, and that a record of what transpired is preserved. As scholars of authoritarianism have long noted, rewriting the past is an excellent way to control the future.

While many of us might like to forget 2017, it is very important that we do not. In addition to the problems that have long plagued American society—systemic racism and misogyny, economic inequality, rancid partisanship—2017 brought a host of new problems that would have seemed unthinkable just a few years ago. New concerns include the likelihood of nuclear war, the question of whether a federal investigation of the Trump campaign's Kremlin ties will be obstructed, a surge in neo-Nazi rallies, and the emergence of a dynastic kleptocracy as the Trump family abuses executive privileges to enhance its personal wealth.

It is normal to feel depressed or exhausted in the face of such horror and upheaval. It is normal to want to look the other way. But it is essential that we do not. Reading *The List* may horrify you, but it should also reassure you. No, you were not imagining things—that really did happen, he really did say that, and the only reason this particular atrocity is no longer discussed is because it was dwarfed by something even more outrageous.

The List is an antidote to the firehose effect of nonstop scandal as well as the gaslighting carried

out by purveyors of alternative facts—and as such, it stands as a unique challenge to aspiring autocrats. In authoritarian states, the Internet has proven a double-edged sword. While social media is arguably the greatest tool of surveillance and propaganda ever conceived, it is also a mechanism through which researchers like Siskind can quickly gather information and recirculate it. This methodical task is essential to democracy. Without documentation—without a reliable and shared sense of what happened—demanding accountability is tremendously difficult. Reading *The List* may jar your memory in unpleasant ways, but hopefully it will also bring forth a push to right administrative wrongs.

The more cynical of pundits greeted Conway's declaration of "alternative facts" by proclaiming we live in a "post-truth world," one where accuracy is irrelevant and injustice a foregone conclusion. This argument is rendered moot by the fact that if the truth did not matter, the Trump administration would not work so hard to suppress it. There would not be countless cover-ups, threats to the free press, blatant lies, or displays of distracting spectacle. While pundits accurately depicted the administration's desire to block a critical assessment of its actions, the administration did not take into account the refusal of many citizens to play along.

I am grateful that Amy Siskind did not play along, and insisted on chronicling the Trump administration's first year despite the difficulty that entails. Writing *The List* was likely not an easy task, or a pleasant task, but it was certainly a necessary one. So let the record speak for itself—while we still have the freedom to read it.

On the morning of Saturday, November 19, 2016, I found myself driving up to Val-Kill, the home of Eleanor Roosevelt. The week before, Trump had stunned the country by winning the election, and I was still reeling. The country's reaction to his victory was swift and hideous: The bigots in America took it as a legitimization of their hatred of others, and acts of hate were ubiquitous. Trump had ratcheted up his criticism of free speech, tweeting insults that morning at Saturday Night Live, the *New York Times*—even the cast of *Hamilton*. This isn't normal, I found myself thinking. We are in great danger.

I needed to take a break from the steady stream of e-mails flooding my inbox. This is the worst day

since 9/11 ... What do we do now? How could I assure others that we were going to be okay when I wasn't sure myself? I needed the steadying influence of my personal heroine. I found myself wondering, What would Eleanor do today?

That Saturday was a crisp, sunny day, and Val-Kill a familiar vision of peace in what already felt like a country in chaos. I first started by reading Eleanor's quotes on government and democracy and courage, walked by the old typewriter she used to write her weekly newspaper column, My Day, then took my dogs along the trails she had walked each morning with her Scottish terriers. My heart felt heavy, but somehow, in Eleanor's presence, I felt less scared playing her words in my mind again and again, "Courage is easier than fear."

As I walked, I found myself thinking about some of the articles I'd read in the aftermath of the election. Experts in authoritarianism—Masha Gessen, Sarah Kendzior, and Ruth Ben-Ghiat—wrote about the tools of autocrats: using hatred as fuel, silencing dissent, disregarding norms, and breaking down trusted institutions. All described how things would be changing, slowly and subtly, warning us not to be fooled by small signs of normalcy on our march into darkness. Sarah Kendzior suggested that citizens write things down, starting that day, making a list of the specific things they never would have believed, things that they never would have done, before the regime came into power.

On the ride home, I knew what I had to do, and I started that night.

The List didn't start with any grand ambitions or even a vision. I just had an instinct to write down all of the things that were happening—things that were not normal. Each Saturday, I shared The List on Facebook and Twitter. Week 1 had nine items, but by Week 2, The List had doubled to eighteen items and concluded with, "I'm sure there are more. This list is overwhelming already." Little did I know. A few weeks in, as the readership started to take off, people asked that I add source links so they could read the articles: Already the chaos was building, there was so much to keep track of, and people were missing news items. A professor from my alma mater who read The List e-mailed to say, "We are the frog in the water who doesn't notice it is getting to boil degree by degree."

The weekend before Trump took office, January 14, 2017, The List went viral for the first time: Week 9, with thirty-six not-normal items, was picked up by several prominent progressive bloggers and had close to two million views. I wrote a short note that week observing that in normal times, "any one of these items would be a shock" and the "lack of consequences has changed me, and I suspect us all." I told readers I hoped The List would help us "trace our way back to normal when this nightmare is over."

The Women's March was the next weekend, and I chose to walk in my home city of New York, thinking that in a smaller crowd I would run into my friends. More than four hundred thousand showed up—a sign that Americans, especially women and members of marginalized communities, would not go quietly. In the coming weeks, as Trump took office and power, the weekly lists grew to sixty items, and my Saturdays were spent catching up on documenting our falling norms.

Even as The List grew longer week by week, the themes remained consistent: Trump was interested in making money and staying in power, and he would take whatever steps necessary to make these things happen. Every week he fanned the flames of hate: from signing the Muslim Bans to the Transgender Military Ban, to ending DACA, to increasing ICE roundups, to repealing the Global Gag Rule, to taking swipes at NFL players. He took steps to consolidate power such as installing regime members to undermine the very agencies they were meant to lead, silencing dissent and our free press, intimidating the legislative branch, and stuffing the judicial branch full of extremists. At the same time, Trump transformed our standing in the world, alienating our closest allies while cozying up to authoritarians, including, of course, Putin.

In May, as Trump continued staffing up the regime, the lists of not-normal items were approaching one hundred per week. Now there were many hands involved in the work of destabilizing our fragile democracy, but key roles at federal agencies were left vacant and many seasoned veterans had departed. Especially noteworthy was the loss of diplomatic channels in our state department. Meanwhile, the Trump appointed agency heads had open-door policies for lobbyists and executives from the industries the agencies are designed to regulate. Week by week, rules and

regulations put in place to protect the environment, consumers, marginalized communities, women, the poor, and people with disabilities were being rolled back.

In late June, I received a message from Margaret Sullivan at the Washington Post, asking if she could interview me about The List. I was thrilled! I had been waiting for the right columnist and publication for The List's coming-out story. Margaret's article went viral, reaching the top of the most-read pieces at Washington Post online with more than two million views. Shortly thereafter, someone who read the article nominated The List to be archived at the Library of Congress. I was incredibly grateful that The List would now be preserved for posterity, and would also have a home safe from hackers. At the suggestion of journalism professor Jay Rosen, I wrote a blog post memorializing this development. The very next day, I became the target of Russian-state media outlets and blogs: Sputnik and RT manufactured a storyline accusing me of "intense Russiaphobia," and a pro-Russia blog published a foreboding piece, calling me a "radicalized lesbian."

By mid-July, I realized the items I was listing weren't the only things subtly changing—I was changing as well. I felt like the character Carrie on *Homeland*, with thousands of items and trails of connections to Trump's end mapping out in my head. Naïvely, that day at Val-Kill months earlier, I imagined justice would catch up and Trump would be gone by the summer. The injustices were piling up, but there was no accountability or consequences! I headed to Vermont for some solitude and space to marinate on my new reality. At this point, I was devoting more than twenty hours a week to The List, and my old life and plans for what came next were sidelined. I decided I should record how this was affecting me and visited my favorite bookstore to pick out a diary. The first entry reads, "I am on the toughest climb of my life, and the hill feels steep and unrelenting."

A personal challenge throughout was staying engaged and dispassionate without losing my empathy and humanity. The country I love was under siege, and I was heartbroken and devastated. There were events, like Charlottesville and Myeshia Johnson standing over her husband's casket, where I found myself staring at the computer screen with tears streaming down my

face. There were weeks when, with my growing public voice, I spoke out against hate and became a target myself. After Week 39, in August, I tweeted at web-hosting company GoDaddy, complaining about the neo-Nazi website the Daily Stormer's inflammatory attack on Charlottesville heroine and martyr Heather Heyer. Within twenty-four hours, the Daily Stormer was taken down, but my home address and phone numbers were posted online. That week I hired an armed security guard to be stationed outside my home.

As summer came to an end, I was spending some thirty hours a week on the lists, which were now approaching 120 items each. When I cracked a tooth and made an appointment with my endodontist, she gave a diagnosis without missing a beat: "This is what happens in dictatorships. You're screaming in your sleep!" She advised getting a mouth guard, which, she offered up, many of her patients were doing. Ironically, as I sat in her office waiting to be seen, I was reading an op-ed by Dana Milbank, "President Trump Is Killing Me. Really," describing the impact on his physical health. Psychotherapists remarked on their patients' focus on politics—a feeling of outrage, fear, and loss of control. Our country was truly suffering, physically, emotionally, and mentally, under the Trump regime.

As year one of The List drew to a close, I reread the articles by the experts on authoritarianism, and their predictions were coming true: Trump was still holding his campaign-style rallies with chants of "Lock her up!" as he encouraged the FBI and DOJ to do the same. He was still complaining about the "rigged system," which he assured his raucous crowds he would fix by silencing the fake media and dismantling what was left of the Deep State corrupt institutions that hampered him from assuming full control. It turns out authoritarians do follow a fairly predictable game plan—even if new to us and our fragile democracy. Our country has spent a year in chaos, and so often people worry out loud about forgetting all the events that happened in a single week. And so I am grateful I took the experts' advice and constructed a trail map for us to follow back to normalcy and democracy—a journey, sadly, I suspect will take years if not decades to travel.

[Law and Legitimacy in the Supreme Court](#) by Richard H. Fallon, Jr. [The Belknap Press of Harvard University Press, 9780674975811]

Why do self-proclaimed constitutional “originalists” so regularly reach decisions with a politically conservative valence? Do “living constitutionalists” claim a license to reach whatever results they prefer, without regard to the Constitution’s language and history? In confronting these questions, Richard H. Fallon reframes and ultimately transcends familiar debates about constitutional law, constitutional theory, and judicial legitimacy.

Drawing from ideas in legal scholarship, philosophy, and political science, Fallon presents a theory of judicial legitimacy based on an ideal of good faith in constitutional argumentation. Good faith demands that the Justices base their decisions only on legal arguments that they genuinely believe to be valid and are prepared to apply to similar future cases. Originalists are correct about this much. But good faith does not forbid the Justices to refine and adjust their interpretive theories in response to the novel challenges that new cases present. Fallon argues that theories of constitutional interpretation should be works in progress, not rigid formulas laid down in advance of the unforeseeable challenges that life and experience generate.

[Law and Legitimacy in the Supreme Court](#) offers theories of constitutional law and judicial legitimacy that accept many tenets of legal realism but reject its corrosive cynicism. Fallon’s account both illuminates current practice and prescribes urgently needed responses to a legitimacy crisis in which the Supreme Court is increasingly enmeshed.

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Political conservatives have often railed against "judicial activism." Political liberals have more recently shuddered at Supreme Court threats to scuttle progressive legislation and to pare back protections of abortion. Everyone has a stake. Nearly every thoughtful person experiences disquiet, if not outrage, at some Court decisions, especially when the Justices are narrowly divided into conservative and liberal coalitions that pit those appointed by Republican presidents against those named to the Court by Democrats.

At a time when many people have lost confidence in the Supreme Court and have come to regard it as a "political" institution in a pejorative sense, the book's questions about the relationships among law, language, and legitimacy deserve urgent attention. But they are intellectually risky questions to pursue, not so much because they are politically controversial as because of the need to cross disciplinary lines in the quest for answers. Academic specialization, which is often a virtue, can leave no one properly credentialed to confront large intellectual challenges. As I have said, I am not a philosopher, nor am I a political scientist. Yet the most important questions about law, language, and legitimacy in the Supreme Court do not lie within the exclusive province of any single discipline. Those questions involve law but are not narrowly legal. Issues concerning the meaning of language are highly pertinent, as are issues of moral justification. But our worries about law in the Supreme Court have empirical and practical dimensions that require much more than purely philosophical knowledge. And while we cannot grasp the full complexity of our current predicament without focusing on the political scientific question of how political and judicial power work within our constitutional regime, political scientists have no distinctively moral or legal expertise.

Perhaps no one knows enough to speak with state-of-the-art sophistication about all of the matters that bear on my topic of law and legitimacy in the Supreme Court. Nevertheless, I venture the risk of speaking beyond my expertise because I am convinced that vital current issues cannot be understood except through an approach that links legal, philosophical, and political scientific inquiries. Within our politically and morally divided nation, all of our institutions may be destined for, or

indeed may be in the midst of, legitimacy crises. But the Supreme Court is at least as vulnerable as Congress and the president, and in the long run it may be more so. The Court's members have no renewable democratic mandate stemming from periodic elections. Questions involving the entitlement of narrow majorities of the Justices to impose their will are likely to arise with even greater urgency in the future than they have in the recent past.

In my experience, the people with the deepest, most corrosive cynicism about law and legitimacy in the Supreme Court are often those who began with unrealistic expectations that the Justices' decision making could be wholly apolitical or untouched by ideological influence. Upon coming to see that the Justices' political views matter, they then apprehend that the Justices' political views are all that matter, and they resent what they perceive as the Justices' hypocrisy in purporting to be bound either by law or by a consistent methodology. As an antidote, we need to recognize that political views will have an inescapable role and, having done so, develop conceptions of law in the Supreme Court and legitimacy in judicial decision making that accommodate this realization. Judicial legitimacy should be a practical ideal for us, not a piece of utopian pie in the sky. But our conceptions of law and legitimacy in the Supreme Court cannot be so flaccid that they would permit the Justices, with five votes, to do anything that they might be able to get away with. Embracing the challenge, this book offers conceptions of law and legitimacy in the Supreme Court to which concerned citizens should hold the Justices, beginning today. Never in my lifetime has it been more important to bring all relevant resources to bear in addressing how the Justices of the Supreme Court would need to decide cases such that even those of us who disagree with their conclusions ought to respect the Court and its rulings.

A Preview of the Argument Ahead

My analysis begins in Chapter I with further examination and explication of the concepts of judicial legitimacy and legitimate judicial authority. Chapter I carefully distinguishes sociological, legal, and moral conceptions of legitimacy and explains how they relate to one another. The chapter also explains why these different senses of legitimacy matter. (The book recurrently emphasizes that in

discussions of concepts such as law and legitimacy, it is vitally important to maintain a focus on what, practically, is at stake or why anyone ought to care.)

Chapter 1 also develops the important thesis that moral legitimacy needs to be conceptualized in partly dualist terms. It defines both a minimum, beneath which a political regime (or a judicial decision) should command no respect at all, and an ideal. We should demand minimal legitimacy from the Supreme Court and hope for it to approximate the ideal as closely as possible. Nevertheless, it is important not to think of moral legitimacy, including the moral legitimacy of Supreme Court decision making, in all-or-nothing terms.

With the notion of judicial legitimacy as applied to the Supreme Court having been preliminarily explicated in Chapter 1, Chapter 2 begins an exploration of the Supreme Court's backward-looking obligations by probing the notion of constitutional "meaning." We agree that the Supreme Court must enforce the Constitution and that, in order to do so, it must determine what the Constitution means. But when we talk about the meaning of the Constitution, to what do we refer?

In many if not most of the important cases that come before the Supreme Court, Chapter 2 argues, constitutional language frames the challenge for judicial resolution but does not determine a uniquely correct outcome. In light of reflection on history and language, this conclusion should provoke no surprise. We know that the Founding generation disagreed about many issues. And beyond purely historical disagreements lie deep conceptual issues about what "meaning" means. With respect to these issues, Chapter 2 argues that meaning is a concept with many senses, not just one, and that there will often be multiple candidates to supply the Constitution's original meaning—even if we assume that the original meaning should always control. In short, the chapter establishes that although language is surely relevant to constitutional adjudication in the Supreme Court, hard cases are seldom ones in which outcomes can hinge exclusively on matters of historical or linguistic fact.

With Chapter 2 having argued that the Supreme Court must often choose among competing candidates to supply the Constitution's meaning,

Chapter 3 pursues the question of how and why historical practice and precedent subsequent to the Founding era matter to constitutional adjudication. In the *Federalist Papers*, James Madison and Alexander Hamilton both acknowledged the indeterminacy of constitutional language, but both appeared to think that practice and precedent would help to alleviate the problem. Constitutional meaning would become fixed over time, they maintained.

Chapter 3 explores that hypothesis but comes to nearly the opposite conclusion from the one that Madison and Hamilton reached.

The modern worry about a legally unconstrained Supreme Court may be as much exacerbated as alleviated by judicial precedents. Nearly everyone agrees that past judicial rulings can alter what otherwise would be the Justices' backward-looking obligations in some cases. Yet no one thinks that the Supreme Court must always adhere to precedents that it regards as mistaken. To take perhaps the most noncontroversial example, nearly everyone agrees that the Supreme Court acted rightly when, in the middle of the twentieth century, it swept aside a number of precedents that had permitted state-mandated segregation on the basis of race.

With cases such as these in view, we need to think about what the Supreme Court should or must do, as a matter of law, when it must consider not only the Constitution's original meaning but also the meaning ascribed to relevant constitutional language by other authoritative decision makers at subsequent times. Given a conflict of authorities, do the Justices simply get to choose as they will?

Chapter 4 takes up the challenge of conceptualizing "law" in the Supreme Court. It begins with a familiar but fundamental premise: the Constitution is law not because it claims that status, or because the Framers commanded that subsequent generations should obey the Constitution, but because Americans today accept it as the governing charter of the United States. In the leading practice-based theory of law, Professor H. L. A. Hart identified judges and other officials as the decisive cohort whose "rules of recognition" fix the meaning of legal and constitutional norms. Chapter 4 accepts Hart's basic portrait of the foundations of our constitutional order but with one possible modification and with another change of

emphasis. First, Chapter 4 insists that the practices of Justices and other officials in recognizing the Constitution as valid are nested in and conditioned by the attitudes and practices of other officials and ultimately the American public. Second, Chapter 4 emphasizes that the rules or standards of recognition that apply to contested cases in the Supreme Court are often vague and indeterminate. In such cases, the Justices must exercise moral and practical judgment, albeit within bounds that the law defines.

The result is a roughly (but only roughly) two-tiered picture of law in the Supreme Court. One tier consists of the myriad easy cases into which applicable rules or practices of recognition yield a clear resolution. The other encompasses hard cases in which prevailing rules or standards of proper Supreme Court adjudication call for the exercise of moral or practical judgment. There is of course no sharp dividing line between these two categories. Among other things, cases can become hard because of their moral stakes, which different Justices will appraise differently. Nevertheless, recognition that the Justices confront many easy cases, and understand them as such, should help to reassure us that there is law in the Supreme Court. Even apart from "easy" cases, Chapter 4 argues that important, tacitly recognized rules guide and sometimes determine the Justices' decision making. To back up that claim, it offers a number of meaningful examples.

Chapter 5 continues the discussion of law in and binding on the Supreme Court by examining the topic of constitutional constraints. Who can enforce the law that ostensibly binds the Justices? And if the answer were "no one," should we conclude that constitutional adjudication in the Supreme Court is like tennis without a net after all? Having posed these questions, Chapter 5 confronts and rejects the argument that because no other institution can enforce the Constitution against the Supreme Court, the Court cannot be bound by law in any meaningful sense. In particular, this chapter identifies a number of mechanisms through which other institutions can and do constrain the Justices. To borrow a phrase from political scientists, the Justices operate—and know that they operate—within politically constructed bounds.

The existence of political and other constraints on the Justices of course generates the possibility of

collisions between the Justices' felt constitutional obligations and the checks that the Constitution creates against judicial power. The problem here is probably an insoluble one, well expressed in the ancient query "Who will guard the guardians?" Chapter 5's important empirical point, however, is that the law that applies in the Supreme Court can sometimes be enforced against the Justices, however imperfectly, by other institutions of government and their officials.

Chapter 6 examines the role of constitutional theories and methodological argumentation in the Supreme Court. Theories such as originalism and various versions of living constitutionalism aim to serve two functions. They seek to identify optimal or correct answers to disputed questions and, equally importantly, to provide assurances that judicial rulings are both substantively and procedurally legitimate.

Without disparaging the importance of methodological premises in constitutional argument, Chapter 6 aims to transform and transcend the increasingly tired and stylized debate about the comparative merits of well-known constitutional theories. As a brief review makes plain, all of the familiar theories are too incomplete or underspecified to resolve all possible cases. As a result, constitutional theories and the Justices' articulated methodological principles frequently misfire in their aspiration to provide assurances of legitimacy in judicial decision making. Absent further specification, commentators recurrently excoriate the Justices, and the Justices embarrass each other, with charges of unprincipled manipulation. But the proper response, Chapter 6 argues, does not lie in the ex ante development of algorithmically determinate substitutes. The possibility of such rigidly mechanical theories should frighten rather than inspire us. The flow of experience inevitably churns up unforeseen issues. We should not risk the disastrous constitutional outcomes that rigid theories developed in advance of experience might impose.

As a better approach, Chapter 6 proposes a Reflective Equilibrium Theory, modeled on John Rawls's celebrated methodology of moral and political deliberation. When the Justices' case-by-case intuitions about constitutional justice are at odds with their prior interpretive methodological assumptions or commitments, Reflective Equilibrium

Theory prescribes that they—like the rest of us who care about constitutional law and engage in constitutional argument—should consider and reconsider our case-specific convictions and our views about sound interpretive methodology at the same time, in search of an equilibrium solution. Most often, case-specific judgments should yield to demands for the consistent application of sound interpretive principles. This is the hallmark of principled decision making. Occasionally, however, unshakeable convictions about the constitutional correctness of particular outcomes should instigate a reformulation or revision of prior methodological commitments (as may have occurred for some of the Justices in the iconic

school desegregation case of *Brown v. Board of Education*). In cases of revision or reformulation, we should hope that the complexities of a new case enrich a Justice's perspective and provoke her to adjust her theory of constitutional interpretation in order better to realize the simultaneously backward- and forward-looking aspects of legitimacy in judicial decision making. Even and especially in such cases, however, the Justices should acknowledge an unyielding obligation of argument in good faith, which requires them to make only arguments in which they believe and to rely only on interpretive premises that they genuinely endorse, looking forward to future cases.

Chapter 7 concludes the book by offering legitimacy-based appraisals of the Supreme Court today and of the prospect for better tomorrows. It discusses evidence of the Court's diminishing sociological legitimacy, explains why this evidence should occasion concern, and offers prescriptions.

[Law and Memory: Towards Legal Governance of History](#) by Uladzislau Belavusau and Aleksandra Gliszczyńska-Grabias [Cambridge University Press, 9781107188754]

Legal governance of memory has played a central role in establishing hegemony of monumental history, and has forged national identities and integration processes in Europe and beyond. In this book, a range of contributors explore both the nature and role of legal engagement into historical memory in selected national law, European and international law. They also reflect on potential conflicts between legal governance, political pluralism, and fundamental rights, such as freedom

of expression. In recent years, there have been numerous monumental commemoration practices and judicial trials about correlated events all over the world, and this is a prime opportunity to undertake an important global comparative scrutiny of memory laws. Against the background of mass re-writing of history in different parts of the world, this book revisits a fascinating subject of memory laws from the standpoint of comparative law and transitional justice.

Excerpt: *Memory Laws: Mapping a New Subject in Comparative Law and Transitional Justice*

Legislative and judicial practice in recent years abounds with attempts to regulate historical discussion and collective memory through law. Legal regulation of memory is by no means a remnant of the past. In the twenty-first century it remains a vivid reality.

The legal governance of history is often addressed under the tag of memory laws (French *lois mémorielles*; German *Erinnerungsgesetze*, etc.). Such laws enshrine state-approved interpretations of crucial historical events. They commemorate the victims of past atrocities as well as heroic individuals or events emblematic of national and social movements. They date back centuries and continue to spread throughout Europe and the world.

Memory laws affect us in various, often controversial ways. They sometimes impose criminal penalties on speech or conduct deemed offensive to the plight of heroes or victims. In that punitive form, memory laws impose limits on democratic freedom of expression, association, the media, or scholarly research. Yet memory laws reach beyond the bounds of criminal law. Children everywhere grow up reading state-approved texts designed to impart not merely a knowledge, but an interpretation of history. Governments everywhere designate national memorial ceremonies or authorize the construction of public monuments.

Curiously, most analyses of memory laws have been written by political scientists, sociologists, and historians rather than law-yers. Social scientists often scrutinize memory laws as central to the politics of memory, that is to the political means by which events are classified, commemorated, or

discarded to influence community values and attitudes.' Accounts written by lawyers, by contrast, rarely examine memory laws as a global phenomenon. They focus instead on geographically limited laws and judgments.' In this regard, the issue of Holocaust denial largely dominates the literature on memory laws by legal scholars, followed by country-specific memory laws and legal practices.

In consolidating accounts by both lawyers and non-lawyers, this volume seeks to fill the "comparative" gap in the literature, revisiting memory laws as a phenomenon of global law and transitional justice. The book offers accounts from various national jurisdictions and from transnational law. The authors ask how law certifies historical narratives, entails claims about historical truth, prescribes commemorative practices, and excludes ineligible accounts.

This introductory chapter aims, in its second section, to systemize the genesis and history of memory laws, and to explain the proliferation of this Western phenomenon within diverse legal systems. It traces the role of the Holocaust in the turn to law within both international and national regimes after World War II. We also examine the mechanics of that spillover in various legal settings. The third section summarizes accounts presented in this book, and explores claims about the benefits and flaws of legal intervention into the marketplace of historical ideas. In conclusion, we ponder the current place and prospects of memory laws as a dynamic subject of both law and transitional justice. That subject is driven by continuous inter-disciplinary input from lawyers, historians, and scholars from various branches of social sciences.

Genealogies and Rise of Memory Laws

That there shall be on the one side and to others a perpetual Oblivion, Amnesty, or Pardon of all that has been committed since the beginning of these Troubles, in what place, or what manner soever the Hostilities have been practis'd ... That they shall not act, or permit to be acted, any wrong or injury to any whatsoever; but that all that has pass'd on the one side, and the other, as well before as during the War, in Words, Writing, and Outrageous Actions, in Violence, Hostilities, Damages and Expences, without any respect to Persons or Things, shall be entirely abolish'd in such a manner that all that

might be demanded of, or pretended to, by each other on that behalf, shall be bury'd in eternal Oblivion. [Treaty of Westphalia, 1648]

The political deployment of memory traces back to the origins of the modern, "post-Westphalian" state, where we discover patterns still at work in today's world. In the aftermath of the Thirty Years' War, even the rigorously fanatic John Calvin preached Christian forgiveness. He demanded that rivals cast off hatred and revenge, and banish all remembrance of injustice. That kind of sermon may well inspire awe, but it is above all military security and social pragmatics that will favour Calvin's approach. What emerges might generously be called a forgiveness model, or more shrewdly an oblivion model. In the Treaty of Westphalia (1648), a stepping-stone in the development of modern international law, states are expressly obliged to enforce amnesties and pardons for all wartime wrongdoings. Public rituals surrounding local and national hostilities will, to safeguard the emerging nation states, remain vigilantly prudent. Hence, the possibilities of collective public practices of remembrance and commemoration in the seventeenth century — the age of classical political rationalism of Thomas Hobbes — were essentially limited.' That politics law, and uses this distinction to emphasize the expressive significance of memory laws.

For all the healthy diversity among contributions to this volume, a number of common themes emerge. They identify some dangers of allowing politicians and law makers to authoritatively manage the collective memory of a given community. A holistic and interdisciplinary insight helps to define some constant trends which emerge at the intersection of law and memory.

For one thing, it is clear that many states lead various battles for memory. They often use law as the weapon in these battles, in order to "protect", no matter what, some particular memories of the past and the suffering of the nation. This may be clearly seen in the memory-oriented conflicts between Ukraine or the Baltic States, on the one hand, and Russia, on the other. Perhaps we could offer a hypothesis that if it were not for an aggressive Russian propaganda and military threats of Putin's epoch, the mnemopolitics in the

region might have been much more peaceful, more in line with forgetting than with current zealous traumatized remembrance. The more Russian politics distances itself from consensus-seeking and the more aggressively it imposes its own version of the past, the more radically the states which had been victims of Soviet domination insist on their own versions of history. Also various Institutes of Memory or Remembrance, established as administrative promoters of memory laws and which have been mushrooming in particular in Central and Eastern European states (Poland, Czech Republic, Ukraine, etc.), became instruments for shaping the contours of collective memory. Their role as depositors of sources about history is invaluable but, on the other hand, they are often used and misused by politicians who access documents in the "lustration" processes.

Yet another regularity which may be noted about instrumentalizing memory-oriented conflicts are various phenomena of emulating some paradigm cases of negationism prohibition (Holocaust or Armenian denial ban) in order to justify nationalist memory constructivism. Poland with its current legislative project on defamation of the Nation, Russia with the Federal Law "On Entrenchment of the Victory of the Soviet People in the Great Patriotic War of 1941-1945", or Hungary with legal and political white-washing its wartime collaborationism with Nazis are some of the recent examples. In such a narrative, supported by criminal law sanctions, Poles, Russians, or Hungarians are solely victims or saviours of others. Their own faults in the past must be erased from memory of future generations while the memory of their victimhood is to be continuously amplified.

Equally significant as classical memory laws is also "legal silence" in constructing historical memory, parallel and often in contrast to zealous remembrance. The silence in forgetting about some dates, events, or persons effectuated by permitting only one version of the past may be deafening. It occasionally results from some "pacts of memory" between ancient regimes and new elites, in the process of transition. Vivid examples of such "pacted memories" are Israel's Nakba law or Spain in which a long-lived silence about Franco regime's atrocities have been, at a certain point, replaced by the law mandating a restoration of the memory by a restrictive law.

Conclusions

In Greek mythology, the personification of memory, Mnemosyne, spawned nine Muses, including Calliope (Poetry), Clio (History), Melpomene (Tragedy), and Polyhymnia (Hymns). In a similar way, a heterodox mass of state-orchestrated memory laws, policies, and practices - impressively spread after the French revolution - mothered contemporary requisites of republican citizenship: academic history, museums, architecture and naming in urban space, national heroic epos, and commemoration of victims-citizens. Legal governance of memory, thus, has played a central role in establishing the hegemony of monumental history, and has forged national identities and integration processes in Europe and beyond. Yet memory laws also contribute to complacency among citizens who seem at times too readily relegating debates about history and culture to the cloistered confines of legislatures and courtrooms. In this book, we invite our authors to unpack both the nature and the role of legal engagement into historical memory in specific jurisdictions and cases, as well as to reflect on potential conflict of legal governance of memory with values of democratic citizenship, political pluralism, and fundamental rights, such as freedom of expression.

Recent years have been full of monumental commemoration practices and memory laws about correlated events all over the world. Thus, today seems to be the perfect moment to undertake such a global comparative scrutiny of memory laws. Against the background of mass re-writing of history and denialism of historical facts in different parts of the world, it is time to revisit the fascinating subject of memory laws from the standpoint of comparative law and transitional justice.

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[Meaning and Power in the Language of Law](#) by Janny H. C. Leung and Alan Durant [Cambridge University Press, 9781107112841]

Legal practitioners, linguists, anthropologists, philosophers and others have all explored fundamental challenges presented by language in formulating, interpreting and applying laws. Building on centuries of interaction between legal practice and jurisprudence, the modern field of 'law and language', or 'forensic linguistics', brings insights in linguistics and related fields to bear on topics including legal drafting and translation, statutory interpretation, expert evidence on language use and dynamics of courtroom interaction. This volume presents an interlocking series of research studies engaged with different legal jurisdictions and socio-political contexts as well as with the more abstract notion of 'law'. Together the chapters, written by international leaders in their fields, highlight recent directions in research and investigate in particular how law expresses yet also conceals power relations in its crafted use of words and in the gaps and silence between those words.

Excerpt: It is hardly a new observation that language is central to law. Such a claim seems self-evident: legal documents, as well as their interpretation and application, consist of words, and legal proceedings in courts and other tribunals take place primarily through language, in a

combination of spoken and written forms. But sometimes a stronger claim is made: that language is not just central to but 'constitutive' of law. How far this further claim, which is debated from many different perspectives in this book, is supportable depends a lot on what speakers or writers intend by 'constitutive'. Even allowing for the performative capability of legal discourse discussed at various points in this volume (e.g. in bringing entities or relations between parties into being, or altering such relations), the force of law must always be recognised as also having non-verbal means of expression. Water cannons, firing squads and imprisonment have all played their part alongside speech in establishing and preserving 'law's authority' in various circumstances. But while linguistic operations and processes may not fully 'constitute' law, it is fair to say they contribute substantially to how laws are brought into being, how law operates as a system of general rules applied to particular sets of facts, and how law maintains its legitimacy among those subject to it.

Within the wider, open-ended enterprise of understanding what constitutes law and the interaction that takes place between law and various aspects of social behaviour, an expanding field of law and language' has emerged over the past fifty years, a period we date here from publication in 1963 of *The Language of the Law* by UCLA law professor David Mellinkoff. This volume is a contribution to that field. The extent and rapidity of growth of the field in recent decades can be seen in a short quotation from a work by one of the field's other early authors, Harold Berman's *Law and Language: Effective Symbols of Community*. The first draft of Berman's short but wide-ranging book was completed in 1964, only a year after Mellinkoff's. Nearly fifty years passed, however, before it was published in 2013, because the manuscript had been mislaid when Berman moved in 1985 from Harvard Law School, where he taught, to Emory. A great deal changed between Berman's composition and the book's publication as regards the impact of linguistic analysis on law. By 2013, it appeared quaintly anachronistic to say, as Berman had put it a generation earlier.

Surely one of the most important types of language spoken by a community is the language of law. Yet

the language of law has been almost totally neglected by most writers on language and either totally neglected or badly mistreated by most writers on law.

Interdisciplinary Approaches to 'Law and Language'

With the emergence in recent decades of this relatively distinct field of law and language', there is now a specialized area of study concerned with the intersection between these two important domains. Before going on to engage with perspectives and findings in this newly established field, however, it is worth pointing out that, in broader terms, the field of enquiry is far less recent than such a description would suggest.

Many of the questions and unresolved problems of present investigations of language and law are posed in new forms and in contemporary terminology, but they draw significantly on approaches to issues developed in different terms and contexts throughout the history of a cluster of related disciplines: in political and moral philosophy; in nineteenth- and twentieth-century sociology; in literary criticism of successive periods; and in hermeneutics, rhetoric and anthropology — as well as in those publications generally described as jurisprudence. In the Introduction to a book which will take up many of these same topics, it is worth recalling at the outset some of the main features of that history.

For more than two millennia in Western traditions, and for a similar period in a number of other cultural traditions, language has been acknowledged as the essential medium, but also as a significant obstacle, in formulating general rules to govern social relationships and behaviour (for critical discussion, see Goodrich 1986). How laws should be formulated was a topic, for example, among philosophers from Plato and Aristotle onwards, through St Augustine, Aquinas, Gratian, Herder, Savigny and Bentham, leading into modern jurisprudence. In a second major stream of discussion — now a distinct category but in classical and mediaeval scholarship part of a different overall configuration of disciplines (the classical quadrivium and trivium) — sustained discussion also took place of the aims, techniques and effects of legal rhetoric. That strand of thinking shows a similar and often interwoven lineage: from Isocrates

in ancient Greece and the contrasting positions of Plato and Aristotle, through Cicero and other Roman orators on legal and political rhetoric into changing religious conceptions of how human language should be related to truth and belief in the Middle Ages. Rhetoric then flourished in increasingly secular forms in Early Modern European humanism (Vickers 1989), until a period of critique and loss of influence set in during the seventeenth century, under pressure from simpler forms of expression deemed more suited to emergent scientific reasoning and experiment. Interest in rhetoric then revived once more, gaining ground in law in tw(u)3.11 tor0.003 To ()0.7 in8 (e)-T(d i)8.1 (n l)19oMts3 (r)0.5 ()11Me c sher.9 3

Across this range of approaches, law and language' has become a notable recent entrant among what are sometimes called law and' subjects (law and literature, law and society, law and economics, etc.). But whether referred to as law and language', 'forensic linguistics', 'legal linguistics' or by some other name — and whether applying linguistic expertise or probing long-recognised jurisprudential problems from new angles — today the field is well established. It can boast two international professional associations: the International Association of Forensic Linguists (IAFL) and the International Language and Law Association (ILLA). It has no fewer than seven international journals dedicated to its various strands of research (notably the International Journal of Speech Language and the Law, the International Journal for the Semiotics of Law and the recently launched biannual journal Language and Law). The field has been shaped by pioneering monographs, and publishers have brought work together in a number of handbooks and edited collections, including some prompted by conferences or other events. There is also at least one practical student textbook which introduces topics across the subject area range described earlier.

This Volume

This collection of essays addresses many of the intersections between law and language previously described. Building on an international roundtable held at the Harvard-Yenching Institute at Harvard University in 2014, after which further discussion and critical exchanges took place, the book brings together writing by scholars working in several different disciplines including law, linguistics and anthropology. Many of the contributors are international leaders in the field of law and language'; some are emergent scholars (though in several cases prominent in related fields). All share a concern with fostering dialogue in what Tiersma (2009: 11) called, in a cautious formulation based on observations we have made earlier about the subject's formation, a 'relatively fractured' field.

The roundtable which inspired the book was organised around a theme to which speakers directed their thoughts based on their respective expertise and interests: 'Law as living language', a theme evoking the symbolic interface provided for law by verbal discourse that Berman, from whom

the phrase was taken, also liked to call 'communification'. That theme, taken forward in contributions to this book, explores law and language as each a fundamental attribute of the human condition which serves to articulate profound and general human needs or tendencies — in this way a theme inviting consideration of deep-seated questions that are easily overtaken by abstractions of legal theory or the specifics of legislation and case law. Contributions to the volume point to a sense, cutting across particular case studies they examine, that many features and problems of language in law can only be understood as disconnects, mismatches, or awkward silences — as failures of clarity or certainty which are somehow resolved by their idealisation as special characteristics of legal discourse. Prominent in such lines of thinking is concern with tacit assumptions behind many aspects of verbal expression in law, including how words create — through their presuppositions and implications — a kind of 'unspoken language of the law'.

We should comment on the word 'meaning' in the book's title. Understood in broad terms and at different levels, the term 'meaning' signals the concern described earlier with what may be inferred (or fail to be inferred) from legal discourse, especially among mixed professional and lay audiences. The book contains discussion of the semantics of particular words (e.g. in statutory interpretation; as regards law's doctrine of 'plain meaning'; or in seeking to define what law is). Some chapters examine complications presented by utterance meaning (e.g. in courtroom questioning and interpreting, where difficulties of testimony and evidence are inevitably entwined with problems of word meaning). Other chapters extend discussion to the wider significance attributed to stretches of verbal discourse (e.g. in the politics of hate speech). Across and between what might be thought of as these different levels of language or analysis of language, emphasis on meaning in most chapters is concerned with how norms are articulated (and implicit relations of power created) in ways that include not only verbal choices, ambiguity, and other audible or visible evidence of linguistic signs but also through omission and silence.

A second key concept throughout the volume is power. In conjunction with the book's exploration of

meaning, we seek to shed light on how power relations expressed in language play a part in law's exercise of legitimate (as well as sometimes illegitimate) authority. By including the word 'power' in the book's title, we draw attention to a cluster of issues which confront the field under discussion but which are rarely addressed directly. Thirty years ago, not drawing attention to the issue of power in law and language' studies might have appeared unsurprising; but such an omission now — though still common — would call for comment. For example, while discussion of the concept of power may be more central in social theory than in law or linguistics, even in a 'social theory' context such discussion overlaps with legal topics wherever law is viewed as being one among various social institutions rather than as an abstract system of rules. Further, over the last thirty years or so power has become a more important topic in linguistics, as well as in anthropology; and power is also an important theme in legal theory, ranging across topics such as sovereignty, command and recognition understandings of legal obedience, and coercion. It is to be expected therefore that questions to do with power will surface in interdisciplinary discussion of law and language, even if the frameworks of reference available for addressing such questions depend substantially on researchers' particular background disciplines.

As a way into the approaches to power that contributors to this volume may be making reference to, in what follows we outline briefly some of the main considerations that need to be taken into account.

The history of the concept of power is most easily traceable in overlapping but sometimes contrasting political and philosophical positions on topics including government, social order, class and inequality. Major thinkers on these matters include Machiavelli, Hobbes, Locke, Kant, Weber and Marx, as well as twentieth-century writers such as Habermas, Gramsci, Foucault and Hayek (for critical discussion, see Hindess 1996, whom we follow in our outline later here but who would also include Lukes among such thinkers). In the resulting multidimensional debate about what 'power' is, a number of major issues surface when writers about law and language invoke concepts of power in explaining the significance of their research.

Commonly in the social sciences, as well as in everyday conversation, the word power is used to signal ability to directly control (coerce) people's behaviour. Such power may be viewed as unjust or even as evil; or alternatively it may be viewed as necessary in given circumstances, as in Hobbes. But exercise of power in this sense is assumed to be endemic to humans as social beings. Traced in particular situations, power of this kind can appear as a quantitative phenomenon: a variable amount of generalised capacity to act successfully in imposing a specific will on others. But imposition of power by force or threat of force of this kind is often contrasted with another conception: power as a kind of authority. This contrasting notion is commonly invoked where the sorts of power in question are perceived as legitimate in relation to an established social structure, or exercised in a 'soft' form (e.g. by influence including after consultation or encouragement by incentives). In such contexts, what we understand as power serves to make social actions possible, as much as constraining or preventing them. This second conception then becomes more complicated by its frequent combination of capacity to act with some kind of claimed legitimation in the form of a right, entitlement or even responsibility to act — with these characteristics resting ultimately on the consent of those over whom power is exercised and to whom power may be held accountable.

These widely recognised contrasts show power to be an ambivalent concept. Beyond such foundational distinctions, too, power also needs to be assessed in other respects. Some conceptions of political power, for example, are monolithic; they presume ultimate control over resources of all kinds (whether such power is concentrated in one person, such as a sovereign or tyrant, or is embodied in state institutions and other bodies). Other conceptions, in contrast, conceive power as something dispersed in a pluralistic way across many civil society organisations, divided up in localised pockets of delegated and legitimised power — 'powers' — exercised by bodies as their respective 'jurisdictions'. In such pluralistic social structures, interpretation of the overall nature and effects of power has to proceed differently. A given power regime might illustrate, for instance, a highly structured Gramscian pattern of hegemony: there is an alignment of more than one social group rather than a unified social elite, and it is those

groups functioning together which secures a political settlement. Alternatively, the same regime might (following Foucault) be thought more difficult to analyse: its power structure could appear not to be easily compartmentalized but instead diffused across a very large number of social factions and actors, all of them disenfranchised and unwitting to some extent.

As might be expected, much of the difficulty in such 'social theory' debates is echoed in appeals made to notions of power in linguistics and textual analysis. The basic idea that language expresses 'power' is itself rarely doubted, because language is one of or perhaps the major symbolic means of encoding and mediating social relationships. But exactly what is meant by power beyond this general proposition is harder to say, and seems likely to vary between different linguistic settings including whole linguistic cultures. Bourdieu, among others, has emphasized how, as speakers of a language, we tend to be aware of many ways in which linguistic exchanges reflect different positions in a social hierarchy and so can express relations of domination, subordination and exclusion. Some of the mechanisms for doing this are obvious (e.g. variation in accent, intonation, vocabulary differences and honorifics); others are less clear, such as varying forms of command and different kinds of rhetoric, varying between vernacular, professional/educated and traditional elite forms. Other linguistic mechanisms again express authority or control by means of general verbal behaviour (including selective allusiveness, domination of conversational turn-taking, or use of language to intimidate or show condescension or contempt).

Despite the pervasiveness of power relations, it is only relatively recently that power has emerged as an explicit research theme in linguistics. It did so perhaps particularly in opposition to myths of the social homogeneity of language-using communities and the assumed detachment of language as a system (e.g. in concepts such as Saussure's *langue* or Chomsky's *competence*) from fields of social relations in which language use is embedded. Earlier, the value-neutral description of contemporary language systems as pioneered by Saussure had itself been a major intellectual shift and a defining achievement in the development of modern linguistics: a move away from nineteenth-century philology in theory and prescriptive

approaches to language use in instruction manuals and classrooms. Part of what was sacrificed in this formation of modern linguistics, however, was attention to the way in which, where situational variation in language use occurs, what is at stake is not only whether usage is contextually appropriate (in the sense of being matched to a given situation) but how far and in what ways such usage is governed by social and historical stratification.

Developing in, among other sources, important insights in educational linguistics work on correlation between social class, linguistic performance and what he called control), power emerges as a research topic especially in critical discourse analysis, or CDA. The main aim of the investigation in such work on different institutional settings (ranging from media discourse and doctor-patient interaction through to more visibly political communications) has been to show how unequal power relations and concealed ideological meanings are embedded in discourse and how they affect its interpretation, perceived status and other effects.

Discussion of power in law is for obvious reasons rather different. Not only is law the main public institution charged with dispensing, constraining and accounting for power in society, but it is transparently hierarchical in multiple ways: in its overall purpose (social ordering and control); in its institutional structure (authority expressed through a hierarchy of courts and law reports, as well as by symbolism and ritual); and linguistically (through rules stipulating the right to speak or not speak in given situations; whether what is said by someone will be presumed true, authoritative, or even admissible; and what actions follow from what someone in any given legal capacity says or writes). Questions about power in law are as a result less to do with whether power relations exist, or can be exposed, or even what the regime creating such power relations is, to the extent that the system of authority is prescribed and explicit rather than hidden. Instead, the important issues concern the merits of those stated rules as regards their capability to deliver justice rather than inflict injustice (in whatever way the legal system conceives justice); and how far the rules governing use of power in legal procedures adequately characterize what actually happens.

What follows from this unique social status of law is arguably that critical work in the field needs to be especially vigilant in specifying the aims and scope of criticism: whether, for example, an analysis is claiming systemic critique or failure, for instance that some or all of the legal system is flawed; or whether the study in question is not challenging the validity or legitimacy of the legal system or of a particular legal measure but rather seeking to expose flaws in the application of law in a given case or set of circumstances (e.g. as a result of conflict of interest, judicial or procedural error, or individual corruption). Individual studies may involve a mix of these two kinds of critique. But levels of analysis and the precise relationship between them will be crucial, especially because persuasive criticisms will imply different lines of response: for example, application for judicial review or its equivalent (testing whether administrative procedures were followed); campaigns for justice in a particular case (possibly through reversal of a decision, retrial or even posthumous pardon); agitation for wider law reform; or still wider civil disobedience or generalised political opposition.

As is evident from these thumbnail accounts, a number of different streams in thinking about power converge in discussions of law and language and, as might be expected, have been responded to in different ways in leading studies. Applying linguistic techniques to recognised issues in law and criminology, for example, focusing on legal proceedings including courtroom trials, mediation and small-claims tribunals, a series of publications by Conley and O'Barr has looked at class and power relations. Tackling 'access to justice' issues, linguists have analysed verbal strategies employed in the courtroom, especially coercive aspects of courtroom questioning. Feminist scholars have sought to unmask patriarchal power in law, including its perpetuation through language (a particularly detailed analysis of how patriarchy persists in the law on domestic violence is Siegel 1996). Other studies have examined linguistic disadvantage faced by vulnerable populations such as children and second-language speakers and speakers of non-standard varieties of language. The scope of court interpreters to influence the outcome of trials has been investigated from the perspective of use and potential misuse of delegated powers; and

Angermeyer has shown how institutional language practices affected the ability of minority litigants in New York City to participate in interpreter-mediated small-claims hearings.

In such legal-linguistic studies, which cut across topics and disciplines, it is inevitably a challenge to find common principles or unified research goals and method. Distinctions of the kind previously outlined regarding what 'power' is, for example, are far easier to explore in theoretical abstraction than when articulated in the course of detailed arguments in which power is identified in some more specific topic or issue, typically in relation to perceived injustice. Understanding exactly how language contributes to power in law, and what the linguistic analysis of power in law can contribute to social change, will accordingly continue to be a challenge as well as an ambition for the field of law and language, alongside other challenges such as the ever-present need to negotiate fundamental differences between descriptive and normative approaches to language associated with the two respective fields. The chapters in this volume unsurprisingly reflect different intellectual traditions and values in relation to such issues. As they are presented together here, however, we are confident that they offer new ways to see important directions in which future (including critical) accounts of language in the law are likely to develop.

The Chapters

We conclude this Introduction with an overview of the individual chapters. In addition to the short summaries which follow, a longer headnote is provided immediately before each chapter, to expand such description and offer an indication of the chapter's scope and main arguments. To make it easier to use references, a separate list of references for cited works is given at the end of each chapter rather than in a consolidated bibliography for the whole book at the end.

Part I, concerning the character of legal language, begins with anthropologist Laura Nader's critical reflection on political effects she associates with core legal terms (Chapter 1). Nader argues that such terms are both idealised and abused in the United States. She describes how people's ability to perceive-injustice is hindered by repeated exposure to a cluster of positive abstract words (not only directly law-related terms such as justice

or the phrase the rule of law but also value terms including consensus, harmony and equality). The cumulative effect of such terms, Nader argues, is damaging where the words in question denote concepts that should help to prevent injustice. Rather than doing so, she suggests, such words convey unexamined ideological values, obscure their related negatives and perpetuate the political status quo. Law, Nader concludes — which is concerned as much with unspoken realities as with expressly articulated values — can be reduced by such language to merely an elaborate means of social control.

Alan Durant's essay (Chapter 2) looks at the history, current meaning and controversies surrounding the core expressions we use to describe law, including words such as law, justice, rights, authority and legitimacy. Drawing on an oddity noticed by the British jurist Glanville Williams, that law's 'moderately precise technical language' is 'least precise in its most fundamental parts' (Williams 1945: 113), Durant shows how the words he examines convey varying and sometimes contradictory notions of what law is, even as they play a major role in creating law's legitimacy and in building sometimes fragile consensus around the relationship between law, public policy and changing social values.

Christopher Hutton (Chapter 3) scrutinises the seemingly transparent term 'ordinary language', which is frequently used in the course of judicial interpretation of the law to convey the idea of plain or commonsense, everyday meaning. Through an analysis of the wider intellectual history underpinning debates about what ordinary language is, Hutton shows why this phrase is anything but straightforward, and draws attention to interpretive practices it is used to describe and sometimes conceal. To illustrate his theoretical arguments, Hutton presents a case study in which he discusses appeals to the ordinary language categories of 'man', 'woman' and 'sex' in case law related to transgender marriage in several jurisdictions.

The two essays in Part II explore conflicts between legal authority and social and cultural forces in specific jurisdictions.

Tracing the practice of including a eulogy in published laws in Nepal, Katsuo Nawa (Chapter 4)

raises geopolitical as well as national questions about where the authority of law comes from. He tackles such issues by highlighting a clash between western notions of constitutionalism and the power exercised by the Nepalese monarchy until 2006. Interlingual indeterminacy, Nawa shows (i.e. slippage and uncertainty when concepts are transferred between languages) can lead to an unforeseen renegotiation of power relations — potentially serving new political or religious interests — where (usually smaller) jurisdictions transplant legal concepts from other, usually globally more influential legal systems.

Rather than examining circumstances in which legal authority is directly exercised, Marco Wan (Chapter 5) shows how tensions subjectively experienced by legal subjects may be expressed in the language of cinema, especially in settings where law is undergoing major change, is under political pressure or engenders social conflict. Combining theoretical and textual analysis, Wan develops a close reading of a vampire film produced in postcolonial Hong Kong. He shows how 'legal subjectivity' may be conveyed in socially important ways and at different levels by the language of film, not only in more explicitly articulated legal and political discourse.

The three chapters in Part III focus on legal meaning conveyed by silence and omission, simultaneously highlighting different methodological approaches.

Greg Matoesian and Kristin Enola Gilbert (Chapter 6) show the rhetorical power of gesture in legal advocacy. They present a set of analytical tools for describing non-verbal communication that is readily perceived but whose mechanisms are not generally well understood. Through their analysis of closing courtroom argument, Matoesian and Gilbert show how courtroom lawyers are able to synchronize speech, gesture and gaze in putting forward a case, using multiple parallel channels of forceful but largely unnoticed emphasis and reinforcement.

Liao Meizhen (Chapter 7) presents a comparative analysis of courtroom questioning in China and the United States. In doing so, he directs attention towards background assumptions about the nature of law, which are not obvious when any given jurisdiction is examined in isolation. Liao contrasts several aspects of questioning: when questions are asked, to whom, and why. He also describes the

types of question asked. Viewed in a larger context, Liao's findings probe wider questions related to practical truth-finding, presumption of guilt, evidentiary requirements, participant roles and the overall purpose served by trials.

Through historical analysis, Siddharth Narrain (Chapter 8) explores hate speech as an increasingly contested terrain. When the phenomenon is considered globally, Narrain argues, entrenched positions are found both for regulating hate speech and for permitting it. He goes on to present a critical reading of the history of hate speech regulation in India, tracing it to circumstances under colonial rule which led to enactment of laws calculated to protect 'wounded community sentiment', especially in the area of religion. Narrain then charts the history forward from that point, taking his discussion into contemporary tensions triggered, he argues, by politicized use — even hijacking — of relevant legislation when mobilised by political or religious interest groups as a vehicle for suppressing minority voices rather than protecting them.

Part IV discusses the form and manner of legal communication in different legal domains, linking questions of the linguistic form of discourse to underlying ideologies.

Building on his earlier monograph examining multiple audiences for courtroom discourse (Heifer 2005), Chris Heifer (Chapter 9) introduces a model he has developed to account for courtroom miscommunication (the Voice Projection Framework). Heifer then applies his model to a legally minor but controversial recent British case. He explains why communication breakdown can easily occur between judges and jurors and links such breakdown in part to the institutional design of courtroom interaction. Heifer's analysis builds into a critique of courtroom discourse, which he tests against the complexity of the multiple purposes trials need to serve in a common law system.

Janny HC Leung (Chapter 10) analyses the political significance of different methods used in legal translation. Ethnocentrism and ideology, she shows, have an impact on lexical and other choices made in translating. While processes of legal translation are rarely subject to public scrutiny, Leung argues, it is possible to show how particular approaches to legal translation reflect power relations and to

assess the role different approaches play in maintaining or potentially challenging aspects of social structure. Opposing the common perception that law is an abstract formal system beyond the reach of such considerations, Leung critiques continuing lack of attention paid to power asymmetry in theories of legal translation.

The final section of the book exposes tensions between what language is used in law to achieve and the constraints on doing so that, can be exposed by linguistic analysis and commentary.

Janet Ainsworth (Chapter 11) draws attention to inherent difficulties in cross-cultural communication. She suggests that such difficulties create problems both for linguistic minorities in a given jurisdiction and for legal practitioners seeking to understand legal systems other than their own. Ainsworth asks how far the reasoning processes relied on in legal procedures are affected by variation in the grammatical and other structures of different natural languages. Revisiting the idea of 'linguistic relativity', or structural variation between languages that gives distinctive shape to concept formation by the speakers of any given language, Ainsworth concludes that such linguistic differences should be taken into account in bilingual courtrooms.

Lawrence Solan and Sandra Dahmen (Chapter 12) outline challenges associated with using spoken language as legal evidence. They highlight dangers that extend beyond the kinds of semantic indeterminacy associated with interpretation of legal documents. Solan and Dahmen review how courts have dealt with disputed transcription and illustrate how linguists can sometimes assist the courts in resolving speech perception difficulties. Although their chapter focuses on the English language, many of Solan and Dahmen's insights are generalisable to spoken communication in other languages.

The book ends with an Afterword' by Peter Goodrich (Chapter 13). Goodrich's work over three decades has explored many of the kinds of gaps and silences in approaches to the analysis of legal language that have been outlined earlier in this Introduction. In his concluding chapter, he uses the 'unspoken words' trope offered by the conceptualisation of this book as a route into dissecting the relation in law between the said and

the unsaid. Rather than viewing the two as a dichotomy, Goodrich addresses their dependency on each other. Linking his comments about particular features of legal language with wider issues about the nature of law, Goodrich points to the conundrum that, in legal discourse as elsewhere, the unsaid can only be accessed through what is said — but the said can only be understood in context of what remains unsaid.

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[Why Bother With Elections?](#) by Adam Przeworski
[Polity Press, 9781509526598]

With the collapse of traditional parties around the world and with many pundits predicting a "crisis of democracy", the value of elections as a method for selecting by whom and how we are governed is being questioned. What are the virtues and weaknesses of elections? Are there limitations to what they can realistically achieve?

In this deeply informed book world-renowned democratic theorist Adam Przeworski offers a warts-and-all analysis of elections and the ways in which they affect our lives. Elections, he argues, are inherently imperfect but they remain the least bad way of choosing our rulers. According to Przeworski, the greatest value of elections, by itself sufficient to cherish them, is that they process whatever conflicts may arise in society in a way that maintains relative liberty and peace. Whether they succeed in doing so in today's turbulent political climate remains to be seen.

Excerpt: Elections are a phenomenon evoking intense ambivalence. The everyday life of electoral politics is not a spectacle that inspires awe: an endless squabble among petty ambitions, rhetoric designed to hide and mislead, shady connections between power and money, laws that make no pretense of justice, policies that reinforce privilege. For better or worse, some people are dissatisfied by the incapacity of elections to make people feel that their participation is effective, some by their incapacity to assure that governments do what they are supposed to do and not do what they are not mandated to do, and many by the failure of elected governments to improve their lives. Yet some of this dissatisfaction is misplaced. Political mechanisms are embedded in societies, with their property structures, their markets, their relations of

physical force, their social, ethnic, and religious divisions, their values and traditions. What any political mechanism can achieve is limited by the social conditions in which it operates. We should not expect elections to generate results that no system of choosing rulers could generate in a given society. Governments are neither omnipotent nor omniscient.

The point of departure in thinking about any method of choosing governments must be that we cannot escape being governed, and governed means being coerced to do what we may not like to do and forbidden to do what we may want to do. This much is just inescapable. Elections are the least bad mechanism of choosing our rulers because, when based on the simple-majority rule, elections minimize popular dissatisfaction with the laws by which we are governed. Rulers chosen by other mechanisms — whether heredity, co-optation, or just sheer force — can rule in ways almost no one likes, while those chosen by elections must follow the wishes of at least some majority. Still, elections inevitably generate temporary winners and losers and, while the stakes in elections cannot be too high for the mechanism to operate routinely and peacefully, finding oneself on the losing side is unpleasant. Hence, some people are always unhappy with their outcomes.

Moreover, even those who find themselves on the winning side cannot be sure that the government for which they voted would do what they wanted it to do and what it promised to do. Instructions to governments conveyed by elections are not binding because when circumstances change during the term that a government is in office, people may want governments to betray their promises. And, when conditions do change, voters cannot be certain whether the government is doing the best it can or if it is pursuing its own or someone else's interests. In turn, if they want to be re-elected, governments must anticipate how voters would judge the results of their actions by the time the next election comes. But because voters cannot be certain whether these results were due to what the government did or to circumstances beyond its control, governments can obfuscate and escape their responsibility. Hence, neither the prospective nor the retrospective mechanism of controlling governments is very effective. While particular

political systems differ in the transparency of government actions, this much is again inescapable.

When we are unhappy with our lives we tend to blame politicians. In part, politicians are asking for it. Competing in elections, politicians raise expectations even when they know that there is little they can do to fulfill them. This is yet another inescapable feature of elections. Just imagine a candidate telling voters that there is nothing that can be done to remedy high unemployment, low wages, or insecure streets. Such a politician would win no votes: we want politicians to offer hope, to make promises, even when we suspect there is little they can do. But there are limits to what even the bestintentioned government can do. For one, often no one knows what it is best to do, and governments do not know either. Governments are in the unenviable situation of not having the luxury to do nothing when they do not know what to do. Even when they are not clear whether to stimulate demand or to promote fiscal discipline, they must do one of these, must act. Best economic policies, best educational policies, best welfare policies are subject to disagreements even among experts, so that when governments seek their advice, they are often told that "on the one hand, ..." and "on the other hand, ..."

Governments appear particularly ineffective when facing economic inequality. This impotence is partly due to the property structure of societies in which we live, societies in which decisions concerning investment and employment made by owners of productive resources affect the lives of everyone else. Capitalism imposes limits on decisions that can be reached by elections, limits that bind all governments.

Yet some of the ineffectiveness of governments in reducing economic inequality is due to the political power of those who control greater economic resources. Even when all citizens enjoy equal rights to affect government policies, their actual influence over these policies is not equal when people are economically unequal. Economic inequality generates political inequality, political inequality reproduces economic inequality: getting out of this vicious circle is difficult.

Yet governments do differ, so it is not irrational to think that some would be better than others. This is what explains the cycles of disappointment and

hope. Elections incessantly rekindle our hopes. We are perennially eager to be lured by promises, to put our stakes on electoral bets. A spectator sport of mediocre quality is still thrilling and engaging. More, it is cherished, defended, and celebrated. True, those who are more dissatisfied with the functioning of democracy are less likely to see it as the best system under all circumstances. Yet many perennially hope that by organizing and participating in electoral competition they will be able to advance their values and interests.

The prospect of winning the next time around, or the one after, is what channels political actions into elections. Elections are a method by which individuals and groups, "political forces," struggle in particular societies to advance their often conflicting interests and values. They are not a mechanism which gifts us whatever we want — good government, rationality, justice, development, equality, or what not — but just a terrain on which people with heterogeneous preferences process their conflicts according to some rules. What elections generate depends, therefore, on what these actors do. But as long as the current losers have some chance to be on the winning side in the future, as long as elections are "competitive," "free," or "fair," they can wait for their turn. To process conflicts in peace, we do not have to agree: while the slogan "united we stand" may be inspiring, elections are a mechanism allowing us to stand even if divided. In the words of Bobbio, "What is democracy other than a set of rules ... for the solution of conflicts without bloodshed?" This is the genius of elections.

Elections and Democracy

One thing we learned is that voting need not mean selecting, that in many elections around the world, both in the past and the present, events called "elections" do not give people a possibility of choosing governments. But are competitive elections all there is to democracy?

This is an issue about which views sharply diverge. One perspective, represented notably by Joseph Schumpeter (1942), is that governments elected by majorities should be able to govern without external constraints. The opposite view is that governments' discretion should be limited by super- or contra-majoritarian rules and institutions, such as

those discussed above. The anti-majoritarian perspective is motivated by the fear that unconstrained majorities would be whimsical and despotic. In Madison's (Federalist #51) rendering, "If men were angels, no institutions would be necessary." Majorities cannot restraint themselves, the claim is, so that some external constraints are necessary to protect people from ill-intentioned or ill-tempered governments. Yet the counter-argument is that while limitations on majority rule may prevent governments from doing harm, they also prevent them from doing much good. Separation of powers, particularly in the form of checks and balances, disables governments from governing effectively.

My own view is pro-majoritarian, albeit with a major qualification. First, perhaps surprisingly, a theoretical argument leads to the conclusion that super-majority rule is more likely to generate despotic government than the simple-majority rule. While passing the hurdle of supra-majority — say getting a two-thirds majority in the legislature — is difficult, a government that passes the threshold of super-majority or a party that controls all the relevant institutions, the legislature, the executive, and the courts, is less afraid of losing elections and thus is free to commit excesses (Dixit, Grossman, and Gul 2000). In turn, governments supported by simple majorities restrain themselves because they fear the verdict of voters in the next election. Second, empirical evidence indicates that countries with no or few checks and balances, such as Sweden or the United Kingdom, do not exhibit sharper policy oscillations and are not more likely to violate rights than countries where governance is institutionally more divided. Thus, the argument in favor of institutional limitations is unpersuasive both logically and empirically.

The qualification should be already familiar. Incumbents have many instruments to escape responsibility for their inaction as well as for actions that a majority finds offensive. Majorities can be "manufactured" by intimidating or buying the media, instrumentalizing public bureaucracies, preventing opponents from voting, and various other instruments discussed above. Hence, the crucial democratic institutions are those that prevent incumbents from abusing their power to tilt results of elections. They include administration of and oversight over elections by bodies independent of

the executive, whether judicial or autonomous, barriers to the access of money to politics, strong enforcement of political rights: all the conditions enumerated by Dahl (1971) as necessary for elections to be truly free. The extent to which these conditions are maintained has differed across democracies during the past 60 years, so that it makes sense to speak in terms of higher or lower "quality of democracy." In the United States, in particular, the access of money to politics is almost unlimited and local administration of elections allows for abuses, often taking the form of obstacles to voting for the potential political opponents, while such practices are much less frequent in other developed democracies, say Sweden.

In the end, my view is that we should exert every effort to let the people decide freely by whom and how they want to be governed, and then let governments govern. But I certainly realize that many people think differently.

A Crisis of Democracy?

The triumph of Donald Trump in the United States, the rise of anti-establishment parties in several Western European countries, the authoritarian proclivities of some governments in Eastern Europe, notably Hungary and Poland, are seen by some observers as harbingers of an impending crisis of democracy. Results of numerous surveys showing declining support for democracy are interpreted as signs of "democratic back-sliding" or "democratic deconsolidation." There are reasons to be skeptical: crisis-mongering is a favorite form of generating sales by the media and of publicity-seeking by intellectuals. Indeed, as one looks at the titles of books published over the past 60 years, it seems that democracy has always been in crisis, that crises are, in the words of the Hungarian Marxist Georg Lukács, "just an intensification of everyday life of bourgeois society." Clearly, that a party one does not like wins an election is not a crisis of democracy. Labeling one's opponents "anti-democratic" is just a standard repertoire of politics. Yet the combination of public attitudes and the declared intentions of some political leaders may be indeed ominous.

A "crisis of democracy" may assume more or less drastic forms: it may mean that democracy simply collapses — a democratically elected incumbent does not hold an election, or represses the

opposition to the point of preventing it from winning, or the military takes power by force — or it can mean that democratic institutions are formally preserved but the political leader rules by appealing directly to "the people," ignoring institutional norms, in a form of "populism," "illiberal democracy," or whatever else one wants to call such situations. Outright collapses of democracy are relatively easy to identify, but how much and what kind of deterioration of democracy constitutes a "crisis" is an inevitably subjective assessment, so we should expect views to differ.

Consider first the easier question: what are the chances that democracy would collapse in the economically developed democracies? Contrary to frequent references to these tragic events, looking back at the advent of fascism in Europe in the 1920s and 1930s is not instructive, for the simple reason that the countries where fascism came to power were miserably poor compared to now.² The per capita income of Italy in 1922 was \$2,631, while as of 2008 it was \$19,909; of Germany, it was \$3,362 in 1932 and \$20,801 in 2008; of Austria, \$2,940 in 1932 and \$24,131 in 2008. This was just a different world. And we have seen that income is a very powerful predictor of the survival of democracies. Even ignoring the fact that democracy in this country is 200 years old, given the current income of the United States, the probability that the incumbent would not hold an election or hold one while making it impossible for the opposition to win is about 1 in 1.8 million country-years. If one believes in drawing lessons from history, an outright collapse of democracy in a country with the per capita income of the United States is just out of the realm of the imaginable. Yet history may not be a reliable guide: some catastrophic, unprecedented events may render it mute.

In turn, inferring the stability of democracy from responses to survey questions is a publicity stunt, not a valid scientific procedure. For one, no one knows what people in different countries and at different times understand by "democracy" when they are asked whether "democracy" is the best form of government or whether it is essential that their country be governed "democratically." Even scholars argue passionately how to define "democracy," with all kinds of distinctions and qualifying adjectives: "majoritarian," "liberal,"

"representative," "direct," "social," even "authoritarian." And while elites see democracy in institutional terms, several surveys indicate that mass publics often conceive of it in terms of "social and economic equality." Moreover, even if recent surveys indicate that many people would want to be governed by "strong leaders" and many others by non-partisan "experts," does it mean that they do not want to have a voice in choosing the leaders or the experts? The taste for selecting governments through elections is an acquired one, but it is addictive once acquired. Wanting governments to be effective, hoping that they will be competent and effective in improving people's lives, does not imply abdication from the right to choose them and to replace them when they fail. Finally, with all the variations in the support for democracy shown by surveys conducted in different developed countries over the past 35 years, democracy collapsed in none of them. We may be worried when few people declare confidence in political parties, parliaments, or governments, when the belief that democracy is the best system of government declines among the mass public, or when the yearning for strong leaders or the rule by experts increases. But the predictive power of answers to such questions for the outright collapse of democracy is null.

A much harder question is whether democracy will not deteriorate. Here, I think, we need to think separately about countries where the radical right is in office — the United States, Hungary, Poland — and those where it is not and is unlikely to be. The danger in the United States is the possibility that the incumbent would intimidate hostile media and create a propaganda machine of its own, that it would politicize the security agencies, that it would harass political opponents, that it would use state power to reward sympathetic private firms, that it would selectively enforce laws, that it would provoke foreign conflicts to monger fear, and that it would rig elections. Such a scenario would not be unprecedented. The United States has a long history of waves of political repression: the "red scare" of 1917-20, the internment of Japanese citizens during World War II, the McCarthy period, and the Nixon presidency. In all these cases, the Supreme Court was slow in reacting against violations of civil and political rights. Yet the Democrats lost the 1920 presidential election, Senator McCarthy was censured by the Senate,

and Richard Nixon was forced to resign. In turn, the danger in the countries where the radical right would not accede to office is that governments might go too far in accommodating nativist and racist demands and restrict civil liberties without improving the material conditions of the people most dissatisfied with the status quo.

Hence, although we should not be desperate, we should also not be sanguine. Something profound is going on. Perhaps the best diagnosis of the current situation in many democracies is "intense partisanship with weak parties. Democratic elections peacefully process conflicts only when "political parties are successful in structuring conflicts and channeling political actions into elections. Representative institutions absorb conflicts only if everyone has the right to participate within these institutions, if conflicts are structured by political parties, if parties have the capacity to control their supporters, and if these organizations have the incentives to pursue their interests through the representative system. Historical experience suggests that when conflicts spill to the streets, public support for authoritarian measures designed to maintain public order tends to increase, even if street protests are targeted precisely against such authoritarian tendencies of governments. Hence, once conflicts leave institutional boundaries, they tend to escalate. Moreover, unless the opposition is united and disciplined, some groups emerge to carry on violent actions that are politically counterproductive, only providing an additional rationale for repression. When conflicts spill outside the representative framework, governments have only two choices: either to persevere with their policies while reverting to repression or to abandon policies in order to placate the opposition. Neither alternative is attractive. Spirals of breakdowns of order and repression undermine democracy, while repeated concessions to people appearing on the streets render governments unable to implement any stable policies.

My fear is that neither the government of Trump, nor Brexit, nor the governments that will be elected on the European continent will improve the everyday lives of most people, which will only strengthen the "anti-establishment" or "anti-system" sentiments. It is only natural that when people participate in successive elections, see governments change, and discover that their lives remain the

same, they find something wrong with "the system" or "the establishment." Albeit extreme, Italy had 63 governments in 64 years and corruption never disappeared from the headlines. By "natural" I do not necessarily mean "rational": true, sometimes politicians are incompetent and sometimes they are corrupt, but most of the time no government can do much or knows what to do even if it wants the best.

In the end, it looks like the current crisis will simmer for the foreseeable future. Nothing much will change except for increased political polarization and increasing intensity of conflicts, at the extreme erupting from time to time in spirals of state and anti-state violence. I must admit that when I began writing this book — before Brexit, the election of Donald Trump, the failure of the Italian referendum — I did not anticipate having to close it with these speculations. We still have only limited understanding of the processes by which democracies collapse and even less of the processes by which they deteriorate. How bitter will be the lesson we are still to learn remains to be seen. In the end, it matters less who has won and who will win elections, but whether elections can still peacefully process conflicts in intensely divided societies.

[Utopias of One](#) by Joshua Kotin [Princeton University Press, 9780691176710]

Utopias fail. Utopias of one do not. They are perfect worlds. Yet their success comes at a cost. They are radically singular—and thus exclusive and inimitable.

[Utopias of One](#) is a major new account of utopian writing. Joshua Kotin examines how eight writers—Henry David Thoreau, W. E. B. Du Bois, Osip and Nadezhda Mandel'shtam, Anna Akhmatova, Wallace Stevens, Ezra Pound, and J. H. Prynne—construct utopias of one within and against modernity's two large-scale attempts to harmonize individual and collective interests: liberalism and communism. The book begins in the United States between the buildup to the Civil War and the end of Jim Crow; continues in the Soviet Union between Stalinism and the late Soviet period; and concludes in England and the United States between World War I and the end of the Cold War. The book, in this way, captures how writers from disparate geopolitical contexts resist

state and normative power to construct perfect worlds—for themselves alone.

[Utopias of One](#) makes a vital contribution to debates about literature and politics, presenting innovative arguments about aesthetic difficulty, personal autonomy, and complicity and dissent. The book also models a new approach to transnational and comparative scholarship, combining original research in English and Russian to illuminate more than a century and a half of literary and political history.

Excerpt: The word "utopia" is now almost entirely meaningless.' Its "definitional capabilities have been completely devoured by its connotative properties," writes Jacques Rancière. "Sometimes it refers to the mad delusions that lead to totalitarian catastrophe; sometimes it refers, conversely, to the infinite expansion of the field of possibility that resists all forms of totalizing closure."

Yet all utopias share at least one basic feature: failure. The word's etymology makes the point: Thomas More invented the word "utopia" in 1516 by combining "eu-topia" (good place) and "ou-topia" (no place). Failure is inevitable—whether the aim is a social structure that harmonizes individual and collective interests or freedom without limit.

Not all utopias fail in the same way, of course. Some end in mass death. Others remain fixed to the pages of novels and manifestos. The reasons for failure also vary. Some utopias rely on violence. Others are quixotic. Most are simply unable to overcome the class interests of an elite or the inertia of everyday life.

Failure can be redeemed as social critique. "Utopia," argues Jay Winter, "is a fantasy about the limits of the possible, a staging of what we take for granted, and what is left unsaid about our current social conventions and political cultures." From this perspective, all utopias (even the most catastrophic) testify to the inadequacy of the status quo—and to humankind's enduring desire for a better world. As Ernst Bloch writes, "the essential function of utopia is a critique of what is present."

This cursory account of utopia connects Fruitlands and the Soviet Union, William Morris's *News from Nowhere* (1890) and B. F. Skinner's *Walden Two* (1948), and Jean Baudrillard's "Utopia deferred ..." (1971) and Anahid Nersessian's

Utopia, Limited (2015). An unrealized, unrealizable ideal; the consolations of social critique—this is utopia.

[Utopias of One](#) departs from this account of utopia. The book follows eight writers—Henry David Thoreau, W.E.B. Du Bois, Osip and Nadezhda Mandel'shtam, Anna Akhmatova, Wallace Stevens, Ezra Pound, and J. H. Prynne—as they respond to the failures of utopia by constructing utopias of one. These utopias do not fail. But their success comes at a cost: they cannot serve as models for readers hoping to perfect their own lives or remake their communities. Utopias of one are exclusive—and, in most cases, inimitable.

This book tracks the emergence of these utopias within and against modernity's two most ambitious attempts to harmonize individual and collective interests: liberalism and communism. My approach is comparative and transnational. The book's chapters move from antebellum America through the end of Jim Crow, from Stalin's Russia through the Soviet reform period known as the "Thaw," and from England and America at the dawn of World War I through the end of the Cold War and the emergence of neoliberalism. Together, the chapters capture how writers from diverse contexts create lived and perfect worlds—for themselves alone.

From one perspective, utopias of one are unremarkable. In *Charles Olson: A Scholar's Art* (1978), Robert von Hallberg criticizes American poets who attempt "to change American culture by establishing common knowledge and values" but then settle for "the achievement of a personal order." In *Dreamworld and Catastrophe* (2000), Susan Buck-Morss laments the rise of "personal utopianism," which she associates with "the abandonment of the larger social project" and "political cynicism." From this perspective, utopias of one simply reaffirm my earlier account of utopia and failure: a utopia of just one person is a contradiction in terms—and thus no utopia at all.

But from a different perspective, utopias of one represent a limit case of literary efficacy—what literature can and does make happen. (Efficacy: "Power or capacity to produce effects," to quote the Oxford English Dictionary.) The texts I examine are not merely occasions for imagining or promoting alternatives to the status quo or for

representing totality—what Joshua Clover calls "the inner dynamic of social existence and its forms of appearance." The texts are not primarily critical, analytical, aspirational, inspirational, sentimental, or even representational. Their efficacy is real, direct, and dramatic—yet isolated and isolating, singular and specific.

This is my first overarching claim: the texts I examine create perfect worlds. My second overarching claim is related: the texts I examine create perfect worlds by refusing or failing to present models of perfect worlds. Efficacy and divisiveness go hand in hand. For the writers I discuss, the dissolution of community is the first step toward establishing an alternative to community. The book, in this way, offers an account of utopianism that does not default to an account of failure and social critique.

Despite the book's complexity and breadth, it explicates a basic sequence of events. A writer responds to the failure of utopia—America in the aftermath of Reconstruction, the Soviet Union in the 1930s, the world under neoliberalism—by devising his or her own utopian project. The project is precarious. It risks solipsism at one extreme and mere critique at the other. Ultimately, its effects are asymmetrical and highly improbable: a perfect world that cannot be replicated or shared.

Utopias of One attempts to illuminate these "asymmetries"—how texts benefit writers and neglect (and even harm) readers. Occasionally, the asymmetries (and the utopias that result) are intentional. Writers develop techniques to estrange readers: irony, obscurity, invective, cliché. But in many cases, the asymmetries are unintentional. Writers do not intend to abandon "the larger social project" (to quote Buck-Morss again) yet discover that they are unable to reverse the divisive effects of powerful institutions: legal segregation, government censorship and surveillance, class. In such cases, writers save themselves and leave readers behind.

The utopias I discuss are thus morally ambiguous. They reflect and reinforce the atomization of modern life. But they also demonstrate literature's power to create lived and perfect worlds. In light of this moral ambiguity, the book does not promote narratives of redemption or wrongdoing. My aim is not to celebrate or indict a subgenre of

literature—or to identify heroes and villains. My aim is to describe the construction and significance of utopias of one. If read with a sense of political optimism, the book may seem cynical; if read with a sense of political pessimism, the book may seem consoling, even hopeful.

Utopias of One attempts to address a series of questions at the intersection of aesthetics and politics—questions about dissent and complicity, personal and aesthetic autonomy, genre and world-making, and the meaning and value of perfection. (The book will, I hope, provide a framework for understanding the efficacy of other texts, and for understanding how utopian desire survives the failure of utopia.) In the process, the book confronts a vexing hermeneutical problem: If utopias of one are, by definition, exclusive, how can we, as readers, identify and evaluate them?

The first utopia of one I discuss is Thoreau's "experiment of living" at Walden and in Walden (1854). When Thoreau moved to Walden Pond on July 4, 1845, his goal was to maximize his independence. America, from his perspective, had failed. The government (at all levels) had betrayed its own liberal ideals. Slavery and imperialism defined everyday life. Reform seemed impossible. Voting (for those who could vote) was an act of complicity. The abolitionist movement was in disarray. The utopian community at Brook Farm was breaking down. Fruitlands had collapsed a year and half earlier.

To maximize his independence, Thoreau radically reduced the size of his world. As I discuss in the first chapter: he minimized his social and financial obligations and chose to live in an artificially circumscribed environment. He also developed a practice of writing and rewriting that refined his perception of his environment. Writing became an instrument of attentiveness and suppression—a way to improve his vision and restrict its range. At Walden and in Walden there was little or no conflict between receptivity and sovereignty. Thoreau could be open to his surroundings and in control—vulnerable and secure.

This was the beginning of Thoreau's utopia of one: a world small enough to be received in its entirety. To revitalize certain liberal ideals, he deprioritized or abandoned others. Personal sovereignty took

precedence over popular sovereignty—or, to be more precise, personal sovereignty and popular sovereignty became one. This is one reason that Walden is such an innovative and radical book. Thoreau did not respond to the failures of utopia by proposing a new way to harmonize individual and collective interests. He dissolved the difference, transforming the world into his world.

Thoreau's utopia of one puts readers in an awkward position. How should we relate to his carefully tailored world? The options are all problematic. We could take Walden as a model and attempt to cultivate our independence. But to do so would be self-defeating—an act of dependence, not independence. Alternatively, we could "stand aloof" (the phrase is Thoreau's) and cautiously evaluate the project's strengths and weaknesses. But to do so would be to ignore the project's allure and the intimacy of Thoreau's address. Finally, we could reject the project altogether—as narcissistic, even dangerous. But to do so would be to ignore the project's moral seriousness and Thoreau's virtuosity. The best response might be all and none of the above—to adopt and abandon roles constantly: to become a disciple, then a disinterested critic, then a skeptic, then a disciple, ad infinitum.

Walden's reception history testifies to this awkwardness. The book is one of the most celebrated and reviled books in literary history. Some readers struggle to adopt and abandon a range of roles—an impossible task, especially in the long run. ("The writer keeps my choices in front of me," Stanley Cavell writes, "the ones I am not making and the ones I am. This makes me wretched and nervous.") But most are happy to ignore the book's complexity—and thus the book itself—and adopt a single role.

This awkwardness was a deliberate effect. Thoreau did not want to become responsible for the lives of his readers. Why, then, did he publish Walden? Why address readers at all? As I argue in chapter 1, he recognized that to maximize his independence, he had to confront his imbrication in social norms.

Walden is the most prominent site of that confrontation.

Thoreau thus describes the construction of a utopia but not how to construct a utopia. This omission

represents a significant shift in the history of utopian literature. Traditionally, utopian literature presents models or blueprints for constructing perfect worlds. More's *Utopia*, for example, models three general principles: "equality of all good and evil things among the citizens ... ; a fixed and unwavering dedication to peace and tranquility; and utter contempt for gold and silver." Readers are meant to adopt (or imagine adopting) these principles in their communities. (The leaders of the October Revolution, for example, did just that—almost four hundred years after the publication of *Utopia*.) Thoreau's project is an exception. Its exclusivity and inimitability are essential characteristics.

Thoreau's utopia of one, in this way, threatens the very idea of utopia. In *Utopia and Anti-Utopia in Modern Times* (1987), Krishan Kumar writes:

Thoreau's two-year experiment in solitary living around Walden Pond can almost be considered the epitome of American utopianism. It breathes its spirit through and through. It carries to a logical extreme the utopian promise of America to grant every single individual the right and opportunity to pursue his own vision, however idiosyncratic, of the good life. The paradox, of course, is that it is also the *reductio ad absurdum* of American utopianism. One man does not make a community, even a utopian community.

Yet this is exactly what Thoreau wanted to do: make a one-man community—a utopia of one. To ask whether his project should count as a utopia is to ask about the capaciousness of a specific word. But it is also to ask about perfection itself. Is perfection still perfection when it cannot be shared?

I do not know for certain how Thoreau would have answered this question. Despite his narcissism, he rarely describes his inner life at Walden. (As E. B. White notes, Thoreau "disguised most of the facts from which an understanding of his life could be drawn.") Readers observe Thoreau's utopia from the outside. We can track its construction but not confirm its effects. This is not an accident, of course—it is a way to protect his independence.

In the conclusion to *Walden*, however, Thoreau intimates that the project's most significant shortcoming was its unsustainability, not its exclusivity:

I left the woods for as good a reason as I went there. Perhaps it seemed to me that I had several more lives to live, and could not spare any more time for that one. It is remarkable how easily and insensibly we fall into a particular route, and make a beaten track for ourselves. I had not lived there a week before my feet wore a path from my door to the pond-side; and though it is five or six years since I trod it, it is still quite distinct. It is true, I fear, that others may have fallen into it, and so helped to keep it open.

These lines are ambiguous, but they suggest that when Thoreau decided to leave Walden in September 1847, he did so for two reasons. First, he had begun to imitate his own behavior. ("[I]mitation is suicide," Ralph Waldo Emerson writes in "Self-Reliance" [1841]. Self-imitation is still imitation.) Second, Thoreau's contemporaries (who would have learned about his project from various sources, including Thoreau himself) had become too proximate—their paths had begun to converge with his own. Thus, the problem was not that his utopia of one was, in fact, a utopia of one, but rather that it could not remain so.

[Utopias of One](#) does not identify a genealogy of projects influenced by Walden. The book focuses instead on a process and a concept. The other writers I discuss develop their own projects, which reflect their own goals and contexts. Du Bois responds to the failure of Reconstruction. The Mandel'shtams and Akhmatova respond to the failure of Soviet communism. Stevens responds to the failure of humanism, and Pound and Prynne to the failure of what both might describe as global capitalism. (Stevens is the outlier: he does not respond to the failure of a political or economic system; he responds to the failure of a system of thought.) Yet the basic sequence or paradigm holds. The failure of utopia leads to a utopia of one. Language becomes a medium of independence, and independence an opportunity for perfection.

What is independence? The word has many synonyms or near-synonyms: autonomy, sovereignty, freedom, free will, liberty, agency, self-determination. These concepts all have their own dictionary definitions and context dependent connotations. Yet in most modern accounts, they

entail two seemingly complementary ideas. To be independent (or autonomous, sovereign, free, etc.) is to be beyond the control of others and in control of oneself.

In "Two Concepts of Liberty" (1958), Isaiah Berlin calls these ideas "negative liberty" and "positive liberty," respectively, and argues that they, in fact, are not complementary at all. "Negative liberty" reflects an ideal of noninterference: "I am normally said to be free," he writes, "to the degree to which no man or body of men interferes with my activity." "Positive liberty," in contrast, reflects an ideal of mastery: "Freedom is self-mastery, the elimination of obstacles to my will, whatever these obstacles may be—the resistance of nature, of my ungoverned passions, of irrational institutions, of the opposing wills or behaviour of others." Negative liberty is thus incompatible with positive liberty. To maintain an ideal of noninterference, one must avoid interfering in the lives of others—and, perhaps, in one's own life as well.

Hannah Arendt complicates matters further. In "What Is Freedom?" (1958-61), she argues that freedom and sovereignty, and freedom and free will, are both mutually exclusive:

Politically, this identification of freedom with sovereignty is perhaps the most pernicious and dangerous of the philosophical equation of freedom and free will. For it leads either to a denial of human freedom—namely, if it is realized that whatever men may be, they are never sovereign—or to the insight that the freedom of one man, or a group, or a body politic can be purchased only at the price of the freedom, i.e., the sovereignty, of all others.

Arendt is making two arguments. First, sovereignty is an illusion. Individuals and groups are never fully in control of their surroundings or themselves. Second, sovereignty is socially undesirable—a zero-sum game of power and powerlessness. For Arendt, freedom has little to do with control. It is, instead, an act that interrupts the "automatism ... inherent in all processes."

In *Scenes of Subjection* (1997), Saidiya V. Hartman links this zero-sum game to a history of racism:

Prized designations like "independence," "autonomy," and "free will" are the lures of liberalism, yet the tantalizing suggestion

of the individual as potentate and sovereign is drastically undermined by the forms of repression and terror that accompanied the advent of freedom, the techniques of discipline that bind the individual through conscience, self-knowledge, responsibility, and duty, and the management of racialized bodies and populations effected through the racism of the state and civil society.

In this account, independence always entails its opposite. Racism is a barrier to independence and a consequence of independence. In an endnote, Hartman quotes Etienne Balibar, who draws attention to the contradiction in the meaning of the word "subject": "why is it that the very name which allows modern philosophy to think and designate the originary freedom of the human being—the name of 'subject'—is precisely the name which historically meant suppression of freedom, or at least an intrinsic limitation of freedom, i.e., subjection?"

On closer examination, the list of synonyms or near-synonyms of independence devolves into a list of irreconcilable and contradictory concepts. The desire to escape domination leads to various forms of domination, including self-domination. Sovereignty is, at once, an impossible ideal and not an ideal at all. The history of independence is a history of slavery and racism.

This impasse would not have surprised Thoreau. His particular solution was to construct an artificial environment in which he could be sovereign and nonsovereign—powerful and powerless. At Walden and in Walden, he consolidated what C. B. Macpherson would call his "possessive individualism" and what Leo Bersani would call his "authoritative selfhood," while making such defense mechanisms unnecessary. In the process, he was able to maximize his independence without eliminating the world or denying his receptivity, or seriously injuring others or himself.

The other writers I discuss embrace different solutions to this impasse—or ignore it altogether. Du Bois, for example, attempts to evade the "lures of liberalism" by developing a practice of freedom that does not lead to oppression. Osip Mandel'shtam, in contrast, accepts these lures—despite the antiliberalism of the Soviet Union. He develops the most radical project of all: composing a poem that links his independence to his death. His

performance of an epigram mocking Stalin in 1933 anticipates Berlin's claim that the "logical culmination of the process of destroying everything through which I can possibly be wounded is suicide." Mandel'shtam's performance led to his arrest in 1934 and his death in a Gulag transit camp in 1938. "Total liberation in this sense," Berlin laments, "is conferred only by death."

Ultimately, the ability to solve or mitigate the impasse is an index of relative safety. In extreme circumstances, a zero-sum game of power and powerlessness might seem justifiable—even desirable.

Apart from identifying a genealogy, there are three ways to write a book about the efficacy of utopian literature. First, one could select a single case study—such a book might examine Thoreau's utopianism. Second, one could select a series of case studies based on their similarity—such a book might examine utopian responses to the failure of Soviet utopianism. Third, one could select case studies based on their complementarity—such a book might (and, of course, would) resemble [Utopias of One](#).

This third way has specific risks. The case studies might prove disparate. The pursuit of complementarity might lead to discontinuity: a collection of essays, instead of a greater-than-the-sum-of-its-parts monograph. The case studies might also sacrifice depth for breadth and thus alienate readers. Finally, and most significantly, the case studies might lead to false generalizations.

But there are benefits as well: depth and breadth, a diverse audience, genuine theoretical insights. Ideally, the pursuit of complementarity would lead to a multifaceted account of a single phenomenon while challenging critical assumptions about national context, periodization, and genre. More dramatic, a rigorous comparative and transnational study, attentive to the importance of historical and political context, might lead to a nonnational study that exposes a long-ignored facet of literary efficacy.

Utopias of One, I hope, avoids these risks and realizes at least some of these benefits. The book investigates a series of different yet complementary case studies. The chapter on Du

Bois, for example, focuses on his *Autobiography* (1962, 1968) and his defense of communism, especially Soviet communism. The next chapter—on the Mandel'shtams—focuses, in part, on Nadezhda Mandel'shtam's memoirs and her attack on Soviet communism. The coincidence is not an occasion to take sides—to argue that Du Bois was right about communism and Nadezhda Mandel'shtam was wrong, or vice versa. Instead, the coincidence is an occasion to interrogate how a single ideology and a single genre can lead to such divergent opportunities for self-making and world-making.

The comparison between Du Bois and Nadezhda Mandel'shtam is particularly fascinating. Both wrote autobiographies in the late 1950s, and both were unable to find publishers at home. (*Autobiography* was first published in Moscow in 1962—in Russian translation. The initial volume of Nadezhda Mandel'shtam's memoirs was first published in New York in 1970—in English translation and Russian.) Both writers also had to negotiate de-individualizing traditions of autobiographical writing. Du Bois had to confront the history of African American autobiography. ("If the goal of autobiography is the assertion of individuality," writes Henry Louis Gates Jr., "the typical black memoir is assigned the contrary task: that of being representative.") Nadezhda Mandel'shtam, in turn, had to confront the history of communist autobiography. ("Communist autobiography," writes Igal Halpin, was "the standard by which entrance into the brotherhood of the elect was determined.") Together, the two autobiographies illuminate the resources of a genre.

But the book's case studies are not only comparative; they are also transnational. The chapter on Du Bois begins in Washington, DC, and travels to New York, Moscow, Beijing, and Accra, among other locations. The chapter on the Mandel'shtams begins in Karelia in northwest Russia and travels to Moscow, Oslo, New York, Ann Arbor, and Princeton, among other locations. The book's other chapters are similarly global, traveling from Saint Petersburg to Oxford and back again, Cambridge to Hartford, and London to Tokyo to Cambridge to Guangzhou. By attending to these itineraries, *Utopias of One* captures how the transnational circulation of texts influences their efficacy.

This transnational approach reflects a trend in scholarship but also a sincere attempt to understand utopia. Utopian projects violate national borders and undermine the coherence and hegemony of nation-states. Yet utopian projects also consolidate national borders and nation-states. Consider, for example, the American Revolution or the October Revolution—or any revolution—or the African American civil rights movement. A strictly national or international approach to any of these projects would be inadequate.

Utopia is also transhistorical. Yet utopia has a different status after the Industrial Revolution—and, especially, after the Green Revolution and the bombings of Hiroshima and Nagasaki. In *Aesthetic Theory* (1970), Theodor W. Adorno makes the point: "This is the true consciousness of an age in which the real possibility of Utopia—that given the level of productive forces the earth could here and now be paradise—converges with the possibility of total catastrophe." The conditions that make utopia possible also make total catastrophe possible. The paradox is detectable, already, in Thoreau's anxieties about the railroad, which carried ice from Walden Pond to ships traveling to "Charleston and New Orleans, [and] Madras and Bombay and Calcutta." The paradox is explicit, finally, in Du Bois's participation in the antinuclear peace movement in the early 1950s, at the height of McCarthyism. To understand utopia is to understand its special significance in modernity.

Utopia, in this way, justifies the book's comparative and transnational approach, and its historical framework. But what justifies its focus on poems and memoirs instead of stories and novels, and, especially, science fiction, the genre most frequently associated with utopia? My answer: nonfictionality. The worlds that poems and memoirs represent are not fictional—they are part of our world, the world. The worlds that stories and novels represent, in contrast, are fictional—separate, counterfactual. For poets and memoirists, worldmaking is an act of remaking the world they already inhabit.

This distinction between nonfiction and fiction is imprecise. But two examples help clarify my argument. First: when Wallace Stevens makes the following claim in "Sunday Morning" (1915, 1923), he is addressing his own anxieties about materialism:

Death is the mother of beauty; hence from her,
Alone, shall come fulfilment to our dreams
And our desires.

The claim would resonate differently if Stevens were already a committed and satisfied materialist—or if he were representing the anxieties of a fictional character named "Wallace Stevens." The claim would also resonate differently if its truth-value mattered to Stevens alone—or if its truth-value in the poem were distinct from its truth-value in the world. But "Sunday Morning" represents (or better, presents) a real person confronting a real problem in the real world. By addressing his anxieties in the poem, Stevens is attempting to address them in the world—our world—as well.

A second example—this time from a radically impersonal poem by the contemporary English poet J. H. Prynne. When Prynne writes the following lines in *The Oval Window* (1983), he is most likely not representing his own anxieties:

Sideways in the mirror and too slow
to take up, it is the point of death. Not
lost from the track as passing its peak
but the cycle burns out on the axle,
quenching a thirst with lip salve slicked
on the ridge of its porridge bowl. Still
spoil by bad temper the screen relives
a guessed anxiety: wounds were his feast,
his life to life a prey.

Prynne—the historical Prynne, who recently retired from the University of Cambridge after almost sixty years of teaching—is not the speaker of this poem. But it would be a mistake to assume that the speaker must then be fictional. The poem might not have a speaker—at least not a consistent, identifiable speaker. Regardless, the world of the poem is still our world. As Prynne writes, "It has mostly been my own aspiration ... to establish relations not personally with the reader, but with the world and its layers of shifted but recognisable usage; and thereby with the reader's own position within this world." Again, "this world"—our world.

Many poems are wholly fictional, of course—the *Odyssey*, Goethe's *Faust* (1808, 1832), Robert Browning's "My Last Duchess" (1842), Ezra Pound's "The Beautiful Toilet" (1915). "Sunday Morning"

includes fictional characters: the woman who "feels the dark / Encroachment of that old catastrophe," the "ring of men." Some memoirs might be novels, and vice versa. Herman Melville's *Typee* (1846) might be a memoir and a novel. But the distinction between nonfiction and fiction, however fuzzy, helps explain the efficacy of poems and memoirs, on the one hand, and stories and novels, on the other. Stories and novels present counterfactuals that model (and involve readers in) alternative social arrangements, and invent characters that simplify complex ethical and psychological problems. (As Candace Vogler notes, "With any luck, no human being will be knowable in the way that any literary character worth repeated readings is knowable.") As a result, novels and stories are especially suited to social critique. To state my argument as baldly and precariously as possible: poems and memoirs create utopias; stories and novels depict utopias.

Do my case studies lead to any theoretical insights? The case studies, taken together, suggest a new theory of literary efficacy. Standard theories assume that literature changes the world (if it changes the world) by motivating or educating readers. Consider Julia Ward Howe's "The Battle Hymn of the Republic" (1861) or Nikolai Chernyshevskii's *What Is to Be Done?* (1863) or Rachel Carson's *Silent Spring* (1962). The memoirs and poems I discuss, in contrast, change the world by ostracizing readers. If *Utopias of One* had a subtitle, it might be *The Antisocial Utility of Literature*.

The case studies also suggest a new theory of aesthetic difficulty. Standard theories associate aesthetic difficulty with defamiliarization, political resistance, elitism, prophecy, and attempts to solve (or simply represent) difficult conceptual problems. The memoirs and poems I examine are difficult for these reasons. But they are also difficult because their effects are singular. The utopias they create are available to their authors alone.

These theories of literary efficacy and aesthetic difficulty are interrelated. Indeed, they connect two parallel discourses about autonomy. The first concerns personal autonomy—how individuals maximize their independence. The second concerns aesthetic autonomy—how texts resist the contexts of their production or reception or both. Lisa Siraganian, in *Modernism's Other Work* (2012),

provides one account of the connection: "The freedom of the art object not from the world generally but from the reader's meaning specifically presents a way to imagine an individual's complicated liberty within yet enduring connection to the state." For Siraganian, aesthetic autonomy is a metaphor for personal autonomy. (She identifies a homology between the two kinds of autonomy.) In *Utopias of One*, in contrast, aesthetic autonomy is an instrument of personal autonomy, which, in turn, is an instrument of utopia.

The book has three parts, each focused on a distinct geopolitical context or keyword. Part 1 examines two responses to the failure of American liberalism and the enlightenment ideals of America's founding fathers. Chapter 1 concerns Walden's pedagogy. What, I ask, can we, as readers, learn from reading the book? What does Thoreau learn from writing it? What is the connection between these scenes of pedagogy (or anti-pedagogy)—between our experience of Walden and Thoreau's experience of Walden and Walden?

Chapter 2 concerns Du Bois's utopianism during the last fifteen years of his life, after his final break with the National Association for the Advancement of Colored People (NAACP). I track his increasing commitment to Soviet communism and examine the difficulty and efficacy of his *Autobiography*. How, I ask, did Du Bois's utopianism lead, finally, to a utopia of one?

Du Bois's political commitments foreshadow the book's shift, in part 2, to the Soviet Union. Chapter 3 concerns two anti-Soviet texts: Osip Mandel'shtam's so-called Stalin epigram and his widow's memoirs. Chapter 4 examines Anna Akhmatova's two great late poems (*Requiem* (1935-62) and the famously difficult (*Poem without a Hero*) (1940-65)). These two chapters, together, investigate the efficacy of utopian literature within a failed and failing utopian state, and the connection between dissent and complicity.

The book's third and final part departs from these contexts. Its focus is, at once, more global and more local. Chapter 5 examines Stevens's repeated attempts to use his poetry to establish a livable form of secularism—to find value in a world of fact. Independence, here, is not a matter of escaping political oppression but of self-regulation.

Chapter 6 examines Ezra Pound's and J. H. Prynne's use of Chinese poetry to understand the problem of motivation—and the incentive structures that govern modern life. How, I ask, does difficult poetry illuminate the difficulty of motivating social change?

The book's conclusion, "Utopias of Two," concerns the challenges and value of reading such difficult texts. The book, here, comes full circle, examining the work of Thoreau's near-contemporary Emily Dickinson. (Dickinson becomes the ninth writer in the book's archive.) Why, I ask, should we, as readers, attempt to access utopias of one?

Utopias of One, as a whole, responds to my frustration with critics who read utopian literature exclusively as an instrument of social critique. For these critics, utopianism is either quixotic or ironic. I adopt a less settled approach and attempt to evaluate the practical effects of utopian literature. Failure and social critique, I argue, are not utopia's only fate. Utopianism can (and occasionally does) have concrete, utopian consequences.

But Utopias of One does not respond to a frustration with social critique itself. Indeed, the book is fully invested in various forms of critique—in correcting standard accounts of canonical authors, in challenging frustratingly abstract scholarship on aesthetics and politics, in making political arguments. The book is future-oriented in a way that many of my central texts are not. The authors I discuss want utopia now—and get a version of it. I just want to get the authors right.

[Political Utopias: Contemporary Debates](#) edited by Michael Weber, Kevin Vallier [Oxford University Press, 9780190280604]

Political theory, from antiquity to the present, has been divided over the relationship between the requirements of justice and the limitations of persons and institutions to meet those requirements. Some theorists hold that a theory of justice should be utopian or idealistic—that the derivation of the correct principles of justice should not consider human and institutional limitations. Others insist on a realist or non-utopian view, according to which feasibility—facts about what is possible given human and institutional limitations—is a constraint on principles of justice. In recent years, the relationship between the ideal and the real has become the subject of renewed scholarly interest. This

anthology aims to represent the contemporary state of this classic debate. By and large, contributors to the volume deny that the choice between realism and idealism is binary. Rather, there is a continuum between realism and idealism that locates these extremes of each view at opposite poles. The contributors, therefore, tend to occupy middle positions, only leaning in the ideal or non-ideal direction. Together, their contributions not only represent a wide array of attractive positions in the new literature on the topic, but also collectively advance how we understand the difference between idealism and realism itself.

Excerpt:

Political theory, from antiquity to the present, has been divided on the relationship between the requirements of justice and real-world barriers to meeting any such requirements, including limited human motivation, institutional limits, and scarce resources. Some theorists hold that a theory of justice should be utopian or idealistic—that the derivation of the correct principles of justice should not take such limits into account. Plato is a prime representative of this view in ancient thought. In contemporary political philosophy, G. A. Cohen is perhaps the standard bearer for idealism, as he holds that the correct principles of justice are completely "fact-independent" in the sense that their justification does not depend on any real-world barriers to their realization.¹ Others insist on a realist or non-utopian view, according to which feasibility—facts about what is possible—is a constraint on principles of justice.¹ Aristotle, for instance, registers a realist critique of Plato's view of private property, arguing that, given human motivation, private property is justified because people are more likely to wisely shepherd resources they legally own than resources held in common.¹ Amartya Sen is a well-known contemporary advocate of the realistic approach, arguing against (John Rawls's) "transcendental institutionalism" in favor of a comparative conception of justice that eschews speculation about an ideally just society. For Sen, instead, we should aim to develop a theory of justice that tells us how to make improvements on our present circumstances by comparing it to viable alternatives.

Relatively recent historical events have contributed to an increasing interest in the relationship between the demands of justice and real-world constraints.

For instance, the fall of the Soviet Union in 1989 convinced some of the danger of overly idealized political and economic theory. Utopian assumptions about human motivation (to work productively) and a state-run economy, such realist critics contend, doomed the USSR. Fears of unrealistic utopianism, however, are not limited to the political right, for many on the left blame the financial crisis that began in 2007-8 on a tendency of policy-makers to rely on overly idealized models of the functioning of markets. These models, these critics argue, led regulatory bodies to be too sanguine about the mixed economy's ability to self-regulate.

A contrast between idealism and realism is also evident in a variety of recent policy debates in the United States. For instance, for many years some have advocated for sex education programs in schools that teach "safe sex" and (possibly, additionally) distribute free condoms, on the grounds that it is only realistic to accept that young people will inevitably have sex, and it is better that they have safe rather than unsafe sex. Others, however, favor teaching (only) abstinence, arguing that it is best for young people to delay sex (until marriage), and that "liberal" sex education programs will lead to higher rates of sexual activity among young people, leading to both unwanted pregnancies and sexually transmitted diseases (STDs).

A similar contrast can be discerned in debates about gun control. Here, some argue that no matter how strict gun laws are, those with criminal intent will nonetheless be able to acquire guns. Given this reality, it is argued, there should be only very limited restrictions on gun ownership, so that the law-abiding can defend themselves (with guns) if necessary. Those who favor significant restrictions on gun ownership, these realists claim, can be construed as clinging to an ideal where possession of guns and gun-violence are all but eliminated. Of course, many defenders of significant gun control will argue, to the contrary, that the gun laws they favor are entirely realistic: gun control will not eliminate gun violence, but it will significantly reduce it. Nonetheless, there are clear idealist and realist influences in the debate over gun control.

It is especially interesting that in these cases too there is no correlation between political leanings (right or left) and realism versus idealism, for with respect to sex education it is the political left that

advocates for realism over idealism, while with respect to guns it is the political right that claims the mantle of realism. This raises a variety of interesting questions, both about groups and individuals. Is there an explanation for why the political right tends to be realist on some issues and idealist on others, or is it just haphazard? What about the left? Does it make sense to be realist on some issues and idealist on others, or should we be one or the other "across the board"? If it makes sense, what is it that distinguishes the cases where it is appropriate to be idealist and the cases where realism is called for?

Each view—idealist/utopian and realist/non-utopian—is thought by the other side to be fatally flawed. Idealism, realist critics suggest, leads to impractical, sometimes disastrous policies in the real world. What makes sense for a society made up of morally perfect people—a world of angels—is irrelevant to the real world made up of flawed, sometimes seriously flawed, people. For instance, pacifism might be perfectly fine in a world without widespread unjust violence. But that is not the world we live in.⁶ In the real world, such realists would claim, the typical result will be domination by the unjust. So too with the Soviet Union and sex education programs that teach (only) abstinence: communist idealism results in economic collapse, while idealism about teenage abstinence leads to STDs and unwanted pregnancy. On the other side, realism risks complacency—merely entrenching the status quo. If facts about the real world constrain our conceptions of justice, then any significant change is seemingly off the table.

Obviously both sides resist these charges. Ideal theorists think that clarity about the nature of ideal normative principles can guide social change, as G. A. Cohen thinks his own ideal theory makes socialism still the most just social system and that it can provide guidance even if it is not entirely feasible. Non-ideal theorists, on the other hand, insist that their realism does not make them (overly) conservative or complacent. Indeed, Charles Mills argues that it is ideal theory that makes us complacent by leading us to ignore real-world injustices that demand immediate redress.

Nonetheless, the charges remain troubling. As a result, many, including many of the contributors to this volume, claim that the choice between realism and idealism is not binary. Rather, there is a

continuum between realism and idealism that locates these extremes of each view at opposite poles, and the most plausible positions are somewhere between the extremes. Such middle positions can be more realistic or more idealistic, depending on which pole they are closer to. Locating where on the continuum any particular theorist should be placed, including the contributors to this volume, is difficult. Theorists tend to defend a middle position by contrasting it with one pole or the other—by critiquing one of the two extremes. But this does not determine where on the continuum they lie—how far they are from the pole they distance themselves from.

Furthermore, there are a variety of other ways to contrast idealists and realists; there is no one dimension along which theorists can be located. As Laura Valentini points out in the opening essay of this volume, idealists and non-idealists can disagree about a number of other questions, including the scope of a theory of justice, whether theory is essentially evaluative or prescriptive, whether theories of justice issue categorical judgments, and the extent to which theorists are permitted to use idealizations in theorizing about justice, along with the proper interpretation of the notion that "ought" implies "can."

Nonetheless, it is useful to group together some contributions in this volume as idealist and others as non-idealist. The distinction is not foolproof, so this classification shouldn't be taken too seriously. Also, some contributions to this volume do not fit into either category. Valentine's contribution, for instance, is dedicated primarily to stage-setting or mapping the theoretical terrain. Others are more "applied," focusing on particular applications of the different approaches so as to highlight their respective merits. Therefore, we divide contributions to this volume into four groups: mapping, idealistic, realistic, and "applications." Brief summaries of the contributions to this volume are provided below.

Before the summaries, however, we issue another note of caution. Interest in the conflict between ideal and non-ideal theory has grown at a rather spectacular rate over the last ten years, resulting in a large literature on the topic. We cannot hope to survey all that work here, nor have the contributors to this volume addressed the entirety of the vast literature. They have their own concerns and

problems that fit within the literature, but they do not always or even typically situate themselves among all the relevant authors in the field. Furthermore, the majority of our realist and non-idealist authors are primarily interested in defending a philosophical method. They are not focused on using their favored method to diagnose real-world problems and suggest solutions. As such, they do not engage the burgeoning literature that applies the contrasting methodologies to existing social problems and seeks to recommend concrete solutions.

The papers in this volume can be placed in many of these categories, but it will be most illuminating to place the eleven papers into four sections: Mapping, Ideal, Nonideal, and Applied.

Mapping

In her essay, Laura Valentini emphasizes two things. First, the difference between idealism and non-idealism in political philosophy manifests itself in a variety of ways. Indeed, she identifies five different matters over which idealism and non-idealism clash. (i) Idealists and non-idealists clash over the scope of a theory of justice, whether it is wide—applying to a wide range of possible circumstances—or narrow. Idealists defend wide scope, while non-idealists limit the scope. (ii) There are disagreements over the function of a theory, whether it is essentially evaluative or prescriptive. Idealists are more willing to offer (purely) evaluative theories, while non-idealists take theories of justice to be centrally prescriptive. (iii) Differences arise over the form of a theory of justice—whether it issues categorical judgments about the absolute level of justice in a given social order or merely comparative judgments. Here, idealists are more willing to suggest categorical judgments, while non-idealists lean toward the comparative. (iv) Idealists and non-idealists disagree over how to interpret the constraint that "ought" implies "can"—that prescriptions must take into account what is possible. Idealists tend toward broader interpretations of "can." (v) They clash over the permissibility of using idealizations in theorizing about justice. The more idealistic are more tolerant of the use of idealizing or counterfactual assumptions. Second, Valentini argues that in all these respects idealism is a matter of degree—that there is a continuum between extreme idealism and extreme non-

idealism—and that both extremes should be rejected in favor of a middle position that is "realistically utopian."

Idealistic

David Estlund defends the validity, in principle, of a wholly idealistic theory of justice, which he calls "prime justice." Prime justice consists of principles for the basic social structure assuming that nothing is going morally wrong—that citizens follow the requirements of justice, and of morality more generally. He does not think that political philosophy should exclusively focus on prime justice. It is essential to also consider what principles would be appropriate under more realistic conditions. There must be, he suggests, a concession to real-world conditions, and associated concessive conceptions of justice. But, he argues, the idealistic or non-concessive conception of justice is more fundamental because of an asymmetry between non-concessive and concessive prescriptions about what to do. If a person does what the non-concessive principles require, then the requirements of the concessive principles evaporate. However, if the requirements of the concessive principles are met, the requirements of the non-concessive principles stand. The important implication of this is that we are not released from duties simply in virtue of the fact that we will not in fact satisfy them. This lends some support to a certain primacy of prime justice. While the principles of justice appropriate for an unrealistic, even utopian, scenario of moral flawlessness might seem bound to be themselves unrealistic or utopian, it turns out that this remains an open question. Nothing is offered here about what its content might be, but if principles of prime justice were met, which might not be unrealistic, the society would have met not only a concessive standard—one that kicks in only because of other moral deficiencies—but a standard of justice whose authority is not qualified or diminished in that way.

Robert Talisse, like Laura Valentini, argues for a moderate position between extreme versions of idealism and non-idealism. He argues for this on the grounds that extreme versions of non-idealism cannot guide action because it ties principles of justice to empirical accounts of human behavioral tendencies. A theory of justice can guide action only if it is willing to idealize some—to consider if we can do better. He makes the case by appealing to

thinking about implicit bias—non-conscious discriminatory attitudes and behaviors that unfairly disadvantage members of traditionally stigmatized groups. Empirical psychology suggests that implicit bias is widespread (if not universal) and extremely difficult to eliminate or even mitigate. In the hands of an extreme non-idealist, this will lead a leveling down of justice—to the conclusion that, at least until we learn that implicit bias can be overcome, we must be agnostic about whether, say, sexist behavior is unjust, since it may be driven by unavoidable implicit bias. To generate genuinely normative principles, a theory of justice must have an idealistic component—it must be willing to abstract away from reality and consider a more ideal state. Of course, this ideal state must be compatible with the nature and limits of human agency as such; one can go too far in the idealistic direction too.

Blain Neufeld argues that the idea of public reason, advanced most prominently by John Rawls, and that consists in a mutually acceptable form of reasoning citizens should use when deciding matters of basic justice, requires a degree of idealization beyond what many of its advocates claim. He argues, first, that the idea of public reason expresses a form of "mutual 'civic' respect for persons as free and equal citizens." This, he says, entails what he calls "local ideal theorizing," where we assume that persons will comply with the proposals justified in terms of public reasons. This is because public reason justifications for political proposals are addressed to citizens capable of accepting those justifications—and in virtue of that acceptance, complying with the demands of their society's basic structure following its revision in accordance with those proposals. Moreover, he argues that further, local ideal theorizing naturally leads to "full ideal theorizing," which involves considering what of institutions and laws to be justified, and must therefore consider whether they are mutually realizable—whether people can comply with them all, and whether it is desirable if they all do. Thus, contrary to what Neufeld calls the "standard account" of public reasoning, according to which ideal theorizing is optional, he contends that public reasoning requires (at least) local ideal theorizing.

Pablo Gilabert also argues for a moderate position between extreme versions of idealism and

non-idealism. In particular, he argues for a dynamic approach to the relation between justice and feasibility that combines normative ambition and considerations of feasibility. Central to his view is that feasibility is not binary; it is graded rather than "on/off." He also distinguishes between soft and hard feasibility constraints. Hard constraints are absolute, and are set by the laws of logic and nature. Soft constraints are not absolute. One especially important kind of soft constraint is dynamic: what is not possible their society would look like if all of the main political proposals that they think are required by justice were implemented and complied with by their fellow citizens. This is because citizens will consider a variety today may be possible tomorrow. And we may only discover in the process of seeking social improvement what is feasible, and how to bring it about. Thus, we should use political imagination to not only to develop principles of justice, but also to envisage different ways of realizing political principles under different conditions and dynamic duties to improve our capacity to comply with certain ideals.

Realistic

Alexander Guerrero defends a view he calls "political functionalism," according to which (i) political and legal institutions have merely instrumental value, and (ii) political philosophy should engage in normative evaluation of such political institutions. Such functionalism, he argues, leads naturally to rejecting certain idealist theses. Most significantly, Guerrero argues that we should reject the idea that there are universally required political institutions. Striving toward some theory of the ideal political system or ideal constitution is misguided.

The main reason for this is that whether any given principle of justice is satisfied in a given society depends on certain facts about the society, including but not limited to facts about racial, cultural, linguistic, and religious diversity, the size and geography of the country, the state of technology, and socioeconomic divisions. This is a reflection of the fact that justice is subject to multiple-realizability: there are different ways to realize principles of justice, and the requirements for such realization can vary from one society to another. We should, as he says, focus on function over form, and recognize that assessing function

requires detailed knowledge of the political system and the culture in which it is embedded.

David Wiens takes issue with David Estlund's defense (in this volume) of a "global prime requirement," of which prime justice is a part. He does so in order to make sense of the notion of a fundamental normative principle, and holds out Estlund's notion of a global prime requirement as the most developed attempt to formulate the idea. His argument can be simplified into three basic claims. First, a set of directive principles must be justified relative to a particular set of possibilities. He calls this the Uncontroversial Thesis. Second, therefore, a global prime requirement requires making sense of a globally maximally encompassing set of possibilities as a guide to action. Third, this requirement cannot be met. It cannot be met because if we try to specify a global prime requirement for all possible social worlds—for a maximally encompassing set of possibilities—then the only global prime requirement that could hold is an uninteresting one about a society of angels, that is, a society of persons who conscientiously adhere to the moral directives to which they are subject even in the absence of external incentives, monitoring, or enforcement. But we cannot expect to realize a society of angels, and whatever directives make sense for such an impossible world seem entirely irrelevant to the actual world. So Wiens concludes that our obligations must always be specified by reference to a particular set of feasible alternatives.

Gerald Gaus and Keith Hankins focus on challenges associated with trying to get from where we are—the actual world—to the ideal (social world). Two challenges are emphasized. First, the set of all social worlds is a rugged rather than a smooth landscape. That is, in a graph with the various possible social worlds on the x-axis and their level of justice on the y-axis, there are multiple peaks (of varying height, with the ideal being the social world associated with the highest peak) rather than a single peak. Second, because social worlds are complex systems, it is harder to evaluate the justice of far-off social worlds—worlds distant from the actual world. They call this the Neighborhood Constraint. Together, these two challenges present a dilemma. If the ideal is outside of our neighborhood, it cannot orient us in our quest for

justice. We can only look for "local maximums." But a local maximum might take us farther from the ideal social world (the highest peak). They note that some have suggested that this dilemma can be avoided (to some extent) by considering diverse evaluative perspectives, as this can increase the effective size of our neighborhood. But, they argue, this gives rise to a new dilemma, which they call the Diversity Dilemma: if we incorporate diverse perspectives, there is an epistemological problem; those who have different outlooks have more trouble communicating and coordinating (in particular, agreeing about what is the ideal) with one another in order to map a shared landscape; if we do not incorporate diverse evaluative perspectives, we will likely get caught in our neighborhood, which means achieving, at best, only a local rather than a global maximum. Thus, finding an optimal path—a path to the ideal social world—in rugged landscapes seems to present intractable problems.

Applied

Danielle Wenner offers a case study in deliberative democracy as a critique of the method of ideal theory. Deliberative democracy self-consciously arose in response to formal and empirical claims lodged against aggregative democrats, who understood the value of democracy in terms of its ability to fairly aggregate already formed preferences and commitments in political decision-making. Deliberative democrats stressed that deliberation could alter preferences, such that they become a function of democracy rather than merely an input. Deliberation can therefore increase the epistemic quality of political decision-making, as well as the legitimacy of political outcomes. But for deliberative democracy to play a legitimating function requires, among other things, that deliberators have equal access to the deliberative forum and an equal opportunity to influence political outcomes, and that there is reasonable and rational discussion predicated on the desire to promote the common good. Wenner argues that in reality these requirements are not typically met, for systematic reasons stemming from cultural, social, economic, and personal differences. Most significantly, there are various kinds of epistemic and linguistic injustice such that members of underprivileged groups do not have an equal opportunity to influence political outcomes. For instance, deliberators systematically give less

weight to the input of "low status" members in deliberation, where low status is inferred from a lack of fluency with the dominant linguistic culture. For this and other reasons, the unique input that can only be offered by members of such groups is deprived of a hearing, and they are thereby deprived of an impact s tco2 (a)-7.8 (l)11.7 f su ig,.

idealization that inadvertently proposes solutions unfit for the actual world. This suggests that we must ask not simply whether to do both ideal and non-ideal theory, but also which kinds of common idealizations are often harmfully and inadvertently employed even in our non-ideal theory.

[Catastrophe and Utopia](#) edited by Ferenc / von Puttkamer, Joachim Laczó [Europas Osten Im 20 Jahrhundert, Gruyter Oldenbourg, 9783110555431]

[Catastrophe and Utopia](#) studies the biographical trajectories, intellectual agendas, and major accomplishments of select Jewish intellectuals during the age of Nazism, and the partly simultaneous, partly subsequent period of incipient Stalinization. By focusing on the relatively underexplored region of Central and Eastern Europe – which was the primary centre of Jewish life prior to the Holocaust, served as the main setting of the Nazi genocide, but also had notable communities of survivors – the volume offers significant contributions to a European Jewish intellectual history of the twentieth century. Approaching specific historical experiences in their diverse local contexts, the twelve case studies explore how Jewish intellectuals responded to the unprecedented catastrophe, how they renegotiated their utopian commitments and how the complex relationship between them evolved over time. They analyze proximate Jewishist reactions to the most abysmal discontinuity represented by the Holocaust while also revealing lines of continuity in Jewish thinking of the Holocaust. This trend has more recently been complemented by the emergence of the Polish-Jewish diaspora in the United States and the work of Eastern European Jewish intellectuals. Innovative studies into the Holocaust resulted in altered images of both the perpetrators and the Judeocide as such.

Excerpt: The present volume studies the biographical trajectories, intellectual agendas and major accomplishments of select Jewish intellectuals during the age of Nazism, and the partly simultaneous, partly subsequent period of incipient Stalinization of Central and Eastern Europe. This region may have been the primary centre of Jewish life prior to the Holocaust, but its high concentration of survivors, but its high concentration of Jewish intellectual history has nonetheless been relatively underexplored in international Jewish historiography outside Germany

scholarship. Being guided by the key concepts of catastrophe and utopia, the twelve case studies offered here thus aspire to make important contributions to a European Jewish intellectual history of the twentieth century.

Exploring specific historical experiences in their diverse local contexts, individual papers analyze various Jewish reactions to the most abysmal discontinuity represented by the Holocaust while also exploring more subtle lines of continuity in Jewish thinking. They are based on the perception that there is a shortage of theoretically informed and empirically detailed studies on how Central and Eastern European Jewish intellectuals responded to the unprecedented catastrophe and renegotiated their utopian commitments over time and how the complex relationship between the two evolved. All that seemed clear when we first began our explorations was that surviving the Holocaust could as much lead one to support various forms of utopianism — and in some cases, even to

temporarily false blindness

either. This is all the more regrettable since few topics in the intellectual history of several Central and Eastern European countries — besides Poland, Hungary and Romania also offer key examples in this regard — have remained so sensitive as the trajectories, agendas and roles of Jewish intellectuals in the period of Stalinism.

In light of the continued influence of the Judeo-Bolshevik myth in Central and Eastern Europe, it comes as no surprise that Jewish intellectuals' engagement with and reactions to the promises and practices of Sovietization in Central and Eastern Europe remain especially controversial subjects. Considering the anti-Zionist campaigns of the post-war period epitomized, above all, by the events of 1968 in Poland, a similar statement may be formulated concerning how local Jewish intellectuals have related to Jewish nation building. We ought to recall that the imposition of Stalinist regimes implied a large-scale tabooization of Jewish themes in Central and Eastern Europe, which — ironically — coincided in time with the foundation of the state of Israel. The late 1940s would thus bring a rather paradoxical reassessment of Jewish intellectuals' relation to Zionism; celebrating the accomplishment of the movement's main goal and the forced suppression of any open affiliation to it proved to be parallel developments.

It is widely agreed that upon the publication of the two volumes of *Nazi Germany and the Jews*, Saul Friedländer's integrated history of the Holocaust, the latest, mainstream historiography has come to conceive of the study of Jewish perspectives as an essential part of depicting the Nazi era as it unfolded.¹ Several ongoing scholarly publications, such as the *Jewish Responses to Persecution, 1933-1946* series or the German-language *Editionsprojekt Judenverfolgung*, aim to map diverse Jewish perspectives in the age of Nazi Germany and the Holocaust on an unprecedented scale. The five volumes of the former project, a key part of the larger *Documenting Life and Destruction: Holocaust Sources in Context* series released under the auspices of the United States Holocaust Memorial Museum, is exclusively devoted to such perspectives in a transnational manner.¹ The planned 16 volumes of the latter German-language project with an all-European scope may also be seen as a clear step toward the increased incorporation of such perspectives in a national

academic context where they tended to be rather marginalized in previous decades or may even have been entirely ignored.

There is a long-standing historiographical debate on the extent to which 1945 ought to be qualified as a rupture. Where Nazi mass violence and their survivors are concerned, recent years have not only seen a special scholarly interest in the last phases of the war, but several newer studies have also devoted attention to the aftermath of liberation. The debate on continuities was thus relaunched in novel ways.

In recent years, the plethora of early Jewish intellectual responses to the Holocaust have been rediscovered and analyzed more thoroughly than ever before.

Laura Jockusch published a widely praised transnational overview of major historical commissions and documentation centres that persecuted Jews had already established during the war years in occupied Poland and France or survivors had launched practically immediately upon their liberation. Scholars such as Boaz Cohen or Hasia Diner have in the meantime focused attention on early post-war reactions to the Holocaust in the two major Jewish centres outside Europe: the newly founded state of Israel and the United States, respectively.

It may also be seen as indicative of wider changes in Jewish historiography that, in recognition of the irreparable destruction, historians of German Jewry had long preferred to end their narratives with the time of Nazism and the expulsion. Leo Baeck Institute's *German-Jewish History in Modern Times*. The growing interest in the seven decades since 1945 has already yielded intriguing intellectual historical works as well.

The present volume draws on key lessons of such documentation and research projects with an all-European or more narrowly Central European scope to offer case studies on the biographies, agendas and accomplishments of Central and Eastern European Jewish intellectuals from the interwar years up to the Holocaust, and, in the case of the minority of survivors, from the Holocaust until the late 1940s in particular. We are convinced that the study of this relatively neglected region promises to yield important original insights into Jewish intellectual history and, more particularly,

into Jewish intellectuals' complex negotiation of catastrophe and utopia.

After all, Central and Eastern Europe served as the major stage of Jewish life until the Holocaust. On the eve of the Second World War in early 1939, the Polish, Romanian, Hungarian and Czechoslovak Jewish communities constituted the four largest in Europe west of the Soviet Union. In the course of the next six years, the great majority of them — and others from all over Europe — were murdered by the German Nazis and their accomplices within the territory of the historical region stretching from the Baltics to the Adriatic — above all, in that of occupied Poland. These territories were subsequently Sovietized with momentous consequences for their post-war memory regimes and arguably also for the post-war memory regime regarding Jewish history and the Holocaust across the globe.

The exact definition of who qualifies as a Holocaust survivor may have remained contested up to today, but it is among the uncontroversial facts that in the early post-war period, Central and Eastern Europe had some of the largest communities of survivors. With the nearly complete annihilation of the largest and most prolific Polish Jewish community, Paris, Bucharest and Budapest emerged as the three most sizable urban communities on the continent. After the end of the Holocaust, two of the four largest Jewish communities in Europe west of the Soviet Union may have resided in its western half — in France and in Great Britain — but the other two lived in Central and Eastern Europe with Romania's being, despite the massive early involvement of Romania in the Holocaust, the largest of them all.

The presence of such substantial communities of survivors in what by 1945 belonged to the Soviet-dominated parts of Europe make the question of intellectual continuities and change — whether they are of a personal, discursive or, to employ Clara Royer's apt phrase from her study in the present volume, illusory kind — all the more relevant to explore. It stands to reason that, irrespective of how much we may be inclined to perceive the Holocaust as the ultimate rupture in human civilization, intellectuals of the time tried to respond to the Nazi genocide through means already at their disposal. However, we currently possess too little precise knowledge in which ways such intellectual continuities were manifest in Central and

Eastern Europe and, more particularly, what specific expressions such continuities found with regard to the unprecedented Jewish catastrophe.

Scholarly discussions of Jewish responses beyond Central and Eastern Europe longer continuities of Jewish history as was suggested by Dan Michman. Regarding have in fact already repeatedly addressed the question of continuity. As illustrated by a recent scholarly exchange between Beate Meyer, Andrea Löw and Dan Michman, a key point of difference seems to be whether to conceptualize Jewish behaviour between 1933 and 1945 as a more immediate reaction to the drastically worsening circumstances under Nazi rule, as both Löw and Meyer have done in their respective monographs on the Litzmannstadt ghetto and the Reichsvereinigung der Juden in Deutschland, or to try to embed them in the major intellectual activities of survivors in the immediate aftermath of the catastrophe, Laura Jockusch's abovementioned monograph similarly revealed intriguing lines of methodological as well as interpretative continuity with responses to brutal forms of anti-Jewish violence from the late nineteenth century onwards.

One of the key motivating factors behind this volume was our sense that Jockusch's thesis would be worth testing on additional pools of sources in further languages of Central and Eastern Europe. We suggested to our group of authors to try to approach this issue through analyzing the dialectic between catastrophe and utopia, hoping that they might be usefully employed as key analytical categories in the diverse cases they study. As the reader shall see, these concepts, one might say inevitably

To a certain extent, the geographical framing of our volume overlaps with the bloodlands as conceptualized by Timothy Snyder.¹ However, our coverage, while admittedly neglecting the eastern parts treated in Snyder's much-discussed book, also includes places to their south and southwest, such as Romania, Yugoslavia, Hungary and Czechoslovakia. Not being directly impacted by the Molotov-Ribbentrop pact with the sole exception of Romania, the historical trajectories of the aforementioned places significantly differed from that of Poland, especially regarding the roles played by Hungary and Romania as well as the newly established states of Slovakia and Croatia during the Second World War as allies of Nazi Germany and co-perpetrators of the Holocaust.

It was the factum of widespread and relatively autonomous support of the Axis cause and profound involvement in the continent-wide radicalization of anti-Semitism that led us to raise our second research question, namely how did the relations of Central and Eastern European Jewish intellectuals to the national cultures and political traditions of their countries transform between the 1930s and the early post-war period? More concretely, what characterized their intellectual reactions to policies of exclusion, persecution and extermination in comparative and transnational frames? How important were the often-remarked externalization attempts in Jewish intellectual circles — attempts to symbolically marginalize local responsibility by an almost exclusive focus on the role of Nazi Germany — and what was their exact function in various contexts and at different moments in time?

Reflecting on these two main questions in a, for Jewish intellectual history, rather original regional frame, the twelve case studies are ultimately meant to offer insights into how the Jewish catastrophe and the utopian commitments of intellectuals were negotiated. They are further meant as a preliminary inquiry into the added value that a novel dialogue between intellectual histories of Central and Eastern European countries might bring.

The first section 'The Rupture of 1933 and New Expressions of Jewishness in the Age of Nazi Germany' focuses on divergent attempts of Jewish intellectuals to redefine their place and role when the Nazi threat was already tangible and growing

but not yet at its most horrendously acute. As the articles in this section show, the refugee problem emerged as a key concern among Yugoslav Zionists and intellectual mediation turned into an ever more timely and urgent pursuit in Prague. However, a profound sense of alienation from all things Jewish and a deepening crisis of the self may also have resulted from the radicalization of anti-Semitism. The section begins with Ines Koeltzsch's 'Utopia as Everyday Practice: Jewish Intellectuals and Cultural Translation in Prague before and after 1933', which looks at attempts of cultural mediation between German and Czech literatures, a cultural-

The papers assembled under the heading 'Modernity and the Search for Identity' analyze three attempts by Jewish intellectuals to deal with the prevalent sense of crisis of the interwar years: the rather desperate search for new artistic expressions and networks, the conscious construction of a new internationalist role, and the redeployment of Yiddish, a previously much-stigmatized Jewish language through key mediums of modern culture. In her contribution titled 'The New Type of Internationalist: The Case of Béla Balázs', Eszter Gantner provides new insights into the much-debated presence and roles of Jewish intellectuals in radical-progressivist movements through a case study of Béla Balázs' biography and major works. Gantner explains that Balázs, a key representative of cultural modernity, was permanently seeking for communal bonds and universal beliefs, and also shows how — having partially absorbed the often anti-Semitic coded topoi of rootlessness — he eventually constructed a cosmological model of a new internationalist intellectual. Malgorzata A. Quinkenstein's "'Europe" — It's such a strange word for me! A Portrait of Arthur Bryks against the Background of the Events of the Mid-Twentieth Century', a paper on a related theme, focuses on the international activities of a Hasidic emigré artist from Poland. Sketching the rather unusual geographical mobility and networks of Arthur Bryks in the decades prior to the Holocaust, Quinkenstein's contribution embeds this Jewish artist's post-war attempts to find his place in a ruined world in a broader context. Camelia Crăciun's "'Virtually ex nihilo': The Emergence of Yiddish Bucharest during the Interwar Period" in turn provides an explanation of how Bucharest emerged as a centre of Yiddish culture in interwar Romania. Highlighting the key role of Yankev Sternberg and theatre in particular, but noting also that of a newly emerging Yiddish-language belletristic and press, Crăciun shows that Yiddish cultural expressions attracted acculturated Jews in interwar Bucharest and at the height of their popularity could also count on non-Jewish audiences.

Section three includes three studies under the heading 'Unprecedented Catastrophe and Lines of Continuity'. They explore publicistic, monographic and belletristic early post-war responses to what came to be conceived as the seminal works rather tell of living through death and re-emerging into

the world, tattered and broken catastrophe of twentieth-century Europe while also reflecting on the meaning of personal and discursive continuities in their original historical contexts. Claraeoyer's 'A Liberaetopia against All Odds: The Survivor Writers of The Progress (Haedâs) , 1945-1948' focuses on Haladás during the early post-war years, a weekly written by representatives of the urbânus intellectual tradition of Hungary. It shows that key contributors of Haladás relentlessly covered topics related to anti-Semitism and the Holocaust (avant la lettre) while pursuing an agenda of Hungarian re-assimilation. As Royer underlines, a widely shared 'illusion of continuity' could at times make their polemics appear like mere resumption of pre-war quarrels — despite the radical rupture of the war years. Ferenc Laczó's study 'From European Fascism to the Fate of the Jews: Early Hungarian Jewish Monographs on the Holocaust' analyzes and compares the intellectual responses articulated on the pages of three of the most significant Hungarian Jewish monographs published on the very recent catastrophe right before the Stalinization of the country. Emphasizing how sophisticated and pluralistic early Hungarian Jewish intellectual responses were, the author explores both the discursive traditions Hungarian Jewish survivors in the early post-war years drew on and their impressive intellectual achievements which have barely been matched since. Ilse Lazaroms' 'Across the Rupture: Jewish Survivor-Writers and the Landscapes of War in Post-war East-Central Europe' probes the literary imagination of Ernő Szép and Jiri Weil, two writers accomplishing significant works of documentary fiction amidst the ruins of the Nazi genocide. As Lazaroms highlights, Szép's and Weil's reflections on the recent catastrophe were embedded in a longer-term perspective on Jewish life in Europe. She also shows that, far from offering heroic tales, these early post-war Last but not least, 'From Utopias to Post-war Trajectories' focuses on Jewish intellectuals from Central and Eastern Europe whose current fame stems primarily from their post-war activities. As all three articles underline and explore in their different ways, Jewish post-war intellectual trajectories need to be related to those of the pre-Holocaust and Holocaust era in order to be properly understood. Felicia Waldman's overview 'Avatars of Being a Jewish Professor at the University of Bucharest in the First Half of the

Twentieth Century' systematically compares the various choices as well as the divergent fates of Jewish professors in the humanities and the sciences at Romania's key university in the age of catastrophe and utopia. More concretely, Waldman's contribution analyzes the respective levels of merit, concessions, suffering and professional gains of professors appointed at the University of Bucharest before 1944, between 1944 and 1948, and in 1948. Tamás Scheibner's 'From the Jewish Renaissance to Socialist Realism: Imre Keszi in the Thrall of Utopias' provides an examination of the social and intellectual background of Imre Keszi's career, showing how Keszi conjoined several intellectual stimulants in the initial, more impressive phase of his career, being clearly influenced by contemporary professional discourses on the German Volk in his native Hungary when formulating his vision of the role of Jews. Even though Keszi, who became a fierce Marxist-Leninist literary critic of the early post-war period, has often been depicted as a renegade, Scheibner's study highlights the continuities in his thinking revolving around key questions of Jewish existence. Last but certainly not least, Karolina Szymaniak's 'Rachel Auerbach, or the Trajectory of a Yiddishist Intellectual in Poland in the First Half of the Twentieth Century' shows that Auerbach — one of only three survivors of the underground Warsaw ghetto archive — was equally shaped by her Polish education and culture and her Yiddishism in interwar Poland. Szymaniak argues that understanding both of these dimensions of her intellectual formation is indispensable to fully appreciate Auerbach's later activities as the creator and manager of Yad Vashem's testimony collection. Through her case study of Auerbach, Szymaniak also explores the self-definitions and ideologies of multilingual Yiddishists and their relation to other projects of Jewish modernity to ultimately reflect on key challenges of the Yiddish-speaking intelligentsia in Eastern Europe in an age of catastrophe and utopia. <>

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