T*HE* S*A*VAGE P*E*ACE

OF FAILURE AND THE LEGACY

DEMOCRACY'S 2500 YEARS

THE SAVAGE PEACE\

OF GLOBAL CIVIL WAR

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66 *I might compare myself to a person who, on beholding beautiful animals either created by the painter's art, or, better still, alive but at rest, is seized with a desire to see them in motion or engaged in some struggle or conflict to which their forms appear suited.*

—Plato

INTRODUCTION

O N NOVEMBER 15TH, 2015, two police officers approached a young black man in the Northside neighborhood of Minneapolis, Minnesota. Accounts differ as to what occurred next, but by the end of the night, 24-year-old Jamar Clarke would die in his hospital bed from a bullet wound in his head. On the very next day, the police precinct nearest to the shooting was swarming with people. Neighbors, police, activists and others looking for answers, or trouble. Some came to sing, some to pray, some to scream, some to talk, some to throw stones, some to disrupt, and others to manage. Months after the camp had disbanded, on March 30th, 2016, Hennepin County Attorney Mike Freeman announced that no charges would be brought against the Minneapolis police officers responsible for the death of Jamar. That same day, a group marched to a rally at sundown at the downtown government center. Speeches were given, cameras flashed, and bodies massed inside the blockade the police had set up. Towards the end, a man in a white t-shirt stepped up to the mic, waited stoically for the chanting to end, and started his speech by declaring a simple fact: "This is civil warfare."

We all know civil war. We talk about it all the time. We learn about it in school. America had one once. Spain, too, in the glory days. Greece, Italy, Germany. What civilized country hasn't had a civil war? Our journalists and presidents never stop telling us about the civil war tearing the world apart: global terrorism and disorder, especially in the Middle East. We hear all about civil war when it happens over there in Iraq or in Syria: mass executions in public squares, tanks in

the city streets, rebels speaking to cameras. We know these images, too. Some say civil war rages in the streets of Cairo, of Athens, or Paris. Certain images come to mind, depending on where you stand: students occupying their schools, refugees marching through the streets, a general strike being declared. That's all commonplace now.

We all know civil war, whether it frightens or inspires. It would be easy to paint pictures of either horrors or heroics, to tell the history of civil war as the history of vengeance and genocide or to tell it as a history of aborted missions and failed revolutions. Surely, many have already done so. Our task will be more difficult. We want to show how civil war is happening in the city, in *our* cities, *even right here in the Twin Cities,* even when we speak of peace, community, and stability. Nothing seems more unlikely. We know how bold a proposition it is to talk of civil war, the most unstable of wars (what definition can contain everything that's been called "civil war"?) in the flat country between the coasts. Our task is to demonstrate that civil war is not a marginal event, an aberrant or special occurrence, but rather that it exists in the very heart of the most overlooked institutions in the city. We will show how civil war and the strategies developed to deal with it are not exclusive to the outbreak of extreme violence, but appear in the everyday experiences of people in the city.

We will begin with a very peculiar event in the annals of history, one that seems farther from the present than ever: the civil war between a group of oligarchs and the democrats in 5th century ancient Greece. We begin with the Greeks because we believe that those who skip them and start with the "modern" political history accept as *truth* many things that for the Greeks were *partisan positions of war.* The ancient Greeks were great experimenters. We are still amazed by their novelty and ingenuity. They fashioned democracy, philosophy, grammar, history, and science out of a loose assortment of shared knowledge and practices from the Mediterranean and Near East. On the other hand, we accept much of what they considered experiment as fact, thanks to certain politicians, philosophers, grammar teachers, historians, and scientists. If we spend a lot of time talking about the old Greeks, it's because we see the same arguments, the same problems, and the same

strategies for dealing with them persist into today, even in our remote Midwestern towns. If one wants to reopen the door to experimentation, one must weaken the foundations at the point at which experiment became truth, one must be willing to dispense with comforting facts. Our plan is to trace the way some people have talked about civil war and some of the ways they've tried to control it from that particular moment in Greece through its transition into the Roman world, into the American Revolution and the founding of this country, and finally into our homey and more comfortable Midwestern war zone.

We noticed something early on in our research on civil war: the term seemed to prevent every effort we made to conceptualize it, to hone in and finally define it. To say "we are fighting a civil war" is not to say, at least not in itself, "we are the revolutionaries (or reformers) with a plan," nor is it to say "we are building a movement here" as one is accustomed to hearing at such rallies. The idea of civil war is much more ambivalent and ambiguous. We found that civil war is at war with itself. It is not purely a legal term, not purely military, not purely political, not purely subjective, and it resists all quantitative definition. The term is used by some when they want to push something—some unfathomable or discomforting thing—as far away as possible, and by others when they want those same events to be brought crashing down like a meteor into the present. The first people to create and conceive of something they called civil war began to see it everywhere. They said: "civil war is permanent and it is everywhere. It threatens the stability of my city, my home, my life." Why? Because any old conflict could potentially become strong enough to threaten those bonds considered eternal or unbreakable. A son who becomes a democrat and who decides to take arms against the party his family holds allegiance to, the oligarchs, will be involved in a civil war. He threatens the bond of the family and of the city, and he brings about their breakdown even if he loses his fight. Picking up arms wasn't even necessary to cause that breakdown. A particularly convincing argument that attracted people to its side was also considered an act of civil war insofar as it threatened the stability of the community by tearing it in half.

Many will think of only the bloodiest atrocities when we use the term. This immediate identification of the word with the terrible events in the Congo or in Syria is the product of a strategy to bury what is most threatening about it, or even to hide the declarer's own interest in the conflict. "We have nothing to do with *that,*" the Western powers can say, for example, about the Congo, because "that's a *civil war.*" Similarly, ask yourself how in this country some can claim to live in perpetual peace and others in perpetual conflict with the same group of people? From Tupac ("Instead of war on poverty/ They got a war on drugs so police can bother me") in California in the 90s to Vic Mensa ("Ready for the war, we got our boots strapped/ hundred people State Street, where the troops at?") in Chicago today, rappers have more persistently attested to a war between the police and black youth; a war which is absent from the imaginary of most other popular musical genres, and which many actively deny; a war in which the battlefield, the belligerents, and even the scope, cause, and framework are contentious facts. Sekou Odinga, a member of the Black Liberation Army, once remarked that "People always ask why I did what I did, and I tell them I was a soldier in a war. And they always say, 'What war?'" Such a war can only be called a civil war.

The same people who would first conceive of civil war as a separate phenomenon, the ancient Greeks, would be the first to attempt to banish it from the city, and to say that they'd resolved it. But they never stopped talking about it, seeing it in their families, their courts, the battlefield, in short, every place that relied on the idea that certain bonds held together despite conflict. The family will outlive its strife because it is based on a deeper bond in the truth of blood; the law will prevail because it is objective and eternal and was founded in the inaccessible ancient past; the army will stay unified because this war is just and the soldiers are like brothers. What of the times when they don't hold together? The West has since then talked incessantly of civil war, because these very bonds were in reality quite precarious, and they rarely held together.

Civil war has retained its characteristic ambiguity and contentiousness, so that each time one is declared, some will arise to

claim that it doesn't exist, others will say it is limited to a certain area, and still others will say it is raging everywhere but disagree about who the actors are and how the war manifests itself. In a civil war, even denial is an act of war for delegitimizing the enemy. For this reason, civil war will be the most dangerous possible thought for those most concerned with the idea of unity. Is it surprising that those who would like to banish any mention of civil war talk constantly of the "disease" or of the "infection" threatening their city and households, thus attributing their misfortunes to some horror of fate?

What were the Greeks so afraid of? What were the American revolutionaries afraid of? The city planners? The police? Difference between people. The tie between the two—civil war and difference—is so strong we are tempted to make an equivalency out of them, to say civil war equals difference. We won't go so far, not yet at least, but we will say that there is a paradox internal to every way of speaking and acting collectively which claims to unify a large group of people. The most basic form of the paradox is: the more a certain way of speaking or acting claims to represent a large group of people, the more it tends to break down and divide internally. The West has been fighting a losing war against difference. It has tried to contain it, to stifle it, murder it, and finally manage it but it has always failed. Our project is to think difference rigorously, and to not stop even when politeness or sanctity demands us to. This means we will have to avoid thinking difference as an essential attribute. To think difference also means questioning some of the most basic assumptions about our shared history as a city, as a country, as a political tradition based on consensus. To think about difference is to affirm it even when it is unpopular, when it's called violent or disgusting, when it's shamed or exiled. A history of difference requires a lot of uncovering. We seek the exiles of our history. We want to let them speak.

So let's be clear from the very beginning about how we plan to get there. We endeavor to discover gaps, however small, in those things most taken for granted and consider some crises in everyday life. We don't have to look far or uncover any deep secrets. The crisis is said all the time in the most banal of ways. The crisis is what is constantly said,

but in ways that evade facing it. A crisis first denoted the moment at which a doctor must decide how to act in a life or death situation. A crisis is that which is unexplainable according to any known criterion. It does not present a clear answer or route. It brings forth its own distinctions, and disturbs the old ones. This is why, through the root, it is also related to the English word *riddle*. It is the *the unsurpassable, at which juncture one must make a choice*. Locating a crisis in thought and action opens up a new potential precisely where structures and narratives seem most static. To locate and describe a crisis is to find the threshold at which a concept admits of its opposite, falters, and fluctuates into indeterminability. Speaking of crisis in the context of civil war makes sense, for civil war has, since its uncertain beginnings, been compared to a life-threatening disease.

How will we respond to the crisis of civil war? What will we make of the fact that *difference exists?* Difference has the power to dispel illusion and open up pathways where we previously thought there to be only one or two, but we must not run away from what is complicated and difficult about it. *There will be confrontations.* When we accept this fact of difference, we can begin in earnest. For those who deny and doubt difference, and yet never cease to talk about it, it will remain a Pandora's box of horror. We assert against that grain that it can equally be a fount of joy. Our difference from others is, for us, the possibility of friendship.

The following can be read as part of a humble attempt to locate one crisis at the point at which the political becomes solely the administration of civil war in 5th century Attic Greece. We write this in the wake of some recent experiences in Minneapolis in the hopes that these crises may prove decisive in the Midwest, distant though they may seem.

I-94, St. Paul, Minnesota, July 2016

PART ONE CIVIL WAR

Trucker's Strike, Downtown Minneapolis, May 15, 1934

<u>A</u> <u>most</u> <u>ambiguous</u> <u>superiority</u>

"To designate 'sedition,' revolution in the city, Greeks use the word stasis*, which they borrowed from the root most evocative of firmness, permanence, and stability. As if* stasis *were an institution for them!"*

Henri van Effenterre

"Shameless Hubris, flourishing with shifty greed and lawless empty-headedness, will swiftly bestow on a man someone else's wealth and power, and then send him into deep ruin—Hubris destroyed the arrogant sons of the Earth, the Giants."

Bacchylides

Allow us to begin with an old myth. It's a silly story we keep hearing over and over but in different ways. It goes like this: before the Gods, there were the Giants who were more beastly than divine. They gave birth to the Gods. The Gods, angered by a property infraction, turned against them in war. The Gods defeated them in a magnificent battle called the Gigantomachy, "the battle of Giants," subsequently bestowing the gifts of hospitality, organized warfare, and codified love-rituals to humankind. This is the story the old Greeks told

around campfires to remind each other that they brought civilization to a barbaric universe, that they were the ones who won out over the forces of chaos. This was the magnificent triumph of *nomos, of norms and law,* over *anomie,* or *the lack thereof.*

While most have forgotten the original, the West has never ceased telling itself this story with the names changed. In American mythology, we usually tell the story of the rebels who fought against tyranny. Some still tell the now less popular myths about the southern rebels who fought against northern tyranny, or the Western expansionists who fought against "savagery." American politicians today have a more modern version about beasts called "terrorists" and the forces of democracy that will defeat them. Activists have a more complex version about triumphing over the "divisions" created to tear them apart. Hell, even the Republican Party talks of its battle against "barbarism" within its ranks. In the cacophony of mythology, we can't help but wonder whether shameless Hubris did triumph first with his lawless empty-headedness above all the rest…

But the oldest variation of the myth for Western Civilization, and the one that defines the structure of the rest, is the story of democracy triumphing over barbarism and chaos. This myth ultimately takes us back to two historical events: the victory of the Athenian democrats against the barbarous Persians, and their subsequent victory against the city of Sparta and its allies. This latter event is known as the Peloponnesian War. The myth of the Gigantomachy doubtless loomed large in the minds of the first citizens of a democracy in Athens when they finally drove out the Thirty Tyrants in 403 BCE. after a year of violent rule and exile. The cause and course of events of the Peloponnesian War are still contested facts today. According to Thucydides, the conflict between the Athenian democrats and the Spartan oligarchs has its origins in the latter's fear of Athens'—a major naval empire by this time—growing military strength. Sparta believed that a war was inevitable, and so the only question was when to fight. Athens knew this as well, and so when conflict broke out between Sparta's ally Corinth and its colony Corcyra, they decided to get involved and fight on the side of Corcyra. The naval battle that followed was unusual at least for the fact that, as Thucydides

records, "this was the greatest naval battle, for number of ships, that ever had been before of Grecians against Grecians." Athens, expecting an attack from Corinth, preemptively sent generals to demand Potidæa, a colony of Corinth, to tear down its walls and provide hostages. Sparta guaranteed that if Athens attacked they would invade Attica. With that promise, Potidæa "revolted, and together with them the Chalcidians and Bottiæans, all mutually sworn in the same conspiracy." The Spartans and their allies (The Peloponnesian League) decided then that their previous peace with Athens was definitely broken and it was time to go to war. What followed was the most brutal and ambiguous war either Athens or Sparta had ever fought.

After nearly 30 years of war, during which the tides of war turned multiple times in the favor of the opposing forces, Athens finally surrendered in 404 BCE. Sparta refused to destroy Athens, preferring instead to install an oligarchic regime of the so-called Thirty Tyrants, who brutally suppressed their opposition with a cruelty and violence the democrats found inconceivable. The group was made up of twenty die-hard oligarchs led by Critias, and ten moderates under Theramenes. In addition to killing thousands, the group also confiscated the property of the wealthy landowners, and exiled many prominent democrats. After a year of tyranny, a group of democrats rallied under Thrasybulus and finally rose up to defeat the oligarchs, restoring the city to the people and the democracy they held so dear.

At least, so the story goes. But the myth didn't hold up. It was complicated by the thousands of democrats—plus their friends and families—who were brought into the inner circle of the much despised oligarchs. The rule of the Thirty was, by all evidence, a trauma for the democrats, and one it would be necessary to put in the past. The democrats found that the only way to ensure peace was to grant amnesty to all except the Thirty themselves. Those who never cease to praise the "Greek miracle" claim with misplaced pride that perhaps it was the first occurrence of amnesty in history. In every possible way, this amnesty resembles amnesia: amnesia of the conflicts, amnesia of the divisions, amnesia of *difference*. If we still live today within the Greek horizon of truth, we would argue that here, on this practice of forgetfulness, on the

foundation of war and its denial, the Greeks were the first to practice what we still call "politics." We would argue, moreover, that if there are any *institutions* of power in the West, they are only instituted on the condition that they also make a principle of that denial, that they exclude precisely that which founds them and gives them substance.

To understand the force of the amnesty requires us to make first a preliminary sketch of the concept that most terrified the Athenians and cast a long shadow over the cradle of democracy: *stasis* (see: **Stasis**). A cursory survey of the branches of meaning bound up together in the word reveals its sustained centrality in the Western political tradition. *Stasis* is a noun derived from the verb *histemi*, which means *to stand (up),* or *to be standing.* It maintains both this active and middle voice simultaneously. From this one word, two divergent ways of viewing politics emerged. From the tradition of translation centering on the middle voice, we get the word *state.* The concept of the state evolved out from the discourse around this thing *stasis.*

In contrast, the active sense of *standing up* was more predominant in the 5th century, and *stasis* was commonly understood as *sedition, factionalism, and civil war.* This meaning was transmitted through the Latin *seditio,* from which we derive *sedition.* When Hobbes translated Thucydides' account of the Peloponnesian War, he regularly translated *stasis* as *sedition,* and he had good tactical reason to do so. Hobbes was acutely aware of the strategic value of distinguishing a history of the state from a history of political acts. By doing so, he was able to make the state appear as an a-historical condition of the collaboration and cohabitation of men, while inversely presenting non-sanctioned political and collective acts as setting the stage for a nasty, solitary, and brutish life.

It is essential that we recognize that *stasis* did not have two distinct and separate meanings. It evoked both permanence and division simultaneously. This immobile mobility so difficult for us to fathom was no problem for the old Greeks. It was the status, for example, of Aristotle's "unmoved mover," his original principle, which, incapable of being moved itself, moves everything else in the cosmos. Alcaeus, the lyrical poet from Lesbos, admits that he "fail[s] to understand the *stasis*

of the winds: one wave rolls in from this side, another from that, and we in the middle are carried along in company with our great black ship, much distressed in the great storm." Here, *stasis* is invoked to indicate not just the direction of the wind, but also the spot where their conflictual movements clash and create a restless repose.

We must retrieve what has been lost in the Latin tradition of translation that makes the two seem worlds apart because—from complete stability to civil war, from constitution to total breakdown—*stasis* contains within it the whole range of our political imagination, which makes it the threshold of the political itself, its effective limit, and the basis of its existential potential. It was through their experience with this thing the Greeks called *stasis,* which we are calling *civil war,* that the West began to talk about "politics" in the first place; it was through their reactions to it that the Greeks produced the political concepts they passed down to us.

From here it is possible to say: In the beginning, the Greeks instituted conflict.

Ares and
his many
faces

T**HE CONCEPT OF WAR WAS NOT ALWAYS NEGATIVE** in the ancient world, which, after two world wars, seems perverse and barbaric today. Our own "civilized" ethic of warfare as total defeat, then extermination, and now permanent war with the Middle East has overwhelmed us so that we have trouble imagining a concept of war that does not imply the destruction of one side or another, or its eternal management. The wars of death camps and poison gas are certainly possibilities of war, but not the only ones.

The concept of war in general refers not to battle or series of battles, but to the real possibility, the permanent existential potential, of conflict. War is waged in many ways, but it is that dangerous potential that defines its limits. The liberal and humanist traditions have completely failed to efface that possibility. As they set out to identify themselves more and more with all that is human, pacifist, or rational, their enemies—the terrorists, pirates, rebel militias, and subversives—appear more and more inhuman, irrational, violent, and worthless. The tradition of humanism has progressively developed a concept of man who appears to stand on one flat plane, on one single ethical continuum.

Anyone who adopts an inconceivable ethic appears inhuman and monstrous, and is not so much killed as wiped out and exterminated. Hence the relative apathy today toward extralegal drone strikes, even as details emerge about their unreliability in identifying their targets. Simply appearing to be a *potential terrorist* in a territory is enough to justify your assassination.

The Greeks—and with them the ancient world as a whole—did not have one word, one broadly cast understanding, for war. "Just as water retains no constant shape," Sun-Tzu wrote, "so in warfare there are no constant conditions." Nor was it a special or separate phenomenon. Benveniste wrote that peace, for the ancient world, was considered the suspension of war, and not the other way around. The philosopher Heraclitus claimed that *polemos, conflict,* was the precondition for the cosmos: "*Polemos* is the father of us all and our king. *Polemos* discloses who is godlike and who is but a man, who is a slave and who is a freeman." This is a cosmic warfare, a warfare that decides, through opposition, what can be defined and understood against something else in the first place.

War names the encounter or the decision that makes a qualification about something possible at all. German has retained this relation of conflict to conception in their word *Auseinandersetzung*, which means both *conflict* and, literally, *setting one thing out and apart from another*. This is not a war where some party wins, or could win, but the endless process of conflict that reveals difference in the world in the first place.

Even earlier than Heraclitus, Homer "erases the distinction between war and the assembly […] he attributes to the assembly a characteristic of war, the *kudos,* at once a sign of election and a talisman for victory in battle," (Nicole Loraux) and he's not the only Greek to do so. The Greeks did not make a clean distinction between conflict on the battlefield and conflict of words in the assembly, in the courts, in their competitive games, or in any other public place. Jean-Pierre Vernant writes that "if, in the context of war, the force of arms can replace the force of argument, this is because they are considered the same kind of power." This is because, for the Greeks, violence was not

even formulated as a question. What was essential was conflict, force, and effect.

What must be stressed here is that cosmic war or the war of the trial are not appropriations of military conflict. The most difficult thought for us moderns is that there is no ancient true form of war from which every other kind of war would derive as an analogy. There is no evidence that a crystallization of thought occurred around the existent forms of military conflict, which were called "war," to be later exported and applied elsewhere. For example, Mars' (in Latin), *Tîwaz' (in Proto-Germanic), or Ares' (in Greek) role in mythology is much more complicated than generally indicated by the title "god of war," if one only understands this as "god of military engagement." To quote De Vries: "These two conceptions (god of battles, god of law) are not contradictory. War is not, in fact, the bloody hand-to-hand combat of battle; it is a *decision,* arrived at by combat between two parties." Whether you engaged in combat with words or weapons was irrelevant to the question of power.

The Greek understanding of war is even preserved in the word *democracy*—the *kratos,* the *domination* or *the superiority*, of the *demos,* the *people* (see: **Democracy**)—itself which was often avoided by political orators and writers at the time to avoid its association with temporal conflict and with war, to avoid being seen as just another party in a basically open conflict.

The greatest misfortune and the art of denial

"*Stasis, which is enmity, is what [lawmakers] are most anxious to banish.*"

Aristotle

"*We should observe that [...] whenever Greek civic thought condemns* stasis, *it must erase its political origin—for example, by assimilating it to an illness malevolently fallen from the sky—in order to preserve the consensual form of the political, which is supposedly the political itself.*"

Nicole Loraux

"*All civil government [is] ordained [...] for the avoiding of Confusion and Civil War.*"

Thomas Hobbes

OF ALL THE WORDS THE GREEKS HAD for conflict and war, none evoked the repulsion or fear of the founders of politics and democracy as did *stasis.* Seldom is it mentioned without being contrasted with the just war against the outsider, dispelled with a

woeful plea ("don't speak of such awful things!") or simply put to the side in the same breath it is mentioned. And yet, despite that, it seemed inescapable and everyone took it for granted. It is a fact that civil war was a monstrous presence at the dawn of politics. Democritus, the first atomist and "father of the sciences," assuming a posture of political neutrality, expressed a common sentiment when he stated that "*stasis* is harmful for both parties; for both to the conquerors and the conquered, the destruction is the same."

Aeschylus' dramatic trilogy *The Oresteia* provides us with a paradigm of sorts for the Greek reaction to *stasis*. The story begins with Agamemnon's return from the Trojan War. His wife Clytemnestra, angered by the sacrifice of their daughter, and who also wants to continue a love affair, murders her husband. The son, Orestes, though beset by conflictual demands to avenge his father and to fulfil his obligations to his mother, decides to break the familial bond to his mother and, in the end, murders Clytemnestra. As Orestes leaves the scene of the murder, he is pursued by the Erinyes, or Furies. These earthly goddesses traditionally exact revenge on those who break an oath. Orestes, although he believed to be fulfilling his oath to his father and to Apollo, broke his familial oath to his mother. He seeks out Athena, the patron of Athens, to preside over a trial where the furies speak as his prosecutors and Apollo as his defense. The citizens of Athens constitute the jury. The jury is evenly split, which, according to the rules established by Athena, acquits Orestes. Nevertheless, the Furies threaten to torture the inhabitants of Athens out of anger. Athena then directly addresses the Furies:

> Only in this place that I haunt do not inflict
> Your bloody stimulus to twist the inward hearts
> Of young men, raging in a fury not of wine,
> Nor, as if plucking the heart from raging roosters,
> Engraft among my citizens that spirit of war
> That turns their battle fury inward on themselves.
> No, let our wars range outward hard against the man

Who has fallen horribly in love with high renown.
No true fighter I call the bird that fights at home.

Athena ends by offering the goddesses a new role: they will protect justice as opposed to vengeance, and will henceforth be known as the "venerable ones." This is how the Athenian mind makes peaceful arbitration win out over blind and endless fury: they will redirect the anger of men towards the enemy, who really deserves it and whose defeat will create glory for the city! Though it is not named, *stasis* is the horrible "spirit of war that turns their battle fury inward on themselves."

The reference to birds and roosters here is probably obscure for the modern reader, but is directly related to the problem of *stasis* in the text. Every year, the Athenians organized rooster fights at public expense. These were popular events and there are many references to the practice from this time. In a speech, Themistocles claims to be the founder of the event. When he was leading his citizen army against barbarians during the Persian Wars, he is said to have spotted two roosters fighting relentlessly in his path. "These birds," he said "are not fighting for their country or their fathers' gods; they are not enduring pain to defend the tombs of their ancestors, their reputation, freedom, and children; each of the pair aims to avoid defeat and not to yield to the other."

Roosters fight to win. Although this is said to have given the soldier's newfound strength, the passage also, as Loraux points out, denies "all the reasons the Greeks gave for waging war: glory, of course, but also, very specifically, the values listed in Aeschylus' *Persians.*" This leaves only one reason: desire to fight. This is certainly an aspect of war, but it was something that made the Greeks uncomfortable. When explicitly thematized, it tended to delegitimize the claims for a higher purpose in war and makes it merely a contest of furious and bloodthirsty desires. Instead of seeing the rooster fight as a metaphor for the arbitrariness and brutality of military conquest, the Greek, to protect himself from this degenerate threat of war, will characterize *stasis* as that form of war that contains everything terrible about war in general. Even though the story explicitly ties external conquest with

mere desire for domination, the Greek can claim to have "banished *stasis*" from the city and thus to have protected himself from his own excesses.

Stasis was so terrifying for the partisans of democracy that their conceptions of it must be viewed as strategies of limitation, of taming it or assigning it a place to avoid letting it reign as a principle. The thought seems to be: we cannot deny *stasis* outright; we must affirm it, but if we can establish its exceptionalism, we can cast it into the distance and suspend its appearance to the most unlikely of circumstances. This explains the curious phenomenon in the history of civil war in general where those who fear it most tend to talk about it incessantly, as if once they really understood it and assigned it a neat orderly place, they could rest easy. Plato, in the *Laws,* tries to make it a species of *polemos* (see: **Polemos**)*, the war against outsiders*, by calling it "*emphylios polemos*," a "*war among the same people,*" which is also the modern Greek for "civil war.*"* To call *stasis* "*emphylios polemos"* would be to say that every conflict is one of exteriority, and involves first considering the enemy to be essentially other in some way before the beginning of a conflict.

Aristotle, on the other hand, uses it synonymously with a variety of terms that signify any activity that undermines the foundation or the stability of the constitution. For instance, it is often used in the same way as *metabolai,* the semi-constitutional process of reforming or re-instituting constitutions, viewed often as a quasi-natural process. Nevertheless, the unbreakable connection between law and *stasis,* between political life and civil war, was so strong that Solon, the great lawmaker of the 6th century, enacted a law which proposed that "anyone who should refuse to place his arms at the disposal of either side [of a *stasis*], he should be outlawed and have no share in the city."

Law, the home, and the possibility of confrontation within them are all aspects of the word, but both Aristotle and Plato are attempting to limit the term by characterizing it as solely belonging to one sphere or the other. It is difficult to grasp the full range of what a Greek living in the fifth century would have heard in it all at once. It is, in a way, a word at conflict with itself, and maintains oppositional meanings without resolving them. It evokes both the permanence of the city or

of a faction in the city (a thing that is standing) and also of a force that rends the city apart (a thing standing up). It necessarily includes the entirety of the city. Nobody can be neutral where *stasis* is the principal, hence Solon's law. Each citizen must choose a side or else they are no longer political in the original sense of the word. And yet, insofar as it involves everyone in the conflict, it also is the thing that tears apart any consistent traits of centrality, any definite center to which every political fact can be related. And, as we've said, it evokes this not as two separate moments, or two separate branches of distinct meanings, but—and this is what is essential—at the same time.

This contrasts sharply with the image of Greek political life passed down to us from the Greeks themselves and from our own political historiography stemming from the Founding Fathers ("What Athens was in miniature America will be in magnitude" [Thomas Paine]) to Obama today ("Two hundred and thirty-six years ago, a new American Nation was founded on an old Greek principle—democratic rule by a free people"). Let's review the basic features of this representation: according the popular narrative, the founding of the city destroyed the older kinship or tribal organization of the citizens and established the "artificial" relations of public life. The kinship-based patriarchal rule of the father would now be confined to the household, called the *oikos.* Freemen would now gather publicly in the assembly (*ekklesia),* and vote on measures directly. Here, they had the ability to grant citizenship, declare war, elect officials, make decrees, and act as a criminal jury (an ability later shifted to a court system). Another major institution was the council (*boule),* made up of 500 individuals selected by lot and heavily vetted. This body drafted the topics of debate for the assembly, advised military strategy, and were given special emergency powers in the case of a crisis.

It is estimated that only one-fifth and maybe even as little as one-tenth of the actual population of Athens was allowed to participate in either of these institutions. The rest were women, slaves, children, and foreigners who lived in the household (*oikos*). Athenian democracy made a sharp distinction between the household (*oikos*) where one organized one's basic necessities (What will I eat? How? How will I

organize my daily life? My property?); and the public sphere, the city (the *polis*) where one engaged in action and speech, and from which all questions about those biological necessities and the organization of daily life are banished.

To rule by brute force was from this perspective considered either something pre-political, i.e. the way "barbarians" continued to manage their affairs; an aspect of the household, the *oikos,* where the *despot,* the *head of the household,* had the right of coercion over his slaves, wife, property, and children; or it was associated with "oriental despotism," represented mainly by the Persian model of rule. Consistent throughout all the different self-representations in Western political history is this production of such a pure outside, the monstrous other: the "Orientals" and "barbarians" who take on merely the negative attributes of the West's self-representation. So powerful was this representation of the outside that when the foreigners who fought with Thrasybulus to take the city back from the Thirty and restore the democracy applied for citizenship, the Athenians voted against it.

Since the Greeks defined their "new political sphere" as being one where one dealt with issues using speech, *rhetoric,* (what we call a politician was then called a *rhetor, one who uses rhetoric*) to be non-political meant to be devoid of the capacity not to speak in general, but more precisely to be devoid of the capacity to use speech to solve conflicts.

The other side of the complex that recognizes in the "outsider" only a "foreigner" was the impulse to externalize all forms of conflict. War, for the Athenians, was necessary. Athens was a colonial power. It was also a sparsely populated mountainous region. Slaves, who outnumbered citizens in Athens, were mostly acquired through military conquest, and the resources they required—grain and metal— were primarily obtained through colonial extraction and tributes from colonized cities. Thucydides, Aristotle, and others acknowledged that the longer a war raged on, the greater risk there was for the formal structure of the conflict to break down, and for personal, factional, or intra-city struggles to replace formal intercity conflicts. By all accounts, then, the Peloponnesian War was an unmitigated disaster. And it carried

this risk right from the beginning, since a *polemos* was only properly waged against barbarians or anyone who didn't speak Greek (literally, *those who say "barbar,"* apparently the sounds Greeks heard in foreign languages). Now the Greeks and their allies were killing each other, in brutal and unimaginable ways, and the war encouraged colonies to rebel to take advantage of the weakening of the two great powers in the Greek world. Thucydides claims that "practically the whole of the Hellenic world was convulsed, with rival parties in every state."

It was necessary for the Greek to imagine that, despite the existence of conflicts of varying sorts, in contrast to the inequalities of the household or the barbarian kingdoms, the Greek city was a place of perfect equality. This equality contrasts with the modern concept because it was never conceived as general or human equality. In fact, to be equal, which meant specifically "to live among one's peers," was predicated on the fact that the majority of Greek city inhabitants were unequal: slaves, women, metics (foreigners with no civic rights), and children, all of whom would take care of the base necessities under the direction of the father/husband. This "equality" was characterized by what the Greeks liked to call "harmony." *Harmotto* is a verb that describes, materially, the contract of marriage. More abstractly, harmony means for the Greek citizen the "love that seals the community" or even the cosmos, as in Empedocles. War must take place outside the internal harmony. This outwardly waged war is considered as a part of that internal harmony, and perfectly natural to it within prescribed limits. Ares is even one of Harmonia's parents.

Eris, the goddess of discord, is the counterpart to Harmonia and the much maligned figure of the impossibility of consensual politics. The agreed-upon codes of traditional warfare begin to fall apart under Eris' watch: she instigated a war among the eternal gods; in the *Illiad,* she remains after the battle's end as armies on both sides begin to fall apart and fight whomever stands before them; she is said to be the "last to close an argument," (Aeschylus) instead letting it continue long past its useful end. When harmony and complete cohesion covers the entire world, it "eliminates the gap through which we can discern the world," and becomes "an absolute darkness, blacker than night"

(Nicole Loraux). With no difference, we have no term with which to conceptualize anything at all, and a great nothingness covers the earth. Thus, the Greeks needed Eris in addition to Harmony. Without Eris, Harmony isn't Harmony. If Harmony blankets the entire world, might as well say that it's nothing at all. This is why the Greek could not and would never be able to exclude civil war (Eris). When he realizes that he can't simply get rid of it, it then becomes a question of merely controlling it, by stopping the external war when it is still under control; and of managing it, by limiting its manifestations to predictable avenues.

Yet, according to Aristotle, politics is what begins when civil war ends. It serves to reason then, that if civil war never "ends," political life as the West has imagined it never truly began either. This would amount to saying that all the relations—between *oikos* and *polis,* between civil war and external war, and between disease and health—above must be reimagined and rethought. It is our task to uncover how the Greeks managed to confine *stasis* and construct an image of this ideal political life.

At this early stage of the banishment of civil war, the maneuver was quite transparent and intentional: after banishing the Thirty from the city, the democrats returned victoriously to their city armed with a ban and an oath. Their ban stated: *me mnesikakein, "it is forbidden to recall the misfortunes."* The oath: *ou mnesikakeso, "I shall not recall the misfortunes."* The "misfortunes" of the ban and the oath was the *stasis* of Athens during the Peloponnesian War, the division of the city between the oligarchs and the democrats, where no-one could be neutral, citizens threatened the political order, colonies rose in rebellion, women threw stones from rooftops, and slaves left their homes.

The prerequisite to civic life in the newly conquered city was to take the oath not to recall the past and its betrayals, its confusions, and its sadness. The banning of remembrance was nothing new to Athens, and it should be pointed out that its application was quite concrete. They were ready to enforce punishments if necessary. Herodotus records that, in the beginning of the 5th century, when the playwright Phrynichus staged a drama on the recent capture of Miletus by the

Persians, "the whole theater burst into tears; and the people sentenced him to pay a fine of a thousand drachmas, for recalling to them their own misfortunes. They likewise made a law that no one should ever again exhibit that piece." Aristotle later records that, after the ban on memory following the expulsion of the Thirty, at least one democrat continued to "recall the misfortunes." The moderate leader Archinus then found it necessary to bring this democrat, whose name has been lost to history, before the council and put him to death.

"To not recall" does not make an absence. The democrats made forgetting the necessary prerequisite to political harmony, and in so doing, they placed the forgotten thing, civil war, at the very core and foundation of civic life. Far from casting civil war into the distant past as they hoped, the founders of politics constantly brought it to the fore as they fabricated their civic identity. Insofar as the citizen must first begin on that foundation of forgetfulness, they made civil war the most, or perhaps even *the only*, productive concept in the tradition of Western political thought, the one all the other require in order to have any concrete meaning. Far from "ending" war, the Athenians found themselves in eternal war with it: evading it, managing it, decrying it.

By all accounts, civil war was the original political experience in the West, the curious political tradition "obeying a law it doesn't even know, but that it could recite in its sleep" (Joseph Goebbels). This is the matrix in which every "political" force must situate itself within to exist as such. The first act of naturalization occurs on the battlefield of memory. Prior to every discursive regime is a reorganization of the conflicts that preceded it. Democracy is the truth of the governmental paradigm in the West insofar as it attempts to neutralize all forms of civil war that are incompatible with it before it "properly" begins. After neutralizing the enemy, all effort must go towards forgetting that fact, and claiming to begin "as equals." If we understand that "to banish," "to exclude," "to constitute," and "to forget" all only make sense within the context of war, then democracy can be seen in its original light as a peculiar form of civil war that fights with exclusion and neutralization by means of their discursive opposites: "inclusion" and "active participation." But it never truly manages to banish the

thought, the "prevalent feeling, that, in a certain sense, the doom of Athens is already ours" (Herman Merivale).

In the Athenian ban against remembering civil war, the verb *"mnesikakein"* did not signify a *recalling to oneself*, but rather a *recalling against.* The verb requires the accusative object. The ban was not so much on "bringing civil war into your memory," rather, the ban was more precisely on "using memory as a weapon."

We must learn to wield memory like a weapon in this hostile terrain of forgetfulness.

Civil war as pathology

"The One is always in revolt against itself"

Gregory of Nazianzus

WHEN THE ECONOMY ISN'T DOING SO WELL, we say it is "crippled." When it is doing well, that means it is "healthy." When politicians propose to fund counter-terrorist programs, they cite the "plague of radicalism" taking root. At the same time, when doctors and researchers spend more time on looking for cures or treatments for a new disease, they have "declared war" on it. Why are politicians and economists talking like doctors, and doctors talking like generals?

The mixture of epidemiology and politics (of treating political problems like medical ones, and medical ones like political ones) goes back to the very beginning of Western politics and has remained ingrained in our language. "The art of legislation is but the art of healing practiced upon a large scale," wrote Jeremy Bentham, "It is the common endeavor of both to relieve men from the miseries of life. But the physician relieves them one by one; the legislator by millions at a time." Not that long after him, one of the first modern men of medicine, Rudolf Virchow, would say that "Medicine is a social science, and politics nothing but medicine at a larger scale."

Stasis and civil war are the concepts around which this mixture of medicine and politics coalesces. *Stasis,* in addition to its connection with stability and civil war, also meant "disease." It actually still survives today as a term for diseases or infections in medical expressions like "stasis of the blood." In the ancient world, this meaning was often applied as a metonym for civil war where the seditious factions would be understood as a "disease that befalls the city." In both its political meaning and its medical meaning, *stasis* here is understood as that which destabilizes the unity of a body, or that which scrambles or halts the circulation between the parts of a body. But groups of people aren't literally a body, and they can't actually have a disease. What are the implications then of imagining that the political can be imbued with a disease? Carl Schmitt, who believes that the outsider or the foreigner is the true political enemy believes that "*stasis* is a self-laceration [...] it is the dissolution of the state as an organized political entity, internally peaceful, territorially enclosed, and impenetrable to aliens." How will it influence political action when political unity is said to be infected with a disease it can't do away with, a disease which operates like a question mark to all clean notions of internal unity and external antagonism?

If a political problem like civil war or *stasis* could be seen as a disease, it's because the civilian population as a whole could be conceived as a functioning body. It was not at all problematic for the Greeks to think of the city as a subject. Aristotle, for example, does not feel the need to explain to his audience how he can attribute desire to a city when he writes "the city desires to be composed, as far as possible, of equals."

Likewise, when Greeks would refer to *stasis,* they would more often say the citizens were "fighting themselves" rather than "fighting each other." Any attack on the city is reflexive: the citizen harms himself. This leads us into Plato's *Republic,* where an unstable correspondence and relationship is set up between the individual citizen and the city. A series of reversals in the text makes any simple or temporal relationship impossible. At some points, he refers to "*polis kai idiotes"* or "city and individual," granting each their own simple existence and implying a relationship of participation. Of course, we think, it must be so. Even

Socrates seems to agree. "Do you suppose," he asks, "that constitutions spring from the proverbial oak or rock and not from the character of the citizens?" And even more emphatically: "it would be absurd to suppose that the element of high spirit was not derived in states from the private citizen [idiotai]." The citizen gives birth to the city and it emerges from him. But the citizen is not just the beginning of the city, he is also the end, for the city must aim to be in a condition "most like that of an individual man."

The city emerges, then, from the private citizen only to ultimately aim back towards him for a model. Simple enough, except that the opposite is simultaneously put forth. We are still far from liberal contract theories of the state. Here, the city becomes, in the same text, the paradigm and the end of the private citizen:

> If we found some larger thing that contained justice and
> viewed it there, we should more easily discover its nature
> in the individual man. And we agreed this larger thing is
> the city, and so we constructed the best city in our power,
> well knowing that in the good city it would of course be
> found.

Here, "in a very Greek way," writes Loraux, "the city gives meaning to everything. Thus, if we take Plato at his word, the whole *Republic* […] would constitute a simple prolegomenon to understanding the individual." And just as the city is split by factions and threatened by civil war, so too is the individual citizen. The soul, like the city, becomes home to a variety of parties who threaten it from inside and out. Anger, reason, and the stimulation of outside objects are all presented as contentious parties in the same soul. And so, in the end of the *Republic*, Plato can say that the perfect city exists in the soul where harmony rules, but "make no mistake: if harmony rules, it is because Plato has firmly installed a *kratos [a dominating force],* that of reason, in the inner city of the soul" (Nicole Loraux).

When the body is threatened by conflict from within and the harmony is disrupted, this is called disease. And since neither the body

nor the city come first, but rather emerge together and end together, disease was used to refer to perceived dysfunctions and disharmonies of the city. *Stasis* becomes, then, a disease, and, like a disease, it needs to either be eradicated or managed. This relation was probably more fluid than ever in the 5th century, since, in the midst of the Peloponnesian War, around 426 BCE, Athens was beset by the plague while its citizens took refuge from the Spartans behind city walls. Present day commentators and historians of medicine have had particular difficulty diagnosing the plague described by Thucydides, so much so that attempts to identify the plague with a modern disease was said to be "at best seriously inadequate, at worst meaningless" (Poole and Holiday). The modern epidemiologist is disturbed by the fluidity in his account between the disease and what he would consider its separate social and political effects. After prayer did not heal the disease, many turned away from organized religion. With Thucydides, this breakdown of belief is presented as a symptom of the disease and not a social consequence. Thucydides does not make a clean distinction between the breakdown of the body and any social breakdown that potentially occurs. Both are referred to as elements of a "disease." Health management for the earliest democracy was already political management, and political management was already seen as health management.

Although they may be disturbed by Thucydides' frankness in maintaining a spectrum between physiological and political health, the founding texts of modern science and medicine were not able to escape such a spectrum. Georges Canguilhem's *The Normal and the Pathological* historicizes that very spectrum in the works of the scientists, physiologists, and philosophers who variously claimed to have achieved an "objective" or "purely scientific" conception of disease. He begins by describing two tendencies in the history of medicine and its relation to disease: one is localizing, the other dynamic. The localization tendency holds it as a truism that "in order to act, it is necessary to localize," and has thus created a "vulgar hierarchy of diseases […] based on the extent to which symptoms can—or cannot—be readily localized, hence Parkinson's disease is more a disease then thoracic shingles, which is, in turn, more so than boils." Canguilhem traces the

dynamic understanding of disease to the Greek Hippocratic tradition of medicine, which sees the body as a dynamic totality, characterized by its own internal harmony and equilibrium. The disturbance of this harmony is disease, and it is not present only in symptoms, but in the whole of the organic body. We've already pointed out the problematic nature of this harmony. Both interpretations metaphorically imagine disease as a polemical force: "either a battle between the organism and a foreign substance, or an internal struggle between opposing forces" (George Canguilhem). The Greeks at least were honest about one thing: that there is no quantitative or absolute measure of health and sickness. Thucydides, for instance, equated disease of the body with *stasis* in the city without hesitation. Admitting of the qualitative measure of disease means exposing your notion of health and normality to its historical environment, and thus to contingency, decay, and rupture.

Canguilhem then gives the reader some examples of this attempt to establish the quantitative and objective criterion for normality from 19th century medical writing. Auguste Comte was one of many writers who have tried to equate disease and health by making the former merely a quantitative diversion from a norm. He found the idea of the identity of health and disease in the work of the physician François-Joseph-Victor Broussais noting that "[u]ntil Broussais, the pathological state obeyed laws completely different from those governing the normal state, so that the exploration of one could have no effect on the other. Broussais established that the phenomena of disease coincided essentially with those of health from which they differed only in terms of intensity." There were thus therapeutic benefits to making such an equalization: if they are merely measures of degree, then studying a diseased man can tell us about how normal men's bodies function. We can measure normality by measuring the deviance of the diseased body. Such a method is laden with problems. For one, he was not a physician and provided no specific medical examples to illustrate his point. Second, he claims that pathological phenomena are merely an intensive divergence from the "norm" of health, but he provides no tools or criterion with which to establish what that "normal" state is or how one could identify it.

And, further, "when it comes to defining the limits of pathological or experimental disturbances compatible with the existence of organisms, Comte identifies these limits with those of a 'harmony of distinct influences, those exterior as well as interior'" (Canguilhem). Now we can see how he actually centers his discourse. By linking health or the natural/normal state to the concept of "harmony," he is showing that, although there may be quantitative traits discovered *after* the positing of a center with which to establish those quantities, the center itself, harmony, is a qualitative term based on his *interpretation of a specific norm of existence*. His supposedly quantitative terms are also more aesthetic and political than scientific:

> the vagueness of the notions of *excess* and *deficiency* and their implicit qualitative and normative character is even more noticeable, scarcely hidden under their metrical pretensions. Excess or deficiency exist in relation to a scale deemed valid and suitable—hence in relation to a norm. […] This normal or physiological state is no longer simply a disposition which can be revealed and explained as a fact, but a manifestation of an attachment to some value.

Most importantly for us, Comte, after establishing the objectivity and truth of his notion of pathology, assures us that it will be of great use for political actors and theorists:

> In the general system of positive education, besides its direct usefulness for biological problems this principle will be an appropriate logical preparation for analogous procedures in any science. […] I do not hesitate to state that Broussais's principle must be extended to this point and I have often applied it to confirm or perfect sociological laws. But the analysis of revolutions could not illuminate the positive study of society without the logical initiation resulting, in this respect, from the simplest cases presented by biology.

Comte wants to have it both ways by simultaneously laying out the "objective criterion" for medical notions of disease while also "scientifically" creating a political science of the "normal" state. A revolution, like a disease, does not really alter or change anything, but is rather merely an excess that needs to be treated with political therapy to return back to the normal harmony.

We've noted that Comte was not a clinician or a physician, but the problem with establishing a "really objective basis" for disease does not disappear in the work of those with actual experience. Claude Bernard, the celebrated physician of 19th century France, is the next writer whose notions of health and disease are highlighted by Canguilhem. Bernard writes:

> In reality, between these two modes of being [health and disease], there are only differences of degree: exaggeration, disproportion, discordance of normal phenomena constitute the diseased state. There is no case where disease would have produced new conditions, a complete change of scene, some new and special products.

Canguilhem points out first that there are in fact cases where a new quality does appear in the body in the case of a "disease." For example, he points to the presence of sugar in the urine of the diabetic making it qualitatively different from urine with no sugar at all. He also highlights the fact that the quantitative notions being utilized here by Bernard as scientific measures are all qualitative, and make sense only in relation to a norm invested with value. Dis-proportion and dis-cordance obviously imply that one begin with a non-controversial and positive notion of what good proportion and equilibrium are from which one could measure the negative deviation. But, Canguilhem explains, if one establishes a continuity between health and disease, divided into small intervals of degree, as Bernard does, one effectively erases both health and disease. If the extremes are "perfect health" and "disease," then that can only mean that all people are sick, or else that nobody is sick. So, again, there is no objective state of perfect health,

and even the practitioner must always have a point of view from which to judge what is normal and pathological. There is no concept of health that is not also a value statement, or, in other words, "the concept of health is not one of existence, but of a norm whose function and value is to be brought into contact with existence in order to stimulate modification."

A number of other issues face the "scientific" perspective of disease: individual variation, the lack of a stable average, cultural and geographical variation, and a lack of accounting for the qualitative experiences of the body undergoing changes in an environment. Just as the normal has no existence outside of the normalizing relation with that which is called abnormal, so to does health exist only in relation to disease. Disease is experientially first, in that health would be unnoticed and meaningless if it was all life experienced all times. In this sense, health requires disease in order to have something to overcome and be experienced as such. The criminalization and demonization of sickness and disease—the attempt to banish it and prevent it from the body like a civil war from the city—does not eradicate sickness, but ultimately destroys life. Life is normative—we don't deny that—in that one produces norms in the vital practice of living in constant balance with disease. It is when one fixes on a single notion of health, one based on the abstraction of an image of health and then the purported expulsion of disease that health as the experience of hardship and breakthrough morphs into health as constant management. For the managers of social health, disease is not an experience or a passage but a mistake, an error of nature to be corrected. The civilized laugh at the savage who uses magic to conjure away the inevitable experience of negativity while they seek every assurance against the threat of the disease that surrounds them at all sides.

What is so disturbing about *stasis*, then, and why did the Athenian democrats put so much effort into forgetting it? How is *stasis* a disease in the political body? We will see this persistent medical discourse pop up again and again in the course of our investigation. The way one approaches this disease will form part of their strategy of civil war. For those obsessed with order, with clean divisions, with consensus and

purity, the disease of civil war is something to be expunged, eradicated. But it keeps on appearing. It's a losing battle. Some will continue on in fury, burning infections and cutting off infected limbs, but signs of the infection keep coming back. The adversary, the deviant, has appeared again and again as diseased, mentally ill, sick. The purists will cut off the tumors, self-medicate and manage their precarious health with no end in sight. Such is their infernal harmony. The disease of civil war affects all bodies *and* their bodies of discourse. A simple question, even a questioning look, can be a mark of a disease.

We, on the other hand, believe no person is objectively diseased, that no one even "has" disease, for all experience both disease and health at all times. We live by the idea that they require each other to be experienced at all. We accept our restless repose, the impossibility of completion, as the beginning of a prospect—a prospect of friendship.

"<u>Beyond</u>

<u>their</u> <u>nature</u>"

"The women also joined in the fighting with great daring, hurling down tiles from the rooftops and standing up to the tumult with a courage beyond their nature"

<div align="right">Thucydides</div>

"[T]he moment that civil order breaks down, women arise [...] When civil war rages, the women erupt, often in a group, into the breach that has been opened in this fine totality"

<div align="right">Nicole Loraux</div>

I F ONE WERE TO CASUALLY READ the works of the ancient philosophers and historians, one might be led to believe that at the dawn of democracy, only the men walked the city streets. Well, not *all* men. Only Greeks. And yet not just any Greek, only adult, free Greeks. It isn't that there weren't any children, any women, any slaves, or any foreigners—in fact, historians agree that these groups drastically outnumbered the free men—nor is it the case that they were all confined in various hidden places and never emerged into the public sphere. And yet their existence takes on a preeminently private representation. What could these people, if anything, have in common?

In order to understand the roles of the woman and the slave in the Greek world, one must see them in the light of the distinction made between the *oikos* (the household) and the *polis* (the city). Although the Greeks are credited with creating and passing down a democracy of autonomous citizens, they actually passed down two complementary concepts of government that correspond with two fundamentally different concepts of who or what is human: autonomy and heteronomy, or self-government and the government of others. When we use that word "other," we mean those who have been thought of as truly "other" on an ontological level (i.e. not human, subhuman, incomplete, or defective) and not merely those who have different attributes or come from different geographical regions. When we say "on an ontological level," we are saying that the discourses that assign the characteristics and limits of life itself characterized these groups in such a way that they were closer to objects or animals than what we would call "human."

Autonomy in Athens was called democracy—and sometimes oligarchy—while heteronomy took place in the *oikos* (the household) or else in the colony. The dogma of the political thinkers of the 5th century and onward would have it that it is a defining feature of politically qualified life, of the political citizen, that the life of the *oikos* (household, private life, necessities of life, "economics") has been segregated from public life and qualitatively distinguished from the *polis* (city-state, public sphere, political sphere). In Solon's law, to not take a side in *stasis,* or civil war, means more specifically that one will be banished to the *oikos,* to the *household, the private sphere,* and will then cease to be "political.*"* They will become an "idiot," the Greek term for someone who only has a private life—including, let us remind you, slaves, women, and children—from which we derive our derogatory term. Hence there is a strict division between the two forms of governance, although the former could not materially function without the latter.

It is important to stress that autonomy and heteronomy were considered two parts of the same form of government and not contradictory. When historians act baffled by the fact that the American

government could simultaneously glorify the ideals of freedom, liberty, and justice while also being one of the largest slaveholding nations in the world, they are ignoring the fact that this coexistence of heteronomy and autonomy reaches back to the origins of Western politics. They forget that when partisans of democracy speak of the "liberty" of men, they have already decided beforehand who qualifies as a man and who does not. They always have in mind those cretins who are not men, but criminals, slaves, weaklings, women, psychos, perverts, retards, and idiots who need to be managed. Slaveholders or other household managers speaking of freedom is not an aberration, it is a requisite feature of democracy. Indeed, the first freedom of democracy is the freedom of qualified individuals to manage their inferiors. More than that, managing your household is a necessary prerequisite to being an autonomous citizen. "The state" according to Aristotle, is nothing other than a collectivity of "households." One could define "citizen," then, as "one who has proven himself capable of participating in equal decision based on their ability to manage the objects [slaves, children, women, animals, property] of their household."

It is especially important to distinguish the household from our familial notions of "home." The household is not a family unit. Historically, a "household" may or may not contain actual blood—related families. This conflation of the household with blood relation comes from the misunderstanding of the Latin *familia,* which was ruled over by the *paterfamilia. Familia* is nothing other than a household, an *oikos,* and calling it a "family" in terms of blood relation is misleading and anachronistic. Patriarchal (from *patriarcha*) power, or domestic power, is the power of the head of a household over the household. The origins of patriarchal or domestic power do not lie in blood or kinship. This power does not develop from some primordial power of the father over the son, or the husband over the wife that *just exists*. That is the myth of the patriarchs. Since its origins, patriarchal power has extended over the household*:* servants, slaves, wives, sons, animals, property. In terms of their being, these *things* are the same (they are considered only as *things*). They are defined by their being manageable objects of the

household. In terms of their functional relation, they most definitely differ.

The household is generally divided into three basic forms of human relation: the "despotic" relation of the master and his slaves (the *despot* is the head of a household); the "paternal" relations of a father and his children; and the "gamic" relations between husband and his wife. But it should be emphasized that the management of the objects of the household is not seen as essentially different, but merely functionally different, in that it requires a different kind of management. Household rule is not "anti-human" or "immoral," it is ahuman and amoral. These "economic" *(oikonomia)* relations are those concerned solely with the procurement of the essentials pertaining to beings legally and ontologically considered only as biological life. These essentials are also called their "welfare." The Roman *paterfamilias,* the head of the Roman household, was, for example, only legally permitted to discipline the members of the household when their activity was perceived to disrupt the administration of the welfare of the members. In the household, the head has at his disposal everything in his household to increase the welfare of those inside. "These instruments are of various sorts," according to Aristotle, "some are living, others lifeless." Household management is *resource management* and is not concerned with a subject's political capacities.

So, if one accounts for slaves or women, there appears to be two forms of history in the West: one that lurches forward with the great deeds and decisions of men—free men—and one which recounts the familiarity of the city's rituals, its relations, and its households. Two cities in one. The thought didn't escape the Greeks. In the *Iliad,* Hephaestus reproduces two cities on Achilles's shield. In the first city, a wedding ties the man and the woman, and a trial the man to the collectivity; in the other, an army attacks at the gates. In the first, the city recounts its own daily life and the practices that allow it to reproduce itself in the smooth *aeon, the always renewed eternity.* It is a way of thinking that assigns the correct places to all social manifestations, tied by marriage, by religion, or by discourses that reproduce the classic Greek "types": Man and Woman, Adult and Child, Slave and Freeman, Citizen and

Foreigner. The Woman will continue to reproduce the men who will make political decisions, and more women to make more men; the slaves will continue to tend to the animals, to cook, to take care of the household; the children will attend to the same requirements, learn the same stories, go through the same processes. Why does nothing happen? How do these types maintain their regularity? Well, events do take place, and changes occur, but not there, not in those practices. The men live in both cities: they not only recount these rituals, they recount their deeds in the assembly and at war, where they affect the world politically, where they change it rather than merely recreate it. For the Greeks, everything else was in the *aeon,* where events happened again and again in a regular way, without friction, without force.

Despite this representation, the reduction of a body to mere economic behavior is itself a political operation and often requires a great complex machinery of coercion. Historically, the administration of these life-processes is carried out in accordance with ephocally variable conceptions of "natural hierarchy" based on age, gender, and degree of civility; what is considered a "necessary" part of life; and what is considered "cyclical" or eternal. The despotism of household rule can appear as the direct use of force as in a feudal manor, concentration camp, or the classical household; it can be indirect as in the use of local leaders to establish order in colonized territories; or it can be the "no-man's-rule" of tentacular bureaucracy and technocracy. These heterogeneous relations do not form a system of laws or a science (though they will claim to be both), but are concerned with the functional order of the different part of the *oikos, the household,* in maintaining stable relations. This is why the textual history of household governance is so spotty. Aristotle is one of the few who attempts an explanation of the type expected by what we would consider a "political power." Political power requires a principle of legitimation: consent, contract, even force, and thus political tracts are generally concerned with setting one of these as the legitimate origin of political power.

But the texts concerning household rule read more like manuals for householders. Neither the *Oikonomia* of Pseudo-Aristotle and the *Oikonomikos* of Xenophon, two of the earliest of such texts, are

concerned with justifying household rule nor with discovering its true origin, but rather with discussing the principles of its smooth order and discipline. "*Oikonomia"* says Pseudo-Aristotle, "tells us first how to acquire a household and then how to conduct its affairs." This textual tradition will live on in the plantation manuals of the American South for managing slaves, in counterinsurgency manuals for managing insurgent populations, in monastic manuals, and finally in police conduct manuals. Consistent throughout all domestic relations is the emphasis on *order.* It is this practice of maintaining and administering the life of the household in a patterned and ordered fashion that is called *oikonomia, management of the household,* from which we derive "economic" (see: **Oikonomia**). To organize an entire city using household administration as a model was considered by the ancient Greeks to be a form of "Oriental despotism." The main task of this administrative kind of government is not to rear the overbearing paternal head of repressive violence, but rather to share calculated amounts of the nourishing power that feeds you, tends to you, assuring you all the while that without it, you would die. In other words, this power produces its objects as those beings which only exist because the managerial householder "lets" them. When we hear "government services," we must not understand by that a government whose task it is to serve, *but rather services whose task it is to govern.*

There is at least one field where women and slaves emerge from the circularity and rituals of binding and reproduction that tie them to the city: *stasis* or civil war. When *stasis* is mentioned, suddenly women appear outside of the household, throwing stones or hurling insults at the enemy. Twice in Thucydides' account of the Peloponnesian war, the "household objects" appear in a new light, first "in a terrible tumult," the women and slaves "shouted and cried from the houses, at the same time hurling stones and tiles down upon them;" then, in another city, the women "boldly assisted the people" by "hurling tiles from the tops of houses" and acting "beyond their nature" to "face the tumult." Why is it necessary to make a differentiation between the "people" (*demos*) and the women? Because the *demos,* the "people," which means the citizens here, does not include those who need to be managed by house-

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holding male citizens. They are not people, but objects of household management. This has been the blind spot of liberal historians who denounce the contradiction between the ideals of liberty, equality, and freedom and the practices of slavery and domestic authority. They have failed to see that "people" was never intended to represent "all the people insofar as they are biologically human," but those qualified as people according to their capacity to be a part of political processes. The "people" of the founding documents of this country likewise were not intended to represent those cast as criminals, the insane, women, children, and, in this case specifically black slaves and natives. "Democracy" itself, from *demos-kratia,* means the "domination of *the* people," specifically over and against another "people." The *demos* was never "all people." For Athens, it meant simply "the democrats and their property." For the Founding Fathers, it meant property-owning white men. When historians say that democracy ideally represents all people, and has been progressing towards this reality, they have failed to historicize ontology, and instead recast history in the light of the idea of the modern sovereign individual.

The question about the liberty and individuality of household objects, or the question concerning the supposed contradiction between liberal theories of liberty and the objecthood of slavery, isn't even new. Aristotle already asked and answered it over two millennia in the past:

> Is any one intended by nature to be a slave, and for whom such a condition is expedient and right, or rather is not all slavery a violation of nature? There is no difficulty in answering this question, on grounds both of reason and of fact. For that some should rule and others be ruled is a matter not only necessary, but expedient; from the moment of their birth, some are marked out for subjection, others for rule. […] Again, the male is by nature superior, and the female inferior; and the one rules, and the other is ruled; this principle, of necessity, extends to all mankind […] And indeed the use made of slaves and of tame animals is not very different; for both with their bodies minister to

the needs of life. Nature tends to distinguish between the bodies of freemen and slaves, making the one strong for servile labor, the other upright, and although useless for such services, useful for political life in the arts both of war and peace […] There is a slave or slavery by law as well as by nature. The law of which I speak is a sort of convention—the law by which whatever is taken in war is supposed to belong to the victors. […] Even among philosophers there is a difference of opinion. The origin of the dispute, and what makes the views invade each other's territory, is as follows: in some sense virtue, when furnished with means, has actually the greatest power of exercising force; and as superior power is only found where there is superior excellence of some kind, power seems to imply virtue, and the dispute to be simply one about justice (for it is due to one party identifying justice with goodwill while the other identifies it with the mere rule of the stronger). If these views are thus set out separately, the other views have no force or plausibility against the view that the superior in virtue ought to rule, or be master. Others, clinging, as they think, simply to a principle of justice (for law and custom are a sort of justice), assume that slavery in accordance with the custom of war is justified by law, but at the same moment they deny this. For what if the cause of the war be unjust? And again, no one would ever say he is a slave who is unworthy to be a slave. Were this the case, men of the highest rank would be slaves and the children of slaves if they or their parents chance to have been taken captive and sold. Wherefore Hellenes do not like to call Hellenes slaves, but confine the term to barbarians. Yet, in using this language, they really mean the natural slave of whom we spoke at first; for it must be admitted that some are slaves everywhere, others nowhere.

Since the beginning of the domestic power in the West, there has been a "scientific" and political rationale explaining both its necessity and naturality. Even here, at the beginning of democracy, we see that they did not at all assert that "might makes right" universally as the ancients are supposed to have believed. Aristotle directly refutes this. For him and other Athenians, a slave was not an equal individual who was only a slave because a more powerful individual had conquered him. Rather, it has always been assumed in the West that some "by nature" are intended to serve, and others to assert political power. Herodotus recorded a popular and paradigmatic myth on the "naturality" of slavery. According to his version, the Scythians invaded Medes in the 6th century, and stayed there for 26 years. The men left, and when they returned they found that their wives and the slaves they left behind had children and these slaves, with their new sons, were ready to fight the fathers for control. The Scythians fought a long war, but one day realized that by using weapons, they were sending a message to the slaves and their children that they were fighting as equals. The Scythians then put down their arms and picked up whips, after which the slave army understood that they were slaves and fell into line.

This has not changed. It has only become more complicated. As long as democratic power continues to exist, every "progressive" move that seems to be chipping away at the existence of hegemonic masses who are incapable of participating in politics (i.e. women, black people, immigrants, the disabled) coincides with an expansion of the vague categories of "criminals," "crazies," and "social deviants" who are *obviously* not capable of participating in any way. The abolishment of slavery, for example, coincided with the more fluid and vague power of producing objects of management by criminalizing them. This transition was written into the 13th Amendment: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." The "slave" was functionally replaced by the "criminal." The objects of household management have not disappeared. Instead, they have exploded as stable masses into a huge variety of fluid social deviances, marked

by shifting signs of deficiency and the equally fluid mechanisms of correction that accompany them.

The slave plantations depoliticized the body of the slave by treating it as a "natural object" in need of outside management; Nat Turner's rebellion was the reemergence of a dormant, but not dead, political capacity. This capacity is unstable by definition, and generally, the more confined it is, the more explosive its resurgence. When Solon banned those who did not participate in civil war to the household, he was banishing them to the mere administration of their life processes: to depoliticized existence, a life worse than death for many. The banishment to the household depoliticizes insofar as in the household, every subject is pre-defined, and their contact with one another unfolds according to the efficiency of management techniques. But even household space couldn't be entirely free of conflict or the possibility of civil war. Its emergence isn't always as heroic as a slave insurrection: hysterics, depression, laziness, and avoidance should also be understood as the expression of political capacities of resistance to household management. Much of the writing on domestic government concerns itself with the management of unruly subjects, the quelling of slave revolts, with reinstituting submission through consensus machinery or direct force and the manipulation of access to life's vital needs, if necessary. Economic power, the power of household management, is said to be an "art" or even a "science," whereas politics must always be something *decided* by the actors, and thus could never comprise a closed "art." The greatest ideal of the domestic kind of power, on the other hand, is *order,* not law, and anything is permitted to maintain it.

Stasis thus functions as the limit—albeit the one the new "political" thinkers were anxious to bury—that defines the possibility of political experience. To state this all more explicitly: *stasis,* and the network of reactions to it, mark the *limits of the political, the economic, and their distinction from one another*. Greek political thinkers asserted that there was no possible mobility between the objects of the *oikos* and the subjects of the *city.* No mobility, except in the case of civil war. Suddenly men who did not participate in *stasis* became objects of household management, and women and slaves acquired a—brief, for

the most part—role in politically shaping the city. Politics, for the West, is thus the sphere defined by the spectrum *Objects-of-management—Political-being. Stasis* is the only process that allows beings to move across or disrupt this ontological spectrum, which is why it was conceived to be both necessary and threatening for the entire social order.

The house-holding men require the possibility of *stasis* in order to fabricate their status. Afterwards, all effort must go into defining the position of *stasis* in such a way that it would not reoccur. Then they can go about classifying the others who need now to be managed, and the organic quality of such management, to prevent such a recurrence. Neither the city nor the family and bonds of kinship could possibly represent a "substance" of politics. The political has no center, no substance, no central truth. The political is the name we give to a field traversed by relations of conflicts and transformations marked by irresolvable tensions. The Greeks, being unable to resolve these tensions, will be the first to develop the West's particular ethic of civil war: managing it, primarily at the level of its representation.

The operative destabilization in remembering *stasis* works to complicate the classist and racist understandings of history by reintroducing the conflicts, choices, and antagonistic elective associations that the teller of these histories has tried to exclude back into circulation. *Stasis* is not identifiable with class war nor race war, nor any history that presents a subject moving in a linear way through time. It acts as an operative disorder when introduced into any binary exposition of world history. It would be entirely possible to talk about how *stasis* undermines the different workerist movements' attempts at internal unification. Nicole Loraux expressed surprise that "*stasis* introduces disorder, and suddenly, in Thucydides account of the events of 427 BCE at Corcyra, women and slaves, usually forgotten in such narratives, slip through the crack thus opened and are fighting alongside the popular party […] Here we see women, usually confined to the house, climbing up on roofs and slaves serving as comrades in arms." *Stasis* changes the political relation between legitimate political actors but in unauthorized ways and mixtures, or it politicizes previously non-political actors like slaves. The fact that slaves as a whole or in a broad

region have rarely organized in a coherent way against their condition as slaves or the existence of slavery is essential in this regard.

This is not at all to say that there was no resistance against the master. There is evidence of resistance in every slave society. Although the literature on slavery is sparse, it is telling that the Greeks considered the obedient slave a blessing. References to slaves in literature often make use of the "lazy slave" and "disobedient slave" tropes, ready to betray their masters at the first opportunity. In Rome, the fear of slaves lashing out or attacking their masters dictated decision-making about them. For instance, one law demanded the death of everyone in the *familia* should the *paterfamilia* be murdered by a slave, in case the other slaves would learn disobedience from this act. Further, Rome, like the American South, had a system for identifying and catching fugitive slaves, which of course implies that it was a big enough problem to organize a force like this. According to Moses I. Finley,

> we have material remains of instruments devised to prevent flight, such as chains and metal collars. Slave owners did not suffer such loss of property lightly. They sought help from friends and associates, they offered rewards by public advertisement, they consulted oracles, astrologers, and dream interpreters, they appealed to the public authorities and they engaged professional 'slave-catchers' (*fugitivarii*).

Maroons, or communities of runaway slaves, seem to have also existed in the ancient world. Cicero, then the governor of Cicilia, reported in 50 BCE that the town was "inhabited by people who have never given obedience, even to kings, which is shown by the fact that they regularly receive runaway slaves." There were also tales of a slave named Drimacus, who may have lived in the 3rd century BCE, who escaped and led an organized rebellion against slave traders on the island before quickly signing a treaty allowing a certain amount of legal pilfering to prevent the uprising from spreading.

Although accounts of all these forms of resistance and rebellion exist, they were not considered by any recorded party to be the organized

interests of the slaves, or of enslaved people. For Karl Marx and Jean-Pierre Vernant, the lack of a political or even a human identity in the slave prevented the development of a class consciousness. They were "living tools" and lacked even the most basic features of commonality: they spoke different languages, came from different regions, performed wildly different tasks, were treated with varying degrees of severity and benevolence, and lived in a variety of different social environments. Is it a surprise that slaves rarely unified as a single class against a single class of slave owners? The principles of household management necessitates differentiating the treatment and management of one's tools as much as possible in order to maximize the order and welfare of the household. This functional differentiation prevents the crystallization of clear social interests. The history of household management reveals a different set of fault lines of history—not those between the classes, which, at a certain point of development, will clash (today, this seems farther than ever), but between the organization of the world by managerial practices and its failure and disruption in civil war. Frank Wilderson has argued that "from the coherence of civil society, the Black subject beckons with the incoherence of civil war." We take this to mean that for those who have been defined by their being manageable objects of a household, there exists no pre-existent set of interests, which could be presented to civil society and bartered over. Rather, their transformation gestures toward the dissolution and breakdown of the household that defines their existence itself (or lack thereof). Their actions beckon toward civil war.

Stasis means that conflict and history are asymmetrical, and have no center to take shelter in. To think of history in terms of civil war and the reactions to it is to challenge the idea that there is a determinate or legitimate political sphere from which we must begin: "What characterized the Greek faction was that, unlike the tribal kinship unit or the modern parties, they were not corporate bodies. Thus though certain factions might have been rooted in the social 'classes,' the Greek *staseis* [factions or those who participate in a *stasis*] were not parties, and it is the fluidity and the *ad-hoc* character of the Greek faction which should be stressed" (Mosche Berent). *Stasis* is persistently local. Every site, every body, and every moment contains seditious potential.

It is the breakdown of the universal into the partiality of the local. Even more than "challenging" claims of legitimacy and determination, arguing that conflict originally takes place within a civil war is to argue that those claims of legitimacy are themselves operative, that they are local acts of civil war themselves. Those who attempt to create a unified subject (the "proletariat," the "99%," "the human race") to face off against "injustice" in the state or capitalism or whatever must first neutralize the difference that exists within that subject body. Such a group must manage the visible elements of the disease internal to its identity before it can appear as such.

Our point is not that we must "integrate" all of the "oppressed categories" of people into a greater subjectivity to create some mega-democracy. Within those supposed "categories" there are always the elements that must be suppressed before the "respectable" elements can be included in majority democratic discourse. Notions of peace and stability conceal the way in which disorder and instability were suppressed and managed. Though we have invoked the problematic categories of "black," "woman," "native," and others, we do so with the understanding that in many situations these markers can bring about unauthorized contact, conflict, or reappraisals as symbolic or material forces of great power. In such matters, civil war implores one to think of all reversals simultaneously: femininity is a conflictual category with regards to patriarchal power, but it is itself subject to its own internal conflicts. If these are merely seen as inessential problems to the real ideal task at hand, the positive assertion of an identity construct (Woman) ceases to be a conflictual force and becomes a discursive tool for managing "minor" conflicts. Consensus smoothes out conflict by integrating frozen features of these symbolic groups stripped of their real functional relations.

In his book *The American Revolution: Pages From a Negro Worker's Notebook,* James Boggs captures this double erasure perfectly. Early on, he lays out the way in which the worker's organization, the union, left to circle around itself and closed to its own history, eventually became more interested in its own self-preservation through managing factory life than in subverting it. Boggs offers a wonderful exposition of black

history up to the radicalism in the 60s that sacrifices nothing—he emphasizes that the "Negro question" is not merely a "race issue" but includes "class, race, and nation." "The working class has from the very beginning been divided" he states, and in so doing prevents the subordination of the race question to the class question, or vice-versa. It is not so simple that one could claim race was invented to divide the working class without questioning the existence of some pre-existing independent body like "the working class." "The working class" is defined primarily by economic capacity and status. It is comprised of those who sell their labor. But in America, the division has existed since African slaves arrived on shore. Were African slaves ever a part of the "working class," if their economic status was and forever has been fundamentally different from the masses of white wage workers since that arrival? For that matter, were those who participated in waged labor not fundamentally different from those who came as indentured servants? If so, then it is not correct to say that the primordial "working class" was divided by the capitalist class, but rather that the concept of "working class" attempts to unify groups who were already separate from one another. If, as Boggs states, the American nation acquired its wealth on "the backs of the Negroes," then the situation confronting black people in America (even from this limited economic angle) is unique and must be dealt with as such. In other words, Boggs asserts that there is no "race question" in general, nor a "class question," rather, it is a matter of how race and class have functioned historically and how they have taken on their own lives.

Boggs' account of the radicalism of the 60s illustrates how consistently including conflicts and divisions allows one to avoid hypostatization and fictional centers. It is necessary to quote at length to capture the symphonic quality of his writing:

> The sit-in movement started, astonishing Negroes who had migrated North in the belief that Southern Negroes would never rise up and fight for their rights […] Unlike any previous Negro movement, it aimed at creating the issue, provoking it […] Their movement created pandemonium

in the whole apparatus of the Southern courts—local courts, appeals courts, and federal courts contradicted each other right and left, often in the presence of hundreds of Negroes who jammed the court-rooms. As the movement enlisted support and participation from thousands of white students on Southern and Northern campuses, pandemonium also began to be created in the relations of these youths to their parents. In 1961 the movement took on national scope with mixed groups of Freedom Riders converging on Deep South cities from both North and South […] Negro youth employed the non-violent tactics that had been evolved by Martin Luther King in the Montgomery boycott. These tactics were extremely effective insofar as they enabled the youth to take the initiative in a disciplined manner, achieve cooperation between white and Negro youth, and dramatize the realities of Southern justice […] the Black Muslims began to consolidate and multiply, attracting to their ranks hundreds of thousands of the lowest layers of Negro workers—domestic servants, the unemployed made expendable by automation, and outcasts from society in the prisons and hospitals. Through the militant black nationalist philosophy of the Muslims, these Negroes are now being rehabilitated and their social personalities liberated, but not for integration into this society […]

The only party he really denigrates in this situation is the NAACP, which, according to Boggs, has "at this stage of the struggle has been by-passed by harsh realities […] [just] like the union." Boggs refuses to choose one group in which to invest his hopes and desires at the expense of the rest. But he goes even further than that.

There are others, like Malcolm X, for example, who recognize that there is difference, but ultimately argue that the movement "needs unity." Often, there are calls to forget "petty differences" and to "come together when it really counts." Of course, who decides "when it really

counts" and what is "petty" depends on your idea of who is ultimately correct, and thus erases difference by framing it in terms of truth and falsity. By making it a matter of the true and false, the party means to assert that they have reached their conclusions emotionlessly (or with the exact right amount of passion, and only the right ones), objectively, and rationally, unlike those who act otherwise. The boycotters may have said that the rioters were divisive and ruining the unity, while a Marxist might have said the students did not have the correct ideology and thus were standing in the way of unification. Boggs refuses that kind of unity. He begins a wonderful passage by noting that "[a] ntagonisms among Negroes themselves have grown as debate and disagreement have sharpened over methods of struggle." He does not see this as an inherently bad thing. He believes that these antagonisms should in no way be reduced to the needs of false democratic unity, but instead says that "Negroes have begun to realize that they will also have to fight Negroes before they win their freedom." He concludes the piece by assuring the reader that for power to continue to grow, "It will be necessary for the many not only to fight the powerful few but to fight and clash among themselves as well." Taking a cue from Boggs, we believe that every great majority inclusion of women, black people, or homosexuals that makes the setting aside of differences the basis of its inclusion requires first that one get rid of or isolate anyone who challenges the function of the democratic consensus itself, or who only understands a way of life that involves another way of speaking or acting. By saying so, we in no way intend to claim that admitting of civil war means denying the existence of patriarchal power or racism, it merely means that we must historicize and treat them *as powers*, as processes and physical restructuring projects that accompany every democratic movement big or small. The challenging of such powers does not come from one homogenous block, but from heterogeneous understandings, groupings, and styles which do and will continue to come in conflict with one another.

Civil

warfare…

"I am entering on a work full of disasters, terrible in its battles, riven by seditions, in which even peace was savage.*"*

Tacitus

"Only that which has no history can be defined."

Friedrich Nietzsche

On March 30th 2016, the Hennepin County Attorney Mike Freeman announced that no charges would be brought against the Minneapolis police officers responsible for the death of Jamar Clark, the 24-year-old black resident of Minneapolis' Northside shot by the officers in November 2015. A group marched that evening to a rally at sundown at the downtown government center. Towards the end, after a round of chants ("hey hey ho ho, these racist cops have got to go!"), a man in a white t-shirt stepped up to the mic, waited stoically for the chanting to end, and started his speech by saying "This is civil warfare" to tepid approval from a minority of the crowd, and went on to say "I'm from the hood. When this is done I have to go back [home]. What's necessary is to fight." He ended his short speech by claiming that "Between the ages of 12 and 24, we're not fighting with [guns or fists] but with [our minds]." Many took this to be essentially

a statement about education reform, and the majority of the crowd thus felt comfortable clapping affirmatively, having qualified his earlier statement in this light. We aren't satisfied with that sole interpretation. Soon after him, a man identifying himself as an organizer with a local non-profit organization told us that if we want "to change this city, to change this country, to dismantle white supremacy, you are revolutionaries" and led the crowd in a gesture mirroring Fred Hampton's: everyone raised their fist and chanted after him, "I am a revolutionary."

This isn't the first time that this opposition between civil war and revolution has appeared in a time of heightened struggle. The American historian David Ramsay wrote in the late 1780s that the American Revolution was "originally a civil war in the estimation of both parties." Edmund Burke once characterized the "Glorious Revolution" as a civil war. According to Reinhart Koselleck the term civil war had, by the eighteenth century, "acquired the meaning of a senseless circling upon itself, with respect to which Revolution sought to open up a new Vista." Both Marx and Lenin opposed civil war and revolution to one another in this way. Marx claimed that he had traced the development of the proletariat "through civil war up to that point where war breaks out into open revolution," and Lenin remarked "civil wars […] in every class society are the natural, and under certain conditions, inevitable continuation, development and intensification of the class struggle. That has been confirmed by every great revolution."

Are we fighting a civil war or fighting for a revolution? Perhaps the difference is semantic. It seems to be common strategic intelligence that these two terms are related, but both the Left and the Right have generally favored "revolution" at the expense of "civil war." Interesting, though, that "revolution" is scarcely more than two centuries old, whereas "civil war" has been in continuous use for over two millennia. It also seems that the "revolutionary" idea emerged directly out from discourse on "civil war," and that, when "revolution" first appeared, it was hardly distinguishable from "civil war." What is "revolution" supposed to describe that "civil war" could not? How is "revolution" pitted against "civil war?" We want to know if and how these two

conceptions have appeared beside, together, or against one another to see if there is indeed a difference and what its significance might be. Above all, it is essential that we read "civil war" in the both the way it is used and the way *is not used* in order to grasp its importance.

From here on out, we will abandon the word *stasis* in favor of the more familiar *civil war,* except in direct reference to Athens. Although we've used, and will continue to use "civil war" as a translation of *"stasis,"* we do so carefully because they are not strictly the same. First of all, the concept of "civil war" emerges more specifically as a technical concept within the the Roman legal tradition, which also forms the historical basis of the European and American legal tradition in general. The main difference between the two terms lies in the fact that *civile, citizen,* is a legal category, while the factions involved in *stasis* could be composed of anyone who resided in the city: man, woman, or slave. The Romans split the more general *stasis* into the "social wars," wars against allies; the "servile wars," wars against slaves, like the one against Spartacus; and finally, "civil wars." But *"bellum civile,"* or *civil war*—like *stasis*—is, like the event it describes, internally conflictual, maybe even paradoxical. According to Roman law, *bellum, war,* is waged by the citizens against the *hostis, the hostile enemy,* which is, by legal definition, the outsider and non-citizen. Who are the "opponents" in a civil war? Fellow-citizens. But according to Roman law, only the just war against the outsider is "true" war. A just war cannot legally be a war against other citizens.

Civil war thus explodes and collapses the inside *(civile)* and the projected outside *(hostis)* of Roman legal categories, just as *stasis* scrambles the inside and outside of the organization of the city and the home: "*Bellum civile* was a deliberately paradoxical expression of revulsion against the idea of formal hostilities between members of the same *civitas* and a recognition that such warfare destroyed civility itself" (David Armitage). In *City of God,* St. Augustine captures the ambiguity of the term when he characterizes the civil wars of Rome's history as "civil, or uncivil, discords." When we use *civil war,* we use it in precisely this sense: not as a war between truly internally bound "citizens," but as the matrix of conflict that destabilizes that concept

from the get-go. Just as *stasis* represents the division in the heart of the city, the impossibility of subsuming the parts into the whole, "civil war" turns out to be equally "uncivil war."

We've discussed above how *stasis* never disappeared from the political in Greece and how it was, in fact, considered the basis of politics itself and the principle around which Greek political thought organized itself. The concept of "civil war," on the other hand, seems at first glance to be entirely exceptional to the "normal" state of things, where internally peaceful citizens wage war against hostile outsiders and foreigners. If this were true, then our analysis of *stasis* would be nothing more than a curiosity to be wondered at from the peaks of our peacefully contained and stable civilization. But all the evidence points to the contrary. In contrast to "just wars" against the *hostis,* which the Romans considered s temporal and episodic outside conflicts, tumults and seditions were considered as the temporal chapters of an underlying civil war that had no beginning or end. *Civil war, not peace, is the "normal" state of things, which episodic, temporal or explosive battles are the exceptions to.* To be civilized at all means to be prone to civil war. In his poem, *The Civil War,* Lucan lamented, "These sufferings await, again to be endured, this will be the sequence/of the warfare, this will be the outcome fixed for civil strife." the historians Appian, Tacitus, Florian, and Plutarch all wrote histories in the first century that, in a language familiar to us now, "diagnosed civil war as the city's seemingly unshakeable curse, and prescribed remedies for the disease or condemned its victims" (David Armitage). Tacitus' remark above is of tantamount importance here: the city is rife with a kind of conflict where "even peace was savage." It is not the case that civic battles are constantly occurring in the city, but rather that the potential for battles and strife is considered as unavoidable, since being a citizen means being prone to civil war. Because civil war is a constant threat among citizens, even peacetime must be understood within its framework.

Consider also that, in the ancient world, the brother was considered to be the paradigm for the citizen. So much so that they could be used as stand-ins for one another. To be a citizen (always male) was like accepting someone as your brother and to be brothers meant

to live in civil relations with someone. Thus, it should not be surprising that fratricide, the murder of the brother, could have been, and was, used as a synonym for civil war. Reconsider now the founding myth of Rome that holds that Romulus and Remus, two shepherd brothers raised by a she-wolf, left the land of Numitor to found their own city. They each received supernatural signs that they should be the one to found the city. Romulus, believing his sign to be superior, dug a trench and built a wall, the ritualistic founding of a city, and Remus jumped over it, the ultimate transgression. Romulus murdered his brother to found the city of Rome.

Roman historical thought was *only* able to think civil war and its prevention. Civil war preceded its founding, threatened its unity throughout its existence, and eventually tore it apart. It would be wrong to say that Rome ever "fell" after the Gothic sack or the split into Eastern and Western halves; it never "stood" without standing against itself. It would be more accurate to say that the breakdowns that proliferated in the ever-expanding Roman civil war diffused and rooted themselves throughout Europe.

The theme also survives in the Medieval theological tradition, which, from the fall of the Roman Empire to the Reformation and the Enlightenment, took over the "government of man" to varying degrees. Religious thought, in this period, is applied analogously as political measure, whether as pastoral, confession, or conquest. We will analyze later how ontology is coextensive with the political, and thus implicitly how the "religious wars" of the medieval period were nothing other than civil war. One doesn't need to look to far to see evidence of rupture and conflict in medieval Christianity. Gregory of Nazianzus, the archbishop of Constantinople, said quite bluntly that "the One is always in revolt *[stasis]* against itself." Thomas Münzer, the revolutionary prophet declared war on the heathens and demanded that "[a]ll property should be held in common and should be distributed to each according to his needs […] Any prince, count, or lord who did not want to do this, after first being warned about it, should be beheaded or hanged." For those who offer the Judeo-Christian tradition of law as revelation and transcendence as a counterexample, we recommend they look back to

Exodus 32 where Moses, the first "political leader" of the Hebrews, sets Israel against its own divided unity before he can begin his role as a legislator: "Thus says the Lord God of Israel, 'Put your sword on your side […] go […] throughout the camp, and each of you kill his brother and his companion and his neighbor' […] And that day about three thousand men of the people fell. And Moses said 'Today you have been ordained for the service of the Lord.'" Even the stable and eternally self-same seeming theocratic civil unions must first annihilate the heresies that make its own internal division visible. This is just as clear with Moses and the Hebrews above as it is with the Roman Christians and Arian in the 4th century. For now, though, we are interested in how civil war was understood in the "early modern" period, the period of secularization (or the era of the formation of the "state"), and in the period of the formation of the United States.

This understanding of civil war as existentially underlying "civility" and "civilization" was transmitted basically unchanged through the Western political tradition up to the eighteenth century and beyond. Algernon Sydney, a member of the Long Parliament and English colonel in the 17th century, whose *Discourses on Government* were a major influence on the American revolutionaries, wrote that "'Tis in vain to seek a Government in all points free from a possibility of Civil Wars, Tumults, and Seditions." Sir Robert Filmer, a stern monarchist also writing in the late 17th century, was a natural opponent for Sydney. Desirous of an ostensibly opposite social order to Sydney's republican commonwealth, he nevertheless desired the same basic outcome, when "Civil Contentions at last [settle] into a Monarchy." Sydney's primary point of contention with such a worldview was that "Popular Governments are less subject to Civil Disorders than Monarchies; manage them more ably, and more easily recover out of them." Thomas Paine shared this sentiment in *Common Sense,* where he furiously refuted the monarchical position on the basis of its claim "that it preserves a Nation from civil wars; and were this true, it would be weighty; whereas, it is the most barefaced falsity ever imposed upon mankind." Politicians, especially in a period of founding, aren't so much concerned about whose platform or program could create peace

as much as whose program could most effectively prevent or manage civil war.

The American Revolution, as we pointed out above, was originally referred to as a "civil war," and was often referred to in that way long afterwards. One of the most direct and influential conversations about civil war in the revolutionary period took place in the Federalist Papers. In the 10th Federalist Paper, Madison describes how the new American style of government would prove exemplary in preventing the dangers of "faction," which, let us remind you, is one of the possible translations of *stasis*. "Faction" is a curious word, stemming from a Latin word, *factio*, that can also denote a group of organized charioteers. If we understand it as it is commonly understood, as an organized interest group, then there is nothing particularly interesting about it. Madison wasn't concerned with that kind of faction. For him, a faction was a "group of citizens […] who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community." These factions could be said to be "a multitude of subjects gathered together either by mutual contracts among themselves, or by power of someone, without his or their authority who bear the supreme rule. A faction, therefore, is as it were, a city in a city […]" (Thomas Hobbes). To say "there are factions in our commonwealth" is coextensive with civil war because the faction represents a "multitude of subjects" or, in Madison's words, "a group of citizens" who, nevertheless, form a "city in a city." If the citizen can form a city inside the city, faction introduces a fault—a conflict—in the heart of the most fundamental unit of political consensus. In other words, it functions in the same way as *stasis* or civil war in marking the limit of civility and incivility, exposing consensus to that which it rejects in even its most basic unities.

With that in mind, it becomes much more significant that the American Constitution, as it was discussed in the Federalist Papers, was in fact a "constitution against parties" (Richard Hofstadter). The Constitution was not the foundational text of a political body, but a document of war codifying techniques of civil war already being practiced by the Founding Fathers. Indeed, Madison knew that civil

war has no beginning nor end, and so, since "the causes of faction cannot be removed, […] the relief is only to be sought in the means of controlling its effects." He believed, as did the political thinkers before and after him, that "Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction." Hamilton expressed similar views in the 9th Federalist Paper, entitled "The Union as a Safeguard against Domestic Faction and Insurrection" when describing the life of previous republics: "If now and then intervals of felicity open to view, we behold them with a mixture of regret, arising from the reflection that the pleasing scenes before us are soon to be overwhelmed by the tempestuous waves of sedition and party rage." The "science of politics," which is made up of "The regular distribution of power into distinct departments, the introduction of legislative balances and checks, the institution of courts composed of judges holding their offices during good behavior, the representation of the people in the legislature by deputies of their own election" were created explicitly to "suppress faction and guard the internal tranquility of States."

But one need look no further than as exalted a document as the Declaration of Independence, in which one of the complaints leveled against George III was that, "He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions." The United States did not "have a civil war." The United States was conceived as a coordinated response to control the effects and possibility of civil war.

Hobbes' conception of civil society's relation to war appears to be an exception to this bracketing of war. Hobbes is undoubtedly the greatest theorist of the "state," but he's also responsible for modern confusion around the term. He's the greatest stumbling block to understanding what Madison and Hamilton were trying to formulate. Let's suppose there are two Hobbes. The one we are familiar with is the legal-minded, logically formal Hobbes who claimed that life outside

the civil commonwealth was "nasty, brutish, and short." This is the Hobbes who sought comfort and peace, who said that by giving up your "natural right" to kill your neighbor, you will receive safety in the commonwealth: "It is manifest that during that time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man […] All other time is peace" (Thomas Hobbes). This Hobbes is credited with having created the clearest exposition of the central legal myth of the "state" and the one that gives it its apparent substance: wherever there is war, there is no civil society; where there is civil society, there is no war. The problem is that the war he described of "each against each" is purely abstract, and he knew it. It's a mythological stand-in for a legal lacuna he was desperate to fill.

Since the amnesty of 403 BCE, it has been the common intelligence of historians and statesmen to separate war and law, to form a law of exclusion between the two. By doing so, they can assert the objective existence of the state. Hobbes certainly produces such an exclusion when he makes the "war of each against each" the "natural" state of man outside the state's jurisdiction or "civil society." *Stasis*, or civil war, makes such an exclusion impossible. One cannot put an end to civil war because civil war is not a temporal event, but a permanent existential potential inherent to politics itself. Civil war problematizes the relationship of exclusion that separates war and the state and reveals this relation to be not one of exclusion, but one of the interplay of force. Because civil war is common to all, it is the very basis upon which one may determine their role as a political being. This is the meaning of Solon's law. In other words, the "law" is merely one more way of continuing the conflict of civil war. It does not do away with it, but reinscribes and practices it in new ways. What is interesting about democratic discourse is the way in which it practices civil war through the erasure of the very thing it derives its substance from. So often does it practice civil war, we could say that, today, the most common act of civil warfare is to deny it exists in "peacetime" while concurrently naming only the most atrocious outbreaks of violence "civil war."

Both "constituent power" and, more generally, the "power of naming" need to be called into question. Reading *stasis* and civil war back into history means asking "how is power constituted and by whom, if it is constituted in the context of civil war?" Hobbes, for instance, needed to transform the variety of contentious parties into one single mass of selfish individuals. His goal was to normalize power relations into a logically simple and timeless hierarchy. The reason for this is simple: he'd been witness to the Civil War in England ten years previous, and he was no idle spectator. Hobbes wrote his *Leviathan* while hiding in France. Hobbes was a Royalist, obviously, and feared that he would meet his death at the hands of his political rivals. The great political tract of the "state," of the "natural rights of man," and of the "social contract" was written by a partisan in the midst of civil war, a desperate man afraid for his life. Similarly, Machiavelli, who is credited with having introduced the word "state" into the modern political lexicon, wrote *The Prince* in response to the tumults of the 1490s in Florence, the rise and fall of Savonarola, and the wars of the city-states. As for Bodin, the "founder of modern public law," his theory of sovereignty in the *Six Books of the Commonwealth* was written in response to the St Bartholomew's Day Massacre, and was, "like the state it defined, a product of creedal civil war" *(*Carl Schmitt).

Even in the internal discourse supposedly pertaining to the "state," most perfectly exemplified by Hobbes, its activity appears as nothing other than a *reaction*, as a *network of responses* to what is perceived to be manageable in civil war. Hobbes' strategy of referring to the state as an "artificial man" should be seen in the light of the political discourse of disease. Referring to the state as a machine is an attempt to escape the decomposition of the state as a body, to outlive its own disease and partiality in appearance. The logical formality and simplicity of the formula "State=Peace; Outside=War" was meant to exclude the real complexities of the situation he himself was involved in.

If the war of each against each is a myth, then so is the state that is said to exclude it. We must dispense with the idea that there could be a theory of the state that is not also a weapon of a party

in civil war. What we call the "state" is a network of locally effective administrative powers managing the variable appearances and effects of civil war. In other words, the only truth of the state lies in its policing networks, local preventative measures, and architectural strategies in the metropolis. The discourse on "the state" is merely an attempt to make the semblance of order outlive its own procedures. This is not to say there has not been something like a *centralization,* but it has only been able to be just that, a process of centralizing. To say "centralized state" makes it seem as if such a process could be actually done and finished. We lose sight of the process when we try too hard to define something. Too many words have been wasted on trying to decide what the "state" is, who is a part of it, why it "emerged." Such questions imply that something like the "state" self-evidently has its own independent and ahistorical reality. "Maybe, after all," Foucault wrote, "the state is no more than a composite reality and a mythologized abstraction, whose importance is a lot more limited than many of us think." The real question for us is this: how do the actors of the so-called state fulfill their duties, i.e. within what infrastructural networks, with what discursive tools, and with the force of which weapons?

Global civil

warfare…

OVER THE COURSE OF THE EMPIRE'S EXPANSION, Rome's "civil wars" came to include the previously separate social and servile wars within its ever-increasing horizon. As Rome conquered more territory and expanded its legal definition of "citizen," offering civilian or partial civilian status to increasingly large groups of people, the boundary between the "hostile enemy" and the "potentially seditious citizen" tended to fade. The cosmopolitan dream of the Roman Empire was in this way the basis for what was increasingly becoming a global civil war in the eyes of many. Wars that previously would have been qualified as social wars against an ally or foreign wars against the *hostis* increasingly came within the conceptual confine of civil war. The virulent and vicious anti-foreigner sentiment that arose in the 4th century CE was a last-ditch attempt to save a central Roman identity that had already completely collapsed, where citizens with "barbarian blood" were already leaders in the military and even emperors. As the Roman Empire crumbled and Christianity, which offered the prospect of the universal citizenship the Romans always dreamed of, diffused itself throughout Europe and the Near East, the concept of "citizen" drew an even wider circle around the world, as did the possibility of civil war. By the late 16th century, the Spanish jurist Fernando Vázquez de Menchaca could argue that because no one shall take prizes in a civil war, as they are unjust, no prizes are to be taken in any war among Christians, since

they are all civil wars. In 1758, Vattel explicitly formulated the dream of cosmopolitanism, and, implicitly, the cosmopolitan's nightmare of civil war. He wrote, "A profound peace would prevail over all over the earth, and enrich it with its invaluable fruits; industry, the sciences, and the arts, would be employed in promoting our happiness, no less than in relieving our wants; violent methods of deciding contests would be no more heard of: all differences would be terminated by moderation, justice, and equity; the world would have the appearance of a large republic; men would live everywhere like brothers, and each individual be a citizen of the universe." What does it mean when such men disagree? When they battle or separate, when difference persists? As Montesquieu assures us, "no kingdom has ever had as many civil wars as the kingdom of Christ."

Just a few years after Vattel, Napoleon called Europe a "province" of the world and declared that, "When we battle, we engage in nothing more than civil war." Kant, the figurehead of secular cosmopolitanism, asked in an essay whether "perpetual peace" might be achieved by a universal unifying humanism. It seems he answered his own question by calling his essay "Toward Perpetual Peace," a name which he took from an ironic tavern sign depicting a graveyard. By the 20th century, these cosmopolitan concepts would become so grand and universal that Kennedy could call the Cold War a "global civil war that has divided mankind," and the director of UNESCO could say on United Nations Day in 1949 that "all wars are civil wars: all battles are battles between citizens, nay more, between brothers." It's interesting to note that the first person to use "cosmopolitan" was Diogenes, the Cynic. When citizens confronted him and told him that his behavior and words—which included stripping naked and insulting the famous men of the day in public—were disturbing the other citizens, his answer was that he was a cosmopolitan. The association of that word with notions of "universal peace" and "egalitarianism" would have been completely foreign to Diogenes. Instead, he meant "I don't have to follow your laws, for I am only a citizen of the universe, and not of your city." Cosmopolitan was an insult to the notion of civility, not its universalization.

The paradox of increasing universalism is that the outbreak of conflict, when it does occur, appears more and more like the outbreak of an irrationality or a sickness. The horror of all this is that the Good Pacifist West, or the Enlightened Leadership, or the Rational Democrats then appear as surgeons removing infected parts of the body, as a purifier of all that causes breakdown and disease. When being a "citizen" coincides with being human in general, irreconcilable differences between people can only appear as a disease to be purged from civil society. The same Vattel who looked ahead to the "profound peace" that "would prevail all over the earth" made it clear that "unjust plunderers […] are monsters, unworthy of the name of men. They should be regarded as enemies of the human species […] Other nations are justified in uniting together as a body with the object of punishing, and even of exterminating, such savage peoples." This is clear in the "global war on terror," which is nothing other than a global civil war in which internal breakdown is reconstituted as fanaticism and blind hatred from a "sick" part of world society.

This isn't just a conceptual shift. Traditional war between states has all but disappeared. In the former international law among European states, two sovereigns declare war and fight as equals. Legally, civil war remained the most unstable of all conceptions of war, and took on a variety of forms during the era of just war. This is because, as we've shown, it is within its matrix that the others acquire their meaning. Civil war is always thought as a "special case." This is true, but only insofar as it is this "special case" that situates the possibility of a "normal case."

Beginning in the 16th century, legal scholars began to shift the emphasis away from individual belligerents and onto recognized sovereigns and specialized militaries. The rules of warfare began increasingly to disregard the "lawful cause of war" and began to center in on the "lawful enemy." Vattel again most clearly laid out the boundaries of "war in due form" or "just war:" "War in due form must be viewed, in its effects, as just by both sides." This is what Carl Schmitt has referred to as the "containment of war" or its "bracketing." What exactly is it containing or "bracketing?" Civil war, of course, or

the possibility that there is no center in a war; that war, by its very nature, displaces any posited center. The war against the outsider is a reconfiguration of the war raging on a plane with no inside or outside and is thus simultaneously the production of the stable inside. In response to this uncomfortable reality, Vattel and Grotius created the awkward construct "unjust war" to describe any form of conflict undertaken by "brigands," "robbers," and "pirates" as Grotius calls them in *On the Law of War and Peace.* In reality, the just war between equally contained sovereigns, strived after by Vattel, by Grotius, and by the Catholic Holy See, was always in the minority as far as European conflict was concerned, and, as such, was the exception to civil war.

Because of its inherent instability, civil war has been semantically used as a justification for asymmetrical practices of war, ignoring or subverting international standards of conducting war, or as a way to exempt oneself from a conflict altogether, as if calling a conflict a "civil war" means "that is their problem." The last time the U.S. officially declared war was during World War II. A variety of legal and extralegal means have been used to justify force since then. More generally, since 1989, 115 of the world's 122 wars have been considered internal wars, and, after the Gulf War in 2003, every conflict has been called a "civil war" by one party or another, which is not to say that international powers were not involved. Rather, to say our situation is a global civil war means that the fragile framework of traditional nation-state warfare, which actually had a short life, has collapsed back into the matrix of conflict with no center and no basis of legitimation, where even legal declarations and conceptual frameworks are merely weapons in a wider field of conflict. The recurrence and re-emergence of the concept civil war means the re-emergence of the unstable asymmetrical conflict that underlay traditional warfare. The difference between peace and war, and between police and military are finally collapsing back in on each other.

The U.S. now treats its enemies as criminals to be reprimanded. For the U.S. and Europe, war appears as a global peacekeeping mission, where the Western powers act as a universal police officer. This was spelled out by the shift in the National Defense Strategy from "long

war" to "global war on terror." In the midst of the "war on drugs" and the "war on terror"—where the divisions between "internal" and "external," inter-state and intra-state, are entirely blurred—it is obvious that global civil war is becoming a legal reality throughout the world, and yet we are still far from understanding it as such.

And then there are the ways in which civil war is not said.
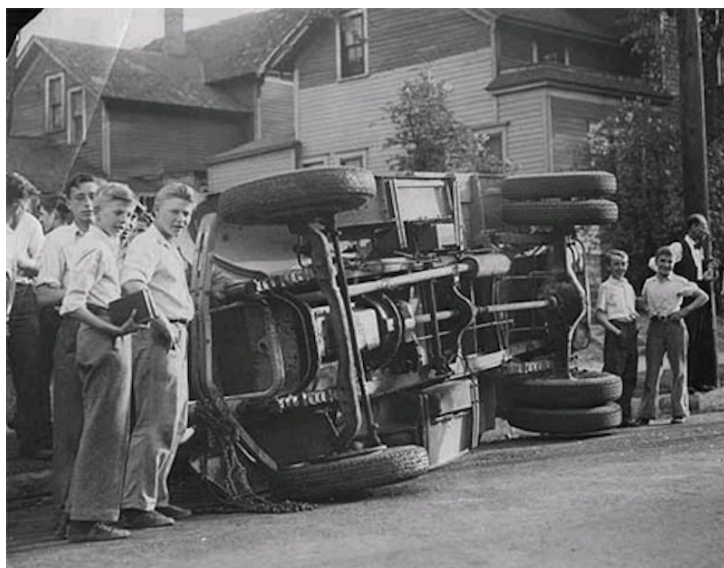
Martial Law, Minneapolis, July 1934

…**or**

revolution?

WHAT COMES OUT OF NAMING SOMETHING a "revolution" instead of a "civil war?" Let's take Hannah Arendt at her word that revolutions "have little in common with *stasis,*" or with "civil strife." If there's anything immediately unique about the discourse around revolution, it's the constant characterization of revolution as a form of change concerned with "beginning," constitution, and constituent power. "[E]very revolution," wrote François Furet, "has tended to perceive itself as an absolute beginning, as ground zero of history." Let us also consider the idea that, in Condorcet's words, "the word 'revolutionary' can be applied only to revolutions whose aim is freedom." If it is true that "only where this pathos of novelty is present and where novelty is connected with the idea of freedom are we entitled to speak of revolution," then we must ask: of what nature is this "newness" (Hannah Arendt)? What sort of "freedom" is promised by the revolution and by whom?

The origins of the modern concept of "revolution" may seem surprising at first. It was originally only used in the astronomical sense, which we still use today, as the lawful and irresistible movement of stars. It indicated a cyclical movement, and neither something new nor liberating. Its first "political" usage in the 17th century in England in fact still retained this metaphoric content as it described the moment the Stuarts were exiled and sovereignty was restored to the monarchy.

In addition, there was no clear and simple transition to the modern meaning of "freedom in novelty." Arendt wrote, "The revolutions of the seventeenth and eighteenth centuries, which to us appear to show all evidence of a new spirit, the spirit of the modern age, were intended to be restorations." Indeed, at one point, Paine was actually able to refer to the French and American revolutions as "counter-revolutions" because they had reached that point where they discovered that a "revolution"—that is, a "restoration"—would be impossible and that they must embark on something new. And so the revolutionaries became partisans of the new and revolution-as-nature succumbed to revolution-as-will.

The original meanings of the word were carried into the modern era with the French and American revolutions in a mutated but fundamental fashion: the revolutionaries no longer believed that they were reviving some greater order of a family or a king from times passed, but the basic and universal rights of man. Even in the infant conceptions of revolutionaries, the "revolution," which had just been created, was inevitable and as irresistible as the movement of the stars. It's easy to get caught up in the dazzling logic and metaphors of revolution. But can we truly apply the title "revolutionary" to the Sons of Liberty without acknowledging that this "inevitable revival" appeared as one way of speaking in a much wider context? With that said, we can also ask the questions: what does calling something a "revolution" do? How does it reframe memory? Whom does it serve? Whose "universal rights" are they restoring, and what is the condition of the production of such rights? Who are the forgotten children of the Revolution?

What if the American "revolutionaries" were trying to control something more powerful and more dangerous than the Revolution as we've come to know it? If you read contemporary works of the Founding Fathers and revolutionaries, one finds them all in agreement that they had unwittingly unleashed a dangerous force of rebellion that threatened to destabilize and destroy more than just the authority of the king by furthering the instability of colonial authority with their resistance to the Stamp Act. Slave revolts, urban insurrections, and a general mood of rebellion were threats to authority in general. Benjamin

Franklin, in a letter to Charles Carroll, held that their "present danger seems to be a *defect of obedience* in the subjects." This sentiment was shared equally by the opposition. The loyalist Peter Oliver, for example, said that "[t]he *Hydra* was roused. Every factious Mouth vomited out curses against *Great Britain."* For any party concerned with a program based on unities or consensus models, the revolutionary era was a dangerous era. A detailed and expanded account of the civil war that we regularly call the American Revolution is outside the scope of this text. This is not the space to undertake a minute exposition of the Whiskey Rebellion, slave insurrections, frontier wars, or urban riots. We are concerned with exposing revolutionary discourse to what it rejects—to the visible elements of civil war. By doing so, we clear a path toward an empirical history of our capacities.

In *The Many-Headed Hydra,* Peter Linebaugh and Marcus Rediker outline some of the major points of conflict in the 18th century that so terrified the American revolutionaries. The sailors were extremely important in the New World. They transported goods, slaves, and colonists between the Old World, Africa, and the New World. They were also a motley sort of the lowest classes and spoke a variety of languages. Sailors presented two major threats: piracy and mutiny. Pirates attacked merchant ships, stole property, and challenged the hegemony of the seas. Mutiny manifested in riots on both sides of the Atlantic, where the authorities were faced with the horrific possibility that they would join with the local disaffected populations against them, as happened in the insurrectionary plot of 1741 in New York. On St. Patrick's Day, the main military installment of the city was set alight, marking the first of many fires to burn in the next few weeks. The plot was organized in a tavern by a mixed group of "soldiers, sailors, and slaves from Ireland, the Caribbean, and Africa," a typically dangerous mix for the authorities at this time. Sailors had also led a series of riots against impressment (the practice of forcing men to serve in the military) in North America beginning in the 1740s. In Boston, there were riots in 1741, 1742, and 1745, destroying and burning the pressmen's ships, and beating the sheriffs, press gangs, and magistrates who opposed them. Most horrifying of all were the slave insurrections,

the most recent of which began in 1760s Jamaica with Tacky's Revolt. Slaves were considered inhuman. When they banded together—or, worse, joined sailors or indentured servants—to fight against their masters, the world seemed to be turning on its head.

Tom Paine feared the "risings of the people" that could conclude in a coordinated attack from the sailors in the city, the African slave revolts, and Native resistance at the frontier. In this new land being torn apart by slave revolts and urban rebellions (both of which created new opportunities for elective activity between blacks, immigrant laborers, and Natives), the civic codes of the new country were being undermined in profound ways. Thus, it isn't surprising that, by the 1770s, the revolutionary elite began to worry that they had an uncontrollable monster on their hands. The first act of American revolutionary discourse was to set it apart from the unrest that came before. In this case they say: forget the slave revolts and the urban insurrections of the 1740s and 50s, this movement is new and unstoppable. It is significant in this regard that John Adams proposed Hercules, the subduer of monsters, as the symbol for this new forward-reaching America. They wanted the Revolution, they just didn't want the sailors, women, or blacks to be a part of it. As America trotted blindly forth, it would crush any bulwarks in its path.

Once again, the democrats—now "revolutionaries"—did their best to erase any threats to their identity. These democrats of the New World, at the birth of a new nation, surrounded by drunks, blacks, and savages, felt that everyone around them was in need of management. Their new scientific rationale explaining the naturality of their need for control had an authority and social stature the Athenian democrats couldn't have possibly imagined. Once things got out of hand, these founding fathers couldn't just decree a ban on the Revolution. It would have to be a many-sided attack on memory. The narratives preserved from this period are merely the products of this attack.

Present at all the famous revolutionary protests beloved in our civic memory were violent mobs consisting of "Sailors, boys, and Negroes" who "repeatedly manhandled captains, officers, and crews, threatened their lives, and held them hostage for the men they pressed"

(Captain Jeremiah Morgan). Mobs were present at the protests in the 1760-70s against the Stamp Act, the Quartering Act, the Townshend Revenue Act, the Tea Act, and the Intolerable Acts. Riots and mob action were an integral part to the destabilization of British power in the colonies. Paul Revere participated in riots against the Stamp Act, and Samuel Adams was present at the Knowles Riots in 1747 when a crowd of thousands opposed the press gangs in Boston. Afterwards, he would cease writing that the "rights of Englishmen" needed to be defended to saying that the mob represents "the fundamental rights of man against which government itself could be judged," and argued for taking direct, violent action against an unjust government. This line about the "fundamental rights of man" would eventually find its way into Paine's *The Rights of Man,* and Jefferson's *Declaration of Independence.* One of the central tenets of American democratic discourse came from the rabble. In short time, it would be used against them by the Patriots and Revolutionaries who exploited their activities.

Paul Revere removed all the black faces from his engraving of the Boston Massacre. Adams, desperate to separate the new movement from anything tainted by the presence of blacks in revolt, went so far as to defend redcoats after the Boston Massacre, telling the court that the face of the black leader Crispus Attucks "would be enough to terrify any person." Paine and Adams, who both argued, as we have shown, for the necessity and righteousness of the riots, turned against rioters in the late 1770s and 80s. Adams, for example, helped write the Massachusetts's Riot Act of 1786, which suspended *habeas corpus,* allowing authorities to jail rioters without trial in a bid to control the insurgents of Shay's Rebellion. The Sons of Liberty, the anti-Stamp Act and colonists' rights group, came into existence in an express attempt to control and limit the new practice of rioting against the "threatened anarchy" it signaled as they "attempted to restrain the crowd and issued statements urging less misconduct" (Paul A. Gilje). Paine argued, for instance, that safeguards must be put in place lest "some Massenello may hereafter arise, who laying hold of popular disquietudes, may collect together the desperate and the discontented," i.e. the sailors,

urban workers, African slaves, and natives. Let no one say that protest marshals are a new phenomenon.

All of the Founding Fathers sought particularly and in various ways to exclude slaves and blacks from the new revolutionary coalition. There was a deep and widespread fear of slave revolts among the colonists. According to Edward Rutledge, a leader of the South Carolina Patriots, the British strategy of arming free slaves tended "more effectively to work an eternal separation between Great Britain and the colonies than any other expedient could possibly be thought of." This is unsurprising since a cycle of slave revolts shook the colonial powers just before the revolutionary period, taking advantage of the breakdown and instability of the imperial and colonial powers in the period of urban anti-impressment and stamp act riots: slave revolts occurred in Alexandria, Virginia in 1767; Perth Amboy, New Jersey in 1772; Saint Andrew's Parish, South Carolina and in Boston in 1774; and in New York, Maryland, Virginia, South Carolina, and North Carolina in 1775. Lord Dunmore, the last colonial governor of Virginia, took advantage of this fact by providing what the Americans refused to offer: emancipation for slaves who fought in the King's army against the colonists.

But "[w]hile five thousand African Americans fought for liberty [by accepting the promise of liberation for fighting in the army], the American political and military leadership battled the British and some of its own soldiers to protect the institution of slavery" (Linebaugh and Rediker). One of Washington's slaves even snuck away in the night to fight against him for his freedom in the light of day. Rather than offer the same freedom in exchange for fighting, slaveholding colonists, particularly in the southern states, increased their efforts to mobilize and prevent slave emancipation. Simon Schama writes:

> Instead of being cowed by the threat of a British armed liberation of the blacks, the slaveholding population mobilized to resist. Innumerable whites, especially those in the habitually loyal backcountry of Virginia, had been hitherto skeptical of following the more hot-headed of

their Patriot leaders. But the news that the British troops would liberate their blacks, then give them weapons and their blessing to use them on their masters, persuaded many into thinking that perhaps the militant patriots were right.

The centrality of the issue for the colonists can equally be evinced in a letter from James Madison to William Bradford: "it is imagined our Governor has been tampering with the Slaves & that he [Dunmore] has it in contemplation, to make great Use of them in case of a civil war in this province. To say the truth, this is the only part in which this Colony is vulnerable; & and if we should be subdued, we shall fall like Achilles by the hand of one that knows that secret."

Such reactions against civil war would be canonized in the new country's founding political documents. The Constitution ("the Constitution against faction") gave the federal government power to suppress domestic revolts and also extended the rights of slave owners by providing for the return of fugitive slaves. When Constantine Volney, an outcast of both the French and the American Revolution, visited Thomas Jefferson in 1796, he reported the following scene:

After dinner the master [Jefferson] and I went to see the slaves plant peas. Their bodies dirty brown rather than black, their dirty rags, their miserable hideous half-nakedness, these haggard figures, this secretive anxious air, the hateful timorous looks, altogether seized me with an initial sentiment of terror and sadness […] The master took up a whip to frighten them, and soon ensued a comic scene. Placed in the middle of the gang, he agitated, he grumbled he menaced, and turned far and wide […] as he turned his face, the blacks changed attitudes: those whom he directly looked at worked the best, those whom he half saw worked least, and those he didn't see at all, ceased working altogether.

Jefferson would say later that he believed that the drafting of the Act Concerning Aliens of 1798, designed to maintain "purity of national character," had Volney specifically as its target.

The American revolutionaries were not "men of their times," tacitly supporting slavery like everyone else. They were among the vanguard of the slave institution, attempting to put down the possibility of a successful slave insurrection in a period when that possibility was very likely. White supremacy was a structural reaction against civil war, a way of coding inferior bodies to preserve the new revolutionary coalition of house holding men. The black body still embodies the history of its imprisonments, tortures, criminalization, and management. American democratic power and discourse is built upon the denigration of the black and native body. These same colonial authorities were promising vast swaths of land for whites by driving the natives into new camps, denigrating and dehumanizing them as a justification for plunder. The revolutionary vanguard of the the late eighteenth century was one party in a civil war who tried to control the battles, revolts, and insurrections in a bid to expand their own interests. They themselves did very little in the way of participating in activities; besides Revere, Paine, and Adams, the Founding Fathers were primarily absent from the major urban rebellions and slave revolts of the period. Instead, they managed its appearance from afar, redirecting certain elements (the sailors, the urban workers), erasing others (slaves, women, Natives), and controlling or limiting the dangerous elements that threatened to undermine it from within (riots).

Then there were the rebellions and conflicts that were better to just ignore, or else reinterpret in the new dimmed light of the "revolution." Many stories do not fit into the heroic colonial narrative of the "rights" of the American versus the imperial "tyranny." The forms of rebellion captured and reinterpreted by the revolutionary vanguard span far back before the revolutionary period and continue after, now suppressed by the very people who hopped so late on the bandwagon to push their colonial agenda. Reclaiming it as a civil war allows us to recast the revolutionary era as one phase of a—sometimes tragic, sometimes awe-inspiring, but in any case real—wider ongoing conflict.

We can reinterpret the Revolutionary era, then, in the context of the Pontiac war and the Paxton boys' revenge. The loose confederation of Great Lakes Natives had a short campaign of resistance against the British in Illinois and Ohio Country, taking some forts and killing a few hundred. This was one of many native conflicts generally seen as separate to the revolutionary ascendency, and one that highlights the complex and tragic relationships between the "official" American colonial powers, the natives, and the new American citizens. Colonel Bouquet led an expedition to free one of those forts, using a now well-known tactic described here by him in a letter: "I will try to inoculate [sic] the Indians by means of Blankets that may fall in their hands, taking care however not to get the disease myself." The vigilante group known as the Paxton boys later led a campaign in Pennsylvania against natives, burning their villages, scalping and disemboweling adults and children alike. Coming to terms with these conflicts means coming to terms with both native violence and vigilante genocide, both uncomfortable for democratic discourse. In the same way, democratic discourse only obliquely discusses the arson and murder of slave revolts and the passionate rage levelled against black bodies by actors other than southern plantation owners like white workers, immigrant slave patrollers, or even black slave owners. Doing so would force them to see these practices as related to *forces* and *powers* that are not embedded in a social mass or interest.

We can now also include the equally complex Land Riots. Between 1750 and 1800 in New York, Maine, and New Hampshire, tenants, landlords, and Natives all claimed ownership of the same tracts of land. Insurgents, after having been removed from their homes, would regather to destroy farms and buildings belonging to the landlord. After the Revolution, the new militias organized by the revolutionary government would use their power to suppress this domestic unrest and gain control of this conflict as well, returning land into the hands of the landlords. The Whiskey Insurrection of 1794 also threatened to undermine the new American civic identity. The federal government was only officially ratified in 1789. By 1791, they already passed the Whiskey Act, requiring small distillers to pay an exorbitant tax, which

is how, almost as soon as the revolutionaries took power, they found their own slogans—"no taxation without representation"—being levelled against them by veterans of the war they'd just won. In what was beginning to look like a familiar situation, tax resistance followed until 1794, when that resistance turned into armed insurrection in Pennsylvania. Had it been allowed to grow, this could have caused the revolutionary discourse to spiral out of control. George Washington, then president, was charged with suppressing the rebellion. He took up the task with the "deepest regrets," but knowing in his heart that "the very existence of government and the fundamental principles of social order are materially involved in the issue, and that the patriotism and firmness of all good citizens are seriously called upon, as occasions may require, to aid in the effectual suppression of so fatal a spirit."

Plagued with factional interest and the complexities of civil war, American democratic discourse functions in a precarious relation to its own potential dissolution, hence all disagreements and emotional disputes that put its identity in crisis are avoided on principle. The American democratic identity requires the idea there has been a progression of democratization that has crystallized into the rights we supposedly enjoy today. One need not face such a history head on, but rather can expose it to the demons it tirelessly struggles to exorcise. On the one hand, it imagines a "resistance" (cleaned up of all the things that made it threatening to the authorities in the first place) legally making progress to include more people in its processes. Democratic discourse fundamentally cannot account for the bloody deeds of the vengeful slave, the raucous child, the shameful drunk, the hysterical wife, and the determined warrior. They do not speak the same language, and they strive for something other than democracy using other tools.

On the other side, democratic discourse imagines a stable—and evil!—minority of slave owners and then over-zealous and unchecked capitalists. When faced with the fearful white plantation owner raising the whip, of course, but also the poor white workers with minor privileges chasing slaves, or the recently freed slaves who kept still-enslaved wives—democratic discourse tends to retreat into narratives that imagine American history as a struggle between a collective

democratic power and an oppressive minority of southern plantation owners or unchecked capitalists culminating in the recognition of civil and constitutional rights. In order to mold history in this way, they must embed associated practices in a stable minority endowed with particular interests and capacities to erase the possibility that they were shared by a wider portion of the country. An even more simplified and smoothed out version, cleaned of all the "minor conflicts," has appeared today as the 99% versus the 1%. In American history, democratic power was undoubtedly a tool in the service of slave owners, the complicit whites, and the heads of the households, and it served their interests.

Democratic discourse frames history in the same way that it frames all discourse: by excluding from the outset anything which does not agree with it and reinterpreting everything in the light of the categories it already chose. It's war. Paine makes black faces white. Jefferson drafts a law to get rid of pesky foreigners who don't like his "revolution." The Sons of Liberty encourage rioting when it undermines the British, but express moral outrage when it threatens them. This isn't "history" at all. This is democracy defining itself with new examples taken from history. Those who, like us, were brought up hearing the story of American democratic progress on repeat have learned to recite it very well with all the necessary reverence and gratitude. What we must now learn to do is to analyze power relations, not laws; structural functionality, not legal categories; the power of symbols and language, not identity. Until then, there will always be those who think racism is a logical construct rather than a historical one. Perhaps they truly believe racism to be "officially" over after Civil Rights and Obama or that one can be racist against whites. There will always be those who think patriarchal power is when a man is mean or unfair rather than the organizational model that structures the family, society, and the police. Maybe they actually think equal pay is the last frontier of systemic sexism. History is not an accumulation of identities and their legal recognition, nor is it the advancement of their inclusion into "democracy." Democracy has always been imagined to be eternally threatened by those *events,* those *decisions made by real people*—revolts, defection, denial, fleeing, conspiracy, piracy, murder—that threatened the whole of its identity

with itself. Recognition by democratic discourse includes those people or acts that threaten it—today as much as during the revolution—as objects of management alone.

There is no eternal battle between humanity and a minority of evildoers, there are processes that sweep up bodies, inclining them temporally in one direction or another in a series of conflicts with other bodies. How those conflicts play out produces their lasting effects. That some bodies are together able to make the same decisions over and over again is the sign of a well-functioning machine, not a class. The binary conflicts imagined by the Left and the Right flatten history, removing from it the experiences that give it its texture and tones. Rather than examining the interplay of "types" apparently reproducing their own activities and status over and over for all eternity, we must stay firmly rooted in the decisive moments, for it is on their explosive potential that the world becomes different from itself.

Riots in North Minneapolis, July 21, 1967

Towards a history of Midwestern instability

WE ARE NOT ARGUING FOR CIVIL WAR. In fact, we find the idea somewhat preposterous. Like the arguments for or against violence, this begins from the wrong place. Rather, we start from the understanding that *civil war is,* that the political paradigm in which we live also begins with the same certainty, and that this certainty is coupled with the paradoxical frenzy to exclude it, and, when that fails, to manage it. Everyone who begins to organize themselves—and who gathers some kind of power in that organizing—already has this intelligence, explicit or not.

Explicitly or implicitly, we see that much of the "revolutionary" tradition contains within it a strong handed effort to conceal those forms of conflict considered dirty, backwards, stupid, and irresponsible, which become so precisely because they contain inappropriable elements, vital relations which they cannot alter without killing them, because those are the relations that tie them to the world. Revolutionism is a particular avant-garde of the larger managerial tradition we have traced back to the Athenian democrats. The typical revolutionary says "everything about us is new. We the are the bedrock of a new history."

They hope that by saying so, they will escape the conflicts around them through energetic proclamations of novelty and inevitability.

We will call the basic function of the larger democratic tradition the *"democratic consensus machine."* By referring to this function as a machine, we are not speaking metaphorically. Consider what Lewis Mumford said about naming the archaic empires "megamachines:" "If a machine can be defined more or less in accord with the classic definition of Reuleaux, as a combination of resistant parts, each specialized in function, operating under human control to transmit motion and to perform work, then the *human machine* was a real machine." Specifically, we define the democratic consensus machine as that which excludes or neutralizes from the outset anything which is a threat to it by controlling the form and access points of the discourse, by channeling those repulsive elements into more manageable forms of expression or subject groups. The democratic consensus machine is limitlessly productive. It can endlessly consume local problematic discourse because it isn't tied to the concrete. It maintains a strictly functional relationship to ideas.

The democratic consensus machine is, like discourse, not just about "what is said." The machine requires that risky persons be excluded, opaque connections be severed, and uncertain environments be illuminated. Consensus requires, before "discourse" can properly circulate, a controlled and predictable group of bodies whose movements are fluid and translucent. One of the founders of the co-op movement in Minneapolis remarked that it is easy to have consensus in closed meetings when you've already excluded everyone who disagrees with you. Very true, but it's still more than that. Roosevelt came closer when he called America and its industrial storehouse of material the "arsenal of democracy." Since its founding, democracy has always been an "arsenal" and its relation to its weapons is essential and not accidental.

This democratic, or "revolutionary," mythologizing and restructuring reaches a peak of sophistication in the Twin Cities, whose residents often pride themselves on their "progressive history." It's time to apply our concept to the history of the Twin Cities in order

to discover the meaning of that "progress," something which always seemed dubious to us, given how many disjunctions arise from the briefest exposition of the history of the city.

Take the example of the conflicts between Natives and colonizers, most famously those conflicts involving the Dakota here in the Twin Cities, where the Minnesotan, in order to be progressive but remain civil, is forced to adopt wholly paradoxical and incompatible positions. In the historical narrative that centers around the idea of progress, the progressive Minnesotan will proclaim how "terrible" the internment camps and the largest mass execution in U.S. history were, while both ignoring the popular political ideas of the colonizers that resonate with their own "progressive" tendencies and denying any legitimacy to those who fought back by generally denouncing "violence." Yet, one is allowed to "understand" the fact that the Dakota would fight back, condescendingly implying that they were basically forced to do it, denying them any determination in the matter, but then one is supposed to simultaneously be appalled by the fact that they would take hostages in New Ulm or kill non-hostiles, further implying in this way that the European ideals about how war and peace should be done apply universally, and that the colonizer's notion of humanism or "just war" should have been in the forefront of the minds of those fighting to save their land from invaders and plunderers. In accounting for more recent history, one can say that it is "bad" that the police unfairly target Natives, but then one is supposed to accept the fact that the colonizer's notions of law and order have legitimacy at all, and disapprove of the American Indian Movement's more "violent" tactics. It turns out that the old policy of "kill the Indian, save the man" still applies in Minnesota so long as we restructure the history of this state according to pre-legitimated ideals of "civility" and "normality."

We must emphasize that, as we investigate the conflicts that plagued democrats and progressives in Minnesota's history, we are not doing so out of a love of history or a desire to "tell it like it really was." Rather, the radical forgetting that characterizes this history is a necessary prerequisite for the democrat or revolutionary of today, who must repeatedly and actively erase difference to sustain their

own identity. The revolutionary of today, like the revolutionary of the past, must either forget or restructure the violence that got them into their privileged position, from which they can now denounce the ruptures that threaten them. This is just as true for the Bernie Sanders progressives as it is for the anarchist labor organizer.

The necessary historical myths of these revolutionary democrats in Minnesota are that there was a unified progressive movement and a unified labor movement. The present mega co-ops and non-profits owe their legitimation to the first, while the labor groups and socialists owe theirs to the second. The liberals and the radicals, the two mythical creatures who emerge from these fairy tales, extract what little historical substance they have from these barely cohesive stories.

Each only exists as a myth insofar as it suppresses the memory of the internal conflicts the myths were propagated to pacify. Let's look at the anti-war movement. Beginning on May 9th, 1972, after Nixon ordered the mining of Haiphong, Minneapolis experienced some of the most intense street conflicts since the 30s. The real catalyst wasn't the events of the Vietnam war, but a local event: the dedication of the Cedar Square West housing project. The high-point of the Twin Cities anti-war movement was more immediately spurred by a local spatial concern—a spatial concern that isn't exactly over, we might add, despite the lack of attention or energy invested in it. Just last year, in March 2015, residents staged a rent strike. One striker said "they treat us like un-human beings here," remarking that, as refugees, they are required to pay thousands of dollars of rent to live in a building where "residents are being charged maintenance costs just to keep their apartments livable" and their cars are repeatedly towed even with their residency permits. Last year, it was only a small group of residents defending themselves against these sharks.

In 1972, a large group of demonstrators attacked the police in front of the Plaza with eggs and stones, shutting down the dedication ceremony before being driven back by riot clubs and confined to the sidewalk. The larger renovation project of the Riverside Plaza was soon halted due to the persistence of such actions. The anti-war protest happening concurrently at the university only needed to be guarded by

ten university police officers, so sure they were that there would be no confrontations and that demonstrators would *confine themselves* to their allotted space. The next day, some demonstrators planned to occupy a recruitment center, which, to their dismay, they found empty. They moved to the Armory, mixed with other crowds to become a group of 3000, and began tearing down fences and building barricades. Someone from the fraternity across the street lit a car on fire. A helicopter was called in to spray tear gas on the crowd, and after the gas dissipated, the demonstrators started tearing fences and gathering debris to build a barricade blocking Washington Avenue. With no end in sight to the crowd's growing anger toward police, the National Guard was finally called in because, in the words of the police chief, "in the days of the draft you had a more broad-based military. […] It was very difficult for police to identify with campus protesters, while many of the Guard could identify with the students." An article in The Minnesota Daily reports what happened next:

> The Committee for an Open and Peaceful Education, a group of students, faculty and administrators formed to communicate campus action in response to Vietnam, called for a teach-in that was held May 17-18. […] 'There was this feeling that things had been going too far,' recalled COPE member Hyman Berman. With teach-ins, Berman said, 'We'd channel the energies people had in protesting the war toward positive things.' By the time of the teach-in, campus tensions had passed." Roberta Malles, one of the original co-opers, similarly remarked that "the food co-ops were a way to express that energy [of the protests and riots] in a positive way: 'Let's build something. Let's take over our lives. There's no bosses here. We can run this on our own. We can eat minimally processed, minimally packaged food and we can start thinking about building other economic units and dropping out, you know, who really needs to have a straight job?'

For the "progressivists" and their "grassroots and collaborative" capitalism, this means first suppressing or altering the image of the 1975 co-op wars, the farce between the most caricatured elements of the Left: the progressive pacifists and the hardline Marxists. Only in the Twin Cities could you see a street fight between a group of co-op volunteers joining hands to defend their store against a group of Marxist "revolutionaries" armed with pipes, who contend that the store should also shelve sugar, meat, and canned food to efface their "bourgeois privileges" and serve food that the "working class wants." The so-called "Co-op Organization," or CO, would go on to occupy each co-op in the city, assaulting the workers, slashing tires, firebombing cars, all to push their stated goals: "to end worker control, greater discipline among co-op workers, accountability to a centralized leadership, an end to 'hippie health food,' and a commitment to address real 'working class concerns.'" You know, real working class concerns like the ability to drink coca-cola. No form of torture could force us to choose between the quixotic grassroots capitalists and the hardcore Marxist canned foods enthusiasts. And we don't have to because both groups were fazed out. None of this even mattered by the eighties, when, after the "victory" of the progressivists and the return to normal production, "[t]he co-ops had begun hiring professional managers, abandoning the tradition of worker-owners and working members. Decisions were no longer strictly democratic. Instead, power was increasingly concentrated in the hands of the board of directors" *(The Co-op Wars).*

Our interest in the story lies solely in the fact that even the most wholesome history of the Twin Cities is filled with confrontation from the beginning. Beneath murals of flowers and diverse consumers lies a series of ridiculous street fights and closed-door meetings, exclusions, car bombs, and battles. When the present managers talk about "serving their communities," we must remember that these people did not *win a war,* but that they are dead-set on *managing one.* One must pan out to see that the co-op project in the wider context was conceived from the very beginning as a "positive" outlet for the increasingly intense instances of confrontation in the city's ongoing civil war. Internal conflict did not destroy the student student; democratic consensus

processes turned their energy toward positive things like volunteering for high-end grocery stores. Revolutionary elitism made the rest don sunglasses and demand coca cola in those same stores. Hurrah, for this is the valiant history of the Left in the Twin Cities.

Other conflicts and divisions are simply erased from the history of the "progressive metropolis." The struggles, lives, and deaths of some appear as a chaotic blip in history, a mistake, mere white noise that distracts from the real issues. In 1946, *The Nation* editor Carey McWilliams wrote, "Minneapolis is the capital of anti-Semites in the United States. In almost every walk of life an iron curtain separates Jews from non-Jews […]" Not surprising in a city where the pastor of the First Baptist Church could publicly praise the racist Silver Shirts gang and read passages from *Mein Kampf* on the pulpit. The Teamsters union like to take credit for being generally against the Silver Shirts, and surely their union guard's threats had an effect on the ability of the Silver Shirt's to hold rallies, but it was more likely the direct interference from Jewish gangsters that finally shut them out of public life. Berman, one of the more powerful of the Jewish mobsters, learned that some Silver Shirts were having a rally at a nearby Elks' Lodge, which had been decorated with Nazi flags and posters of Hitler. When the leader called for all the "Jew bastards" in the city to be expelled, Berman and his associates burst into the room and set upon them with brass knuckles and clubs. After ten minutes, they had emptied the hall. His suit covered in blood, Berman took the microphone and announced, "This is a warning. Anybody who says anything against Jews gets the same treatment. Only next time it will be worse," and then "[h]e put an exclamation point at the end of his speech by firing his gun in the air" (Elizabeth Johanneck). After Berman broke up two more rallies, there were no more public Silver Shirt meetings in Minneapolis.

In the summers of 1966 and 1967 there were riots in the Northside neighborhood, each of which began with a small scuffle or argument and exploded outwards. A resident of the Northside describes the neighborhood in the movie *Cornerstones: A History of North Minneapolis* in the following way: "[a]n invisible wall exists around much of the area north of Olson Highway and west of the river. The

wall shuts people into overly crowded neighborhoods which lack the civic amenities provided in other sections of the city. The wall shuts out the larger community's concern for, interest in and even awareness of Northside problems." During the riots, shops were looted and burned, police were chased out of the neighborhood with stones and bottles, and the home of a congressman was attacked with molotov cocktails.

Some still claim today that these riots were "senseless" and have the thinly concealed racialized conception of angry black residents "burning down their own neighborhood" as one article in the Minneapolis Mirror put it. These same people claim that the riots were the "nail in the coffin" for the neighborhood, which was only afterwards left for dead. Nothing could be farther from the truth. For one, black residents were not the "owners" of almost any property in the area. The Federal Housing Administration prevented such a possibility by the well-known policy that withheld loans to groups that may contribute to the mixing of "inharmonious racial groups." Second, much of the neighborhood had already been gutted and left for dead by the city planners of the urban renewal project, so many of the fires burned in already empty buildings. The site of the 2015 occupations, the 4th Precinct, was one of major sites of the riots. After the unrest in 1966, the residents bought the building (which would later become the police station) and turned it into a social center called The Way. This history of the building was kept alive at the recent occupations, but with a sparkly clean image free of the conflict that brought it into being.

Then came the second of two consecutive summers of unrest on Plymouth Avenue, "Minnesota's place name for division and conflict" *(Cornerstones: A History of North Minneapolis)*. This seems to be an appropriate title for the street that experienced two summers of intense rioting, police occupations, and a conflict without any consistent representation in the media. During these 1967 riots, the mayor called in the National Guard who remained stationed in North Minneapolis and other predominantly black neighborhoods in the Twin Cities for over a week. Harry Moss, a member of The Way, told the newspapers: "Your stained glass windows keep you from seeing the scum of our society," and pointed to general unhappiness as the catalyst of the riots:

"if you didn't have the cold winters of do-nothing, you wouldn't have the long hot summers of violence." Clarence Benford, a 20-year-old participant told the newspapers "[w]e felt that we had nothing to lose, no jobs, no interest from elected officials, overcharging by many of the merchants on Plymouth Avenue, no decent playground facilities, very few recreational outlets and with many of the families living in housing not fit for human habitation." In this revolt without issues and without representation, in addition to the ambiguity of racial factors involved, there's nothing to democratize, nothing to sell, nothing but a specific local contestation and disaffection, and thus, nothing in the eyes of the Left.

The Twin Cities labor movement was similarly wracked with internal division and conflict. It could uncontroversially be said that the "worker's movement" really only lasted from 1933 to 1938. We aren't interested here in the glory of the 574 or of any other group. Our sole interest lies in the forms of organization made possible by disruption and the ways in which the "leaders" tried to manage them.

These tellings always overemphasize the role of the "leaders" and *their* "consciousness," and, in so doing, de-emphasize the self-organization of the people on the street, of the militant women, or of the other parties present. The typical account offers the following facts, most of which we lifted from Charles Rumford Wallace's *American City: A Rank-and-File History*. In 1934, Minnesota found itself run by the "progressive governor" Olson of the Farmer-Labor Party who ostensibly supported the strikers, but later proved how unreliable such a promise is from a governor. Minneapolis was then a well known "open-shop" town, which meant that strikers could not shut down businesses. This was largely due to the Citizen's Alliance, "one of the most powerful and efficiently organized employers' associations in the United States […] [w]ith a permanent and well-paid staff, a corps of undercover informers, and a membership of eight hundred businessmen," which, according to Wallace, "had for nearly a generation successfully fought and broken every major strike in Minneapolis."

On May 16, 1934, the truckers, led by the Trotskyist chapter local 574, began to strike in Minneapolis. They would ride around in

cars looking for trucks bringing in commodities and stand in their way, which was very effective. On May 19, fighting broke out between the strikers and the police, two of whom were taken away unconscious. On the 21st, more fighting broke out, but this time with the addition of the Citizens' Alliance fighting the strikers. The police brandished their weapons but were unable to fire in the confusion. That night, the Citizens' Alliance vowed to defeat the "Red Dictator" and lured strikers into an alley to beat them. On the 22nd, more fighting, and this time two deputies (including a member of the Citizens Alliance) were killed. This was the "Battle of Deputies Run."

On May 25th, the strikers approved a negotiation that would give them recognition and reinstatement, but it was only two months before striking broke out again on July 17th, when the strikers realized that their agreement only covered the truckers and not the warehouse workers. This strike was even more brutal than the first. The picketers began by deciding not to arm themselves on the line, while the police took the offensive. On the 20th, the police attacked strikers with shotguns, killing two and injuring sixty-seven. Olson sent in the National Guard, which seized union headquarters and arrested those perceived to be leaders. The strike concluded on August 21st after arbitration between the union, the employers, the Citizens' Alliance, and the federal labor mediator decided on terms.

There's no question that the reformist Farmer-Labour Party wanted nothing more than to suppress the more spontaneous and vital forms of revolt, but the same Trotskyists many still praise for "organizing the movement" were the ones who, after 1935, turned their backs on the new militant workers and opted for control of reformist campaigns alongside the Farmer-Labour Party. Right after their "victory," Grant Dunne, one of the three Trotskyist Dunne brothers said "[w]e did not get all we thought we ought to have, but the union is recognized, it is now well established and—what is better— the machinery of arbitration is established whereby disputes ought to be settled without trouble." Minneapolis would never see a strike with such magnificent organization and passion again. It didn't need to with the new "machinery of arbitration."

The "militant labour movement" was defeated as quickly as it began. It only took Roosevelt one year to sign the National Labour Relations Act. The vital elements of the struggle were precisely the ones that the unions and labor organizations eventually squashed or reintegrated into electoral politics. In the facile accounts of the "radical" segments of the workers' movement (Trotskyists, communists, anarcho-syndicalists), every event in the history of labor is either a victory or a betrayal, depending on "how radical" it is. What these lazy, valorizing histories fail to even ask if it was neither the swings of historical necessity nor the "betrayal" of some "reactionary" element, but rather the enframing of the worker subjectivity itself that defeated the workers' movement. The door of possibility and experimentation that opened in 1934 was closed by the end of the next year and not because of the fascists or the police, but because of the labor union's drive to get the "masses" out of the street and into the polls on one side; and by the "revolutionary leaders" vying for legitimate control and political representation on the other. Whenever a large group of people enter into the streets, and defend themselves from police, stable subjectivities expose themselves to an opening. It becomes a question of organization: how will we feed ourselves? How will we protect ourselves from the police, the Citizen's Alliance, and the fascists? Where are the unemployed, the unemployable, the women, the children, and what are they doing? These questions will continue to come to the fore until the male white worker subjectivity is reinstituted and the experimental forms of organization can be reintegrated into party politics.

The overemphasis on the more traditional roles of women in the Women's Auxiliary, for instance, conceals the fact that women were also involved in the strike, in intimidating landlords who were threatening striking or unemployed tenants with eviction, and with fighting the Citizen's Alliance and the police. Consider the following story from *American City.* According to Wallace, the Alliance would sometimes send decoys into the city for the strikers to confront and then fight them. He describes one such incident in the following way: "'This is a little job we have to do tonight, and some of you women pile in there with the men.' There were always a lot of women around and

looking for a little excitement; they got in. Then somehow, he or an accomplice got over to the dispatcher's window and gave the picket captain instructions to go to the *Tribune* alley. Within ten minutes we got word that the three cars had been blocked into the alley and both the men and women unmercifully beaten with saps and night sticks." In an article written by a member of the Auxiliary for the journal *Revolutionary History*, we discover the under-reported details about the role of women. We read that, yes, "Girls trained in office work took over the routine work. Others gave their heart and soul to the feeding of hungry droves of men." But they also record that women "took up the cause on the line of battle" and then proceeds to list a series of terrible injuries received by the women on the frontlines.

She also writes about the scarcely reported marches organized by and led by women:

> We marched from the Auditorium on Grant and 14th Streets straight down Nicollet Avenue. Led first by four women carrying our banner, followed by about 500 women, many of them sympathizers, we broke every traffic rule in Minneapolis. Crowds gathered along the sidewalk and followed the procession to the court house. We marched straight to the mayor's office. A committee entered to present our demands upon the mayor or his emissary – Mr. Guise […] The women, quiet and orderly during the whole proceedings, suddenly were infuriated by something. Inquiry disclosed that the chief of police had thought it smart to parade a batch of his special deputies down the same corridor the women were waiting in. Only quick thinking on the part of the committee saved those deputies from being very badly hurt. The mayor's secretary arrived in surprisingly short time. The committee waited upon him. They got just what they expected – nothing. The demands were the immediate removal of Chief Johannes, the removal of all special deputies, and no further interference with pickets. The committee then left.

The crowd was addressed by Frieda Charles, and dispersed in an orderly fashion.

She ends her article with a plea: "Let your women work in this class struggle. Their place is right along side of the men, shoulder to the wheel, fighting for their birthright." Such a plea would largely go unheard. Even as the women were participating in these actions, one scarcely hears about anything besides their ability to help with "feeding the families of the men on strike until they would again be able to draw wages," the necessity of which, according to this same author was "brought home to us very forcibly during the last few days."

What is lost in the valorization of the "leaders of labor" is the self-determination and self-organization of the workers, and the affective and elective bonds between the actors on both sides. There is an element of pleasure in the immediacy of self-organizing in the street that is lost in the mobilization for electoral political campaigning. Consider these two quotes from both sides of the conflict: "Some of the boys from the Greek fraternities on the campus joined the police and Citizen's Alliance forces with baseball bats on their shoulders, in defense of what they regarded as law and order," (Eric Severeid, student) and "We took a vote and said 'By God, we'll go out on strike!' We went out and tied up the town. I just got like a fanatic, like a religion. I didn't care what happened" (Chris Moe, striker). A committee met after the alley incident to raise a "citizen's army" whose purpose would be to "preserve law and order" (Charles Wallace). For the chief of police, Mike Johannes, "It was a religion to keep the streets of Minneapolis open." Besides the joy of the street, there was also much hatred boiling up in the heat of that summer. The fact that the strikers killed two Citizen's Alliance deputies during the "Battle of Deputies Run" before "Bloody Friday" is significant in this regard.

The question that is utterly foreign to the conceptions of the Left is whether or not the worker's movement's limited demands and subjectivity were not perfectly compatible with evolving market technologies and capacities. It is no longer a question of how the labor movement was "defeated," it is a question of how the outbreak of civil

war was managed. Father Haas, one of the New Deal labor mediators, said, in a language worthy of Democritus and Aristotle, "A strike is like an operation. Of course it is not a good thing in itself. But when there is a diseased condition in an industry a strike may be necessary. The refusal of an employer to deal with a union, low wages and long hours are diseases in an industry. Very often the strike is the only way to remove these evils, and under these conditions it is wholly justified." There was no grand betrayal or spectacular defeat, there was only the slow and uninspiring death of an event in demoralizing and impersonal polling and political campaigns. It isn't surprising that, given the options of republicanism and labor in the polls, Minneapolis chose the first. The republicans were able, by 1938, to easily align themselves with the promises of the New Deal and integrate the demands of labor. The socialist vision of a reformed economy *swallowed up the workers' movement* into the technical and political forms of organization *evolving within welfare capitalism*. And those forms had by that time more affective power than labor, more emotional weight.

Reintroducing the periphery: rabble, lumpen, offal, and refuse

HEGEL ALREADY DISCOVERED THAT A CLASS of poverty does not de facto make a "dangerous" class a "rabble," provided they are well managed. "Poverty in itself does not reduce people to a rabble," he said, "a rabble is created only by the disposition associated with poverty, by inward rebellion against the rich, against society, government, etc." Many from the class of poverty will choose a different disposition, and not because they are "traitors," but because "rabble" is a political and ethical disposition, not primarily an economic one.

Every "center" or unity has its rabble. Citizens have their refuse and criminals; reasonable people have their psychos and retards; civilized people have their savages and barbarians; proletariats and workers have their lumpen-proletariats and idlers. The latter terms in these sets very often have a merely negative character in relation to the first, so that they end up embodying massive groups of otherwise varied individuals. The criminal scum is made up of those who don't respect the laws and mores of the citizens; the insane is made to represent those who don't respect the logical or behavioral norms of the reasonable; savage is so broad a term as to include Northwest Indian tribes and Amazonian ones, whose way of life differs in the extreme.

In all these cases, the second group is defined by not being or not acting like the first group, or, in other words, by an exclusion based on lack of experience or lack of a property considered essential. Marx's description of the lumpen-proletariat is instructive here:

> Alongside decayed roues with dubious means of subsistence and of dubious origin, alongside ruined and adventurous offshoots of the bourgeoisie, were vagabonds, discharged soldiers, discharged jailbirds, escaped galley slaves, swindlers, mountebanks, lazzaroni, pickpockets, tricksters, gamblers, pimps, brothel keepers, porters, literati, organ grinders, ragpickers, knife grinders, tinkers, beggars—in short, the whole indefinite, disintegrated mass, thrown hither and thither, which the French call la boheme.

It's the "in short" and "the whole…" in this passage that startles us. What do these people have in common that he can summarize them in this way? For Marx, it is simply the *lack* of being organizable individuals within his dialectical schema that binds them. Marx claims to have discovered the motor of history, the core around which it pivots: the antagonism of the classes. Yet, in doing so, he is forced to admit to the existence of the "indefinite, disintegrated mass" that make up the "scum, offal refuse of all classes." All who attempt to erect a center, a neutral core, or a pivot in history must produce this surplus—which, in Marx's case, was the quantitative majority of society—and summarily exclude it. But instead of disappearing, it haunts the borders, threatening to enter the orderly constructions of the democrat, where it would wreck it with its disgraceful presence.

What causes the breakdown of the generality, the ideal, and the goal is the proliferation of different ways of speaking and of acting that come into some sort of contact with one another. Civil war is a centrifugal motor of history, which kicks and starts and needs to be rethought and resaid constantly. Beginnings without ends bloom endlessly out from the different ways people approach each other and their worlds.

Nothing was guaranteed when the striking truckers, women, and children poured out into the streets of Minneapolis, neither the victory of the proletariat nor the victory of the ballot. Either "victory," were it possible, would bring about its own internal divisions and conflict. We are limited only by our potential. That's ok with us. Our great passion is in bringing out what is magical in the shared world, those things that bloom from their own immediate relation to the world without reference to ideal, moral, or world historical mission. Magical because nothing promises beforehand that events will turn out one way or another. The unimaginable can erupt from the least expected of places, from a golden lamp or from the meeting of people outside a police station, but only if you're ready to experience it. We will make even the smallest possible detail contend with the grandest schemes and stories. At every turn, we will expose the neutral parties to their own rejected periphery, and show just how partisan they truly are. Such is our own delirium.

Managerial fanaticism is a centripetal machine that integrates in order to manage and limit the expression of bodies according to pre-legitimated axioms, but it only intervenes into those same uncertain relations and is always incomplete. In such an unstable environment, management requires at all moments the improvement and acceleration of managerial techniques. Such is the manager's delirium. Even the greatest of their totalities fail miserably to account for the most basic of everyday occurrences and the magical powers we see manifest in them. Civil war will exist whether or not you talk about it or deny it. Depending on how you conceive of difference, it can appear as a cesspool of disease and disaster, or as the promise of new experience. We need an intelligence that begins with what exists around us, without paying heed to what is supposed to matter.

But let us now examine, not the "truth" of the civic discourse about how to end civil war, as this has yet to occur, and could not possibly occur. Instead, we will try to find out how governing agents, or how democratic agents (i.e. police), have *responded to it.* We will argue that there is a tripartite strategy of reaction, each of which aspect has a corresponding term from the Greek. One, the *democratic consensus*

machine, the goal of which is to produce *homonoia, same-mindedness;* two, *nomos, normativity,* or the *event of appropriation, division, and allotment which founds the circulation of power;* and three, *oikonomia, management of the household, police,* or the *administration of life processes.* We will consider each of these as a *dispositio*—forces that incline our dispositions. We refuse to talk of institutions and subjects; instead we will talk about *dispositios* and *dispositions* (see: **Dispositio**). It would be out of place in a text on difference to begin talking about "subjects."

A *dispositio*, meaning *direction, order, arrangement,* refers to nothing tangible, but rather to the attempt to give bodies the tendency to act in certain ways, to point them in a direction spatially or discursively. A *dispositio* regulates the activity of variable dispositions in a matrix of civil war, reorienting them toward whatever activity is deemed more productive or rational. In treating them as such, we eschew any pretentions of totality. These are persistent strategies, not real, existing institutions.

But then there's the lingering question of *"who?"* In discussing the history of civil war and its management, we haven't yet encountered a stable subject, and that's because there isn't one. What defines us politically is how we maneuver and play the game of civil war. But that still doesn't say much about the places and attachments articulated by political interplay. "Who?" is already a container. It assumes the existence of a subject and its identity with itself. If we want to take difference seriously and apply it rigorously, we can't automatically ask "who" without first asking "how?" Before we start talking about the strategies that dispose bodies, we must start with our meaning of disposition.

Ethos, force, and investment

"Is the dance *true? One will always be able to say so. But that's not where its power lies."*

Jean-François Lyotard

M OST OF WHAT COUNTS AS THINKING in the West is assault. Thought is conceived as that which puts a cage around phenomena, captures it, correctly categorizes everything we encounter.

But thought does not penetrate anything, neither the world nor the things in it. Thinking alone in an office is different from thinking on a walk, because *thought is part of the world in which we dwell.* Take a walk, at least open a window; our rooms are filled with stale air. There is difference. We begin there.

Perhaps we trust too much in beloved metaphors. "I see what you mean," we say, meaning that the other's meaning has been understood by us; "let's see…" we say, as we consider a set of options; "I'll see what I can do," we say, when we mean to obtain an answer. For the eye, there is only the either-or of the presence or absence of the objects or facts presented to it. We think we know something when we can see it. It is there or it isn't. But the eye has limitations. We only see what is presented to us and we can only properly see something when the object is immobile. When it moves, we must focus on it, follow it with

the eye as everything blurs around it. The eye sees immobile objects situated in space.

The ear on the other hand perceives approach and retreat better than the eye. The buzzing of a bee is heard in the distance, it approaches, and fades into the air with the honking cars and click-clacking footsteps. To look is to try to capture what is present at the moment. It requires a certain distance. We can't read a book with our face buried in it. Sight blurs in closeness, but not sound. The closer a sound is, the more present it is to us. In German, *gehören, belonging,* derives from *hören, hearing.* Perhaps, then, the contours, the shape, and the place we imagine belong to things aren't the only powers that belong to them. Perhaps a body has the power to be not just present or absent for a gazing subject, but also to be intense or subdued, involved or distant, sweet or cacophonous. The intensive powers of a body available to touch, to smell, and to taste are seldom experienced in comparison with those we experience by seeing. How different it is to know something by licking it than by looking at it.

Every body is attracted to some things and repulsed by others, and is charged with a certain amount of intensity. We don't simply "know" things, we also like or dislike them, were attracted or repulsed. These intensive qualities will inevitably put one in conflict with another. What we call the *political* is nothing other than the interplay and contact between these *ethical* articulations. Thus, the war. Why "civil"? Because insofar as we dwell in places, and in these places we are always somehow with others, we never truly act alone. The war of each against each is surely a convenient myth to serve as Hobbes' security blanket, but war is always some against some in real places and with real local conditions.

We do not begin our lives as blank slates, and none of us have ever been one. We are invested from the get-go with moods, tastes, and perceptions that differ from others. There is no point at which we could say we were removed from the world we share with others. Insofar as war makes "civility" equally "incivility" and establishes their relation, insofar as we understand and establish our connection with others through our *contact with them*, the term civil war can be used to

describe a series of points of intensive contact between different beings, wherein the involved parties *must* make a decision, and the way in which that decision ultimately constitutes and conditions the norms of their coexistence without the possibility of ending.

To sum it up: there is difference. The political is plural or it is nothing at all.

PART TWO MANAGEMENT

Morton Indian School, Morton, Minnesota, 1905

Homonoia:

democratic

power and its

consensus

machinery

"Everybody knows, no one can deny, *is the form of representation and the discourse of the representative. [Because it] rests its beginning upon such implicit or subjective presuppositions, it can claim innocence, since it had kept nothing back—except, of course, the essential—namely, the form of the discourse.*"

Gilles Deleuze

On Sunday, November 15th, 2015, the day Jamar Clark was shot in North Minneapolis, people gathered at the 4th Precinct on Plymouth Avenue for what was not really a rally nor a protest, but a motley assemblage of bodies. There were the activists, of course, confined primarily to the front of the building and huddled up inside to block the entrance, surrounded by signs, important looking people, pizza. The space around the precinct was visibly organized around this spot. The activists were placed front and center, by the doors, in a spectacular confrontation with the line of police. This is the point

around which most of the writing on the occupation has focused, but it was not the only space. Even 10 feet away on both sides of the entrance things became more complicated. There, people erected tents, set up fires, formed close-knit circles and talked. On the street just behind the activist cluster, fire pits were built daily, each harboring its own conversation, where we heard frank discussion about the meaning of the occupation, admission of confusion about what was happening, earnest pleas for understanding certain racial or tactical points, or simply jokes and stories. Much of what occurred here, only yards away from where the cameras were focused, would have been considered heretical or misinformed by those with the cameras and microphones in their faces and statements in their hands.

On both sides of the precinct were two other exposures, where the mood of people gathered was quite different. There was no longer the appearance of one group, but rather clusters of people, impossible to pin down. Some wore hoods and talked quietly in huddled circles, kids darted in and out of yards and alleys on foot or BMX bikes, some men were laughing on the corner, some shady figures were configuring a pipe, some grumpy looking old men shouted expletives at the station, others talked in circles or just stood around. The periphery was more ambiguous. The clear lines being drawn at the front were vaguer on the sides.

Eventually, there came the meetings of forces. It didn't happen smoothly, but it happened faster than we imagined it would. Music was played. Some objected to the kids who rode bikes around the cop cars, throwing up middle fingers while the cops were trying to pull out. The sound of air leaving the cop car's tires could be heard; stones were thrown; a shout was heard "Hey! Careful! They probably have a camera in there!" Tensions continued to rise as the activist and religious leaders noticed the escalating crisis. One of the leaders tried to sing a song. Someone else grabbed the mic from their hand and said "we're not going to sing a slave song." A brick was thrown at the precinct. Another man began screaming at the activists, calling them "fucking singers" and telling them to go home. Someone asked what he planned to do. He said that he was going to sell crack so he can buy a gun to kill

a cop. The prayer circle responded by tightening their circle and singing louder and louder until he gave up screaming and walked away.

Monday saw the first appearance of "protest marshals" who were there to "protect the protestors" and who worked tirelessly to form barriers keeping out crack sellers, rock throwers, BMX riders, hood-wearers, and hooligans, who, along with those allowed to stay, actually live there. Such exclusions continued amidst calls for "unity" and "peace." I-94 was blocked, arrests were made.

Wednesday, the 18th, was the highest point of contention. Bodies circulated in uncontrollable, unidentifiable units: mingling, gossiping, clustering, and scattering are the best words to describe the scene. The experience of the periphery in the first few days seemed to have actually displaced the center. Most of the activists were still cluttered in the front, the most visible space, mediating the conflict between the mass of high school youth shouting various taunts and threats, in some cases coming directly between the two parties to protect the police. But they were spread too thin. The line between two consistent arbitrators collapsed into a wider conflict. The strategy was to hem the cops in their own lot by blocking the fences. Being a fairly small group, this meant that they lacked the constant aggressive mediation required to pacify the growing crowd. All night, we saw the same exhausted faces running to wherever there seemed to be the most energy and tension to remind everyone that they needed to follow certain rules and remain peaceful. At some points, the activists resorted to shouting "Stop that!" to the groups of kids throwing bottles over the fence at the caged-in police, or trying to re-erect the standing camera a group had knocked over to take refuge behind. The democratic self-mythologization was initiated at one of the side gates where the thronging crowd was maced by battle-ready police. The police were met by a volley of stones, bricks, water bottles, milk, and a trash can by some groups and the passive bodies and chants of "peaceful protest" by others. The police retreated and in all but two minutes—the time it took to stand back up after being maced—the activists flocked to the plentiful cameras, claiming that their "peaceful resistance" had driven the cops back while the stone-throwers were busy running or pouring milk into the burning

eyes of those who were maced. The center was re-established, at least temporarily.

Over the course of the next few days, city officials and religious leaders were welcomed to the precinct to speak on the "issue" of police murder, while anyone with a spark of passion or self-determination was frequently branded as an "outside agitator" or "provocateur." On the 23rd, five occupiers were shot by white supremacists who organized online, spurring a media strategy that consisted of branding this event an act of "terrorism," which would be used to justify the increasing policing strategies of the protest leaders. The next day, a concert was held at the site, and a boy hopped the police gate and rushed the police after being called a racial slur, prompting the NAACP leadership to remark, within minutes to a crowd of thousands, that this was "proof" that "provocateurs had infiltrated the movement." In an apparent move to remind everyone that the protest leadership was not fighting the police but merely trying to replace them, or even just work with them, protest marshals proliferated at the site and a list of rules of conduct began to be distributed, which prohibited, among other things, "gang activity," "property destruction," and "consumption of alcohol and or drugs."

The democratic mythologization of the occupation only took a few days to take hold. Once it did, the "thugs" and "agitators" were nowhere to be found.

Democratic discourse as a practice requires the exclusion of any discourses that challenge its equalizations or threaten the weak circulation of its trivialities. What's lost is what makes a body matter at all—its force in a situation, its understanding of a neighborhood or a way of speaking that is not and could not be equal to any others. The democrat's constant recourse to the designation of the "outsider" (whether as "outside agitator" or "outside provocateur") is a telling sign of their discourse's fatal circularity. Everything that moves and connects with others in a *real and specific way in the complexity of a situation* is "outside" to it, and must be categorized as such. At one point on the 18th, an organizer for Black Lives Matter confronted a white high school student who, along with his group of friends, was pushing and

insulting the police, telling him "this isn't your fight." He pointed down the block. "That's my house," he said, "I live here. This *is* my fight." The organizer walked away without saying anything. It is that inappropriable attachment, that real connection to a place and the people in it, that democratic discourse cannot internalize and regurgitate. Democracy speaks universally, but is always, in each and every situation in which it appears, administered locally. Its vapid nature as a form of organizing makes it compatible with commodity and information circulation as it clears up flows, unclogs byways, attacks disease, fights entropy—and with passion, even.

Democracy is the regime of visibility, and its self-justifying exaltation to the skies above humankind. That which is opaque, like the kids and the old men walking around in groups, is opaque because the forms of relation are irreversibly attached to the world in which they dwell. Having no relation to them, all we can do is describe them. "Whereof one cannot speak, thereof one must be silent" (Ludwig Wittgenstein). We can't say anything about their walk, their mood, their talk and tone of voice, at least not anything that we would understand. To force it to become visible is to erase the attachment that cannot appear because it can only be experienced. It is to mediate it through a discourse in which it will become as smooth as a commodity transaction or an indignant tweet. This explains the obsession at the occupation around possible "infiltrators" and "instigators" directed toward anyone with a mask or a hood on. In their frenzy to categorize every body, the partisans of democratic consensus are distinguishable from the police only by their lack of resources, and, unfortunately, their claims to legitimacy in opposition to those same police.

Let us reconsider the man's statement at the rally that we are fighting "civil warfare" and that black youth first "fight with [their minds]." Now we can read this in a new light: the first fight is the reduction of all intensities to a zero point—it is to discount the discourse of those who speak a different way, have different priorities, understandings, backgrounds, a different way of reading, but in such a way that it appears to be doing exactly the opposite. "We're trying to provide you with opportunities here," they say, "aren't you happy to live

in a democratic society?" What is discounted is everything that makes us what we are in a situation.

This passion for superiority in simple unities is of course what drives these "revolutionaries" who will naturally be the leaders of the new unified group to transform or deny any rooted contention in the city that's worth discussing. An interesting example of the strategic and aggressive use of "unity" occurred at the demonstration outside the governor's mansion in St. Paul on July 7th, 2016, following the murder of Philando Castile. One group of speakers, led by a familiar speaker from the 4th precinct occupation, was positioned on top of the mansion's gate making short speeches and leading chants over a megaphone. Another group, identifying themselves with Black Lives Matter demanded that they be given the floor to speak. When the first group continued to speak, those identifying with Black Lives Matter began blaring the megaphone siren horn, which naturally angered the group on the gate. An inaudible and intense looking argument occurred between the two men acting as leaders of the small factions.

The group on the gate continued trying to lead chants, but eventually lost their support after the man from Black Lives Matter began chanting "unity" and declared that "real unity is over here, real love is right here, don't listen to them." The man on the gate made a quick attempt to affirm the necessity of "unity," but didn't get very far because the other man quickly handed the megaphone to an older woman, demanding that "people listen to the elders." This was followed by a dance in solidarity from an indigenous group. The first group on the gate was ruined. The audience completely turned away, chanting "unity" with the new leaders. But few seemed to question the function of that "unity." For those seeking legitimate leaders, it seemed that a crisis of legitimation was at hand. The first man was black, and identified himself as a resident of North Minneapolis, the site of the 4th precinct; the second was also black and identified as a member of Black Lives Matter. For the majority of the audience who personally knew neither and only related to them via symbolic markers of legitimacy (i.e. skin color, neighborhood, or group belonging), there was no clear legitimate voice.

So did they turn to the one who merely invoked the word "unity" first? Or was the latter group's "unity" more legitimate because they identified themselves with a larger variety of legitimate parties? Is "unity" then a quantitative term, denoting whichever group has the widest range of support? Does "unity" then demand that we exclude those voices and groups less "unified" or "unifiable" than others? If so, the unity they invoked was certainly not an actual or a total unity because this unity explicitly functioned as an exclusionary tactic. "Unity" meant "forget what makes you different, the 'movement' is more important" and, on a practical level, "silence those who do not accept this fact by chanting over them." Most people could not even hear the substance of the debate, but once this spectacle of legitimacy had been established, they were comfortable silencing one party in favor of another in their calls for "unity."

Such tactics are constantly deployed in schools, which, being partly-closed discursive circuits, serve as good case studies for understanding the weapons of consensus discourse. Let us consider, for instance, the increasing phenomenon of school violence in the Twin Cities. In an article from the Star Tribune in December of 2015 we read that "The issue of school safety is important enough to call a strike […] to the president of the St. Paul Federation of Teachers—and the union's 3,800 members." The galvanizing event took place the week before when "According to witnesses, police reports and court documents, a teacher was choked into unconsciousness after trying to break up a fight Friday between students in the Central cafeteria." The assistant principal and other staff were wounded in the proceedings. The student involved is currently awaiting trial. But this is no isolated incident. In an unsurprising official statement, the union president Denise Rodriguez said, "Teachers don't want to walk away from their classrooms or their students, but if our school climates are not safe and equitable environments for learning, [a strike] is a step our members may need to take." The simple existence of the conflict and the constant necessity of its management calls into question the very idea that school is supposed to be composed of "safe and equitable environments for learning." What does this "learning" mean in a situation more and

more resembling a counterinsurgency campaign ("The teachers' union is pitching a proposal to improve school climate by drawing upon the expertise of counselors, social workers, nurses and psychologists, and by putting schools in charge of efforts to turn around problem behavior") targeted at the students themselves? And what does "equitable" mean to those confined inside a building described by a local architectural critic as "The nadir of modern school architecture in Saint Paul, a building so resolutely grim and uninviting that it suggests that education can only be viewed as a form of incarceration?"

These are *ethical* and *political* contestations and not specifically related to one or another "injustice" to be reformed. These conflicts are interesting to us because they cannot be included in a reformist or revolutionary campaign without being significantly altered in some way. The inclusion of the St. Paul Federation of Teachers dirties up the matter for the Left, who won't get involved unless they can find a way to frame it as a binary conflict that serves their own Good versus Evil narratives. But, viewed in the context of civil war and free of moral binaries, it is not necessary to choose sides between the false categories of "violent high schoolers" and the choked-out teacher with possible brain damage representing the army of "educational and behavioral professionals." We aren't celebrating when a teacher lands in the hospital, but we certainly aren't surprised that a high school student would attack someone representing the assault of pacification techniques aimed at them. The only possibility we can see is the strategic intelligence inherent to both the violence and the inevitable pacification campaign that cannot be separated from the larger program of pacification inherent to the school and its student body in the first place. We can and must assess and discuss, find affinities and enmities, and explore the contours of this and other complex conflictual terrains, not as an outside intervening force of "conscious" radicals, but as our growing connections and affinities allow.

It's worthy to note that in Ancient Greece what was perceived to be the greatest preventative of the outbreak of civil war was neither the army nor the police. In fact, Athens had nothing resembling a police force, nor a standing army. Every citizen, in order to be called a citizen,

had to be armed and ready to defend the city. According to Plato, the reason why no one in Athens feared a slave revolt was because they knew all the armed male citizens would rise up and defeat them. On this issue, the slave-owning men were "all of one mind." This state of "being of one mind" is what was called "justice." The city relied on that "justice," and, for that reason, *stasis,* when things didn't exactly work out that way, was always "unjust." The Greeks had another word for justice: *homonoia, same-mindedness.* In Plato's *Republic*, in which he constructs the ideal and just city, the Guardians, or the heads of the city, do not control the means of violence nor of another form of coercion, they form an educational system.

The function of such a system was to delegitimize interests that may result in the formation of faction by teaching citizens not some specific content, but rather "how to learn." Teaching someone "how to learn" turned out to be as simple as depriving them of the means to discover it themselves, and offering the student only forms of learning that will inevitably lead to the conclusions they had in mind from the outset. This process aims toward *reorienting dispositions,* not teaching some specific content. Ivan Illich had a similar insight: "Most learning is not the result of instruction. It is rather the result of unhampered participation in a meaningful setting. Most people learn best by being 'with it,' yet school makes them identify their personal, cognitive growth with elaborate planning and manipulation." Learning how to learn means learning to distrust your connections, learning to trust in the distant manipulations occurring around you, and learning how to celebrate these things and feel good about them. The first and simplest step is to remove children from the streets by mandating compulsory education. This also prevents the child from forming relations with the adults and elderly who live in their localities and funnels them from one controlled environment into the next, preparing them for degrading and pointless jobs—over which they will also have no power—to come.

These same ideas were popular among the early theorists and proponents of public education. Thomas Jefferson, for one, confessed in a letter to Thomas Cooper that he felt that "The article of discipline is the most difficult in American education. Premature

ideas of independence, too little repressed by parents, beget a spirit of insubordination which is the great obstacle to science with us and a principal cause of its decay since the Revolution." And in another letter, this time to George Ticknor, he said much the same:

> [t]he rock which I most dread is the discipline of the institution, and it is that on which most of our public schools labor. The insubordination of our youth is now the greatest obstacle to their education. We may lessen the difficulty, perhaps, by avoiding too much government, by requiring no useless observances, none which shall merely multiply occasions for dissatisfaction, disobedience and revolt by referring to the more discreet of themselves the minor discipline, the graver to the civil magistrates.

And so he desired "elementary schools for all children generally, rich and poor." How noble.

Another Founding Father, Benjamin Rush, the "father of public education under the constitution," and a supporter of women's right to public education, was more direct about the purpose of education. In a document titled "Of the Mode of Education Proper in a Republic," Rush argued that public education would, "[…] by producing one general, and uniform system of education […] render the mass of the people more homogeneous, and thereby fit them more easily for uniform and peaceable government." In choosing content, Rush is guided by the principle that one should mold education "[…] to secure to the state all the advantages that are to be derived from the proper instruction of youth." So, for instance, he recommends teaching Christianity, which inculcates "humility, self-denial, and brotherly kindness." In politics, he warns that "The science of government, whether it relates to constitutions or laws, can only be advanced by a careful selection of facts" and he suggests, to that end, teaching about the "ancient republics" and "the progress of liberty and tyranny in the different states of Europe."

We emphasize that he made these choices based on one criterion and one question: what will encourage good civic and moral behavior in the citizen as defined by the current power of government? The actual material was inconsequential. If other material could be molded to those ends, he would have suggested them instead. The goal, expressed in language similar to our own, was

> to convert men into republican machines. This must be done, if we expect them to perform their parts properly, in the great machine of the government of the state. That republic is sophisticated with monarchy or aristocracy that does not revolve upon the wills of the people, and these must be fitted to each other by means of education before they can be made to produce regularity and unison in government. (Benjamin Rush)

We have Horace Mann and Richard Henry Pratt to thank more than anyone else for our modern system of compulsory education. When Horace Mann took the office of Secretary for the new Massachusetts State Board of Education, public education in the U.S. was not a unified program. Massachusetts in particular was spotted with non-compulsory common schools and less official education programs one could participate in depending on the individual's location and status. Mann, inspired by the Prussian system of education, succeeded in passing legislation in Massachusetts in 1852 requiring attendance in a common school and funding teacher training colleges. Children and their parents resisted this imposition, and so the first students of what would become the modern public education system were marched into their classes by the National Guard, while some of the more rebellious parents languished in jail cells. "Forts, arsenals, garrisons, armies, navies, are means of security and defense, which were invented in half-civilized times and in feudal or despotic countries," Mann would write later, "but schoolhouses are the republican line of fortifications."

Richard Henry Pratt, a soldier who would become another major advocate for public education, and the man who created the phrase

"kill the indian, save the man," described his time as a soldier in the
following way:

> As a Civil War cavalryman [over Negro soldiers], I marched
> over vast stretches of slavery's domain, serving the four years
> in a war which led to broader Americanization, through
> participation in the duties of American citizenship, for the
> recent primitive Africans […] [M]y government used me
> in war to end a system which had forcibly transformed
> millions of primitive black people by transferring them
> from their torrid zone homes and life across a great ocean
> and compelling them to live with, and make themselves
> individually useful in, our temperate national family and
> by abandoning their own meager languages and adopting
> the supremely prolific language, life, and purpose of
> America […] [T]hrough forcing Negroes to live among
> us and become producers, slavery became a more humane
> and real civilizer, Americanizer, and promoter of usefulness
> for the Negro.

His great insight was that a national system of public education
might have precisely the same effects with other potentially dangerous
groups, particularly the new Puerto Rican immigrants and Natives.
He fought for eight years with General Sherman in his wars of
extermination against the insurgent mid-western and western tribes.
Those who were not killed were compelled to sign treaties giving up
the meager remains of their land, and the potentially insurgent warriors
were sent to to the Fort Marion prison in Florida without trial. Pratt
was assigned oversight at the prison in 1875. Under his direction,
unruly prisoners were branded, confined in iron shackles, and left to
simply die from dehydration and starvation. His greatest "success" was
in reforming the younger POWs. He cut their hair and marched them
around the grounds in military fashion, forcing them to cook, clean,
attend church, and perform drills. He also would mix different tribes
who spoke different languages and then sow the seeds of suspicion

and doubt among them, turning some into informers, others into his personal police.

After his successes at Fort Marion, Pratt began lobbying around the country in favor of a system of Indian Schools, which would be run on the model he refined at the prison. In 1879, the Carlisle Indian Industrial school was opened with Pratt as its headmaster. Between 1879 and 1900, twenty-four more schools would open with the same paradigm developed by Pratt. The scope of his influence reaches much farther than just Indian Residential Schools. At the National Education Convention in Los Angeles in 1899, Pratt drafted a series of resolutions that would be ratified and adopted by the entire convention. These resolutions declared:

> RESOLVED, that the true object of the Indian schools and of Indian management is to accomplish the release of the Indian from the slavery of tribal life and to establish him in the self-supporting freedom of citizenship to take his place in the life of the nation […] RESOLVED, that the public schools of the United States are fundamentally and supremely the Americanizers of all people within our limits.

The idea of the school as normalizer of American democratic processes is still held today. In 2008, a California Court of Appeal held that parents who homeschool their children may be found guilty of criminal charges, fined and be compelled to attend parents training and counseling. The Court's opinion stated that public education was necessary to produce "knowledge and intelligence" and "good citizenship, patriotism, and loyalty to the state." For white families, compulsory education was resisted as an affront to their freedom to choose where, when, and how to educate. For Natives, immigrants, and freed slaves, it was a scorched earth tactic of war. In the graveyards of their parents, kidnapped children were the first non-whites taught the goodness of Western Civilization and its inclusive democracy in American schools.

The school is preeminently aimed towards the production of *same-mindedness*, but not merely, or even primarily, in terms of content. Schools today celebrate the fact that they are discovering new ways to integrate the students experience into their lesson plans. All the better, since the form of connection discovered by that experience is excluded, and the foundation and justification of the school's discourse is kept from view. Integrating experience is another way to conceal the arbitrary nature of the school's conceptual categories, which still largely consist in applying measurable and quantifiable standards of knowledge to the most variable of situations. The school is a well-oiled *democratic consensus machine*, not only maintaining its own innocence in the face of violence within its walls but also denying its own violence. The school, which longs to be seen as the source of all future morality and civility, is the citadel of Western Civilization's own decrepitude in the face of its empty moral binaries.

Soak up the confusion of our situation. Imagine the process necessary to institute a nationwide network of confined and enclosed territories whose halls are roamed by security guards and social workers watching and teaching ever-changing groups of students, including many from a heritage of slavery or expropriation, who are confined there to learn how to learn and "be good citizens." Now ask yourself whether or not this is "violent" according to the standards with which the school prosecutes the "violent or disorderly" students. Ivan Illich wrote that "As much as anything else, schooling implies custodial care for persons who are declared undesirable elsewhere by the simple fact that a school has been built to serve them." Focusing on the choking of a teacher masks the enormous violence of the school itself in American history. How are students supposed to act when school appears today to be like a giant machine designed to pacify them in a planned environment filled with as many counselors and social workers as educators teaching them how to learn—teachers talk about hallways as if they were warzones?

Yes, civil war is dirty, complex, and sometimes tragic, but, in opposition to the benevolent "revolutionaries" and other "democrats," it accepts difference as a fact of life and begins from there. At the same

time, we understand that many use "revolution" in different ways, and that the word does not have the same meaning universally. We are using this example to insist specifically that the democratic movements and self-elected "leaders" and "marshals" of the Left paradoxically produce hostilities everywhere they speak of "community," while also calling attention to the term's ability to impose a binary narrative structure on a complex field of confrontations and alliances. The content of their "unity," which, being theoretically universal and based on abstract principles of communication, is only unifiable on the condition that it actually exclude bodies and discourses that don't or can't accept the basic principles of that unity, because it threatens or neutralizes another irreducible bond.

This was obvious throughout the 4th Precinct occupation, and was explicitly acknowledged by leaders in the Left. Nekima Levy-Pounds, the Minneapolis NAACP President:

> What [city officials] don't understand is that that occupation is the only thing that stopped the city of Minneapolis from burning to the ground. They have no idea about the number of people that we were able to stop from doing things that would have been harmful and destructive out of rage. There's a place for rage in the movement.

If we have focused up to now on the vague question of violence, it isn't because we love street brawls or burning buildings, but rather because these are the elements most viciously (and yet superficially) suppressed in the Twin Cities, where the difference between "violent" measures and "non-violent" measures is in no way agreed upon, and where any definition or declaration of violence must be viewed as a part of the strategy of the speaker. "Violence" is one of the central questions of democratic discourse not because some forms of force (fighting, fires, or guns) are important in themselves, but because the term "violence" is defined by democratic discourse in such a way that it itself becomes a tool of defining acceptable and unacceptable discourses and practices.

The 4th Precinct occupation had no lack of so-called positive and material resources like food, space, fire pits, barricades, the communication network necessary to gather crowds and pull off large events; but, the organizers were able to exclude large groups of people by monopolizing control of the form and spaces of discourse. They did not at any point expunge violence from Plymouth Ave, they merely defined it according to pre-legitimated, unspoken criterion unavailable and often foreign to many of the people there. Thus, any confrontational activity they participated in (like blocking the freeway, blocking the police in their station, or manipulating discourse and excluding bodies) was non-violent, while knocking over a standing camera to defend the group from rubber bullets was violent. In the case of school "violence," school officials can brand their persistent assault of manipulative educative, therapeutic, and preventative techniques practiced on students as "non-violent," while a single act of frustration is "violent" enough to arrest the student. In May 2016, a former student of Central High School was found on campus. He was "trespassing" according to the police and "visiting a teacher" according to the him. In the end, he was pinned and arrested while the other students watched.

This is why we can't feel anything but ambivalent when we read a teacher's letter about the incident at Central that bewails the fact that "Teachers feel powerless to discipline. I am not exaggerating. We are told to never under any circumstances touch a student as a behavioral intervention. […] If a child is running around screaming, we let them run around and scream." This statement is particularly laughable considering the huge variety of physical measures available to staff in a public school. According to the St Paul Public School's *Student Behavior Handbook: Rights and Responsibilities*, teachers are asked to "respond appropriately and consistently […] when students do not follow the expectations." They must respond when they don't follow the expectations. This means they make these decisions on a discretionary basis, since the staff member does not need to first filter their proposed response through a forum or authority which will legitimate it, but is expected to respond immediately. They distinguish between "interventions," which "facilitate positive behavioral change,"

and "disciplinary responses." "Interventions" (apparently these are not seen as "discipline") include the ability to:

- Re-teach expected behavior/skill
- Verbal or nonverbal redirection
- Role play
- Written reflection/apology
- Seat change
- Teacher/student conference
- Daily progress sheet on behavior
- In class time-out
- Restitution (fix-it plan)
- Removal from class to another supervised
- Change in schedule
- Loss of privilege(s)
- Student contract
- Parent/guardian notification
- Parent/guardian/teacher conference
- Parent/guardian accompanying student to school or class
- Removing, adjusting, or covering up clothing that violates student dress requirements
- In-school community service
- Conflict resolution
- Mentoring program participation
- Peer mediation
- Referral

Should they be so bad as to require a "disciplinary action," they may be subject to the following in addition to being reported to the police:

- Parent/guardian notification
- Parent/guardian conference
- Short-term suspension, in excess of one complete school day
- Alternatives to suspension

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- Administrative transfer
- Interim alternative educational placement
- Referral to Local Pupil Problems Committee
- Utilization of lower-level interventions and
- consequences in addition to the above

They also have the ability to conduct searches of a student's property with "reasonable suspicion" that they have violated a school code. What are are some of the behaviors that may warrant such a reaction? There are two tables that list the spatial expectations of the school, including which side of the hallway one ought to walk on, how to greet others "respectfully" ("wave, smile, thumbs up"), what "voice level" to use in various environments, rules for how to stay "clean," when to stand in a line, when you must raise your hand, when to have your electronics off, when you may talk with others, when the voice of the adult must be expected and listened to, and many more minute regulations and norms.

What should be characterized as a "punishable offence" and what is merely an "expectation" are mixed together in the section that follows. Side by side, we see the injunctions that students are responsible for "obtaining a pass from a staff person when late for class or if there is a need to leave class" and also that "Reasonable force by staff to restrain or correct a student from injuring self, other persons, or property [...] is allowable." In this passage, law, regulation, and expectation are all mixed together:

> Students are responsible for responding to all directions or questions from staff and for following all laws, policies, rules and expectations that apply to them. Students are responsible for knowing and following all applicable classroom rules, expectations, and procedures. Students are responsible for treating all persons respectfully. Students are responsible for respecting the space and freedom of those around them. Students are expected to treat the property of others and the district responsibly.

This category of "respectful" behavior is consistently mixed with "lawful" behavior throughout the text, so much so that there is functionally no difference. How you *must* act and how you *should* act are so closely related that it is up to the discretion of the staff to decide when to take action, ignore, "intervene," or "discipline." The police powers assumed by the school are ultimately arbitrary and yet extensive with the student's entire existence in the spaces they inhabit (when and where they can appear, how they must be in the space, how they must conduct themselves). Whenever the question of *what is violent* takes precedence over *who decides what is violent,* the management avoids exposing itself to its own history, its own source of legitimation, or, in other words, civil war.

What the most radical elements on the Left—the elements that make destruction, self-negation, or another negative content their independent goal—often miss is that these conflicts, civil war, and division are incumbent to the current situation. What is needed is not an opposing manipulation from the opposite end of the spectrum towards increasingly negative forms of conflict regardless of situation. This would make each situation a polarity between a "positive" interventionism and a "negative" interventionism. We propose the breakdown of the unifying programs of the Left or any other managerial machine, the fracture of the posited center and narrative, and a politics of friendship and strategic affinity. It is not as simple as attacking the visible elements of the Left, but rather amplifying the elements of civil war internal to it so that it breaks apart and divides.

We offer the following: With the recognition of civil war comes the understanding that there are irreducible differences. We are fated to divide. Far from creating "chaos"—we hope we have refuted Hobbes enough to show that chaos is an absurd idea in the context of the political—this division produces political multiplicities and inter-contextual ways of relating to our environments. Rather than gathering up the lowest common denominators of that division in tepid democratic forms, we will—slowly, as it must be—start with our division as a prospect of *friendship*. Friendship (because it is based on what is irreducible, unequal, and often even unspoken between people)

is antithetical to democratic mechanisms. Friendship is the leap *across and yet within* division. Friends neither try nor desire unification into One. It is the play between their differences that makes the connection so strong. When the Left calls for more "unity," we will content ourselves with more friends.

Consensus also makes any empirical understanding of *enmity* an impossibility. For, as Nietzsche tells us, "[i]f one would have a friend, then must one also be willing to wage war for him: and in order to wage war, one must be capable of being an enemy." Consensus only understands itself and, thus, handles the appearance of difference with purifications. The enemy of consensus is an internal disease that ruins the very basis of association. The student who stands up in class and shouts "fuck school!" or the kid who lights a fire in the bathrooms are not "enemies" with legitimate perspectives but "problems" to be worked out by experts. Adversaries locked in conflict receive no pleasure in the absolute destruction or purge of the other. They are held in a balance in which the delicate play of their forces *increases* their own power in relation to the other. In the midst of the legal battle and personal feud at the center of Balzac's story "Gobseck," the lawyer Derville remarks with deep insight that "two adversaries more often than not sense one another's hidden motives and ideas. Between enemies, you sometimes find a similar lucidity of mind, the same sort of intellectual insight, as between lovers reading each other's soul" (Honore de Balzac).

When we meet the Left on the same terrain, we will either form irreducible bonds and disrupt the flows of the organizations, or we will consider them adversaries, to the degree the situation allows.

Nomos:

the silent

victory of

the managers

"[The law] is war itself, and the strategy of this war in action."
<div style="text-align: right">Michel Foucault</div>

"The word 'law' has but one meaning: the law of nature is not a rule of duty but rather the norms of a power."
<div style="text-align: right">Benedict de Spinoza</div>

WE AGREE WITH CARL SCHMITT when he writes that "[a]ll political concepts, images, and terms have a polemical meaning. They are focused on a specific conflict and are bound to a concrete situation; the result (which manifests itself in war or revolution) is a friend-enemy grouping, and they turn into empty and ghostlike abstractions when this situation disappears." This agrees with our understanding of *stasis* and civil war as underlying the political. But this desire for internal unity, hinging on the recognition of the outsider as enemy, is thoroughly shaken by the principle of civil war. Civil war, being a disease that ruins the unified politics founded on it from within (as it ruins the body affected by it in its blood) must be expunged. But who

is authorized to expunge a disease that precedes and undermines any legal subject?

The idea that the law could exclude civil war must be discounted from the outset. If we take for granted the notion that sovereignty is defined by the ability to decide and follow Schmitt in the conception that the sovereign whoever decides on the external enemy and on the state of exception, it remains an issue how the sovereign could decide to exclude civil war. Because any exclusion would be in response to the perceived civil war ("I banish civil war from my domain"), it must itself be *an act within and of civil war.* This means that "the very element of transcendence that [the sovereign's exclusion] seeks to exclude is that which founds its purported immanence" (Dimitris Vardoulakis). We've shown that alongside the traditional narratives of the abstract-philosophical conceptions of the political in Hobbes is the parallel understanding that conflictual relations are being played out within and with the same discourse of "social contract" and "civil society."

So what, then, is "law," and how does it relate to civil war? What concept of law makes sense within the interplay of civil war? Surely, the idea that law is enforced legislation promoting the interests of some group, primarily enacted by means of direct violent force, seems attractive. That is definitely an aspect of law (which we will return to) but it doesn't clear up the basic ambiguities inherent to the term. It might even promote some other ambiguities and mythologies that we've already touched on, like the idea that there is a single class who uses the mechanisms of the "state" to assert its interest over another, apparently primeval class.

There are essentially three basic concepts of law in the West: The Greek *nomos*, the Roman *lex*, and the Hebrew *commandment.* The Greek word *nomos*, usually translated as *law*, is more accurately rendered as *norm,* for it does not resemble what we recognize as legislation or prohibition. How does this physical *norm* function? First of all, we mean "physical" in a literal way. In the Western legal tradition, "law" and the "political" did not take place in the same space. The "law" or *nomos* was a sacred space, a no-man's-land between the public realm of the city and the private realm of the home. The law in itself is a liminal

space (Latin, *limes*)*,* a threshold that separates political space from the outside. Only what occurred inside or outside the enclosure could be "political" or "economic."

The law has here a tripartite function: land-appropriation; division of the territory or distribution and allotment of goals, identities, functions, and goods; and production, use, or pasturage. It refers first to the enclosure of land, and not necessarily in a wall structure. The nomad who stops to pasture institutes a kind of indeterminate *nomos* on the land. He appropriates it, divides it, and uses it. This original spatial appropriation is *beyond the law and before the law* but it's also the very thing that *makes a legal order possible at all.* Locke called it "*radical title.*" Appropriation, division, and distribution are the archaic ritual elements of norms and laws and the only thing that guarantees their actualization. Remember that the founding act of Rome was when Romulus built the first wall, which occurred in the midst of the war between the brothers. Remus jumping the wall was a transgression of the new sacred boundary intended to bracket war to the outside. Prior to every question of law, of legitimacy, and of legality, prior to every legal, economic, or social question, we must ask: where and how was this space appropriated? By whom? How was it divided? Produced?

These are the first questions to ask in order to reestablish the link between law and space, law and architecture, law and infrastructure. Infrastructural shifts occur without being spoken nor theorized, and yet they are the real manifestations of a political bracketing of civil war. To equate law with infrastructure is to argue like Spinoza and say that the law has absolutely no sense outside the practical functions of a *norm.* The physical environments in which we live are not the "means" of a power. To say that would be to assume that space is neutral and that certain spatial elements—a particularly high wall or an obviously racialized highway placement—are the coercive means of a power that exists prior to that enclosure.

Space is the *medium* of power. "True power" does not reside in city hall, in the police station, or in the cathedral, rather, it flows within the connection between these places and every other, in the way bodies are compelled to appear, to move, to speak, and to be confined

by their physical environment. Power flows in the manifest capacities of the sidewalk, the power lines, the trash cans, the fire hydrants, the parking spots, the entertainment complexes, the housing projects. The urban environment is not the expression of a deeper hidden power, it is the power itself in its most immediate form. This matrix of places and their inherent programmed capacities, "[f]ar removed from the legislative processes, dynamic systems of space, information, and power generate de facto forms of polity faster than even quasi-official forms of governance can legislate them" (Keller Easterling). The original enclosure that defines legality and potential of movement in general is what we call a *normative enclosure.*

It is significant for our concerns that the American continent is named after an explorer and cartographer, named Amerigo Vespucci. Long before the constitution, before the treaties, before the slave plantations, and before the Revolution, American normativity was taking shape on the shores of the new continent as soon as the colonists began taking measurements of the land. The radicality of such an action can be deduced by the response on the part of Natives. Some were just perplexed, others, like the Comanches, would kill the white men who measured and set boundary markers on their land on the charge of committing black magic. The Comanches had a nomadic normativity, an ever-shifting relation to a land experienced in temporary camp enclosures and semi-open hunting expeditions. This should remind us that there is no "non-normative" experience of space. Every habitation of space has an inherent normativity. What distinguishes the pre-Columbian normative spatialities from the European colonizers' is their denial of hegemony, their interplay, their nomadism. The idea of applying ideal measurements to the land could be so odious to a Comanche because the tools used to establish that normativity had no relation to any tangible ritual practice or experience. The first period of enclosure in the United States was the period of exploration and cartography. Applying equal standardized measures to the land was the first act of European colonization, laying the grounds for the eventual destruction and subsumption of other normative patterns and relations.

There is still a widely held belief that power is concentrated and secretive, that there is some secret bureau or cabinet from which power flows downwards toward the coerced subjects. Even the classical examples of a centralized power order prove this thesis to be flawed, if not entirely false. The only period in Roman history in which the rulers vied for what they thought of as "absolute centralized power" was the period now referred to as the "Crisis of the Third Century," a time characterized by the total breakdown of the Roman circulation of power. It began when the military general Thrax murdered the standing emperor, believing he could rule through military authority alone.

The subsequent attempts to centralize power were plagued by a mechanism described well by the urbanist Lewis Mumford: "Centralized power takes its origin from the sheer force and capability of a dominant personality: it reaches its negation when all these attributes and energies are absorbed by an official mechanism, whereby the original power is conveyed to a distant point through a bureaucratic and military organization." The more the emperor-usurper tried to centralize an ever-larger region, the more partial and decentralized that territory tended to become, since for bodies and objects to move back toward a center a necessarily complex and massive network of pathways and human functionaries must be set in place.

Only Diocletian, by decentralizing and dividing the Roman Empire, could save the circulation of imperial power, but he did so by sacrificing the claim to absolute sovereignty. He certainly seemed to style himself as an "absolute" authority, but he did everything possible to make that authority distant and mystical by increasing the amount of local authorities (he doubled the amount of provinces, adding new and virtually meaningless hierarchies of local officials), developing inter-city infrastructure, and making it near impossible to see his person at all. The number of civil servants doubled under Diocletian. His "absolute authority" was nothing other than a ruse, the image of a false totality composed of a massive continental bureaucracy. In contradistinction with the "realist" style of portraiture common in the civil war period when everyone claimed to be the absolute ruler, the new imperial image was oddly surreal, homogenous, well integrated into buildings, plural

and more than anything imminently visible, more like a signature over self-regulating processes than a sword at the neck. Roman emperors never had "absolute centralized power," nor did they find it desirable. The *Pax Romana, or Pax Imperium,* the campaign of pacification and occupation established by Augustus, was characterized by free movement of traders, speakers, and soldiers within established trade routes. The steersman controls the city with streets and conduits, not with the sword, which is itself brandished primarily in transit.

What was essential to Roman counter-insurgency campaigns against the Jewish insurgents of the Judaea province was the opening of the field of battle to force the confrontation as facing armies. This appropriation of civil war by the military required first that the army force a more regular spatial organization (one army versus the other). The Jewish campaign had its successes not due to any notable military capacity, but to their use of underground tunnels, the ability to easily move around valleys, narrow and winding alleys, and hills. To prevent future revolts, the Romans (in addition to slaughtering or enslaving the rebels) leveled buildings and trees, keeping only the enclosing walls within which they would reestablish a province more transparent and more amenable to circulation.

The military emphasis on transparency and open routes is just as present here in Minnesota. The first major enclosure in Minneapolis, Fort Snelling, seems, like all military forts, with its high walls and concentration of military power in the heart of Indian territory, to contradict this strategic demand. But that would be akin to saying a train station is a building representing centralized power. The fort may have the symbolic function of representing American domination, but its function as a frontier post was to guarantee the free movement of traders and to establish consistent and manageable relations with the neighboring Sioux and Ojibwe.

The prison likewise contradicts the logic of circulation, since it gathers frightening and warlike dispositions in a single enclosed area. One could argue that for circulation to become the dominant spatial logic of the city, miscreants and social deformities need to be removed from circulation. In this light, the prison appears as a catch-all

dumping ground for everyone whose social existence threatens mobility and circulation. One must not forget, though, that the prison itself must then protect itself from the threat of war inside. When the prison functions "well" prisoners are not just dumped and forgotten in one collective center, but must be ferried around both to job sites, or to new prisons to prevent insurgency if the connections they've forged have any explosive potential. The collective areas in prisons are, to whatever degree possible, physically arranged to prevent a successful attack and socially managed to produce suspicions between prisoners and paranoia about what the guards may be able to see. Likewise, one must consider the prison not only from the perspective of "lifers" and others serving long sentences, but also as a space in which minor social deviants are ferried in and out, branded as criminals, and forced to participate in check-ups with parole officers, court dates, and/or long transits to jobs and appointments from halfway houses. The prison is only one stop-off point in a fluid spectrum of spatial controls that have solitary confinement at one extreme and the payment of fines at the other. There is no contradiction between good circulation and surveillance, nor between freedom of movement and the minute management of transit routes.

Opacity, irregular spatial layering, and narrow slow passageways create a breeding ground for a multiplicity of normative patterns to be established and played out in the same region. Illegality has a special meaning in this context. It isn't an act that breaks the law, but a spatial practice that unleashes political normative patterns. The hegemonic normativity favored by the city fleeing from civil war produces large, open spaces with easy visibility and free movement. But this "freedom of movement" is merely the freedom to get to the next place quickly. With no other possibility other than circulation, there is no way to attach yourself to a space. This spatiality doesn't eradicate civil war— it redirects and scatters bodies that have the potential for intensive contact. The history of spatial and architectural interventions in the Twin Cities is the history of the progression of this singular spatial hegemony. We make no nostalgic claims that the "old way" was better, but rather that each episode of urban planning and renewal has been

conceived in the same mythological matrix as a victory of circulation against dangerous, diseased, and unsightly entropy.

Perhaps each new generation of young idealists has looked with horror at the tightly-packed buildings in the urban core and thought that maybe they would be the ones who'd finally blueprint urban disease out of existence. We have no doubt such idealists exists, but it is equally true that every victory of "clean, open spaces" over "blighted zones" has also been a victory of the movement of goods and labor over unproductivity and "useless" space; of transparency, communication, and statistical mapping over opacity, secrecy, and local knowledge; in short, it represents the victory of manageable (predictable and smoothly connected) public space over the potentially dangerous, that is, unpredictable and continually shifting spatial reconfigurations made by vagrants and squatters. Of course, anyone who looks at these urban renewal projects will also quickly notice that the planners never really emphasized the human factor of their projects. A history of their major projects looks like a series of routes and transportation hubs (railroads, bridges, roads, barges) replacing people's actual homes, with those affected rarely being compensated for their losses. Human beings are considered to be merely an aspect of the functioning circulatory system along with goods and information.

Despite its efforts at being viewed as objective and inevitable (even boring) the history of infrastructure is not without its rebellions and conflicts. When Minneapolis was still a new city in the late 19th century, some of the new migrants from eastern Europe formed a squatter's village under the Washington Avenue Bridge on the Mississippi River. Today the Bohemian Flats is remembered as a short episode in the history of a quaint little city. When the flats were still inhabited, the men would climb the hill in the morning to work in the flour mills and lumber yards. Many families kept gardens or goats, and children spent their days gathering debris to supplement a small income. The city planners of the time certainly did not find the Flats very quaint. In May 1923, the police showed up demanding the residents pay for the ground lease or be evicted. According to the *Minneapolis Morning Tribune*, a "near riot was halted" when a second court order was served

on police, ordering them to halt the evictions. The squatters declared they would rather tear down their houses than be evicted. In 1919, the city bought the land from nonresident owner Mary Leland for 5,000 dollars, and now began to demand rent. Many of the residents refused to pay rent and were called to court in September 1922. They didn't show. In 1923, the city managed to evict most of the squatters to make way for the Municipal Barge Terminal. Many would leave of their own accord after the construction. By 1931, only fourteen houses remained. The bridges, roads, and barges in the Twin Cities were not built overnight to the applause of a benefitting population, but with heavy machines watched over by weeping residents and troops of armed guards.

In St. Paul, similar processes were under way in the "Swede Hollow." The Swede Hollow was a makeshift immigrant community that began as a Swedish settlement in the 1850s. Waves of Polish, Italian, and finally Mexican immigrants would follow making it one of the larger dense and unregulated marginal communities in the cities at the time. In the 1950s, the city decided to evict the last squatters on grounds of health code violations and burned the make-shift village to the ground.

The Gateway District in downtown Minneapolis was the largest and densest center of these iniquitous and dangerous spaces of opacity and entropy for the Twin Cities. By the 1950s, businesses were leaving for the suburbs and the Gateway filled with disreputable transients unwelcome in any other part of the city. Kristin Delegard from *Historyapolis.com* characterizes it well:

> In the historic heart of the city, [where] the alcohol flowed freely, the idlers wiled away their days in the park and on the sidewalks; the prostitutes were brazen; men sought sexual encounters with other men; the buildings were dilapidated and vermin-ridden; the communists and Wobblies called for the overthrow of capitalism and the American political system. Its flophouses sheltered people not welcome elsewhere. In these squalid conditions, a community took

shape that included exhausted lumberjacks and harvest hands; alcoholics wanting to drink out their last years in peace; Chinese men seeking respite from West Coast racial violence; Native Americans looking for anonymity in the big city.

Central Minneapolis, 1935

It was because this avoided and misshapen area of the city housed the motley and dispossessed unwanted and fallen ones of our progressive metropolis that Fortune magazine, in their investigation of the causes of the 1934 revolts, wrote that the "revolution may come from the Minneapolis Gateway district."

John Bacich, the "King of Skidrow" owned a bar in the Gateway district. His movie "Skidrow" is a series of interactions and shots of popular spaces narrated by Basich. In one scene, as two people roll scuffle in the middle of the sidewalk, Basich says he "knows you feel sorry for um. People say 'yeah they lived a miserable life.' But they said 'no we don't want responsibility and down here we can do what we want. We don't have to worry about paying bills, raising kids, paying payments on cars or houses and this and that.' That was their choosing." His film shows images of men drinking in the street, some fighting, some who climb to the top of buildings "just to get kicks," men tickling each other, rail workers meeting to drink and play games with the homeless, a native man being tended to after a fight, an image of a woman named Mabel, identified only as "the chieftain's daughter," socializing with the "bootleggers, muggers, jackrollers [robbers of the drunk]." Say what you will about the blight and squalid conditions in the Gateway District or the Bohemian Flats, but, by cleansing the city of its "sickness," the city lost places to gather and talk, to be lost for a while. These experimental forms of being together were accidental to the structures that stood in the Gateway, but, for the urban planners, they were considered potentially dangerous connections. The possibility that the architecture was shielding those acting in socially inappropriate ways from sight was what really mattered. When city planners speak of "cleaning up the city," this does not mean they intend to "help" anyone achieve happiness or health, but that they intend to dispose of those elements they conceived to be a hindrance to the "healthy" circulation of material within the city.

This is clear from how the urban planners developed the Gateway. Between 1959 and 1965, 200 buildings were razed and around 3000 mostly transient residents were displaced in the largest urban renewal project in the United States. After destroying the park where hundreds slept at night, the city put up a fence around the grassy enclosures. The city planners of the renewal project would rid the city of the blight "in much the same way personal health might be restored by removing a clot from the bloodstream," as one plan from the 50s stated it. The recurrence of this medical civic discourse is not incidental. The word

"blight" became accepted as an architectural concept when city planners began to see themselves as surgeons, removing diseased and unhealthy zones of urban space. The economic hopes involved in leveling the dense and unprofitable center of the city are obvious, but the fact remains that through the 60s and into the 70s, much of the area would remain empty lots and thoroughfare. Even an amateur could have designed a more economically viable plan for slow developmental transition. The zealousness with which they destroyed the area has more to do with ridding the city of people they called "loafers" and "undesirables." As the 1956 Downtown Council Renewal Plan states, they intended to "increase the quantity and *quality* of people coming to the [Lower Loop or Gateway]." No one would move a six-million-pound theater—one of the heaviest buildings in the world at the time—on rubber wheels and proceed to blast opera music on the empty block to repel drug dealers, as the later urbanists of the 1990s renewal of Block E in downtown Minneapolis did, without being inspired by some deep civic anxieties about "undesirables" and their "disease." What stands downtown now is a testament to the "healthiest" type of enclosure where the authorities need not even be consistently present, because people move through it like ghosts, always on their way to their job, their apartment, or a shop. No people, no interaction, no sickness. In the urban renewal of the 1950s, most of the area (besides a few of the original buildings) became parking lots and the rest was overlaid with massive wide roads and stark modernist buildings. Architecture actuates the opposite of inhabitable space when it produces passageways and conduits to carry you along to a place where your existence could be more profitable.

The replacement of dangerous space with smooth space is nowhere more obvious than in the placement of I-94. The map above overlays the interstate with a map from a sociological survey in the late 30s. The perfect exemplar of speed and circulation, the freeway, was placed in the center of the city's diseased "slums," "negro areas," "workingmen's homes," and "foreign born" (in the words of the sociological survey) neighborhoods, demolishing anything in its way. That split is still felt today, especially in Rondo, a mostly black neighborhood in St. Paul that was effectively destroyed by I-94 construction. Joseph Rondeau, an

immigrant from Canada bought the area in the late 19th century. He was originally a squatter, but was forced to relocate after development began on the river in 1872. Inspired to do something about the racism directed primarily toward his wife of mixed French-Canadian and Kootenais Indian background, Rondeau bought a tract of land for 200 dollars to create a "haven for immigrants" who would never be forced to move. He slowly allowed more and more workers and immigrants in the city to build on his land. Many black residents of the cities followed in the early to mid-twentieth century to avoid the blatant racism of the inner city and neighborhood associations and their restrictive racial covenants.

It makes sense that Rondo became the neighborhood of choice in St. Paul for the unwanted and the dispossessed. It was also an early site for urban renewal in the cities, whose planners wanted to "improve the atmosphere of neighborhoods" and "create a city with more speed and efficiency." The first wave of renewal displaced 608 families, replacing their homes with a school, a park, and 24 acres of commercial development plots. Freeway construction destroyed 433 homes. The city provided assistance to less than half of the displaced families in finding a new residency. Worse was that it cut right through the center of the neighborhood, making movement and gathering between friends, one of the many neighborhood clubs, or families impossible. The original plan included a large land bridge, but this cost was cut in development.

How did circulation and visibility become normative imperatives? Although considerations of space and its connection to political organization started to form in Ancient Rome, it was in the 19th century that a political imaginary crystallized explicitly around the idea of producing new political organizations of space by manipulating infrastructure. The most extreme proponents of such a discourse would claim that the state is redundant, a mere representation of the dynamic movements of power throughout urban space. The city as conduit has its root in Haussmann's overlaying of boulevards, railways, and sewers atop old Paris, a move that he celebrated in his Memoirs as the end of the medieval Paris, the end "of the neighborhood of riots,

and of barricades, from one end to the other." Ildefonso Cerda, the designer of the 19th century extension of Barcelona, likewise believed that circulation and visibility would solve the ills inherent to city life: "Railways and electric telegraphs will harmonize language, weights, measures, and currency. […] they will give rise to the harmony needed between the different classes within society." One of the primary goals of the city as conduit is to prevent insurgency the possibility for factions to gather, and to make the streets wide enough that barricades would be impossible to build while allowing for speedy transportation of the authorities. Hausmann's designs for Paris were a direct inspiration for the Minneapolis city planners involved in the leveling of the Gateway as early as 1917 with the "Plan for Minneapolis," the main goal of which was to increase automobile circulation downtown.

A curious problem takes shape around this infrastructural counterinsurgency. The city as urban space has concrete spatial form insofar as residents are limited by their means of locomotion. The effect of the circulatory grid is that, as speed and mobility increase, the possibility of meaningful communication dwindles. The suburb, supposed to have offered a pleasant alternative to urban life, covered increasingly expansive distances after the creation of the personal automobile. As suburban space drifted to the outer rings of the city, it actually worked to dismantle traditional urban space rather than function as an alternative to it by emptying it of its enclosed form. With the construction of larger roads and the subsequent disregard for planning walkable distances came the end of walkable and inhabitable public space. Outside the inner ring, the expansive suburban traffic grids make walking unpleasant, loud, and dangerous. Where the difference between inner and outer city is gauged merely by quantitative factors of speed and circulation, we have no grounds to continue talking about the "city" as an urban form. Today, we are faced with a conurban grid that can't be improved by architectural reform. It can only be broken down and occupied.

Such a proposition may seem daunting, but we have not lost the ability to gather. The Communards proved Haussmann wrong about the potential of his infrastructural space by building larger barricades.

Today, infrastructural space is too complex to just "build the barricades higher," but whenever people gather in public space dedicated to movement, they commit heresy against the norms of circulation and visibility and open up a possibility for experimental spatialities. Every occupation, regardless of the discourse inherent to it, commits itself to such an act, thereby opening up the possibility for a multiplicity of new normative patterns to be laid over the hegemonic circulatory conduit. If circulation is the apparent suspension of political contact, the occupation and the blockade are the methods that will hasten its return.

This practice is illegal, since it violates the structures of physical power itself. This spatial planning of power relations is clear when a group declares a march or a protest. On March 30th, the march to the government center following the non-indictment of the police involved in Clark's death was large, no question. But the marchers, threatening the city with "more protests, and more disruptions," were virtually alone. So alone in fact that we must ask: should this even qualify as a disruption? The infrastructure of circulation is so effective that it is no problem for the city to redirect traffic when they know about an event in advance. The police did not even feel the need to be there. We only saw a handful of them as we walked from a few blocks away. The city has designed and planned its citizens out of the possibility of political action in even the most conservative senses. The only possibility as far as space is concerned is to hemorrhage its conduits and set a new normative mosaic in the byways of urban space.

Perhaps then, too much attention has been paid to *laws* and not enough to *norms and their circulation.* What emerges from the tradition we call legal, is in fact a normative tradition. The loss of the meaning of *nomos* when translated by the Latin *lex* is an act of civil war we still have to come to terms with. *Lex* means "intimate connection" and it refers to an act that bonds two separate parties who require that connecting. According to Virgil, the people of Italy had no laws until Aeneus arrived with his colonizing army. At that point, laws were first deemed necessary. The *lex* comes into play when war is in existence in principle. It does not put an end to war, but creates new "alliances," or *socii.*

Hannah Arendt makes this clear: "The ambition of Rome was not to subject the whole world to Roman power and *imperium,* but to throw the Roman system of alliances over all countries of the earth." The self identity of the Romans, the *populus Romanus,* owed its content to the war alliance between the Patricians and Plebeians, concluded in the Twelve Tables, the foundation of Roman law. This is law as association. Law as association and principle of association is not the establishment of absolute law, as the Ten Commandments tend to be portrayed, it is a complex, often contradictory web of connecting power formations between groups. Law removed from spatiality only has existence in the forming of relations supposed to prevent the outbreak of war. Neither the Greek tradition nor the Roman tradition had a transcendent view of "law." The law wasn't something that came from above, but between.

How are such relations formed? What relationship do they have with with we refer to as law and the legal tradition? At this point, we must to turn our attention to a particular kind of *nomos, oiko-nomos,* or economy.

Bohemian Flats, Minneapolis, date unknown

Oikonomia:

domestic

power *or*

the police

I. Households

"If you know what you are doing, if you know the law well enough […] you can make it do wonderful and marvelous things."
<div align="right">A New South Wales police officer</div>

DURING AND AFTER THE 4TH PRECINCT OCCUPATION, we heard many denounce the police's "excessive violence," their growing stock of military grade weaponry, or their virulent and racist comments (like the one from a St. Paul officer on Facebook recommending drivers hit occupiers with their cars). The denouncements often centered on police activity that went beyond "lawful" behavior. Many of these same people coupled their denouncement with the demand that more cops who live in the neighborhood or who are people of color be hired.

All of this implies that there is a way cops *should behave* in our neighborhoods, and further, that they need to be held accountable to the law, which they are supposed to enforce. Unfortunately, the typical

analysis of police begins and ends with the assertion that the police are not upholding their duty to "protect and serve." The textual tradition invoked to call attention to the role and legal status of the police is often merely a slogan printed on the side of their cars. And this despite the fact that the Supreme Court from 1855 (*South et al. v. State of Maryland*) to as recently as 2005 (*Town of Castle Rock v. Gonzolas*) has consistently ruled that the police have no constitutional duty to protect citizens. And yet the problem with police is said to be that police have *overstepped their bounds.* What bounds? Which laws are the police bound by, and with which do they justify their powers? What is their relation to constitutional law? What rights and limitations do the police have? Who *really* knows what the police power is, what the police officer's job is, and where they came from? The police themselves often don't know the extent or limitation of their role on the street, and neither do judicial functionaries, even at the highest levels. The police power does not derive its power from the constitution nor any other founding document in the American legal tradition, but is always assumed to have always existed.

That lack of a constitutional legal foundation ought to create major problems for jurists and citizens alike in the land where "LAW is king" (Thomas Paine). The ambiguity of the police power's function and place in civil society stretches back to its first explicit legal formulations. Duchesne noted in his formative *Code of Police* of 1757, for example, that "the objects which it [police] embraces are in some sense indefinite." The very few references to police power in the Supreme Court further confuse the object. The Supreme Court ruled in the Licence Cases that the police power encompassed the extraordinarily broad "power to govern men and things." Supreme Court Justice Lemuel Shaw's statement on the Slaughterhouse Cases declared that police power "is and must be from its very nature incapable of any exact definition or limitation" and yet, "upon it depends the security of social order, the life and health of the citizen, the comfort of and existence in a thickly populated community." Ernst Freund, the first American to do a major study on the history of policing in 1904, called it "the most comprehensive and therefore necessarily the

vaguest" of American political powers. More recently, the passage for "police power" in the journal *American Jurisprudence* called the police power "the most essential, the most insistent, and always one of the least limitable of the powers of government." Given this persistent and structural lack of specificity concerning the police, where did we get the assumption that police act in relation to the law? What is the history and the nature of this expansive and formless power? These questions can only be answered by reexamining our assumptions about the police and their relation to what we call "law." If what follows seems somewhat circuitous and repetitious, that is because it's the nature of police power to be so.

The word and concept of police entered the American governmental lexicon in the post-revolutionary period with James Wilson, one of the original Supreme Court justices, who, at the federal constitution convention in 1787, fought for the preservation of state government to protect "their internal good police;" and Thomas Jefferson, who established the professorship in "law and police" at the College of William and Mary in 1779. It's difficult to say from whom they adopted the term. By the time of the revolution, the word police had already been around for 400 years and the practices associated with it long predated that. The most likely direct source of inspiration would be William Blackstone's definition in his *Commentary on the Laws of England,* which (quoted by jurists in this early period more often than any other definition) would be the foundation American Legislators used to structure their penal codes, and with which courts would regulate the scope of police power and create police offences. Blackstone writes: "By the public police and *economy* I mean the due regulation and domestic order of the kingdom: whereby the individuals of the state, like members of a well-governed family, are bound to conform their general behavior to the rules of propriety, good neighborhood, and good manners." In the history of the police, one will frequently encounter that phrase "economy or police…" and reference to the "great family" either of the state or the kingdom.

It's odd that the text that formed the basis of American police discourse would equate it with the domestic sphere and not with the

city, thus making "police" a domestic and not a political term, but this is the case in every theory of police up to today's. Other direct sources make the same distinction. Vattel asserted that sovereign power "ought in every thing to appear as the father of his people" and adds that "the internal police consists in the attention of the princes and magistrates to preserve every thing in order." American writers on police sometimes refer to Jeremy Bentham's definition. Bentham makes a distinction between *justice* and *police,* which repeats the distinction between the autonomous mode of government and the heteronomic mode of government. The first is a remedial power, which treats the actors as responsible for acts they have committed or did not commit. The later is preventative and is considered an economical way to prevent "mischief" originating from internal adversaries: "police applies itself to the prevention both of offences and calamities; its expedients are, not punishments, but precautions; it foresees evils, and protects against wants" (Jeremy Bentham). Like everyone else who encounters the police power, Bentham notes the impossibility of defining it: "The idea belonging to it seems to be too multifarious to be susceptible to any single definition." Rousseau, one of the fathers of political contract theory and an influential figure in the development of a theory of police power, could state quite unequivocally that "The word Economy, or Œconomy, is derived from *oikos*, a *house*, and *nomos*, *law*, and meant originally only the wise and legitimate government of the house for the common good of the whole family. The meaning of the term was then extended to the government of that great family, the State." The authors quoted here are all acting in accordance with the Greek distinction between *polis,* the city and sphere of political activity, and the *oikos,* the household where one looks after one's necessities. It may seem to be a bizarre mistake to place the police solely in the household, but it is not. In fact, the police have never been strictly political in conception. A short history can illuminate this ambiguous development.

Any thorough exploration of the police must begin in ancient Greece with the *oikos.* We have already discussed the nature of the Greek householder's order in an earlier section: the householder proves himself equal and thus capable of participating in politics by managing

the objects in his household in an orderly fashion. Of those objects in need of management, Aristotle writes, "some are living, others lifeless." The household is best defined as a tautology ("the household is everything being managed by the householder") since the question of the household is not about origins, truth, or meaning, but power and functional relationships. The principles of the Roman household were virtually identical. The *paterfamilias* was the head of his household, the *familia,* which the second century jurist Ulpian defined as those persons and things who by nature or by convention are subject to the *patria potestas, the power of the father.* Interestingly, the *paterfamilias,* the father, was himself not a member of the *familia,* since he could not be subject to his own art of management. Despite that, the interest of the householder was said to be the interest of the household in general, so he stood both in and outside of his household.

The genealogy of American police must also include the Germanic *Sippe,* "the clan." Jefferson in particular was fascinated by the proto-democracy of the ancient Saxons, calling it "government truly republican," and "that happy system of our ancestors, the wisest and most perfect ever yet devised by the wit of man, as it stood before the 8th century." Not much is new in the *Sippe.* The Germanic tribes made the same distinction between public governance where the male house holding subjects governed themselves, and household governance where those same householders governed their property, children, wives, and slaves (the distinction between autonomy and heteronomy). The political realm of house holding men also had to tend to interpersonal conflicts that become more complicated when they included the objects of household management. The chief of a household was responsible for any damage caused by a member of his household, often resulting in a situation where he must either give up the offending member or pay a *wergild,* a fine. Medieval historian Paul Hyams compares the status of the household offender to that of the dog today: they both enjoy very few real protections against maltreatment, they lack the means to enforce any protections they have alone (to whom could they complain? The master who theoretically committed the damage?), and when they act inappropriately, the master is liable

for their misdeeds. Those interested in political history tend to focus on the self-organized public government of the house holding men, but this was in reality an exceptional affair. Most people lived as members of households under the regulation and discipline of the householders, and most conflicts arose out of the household. Declaration of war, the change of leadership, or other consequential matters may have been collectively decided in the political public sphere, but the management of daily affairs and the reproduction of social life occurred within the household, and all the minor conflicts that arose from that continuing state of affairs were considered domestic issues to be administered out of existence rather than treated as legitimate public concerns.

The power of the householder over the household was called *"mund"* or *"munt"* in Frankish law. The word is from the Proto-Germanic *"*munto"* which means something like "protection." The power of the *mund* was conceived as the power to protect his household from threats within and without in order to maximize the welfare of the household. German law still has *Hausfriedensbruch,* "breach of the peace of the house," laws today that come explicitly from this original power. These "offences against the public peace" include trespassing, breaching the "peace of the land," and "disturbing the public peace," a law America had until the 1960s. The authority of the householder to both define the scope of such a threat and to extinguish it were beyond question, and virtually unlimited. "Every ruler of a household, whether small or large," writes Paul Vinogradoff in his article "Foundations of Society", "had to keep his sons, slaves and clients in order and was answerable for their misdeeds. On the other hand he was their patron, offered them protection, had to stand by them in case of oppression from outsiders and claimed compensation for any wrong inflicted on them."

The *mund* was shared, legally and practically, by various institutions in the West. The two most influential institutions in Europe outside the manor were the monasteries and the ascendant militaries. When we say that the religious orders were modelled as a *mund* or as households, we do not mean this analogically or metaphorically. On July 29th, 1014, we can read in the "Buchard of Worms: Lex Familiae Wormatiensis, Charter of Immunity for the Church of Worms," that

"The venerable man Buchard, bishop of the holy church of Worms," was upset about "the frequent injuries and unjust laws imposed upon the *familia* of his church." The church and its religious orders were not "like" households, they were real households on the level of their organization and legal status, with the ability to make complaints *as households* threatened by external forces to other households. Hence, the guidebooks of the monasteries provide a particularly well-organized and transparent view into the organization of the household. The Rule of Augustine, for example, under the heading "Governance and Obedience" defines the requirements of household obedience and the means available for enforcement:

1. The superior should be obeyed as a father with the respect due to him so as not to offend God in his person […]
2. But it shall pertain chiefly to the superior to see that these precepts are all observed and, if any point has been neglected, to take care that the transgression is not carelessly overlooked but is punished and corrected […]
3. He must show himself as an example of good works toward all. *Let him admonish the unruly, support the weak, and be patient toward all* (1 Thes. 5:14). Let him uphold discipline while instilling fear.

Such rules are typical of household governance. The householder has at his disposal a number of vague and yet expansive powers to punish. No words are wasted on what that punishment might be. The objects of household management are asked to uphold "good" behavior and observance, without defining what the limits of their "respect" must be. Transgressions are totally lacking a true limit. The householder holds the enormous power of defining what threatens the order of his household, not the limits of lawful and unlawful acts nor any ultimate truths about good and evil. The household continues to function well,

and what continues to function well is good. In *The History of English Law Before the Times of Edward I,* Pollock and Maitland write that

> [t]he chief limit to [the power of a bishop] was set by the elementary rule that the church would never pronounce a judgment of blood. He could degrade the clerk from his orders and, as an additional punishment, relegate him to a monastery or keep him in prison for life. A whipping might be inflicted, and Becket, it seems, had recourse to the branding iron.

Execution of an offender was permitted in a *mund* as long as the offender was caught in the act of a theft or other more serious crime. The important thing was the ability to claim that the offender threatened the peace of the household. Through his act, the criminal sacrificed any protection he may have had from the *mund* and became "peaceless," a universal criminal and enemy of society. Thus, anyone is permitted to kill him. This is the origin of the legal figure, the "outlaw." There are a number of important features pertaining to this figure collected by Markus Dirk Dubber in his book *The Police Power. Patriarchy and the Foundations of American Governance.* First, "Outlawry is self-inflicted" and it is through his act that the outlaw makes himself lordless and exposed to death; second, "Outlawry is a status as much as it is a punishment" since the outlaw *reveals* himself to be or is *transformed into* an outlaw; third, "Outlawry is exclusion" in that the title "cements his status as an outsider." In Anglo-Saxon law, the "lordless man" is a "suspicious threat if not dangerous person; if he has not a lord who will answer for him, his kindred must find him one; if they fail in this, he may be dealt with […] as a rogue and vagabond" (Pollock and Maitland). The status of outlaw is, like that of the householder, essentially tautological—he who has shown himself to be an outlaw is an outlaw; an outlaw is one who reveals himself an outlaw. There is no permanent threshold or marker for outlawry. Outlaws are in essence those who have shown themselves to be "a suspicious threat if not dangerous person." The deserters of the military

household, "forfeit all their privileges, and may be crucified or thrown to the beasts." (Modestinus) Such limits are discretionary in that the authority decides in the moment what the correct and necessary course of action must be. It may be that, in one instance, the act of running away is not punishable by death, but rather whipping or confinement. Maybe this individual was hated by other household members, in which case their act of fleeing may appear unlikely to inspire copycat actions. The authority figure may, in this case and others, use his discretion to decide the correct course of action depending on the needs of the household considered as a whole.

Mall of America, Bloomington, Minnesota, December 23, 2016

II. Macro-households

Let us return to our "modern" definitions of police (still held to be modern by today's standards) from Blackstone: "By the public police and *economy* I mean the due regulation and domestic order of the kingdom: whereby the individuals of the state, like members of a well-governed family, are bound to conform their general behavior to the rules of propriety, good neighborhood, and good manners." And Rousseau: "The word Economy, or Œconomy, is derived from *oikos*, a *house*, and *nomos*, *law*, and meant originally only the wise and

legitimate government of the house for the common good of the whole family. The meaning of the term was then extended to the government of that great family, the State." The idea that the entire realm can be viewed as one giant household has a historical origin. One can locate it in the transmission of Roman patriarchal power into the *Imperium* after Augustus, but the spread of the "macro-household" of the Anglo-Saxon kings after the Norman conquest is most directly related to the production of Anglo-American law.

William the Conqueror was unique among kings in how far he spread his administrative web by collecting statistics and data on the micro-householders of his kingdom in the Domesday Book in 1086. The king was also the head of a household, namely, his realm, and, like any householder, he was permitted to protect his household from internal and external threats. But this power is not like that of the other householders because his kingdom necessarily includes other householders within it. According to Pollock and Maitland, all institutions of English law and government find their way back to this expansion of the king's household: "All medieval governmental departments began as a division of the household, including chancery, exchequer, the chamber, the wardrobe, and the royal courts of law." Previous to this, the relations between one *mund* and another resembled international relations. Under the great household of the kingdom, their distinction began to fade, and, since these smaller households were seen as equally inferior objects of the kingdom's arms of administration and management, the previously significant differences between them were levelled. This is the imposition of the "macro-household," which encompasses "micro-households." Although the lords were able to run their estates in virtually the same way, they now answered to a *mund* as well. This was the status of the American colonizers when they arrived in the New World. Although it may have been difficult for the king to manage his household from so far, the plantation owners and governors of colonies in the New World arrived already exercising power under the jurisdiction of a macro-household. This sacrifice of ultimate authority was illustrated by the oath required in the Laws of William the Conqueror, which decreed that "Every freeman shall affirm by oath

and compact that he will be loyal to king William both within and without England, that he will preserve with him his lands and honor with all fidelity and defend him against his enemies."

It's worth pausing here to make note of those enemies. When the king expanded his *mund* to cover all of England, he was also normalizing the law. Before him, there were guidebooks and agreed conventions among householders, but the ability to determine conduct within the household was generally under the discretion of the householder alone. The king's decrees have a special character in that all minor householders were then required to conduct themselves in relation to a new system of norms. The original offence—and the one that defines the severity of all the rest—of Anglo-Saxon law was the "breach of the king's peace," which was to be determined in a discretionary way. The enemy of the macro-household was not just a lordless man or an outcast from his household—he was an outlaw of civil society itself, the enemy of the people. In such a circumstance, it becomes nearly impossible to distinguish between internal discipline and external war. Breach of the oath was called *felonia,* and technically anyone is capable of committing one. Committing violent or dreadful acts against a member of the household could generally be paid for with money, whereas the act committed against the lord, which breaks the oath of fealty, "Is compared to blasphemy against the Holy Ghost; it is punished by a death cruel enough to seem a fit beginning for the torments of hell" (Maitland and Pollock). This was still the case with the micro-householders of the American South. A 1740 South Carolina law stipulated that the killing of a slave could be remedied by paying a 700 pound fine, whereas the slave who killed his master was subject to public torture and execution. But with the expansion of the king's household, the terms of the *felonia* were applied much more broadly. Any serious offence could be constituted as a felony, and the offender would be under the mercy of the king, who had the power of life or death over the offender. It was in the king's discretion as to whether the offender's continued existence threatened the good of the household or not. If they were deemed a threat, they were an outlaw and were condemned to death.

There is one very special crime that was formed at this time: treason, or the killing of the lord. Within the king's *mund,* this crime is hardly possible—if one kills the master, who will punish the criminal? In the formulation of household management since Ancient Greece, completed treason was not just a disturbance of the household, it was its complete destruction. In such a case, the household must be reconstituted. Given the severity—or even the impossibility—of such a crime, treason was not punished, but was prevented. This makes treason the first inchoate crime (punished before it is committed) in the Anglo-American legal tradition. For instance, the Treason Act of 1351 holds that to commit treason means to "Compass or imagine the Death of our Lord the King," or his family members. Killing the king was not outlawed, because that would amount to destroying the household itself. Treason doesn't only refer to an attempt to kill the king. Imagining his death was enough to punish. The Treason Act also criminalizes the imagining of the murder of the king's family, the rape of any member of the king's family, "levy[ing] war against our Lord the King," aiding his enemies, or counterfeiting money.

Treason was punished in the early days of the colonies, and most brutally against slaves and natives. In 1710, Salvador, a native, and Scipio, a slave, were convicted of high treason for planning a slave insurrection. They were quartered and the pieces of their bodies were sent back to England to be exhibited in various towns. Petit treason was punished when the plantation householder was threatened, and punishment was meted out by the courts if the master had been killed. Today, we have innumerable inchoate crimes, which ultimately go back to either a breach of the peace law or treason: possession, conspiracy, attempt, misprision, and solicitation are the most common inchoate crimes in the U.S.

The emergence of the macro-household administration reached a deeper stage in its imposition during the breakdowns suffered at the collapse of minor feudal estates throughout Europe. In the feudal household, political and legal power coincided with economic order. The economic structure of the household was also the management of political relations between subjects. According to the common

story, that domestic paradigm of power remained unbroken—from the Greek to the Roman household, the Imperium, and finally in the feudal estate—until it was destroyed or at least bracketed by the liberal contract theories based on "natural law." These contracts were explicitly conceived as a rejection of patriarchal and household rule. Norberto Bobbio wrote that for early modern theorists of natural law, "the principle of legitimation of political society is consent; this is not true of any other type of society. In particular, it is not true of domestic society, that is of the family/household." But this misses the fact that, as the expansion of the capitalist market and nation-state constructs of civil society may have dissolved the powers of the feudal household and familial bonds, it did not eradicate domestic government in general. There was no clean break between feudalism and capitalism. What occurred was a displacement of domestic discretionary powers from the hands of feudal lords, kings, and bishops into a radically differentiated and diffuse force we call "police." The Enlightenment and the American Revolution wrested the power to police from the hands of the king and laid it into the hands of slave owners and factory managers. Over time, police power was scattered across a plethora of bureaucratic and minute functionaries.

The word "police" first emerged in continental political discourse in the 15th century, but it's nothing new. Its semantic relation to "policy" is clear. In order to conceptualize the genealogy of police, one must forget the boys in blue and the beat cops for a while. We'll get back to them, but the conversation about police encompasses much more than just them—in fact, for now, they divert from our object. The term "police" in the 15th century meant the administration and management of a political community to increase welfare, regimentation, and order. Police (or policy) was a stand-in for "household economy" and took root at precisely that moment when power was leaving the hands of the "micro-householders" and was largely transferred to the "macro-householder." Up through the 19th century, one would rarely see the word "police" on its own. It was most often used in phrases like "police and good order," "regiment and police," "police and glory," or "well-ordered police state." It encompassed a vast range of objects. In

Delamare's 18th century compendium of police ordinances in France, he specified some of the domains with which "police" were concerned: "religion, morals, health and subsistence, public peace, the care of buildings, squares, and highways, the sciences and the liberal arts, commerce, manufacture and the mechanical arts, servants and laborers, the theater and games, and the care and discipline of the poor." As he writes in another passage, "police encompasses in its object all the things that serve as foundation and rule for the societies that men have established amongst themselves."

Europe suffered a series of major breakdowns from the 14th through the 16th century. The old ways of life, so ingrained in the household, the commons, and the soil, were being uprooted. The first breakdown was the Black Death of the 14th century. Some estimate that around 100 million people died from the plague between the 13th and the 14th centuries. Land was suddenly plentiful, laborers in short supply, so wages were higher, and the power of the landowner was greatly diminished. The newly depopulated Europe became more mobile and more active, and everyone had their own ideas as to why the Black Death struck including prophets blaming the moral corruption of the princes and pope. The real coup de grace against anything resembling manorial micro-domestic power in central Europe was the series of peasant rebellions in the next few centuries. Wat Tyler's peasant revolt in the 14th century against the imposition of a wartime tax was a first strike. Then, a long series of revolts would follow: The *Comuneros* in Spain*,* the German Peasants' Revolts, and the growth of heretical and millenarian sects throughout central Europe. In the centuries following the Black Death, population spiked in England and Europe, and a new dissolute mass soon found themselves without work and without obligation. The growth of towns further distanced the European laborer from manorial authority, opening up new venues and spaces for meeting others. For the old powers of Europe, this new experimental class appeared as a "dissolute condition of masterlesse men, without subjection to Lawes, and a coercive Power to tye their hands" (Thomas Hobbes). Outlaws and lordless men were now found everywhere, because the micro-households were collapsing, and their

former members were enjoying their new "masterlesse" lifestyles. The reason why the Strasbourg police ordinance for 1628 could be something so broad as the correction of "disorder and contempt of good laws […] all kinds of wrong-doing, sin and vice" is because the traditional systems of authority for maintaining good order had broken down.

The police power shares a mode-of-perception—a way of seeing—in all its historical variations. Every police project has as its aim the production and maintenance of order, and thus takes disorder as its starting point. The existence of police power presupposes the existence of disorderly individuals who need to be managed. That is the police vision. The same Strasbourg ordinance, for instance, dealt with the following:

> moral questions such as Sunday observance, blasphemy, cursing and perjury, provided rules for the bringing up of children, keeping domestics, spending at weddings and christenings, and dealings between innkeepers and guests. It also dealt with sumptuary regulations, the status of Jews, rules governing funeral celebrations, the prevention of usury and monopolies, the condition for good trading, and contained rules concerning gaming, and breaches of the peace. (Mark Neocleous)

The police have a special relation to the literary device of the list. It is the paradigmatic tool of police taxonomy. Because they do not derive their power from any legitimate political source, and because they view their objects of regulation with the same view towards preventing danger, minimizing risk, and maximizing functionality, they merely list objects side by side, regardless of how different they are, with a view only of their functional relation. One of the first such lists, the imperial list of police offences from 1530, is characteristically expansive and vague. It includes the following titles:

- Of blasphemy and oaths
- Of drunkenness
- Of disorderly and Christian dress
- Of excessive expenses for weddings, baptisms, and funerals
- Of day laborers, workers, and messengers
- Of expensive eating in inns
- Of civil contracts
- Of Jews and their usury
- Of the sale of wool cloth
- Of the sale of ginger
- Of measures and weights
- Of servants
- Of carrying weapons on horse and on foot
- Of beggars and idle persons
- Of gypsies
- Of jesters
- Of flute players
- Of vagrants and singers
- Of sons of craftsmen and apprentices

We don't quote this merely for fun, but to note some of its principal features, which continue on today. For one, human and inanimate objects are mixed. Second, status and act are mixed. Why these objects and not others? Simply because these are the objects that created problems to be managed or were perceived to be capable of creating problems in the future. Again, they have no relation to the primordial or actually existing constitutional rights of a citizen, but instead direct themselves toward objects to be managed. For those who believe the American tradition of policing offers something different, here is the list of the objects of police regulation passed by the New York state legislature between 1781 and 1801:

- Lotteries
- Hawkers and peddlers
- The firing of guns

Oikonomia: *domestic power* or *the police*

- Usury and frauds
- The buying and selling of offices
- Beggars and disorderly persons
- Rents and leases
- Firing woods
- The destruction of deer
- Stray cattle and sheep
- Mines
- Ferries
- Apprentices and servants
- Bastards
- Idiots and lunatics
- Counsellors, attorneys and solicitors
- Travel, labor, or play on Sunday
- Cursing and swearing
- Drunkenness
- The exportation of flaxseed
- Gaming
- The inspection of lumber
- Dogs
- The culling of staves and heading
- Debtors and creditors
- The quarantining of ships
- Sales by public auction
- Stock jobbing
- Fisheries
- The inspection of flour and meal
- The practice of physic and surgery
- The packing and inspection of beef and pork
- Sole leather
- Strong liquors, inns, and taverns
- Pot and pearl ashes
- Poor relief
- Highways
- Quit rents

Any apparent absurdity of a list like this (and there were many others collected by William Novak), which claims authority and the ability to regulate differing objects apparently dissipates when the police power regulates them under different names. We laugh at a list like this, but accept that these objects need to be managed by someone else so long as the body that does it is sufficiently differentiated under titles like "Department of Transportation" or "Public Hygiene." Some spaces still function with full and undifferentiated police power, like the military and the school where there is no need to pretend to make distinctions. The list we cited above (in the *Homonoia* section) from the St. Paul Public School's *Student Behavior Handbook* displays this full police power.

If the objects that police encompass are in some ways infinite, as Duschesne said, it is because the disorder of the world is perceived to also be infinite. Police were involved in virtually everything in this new disorderly civic world, and thus they had to be virtually everywhere, even when they couldn't be. Sartines, a French lieutenant of police under Louis XV, bragged that where three men were talking on the street, at least one of them worked for him. At the funeral service for the police officers murdered in Dallas in July, 2016, a partner of one of the murdered cops mused that when he gets to heaven, "God will look right at me and Brent. He will smile because the team will be back once again. I will hear him say 'Kyser, Thompson. Two-man team. Keep the streets of heaven safe.'" For the police, even heaven in all its perfection is perceived to be in eternal need of management. Police are the mobile functionaries who labor to produce civic order in a world said to be in the process of eternal breakdown.

For those who wish to conceive of some kind of independence between "economic" relations and "political" relations (or who subordinate the political relations and imaginary to the "economic"), the police are the greatest stumbling block. If we have mostly refrained from talking about "capitalism" in relation to the tradition of management, it is because it is too often given the appearance of something necessary and eternal, as if it were the apex of a development or the final, and thus truest, form of managerial power. Anyone who

historicizes the police will see how much trouble the capitalist class had in instituting capitalist relations, and also how capitalism was, from the beginning, conceived as a system capable producing good order among disorderly civic elements, and is thus inseparable from its political founding acts and the political imagination that surrounded it.

Sometimes naming the beast contributes to closing the field of discourse, assigning objects and vocabulary different levels of priority that make it difficult to conceive of the "processes" of capitalism rather than its "properties," so we avoid doing so as much as possible. Those who talk of a bourgeois class "wielding" political power as if it were a pre-existent instrument are incorrect. The "economic," insofar as it requires the internalization of its principles and a regularized system of order between subjects, *is already completely political.* In other words, *there is no moment that the economic is not also a moment of the political.* Consider the case of Lyons in the 16th century. Lyons' population began to increase around the year 1500 as it developed into a prosperous commercial center in its transition to a capitalist economy. Many of the new inhabitants were absorbed by industry, but those who remained outside became mostly vagrants and beggars. When famine was bad, prices went up and hordes of peasants flooded the city. "In 1529 food riots erupted," Piven and Cloward wrote in *Regulating the Poor,* "With thousands […] looting granaries and the homes of the wealthy; in 1530, artisans and journeymen armed themselves and marched through the streets; in 1531, mobs of starving peasants literally overran the town." The result was that the authorities took over the task of almsgiving with the goal of regulating the behavior of the population receiving it. About 10% of the city was on the list of those needing consistent relief, while the patients in the hospital for the poor had tripled at this point. But the process did not end there. Those who were registered by the city were identified and watched over by rechters who were allowed to search their homes for "evidence of immorality" and who made sure they did not visit taverns or play cards. Schools were created for the the now-identified pauper children to teach them to read and write. Those who returned to begging "were chained and set to work digging sewers and ditches" (Piven and Cloward). The city officials did not brag about

their charitable nature, but were happy to have made Lyons "a vision of peace."

What leftists often fail to thematize is that capitalism is a question of the organization of the world. As Voltaire put it, "What? Now you are set up as a body of people, but you still haven't found a way to force the rich to make the poor work? Evidently, you have not even reached the first elements of 'police.'" The word "economic" refers to those things already "economized" or "depoliticized" by the political movement of capitalism and whose political capacities are being categorized and managed. Hence the primacy allotted to the word "capital" in both the economic and the political. In the political sphere, it denotes the sovereign's power over life and death, and in the economic sphere the power of private property as the condition (the "stock") of life. Mercantile or financial economies are not possible without the corresponding maintenance of the order of the world. The police are there to fulfil whatever tasks necessary for this maintenance. This is clear from the fact that work and wages were conceived not only as ways to increase capital for the state, but also to *produce order among political subjects.* It is obvious that "Any institution that distributes the resources men and women depend upon for survival can readily exert control over them" (Piven and Cloward). "The spirit of commerce," Montesquieu wrote, "brings with it the spirit of order." We do not believe, like Marx, that something like "labor power" lies dormant, waiting to be exploited by a capitalist class. Labor is an *interpretation* of variable activities, and their conceptualization as "labor" is part and parcel of a capitalist ontology.

With that in mind, we can understand why policing, a concept denoting the maintenance of civic relations and prevention of disorder, would be involved in something like grain regulation. As Leray de Chaumont, a French entrepreneur involved in financing and organizing the royal grain reserve for Paris, put it in 1766: "If 800,000 people [in Paris] were to lack bread for six hours, everything would blow up." According to Adam Smith, the objects of police include: "The cheapness of commodities, public security, and cleanliness." What we need to understand is that these objects are to be *understood together,* as

comprising the organization of a possible social order. The beggars and vagrants were not only denounced because of their lack of productivity, rather, their supposed lack of productivity was also feared as possibly leading to potentially disorderly or rebellious behavior. One cannot separate the imperative of social order and the imperative of capitalist exploitation. "Society should demand that every citizen ought to work" was the 19th century German Jurist Sonnenfels' ultimate maxim for civic order. The vagrant was not characterized by his unproductivity, but as a symbol for all the disorders the police were supposed to manage—he had no family, no civic identity, no work, he was dirty, and above all, dangerous. The importance of work for the vagrant was that it restructured his life according to increasingly internalized principles of rational order. The police, being tasked with producing a system of order and making it internal to political subjects, are barely distinguishable from the "citizens" that arise from this process. Both are inscribed in "good order," and both are tasked with defending it.

The political structuring moment of the economic is also apparent in the connection between the concepts of "property" and "propriety." Derrida used the phrase "metaphysics of the proper" to denote both the semantic and the conceptual closeness between owning property, conforming to good propriety, and cleanliness. If good order is associated with health and cleanliness, then disorder must be the source of dirt, disease, and garbage. The 19th century social reformer Edwin Chadwick was singularly concerned with the sanitary conditions of the city and of the laboring classes in his *Report on the Sanitary Condition of the Labouring Population of Great Britain*, written in the wake of the cholera epidemic. His official concern was to report on the state of open cesspools, garbage, and excrement in the city and river with the goal of finding the origin of the disease. Chadwick prescribed to the "atmospheric" theory of the disease, which held that the disease emanated from a mixture of the epidemic influence in the air with organic waste that made it malignant. This atmospheric emanation was known as "miasma" and was intimately connected with smell. "All smell is, if it be intense, immediate acute disease, and eventually we may say that by depressing the system and

making it susceptible to the action of other causes, all smell is disease"
(Edwin Chadwick). With this in mind, it should come as no surprise
that Chadwick would approvingly cite one reformer as saying "that the
vitiation of the atmosphere by the living is much more injurious to the
constitution than its impregnation with the effluvia from dead organic
matter." Immediately, the concern with "sanitation" in the city turns
toward what Chadwick labels "human miasms" and the "secretions of
poverty."

Sanitation has to date never been conceived of as independent
from orderliness characterized by Catharine Beecher's maxim "A place
for every thing, and every thing in its place." The words "residuum,"
"refuse," or "offal" were used just as often to denote the sewage waste
that constituted the sanitary problem as to refer to the human waste that
constituted the social problem. In the eyes of police, the improvement
of sanitation and order goes hand-in-hand. For instance, Chadwick
remarks that the improvement of ventilation in the homes of the laborers
has many "manufacturing advantages" where "the improved health of
the work people [is] attended by more energy and better labour; by less
of lassitude and waste from relaxed attention; by fewer interruptions
from sickness, and fewer spare hands to ensure the completion of
work." To call the police "pigs" is structurally and historically correct.
House pigs were kept in the Victorian household to eat and clear
whatever was considered refuse and waste from domestic property. The
police are similarly tasked with cleaning up the wild and unclean refuse
of civil society. The police treat filth as something to be managed, thus
creating a structural fluidity between disease and disorder. The fluidity
between trash and disorderly elements and individuals is essential and
cannot be separated. When sickness and filth are considered types of
social wickedness, then "sanitation" is two-sided: it must heal the sick
and control the wicked. According to Robert Cowan, the 19th century
Professor of Medical Jurisprudence and Police at the University of
Glasgow, "Powers should be given to remove filth of every description
daily, and proper conveniences, constructed of durable materials and
under the charge of the police, should be erected in the localities
occupied by the working classes." More recently, the Ottawa Charter

for Health Promotion called for the creation of "health-promotive environments," which would require political action: "Political change is a necessary component for the success of many multilevel behavioral change interventions." The structural connection between sanitation and order explains the relative frequency with which one hears police officers talk about "criminal scum" and "dirt bags." This language is structurally coherent with the fundamental tasks of the police: clearing the earth and its good order of those disgusting and diseased people who impede it.

North Minneapolis, July 1967

III. Law and order

It matters little where the Americans' concept of police power originated. Despite claiming autonomy from the continental monarchies and basing their new form of governance on "independence," the Americans uncontroversially imported the practice and notion of police from that same tradition, even making it the "widest" and "least limitable" power of governance. They came from a legal tradition where

it had already been practiced in tandem with the notion of citizen autonomy since its founding in Greek democracy, and, like them, they claimed self-governance while the majority of their inhabitants lived highly regulated and controlled existences. Before Jefferson and James Wilson wrote down the word "police," the country was already familiar with how policing was practiced on their slave plantations, in their religious communities, and at home, all of which are based on the principles of *oikonomia,* not politics. The American revolution, as we showed above, was not a revolution against policing, but a revolution against the macro-authority of the king's police power. No longer did slaveholders have to account for killing their slaves, they were again the ultimate householder. "After the revolution," writes Markus Dirk Dubber, "[the Americans] were truly free to police."

The question of what that power was and how it was to be implemented rarely went beyond stating its obviousness. Judge Redfield's opinion in *Thorp v. Rutland & Burlington Railroad Company* makes a classic defense of American police:

> One in any degree familiar with this subject would never question the right depending upon invincible necessity, in order to the maintenance of any show of administrative authority among the class of persons with which the city police have to do. To such men any doubt of the right to subject persons and property to such regulations as the public security and health may require, regardless of merely private convenience, looks like mere badinage. They can scarcely regard to the extent of governmental authority come from those who have had small experience.

What a long-winded way to say you have no defense, no theory, and no justification. Pennsylvania's Constitution of the Commonwealth written in 1776 illustrates this as well: "The people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same." Again, no reference to *what* that power consists of, its limitations, or what its relation to

individual constitutional rights is. It's simply asserted and assumed. The only attempt by a Supreme Court (Justice Shaw in the *Alger* case) to delineate a history and source of legitimation for the power to police places it directly in the passing of domestic power from the king to to the States:

> When this country achieved its independence, the prerogatives of the crown devolved upon the people of the states. And this power still remains with them, except so far as they have delegated a portion of it to the federal government. The sovereign will is made known to us by legislative enactment. The state, as a sovereign is the parens patriae [parent of the nation].

The establishment of police power in the Twin Cities reflects all the components of policing we have highlighted so far. The book *History of the Police and Fire Departments of the Twin Cities. Their Origin in Early Village Days and Progress to 1900,* published at the close of the 19th century, and compiled and written by local journalists Frank Mead and Alix Muller, makes these connections clear. "Rapid growth coincident with disorder and crime" are said to be the primary factors for establishing a more organized urban police power. Here we read (in a list) that the first city marshal was tasked with those duties corresponding to our expansive definition of police, encompassing anything that encourages good order:

> He was empowered and it was made his duty to execute all writs or other processes issued by the city justice, to collect by execution or otherwise all fines, forfeitures and penalties, to diligently enquire into and report to the city attorney all violations of the ordinances, criminal laws of the territory and breaches of the peace; to ferret out all suspicious and disorderly houses; to arrest with or without a warrant any person found intoxicated in the streets of the city or any person fighting, quarrelling, threatening,

swearing, pilfering, or robbing, and to bring such offenders before the city justice—and generally to keep a strict watch over the disorderly elements of the city and prevent riotous proceedings. (Mead and Muller)

Later, we read that the main provision of the first major police ordinances in St. Anthony of 1858, after the establishment of the police, was "to take such measures […] for the preservation of the peace and good order of the city and the enforcement of its ordinances." Most of these activities would not be considered "criminal law enforcement." We must also consider that while a portion of the arrests made in the years before the 20th century were for typical crimes like theft, the majority were for the extremely vague "drunk and disorderly" and for "vagrancy." Frequent reference is made to the "social evils" of vagrancy, prostitution, alcohol, and swearing and the "houses of ill fame" where such activities took place. One of the police force's primary concerns was the "tramp nuisance." Their solution to the nuisance was the ordinance of 1878 that "provided employment" (read: arrest and forced employment at work camps outside the city) for the "vagrants and disorderly." The author marks the point at which Minneapolis "ceased to be a town and became a city" as the moment when Mayor Ames, who "manifested a disposition to take the bit in his teeth and run the city on what he thought the most approved of modern municipal principles," increased the police force and began the practice of "detailing policemen for duty at railway stations […] all public halls and places of amusement; to be present at fires, etc. In short, strict attention to their duties and excellent discipline were inaugurated whenever possible."

An obvious correspondence took shape: whenever the city grew and expanded, increasing in complexity and population, the police force was likewise expanded and differentiated. Perhaps it is the obvious nature of this correspondence that gives rise to the sentiment that "With more people, there is more crime, hence more police are needed." Such a statement erases the way in which the police invented crime as a correlate to the production and proliferation of what was

considered "normal civic behavior." Minnesotans, like all citizens, were not born good citizens, they needed to be trained to internalize good order, and also, as the correlate, bad crime. They were trained in the forced work-houses, factories, and prisons. It is that internalization that creates the ambiguous threshold between the duties of the police officer and the duties of the citizens: "The good citizen will always seek to aid officers in the discharge of their duty, and no one but a secret sympathizer with crime will throw obstacles across the paths of the men in whose charge and keeping rests the responsibility of the city's orderly well-being" (Mead and Muller). Lastly, as the authors make clear, "Cleanliness in person and in morals are elements which are also firmly insisted upon by the official managers of the Minneapolis police force." The authors go on to correlate the lack of alcoholics in the department (their cleanliness of health) with the lack of bribe-takers (their purity in civic morals). In the figure of the filthy "secret sympathizer with crime," the police face that old spook, the outlaw, who must be eradicated for the sake of "the city's order and well-being."

The creation of the "social" must be situated in this wider domestic context of an expanding of the macro-household, and the gradual disappearance of most micro-households. Society and the social are generally thrown about as if they were eternal human conditions, but they, like rights or revolution, have a finite history and form part of the political strategy of a small group of people in a particular place and time. What is the "social" that the governor of North Carolina is so anxious to protect that he would warn during the September 2016 riots in Charlotte that "the state won't tolerate efforts by those who 'want to cause harm' to basic society [sic] norms and democratic processes?"

The word "social" stems from the Latin *socius, ally,* which has no corresponding word in Greek thought. A *societas* originally had a strict and defined political limit. It denoted those who organized among themselves to achieve a goal. There were "societies" of thieves organized for a big steal and "societies" of slave-owners organized to put down a slave revolt. Not every association was a "society," only those that required a temporary alliance. This remained true up to the 17th century, when "society" was used to denote a commercial association

with an organizational logic distinct from that of the growing state discourse. None of these justify the application of "social" to every human form of interaction. This was still far from the totalizing extremes theorists of the next century proposed.

It wasn't until the 18th century that the word "social" would become an independent field of study, thus creating the possibility of positing sociality as a fundamental human condition. But it still represented a single part of the human experience, and not its totality. Only religious and legal thought could lay claim to a truly totalizing worldview. It was in the 19th century that the social would be maximized and applied universally. According to this fanatical maxim, all human interaction and association could be called "social," and that humans tended primarily to basic life needs. The idea that the social is the "really real," the deepest and truest bond between human beings, has its origin in this development. There is great danger in this ahistorical claim. "Never before," Arendt wrote, "had any political organism sought to encompass all those who actually lived in it." We must consider why the "social" became an independent realm 200 years ago. Who needed society and why?

The crises of 19th century gave birth to society. If we plan to rediscover the history of the social, we must examine how household governance transformed into society as an explicit strategy of *counterinsurgency*. The first proper "social" question in the 19th century was: "Is there a way to manage the welfare of the new laboring class and colonial subjects such that everything continues to function?" That was essential as the revolts of workers, women, natives, and peasants became increasingly violent and unmanageable. In 1831, 1834, and 1848, there were major revolts in Lyon, France led by silk workers. In 1871, the Paris Commune was established by a terrifying assemblage of increasingly radicalized workers, hardened radicals like Blanqui, criminals, warring factions, spies, and *petroleuses* (female arsonists). The Commune was soon obliterated in bloodshed and turmoil. No doubt, Otto von Bismarck, the employer class, and the liberals wanted to avoid such a situation at any cost. Plus, they had their own radicals to deal with. If you took Bismarck at his word, you could assume that

the Social Democrats were his greatest enemies, but this would be a mistake. They were the political rivals he deemed worthy of mention in political settings. He was afraid of the radicals, whom the Social Democrats also ousted from their party. It is absolutely essential to remember that the first welfare laws under Bismarck were passed simultaneously with his "anti-socialist" laws, which censored material from radical authors. As Karl Marx was predicting the end of capitalism at the hands of the workers, there were multiple notorious murders and attempted murders by anarchist radicals who were involved in the labor movement. Max Hödel and Karl Nobiling tried to assassinate the Emperor Wilhelm in May and June of 1878, and then in 1885, the anarchist Julius Lieske stabbed and killed the Frankfurt chief of police.

Fully identifiable with neither *polis* nor *oikos,* the social was conceptualized as "housekeeping" provided by bureaucratic functionaries. Society appeared when the administration of life-processes (*oikonomia)* burst out from the private or semi-private sphere of micro-households (church, military, family, plantation) into its own independent public sphere to be managed by official state and unofficial non-state actors. In "society," the public is no longer the common space where different people can gather and make decisions—it is a field of government where behavior is tracked, transformed into predictable data, and subject to intervention. For this reason, the public space of society requires surveillance devices, which would ideally be voluntary (e.g. the census) or even fun and whimsical like those on social media platforms. Barring the possibility of surveilling a population with these easy and participatory means, social managers will just as quickly resort to security cameras, phone tapping, and data mining.

When society appears, the micro-householders begin to disappear—not immediately and all at once, but over time. Society was nothing other than the implementation of domestic forms of rule applied as counterinsurgency. To say "society" is to say "police." The only question the social is capable of asking is "How should this population interact such that everything functions properly?" The social question is always a question of social imperialism, or of implementing social relations. In order to implement this social imperialism, multiplicities

must first be recast and understood as "populations." Bismarck created the first modern social insurance system with the understanding that:

> […] the actual complaint of the worker is the insecurity of his existence; he is unsure if he will always have work, he is unsure if he will always be healthy and he can predict that he will reach old age and be unable to work. If he falls into poverty, and be that only through prolonged illness, he will find himself totally helpless being on his own, and society currently does not accept any responsibility towards him beyond the usual provisions for the poor.

Forget any political agency, you workers are merely tired and hungry, you have necessities we would be happy to furnish, provided you all get back to work. The American Social Security Administration's website has a short passage on Bismarck, which states "Bismarck was motivated to introduce social insurance in Germany both in order to promote the well-being of workers in order to keep the German economy operating at maximum efficiency, and to stave-off calls for more radical socialist alternatives," a tactic they would employ in the New Deal. Bismarck made novel promises to the populations in Germany in a series of new laws including health insurance, a pension, a minimum wage, workplace regulation, vacation, and unemployment insurance. Bismarck later told his American biographer William Dawson: "My idea was to bribe the working classes, or shall I say, to win them over, to regard the state as a social institution existing for their sake and interested in their welfare." With every wave of "socialization," every wave of worker protections, and factory regulations, or occupation and relocation, came a strict and regulated reproduction of newly normalized relations. "Do not doubt that we are acting honorably to strengthen the domestic peace," Bismarck assured the Reichstag in a speech on his new Law for Worker's Compensation in 1884, "and particularly the peace between worker and employer, and to arrive at the result that we will be in the position to renounce […] continuing this emergency law, which we refer to as the Socialist Law, without exposing the commonwealth to

new dangers." Frederic Howe, an American proponent of the Welfare State, wrote that such a state:

> […] has its finger on the pulse of the worker from the cradle to the grave. His education, his health, and his working efficiency are matters of constant concern. He is carefully protected from accident by laws and regulation governing factories. He is trained in his hand and in his brain to be a good workman and is insured against accident, sickness, and old age. While idle through no fault of his own, work is frequently found for him. When homeless, a lodging is offered so that he will not easily pass into the vagrant class.

The Laroque Report of 1984, published by the International Labour Office, states unequivocally that social security "[…] has wider aims than the prevention or relief of poverty […] It is the guarantee of security that matters most of all." Social security and the more neutral sounding "welfare" are visions of security in a world system founded on insecurity.

Sociological interventions respond to, but also shape and mold, the identity and desires of the "targeted population," first of all by separating them from their surroundings. The historical precedent for this is the *Domesday Book* of William the Conqueror. In 1085, William ordered bureaucrats to note his stock of resources in his realm, in what was effectively the first census. The purpose of this huge endeavor was to impose his new system of taxation in a regular way across the kingdom. In terms of real experiences, such statistics levelled the differences between groups living there, taking no note or interest in local differences between people. The production of populations constituted by their statistics considered as fiscal data, behavioral patterns, or physical properties transforms them into objects of management under a new administrative household.

The Domesday Book is an early example, but the real prioritization of "population data" emerged in the 19th century with so-called "sociologists" like Comte. In the 1830s, a mathematician

in France named Adolphe Quetelet realized that one could apply the principle of calculated averages primarily in use in Astronomy and apply it to sets of people. His first set was a group of 5,000 Scottish soldiers. He measured their chest size and then averaged it, finding that the "average" chest size, already for him the "ideal" chest size, was 39 ¾ inches. For Quetelet, the average was always already a moral mandate. People who shared the same environment must be striving for an ideal state, which can be found in the average. With this idea, he quickly moved on to "average" rates of divorce and suicide, which, at the time, was rightly considered scandalous. What is the "ideal rate" of suicide? Naturally, his method also applied to criminology and crime statistics. His statistics found that young, poor, uneducated males with few prospects had highest rates of crime, especially when surrounded by wealth. Rather than questioning the basis of that distribution and the source of that wealth, he concluded that crime was due to both "moral defectiveness" and "biological abnormality," which could be seen, for example, in a physical body type that deviated from the average. Thus, his policy recommendations tended toward "investment in savings banks, assurance societies, and the different institutions which encourage foresight," or teaching moral rectitude to help those deformed deviants learn some civility.

The two great social welfare expansions in America occurred in response to the crises of the 1930s and those of the 1960s. In August 1931, over eight million citizens were unemployed. By 1933, that number would be closer to 15 million. The production of a relief system to absorb this growing mass was slow and widely resisted in America. This was the country where one was supposed to pull themselves up by the bootstraps. The New Deal in the 30s and the Great Society programs of the 60s both had "the preservation of capitalism at all times in view" as a Time magazine article about the New Deal put it. But what exactly threatened capitalism at these times? The fear was in the dissolution of civility and good morals among the unemployed. Having no work, men wandered. It became less likely for them to marry and settle down. They may turn to crime or riots to take what they want or need. Even worse, they may meet with other disenfranchised unemployed

and simply begin organizing to get what they need. It took the Great Depression and millions to be unemployed together on the street for the sentiment to change from individual shame at being unemployed to recognizing it as an inherent and desired part of a capitalist economy. In Chicago, a group of around five-thousand unemployed organized a march on relief offices demanding free meals, free lodging, tobacco, and the right to hold Council meetings. When the relief funds were cut by 50%, they marched again and the cut was rescinded. There were rent riots in New York and Chicago's primarily black neighborhoods. Groups would gather to return an evicted tenant's furniture back into their apartment, even if that meant fighting landlords and police. After one riot in Chicago in 1931 during which three cops were injured, evictions were temporarily suspended and work relief was doled out to the rioters.

Communist, anarchist, and socialist groups were beginning to look a lot more attractive to the unemployed and with riots becoming more common and unemployment still on the rise, one could speak of a "mass disorder" by the mid-30s. The New Deal (though it made some concessions that more hardline American ideologues were uncomfortable with) was designed to steal that thunder and return the unemployed to work where they would become stable again. Roosevelt put it in simple terms: "I am fighting Communism, Huey Longism, Coughlinism, Townsendism," he told an emissary of William Hearst in 1935, "I want to save our system, the capitalistic system; to save it is to give some heed to world thought of today. I want to equalize the distribution of wealth." Direct relief is never the goal. By 1934, Roosevelt was calling for its dissolution. "Continued dependence upon relief" he said to Congress in 1935, "induces a spiritual and moral disintegration." Direct relief may even have the opposite of the intended result that workers might begin to realize that there is no need to work if they can extract a living from relief agencies.

That is why so much more effort was placed into developing the Works Progress Administration, which provided jobs directly to the unemployed. Harry Hopkins was appointed administrator of the WPA, and, since he was also the administrator of the direct relief fund, one

of his first jobs was to transfer as many millions over to the work relief program as possible. He set as his task the elimination not of want, but of that "still further destructive force, that of worklessness." Along with a job (typically in infrastructure), the worker also came under the surveillance of the agency, who could suddenly take the job away were it discovered that he (or a woman receiving direct aid) had "immoral habits" or belonged to a radical group. They could also be mobilized as a reliable (because extremely dependent) political force when necessary. Many WPA officials were charged with passing out pre-filled ballots to their constituents. But most of all, work relief eliminates free time, situates and fixes the worker in a space, and provides regularity for his life style. Many of the jobs provided were economically "bad investments" in the sense that they did not produce profit. It was much cheaper to just give out direct relief. Work relief was intended to train a workforce by acclimating it to difficult and regular work.

If welfare had as its goal the elimination of the suffering and want necessarily created by a capitalist economy, then the expansion of the welfare rolls following Northern migration and unemployment of black laborers should have been dramatic. America's five largest urban counties experienced black population increased of up to 97%, but, outside of Chicago, the rise in welfare rolls was nowhere near that number (only 4% in Philadelphia, and New York by 16%). In the 1960s, there was a dramatic rise in disorders, and hence, a dramatic rise in welfare. Vandalism was on the rise, inner-city gangs were forming, and there were destructive riots in New York, Los Angeles, Philadelphia, Newark, and Detroit. The denunciatory climate of the Black Power movement and the more radical wings of the Civil Rights movement threatened to provide more focus to these rising disorders and potentially threaten the white civic order of the day. And so it is only after 1964 that welfare rolls increased at an exorbitant rate. The largest five urban counties experienced an expansion of 105%. Most of those receiving direct relief were and are women, who, contrary to the many slanderous myths about them, often have to work extra jobs just to scrape by. But more importantly, they come under direct surveillance by regional and federal institutions who manage social discontent arising

from its most marginal members. Rudy Giuliani wanted to create a new work relief program in New York, but this would have been merely for show, especially after Bill Clinton's Personal Responsibility and Work Opportunity Act. This act withheld welfare benefits from immigrants for five years, required recipients to find work within two years, and often required work training or occupational seminars for those on the rolls. Here is the pattern: social disorders multiply due to the crises of the social order, welfare is doled out to placate the most dangerous and get them and other potential threats under permanent surveillance and control, degrade and demean those now on welfare for being "entitled dependents," and reduce the rolls in times of social peace, forcing as many as possible to take the worst-paying and demanding jobs.

The production of statistics that are used to mark "real properties" of these populations must be viewed as a foreign and aggressive instrument, a way of distributing information that depoliticizes that which is categorized by treating everything as neutral information. The Enlightenment thinkers, Physiocrats, and imperial policy makers of the 19th century did not "discover" some deep, hidden truth about humanity in "society," but initiated a new phase in the project "of depoliticization, a multilayered attack on political philosophy and, more importantly, political action, whether understood as authoritarian states or the politics of the dispossessed in both metropole and colony" (Patricia Owens). When bureaucrats consider a population based on its behavior, they attempt to capture some amount of routine conduct that they can regulate and normalize. To summarize, the production of a social population consists in a series of interventions targeted at potentially insurgent or actively insurgent groups, which seek to reconstitute them at the level of biological necessity and demand in order to suspend any political possibility of contact. This armed social work has a dual face: it must often reconstitute these groups using violence, relocation, or the manipulation of necessities (privation of food or water) to sever the possibility of clinging to a previously strong bond, while presenting itself as a benevolent power, providing everything you might want to make you happy in life. Certain forms of life have been deemed permanent objects of management and

effectively incapable of political life, including the mentally ill, the "handicapped," the terminally ill, children, refugee camp inhabitants, and prisoners.

With all this talk of welfare, we do not mean to overlook the fact that the United States was founded in the extra-legal violence of counterinsurgency and has never escaped that lineage. The strategies of pacification and control in the Philippines, on slave plantations, and in Vietnam, Iraq, and Afghanistan are more instructive case-studies of American governmentality than spectacular election campaigns and corruption. The techniques of domestic production and control "are being practiced in the streets of Ferguson, Missouri, the Pine Ridge Indian Reservation, [and] the drone routes of the Federal Administered Tribal Areas of Waziristan" (Jairus Grove). The armed police are a permanent reminder of these colonies' origins in the extermination, expropriation, reeducation, and pacification of natives and slaves. In addition to the wars of extermination against natives in the mid 1800s, there were also mass relocations in the 1830s, accompanied by the promise of services and "education." Uprisings like the Minnesota Dakota War of 1862 were common responses to the failure of the Indian Agents to provide the food and money guaranteed by the treaty, or simply in refusal to be removed from their land. Federal boarding schools, where "by complete isolation of the Indian child from his savage antecedents [...] he [will] be satisfactorily educated,", were established in the 1850s, but the practice preceded that date in the Christian reform schools (John B. Riley, Indian School Superintendent). Some of these were run by Christian missionaries, and others by the Bureau of Indian Affairs. It was also during this time that one of the first federal bureaucracies, the Bureau of Indian Affairs, was created by and administered by the War Department. This was one of the first federal bodies to be endowed with police powers.

Seeing counterinsurgency in governmentality makes it clear that progressivism, pacification, and war are three aspects of the same domestic paradigm. We do not need to prioritize the "positive" participatory aspect of policing above the brutal violence of the concentration camp. The domestic paradigm shows that the prison,

the school, and the drone are aspects of a single—yet manifold and heterogeneous—organizational pattern. Educate the young, offer selected groups some resources, kill and starve the agitators, often all at the same time—the task always being to train a population perceived to be a danger to the growing world-view of the counterinsurgents. It's interesting that political writers today like Michael Knight of the Washington Institute for Near East Policy would react to ISIL's counterinsurgency strategy in the following way: "ISIL's current vision of counterinsurgency seems to be built on the extraordinarily dark premise that the citizens of its self-declared caliphate will undoubtedly revolt unless they are actively prevented from doing so. From the very outset, ISIL has viewed its own purported citizens as the greatest threat to its regime security." Interesting because, despite his claims that American counterinsurgency differs by "working with the locals," the goal and premise, and often the tactics, when necessary, are exactly the same.

If civil war destabilizes the difference between inside-outside and between war-peace, it also destabilizes the difference between police-counterinsurgency. By reinscribing the political with civil war (and thus preventing the positing of an "actual center"), the "internal good order" of the police more often resembles the hostile and cynical maneuvers of a counterinsurgent force directed at a potentially dangerous civilian population. If they aren't strictly the same, they are at least part of the same domestic paradigm and have deeply informed each other since their earliest formulation. Britain's imposition of colonial law and penal system was simultaneously instituted with the founding of its national network of police, courts, and prisons and was thought of as a neutral experimental ground for new managerial techniques. Counterinsurgency texts ranging from Charles Gwynn's *Imperial Policing* to the current U.S. Army and Marine Corps counterinsurgency manuals explicitly link policing and counterinsurgency, implying that each practice can fluidly draw on the other.

This fluidity is possible because the police did not arise as a solely repressive apparatus, nor have they ever been exclusively or even primarily one. That particular misunderstanding comes from seeing

police only in discourse on law and punishment. This favoring of crime and punishment increases the distance between the "regulative" and "preventative" powers associated with police power, making both seem natural and necessary in comparison with the brutality of a minority of police officers. We are not suggesting that the riot police of today should be held against an older and purer standard of how police should act, but that the administering and regulation of necessities and desires should be seen first as a form of policing—as the manufacture and control of manageable depoliticized life-forms. Reappraising the actual legal status and textual tradition of police means questioning who the police really are. Are the uniformed officers the only police? What about security guards? The plains clothes detectives? The government employees who check our taxes? The social workers? Imperial soldiers? Counterinsurgency street patrollers in Iraqi villages? The teachers? The king has long been dead, but with the rise of "society," police power is no longer encumbered by a single body and its extensions. Instead, we are faced with diffuse and often contradictory functions, operations, and practices, all of which aim toward the maintenance of order and belong under the title "police."

The common "crime and punishment" legal perspective on street police officers and beat cops—the archetypal images of police—holds that their primary task is to locate and arrest criminals. This obfuscating myth propagated both by the police (the vanguard in their imaginary war on crime) and the Left (who merely critique the exceptional transgressions of this function) has contributed to a confusion around the term "police." Surely this is a result of the differentiation of police functions in the 20th century, which demarcated new legal distinctions between the different aspects of "police."

The activities and objects previously subsumed under "police" (including refuse, welfare, road cleansing, health and the administration of poverty) were passed on to new bureaucrats like public health officials, social security and welfare officers, city cleaners. The tasks of the "medical police," for example, would continue under the auspices of "public health" and then as the medical arm of social security. As concerns those who carry the official title of police, criminal law

enforcement barely takes up a fraction of how they spend their time. In fact, they spend the vast majority of their shifts patrolling, and not necessarily in search of criminals, but merely to deter or to regulate. Egon Bittner, a criminologist who wrote for the Department of Justice as well as the National Institute of Mental Health, wrote that arrests are extremely rare in proportion to the officer's entire shift and that, "Those arrests that do occur are for the most part peacekeeping expedients rather than measures of law enforcement of the sort employed against thieves, rapists, or perpetrators of other major crimes." All this should not lead to the conclusion that there was a narrowing of the police function, but rather that it experienced a functional differentiation, a radical diffusion where its processes were seen as increasingly neutral and necessary aspects of civic life.

This differentiation led to the present confusion around "legal" order and "police" order. We don't need to provide evidence for the fact that police are most often viewed as the vanguard of the eternal war on crime. This is an image we are all familiar with, whether from an officer's statement or *Law and Order* reruns. In this war on crime, the police are presented as subservient to this thing called Law, which structures and regulates the scope of their activities and infractions against it. The Law, we are told, is created by the Legislature, which is independent from the police and thus untainted by personal motivations and interest. We are upset when the police officer oversteps his bounds by not following the Law, when he shoots an unarmed teenager or beats a protester. Such critiques accept at face-value the idea that the police are responsible for taking care of crime and are responsible to the Law.

It is this understanding we need to dismantle, because, as Egon Bittner has noted, "No human problem exists, or is imaginable, about which it would be said with finality that this certainly could not become the proper business of police." The idea that police need to be understood against the law is a self-serving and limiting myth. Walter Benjamin says it in the clearest possible words:

> The assertion that the ends of police […] are always
> identical or even connected to those of general law is

entirely untrue […] The police intervene 'for security reasons' in countless cases where no clear legal situation exists, when they are not merely, without the slightest relation to legal ends, accompanying the citizen as a brutal encumbrance through a life regulated by ordinances, or simply supervising him.

Some will claim that because the police are primarily tasked with social services, we should formalize this function and train them with this in mind, making the police into a group of social workers. This would integrate those officers into the administrative bodies that already exist without changing anything fundamental about how police function. This view also obfuscates the fact that whether police are using force or services, their main task is the production and maintenance of order.

The spectrum in which the police function is not *Law-Crime*, but *Order-Disorder*. The fog obscuring the meaning and the difficulty in demarcating the limits and functionality of Law and Crime can be cleared by viewing the spectrum of Law-Crime in the way it follows and reflects the spectrum of Order-Disorder. To those who insist that such-and-such officer did not act within the bounds of the law, we point out that the police are not obliged or even expected to. Bob Kroll, the Minneapolis Police Union President, recently noted that it was neither "unjust" nor "unlawful" that no criminal charges will be brought against the officers, Ringgenberg or Schwarze, involved in the shooting of Jamar Clarke because they followed procedure and training protocols "while acting within the scope of the law responding to a dangerous situation."

Legally, he is correct. This case, like all the now-famous cases at cop-related deaths ultimately hearkens back to the Roman distinction between the discipline (often execution) of an offender that was necessary to maintain good order, and discipline administered out of "malice." The present debate around police culpability revolves around this now ancient concept of household governance. In Ancient Rome, householders who were shown to have acted out of "malice

aforethought," were held to be liable for punishment or discipline, but if they could prove that it benefitted the safety and welfare of the household, they would not be held liable. This emphasis on "fitness" and "unfitness" as revealed by "malice" remains central to the government of the household. One can find the same language centuries later in the *Virginia Law Register* in a law titled "Right of the Husband to Chastise Wife:"

> But where the batter was so great and excessive to put life and limb in peril, or where permanent injury to the person was inflicted, or where it was prompted by a malicious and wrongful spirit, and not within reasonable bounds, the courts interposed to punish, for as was said in one case, 'there is no relation which can shield a party who is guilty of malicious outrage or dangerous violence committed or threatened.

An American case in 1887 stated this in clearer terms: "A public officer, invested with certain discretionary powers, never has been, and never should be, made answerable for any injury, when acting within the scope of his authority, and not inflicted by malice, corruption, or cruelty." Recently, the U.S. Supreme Court ruled that prison discipline does not violate the constitutional prohibition against "cruel and unusual punishments" unless the discipline reflects "malice and sadism." In 2011, King County prosecutors did not pursue criminal charges against Seattle officer Ian Birk after the shooting of John T. Williams on the grounds that "there was no evidence to show malice." What was important in such cases was not the shooting, the beating, or the whipping, but the "malice" revealed by its excessive application.

Unfortunately, the discourse that centers on police excess tends to double-down on their commitment to "legitimate violence" as long as it can be proven that the officer acted in good faith, with a good heart, to protect good order, or save us from serious threats. That the same good order is ultimately discretionary and thus necessarily vague and ill-defined gets swept under the rug. There is no "legitimate" violence

of the police. Policing is *the paradigm* of fundamentally illegitimate force. It is necessarily so if it is to preventatively protect the political community from threats that it cannot foresee. The critique of excessive violence is compatible with the daily exercise of disciplinary measures, spatial controls, and discretionary execution by an arm of a power claiming to have legal status.

In 2008, St. Paul hosted the Republican National Convention—and had reason to expect large protests and disruptions, or, in other words, disorderly behavior. The Republican National Committee came up with the novel idea that they could draft a deal that "required the Republican Party's host committee to buy insurance covering up to $10 million in damages and unlimited legal costs for law enforcement officials accused of brutality, violating civil rights and other misconduct." In so doing, a new legal space was constructed where the police did not *uphold the law,* but *systematically transgressed it in order to maintain good order.* This situation hits upon the very essence of police power—that it itself is not at all a legal entity. It is extralegal and operates in its own parallel domain, only intersecting with legal discourse when necessary.

The supposed connection between police power and law arises from the fact that legal discourse retroactively reconstitutes repeated patterns of disorder as illegalities. "Since the rule of law comes to stand for social order, any challenge to it is a sign of social disintegration – of social disorder," Mark Neocleous writes, "It is for this reason that the bourgeois class tend to dismiss as 'illegal' all forms of order which appear to pose a threat to class society." It's interesting to note that, in the Twin Cities, the first criminal prosecution of a murder was in connection to a murder committed at the frontier by men from a Chippewa tribe. The first criminal prosecution of a capital crime in the state of Minnesota happened outside the physically defined state of law and was carried out against people who were not legal citizens (those possessed of a "barbarous" and "fiendish" spirit according to the public meeting on June 17th, 1856). Law begins by acting outside of itself as an agent of order; it must stake its claim in our affairs. The legal order must maintain a constant relation to its extra-legal capacities in order to be effective. It is in this way inherently transgressive and works

primarily to produce a social or domestic order. The popular chant "no justice, no peace" only makes sense when it is seen as a statement of fact and not as a demand: there is no justice that is not founded in extra-legal force; there is no peace that is not merely the management of civil war.

The fact that police spokesmen tend to highlight their "discretionary" powers and capacities speaks to this uneasy relationship between police practice and ordinance—between Order and Law. "They did what they thought was right […]" or "given the circumstances, they did the right thing […]" are clichés when it comes to public police reports. Vaguely defined offences like "drunk and disorderly," or "vagrancy," reveal the central vision of police power. Who decides what is "disorderly?" And how can a criminal law be created around something so vague and subjective? Police, in this case and so many others, do not derive their power of acting from the Law. "Discretion" is the actual basis of the legitimate power of the police and it runs on the Order-Disorder spectrum.

In 1953 Chief Justice Robert H. Jackson called for a major study of criminal justice agencies by the American Bar Association. It was decided early that the study would focus on the "daily operation" of the criminal justice system and not official statistics given by the police themselves. The study focused on the police, prosecutors, judges, and corrections officers working in Kansas, Wisconsin, and Michigan. Some of their major findings included that:

> [1] Discretion was found to be used at all levels of criminal justice organizations. The idea that police, for example, made arrest decisions simply on the basis of whether or not a law had been violated—as a generation of police leaders had led the public to believe—was simply an inaccurate portrayal of how police worked. [2] Low-level decision making by line personnel in light of practical and real-life considerations was found to be a significant contributor to the crime control and problem-solving capacity of criminal justice agencies. This was true not only for police

but for prosecutorial and other decision making personnel as well. [3] Criminal law was used to solve many social problems, not just serious crimes. [4] Behaviors designated as unlawful in criminal codes, such as assault, were found to be extraordinarily diverse in nature and included everything from private debt settlement and spousal abuse to attacking strangers. [5] The policies of each criminal justice agency were found to have an impact on other criminal justice agencies.

In his introduction for the National Institute of Justice and the Department of Justice's 1999 report on "'Broken Windows' and Police Discretion," Jeremy Travis writes about how "an officer's sensitive role in order maintenance and crime prevention extends far beyond just arresting lawbreakers—how discretion exists at every level of the police organization." In the introduction, George Kelling, who, along with James Q. Wilson, developed the "broken windows" strategy of policing, is well aware that "the idea of police as 'crime fighters,' or merely 'law enforcement officers,' was the cornerstone of an ideological view of police that dismissed, ignored, or was oblivious to actual police functioning [because] politicians and media representatives often are so caught up in the simple—minded slogans of 'wars on crime,' the 'thin blue line,' and so forth, that they are not prepared (whether intentionally or not) to hear about the real world of policing." "The perception of police work as simple and under administrative control was shattered," he writes, "by research conducted in the 1950s by the American Bar Foundation, which showed that police work is complex, that police use enormous discretion, that discretion is at the core of police functioning, and that police use criminal law to sort out myriad problems." Anyone actually involved with the police or the Department of Justice knows and has known that the police serve the needs of good order (defined by whom?), which only sometimes intersects with what we call law and criminal procedure.

Given our expansive idea of police, it should come as no surprise that the legislature and the judiciary are also endowed with police

powers. As one can see above, criminal law is frequently used as a discretionary preventative tool and not as a responsive form of justice. There is no justice for those considered objects of management—there is only prevention, treatment, categorization, or elimination. But how is this possible? This is a major contradiction in American policing: citizens are supposed to be treated as autonomous individuals, who, if suspected of committing a crime, can have a trial. Once their innocence or guilt has been satisfactorily proven, the courts may impose whatever disciplinary or punitive measures are deemed fitting and within the bounds of constitutional rights. This is called "due process" and "justice." But police do not operate along these lines. They follow the principle of expediency, not justice. Theoretically, the American judiciary and legislature should have no such powers. And yet, American courts not only uphold executive police regulations and applied police measures, they also apply and test some of their own, namely by creating the broad categories of nuisance and common law misdemeanor.

Nuisance was the first common law police offence, defined by Blackstone as "[…] a species of offences against the public order and œconomical regimen of the state; being either the doing of a thing to the annoyance of all the king's subjects, or the neglecting to do a thing which the common good requires." The police core of the offence is still apparent in the 1909 New York Criminal Code that defines nuisance as "a crime against the order and economy of the state […] in unlawfully doing an act, or omitting to perform a duty." Common nuisance (eavesdropping, having rabid dogs, obscenity, owning a dangerous structure) was difficult to differentiate from private nuisance, and was not as easy to police as that superior device of judicial police: misdemeanor. The challenge is always to connect the behavior or conduct of a person, or the person him- or herself, to the policing of the community. In the 1909 New York penal code, for instance, a misdemeanor was "any act which seriously injures the person or property of another, or which seriously disturbs or endangers the public peace or health, or which openly outrages public decency, for which no other punishment is expressly punished." Here is where the police power of the courts enters in. They get to decide whether an

act "endangers public peace" or "outrages public decency" and should thus qualify as a police preventative measure. As Maine's Supreme Court put it in 1939, the courts are obliged to "give expression to the changing customs and sentiments of the people." In this way, "courts could expand the definitions of offences to reach ever wider circles of conduct, and of people" (Markus Dirk Dubber).

The legislature has more indirect but wider police powers. The legislature has the power to pass preventative police measures and relies on the courts to interpret them and carry them out. In the few theories and histories that trace American police power, the distinction is generally made between "justice (maintenance of private right) and police (promotion of public welfare)" (Ernst Freund). The first is supposed to be the jurisdiction of the legislature and judicial branches of government, and the second of the executive branch. Lawmaking and law-applying are supposed to require the consent and participation of citizens or their representatives. In Democracies, the subject and object would ideally coincide, so that those who write the laws, consent to them, and carry them out are the same as the objects to which they will apply. With police, as you know, this is not the case. Justice Shaw set the tone for the legislature's relationship to police power in his decision in the *Commonwealth v. Alger* case. *Alger* was about a legislative police regulation from 1837, the "act to preserve the harbor of Boston, and to prevent encroachments therein." Any structure that extended into the water would be removed as a public nuisance by the state. His decision read:

> All property in this commonwealth […] is derived directly or indirectly from the government, And held subject to those general regulations, which are necessary to the common good and general welfare. Rights of property, like all other social and conventional rights, are subject to such reasonable limitations in their enjoyment, as shall prevent them from being injurious, and to such reasonable restraints and regulations established by law, as the legislature, under the governing and controlling power vested in them by the

constitution may think necessary and expedient […] The power we allude to is the police power, the power vested in the legislature by the constitution [of Massachusetts], to make, ordain and establish all manner of wholesome and reasonable laws, statutes and ordinances, either with penalties or without, not repugnant to the constitution, as they should judge to be for the good and welfare of the commonwealth, and of the subjects of the same.

Given the fact that the judiciary and the legislative branches are both endowed with limitless police powers, it follows that criminal law is actually police law. There is no justice anywhere—just police measures. Some of them may be slightly contaminated with the veneer of "justice," but this is a mere obstacle to the unlimited police powers in the domestic order of the United States. "The state has control over its internal affairs," according to a 1918 opinion from the Minnesota Supreme Court, and "in the exercise of its police power may prescribe rules of conduct for its citizens, and may forbid whatever is inimical to the public interests." The status of the vagrant is a case in point. The legislature passes laws against "vagrancy," the police officers decide who they are and capture them, and the courts categorize them and place them in work camps, almshouses, and prisons. Threats don't have "rights"—they are dealt with in an economical fashion as befits their status.

"Be there," says Kilcullen, a counterinsurgency strategist. The counterinsurgency force must seek to identify themselves with the local environment by making themselves ubiquitous or potentially so. This "presence" has always merged with surveillance. The police must make it clear that, though they may not be there presently, they could be just around the corner. The massive stores of data we regularly dispense with constitutes a new field for this global surveillance network, muddling the difference between social constitution and forensic or biometric evidence. In this information era we are told we don't have to worry if we aren't doing anything wrong. The internalization of the necessity of order seems to have finally coincided with social production, and

with that comes a deeper blurring between citizens and official police. This blurring seems also to be the goal of so-called "community policing." The "911" model, which, as we've noted, has never existed, is characterized by the 911 call, cops speeding to the incident, tending to the problem, and finally leaving the involved to their business.

The "community policing" model or the "preventative interventionist model," is more focused on the integration of order into basic care. George Kelling highlights a typical example of "community policing:" "When a shooting occurs in New Haven, Connecticut, the Department of Police Services immediately sends a team of Yale Child Study Center clinicians and police officers to help children and families cope with the social and psychological consequences of violence." When asked to describe his efforts in Academy Homes, Officer Jack Fee of the Boston Police Department shrugged and said "I suppose I'm doing social work." Are police becoming "soft?" "Nicer," even? We assert that their tactics have simply become more complex and less encumbered by legal and criminal procedure than ever before.

Complex use of civil law and citations to deal with criminal or abnormal behavior has become more common. So, for example,

> [c]ivil remedies such as Boston Police Department Officer Jack Fee applied, include efforts to deal with domestic violence, drug trafficking, racial harassment, disorderly behavior, and weapons possession. Civil remedies include injunctions, restitution, forfeiture, and civil fines that can be used either alone or in tandem with criminal law, as in the case of use of property forfeitures to deal with drug dealing.

Those who are managed daily by the police have long been familiar with this truth. The rapper Kemba remembers an instance when "Homie couldn't get a rap on me, try to hit me with a citation." Mary Cheh, member of the council in Washington D.C., said that "Civil remedies offer speedy solutions that are unencumbered by the rigorous constitutional protections associated with criminal trials, such as proof

beyond a reasonable doubt, trial by jury, and appointment of counsel." Consider also that the vast majority of criminal trials today end in a plea bargain (about 94%). This is a classic police strategy. Trials are expensive, long, and difficult. Plea bargaining is much more efficient, and is able to capture many more people in its net when coupled with the threat of jail time. The public still imagines an archetypal image of the court of justice, but what plea bargaining shows us is that the courts are not interested in individuals nor their rights, but in managing social situations and eliminating threats. Is this softer? If you think sweeping the "disorderly" into a web of processes difficult to understand and with few legal protections is "soft," then yes, community policing is a "softer" form of dealing with social undesirables.

The Third Policeman by Flann O'Brien reads like a symbolic mosaic of police power as we've defined it. The narrator plots to kill his neighbor and steal his money to print his critical edition of the works of de Selby, his favorite philosopher. Betrayed by his co-conspirator, he dies in the process and ends up in hell, which is a police station. Besides exhibiting obvious disdain for the police, there is also historical truth to this symbolic affinity. O'Brien grew up a devout Catholic and was thus well-versed in the doctrine of the Trinity of the Father, the Son, and the Holy Ghost. In Catholicism, the Trinity was governed according to the principles of *oikonomia,* or economic relations. The Christian Church could not establish a theory of political power, force, or domination in the relationship between the elements of the Trinity, lest they open the door to heretical doctrines. When every word is followed literally, the reader must make a choice between various contradictions presented by the canonical texts, and will come into conflict with different interpretations. *Oikonomia* meant that the church leaders would use their discretion to decide when it was okay to deviate from the letter of the law to facilitate the good management of the flock. According to Christian dogma, *oikonomia* was to continue only from creation until the Last Judgment, when it would resolve itself in the final redemption of all, with one major exception: hell. While the angels will abandon all their power and never again administer government on the Last Day,

the demons will continue on forever managing the infinite disorders of hell.

When the narrator of the novel arrives in this afterlife, he finds that normal laws of physics do not apply. If one rides a bicycle for too long, the bicycle will begin to take on human traits, and the human riding it will begin to resemble the bicycle. The police in this world are intensely interested in bicycles, their construction, and their artificiality. One of their most successful crime-fighting ventures involves stealing a bicycle, hiding it somewhere, and finding it. Over and over again, round and round, like the bicycle wheel itself. The police eventually take the narrator to an underground passage called Eternity where we can produce anything we desire, where there are no physical limits and no time. The police solemnly enter with notepads in hand to record random numbers and promptly leave. With these few episodes and symbolic devices, O'Brien describes the entire power of the police and its legitimation: a mode-of-perception obsessed with regulating the infinite disorders of the world. This is the closest we will come to a definition of the police: 1) a bicycle in hell; 2) a notepad in Eternity.

The "political" history of the West does not lie in its solemn procession of managers, nor in its feudal lords, emperors, kings nor princes, and later police, Indian Officers, husbands, nor welfare functionaries. Those are figures in the history of the various attempts to suspend the political—the history of the techniques and principles of domestic management. If there is a political history in the West, it is in the resistance to these methods. Surely, any political grouping must take into account the management of their life processes, but what's at stake in the governmental paradigm is the reduction of all political possibility to mere *oikonomia, household administration*. This transforms political difference into technical issues to be worked out by a team of experts, savvy economists, and technocrats. As long as we confront the police with the language of law, we will continue to be disappointed with our losses when they subordinate the law to order. We need to dispense with the idea that the police enforce or even impose the law. The police do not have a consistent relation to law. Law is a tool used to dispose men and things. It is a question "[…] of employing tactics rather than

laws, and even of using laws themselves as tactics—to arrange things in such a way that, through a certain number of means, such and such ends may be achieved" (Michel Foucault).

To depose the police, the depoliticization of life, the smallest details of life can be illuminated to expose what is unstable about them, to open up spaces of political confrontation. It's a matter of developing ways of caring for one another that increases someone's power rather than neutralizing it. The father who tells his children, "I pay for everything here. My house, my rules!" provides a care for them that also pulls them down to the ground, denying them their own possibilities through the very thing that keeps them alive; likewise the social worker who pities those who can't feed or change themselves neutralizes any possible political capacity of the cared—for through their aid, transforming them into a "cripple."

Our highest respect goes to the street medics who work to repair bodies bashed down by batons and tear gas so they can fight again. Surely, we need care. All of us. The approach that sees the police as violent brutes who need to be fought in the street or in the court ignore the degree to which police power offers functional services and creates dependences. Urban violence is unlikely to decline given the savage inequalities of American cities. As it stands, the police reproduce that distribution, maintain its functioning, and tend to its excessive outbursts. Disruption and breakdown, the elaboration and intensification of civil war, opens up to us the possibility of harm, fatigue, and death. Our lives are increasingly managed by the same forces that allow us to live. When we oppose the police, they make that fact clear. During the 4th Precinct occupation, when five occupiers were shot, police officers neglected to call an ambulance, derisively calling out that they "got what they deserved."

And yet that same opening also reveals new paths and possibilities for organization that do not involve managing undesirables, but empowering them. There is no great battle in store for us, but a precarious dance of forces. We need the care that only friends can provide, the kind that offers bread in one hand and a stone in the other. A political care for the friend empowers their ability to affect

their environment, and to have a role in shaping it and their relations in it. This necessitates the spread of care networks capable of making the police's domestic power unoperational. As we run relentlessly ahead, let us keep one eye open for new pastures with which to feed one-another, and another eye open for new weapons to use as we run.

All present and future attempts to build power will come up against police. Whoever fights for their life must ask: How can we make it impossible to police? Everything else is chatter.

PART THREE **CIVIL WAR REVISITED**

Express and coordinate differences. Develop capacities.

N o one can declare a civil war, they can only point it out. The fear that Donald Trump will bring about a new civil war in America is misguided. Civil war is here. Any conflicts that appear in the coming years have been latent all along. Social peace is well-organized force in a territory, and the result of someone else's daily experience of civil war.

Civil war is out in the open. Blue Lives Matter continues to grow, and so does its explicitly martial language. "We are at war!" exclaimed officer Travis Yates on Lawofficer.com. Larry Klayman, the founder of Judicial Watch, has filed a lawsuit alleging that Obama, Al Sharpton, and Black Lives Matter are intentionally inciting a race war. David Clark, the cowboy sheriff, raves that the "vulgar, vile, slimy movement" of anti-cop touting revolutionaries is a "slime [that] needs to be eradicated from American society and American culture." Natives at Standing Rock (who have been hosed, pepper sprayed, gassed, and arrested since April 2016) have known about civil war for 500 years. Black kids who get stopped by the cops outside their own houses because they look "suspicious" have known about civil war. The media frenzy about civil war means that the liberal and center parties who shielded themselves from war for so long are finally having to experience it as well.

Civil war is unruly. Some parties represent their enemy as a flaw or sickness to be managed. In times of crisis, these representations tend to collapse back into the figure of the outlaw. The religious extremists, the demonstrators who throw rocks, and the police who murder are all called "terrorists" by their opposition. "Terrorist" is the most extreme

form of the refusal to recognize in the enemy a legitimate combatant. The terrorist is the dark side of the democratic citizen—the latent possibility that one's "rights" could disappear at the exact moment one is identified as an outlaw and exposed to death. Those who cannot speak the language of democracy, but continue to speak and act anyway, will be called terrorists or agitators. To say "terrorist" is to demand the great forces of the world to recognize a moral calamity and eliminate it. We learn nothing when the police eliminate the terrorists. We learn from our battles. Rather than calling the next bombing an "inhuman" act, let's uncover the history that made it a viable strategy; rather than being content calling the police "monsters" when they murder, let's examine the discourse that legally actualizes and protects their acts. Let's call our enemies our enemies, and strive to defeat them.

Civil war demands patience. If we desire to have power over our lives, our daily activities, or the spaces we dwell in, we must be open to conflict. Our daily lives are today so heavily managed, surveilled, and controlled that the appearance of conflict is followed by feelings of despair and dismay—or interpreted as a sign of deadly divisions that will ruin the community. One can coordinate with others without unifying with them. We have to get used to disorder to analyze its contours and the possibilities it opens.

Civil war is dynamic. The peak of conflict in the Twin Cities in the last two years was undoubtedly the I-94 occupation following the police murder of Philando Castile. What was supposed to be a simple highway demonstration—with the die-hards offering themselves up to arrest, the self-elected leaders making speeches, and the marginalia that was supposed to disband at the point they felt alienated from the spectacle—ended up fragmenting into something much greater. We could learn much from that night. Whenever the perpetually peaceful Twin Cities experience a major disorder, that means something went very right. The space was partly to blame: I-94 is huge, and the group on the ground, while large, was eventually scattered around. There were also two hills on either side whose trees provided cover for those running on and off the highway. At the top, the streets were the sight of much activity. Even worse for the champions of order, the group stopped

underneath a land bridge in the Rondo neighborhood, where many are distrustful of police. The fence of the land bridge was chained on the sides but open on the top. This allowed aggressors to be completely embedded and hidden in the crowd while being able to occasionally climb up and throw bottles or bricks down at the line of police. The activist groups tried their hardest to stop it, but their megaphones just reverberated in ambient waves, barely understood even by those standing nearby. Not only that, but participants were carving out their own aural space by blasting Lil Boosie's "Fuck the Police," shouting at their friends, or shooting fireworks. The police naturally tried to diffuse the situation. In one major misstep, they threw colorful smoke bombs, which only added to the extra-worldly atmosphere of the night and emboldened even more of the crowd to stay.

Civil war reveals the possibilities of the world, even as it dissolves or fragments them. The activists on one side of the highway were letting themselves be arrested. Everything centered on two actors: the peaceful activists and their aggressive antagonists. Those on the other side were tearing up the highway fence to make for easier access, running on and off the highway, breaking up concrete to throw at police, blasting music, driving around, arguing or even screaming at each other, evading undercover police, or just walking around. There was no attempt to pretend to be one group, to try to join together in some false unity, and yet we felt our possibilities increase. Spaces fragmented and multiplied and yet we actually felt more power going in and out of them. Hostility and anger abounded, and yet we were actually making contact—not always with words—rather than just performing. Disorder gave us access to our capacities. We know we have a lot to do.

Civil war guarantees disorders. Disorder names that moment when the speed becomes too fast, the spaces become too disconnected, the intensity gets too high, or the actions become too disparate for those who would like to manage political situations. It is not good or bad in itself. The police produce disorders for their own advantage, for instance, by firing concussion grenades into the middle of a crowd to produce a fleeing response. The horrors of the Congo, of Syria, and of Somalia are not the result of an over-intensification of civil war, but

from its over-management. Their disorders—the paid rebel groups, the introduction of racist discourse and legal identification, the sudden removal of infrastructural supports, the robbery of essential materials, etc.—were planned and structured. So let's make sure not to champion disorder for its own sake. We must learn how to sense those disorders that produce new possibilities and deepen them to increase our power. We must become familiar and comfortable with disorder.

The partisans of order perpetually fail to manage civil war. The only question is whether we will find new friends in the wreckage or pathetically cling to mythologized unities. Here in the Midwest, the greatest impediment to our self-organization are the non-profits and the wider Left who have perfected their preventative mechanisms of social management. We've had crisis after crisis here in the Twin Cities, and, as the energy widens and new conversations begin, the leftist groups step in. They set up tables and banners, assign bodies an effective placement for a symbolic protest, and bring megaphones to set the boundaries of acceptable discourse. At an event at the 4th Precinct, a family member of Jamar Clark's declared that "If Jamar don't get justice, we're gonna burn this shit down." An NAACP organizer quickly took the megaphone and corrected him: "He means 'shut it down!'" and led the group in a chant. As soon as someone is shot by the police, Neighborhoods Organized for Change or Socialist Alternative is on the scene in orange marshalling vests handing out signs and leaflets before the information can spread through informal networks. The youth are told that "they have to play by the rules" if they want any meaningful change. The dedicated utopians are assimilated into the bureaucracies of the non-profits or else of local government, and the delinquents are alienated—uninterested or unable to participate in either. The latter are castigated by their former peers for being "a-political" when in reality the former joined the forces of management.

If hegemony wins, everyone will be off the street, and all power will be mediated through the abstractions of legitimate political discourse. The Left dominates the appropriate forms of public contestation. To break this cycle, disrupting their capacities by fragmenting their spaces or introducing heretical or inappropriable truths into their discourse

will be necessary for those who desire to build power. The only thing the Left still has to offer us is its own dissolution and fragmentation. Only by breaking apart, dividing, and splitting can we find those who excite us, inspire us to fight and to build together.

The future will be messy for those who desire to take a side in a civil war and organize their power. Every blockade of the city, every occupation, every confrontation with the police will bring about new conflicts. And not just with the police, but with each other. In the face of new conflicts, we can either recognize an opportunity to experiment with new strategies of dealing with crises, of working them out through decision; or, we can normalize them and manage them through discourse, through spatial organization, and through preventative techniques.

Difference has been falsely equated with lack or negativity. Civil war reveals instead that it is the principle of our interaction with one another as ethical beings in a finite world.

One can't say anything conclusive about civil war, so we won't try to conclude. We won't end with a hope or a prediction. We'll end it the only way we know how: by letting it trail off, as a fragment, as if on a stray path…

GLOSSARY *OF* TERMS

Arche: A complex term to describe the political founding of the city, and preferred by the democrats to *kratos* because of its intransibility. It's at the root of "archeology," literally "the study of beginnings;" "architecture," literally "the beginning and rule of the technical;" "arch," as in "arch-enemy," meaning original and most serious enemy. An *arche* is not a simple chronological point, as if we could say: "after the Peloponnesian War…" or "after the colonization of Ionia… then Western politics really began." Rather, the *arche* is the foundation or the ground, which is the justification and the articulation of those powers. The *arche* is that to which all activity must be referred back to in order to appear as "activity" at all.

Becoming *(Physis)*: The difficulty in understanding becoming-without-end arises from the confusion and conflation of the sense of two entirely different ways of saying *something is*: one stems from the Indo-European *bheu–* from which English derives *being*; Latin *fieri, to become* or *take place*; Germanic *būaną, to dwell*; and the Greek *phusis*, which, as we've said, means *becoming, presence* or *growth*. The other Indo-European root *es–* has an entirely different set of meanings. From it, we have the root for our words *is, yes,* and *sin*. It was a judicial word in ancient Hittite, where it meant "yes, that account of my actions is true, hence I am guilty." To say "it is…" and to fix that position as the essence or the end of the thing is a species of accounting. *Bheu–* indicates a constellation of unfoldings within a context that is inseparable from the passage of the experience at hand. To make a solid distinction, we'd say that *bheu–* and its derivatives denote disposition (Latin: *dispositio, to put things in an order, arrange)* while *es–* and its derivatives denote

identity. Even phonetically, with the first set you leave your mouth open and let the sounds settle on the wind; the second has you ensnare the air like a trap behind your teeth.

Demokratia: The *kratos* (see: **Kratos**) of the *demos, the people,* consistently misunderstood as "population" or "humanity." Specifically refers to a "part" of "all the people" for which mass the Greeks had no name. *Demos* stems from Indo-European root **deh–* which means "*to divide.*" Could also refer to a faction in the circus or a township. *Demos-kratia,* democracy, means *domination of some people over others.*

Dispositio: Although one could translate *dispositio* as *apparatus, device, or operation,* we choose to keep the term in Latin due to its clear lexical connection with *disposition.* Michel Foucault defined the *dispositio* (*dispositif* in French) as "a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid. Such are the elements of the *dispositif [dispositio].* The *dispositif [dispositio]* itself is the system of relations that can be established between these elements."

Kratos: Power in the sense of "power over" or authority. *Kratos* implies domination, superiority, and control.

Mania: Spirits or demons of fury and frenzy that posses and make "mad." Mania does not exist inside of humans but travels through them and possesses them.

Oikonomia: A form of organization of people and things that differs from political organization in that it concerns itself with managing things with an eye towards the end result. It evolved in tandem with the democratic style of doing politics, which distinguishes between legitimate political beings with illegitimate ones by how well they manage inferiors in their household. This is the form of government at

the heart of the ancient household, the feudal manor, the monastery, the military academy, the Puritan household, and finally the police. In a parallel evolution to the one traced above, the idea of *oikonomia* (household governance) was the tool used by the early church to consolidate of Christian sects in the infancy of the religion. The early Christian theorists of the Trinity who were working to prevent fractures or alternative interpretations of the new fragile Christian power had to introduce a concept that would focus on what God and the Trinity can do and not how they justify their powers. The Trinity (God, the Son, and the Holy Ghost) presents some very basic problems when God is conceived as a political ruler. The early Christians were fully aware of the danger of civil war plaguing every political foundation. If there was to be absolute rule from God, he must stand both inside and outside the political sphere he rules, which would introduce a *stasis* at the very beginning. A question as simple as "why is God one and three if He is the ultimate authority?" was very troubling to the early Christians. Positing God as both inside and outside, as both before and underlying, the created world fractures Him, and introduces an imperfection, which is impossible, and opens the door to all brands of mystical and magical heresies. *Oikonomia,* or economic rationality, was thought to prevent such a fracture in God by replacing the political possibility of division with the "economic" demands of administration. In this way the theologians could avoid the embarrassing questions about God's ultimate authority, about God being both one and three, about the gap between being and nothingness, about God before the creation of the world by simply reinscribing them into a system of mutual legitimation in the "economic" management of the Trinity. Every religion, insofar as it is open to interpretation, carries this "political" possibility that one or a group of people will claim to derive legitimacy from a different part of a canonical text or mystical experience and thus political difference from another grouping. If this division can be displaced into "economic" concerns about governing our manner and behavior, then the threat of dissolution can be averted. To distinguish our concept from the ideas usually associated with "economic," we will tend to use

"domestic" in our text to describe this power, from the Latin *domus, household,* and the root for the word *dominate.*

Nomos: *Nomos* is a Greek term that comes from the Indo-European *nem–* which means to enclose, to divide, to pasture, and to appropriate. Usually translated as "law," we have made the argument that it is closer to "norm." It is related to the German *nehmen, to take;* the Latin *numerus, number or division;* as well as *nomad, wandering in search of pasture.* Norm comes from Latin *norma,* where it materially refers to the carpenter's square. A norm is thus a tool for straightening, for making something adhere to the rule. Something is *normal* when it adheres to the norm. Thus measuring a stick in inches is normal because it adheres to the norms of measurement that have been established. Something is *normative* when its existence or use establishes new norms and sets them in place. New technologies that impose new norms on existence in practice, like the cell phone, for example, are normative. The *normal* is the effect that arises from a *normative* project. The project of normalizing requires setting the normal in polemical opposition to the *abnormal,* which it modifies by definition. But such a modification is the very project of normalization itself, and thus, paradoxically, the abnormal is existentially first, but logically second. It is sensed, and a project is brought about to correct it. One cannot say that the normal existed and then at some point the abnormal arose from out of it. Rather, normalization only begins—and thus also the relation to what is considered normal at all—after a phenomenon is perceived to be abnormal. In the "silence of the organs," the normal is not perceived because it is all-encompassing. One must perceive a difference to then look inward at what is "normal."

Polemos: War conceived as the battle between two forces. There is no "war in general" for the ancient world. *Polemos* was the acceptable form of war directed toward the outsider (barbarian, savage, etc.). It seems Plato was so intent on avoiding granting *stasis* its own independent meaning that he paradoxically uses *polemos,* which refers specifically to war against outsiders, to describe it. To call *stasis* "*emphylios polemos*"

would be to say that every conflict is one of exteriority, and involves first considering the enemy to be essentially *other* in some way before the beginning of a conflict. It is essential that we maintain, against Plato, the ambiguous connection to the *oikos, the home,* or *the domestic realm,* which is implied in the word *"emphylios,"* an adjective meaning *"of the same (people, race, land)." Stasis,* as Plato himself will say elsewhere, is war between the different *oikoi,* or *households,* whereas *polemos* is war against the *othneios, the outsider,* but also, ambiguously, *the relative.*

Stasis: The basic principle of all collective engagement in the West. It is unimportant to us whether or not *stasis* evolved directly into the Roman concept of civil war, or into the modern one. It is not a "thing," nor an "idea," for the ending "*–sis*" is attached to nouns denoting activities. Such nouns do not imply a subject. One does not say "he or she is instigating *stasis"* but rather "*stasis* is happening." English receives the words *static* and *status-quo* from the Latin translation *stare, to rest,* which centered in on the immobile sense of the word. Every group that attempts to posit a neutral center also produces a *stasis.* Unlike most modern concepts of civil war, "*[s]tasis* did not necessarily involve violence, but in some cases it was a threat or situation and state of mind of the citizens where the recourse to violence was potentially imminent" (Mosche Berent). "Disorder," for instance, threatens modern political organizations in a similar way, but is conceived to be a different problem. Yet the principle is basically the same. If the "disorders" overpowered the ability of a managerial power to manage them and "order" collapsed, they would cease to be "disorders." New orders would become possible. This is just one example of a term that functions in a similar way, but that, over time, was dissociated from what "civil war" signified. Despite its typical association with violence, though, civil war, like *stasis,* has never achieved a definition that all parties would agree on. Today it is regularly used to describe the violent disorders in Syria, and also the chaos in the Republican Party following the election of Trump.

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This project was intended to be the first volume of a journal that will never be published. It morphed many times, went through overhauls, comprehensive edits, and deletions of entire sections. The text started out as something far more literary in nature, in which authors were quoted in a more cavalier and lackadaisical manner. At this point, providing footnotes would be virtually impossible. Instead, we have opted for a bibliography with the most important texts and sources. Some works that appear here were used in an original draft of this piece but disappeared, or were very important to its development but were not directly written about. We include them here for anyone interested in following up on a point of interest.

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