Powerless Politics: An Examination of the Legal, Political, and Economic Precursors to the State
of Exception.

by

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Abstract

According to Agamben, the legal state of exception is becoming the paradigm of Western liberal democracies, within this paradoxical legal structure was historically contained bare life, exemplified by the prison camp.

Assuming that democracies do have a tendency to use legal mechanisms to negate the norm of their legal practices, it would be left to the political arena to prevent this situation, or at least hold accountable those who allowed it to occur. This thesis has used Durkheim's theory of social solidarity to show that the division of labour no longer engenders solidarity, and that individuals are in a state of anomie within the larger society. Combining this, with other social trends such as narcissism in consumption, and consumption in politics, means that individuals can no longer see in politics the means to their own self-interest. As such, the legal state of exception is allowed to proliferate.

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Introduction

Giorgio Agamben's works on bare life and state of exception effectively critiques law as a guiding paradigm within liberal Democratic states. He does so by arguing that the state of exception, which renders distinctions between law and the non-legal irrelevant, filled with bare life has become the paradigm of modernity.

While assuming this to be true, this thesis shall examine what Agamben means when he states that in order to "show law in its non-relation to life...means to open a space between them for human action, which once claimed for itself the name of 'politics'. Politics has suffered a lasting eclipse because it has been contaminated by law" (Agamben, 2005. Pg, 88). In other words, only a new politics can sever the connection between law and life, a politics that Agamben hints once existed.

One of the major critiques issued against Agamben is that the whole concept of the state of exception seems to negate issues of rebellion and the division of sovereignty. It seems to stand to reason that a population will only tolerate so much state of exception and bare life until a backlash occurs, and the regime is changed. It could be argued that this happened before, when the Axis powers were overthrown during World War 2. However, the same logic should dictate that the spaces of exception cropping up within and/or related to the West would elicit similar, though smaller scale, results.

This thesis does not seek to claim that this has not happened at all within Western democracies. Nor does it nostalgically claim that politics may have been more effective in the past (they may or may not have been). Protests, legal and political backlashes, and violent riots have all occurred throughout history, arguably as a result of the proliferation of spaces of exception. Even with the quintessential example of the state of exception, the Third Reich, there were assassination attempts, coup attempts, and actual civil war (the battle of the Warsaw Ghetto) as a result of persecution. What this thesis shall ask is why have such backlashes, in modern times, been portrayed as marginal? Why has, despite these backlashes, the state of exception and bare life still been allowed to proliferate into the paradigm of modernity? What is wrong with politics such that this has happened?

The answer to this question can be found, or so this thesis will argue, within the realm of sociology.

Durkheim once posited that the contiguous relations that people find themselves engaged in through the division of labor (in other words, through our economic interactions) caused social solidarity, a feeling of oneness with fellow men and women, to be maintained. Thus, for Durkheim, community and communities are formed and maintained through their economic interactions, but only under certain conditions can this solidarity be maintained. Under other conditions, economic interactions can actually serve to hinder solidarity (Durkheim, 1933. P 353-354).

With reference to the factors that Durkheim deems as contributing to anomie; increased economic failures, lack of contiguity among consumer/producer, lack of government intervention (Durkheim, 1933. Pg 354-371), it will be shown that the economy of North America is indeed 'suffering' from this abnormal type of the Labor's Division. It will also be shown that anomie first began to appear within the economy concomitant with a shift in the protestant work ethic, that shift is outlined by Daniel Bell as one of producing things to one of producing profits. This shift has thus engendered a new kind of economic man; a consumer with no connection or knowledge to that which is produced, a consumer engendering anomie. This would pose little problem for society, were it not for the fact that the new economic man can no longer distinguish between the realm of consumption, and that of politics and society. He purchases votes, and treats friends, as he does consume.

This situation in turn has caused the problems that Barber and Sennett see in politics. These political problems, particularly the consumption of citizens, and the branding/buying of politics, has, this thesis shall argue, engendered a politics that can no longer effectively combat the state of exception. Barber would argue that consumers have allowed their citizenship to be consumed, by letting marketing strategies pervade into the citizenship aspects of their lives. In other words, a kind of civic schizophrenia has arisen, wherein private wants have trumped public needs, thus negating the ability of the 'public', to demand things publicly (Barber, 2003. Pg, 128).

In concomitance with this consumer privatization, politics itself is being marketed, and is accepted only as such by the public. So Richard Sennett argues with reference to concepts like gold-plating, branding, and over-emphasis on potency. His most telling example of gold-plating, and the trivialization of politics is the parliamentary debate periods spent on the appointment of British Supreme Court justices, as compared with that of the fox-hunting debate. The former required only 18 hours of parliamentary debate, while the latter took seven hundred (Sennett, 2006. Pg, 165). Rather than focus on nationally relevant issues (the Supreme Court), politics has come to resemble marketing and/or theater by gold-plating less important issues.

Lastly, in order to close the anomie-politics-state of exception causal chain, it will be necessary to discuss state of exception and bare life. The latter's implications for a 'people' in general are most significant to this thesis, as this idea represents itself as the logical endpoint of the causal chain. If indeed the "new fact" about decisions on bare life (life without political or legal defenses, essentially) is that they are indeed political, not racist (Agamben, 1995. Pg, 46), and if, without adequate politics, the very term people will consistently be invoked as a political way to differentiate between *zoē* (life in general) and *bios* (politically relevant life). Then a politics driven by the anomic division of labor, and in turn infected by consumed citizens, brand name parties, and neo-liberal laws, will necessarily cease to be able to differentiate between the two kinds of life, and that inherently political decision will be left to the realm of law, in which case the exception will continue to reappear.

Chapter One; Economics Uniting Society: The Division of Labor, Social Solidarity, and Anomie

"according to partisans of a certain type of morality, justice alone would serve to make the functioning of social life good; generous self-denial would be a private virtue...dispensable to society. In reality, for men to recognize and mutually guarantee rights, they must, first of all, love each other, they must, for some reason, depend upon each other and on the same society of which they are a part." (Durkheim, 1933. Pg, 121).

Durkheim is hinting at organic social solidarity stemming from the division of labor. However, at this point in his work he has not yet elaborated upon his arguments sufficiently to state the problem so clearly. The

inclusion of this passage serves another purpose, which is to highlight the public-ness of the charity that society requires. Yes, it does behoove society when self-denial (of rights and freedoms, as in the original social contract) are undertaken on a private, voluntary basis, this alone is not enough to ensure the maintenance of social solidarity.

The purpose of this thesis is to determine what problem(s) beset modern day politics such that bare life and the state of exception continue to reappear. In order to do so, it does not need to be shown that politics was once ‘perfect’, or even any better than it is today. All that needs to be determined are the problems, their sources, and potential solutions, an ideal and imaginary ‘politics’ as a reference point will be more than enough to do so (if even this is required). This thesis argues that the problems begin with a faulty division of labor, then extend into the public realm, and in turn to voter habits.

The purpose of this chapter is not compare the politics and division of labor of Durkheim’s day to that of today (though some comparisons will be useful). The purpose of this chapter is firstly to determine what comprises social solidarity, and what would transform it from its normal state to one of anomie. Secondly, its relationship to the protestant work ethic espoused by Weber will be examined. This relation is the requisite for an elaboration of the arguments of chapter two: the consumer trumping the citizen.

Durkheim’s proposition that social solidarity stems from economic interactions may be analyzed. Succinctly stated, his theory states that under certain ideal conditions, economic transactions (those of the division of labor) serve to support organic social solidarity, which can in turn be measured by the proportion of retributive to repressive laws. Succinctly stated again, this paper argues that the division of labor no longer operates under ideal conditions, and that this precipitates the problems of politics which must be analyzed.

Less succinctly, the terms which Durkheim uses, as well as his arguments, should be elaborated upon. Firstly, the division of labor is a rather simple concept; it consists of all of those transactions necessary for the modern economic machine to function properly. To take a simple example, the building of a shoe begins with the harvesting of raw materials. Their transport to the shoe-maker, their assembly, and the shoe’s shipping to the

market where it is in turn purchased and used all constitute elements of the division of labor. Every movement of raw material within this process can be considered a transaction within the division of labor, and every specialized operation can be seen as evidence of the complexity (for Durkheim, evolution) of the division of labor. The harvesting of raw materials is a very specialized operation. Oil must be drawn from the earth (requiring capital, and many specialized engineers), it must then be transported, which requires another specialized task, it must then be processed and again transported to a facility in which it is cut and/or molded into the proper shapes, which must in turn be transported again. Every single step in this seemingly simple but immensely complicated process requires a worker, or many, who have devoted themselves to their particular tasks for a period of years. In the modern economy, this time-frame may be much smaller, but the idea is still the same: the more advanced economically a society becomes, the more horrendously complicated and specialized the division of labor becomes. Moreover, there is such a thing as a social division of labor, which refers to “the principles of social cohesion which develops in societies whose social links result from the way individuals relate when their occupational functions are separate and specialized” (Morrison, 1995. Pg, 144).

Durkheim, like the much more recent Jane Jacobs, likens the development of the division of labor to that of an organism: “the more specialized the functions of the organism, the greater its development” (Durkheim, 1933. Pg, 41). He then poses the question of an individual in society, is he to choose to be a unique and special person unto himself, or merely “only a part of a whole, the organ of an organism”. This question does indeed lend itself to careful consideration, likening the man driving the truck/boat/plane/train which transports the raw materials to the blood vessels within his own body that transport nutrients to his necessary organs is not an irrelevant comparison. It is indeed quite significant because it raises the more important contradiction between the necessities imposed upon one by modern society, and the tendency and focus on individualism. It raises the issue of public versus private to be discussed later.

For now, however, this comparison leads into the function(s) of the division of labor: 1) simply, it is the necessary condition of economic development 2) it brings about social solidarity. Function 1 does not need to be

elaborated, were it not for the division of labor, assembly lines would be impossible, as would mass production, and as a result so too would mass consumption. Function 2 can be seen as the moral function of the division of labor.

It must be made clear that the division of labor exists for itself. That is, for the pursuit of profits, it has no moral character; it is an economic fact. However, almost all 'economic facts' are irrelevant when considered in isolation. This is so because of the prevalence of externalities, conditions that occur outside of economic considerations, but nonetheless occur as a result of them. Pollution is one such externality, and social solidarity, the moral function of the division of labor, is another. This positive externality (to borrow an economist's phrase) consists of the relations felt by individuals long after their economic exchanges have been completed. Durkheim claims that in the same way that the deficiencies of one partner in a sexual relationship are mitigated by the positive attributes of the other, so do members of society, through the division of labor, become mutually dependant on one another through this deficiency-attribute relationship. (Durkheim, 1933, pg, 61) All members realize that without one another, their lives would be virtually impossible to maintain as is. The shoe-maker referenced above is just as dependant on the truck driver who moves the oil as he is on the military that defends this truck. He can not complete all of these tasks himself, as his specialty is shoe-making, and probably only shoe-making. His inability to satisfy all of these secondary demands is mitigated by the fact that others do so, hence the deficiency-attribute relationship.

Also, taking the form of an externality, this deficiency-attribute solidarity is constant. Pollution takes no account of the closing of the factory; it permeates the entire atmosphere in the affected region, given that wind conditions and concentrations are sufficient. Solidarity does the same, permeating all members of society, and imposing itself upon those who would attempt to refuse it (it does so through retributive law and somewhat through repressive law), provided conditions are correct.

Thus, the moral function of the division of labor is the solidarity created among members participating within that division; their interdependence upon one another does not end when their economic exchanges have,

solidarity continues to bind them to one another. It can be defined as the sentiments common to every man and woman in a particular group that are offended when a crime is committed, “the link of social solidarity to which repressive law corresponds is the one whose break constitutes a crime” (Durkheim, 1933, pg, 70). What Durkheim means by this is that all laws that are punished repressively, that is those laws that, when broken, society sees a need not only to return things to their original state, but finds it necessary to ensure that the violator suffer somehow, are laws which represent commonly held beliefs or ideas among the populace. To allow these beliefs to be challenged, without some sort of retribution, would threaten the collective conscience, which consists in the common beliefs which laws defend, “every strong state of conscience is a source of life; it is an essential factor of our general vitality. Consequently, everything that tends to enfeeble it wastes and corrupts us...it is then inevitable that we should react energetically against the cause that threatens us” (Durkheim, 1933. Pg, 96).

There is a small confusion, however, that must be clarified before continuing with this discussion. The collective conscience consists of beliefs/sentiments common to each member of society, and repressive law can be said to ‘defend’ this. However, this is not social solidarity; it is only a requisite to it. The collective conscience is the sole unifier in under-developed divisions of labor, it tends to consist simply in the homogeneity of such societies. Social solidarity can only arise after the division of labor has evolved, thus only after these societies have also developed economically. Thus, at the same time that the collective conscience weakens (though never disappears) organic solidarity takes its place. The more specialized individuals’ economic pursuits become, the more often they become reliant on one another, and the more this interdependence is felt.

Thus, social solidarity through economic development gradually takes more precedence over the collective conscience arising through awareness of societal homogeneity. Just as repressive law corresponds to, and defends the collective conscience, so too does retributive law correspond to, and defend social solidarity. The reasons for this are complex, and indeed this is somewhat of a simplification of Durkheim’s argument.

However, for purposes of this paper, the two concepts can henceforth be conflated, as collective conscience does exist somewhat in advanced societies beside social solidarity. Therefore, social solidarity can thus be considered as both a collection of sentiments and beliefs common to all members of a particular grouping *combined* with their mutual dependence on one another which is caused by the division of labor.

For the time being, since the division of labor's ideal conditions have been discussed, its 'broken' manifestations must now be analyzed. The first of which is the anomic division of labor, wherein "social functions are not adjusted to one another", as occurs during economic crises (the current financial crisis comes to mind), and the classic Marxian battle between capital and labor. (Durkheim, 1933. Pg, 354).

What Durkheim wishes to highlight when he states that social functions are not adjusted to one another is the necessary sorting of rights and duties that inevitably occurs between any two actors after significantly prolonged interaction. A good example of the proper legal division of labor can be made with reference to the 'formulation' of customary international law. The interactions that commonly occur between two contiguous nations eventually become custom, and after that these activities are soon referred to by courts as law. The same occurs, to a degree, when social functions (firms, civil institutions, citizens groups, all of the social groupings that could potentially come together within the division of labor) are in constant contact with one another through the division of labor. Their interactions end up becoming 'regulated' by custom rather than law, and as such many of the conflicts between them are far more easily mitigated than those between social facts without a history of contiguity. Durkheim elaborates upon this by saying that

For organic solidarity to exist, it is not enough that there be a system of organs necessary to one another, which in a general way feel solidary, but it is also necessary that the way in which they should come together, if not in every kind of meeting, at least in the circumstance which most frequently occur, be predetermined. Otherwise, at every moment new conflicts would have to be equilibrated, for the conditions of equilibrium only through gropings in the course of which one part treats the other as an adversary as much as an auxiliary. These conflicts would incessantly crop out anew, and, consequently solidarity would be scarcely more than potential, if mutual obligations had to be fought over anew in each particular instance. (Durkheim, 1933. Pg, 365).

Thus, solidarity requires that the most frequent interactions occurring within the division of labor be regulated somewhat to prevent, for instance, the chaos that occurs at the opening of new economies. Evidence supporting this contention is not difficult to find, during the 1850s in London, prior to a statistical understanding of the business cycle (and thus prior to ‘modern’ capitalism), at any one time at least 40% of able-bodied workers were unemployed, and new business failure rates were as high as 70% (Sennett, 2006. Pg, 19). This instability, which could be accounted for by many other facts, can also be said to be largely a result of a lack of regulation among firms. Indeed, investment, management, and firm-to-firm negotiation today depend on accurate and transparent information (firm statistics, sales, hiring and firing rates, employee training, etc). Back then, most firms did not even collect most of the statistics about their own operation, let alone publish them or seek to find this information in other firms. Worse, most accounting found its perigee with “simple statements of profit and loss” (Sennett, 2006. Pg, 20). It is certainly a stretch to argue that all of this instability and unemployment resulted from under regulation of firm information, but it is not foolish to say that the latter would have mitigated the situation.

As the fall of the Soviet Union has shown, an economy, even a simple one, is far too complex for any government to regulate completely. As just shown, however, regulation of frequent and rudimentary interactions are essential for proper business ethics and transactional efficiency (transparency of information and simple consumer protection are some examples). Indeed, Durkhiem states that these rules are not even separate from the division of labor in its functional form, they are “a prolongation of it”, hence his focus on custom as a form of regulation .

It could be argued at this point both that any regulation that is required by businesses, if it has not arisen naturally in the form of custom, can simply be mitigated by contracts. Further, Durkheim also proposes some regulation of the economy itself, directly, through limiting firm purchases or firm productions. Against this it could be argued that equilibrium will establish itself naturally through regular economic interactions. The first of these critiques can be answered by indicating that “first of all, all social relations are not capable of assuming

this juridical form...Besides, the links which have this origin are always of short duration. A contract is only a truce, and very precarious; it suspends hostilities only for a time” (Durkhiem, 1933. Pg, 365). Contrastingly, a law set up by government, or a custom established over time and codified into law lacks the precariousness of a temporal contract. Such laws are constant, and as such, offer much stability to the parties wishing to negotiate under said laws. Not to mention the fact that these laws concomitantly lower the transaction costs inherent with all contracts.

The second contention, that equilibrium is natural and needs no interference from government to achieve is true. The whole point of economics is to indicate that certain equilibria are achieved by the economy with no outside help. However, equilibrium is a process of trial and error, and the ‘errors’ are what constituted the 70% failure rate of London businesses in the 1850s, as well as the great depression. The natural equilibrium of an economy is established only “after ruptures of equilibrium and more or less prolonged disturbances” (Durkheim, 1933. Pg, 367). A little regulation can go a long way when it is a choice between that or another great depression.

To sum up the argument, the first abnormal form division of labor occurs essentially due to a lack of regulation stemming from contiguity among economic actors which thus prevents the formation of custom (which, in turn essentially acts as a substitute for governmental regulation, at least in economic instances). When the division of labor occurs without this regulation, not only are firms alienated from one another (seeing one another as enemies, not as constructive competitors), but the worker is indeed “no longer a living cell of a living organism which unceasingly vibrates with neighboring cells, which acts upon them, and to whose action it responds and with whose needs and circumstances it changes” (Durkheim, 1933. Pg, 371). Thus without anomie, the worker feels he is a part of his whole production process, and feels a part of the whole economy. Under anomie, he works through routine only, and feels no connection to the rest of the economy, and thus his solidarity with the members of the rest of the economy is weakened. This is not good for the public realm.

The second form of anomie that bears mention consists essentially in the amount and quality of work that each worker is expected to complete. The problem here extends from situations in which workers do not do the work for which they are suited, and as such is called by Durkheim the forced division of labor, “Doubtless, we are not, from birth, predestined to some special position; but we do have tastes and aptitudes which limit our choice. If no care is taken of them...we shall suffer.” (Durkheim, 1933. Pg, 375). Thus, for the division of labor to function, it is not enough that an organization include as many people as possible, for the sole sake of employment. This is what occurred within Germany under Bismarck, his way of placating the masses out of revolution was simply to expand bureaucracy to the point that everyone had a job (Sennett, 2006. Pg, 21). It seemed to work well enough at placating the masses out of revolution, however it may not have produced solidarity. What is necessary for social solidarity to function is not only that everyone have a work-place, but that position must be fitting to their faculties.

Durkheim’s main issue with the forced division of labor is that individuals be free to determine for themselves those tasks for which they are best suited, “for, if nothing impedes or un-duly favors those disputing over tasks, it is inevitable that only those who are most apt at each kind of activity will indulge in it” (Durkheim, 1933. Pg, 376). He thus indicates that castes, the division of capital and labor, and heredity are great barriers to social solidarity in that they maintain the position of some members of society against others, so that each individual is not free enough to find the tasks best suited to him. The division of labor must be spontaneous, which

supposes, not only that individuals are not relegated to determinate functions by force, but also that no obstacle, of whatever nature, prevents them from occupying the place in the social framework which is compatible with their faculties. In short, labor is divided spontaneously only if society is constituted in such a way that social inequalities exactly express natural inequalities. But for that, it is necessary and sufficient that the latter be neither enhanced nor lowered by some external cause. (Durkheim, 1933. Pg, 377).

Astute readers will at this point ask the question, how can the regulation required to prevent the anomic division of labor be employed in such a way as to also allow a spontaneous division? If the regulator, for

example, decides that only a limited amount of shoe-makers will suffice for society, how could he possibly ensure this without affecting the lives of the shoe-makers already employed? Also, what if there are more 'natural' shoe-makers in society than can be employed under the new regulation? Succinctly put, how can regulation exist along side of the spontaneous division of labor?

In answer of this question it should firstly be noted that the regulation that Durkheim proposes is not directly of firms or their production or number (while he does lament the fact that this no longer happens in his time, he does concede that no government can have sufficient information to do so anyway). The regulation that he demands is to occur only between those transactions that occur the most often, thus mitigating the additional costs imposed by negotiation, excessive competition, and lack of trust. For example, it has been shown that prior to the Asian Financial crisis of 1998, it is rumored that only 2 officials were aware of the extent of the problems within Thailand (the country in which the crises started) (Harwood, 1999. pg, 21). Laws regulating and ensuring transparency in this situation are what this paper argues that Durkheim would have required in that situation.

As far as the forced division of labor goes, what would help is that each social fact be valued at its own value, independent of external coercion. During the Asian Financial Crisis, it would have been nice had the Thai Baht not been over-valued by at least 50% (Pempel, 1999. Pg, 1), as this is what precipitated the entire crisis, along with the fact that only two officials had sufficient knowledge to even predict a crisis. Thus we can now understand how regulation (in the form of business-transaction law, more than of direct regulation) can coincide with a spontaneous division of labor in which social facts are valued at their real value, and in which people are free to pursue that task for which they are best suited.

Light can be shed on the contrast between the forced division of labor and its ideal type with reference to Francis Fukuyama and his discussion of the origins of work. For him, fulfilling work does not arise from a rational calculation of the benefits to be derived from work versus the time required to work. For Fukuyama, the desire to work, and therefore the fulfillment achieved from it arises in the inherently irrational part of the human psyche, the thymos. As such, 'workaholics' who never see their families, never enjoy the fruits of their labor,

and who even lead themselves to an early death through overwork are obviously not working for their pay alone, “their sense of self-worth is tied up in how hard and how skillfully they work...work, in other words, is undertaken to satisfy their thymos rather than desire.” (Fukuyama, 2006. Pg, 226). These people exemplify the worker in the ideal division of labor. He enjoys his work so much that he is left no time to benefit from it. Perhaps this is an oversimplification, as simple ‘enjoyment’ can not constitute such commitment. Whatever the case, such workaholics have a connection to their work that is far more than simple self-interest, “work was undertaken for a totally non-material and ‘irrational’ goal, that is, to demonstrate that one had been ‘elected’.” (Fukuyama, 2006. Pg, 227). Fukuyama’s goal here is to try to indicate, as Weber did, that certain cultural characteristics create better preconditions for economic development than do others, “the most successful capitalist societies have risen to the top because they happened to have a fundamentally irrational and ‘pre-modern’ work ethic, which induces people to live ascetically and drive themselves to an early death because work itself is held to be redeeming” (Fukuyama, 2006. Pg, 229). My purpose in mentioning him here is to highlight the connection between the ideal division of labor, and the idea that work can, and often should, serve purposes other than providing a paycheck. A worker within the anomic division of labor, who feels no commitment to his job, the society that that job serves, or his fellow laborers, can never aspire to be a ‘workaholic’, as for him work is seen as disutility. Under ideal conditions, work is seen as a utility, as a benefit. Here we come to the next idea of this thesis, the connection between the ideal division of labor, and work ethic.

Working to live or living to Work: Weber’s Work Ethic and Durkheim’s Division.

Thus far, we have seen that the division of labor serves to unite society by consistently reminding its members of the dependence that they have upon one another. Furthermore, it has been shown that the division of labor has two relevant abnormal forms. The first occurs when the most frequent business transactions are under-regulated, and as such, new conflicts and disequilibria occur constantly, weakening solidarity (especially when these disequilibria destabilize the lives of the average worker, as will be seen later on when discussing

Sennett's view of the problem). The second occurs when social facts are not valued adequately, as a result it often occurs that workers are placed in positions which under or over exert them. Again, solidarity is weakened.

At this point it should be clear that not only the character of the work undertaken within the division of labor is important, but in order to avoid the forced division of labor, it is necessary that individuals be well suited to their tasks. Moreover, it is necessary that individuals be satisfied with the work they do. They must have a commitment to it that supersedes rational self-interest; otherwise they find themselves in a state of anomie, "the individual, hemmed in by his task, becomes isolated in a special activity. He no longer feels the idea of a common work being done by those who work side by side with him" (Durkheim, 1933. Pg, 357). As stated in the introduction, the ethos of infantilism outlined by Barber is what the protestant work ethic evolved into. What this paper argues is that this evolution occurred in concert with the division of labor becoming abnormal, thus weakening solidarity. As Barber extended the large parts of his argument from Weber's protestant work ethic, so too shall this essay examine his protestant work ethic, and establish its relation to the division of labor. As this paper attempts to draw general political and economic trends among societies, the more religious and more society-specific aspects of Weber's thesis will be avoided. What is at issue here is his idea of a work ethic, of finding a calling in work, and its relation to the division of labor and social solidarity.

The primary thrust of *The Protestant Ethic and the Spirit of Capitalism* (1958) indicates that it became both personally beneficial to work, and a religious duty to work hard towards the glory of god. Not that one even had to be particularly religious to take part in this ethos, it was seen as a duty simply to work diligently in a calling, any calling, so long as one is working, "not leisure and enjoyment, but only activity serves to increase the glory of God...Waste of time is thus the first and in principle the deadliest of sins" (Weber, 1958. Pg, 157).

Why was it seen that work in general, almost regardless of the type of work undertaken, was a good in itself? Prior to the adaptation of Luther's conception of 'the calling' (or 'a calling') there was a particular worldview among Christian's, particularly those following St. Paul's teaching. Their views held that the Lord had already chosen those who were to be saved and those who were to be condemned. The believer could only

find out the truth of the matter upon death, and even so, has no recourse to changing the predetermination of his/her grace or damnation. The problem with this view is that it offered very little prospects in the way of active participation in the present, beyond simple piety, and hard work. Indeed, when the world itself, and all pleasures of the flesh are seen as decadent, then worldly pursuits are shorn of most of their value, “since everyone was simply waiting for the coming of the Lord, there was nothing to do but remain in the station and in the worldly occupation in which the call of the Lord had found him, and labor as before”. At best, worldly activity was seen as morally neutral (Weber, 1958. Pg, 84). Even excelling at one occupation, or changing to one more suited to the individual were antithetical to the religion of the time, as the Lord deemed that people were where they were meant to be, doing what they were meant to do.

However, Luther’s influence on the Reformation had results contrary to those just outlined. Specifically, worldly affairs began to be viewed as more and more pertinent to religion, “The only way of living acceptably to God was not to surpass worldly morality in monastic asceticism, but solely through the fulfillment of the obligations imposed upon the individual by his position in the world. That was his calling.” (Weber, 1958. Pg, 80). Since men found themselves in the world, and since their position therein was thought to be the direct result of the will of god, it must follow then, that excellence in this position, in life in general, was a worldly manifestation of God’s will. Do the best where you are, with what you have, and you will satisfy god’s demands of you, “every legitimate calling has exactly the same worth in the sight of God” (Weber, 1958. Pg, 81).

There is more to be said of this work ethic, as it emphasizes work, and not acquisition, “wealth does not exempt anyone from the unconditional command...they, like the poor, must obey. For everyone without exception God’s providence has prepared a calling, which he should profess and in which he should labor” (Weber, 1958. Pg, 159-160). Wealth and accumulation are not considered evil in themselves; they are considered a danger only insofar as they have a propensity to encourage idleness. Moreover, there are tinges of freedom within this work ethic. It is said that a man who lacks specialization may still work, and this is considered well. However, there is a worry that this work will be, essentially, less efficient than that of a man

who has a set specialization. To the end of efficiency, it would seem, the Protestant Work Ethic demands adaptability in working conditions, “Even a change of calling is by no means regarded as objectionable, if it is not thoughtless and is made for the purpose of pursuing a calling more pleasing to God, which means, on general principles, one more useful” (Weber, 1958. Pg, 162). The faithful Christian thus must not only specialize, but be flexible enough to pursue ‘callings’ for which he is better suited, or which are more productive, “if God show you a way in which you may lawfully get more than in another way (without wrong to your soul or to any other), if you refuse this...you cross one of the ends of your calling”. Contrast this with the ethos under Calvinism that preceded it, wherein “to assume that human merit or guilt play a part in determining this destiny would be to think of God’s absolutely free decrees, which have been settled from eternity, as subject to change by human influence, an impossible contradiction” (Weber, 1958. Pg, 103).

Now, it must be established that, at the very least, the proper functioning of the division of labor and the protestant work ethic are mutually supportive. The primary tenets of the spirit of capitalism under the protestant work ethic are as follows, 1) “the devotion to amassing wealth and profit beyond the personal needs of the individual”. With the caveat that this wealth was not pursued for its own sake, but achieved only *as a result* of hard work in a calling (Weber, 1958. Pg, 172). 2) “the commitment to unrelieved toil and work coupled with self-denial” 3) “the avoidance of the use of wealth for purposes of personal enjoyment” (Morrison, 1995. Pg, 245). This is not the whole picture however, as it emphasizes only the spirit of capitalism, not some of the aspects related to the individual, such as the fact that he/she must be allowed to find the work at which he/she is the most proficient. Also, work must not be simply work, and while all forms of legitimate work are appraised equally by god, work had to have a character “equivalent to a virtue...Good protestants who wanted to supervise their own state of grace in the world through self-control and self-regulation, were ‘called’ to commercial activity since work was seen as a secular method of attaining virtue and salvation” (Morrison, 1995. Pg, 255).

Having reduced Weber's thesis to these five points, they may now be counter posed with the division of labor and social solidarity to determine their connection. Firstly, the need to amass more wealth than one can spend on one's own would seem to have very little relation to the division of labor, so long as the individual works, and does not prevent other from doing so. However, this is not entirely the case, as the protestant work ethic also has guidelines about what to do with the wealth, thus numbers 1 and 3 coincide. One can hoard wealth, and this is accepted, even seen as a virtue as it is evidence of how hard one has worked. However, it is looked upon as a virtue not only to be frugal with that wealth, but also to intelligently re-invest it for the purposes of creating even more wealth, "The restraints which were imposed upon the consumption of wealth naturally served to increase it by making possible the productive investment of capital" (Weber, 1958. Pg, 172). Thus the focus on saving as much as possible and *intelligently* re-investing it marginally support the division of labor by promoting a way of life inimical to the propagation of the division of labor itself. Of course, this connection is not extremely strong, but to mitigate this attitude towards saving and investment would be to endanger the economic system in general (if everyone ceases to invest, new capital can not be found, and jobs can not be created, as occurred in the stock market crash of 1929). Of course, the ethos behind the protestant work ethic also calls for intelligent investment, that is, long-term and safe investment. Waste, both of time and of money, are seen as great sins under this ethos.

Secondly, in order to avoid the anomic division of labor, it is required that the most frequent business transactions be regulated to a degree, so that conflicts can be avoided (contiguity among firms leading to custom is another form of this regulation). It has already been shown, in relation to the Asian Financial crisis, that one such regulation is transparency, both of economies and of firms. Durkheim indirectly calls for transparency when he discusses the needs of custom,

the state of anomy is impossible wherever solidary organs are sufficiently in contact or sufficiently prolonged. In effect, being contiguous...For the same reason that exchanges take place among them easily, they take place frequently; being regular, they regularize themselves accordingly, and in time the work of consolidation is achieved. Finally...the rules which are thus formulated carry this imprint; that is to say, they foresee, and fix, in

detail, the conditions of equilibrium. But on the contrary, if some opaque environment is interposed, then only stimuli of a certain intensity can be communicated from one organ to another. (Durkheim, 1933. pg, 369).

Thus, in order for solidarity to be possible, the opposite of an opaque environment is required among social forces. The protestant work ethic calls for this directly, “Man is only a trustee of the good which have come to him through God’s grace. He must, like the servant in the parable, give an account of every penny entrusted to him”. Furthermore, “On the side of the production of private wealth, asceticism condemned both dishonestly and impulsive avarice” (Weber, 1958. Pg, 170-172). Social solidarity demands that social forces be able to meet, conduct whatever business needed, and depart without constant new conflicts cropping up. The best way to ensure this is with regulation or custom, when the latter is unavailable, the former must demand transparency. The protestant work ethic, concordantly, demands that all men act as businessmen with their possessions, and that all exercise business ethics: honesty, rational calculation, and good book-keeping.

Lastly, avoidance of the forced division of labor requires that social facts be valued without any external constraints or pressures. Only in this way will society be organized so as to maximize the probability of workers finding the tasks for which they are best suited. As stated above, if workers can not find themselves in such a position, they will find themselves “suffering”. The parallel to this within the protestant work ethic should by now be clear, work must be seen by the worker to be a virtue, so that (s)he is able to toil in their calling. Here, again, Fukuyama’s idea of work deriving from thymos comes to the fore,

Such individuals can easily work seventy- or eighty-hour weeks, with few or short vacations, as they move up the career ladder...In fact, their behavior is irrational in strictly utilitarian terms: they work so hard that they are never able to make use of their money...even their material possessions are enjoyed more for the reputation they confer than for any actual use made of them. (Fukuyama, 2006. Pg, 226).

For Fukuyama, work must satisfy thymos, which in turn can be seen as an “all-powerful emotional support to the process of valuing and evaluating, and allows human beings too overcome their most powerful natural instincts for the sake of what they believe is right or just” (Fukuyama, 2006. pg, 171). Without the feeling that work satisfies thymos, one will find himself working through routine only, separated from his

workers, his society, and the end product of his work. It is true that one must not enjoy the fruits of his labor in the form of luxurious consumption, but the one way that this irrationality (unreasonable, according to Adam Smith, at least) can be mitigated is that one's labor *becomes* the fruit thereof. All of this is simply to say that the protestant work ethic, in order for one to see work as a calling, requires that one select work fitting to their own faculties. The division of labor requires exactly this as well, in order for solidarity to function.

With these three criteria, it can safely be said that the division of labor which creates solidarity and the protestant work ethic are mutually supportive. As such, the purpose of this chapter has been fulfilled. The next step is to determine how the ethos of infantilism affects society, and whether or not it exemplifies an abnormal division of labor, outlined by Durkheim. If so, given the connections outlined in this chapter, it can be said that modifications to the division of labor could precipitate a change in work ethic. Also, since it is a change in this ethos that indeed precipitated the problems of politics to be examined later in this thesis, then bare life (a result of these problems) can be traced back to an abnormal division of labor. The task of the next chapter is thus to determine how much the ethos of infantilism outlined by Barber exemplifies the abnormal division of labor.

Chapter Two: From Living to Work to Living to Buy, The Transformation of the Protestant Work Ethic

In the last chapter, it was shown that the ideals of the Protestant Work Ethic, savings, delayed gratification, pursuit of wealth without consumption, and hard work as a value in itself all coincide directly with the proper functioning of the division of labor. As such, it can then be assumed that work undertaken under the Protestant Work Ethic serves to unite society through the division of labor. Now this thesis must establish that the abnormal forms of the division of labor (both anomic and forced) theoretically coincide with the new ethos of consumption, the ethos of infantilization, that Barber takes issue with in his theses "Consumed" and "Jihad v.s. McWorld".

The problem, however, is that Barber is more concerned with the marketeering aspects of this new ethos, its effects on politics, and its capitalistic and democratic ramifications than with its transformation *from* the protestant work ethic. While this paper is concerned with these effects as well, in order to show its relation to

abnormal divisions of labor, more elaboration of the new work ethic is required than simply “fast over slow” and “easy over hard” (Barber, 2007. Pg 83). To immediately take issue with the effects of the new ethos would be to attempt to solve only the symptoms of the underlying problem, as Barber tries to do. To try to assess the problems of politics without first assessing the relation of the new ethos to the division of labor is to attempt to fix a fever by putting someone out in the cold.

To this end, this chapter will attempt to understand the change that the protestant ethic underwent, and then the new ethic’s relation to the division of labor. Only afterwards can the problems of politics and culture resulting from the abnormal division of labor be effectively understood.

Knowing that the protestant work ethic does coincide with a healthy division of labor, its transformation into whatever it is today must be outlined, and then contemporary circumstances can be examined. At the end of his major work, Weber himself noticed the potential for the spirit of capitalism to become bereft of its spiritual underpinnings to Puritanism and begin to be characterized more by sport than by a calling (Weber, 1958. Pg, 181). He is not totally clear as to why this might happen, but the last few pages of his work can offer some insight as to the causes of this transformation,

The Puritan wanted to work in a calling; we are forced to do so. For when asceticism was carried out of monastic cells into everyday life, and began to dominate worldly morality, it did its part in building the tremendous cosmos of the modern economic order. This order is now bound to the technical and economic conditions of machine production which to-day determine the lives of all individuals who are born into this mechanism...material goods have gained an increasing and finally inexorable power over the lives of men as at no previous period in history...the idea of duty in one’s calling prowls about our lives like the ghost of dead religious beliefs. (Weber, 1958. Pg, 182).

In other words, for some reason, no one sees work as a calling anymore as long as they can use work as a means to continue to be locked in the cage that their own purchases have created for them. It could easily be assumed that early capitalism needed some form of unifying ethos, and that once that ethos had done its work unifying the fragmented early societies of, say, the early U.S, then such an ethos would no longer be needed and

was disregarded by those in power. This assumption would also play well into the argument of Barber in “Consumed”, for he seems to infer that the infantalist ethos is imposed upon populations, rather than accepted and reinforced by them, since “the ethos is impressively efficient in creating market demand by encouraging the manufacture of faux needs in the affluent world” (Barber, 2007. Pg, 82). However, it is not an ideology that creates demand, it is marketing. The ideology simply makes the marketing profitable, as such, there needs to be far more elaboration of this ideology.

Despite his focus on the ‘power’ of the infantalist ethos, even Barber concedes that “a cultural ethos...cannot be said to have a particular author...that is to say it does not result from a silent conspiracy” (Barber, 2007. Pg, 81). This indicates that the mechanisms by which the protestant work ethic transformed into the infantalist ethos were prevalent within society even at the time of Weber’s writing, they were not ‘imposed’, they ‘grew up’, and that the transformation may not be simple or clear-cut. What is now happening is that marketers are simply taking advantage, and perhaps reinforcing, trends already endemic to the populations in question.

There is great divergence in the literature on this topic; however one common theme tends to emerge. That theme dictates that at some point, for different reasons, the prevailing culture that focused on production (and saving) shifted to one focused on consumption and distribution (and obviously not saving). William Leach has an interesting perspective on this point, he states that the primary factor pushing the change from production to consumption was the fact that consumption came to have a character of its own due to the advent of “service” as an industry in and of itself.

Up until about 1899, America was a land of local enterprises which were “small-scale and low volume and strove for success through product differentiation or by manufacturing a single unique product in a secure, relatively noncompetitive niche” (Leach, 1993. Pg, 17). Barber supports this contention when he discusses early businesses, “salt was salt was salt, what was the point of having two or three salt companies?” (Barber, 2007. Pg, 175). The change that occurred, thanks to new technologies facilitating mass-production, as well as mass-

immigration (and hence mass-labor) was that for the first time ever businesses had at their disposal “huge amounts of capital for investment, capital pooled by new commercial and state banks and, above all, by the new insurance companies” (Leach, 1993. Pg, 17). Evidence of this can be found in the unbelievable expansion of consumer products in the mere 6 years from 1899 to 1905: food output increased by 40%, cheap jewelry and ready-wear clothing production doubled, and glassware and lamp production increased by almost triple (Leach, 1993. Pg, 16). More to the point, the focus of these new corporations, new in the sense of the resources at their disposal, old in the sense that they were still profit-making amalgamations, was influenced heavily by insurance brokers and investment bankers, who are responsible for much of their new-found capital. As a result, this capital was moved and operated by people who had little to no contact with the actual goods being sold (recall anomie and contiguity), and business capital “began to supersede commitment to industry and workmanship” (Leach, 1993. Pg, 18).

However, as stated above, a few (albeit massive) businesses suddenly ceasing to care for anything beyond profit-making, seen as supposedly “one of the most significant mutations in man’s history” (Leach, 1993. Pg, 18), does not necessitate an entire population accepting this repudiation of the protestant work ethic. What served most to alter the primary ethos of society, as Leach argues, was the fact that consumption came to be seen as something inherently good *by the people*. This came about as a result of the prevalence of the never-before-seen service industry.

There were indeed significant portions of the population who offered resistance to those institutions at the forefront of this change, large department stores. Obviously small traders, who had their very livelihoods at stake, expressed vehemence at the victory of the large stores. In addition, other sections of society, such as labor leaders and religious and community leaders who saw something wrong with such large enterprises began to speak up. Thus indicating that an ethos cannot be imposed by anyone, however powerful, it must eventually be accepted.

While Leach does not say so, a reaction to this resistance could have been the appearance of service as an industry. Servicing customers had been an aspect of enterprises since before the 1890s. However, it was only during this period, due to the increasing mobility of the population, that service as an industry became prevalent. Service required that there be recognition that “[merchants] had an obligation to care for and cater to the needs of customers as well as of workers” (Leach, 1993. Pg, 112). Leach goes on to say that service was partially inaugurated as a way to pacify employees with the veneer of something benevolent about their work. Indeed, credit systems and installment buying, which first arose during this period, could well have made it seem that employers/retailers were doing all they could to make the consumption process easier.

Regardless of the exact motivations behind the arrival of the service industry, what it served to do was nullify the view of capitalism as exploitative and horrible, replacing it with “the promise of America”, wherein anyone with cash can be truly happy, and no matter what is going on in the world, people can always find a secure and seemingly friendly place wherein they need not worry (Leach, 1993. Pg, 146). In addition to giving capitalism in general a new face, the commoditization of aspects of social life was well underway, “by 1910, then, department stores were serving as powerful anchors for downtown civic life; they were not only selling goods but also...ideas, information, and uplift – sometimes of indispensable value to their communities” (Leach, 1993. Pg, 138). Now that values important to the communities involved were sold to them, rather than provided by the communities themselves, businesses had effectively, or even partially, associated consumption with community. When community information can be had at the mall, when the mall becomes the new town square, community becomes dependant on consumption. This, of course, makes no sense from a division of labor standpoint. The way in which the division of labor united people was to make them cognizant of their dependence on one another. If anomie or the forced division has already been introduced into the division of labor, then it makes no difference what is bought or sold.

Furthermore, businesses began to sell ‘atmosphere’ as well, trying to create not only goods for sale, but applying to those goods such ideas as luxury, freedom, safety, and even community (Leach, 1993. Pg, 139). Of

course ‘atmosphere’ cannot be sold (neither can community), one has to already be in the store/restaurant/hotel to feel it, but the incitement thereof could serve as a method of bringing customers in.

This advent of service also heralded in ‘branding’, pointed out by Barber as a business’s way of making a transaction (in which the register only rings once) into a lifelong commitment as “selling takes on a new dimension when you put it in the context of a relationship” (Barber, 2007. pg, 169). Thus, the products for sale become associated with meanings or ideas often totally unrelated to them. The mall is no place for community information to be disseminated, and were it not for the relaxed ambiance of a mall, no one would have considered it thusly. Also, associating products with meanings unrelated to those products is an extension of the anomie already inherent in the fact that no one any longer has any idea of the true value of products sold.

Not only this, or perhaps because of this new face to capitalism, there began for the first time to be a split between production and consumption. Where once there was just capitalism, now there are these two separate spheres,

Service, then, along with other strategies of enticement, helped give to the sphere of consumption an independent character and, increasingly, a definite set of values, with emphasis on material well-being, luxury, pleasure, and happiness without “ugliness” or “pain”...This was unprecedented. Before 1880...most Americans knew where the goods and wealth came from...Elaborate associational meanings, moreover, that purported to confer on consumption an autonomous identity, were not a part of social life (Leach, 1993. Pg, 147)

This separation, simultaneously giving consumption its own character as something inherently good (for example, it feels good to shop because there are no clocks, or any other reminders of the real world in a mall) and serving to almost nullify the value of value by making it virtually impossible for the average consumer to determine where finished products came from, served to make surreal the entire capitalist system. Consumption, being separated from the still horrid aspects of production (assembly lines, working conditions, etc.) made it easy to assume that it was not totally dependent on this squalid production process. As such, consumer ignorance became prevalent, and the seeds for modern-day problems of consumption became clear,

By 1910 more and more people were less and less aware about how things were made...To acknowledge suffering caused by capitalism under these new conditions would be to arouse one's own guilt and to cause one's own distress. But the separateness of consumption made it easy to deny the suffering: The outcome was a greater tendency toward selfishness and a corrosive moral indifference (Leach, 1993. Pg, 150).

Thus, the first major change from the Protestant work ethic to the ethos of infantilism has been outlined: production and consumption became separated, or at least appeared to be so from the point of view of consumers. Surely, the fact that much of the capital behind most production being controlled by people with no relation to that process should remind the reader of the anomie discussed in the last chapter. It cannot serve to unite society when managers must answer to people who have no interest in their life (the work aspect of it) beyond how much profit that life provides. The prevalence of appearances and atmosphere under the service industry also created essentially the same situation between consumers and producers. Since they did not know how anything was produced, or even the effort required to move it from point A to B, consumers have no idea as to the value of the item. As such they cannot be aware of the division of labor behind it, they cannot be aware of their dependence on the members of that division, and as such cannot feel united to/with their fellow men and women. Indeed, the very atmosphere of the new service industry incites them to forget such things. Service, then, and its emphasis on separating consumption from the realities of production, directly creates anomie in the consumption process. As Leach indicated, this was unprecedented.

Thus, the new economy, that which arose after the protestant work ethic had dissolved is one wherein consumption supersedes, in the minds of most involved within the division of labor, production in importance. The mere separation of the two realms poses a problem for the unifying potential of the division of labor. The prevalence of one realm over the other, the ignorance of their connection, and perpetual continuance of that ignorance serve to remove any unifying potential at all that the division of labor once had. However, the whole story of the transformation of the work ethic has not nearly been outlined, nor can it be in such a short paper. Another aspect that requires mention is, though Leach viewed it as merely one aspect of the service industry, the advent of credit. The ability to pay for something without having first acquired the money with which it can be

purchased is, according to Daniel Bell, one of the most important aspects of the economy after the dissolution of the protestant work ethic.

Why Save When You Can Buy?

As an anecdote to this chapter, there was recently an internet pop-up add (the effects of the internet on anomie could be irreversible, but that is far beyond the purview of this paper as well) that indicated that an unnamed casino was offering a credit of 500\$ to all potential gamblers, without question. This makes all members of the casino fall into debt even before they have lost at gambling. Further, it allows people with no money at all to wander into the Casino and pretend as though they are within the strata of individuals who can go to casinos without undue financial turmoil. Here we have a perfect example of the new economy, and of the repudiation of the protestant work ethic. Casinos epitomize consumption as an activity in itself (how many people actually succeed at gambling?), and this new credit allows consumption without saving, and proffers the appearance of wealth as good in itself. The work ethic required saving without consumption, and saw wealth as merely a byproduct of the true good: work.

While William Leach sees service as the primary turning point of the protestant ethic, Daniel Bell blames the change on the transformation of the social structure (small-town groups to urban nation), and the advent of credit,

“The Market is where social structure and culture cross. Changes in culture as a whole...are made possible not only by changes in sensibility, but also by shifts in the social structure. One can see this most readily, in American society, in the development of new buying habits in a high consumption economy and the resultant erosion of the Protestant ethic. It is the breakup of this ethic and temper...that has undercut the beliefs and legitimations that sanctioned work and reward in American society. It is this transformation and the lack of any rooted new ethic that are responsible, in good part, for some of the sense of disorientation and dismay that marks the public mood today. (Bell, 1976. Pg, 55).

Firstly, his views on the social structure will be analyzed, then his views on culture, which include buying habits and the all-important advent of credit, will be elaborated.

The social structure of modern day America is very different from the structure of America during the 1890s. At that time, America consisted not only of small, personally owned enterprises, but of an “agrarian, small-town, mercantile and artesian way of life...The life and character of American society were shaped by the small town and its religions.” (Bell, 1976. Pg, 56). In an otherwise hostile country of Indians, cowboys, and unforgiving nature (people actually did starve when crops went bad, or when one could not find dinner to shoot), not to mention the vast fear of the unknown, the small town and its familiarity served to hold together what was seen as American society. Coupled with this dependence on the small town was the fact that “the community itself was ruled by a rational morality in which the moral law was a cold and righteous necessity.” (Bell, 1976. Pg, 59).

The need for this moral zeal and religious regulation stems from a social contract similar to those outlined by Hobbes and Locke at the theoretical level. These many communities, being so small, had to be governed by an ethos that viewed each individual as a member of the community first and as a person second. The psychological strains of living in such a closed community, combined with the outright fear of leaving it, meant that sins would ‘make god angry’ with the whole community, not just with the individual. Moreover, as stated these communities were the last vestiges of defense against an otherwise harsh and dangerous world. Whether this danger was real or perceived is a moot point, because the perception of danger imposed the necessity of maintaining the cohesion of the small-towns, and since they were so small, dissenters could not simply be banned, only punished. The protestant work ethic and its focus on restraint (in consumption and otherwise) offered a covenant whereby through public shaming and repenting, dissenters could be kept within the community and held to its cohesive ideology (Bell, 1976. Pg, 60). This ideology became so ingrained that long after the small-town social structure was eroded by mass-transportation, mass-communication, and even by the advent of films, the practices remained. However, the change in social structure, from small to large-town, did finally and almost completely eradicate the protestant work ethic’s practices as well.

There was also an intellectual attack against the protestant work ethic, and this stemmed largely from the dissolution of the social structure of the small town life. Not surprisingly, this intellectual attack essentially asked, “Why so much restraint? Life is short, so enjoy it for yourself.” Bell states that,

The Young intellectuals, in their very attack on Puritanism...preached an ethic of hedonism, of pleasure and play...the consumption ethic was to be realized less than a decade later by a capitalism that without self-consciousness, called itself... the new capitalism. (Bell, 1976. Pg, 63).

The change in the small-town life style, coupled with the intellectual attack on Puritanism (not elaborated greatly here because it can be summarized by hedonism) are for Bell two major aspects that undermined the protestant work ethic. However, they can be little related to anomie. A large city, under the right conditions can have an effective division of labor just as a small town can. I elaborate his argument at length to indicate some background to the shift from a production based to consumption based economy, from the old to the new. What does serve to undermine the division of labor, and what for Bell served also to undermine the protestant work ethic was the rise of a mass consumption economy. Again, inimical to mass consumption was the advent of mass production, which made the automobile accessible to millions and proffered the mobility required to undermine the small-town social structure. His other two aspects were the advent of marketing coupled with service, which as Leach indicates, served to associate consumption with passions and ideas irrelevant to the products at hand. Lastly, and for Bell one of the most important aspects of the new economy, was the advent of credit, or installment buying which “more than any other social device, broke down the old Protestant fear of debt” (Bell, 1976. Pg, 66). Abating the fear of debt allowed for a de-emphasis on savings, “Selling became the most striking activity of contemporary America. Against frugality, selling emphasized prodigality; against asceticism, the lavish display” (Bell, 1976. Pg, 69).

Prior to the changes outlined by Bell and Leach, American virtue was in achievement, building something well for its own sake, and then selling it because it was worth selling. Or working hard and effectively at a job, *any job regardless of pay* was seen as a sign of a moral man/woman of good character. After these shifts had occurred, “the culture was no longer concerned with how to work and achieve, but with how to

spend and enjoy” (Bell, 1976. Pg, 70). Credit served such a great purpose in this shift because it totally undermined the reason behind work, even after the culture had shifted in a hedonistic direction. For without credit, people still had to work before they could buy compulsively and display their wealth. They still had to actually have the wealth, and as such they still had to work hard at something for it. Thus, under those circumstances, even if it was just shallow use of the wording of the protestant ethic, its dictates still had some minimal sway. Installment buying abolished that last small hold of the protestant ethic, now one could buy without having the money for it. As in the case of the casino referenced at the opening of this section, people can now get into debt at a casino before they have even lost at gambling. In the words of Bell, “No one need to be deterred from gratifying his impulse...the seduction of the consumer had become total” (Bell, 1976. pg, 70).

As for the division of labor, we now have an interesting situation. Production used to be undertaken for the satisfaction of needs, not wants. People needed shelter, people needed food, and people also needed some small degree of gratification through consumption of luxuries. After the changes outlined above production was aimed almost entirely at the satisfaction of wants, which are essentially unlimited. However, based on the changes outlined, production is separated from consumption, the satisfaction of wants thus has little to do with the social methods by which those wants are satisfied. Furthermore, and somewhat confusingly, with the advent of credit, consumption now has nothing to do with the individual methods of satisfying those wants. Those individual method(s) were once to work, save, and then consume. Now, anomie has entered into the individual's life because consumption has little to do with work. Not only does one have no idea of the *exterior/social* human cost of whatever item he/she has purchased, now that same individual is encouraged, and often succumbs to, the conception that one can ignore the *interior/individual* costs of a purchase. In other words, production and consumption are separated, and thus the division of labor cannot serve to remind one of one's dependence on others for these items, except in the mundane and shallow realm of the service industry. Now consumption and personal income are separated such that one can forget one's own dependence on the division

of labor. Anomie, which once occurred between individuals, has now become a personal, psychological condition.

The process being described thus far can now be summarized for the convenience of the reader. The protestant work ethic once served to instill in populations a fear of debt, an adherence to delayed gratification, and a sanctification of work itself. Accumulation and wealth were seen as good only insofar as they could be used as evidence of hard work. Work was inherently good in itself, regardless of what one derived from it. This paper argues that the protestant work ethos served to unite the citizens of industrial societies because it engendered the proper division of labor within them. This division of labor required that social facts be valued at their natural value without external constraints, that the most common interactions among social facts be regulated in some way to prevent constant re-negotiations, and that people be free to pursue work most suited to them. The protestant work ethic, as was shown in chapter one, engenders within society the ethos necessary for fulfilling these criteria, as such, it can be said that the Protestant Work Ethic, at the minimum, coincides with the proper division of labor. Therefore, social solidarity can be expected to flourish when the protestant work ethic is strong.

However, it is rare that an ideology maintains itself in contrast to social realities for very long, and the changes outlined in this chapter have served to undermine the protestant work ethic in favor of a consumption-based economy more concerned with making profits than with making goods. This focus on consumption served to abate the fear of debt inherent within the protestant work ethic, as such the emphasis on delayed gratification was undermined as well, and people began to purchase without savings, which lead to anomie (through a lack of contiguity between knowledge of production and actual consumption) in the personal realm. Also, as a result of mergers and expansions, many retail outlets began to be controlled by interests with no real relation to their everyday functioning, which lead to anomie (again lack of contiguity) in the realm of distribution.

Thus, the new economy is far more susceptible to the anomic division of labor than is an economy based on the protestant work ethic. The next section of this thesis shall deal with, in chapter 3, the public consequences of the abnormal division of labor under the new economy, and in chapter 4, the political consequences. Obviously, all political issues should be public ones, but as the next section shall show, there is an incongruity between public and political under the new economy. It would behoove the reader, in the next chapter, to remember that the overall thrust of this paper rests on Durkheim's conception that, in the absence of mechanical solidarity arising out of the homogeneity of previous undeveloped societies the most powerful aspect of unity among advanced societies is social solidarity arising out of the division of labor. Through work, people are forced to recognize their dependence on the grocer, the miner, or any other human being on whose work they depend for their livelihoods. This is the inherent connection between work, society and politics. For the proper functioning of politics rests on the conception of group solidarity, and group solidarity, for Durkheim and this paper, rests on the proper functioning of the division of labor. This, as has been shown in this section, has been lost when the protestant work ethic gave way to the new economy.

Chapter Three: Pervasive Personality, Branding and the New Consumer

In the last section it was shown that the Protestant work ethic, at the very least, coincided with conditions under which the division of labor functioned normally, thus promoting solidarity. Then it was shown that when the protestant work ethic was sundered in the new economy, conditions of anomie and the forced division of labor arose. Social facts such as branding, credit, or the lack of congruence between production and consumption, as well as public conceptions thereof, such as the ignorance of the actual value of goods being sold, all served to create conditions of anomie within the economy, as well as within the individual, and as such threaten solidarity. The public consequences thereof to be outlined in this chapter, while anomic in themselves, are also symptoms of anomie. This can create a mutually self-reinforcing cycle.

For example, branding was shown in the last chapter to be a mechanism within the service industry, whereby consumables are associated with meanings usually irrelevant to their actual utility. Thus, service (with

branding) served to widen the gap between production and consumption within the minds of consumers by imposing ignorance of the value of consumables within the production chain, this knowledge is in turn necessary for the proper functioning of the division of labor. However, there are public consequences of branding, which will be outlined in this chapter, that are also anomic. As such, branding itself is an anomic practice, and its externalities also engender anomie in society.

Therefore, some of the public characteristics discussed in this chapter are externalities of the mechanisms outlined in the last section, while others are like branding in that they have externalities, and are themselves anomic. This distinction may be a moot point, but it is worth elaborating to aid the reader in understanding the overall argument of this thesis.

Having shown the causes of anomie, it is now time to examine its effects, which in turn often cause further anomie, one such example, as shown, is branding. Not only does it serve to ‘cover’ the actual value of consumables by associating them with meaningless meanings, thus separating the realms of consumption and production, branding also served to make the public realm one of mystery and fear. Or at least it helped to do so.

Richard Sennet, in his book *The Fall of Public Man* (1974), takes issue with branding in 19th century Parisian districts. His overall argument indicates that where once individuals had masks and conventions which regulated public conduct and conversation, allowing for public interaction without fear of revealing one’s inner desires and characteristics, such conventions have been abandoned as restrictions on liberty. These conventions made possible the idea that “‘Public’ behavior is a matter, first, of actions at a distance from the self, from its immediate history, circumstances, and needs” (Sennett, 1974. Pg, 87). To include the self too greatly within public discourse would be to engage people “in an obsessive and endless search for clues as to what others, and themselves were ‘really’ like” (Sennett, 1974. Pg, 219). Thus, with the entrance of overt personality into the public realm, people tend to engage in what Sennett refers to as narcissistic behavior, “the search for gratification of the self which at the same time prevents that gratification from occurring” (Sennett, 1974. Pg, 220). In the public realm this manifests itself as constant search for reflections of the self as a way to define

one's own personality, while at the same time fearing to reveal that personality to the rest of the public who is engaged in this same fruitless search. The codes and covenants of past ages prevented this by enforcing rules that kept personality out of the public realm, thus giving people an objective distance with which they can play-act, and engage other strangers without fear of having their own personalities discovered or damaged. To illustrate this idea one needs only look at the academic, or most professional positions (lawyers, police, doctors) wherein effective completion of tasks requires that they keep their personalities at a distance from their work. Cosmopolitanism required a similar distance, which the entry of too much personality into the public realm destroyed. A culture that encourages narcissism by focusing on personalizing and encouraging individuals to invest intimate meanings into public life prevents, so Sennett argues, a man from judging "what's in it for him, rather than if it is him" (Sennett, 1974. Pg, 220).

This over-personalization is presented by Sennett as caused by various factors, obviously such a complicated social change cannot be attributed to simply one fact or one effect, however, one of the precursors to this change identified by Sennett is branding. The social changes outlined in the last chapter in reference to 19th century America were also occurring to somewhat of a degree in France as well as a massive influx of population to the central cities; a rural-urban shift. Concomitant with this shift was a similar shift in consumption in the markets, with floating prices "sellers and buyers go through all kinds of theatrics to up or lower the price...hours could be spent on maneuvers to up the price of a side of beef by a few centimes...Haggling and its attendant rituals are the most ordinary instances of everyday theater in a city, and of the public man as an actor" (Sennett, 1974. Pg, 142). Thus, the act of consumption was an inherently public activity; one did not walk into a shop and contemplate, with minimal human interaction. What occurred was when one walked into a shop there was an implicit contract that one would buy, and even then there was haggling, arguing, and plenty of interaction. This stands in stark contrast to the mall of today, where, with the exception of clothing stores (and this exception is weak at best) human interaction, let alone real communication, is limited to a "thank you, come again".

The rural-urban demographic shift (among many other variables) required that masses of customers/consumers be catered to, and with this, machine mass production meant that unprecedented amounts of goods be sold to all of these people. The haggling theatrics and open prices of the old market simply did not suffice since “if the entrepreneur himself does not sell, he has to have one price; he cannot trust clerks to bargain successfully” (Sennett, 1974. Pg, 143). Thus, the best option remaining was to assign each item a fixed price, with a low markup, such that this bargaining need not take place.

The only problem with this new system is that, lacking an active participation of the consumer (and as such, much of the convincing power of the seller was also mitigated) the goods took on a character of what they actually were, mass-produced non-discriminate items. To counteract this, the advent of branding began to take hold,

The first means the retailer used was that of unexpected juxtaposition...Rather than one hundred pots of the same size by the same manufacturer on the floor, there would be one example only, put next to a pot of a different shape...the most dissimilar objects lend each other mutual support when they are placed next to one another...the use character of the object was temporarily suspended. It became ‘stimulating’, one wanted to buy it, because it became temporarily an unexpected thing; it became strange. (Sennett, 1974. Pg, 144).

This is an example of one of the first, and compared to the complex methods used today, unrefined method of branding. That is, encouraging the consumer to forget, or un-consider the actual use value of an item in favor of other meanings irrelevant to that use value. Here we also have one of the effects that the failing division of labor has had on the public realm in general, for Sennett, this effect is not the whole of the public realm’s changes, it is not even primary to his thesis (he devotes only a few chapters out of many to it), but for this thesis, it is a necessary point. Shopping used to be an inherently public activity due to the sheer amount of interaction required in buying an item, as stated; just buying beef could take hours of haggling. Moreover, it is not foolhardy to say that all of this interaction would constitute some form of community in the market. When one goes to the market with sociability in mind first, and purchases second, it is natural that human bonds will be formed.

However, with the advent of branding as a result of mass production and the rural-urban shift, this sociability was abandoned in favor of the ability to encourage in consumers the association of irrelevant meanings to consumables. Why bother spending hours trying to sell beef when you can make one feel that beef will give them a happy family? As stated, the register only rings once with a sale, but if a consumer feels he/she is buying love, well, love lasts forever. This phenomenon is not so obvious when applied only to beef, but Barber brings the point home when he elaborates on branding in the context of breakfast cheerios being associated with a happy family starting a day. In this way, it was not just oats in milk, but marketed as “a member of the family”, hence the Cheerio brand bonded with consumers, and sales shot up (Barber, 2007. Pg, 180).

This thesis is identifying branding as the primary push behind the change from active sociable consumer to passive personality-applying consumer. It was stated above that this change could not have come about without the rural-to-urban shift that occurred at about this time. However, it is not difficult to fathom a different method of selling goods, nor is it difficult to fathom many clerks somehow trained in the art of proper ‘haggling’, so that the manager could reasonably depend on them to sell goods at the highest price possible. Indeed, it was around this period that prestigious universities first started considering marketing and advertising as legitimate areas of teaching and expertise, in America at least (Leach, 1993. Pg, 156). Thus, while it was the demographic and technological shifts that necessitated a new form of selling simply because of more consumers and more production, this did not necessitate a shift in buying habits, nor a shift in the prevailing ethos. Sennett sees the change in consumers as a manifestation of larger changes in the public realm, this thesis sees branding as both a result of, and a perpetuation of, the failed division of labor. The passive consumer that is created as a result of this is an example of one of the public consequences of the failed division of labor.

I’m Everywhere: The Blurring of Realms

Where once the consumer was an active participant in consumption, now the consumer is passive, and has information essentially handed to him/her in the form of advertising and branding. As has been shown, more

often than not this information is irrelevant to the use value of the object in question. Narcissism has been mentioned as an aspect of the success of this branding, and this is true only insofar as the narcissist looks for reflections of him/herself in the rest of the world, thus making it possible for this type of personality (and other types, in point of fact) to apply aspects of their own personalities to exterior objects.

Thus branding, as a mechanism of the new economy, allows for aspects of narcissism to be exercised and perpetuated within the division of labor. Also, it must not be forgotten that branding would be unsuccessful if there were no anomic break between production and consumption. The new economy, as a direct result of anomie, perpetuates a passive, narcissistic consumer. This has political consequences which will be discussed in the next chapter; firstly, however, this narcissistic passivity as an attitude to consumption must be briefly discussed.

Christopher Lasch has an interesting perspective on this new consumer, which is not surprising as his book is titled *Culture of Narcissism* (1979),

The transformation of the myth of success...is a long-term development arising not from particular historical events but from general changes in the structure of society: the shifting emphasis from capitalist production to consumption; the growth of large organizations and bureaucracies; the increasingly dangerous and warlike conditions of social life...Other scholars at that time, when interest in culture and personality studies was stronger than it is now...captured essential aspects of the new man: his eagerness to get along well with others...his attempt to sell himself as if his own personality were a commodity with an assignable market value; his neurotic need for affection, reassurance... (Lasch, 1979. Pg, 122-123).

While Lasch does admit that this caricature of the men of the new economy mistakes surface symptoms for deeper meanings, he cannot deny that these surface attributes provide an accurate portrait (Lasch, 1979. Pg, 123). In further examining the idea of success, he points out that success in sex is now perceived to require technique training. Further, he takes issue with the new idea of “assertiveness therapy” whereby in order to be deemed socially successful, people need classes and practice so that they can abandon feelings of anxiety in favor of confidence and assertiveness. These two issues, he says, point to the fact that “competitive advantage

through emotional manipulation increasingly shapes not only personal relations but relations at work as well” (Lasch, 1979. Pg, 126). Thus, not only are sex and sociability no longer aspects of leisure, but they seem to require some form of getting ahead, or winning. Worse, they also need training and proper techniques in order to be satisfying. Now, it seems that one has to 'work' at sex and sociability before it is possible for one to enjoy them.

I point out these examples because they shed light on the connection, so difficult to establish, between the failed division of labor and politics. Under Durkheim's theory community is contingent on workers not being over or under-utilized, work promoting teamwork, men understanding their position in their jobs, as well as the decisions that affect them, and lastly that common transactions be regulated in some way, as they are under the proper division of labor. When community is contingent on these factors, it only takes the repudiation of a few of them for community to change as a consequence. This essay has shown thus far that there is a serious lack of contiguity in the new economy (the division between consumption and production), a potential miss-valuation of social facts (brought about by the control of production capital by people who do not produce), and a lack of contiguity on the personal level (ignorance of value). Now the essay must begin to focus on the new type of consumer engendered by the new economy. The lack of regulation inherent in anomic divisions of labor will be examined in the next chapter, as it is more political an issue than economic.

This new consumer, as a result of the changes in consumption habits and branding, has become a passive, personality-applying (narcissistic) consumer, as has been shown. Also, as the example of sex indicates, those realms that were once reserved for leisure have become pervaded by the ideology of work, “It demands leisure for consumerism (shopping malls as surrogates for town centers) but turns leisure into a kind of work (the imperative to shop) since the ascetic ethos is conserved not in an obligation to produce, but in a new obligation to shop and consume” (Barber, 2007. Pg, 41). Thus, not only is community dangerously threatened by the failed division(s) of labor within the new economy, but it also becomes increasingly difficult for individuals to draw a line between their economic and social selves, as all leisure takes on the character of work,

and as psychological doctrines teach that work should increasingly look like leisure (“find a job that satisfies you”). It is in this way that the failed division of labor serves to extend the ramifications of improper work into improper community, ineffective politics, and eventually the state of exception within law.

Another example that will help to illustrate the blurring of the lines between leisure and work (and as such, the blur between work and social life) is provided by Richard Sennett. In discussing the formation of a new professional class, he outlines that “the boundaries between the self and work are first of all erased by the patterns of mobility in the corporation” (Sennett, 1974. Pg, 328). This new class constitutes what he refers to as semi-professionals, such as accountants, programmers, low level stock analysts, and those who do semi-routine but also semi-skilled work. Not only is this class new, thus lacking an established group identity (as would lawyers or doctors), their jobs are diffuse, further inhibiting a sense of solidarity. Lastly, such positions, today seen to be at the ‘cutting edge’ of the economy are characterized by their requirement for high mobility, and being subject to decisions affecting their lot, but largely beyond their control (Sennett, 2006. Pg, 12).

What is unique about this class is their specific skills set, described by Sennett as a protean work experience. By this he means that promotion, its rewards, and demotion with its sanctions are no longer the traditional moving up and down in a set hierarchy, but are more often experienced as being moved laterally to different similar tasks, or being demoted to a new task in which one must learn new skills, and essentially start over. The problem with this increased mobility is that “as a result of such processes, his ability to maintain his position in the bureaucracy has little to do with how well he performs a particular skill...the emphasis in protean work is on the ‘innate’ ability of the worker, as well as his interpersonal ‘skills’ of cooperation, empathy, and give-and-take as a human being” (Sennett, 1974. pg, 329). In other words, the worker is not so much valued for his ability to complete tasks, or even his experience/training/education, but in his ability to complete potential tasks, and relate to others while doing it. His potential as a human being is what is important, not his potential as a worker. Again, the realm of the personal, the social, the leisure, are blurred with the realm of work.

As stated, cultural problems are rarely imposed in a top-down fashion, as is the treatment of this class of workers. The workers themselves need to accept, or at least react, in certain ways in order for the anomic tendencies described in this essay to become fully formed. Sennett goes on to explain how this class reacts to being treated in this way, “when education, work, even income, became felt as ingredients of personality, it became difficult for these people to rebel against injustices they perceived” (Sennett, 1974. Pg, 330). This is so because this class, unlike manual laborers, considers their positions to be respectable, and as such, personal. Or perhaps, because their work is indeed so personal, so people-oriented, they consider it to be respectable work, more so than in-personal employments. A further result of this is that they are almost incapable of considering their positions in class terms, and as such experience “an unwillingness to pursue group interests, a sense of personal isolation...” (Sennett, 1974. Pg, 330). Sennett summarizes this process succinctly by saying that

Technical workers inhabit a class in which the conflation of self and social class is believable, because life in an institution has a meaning only when it reflects the self...The result is to disturb at a profound level the sense of self-esteem people have in society. They are not obviously denied [set positions], they are not obviously accepted; instead they are continually testing themselves to find validation...(Sennett, 1974. Pg, 332).

Thus, anomic tendencies of high mobility, and control of firms by outside capital, which lead to the necessary mobility and ephemeral nature of this new class’s position, in turn leads to a workforce who can not draw the line between personality and work. As such, it stands to reason that some of the same tendencies felt in work will supersede into play (as the sex example above showed), that consumption tendencies will protrude into the public realm (as will be shown with political branding below), and therefore that narcissism, the projection of, and search for the self in exterior objects, can pervade all three realms. That is the public consequence of the failed division of labor. What is also interesting about this class is that they are seen to be at the cutting edge of the economy, and area from which other firms and institutions take their examples (Sennett, 2006. Pg 12).

One last example will serve to make the arguments of this chapter clear, that of commercialized leisure viewed as an aspect of cultural domination/resistance. In his discussion of the populist and pessimist

perspectives on this issue, John Clarke highlights the confusion of realms inherent in the new economy. While the pessimists of his argument bear more resemblance to the arguments of this thesis than do the optimists, these optimist's objections can not be ignored, and juxtaposing the two conflicting viewpoints can provide further insight.

For the pessimists, the primary 'problem' with the economy is the fact that "'culture' in capitalism has been commodified...From a being a practice 'of the people' – a self creating process – cultural production has been taken into the centers of economic power." (Butsch, 1990. Pg, 31). In Durkheim's terms, the consumers of cultural products are now separated from the producers, and within the division of labor, this is anomic. This adds nothing to the thesis, nor does the idea that because of this, the pessimists decry the fact that cultural participation now demands an entry price. The main issue that the pessimists put forward, and one not contradicted or even addressed by the populists is the fact that now that cultural production is centralized in relatively the same areas as economic production,

popular culture reproduces the social relations of capitalism...the transposition of popular culture into 'consumer culture' moves cultural production into the cultural industries and changes the participation of subordinate social groups into the act (and relationships) of exchange and consumption... Within the logic of consumer imagery, the source of creative power is the object world, invested with the subjective power of 'personality'...Consumerism engendered passivity and conformity within this...realm of the new, which put leisure, beauty and pleasure in the reach of all. Customary bonds of affection and interdependence, born of other circumstances, disintegrated.

(Butsch, 1990. Pg, 32)

Thus, if the relations of economic exchanges are consistently reproduced within the cultural realm, and if these relations, saturated by anomie, engender narcissism, passivity, and a lack of group mentality, then it stands to reason that these same characteristics will be reproduced within the culture, thus creating a culture of anomie. Furthermore, since culture is commodified, and since leisure is now viewed as work requiring training (which must in turn be purchased) then anomic relations are reproduced in all of these realms.

Of course, there is a counter to this proposition exemplified by the populists, or there would be except for the fact that they neglect to take issue with this reproduction of capitalist relations within the cultural realm. The populists do take issue with the passive consumer, in that they see consumption not as passive but involving “the investment of the object being consumed with new significance; it plays upon the possible meaning of the object, rather than merely receiving the meaning inscribed within it” (Butsch, 1990. Pg, 34). A valid point, but it does nothing to negate either the narcissistic aspects of modern consumption, since branding simply encourages one to apply personal meanings, it does not necessarily denote what these meanings may be, so long as they are personalized and longer-lasting than the act of the purchase.

Secondly, John Clarke himself argues that the interests of capital and cultural consumption often collide, this becomes most obvious in the example of “‘new’ markets, and new ways to mobilize consumers may drive sections of capital to ‘market’ cultures of protest and opposition” (Butsch, 1990. Pg, 37). Thus, so he says, the sources of culture derive from more than the mainstream groups, and can often stem primarily, and almost exclusively from subordinate groups. However, as Barber astutely points out, the resistance is still one represented within the market, and as such is still susceptible to its problems.

He is very astute in his critiques against the pessimists from a domination perspective, and this thesis can not logically refute them, given the arguments put forward so far. However, this thesis does not seek to claim that consumers are being dominated, as stated, Weber’s iron cage is self-imposed, and only perpetuated by the production process, and it is this self-imposition and perpetuation that is dangerous for community, politics and law. Thus, Clarke’s counters against the pessimists do not refute the fact that there is a tendency in consumers to conflate the realms of economics, work, leisure and public discourse, as such, anomic tendencies can permeate all four.

The Rise of the New Economic Man

In his recent work, The Culture of the New Capitalism Sennett offers a succinct character of the classic new economic man, that is, the way in which the members of the protean work classes referred to above tend to

act culturally. Firstly, this individual must “manage short term-relationships [exclusively], while migrating from task to task, job to job, place to place” (Sennett, 2006. Pg, 4), secondly the individual must be able to mine his potential abilities as opposed to focusing on one talent alone. This stands in stark contrast to the traditional craftsman, who spends his/her whole life perfecting one skill. Sennett argues that this is no longer possible, given the ‘beauty’ of perceived flexibility of firm structures. Lastly, this perfected individual must be able to dismiss past achievements in favor of potential future ones. This person must be able to forget what she has done, forget her past experiences, and constantly be ready to adapt to new ones. To rephrase, this ideal man or woman must have no territorial commitments (be truly globalized) must have the potential to somehow do almost anything, and must have no connection to his/her own past. Thus, Sennett essentially argues that the new individuals must be able to pursue their own rational economic interests with none of the traditional criteria by which people identify themselves. This is not an illogical expansion of his thesis, “all human beings want the satisfaction of doing something well” (Sennett, 2006. Pg, 194). However, “getting deeply involved in any one problem would be dysfunctional” in the new economy (Sennett, 2006. Pg, 126). This, combined with an over-emphasis on mobility and flexibility, requires that workers never become too attached to any particular situation, problem, or place. As such, they must also be able to abandon their past attachments, which is a problem for social identities rooted territorially (i.e. a hometown, or a family). In combination with narcissism, consumer passivity, and an anti-group ethos at work, we have a situation wherein workers are not only too mobile to effectively create a social life, but wherein they may not even wish to do so, as work is imbued with much of the ‘personality’ that would usually go into socialization.

The worker must be extremely mobile, as are the firms he/she works within. Wal-Mart, for instance, deals with its entire work force as though they were temporary workers, this has allowed it the freedom to fire, hire, move, or relocate virtually at will, and has such expanded its profits greatly (Sennett, 2006. Pg, 134). As a side note, it could be argued that treating workers in such a way undermines the regulation required for the division of labor. Stability at work, for both the laborer and the employer was traditionally ensured by custom,

as stated above few people any longer even has lifetime employment at one firm, let alone the luxury of cultivating only one skill. In the absence of this custom, as in the case of Wal-Mart, there is no regulation in their labor force, and workers have to re-negotiate at the end of every single work contract. This amounts to the disequilibria and conflict that Durkheim indicated would appear in the absence of regulation. A quick search of recent news articles will indicate to the reader that in many cases in which Wal-Mart workers attempted to unionize (thus gain some stability, and with it the regulation that Durkheim deems necessary), the Wal-Mart in question simply closed down. It could therefore be reasonably concluded that the mobility and flexibility demanded of the new economic man is a result of a lack of regulation of the most commonly occurring relations within the new economy. As stated, this point will be further emphasized in the next chapter.

When institutions are constantly changing, work identities become irrelevant extremely fast. No one vies for positions anymore; they fight for the ability to pass through positions continually (Sennett, 2006. Pg, 140. Sennett, 1974. Pg, 332). This is an example of what Sennett refers to as the consuming passion, wherein work identities are used up and discarded at the will of the employer. Under the consuming passion, the act of consuming becomes the gratification thereof. It is not the items consumed (or in this case, the identities) that proffers utility, but the act of consuming and rejecting. This is quite similar to the narcissistic personality outlined above, whereby the constant search for reflections of self in exterior objects as a means of gratification is indeed what prevents that gratification from occurring. With the consuming passion, the utility from consumption is diminishing (diminishing marginal utility, for those economist readers) and thus “for the consumer, stimulation lies in the very process of moving on” (Sennett, 2006. Pg, 148). Juxtapose the consuming passion with narcissistic personality and we have someone who searches for reflections of him/her self through the act of consistently consuming not only objects, but identities and lifestyles. Nothing fixed has any value, only the process of moving on and trying to find gratification in some other area does such an individual actually find a fleeting, narrow sense of gratification. In his discussion of the differences between the propertied

elite (characteristic of the elites of the old economy) with the new corporate elite, Lasch's character portrait mirrors many of the points just outlined,

When we move from the propertied rich to the much more numerous corporate rich...the pattern changes. Here we find executives always on the move, whose children learn no sense of place. Work becomes abstract, class conflict institutionalized, the fact of it evaded or denied...In the old entrepreneurial families, children worry that their families' houses will be broken into...Children of managerial families do not have the sense of permanence that gives rise to such a fear. Life for them amounts to a series of moves...as even the rich lose the sense of place and historical continuity, the subjective feeling of 'entitlement', which takes inherited advantages for granted, gives way to what clinicians call 'narcissistic entitlement' – grandiose illusions, inner emptiness. (Lasch, 1979. Pgs, 373-374)

This chapter has outlined what kind of consumer is engendered by the new economy. Again, this is a self-imposed ideology, and not the act of a conspiracy of marketers. What can be attributed to them is the wit to notice the way in which the new economic man acts, and to play upon it in order to turn ideology into profits. With the change in selling habits, passivity and narcissism entered into the selling places of the world. With the advent of work as play and play as work, combined with narcissism and the protean work experience, the realms of work, leisure, and the public have been conflated in the minds of many citizens. Lastly, a focus on mobility and the consuming passion has helped to create a new economic man with no need for place, and as such no connection to it. This chapter can be thought of as the bridge between the anomic division of labor and its effects on politics. Underneath this bridge is the transformation of the protestant work ethic. The next chapter, while mentioning one last aspect of the broken division of labor, the lack of regulation (which, is both the symptom and the cause of the failed division of labor), will primarily focus on the political consequences thereof.

Chapter 4: How is Government Supposed to be Directed?

The previous chapter, titled the public consequences of the anomic division of labor, could perhaps have been renamed the *individual* results of the division of labor. For it dealt primarily with the way in which

individuals act under these new economic circumstances. Technically, the public consequences thereof are the political and communal circumstances that arise as an aggregation of the actions and activities of all the individual members. This chapter will take issue with the concepts of political branding and the ethos of infantilism. Firstly, however, some political theory is necessary in order to establish, to some degree, exactly what politics should ideally look like. After which, a discussion of public opinion as an instrument of (or in) government will behoove further political discussions. Also, throughout the chapter issues of regulation will be discussed. As stated in the last chapter, regulation is part of the self-serving anomic cycle, both causing and being caused by the broken division of labor, as such it is best discussed within the context of the political (I deem this to be a prudent move because regulation is usually conceived of and implemented in the political arena, indeed Durkheim deemed that this was the primary function of government in its relations to the division of labor).

As with most theory papers, a useful way to begin the discussion is with one of the thinkers of antiquity, in this case, Rousseau serves the purposes of this thesis most effectively. The reason being that his theory of the general will is the one that most conforms to a method in which public opinion actually directs the courses of government. That is the theory underlying modern politics as well. That is the reason why government by the people is preferred to government for them. In the latter scenario experts and appointed officials are able to take the reins of government and sway it to their own purposes, and even if those conform to the best interests of the citizenry, democracy does not necessarily occur. Naturally, when one is sick one goes to the doctor, one does not form a committee of peers to determine the most democratic outcome (Plato hit the nail on the head with this example). However, after having consulted with doctors, one may still have some leeway in which to choose, and in the end, the individual has the final say (or if he/she wishes, a group of peers does). To carry the analogy to the state, one could say that the specialists society employs (think tanks, lawyers, government appointees) are still consulted, but do not have the final say in all decisions, parliament (or the equivalent division of powers) should.

Why is it that the general will and social contract engender a theory of government by the people as opposed to for it? Alan Bloom, in his discussions of Rousseau, makes the point clear when he examines the state in its relation to the law and the general will, “No man or group of men can be given the right to make laws in the place of the citizen body at large. They would be acting according to their individual wills...” (Strauss, Cropsey. 1987. Pg, 370). He is thus stating that no individual will, or smaller aggregation thereof that excludes any citizens (for the purposes of this thesis, “will” and “interest” can be conflated) can be applied to government as a law since it cannot be said to engender the will of the people. The beauty of Rousseau’s theory is that any type of government (monarchical, tyrannical, or democratic) can govern legitimately so long as it adheres to the general will. This is so because the general will is derived from the people, from their best-intentioned individual wills in aggregate, and this aggregate will becomes law, which in turn the government must obey.

The problem with the general will is the fact that it requires constant consultations, in the modern state this is currently impossible, and we thus have a need for representative government (which Rousseau deemed highly inadequate), “If a nation is so large that the citizens cannot hope to meet in a common body, then representation becomes an unfortunate necessity, a necessity which weakens the expression of the general will” (Strauss, Cropsey. 1987. Pg, 570). A further problem with the general will is the requirement it has of citizens,

The individuals must be citizens in the classical sense, and this requires a very severe, self-imposed morality...every man cannot live as he likes, for that would end the possibility of agreement and destroy the sources of moral energy necessary to self-control. Rousseau despised democracy as it is usually practiced because it means a wild anarchy of self-interest. A formalistic insistence on the vote of the people is meaningless without the establishment of its moral preconditions...Each citizen alone cannot hope to have his private will prevail and recognizes that if everyone voted according to his passions there would be no order (Strauss, Cropsey. 1987. Pg 370-371).

Lastly, and significantly, the general will must create a power which is indivisible, thus, the division of powers can be only an institutional method of deploying the dictates of the general will. This is not so difficult, to take the American example, assume a national referendum is cast and the answer is “proceed with plan X”.

The president and Congress would then need to navigate the chain of command to initiate plan x, but so long as they do so, the general will remains un-divided, and the constitutional structure of the U.S.A remains intact.

Thus, under ideal conditions, all major decisions taken by government must conform to the aggregation of the best intentions of all of its citizens. Laws must also derive from this ideal condition, and so too government must be held accountable to the laws that it has created. In this way the doctrine of law becomes democratic because no law will be passed that contains elements which marginalize one group at the expense of others, or if such a law were passed the marginalized group would be marginalizing itself willingly (affirmative action could be considered an example of such a law, barring the caveat that affirmative action is often seen as retribution for past wrong-doings).

The question now becomes, is there any possible parallel to the general will in modern society? With voting and the attendant problems, can the general will even be considered useful? This thesis argues that it can, and its modern day parallel can be found in voting (if everyone did vote) and in public opinion (if everyone had an opinion). In politics one can never hope for an ideal condition, and as such voting and public opinion must be considered the best means by which the general will can be applied, and thus, in order for this thesis to be of any use, we must now determine how voting and public opinion have been affected by the public outcomes outlined in the last chapter, and thus how anomie affects the modern day general will.¹

Anti-Idealist Theory: Lippmann's Public Opinion

Any reader familiar with Walter Lippmann should now be inherently confused at the fact that a thesis involving social solidarity, an organic view of society as inter-connected would even mention a theorist who vehemently opposes any idea of 'society' as a coherent whole. This contradiction will be more effectively reconciled at the end of this section, for now it suffices to say that men can be aware of their dependence on and

¹ It is conceivable that a general will can be established, or that, at minimum, and multitude of general wills could be conceived of. The solution to this problem would be technological, if every single citizen had access to a computer of some sort with constant access to a network in which all public questions were imputed, and if citizens could be expected to use this computer to assess each question on a daily basis, then somewhat of a general will could be formulated. Rousseau did mention that constant consultation would be useful in the formulation of a general will. This, however, for security and practical purposes is not yet possible, I mention it to point out that the methods by which a general will could be formulated are not beyond the reach of humanity. Whether or not there is a general will to be found at all is not a question with which this thesis can take issue.

membership in community (social solidarity) while still pursuing their own self-interests. The two ideas need not be mutually exclusive. Adam Smith's invisible hand points to this fact and Lippmann himself concedes it, "their private interests are so distinct that they do not merge easily in any common interest, yet men cannot live by themselves, nor realize even their private purposes without taking into account the behavior of other people" (Lippmann, 1993. Pg, 88). So juxtaposing the two doctrines we have a group of heterogeneous individuals all pursuing their private interest, but (ideally) aware of the fact that they are dependent on one another and as such, slightly adjust their interests accordingly.

What Lippmann brings to the discussion of an ideal politics is the way in which he conceives public opinion, standing in vastly stark contrast to the ideal of the general will posited above. His thesis attacks the two problems inherent in the general will pointed out, the requirement of civic virtue, and the constant consultation. Indeed, he claims that essentially all the public can do is to allow the government to govern, and to demand that things be run according to established rules, or at least be set up so as to promote the establishment of rules,

It is the thesis of this book that the members of the public, who are the spectators of action, cannot successfully intervene in a controversy on the merits of the case. They must judge externally, and they can only act by supporting one of the interests directly involved (Lippmann, 1993. Pg, 93).

The public cannot intervene based on the merits of the case in question because in order to do so, every member of the public would have to be educated in every aspect of every problem. There is a difference between a healthy interest in the public realm, such as reading newspapers or being involved in the community, and the exorbitant amount of knowledge required to actively contribute to every issue. It is true that the baker is dependant on the truck driver in order to receive his materials. However, if the truck drivers deem it necessary to strike in order to achieve some adjustment from their employers, the baker cannot expect to be able to contribute productively to that dispute. This is doubly true for a banker who has no interest whatsoever in the dispute beyond a very vague and general wish that society be returned to a state of equilibrium, which usually entails that most people are happy (and even this wish is not present in all citizens).

However, Lippmann deems that this is what classical democratic theory requires of the average citizen, and as such has managed to make its own theory inapplicable in the real world,

Democracy, therefore, has never developed an education for the public...It has, in fact, aimed not at making good citizens but at making a mass of amateur executives...It has merely given him [the citizen] a hasty, incomplete taste of what he might have to know if he meddled in everything (Lippmann, 1993. Pg, 138).

Given these facts, then, the general will cannot be considered to be an ideal attainable within the real world. People simply do not know enough, and should the amalgamation of all of their ignorance be applied to government in general it would create a situation in which the professionals elected or appointed to actually govern could not do so. It would be the equivalent of requesting the opinions of one's peers when faced with the dangers of an untreated cancer (as opposed to going to a doctor). What then does Lippmann propose instead of the ideal democratic theory? Also, why is it that this thesis has considered public opinion to be the next best thing?

According to the thesis of Lippmann, the public is not a massive organic entity with one voice or one goal; it is a heterogeneous group of individuals. He indicates that the nation does not trade, firms do, and this is true. Civil society does not practice philanthropy, individuals and groups within it do so. Further, since government is composed of elected and appointed professionals, public opinion is external to government. This fact is extremely important; governments are elected so that they may govern, and a government in particular is assumed, by Lippmann, to have the expertise necessary to deal with all of the issues that classical democratic theory expects of the average citizen. If truckers decide to strike, then there are arbitration committees within government that are composed of individuals who have trained their entire lives in order to arbitrate properly. The CFIA (Canadian Food Inspection Agency) has access to scientists and technology that can determine the quality of food. In the same way that the CFIA cannot arbitrate truckers' disputes, the truckers can not inspect the quality of ground beef. Nor can an average citizen ever be expected to do either, unless of course he is a member of one or the other group, in which case he becomes internal to the dispute at hand, and is no longer a member of 'the public' from Lippmann's theory. It is for this reason that "the role of public opinion is

determined by the fact that its relation to a problem is exterior”, and as such all that public opinion can do is exhibit “a demonstration of praise or blame, a following or a boycotting” (Lippmann, 1993. Pg, 45).

Thus, it can be seen that the general will (if it can be conflated with public opinion, which as Lippmann points out, is a stretch) does not guide government at all times, or even very often. It can only express its appraisal or its disenchantment with a government or situation intermittently (Lippmann, 1993. Pg, 52). This is so because, on the whole the citizens are not informed about what transpires, and thus require that “someone must challenge arbitrary power first. The public can only come to his assistance” (Lippmann, 1993. Pg 60). It should be noted that this in no way devalues the power of the public to effect change once it has been roused. The American Revolution is one such example, the fall of the Soviet Union and collapse of the Berlin wall are others. The international treaty banning the use of land mines also came to pass primarily because of the action of the international public manifested through civil society (largely through the internet). Thus the public is a powerful force; it is its arousal and intermittency that serve to make it seem weak.

Thus the thesis Lippmann seems to indicate is that the public can best serve its own interests not by being as educated as possible, but by being educated enough to stay out of most issues, only offering its support to one side or another, somehow without being informed of the intricacies of the issue in question. What is the best way by which the public may effectively choose a side? It is here that the issue of regulation enters into the thesis. The regulation of public affairs is the method by which an uninformed public may choose sides in any particular debate. Of course, most institutions are already well endowed with the regulations whereby disputes can be adjudicated, and as such the public has no relevant interest in them. It is when these institutional mechanisms fail, or when they are openly challenged, that the public is called upon to render its support (Lippmann, 1993. Pg, 121). Naturally, these are the most intricate problems to solve, and as such calling in an uninformed group to deal with them seems paradoxical, however such is the way of the world as Lippmann sees it.

In such complicated cases, there are actors supporting different solutions, and the public must choose among them. Without knowing the technical aspects of the case, the best thing for the public to do is to

Note which party to the dispute is least willing to submit its whole claim to inquiry and to abide by the result. This does not mean that experts are always expert or impartial tribunals really impartial. It means simply that where the public is forced to intervene in a strange and complex affair, the test of public inquiry is the surest clue to the sincerity of the claimant, to his confidence in his ability to stand the ordeal of examination, to his willingness to accept risks for the sake of his faith in the possibility of rational human adjustments... The test is whether, in the absence of an established rule, he is willing to act according to the forms of law and by a process through which law may be made (Lippmann, 1993. Pg, 122).

What is at issue here is not the claimant himself, or his character. A person of weak character or one who has a less than reputable personal life can still propose solutions to problems. Forcing the actor to defend his position in public will not only present all the information to all concerned (thus making an un-educated public somewhat more-so) but will indicate which of the parties has more of an interest in the solution being successful, and less of a personal interest at stake. It is in this way that reason is best adhered to, issues most successfully dissolved, and the public weal most effectively upheld,

For in applying this test of inquiry, what we affirm is this: that there is a dispute. That the merits are not clear. That the policy which ought to be applied is not established. That, we of the public outside say that those who are quarreling must act as if there were law to cover the case. That, even if the material for a reason conclusion is lacking, we demand the method and spirit of law (Lippmann, 1993. Pg, 123-124).

Thus, inquiry will at least demand a reasoned debate according to established rules, or perhaps set up those rules, and thus, the actor most committed to the resolution of the dispute, the actor whose interests most closely coincide with the dispute being resolved effectively, will be made clear to the public. However, sincerity is no measure of intelligence, and when both parties are equally committed to the resolution of the problem, then public inquiry simply presents the facts, but does little else. Lippmann puts forward some further criteria by which a rule can be decided in these circumstances. It must 1) contain its own clarifications so that breaches are

clear, 2) must be amenable to revision (without revolution), thus revision by consent, 3) revised only with due notice, and publicly (Lippmann, 1993. Pg, 125-128).

What can be inferred from Lippmann is that rules within public discourse are paramount. Hence the issue of regulation appears, for without it, and in the absence of an educated public, discourse becomes irrelevant. For even though technicalities may be beyond the reach of all of the public, reason, or at the minimum the demand for it, is not. It is only in this way that public issues are dissolved in the interest of the public, and not in the interests of individuals who claim to be acting for the public.

John Dewey wrote *The Public and its Problems* (1954), and agrees that regulation is relevant in the public sphere. While it is true that the central tenets of his thesis reach conclusions different from those of Lippmann; that political democracy came about because of some of the same technical forces that now threaten it, and that in order for a democratic community to arise the public must become aware of itself through knowledge of its interactions and their consequences, both authors agree that regulated public debate is a necessary, though not a sufficient condition for the proper articulation of public opinion. In this sense, regulation does not imply that information be regulated, all information in such issues must be made public, what requires control is the methods by which debate takes place, Dewey makes this clear in his discussion of the “news”,

“News” signifies something which has just happened, and which is new just because it deviates from the old and regular. But its *meaning* depends upon relation to what it imports, to what its social consequences are. This import cannot be determined unless the new is placed in relation to the old, to what has happened and been integrated into the course of events. Without coordination and consecutiveness, events are not events, but mere occurrences (Dewey, 1954. Pg, 180).

In other words, without context, the news is irrelevant. For instance, it was claimed that child safety seats decreased the incidence of death in children by 54% (Levitt, Dubner. 2009. Pg, 152). That was the end of the information provided to the public, however if one does not ask, 54% in relation to *what other death rate*, a

reduction of 54% is irrelevant. It could have been that the reduction was in relation to those wearing no protection whatsoever, in which case the safety seat may still be of no more utility than a regular seat-belt.

Moreover, the dissemination of quality information is just as important as the judgments sometimes required of the public, because those judgments necessarily rest on information (Dewey, 1954. Pg, 181). Here the argument diverges slightly from Lippmann's in that Dewey claims that the public acts on information, while Lippmann claims that they can act with only the proper rules, in either case, regulation of the dissemination of information, or at least regulation of the ensuing debates are absolutely required for the proper functioning of public opinion, and hence for it to be capable of exerting the proper influence in public decisions that it requires in order to ensure some democratic oversight of government beyond simple voting. However, even in the case of voting, which for Lippmann is almost exactly the same as public opinion influencing a debate anyway, the voter's decisions must be made either based on facts, or based on the rules outlined by Lippmann above. Again, regulation is a necessary condition for the proper functioning of government,

The smoothest road to control of political conduct is by control of opinion. As long as interest of pecuniary profit are powerful, and a public has not located and identified itself, those who have this interest will have an unresisted motive for tampering with the springs of political action in all that affects them (Dewey, 1954. Pg, 182).

Moreover, since the same technological forces that gave rise to political democracy as it is practiced today are now those globalizing forces that make all private actions have a degree of public-ness to them (in the form of externalities), information on this sphere must be disseminated as well. For how is it possible that someone can have a political and public mind if he/she is totally unaware of the fact that his/her actions inevitably affect all of those around her? Yes, a new government may be proposing a greater tax decrease than the old, however that would necessarily mean that government has less money to pay for social goods like roads and day-care. Additionally, unless people are informed of the consequences of their buying cars instead of taking the bus, they will be totally unaware that suddenly the bus system is out of money, and that they all of a sudden have no public transportation on which to rely in 'emergencies'. It is along these lines that Dewey states that in order for the community that precedes democracy to arise "a society in which the ever-expanding and

intricately ramifying consequences of associated activities shall be known...so that an organized, articulate Public comes into being” (Dewey, 1954. Pg, 184). Thus, according to these two thinkers, public debate needs to be regulated (or at the least demanded), and information must be disseminated in context, and information upon the inter-relatedness of communities must be made available. Thus, this lengthy debate involving Lippmann and Dewey has served its purpose for the essay by 1) showing the importance of regulation of the public sphere and by 2) offering the essay a model of public opinion which could be deemed as effective politics. It must now be shown how narcissism and the conflation of realms as a result of the failed division of labor prevent public opinion from achieving its function in modern day politics.

Hunting Foxes in Parliament: Modern Failures of Politics

It is now finally time to discuss in earnest the two authors and books that have been constantly referenced throughout this thesis: Richard Sennett’s *The Culture of The new Capitalism* (2006) and Benjamin Barber’s *Consumed* (2007) as well as *Jihad vs McWorld* (1995). Both of these authors take issue with the fact that modern politics seems to be unable to effectively attack modern problems, and that this is somehow connected to a culture of consumerism. In Sennett’s case, the consuming passion, as well as branding and the culture of the ‘new’ technical workers have already been examined.

The thesis put forward within *Consumed* can be summarized by saying that modern marketing, reinforcing what Barber refers to as the new protestant ethic, promotes kinds of thinking that are antithetical to good citizenship. His version of the new protestant ethic, which he refers to as the ethos of infantilization, encourages puerility in the citizenry at large in order to foster the creation of needs that capitalism requires in order to pursue constant economic growth, "the purpose is not to govern subjects...only to create a culture conducive to selling goods by treating citizens as customers" (Barber, 2007. Pg, 212). What he fails to notice, however, is the way in which the division of labor itself began to fail to properly function (that is, unite citizens) when the protestant work ethic was sundered in favor of an ethos of consumption and instant gratification (as shown earlier, this change also coincided with modifications within capitalism in the form of the divorce

between production and consumption). The best way to illustrate the way the ethos of infantilization has influenced political practices is with the concept of "Brand America".

In the wake of the unpopular wars in Afghanistan and Iraq, American policymakers became aware of their unpopularity and began the project of branding American, that is, using marketing techniques to portray the U.S.A in a particular way. In so marketing America to the world the message that is sent is not the marketed messages of democracy freedom and the American Dream, but that democracy is "less a system of governance than an enticing brand logo aimed at turning friends and adversaries alike into consumers of America *the product*." (Barber, 2007. Pg, 205). In pursuit of this goal, the office of Public Diplomacy and Public Affairs was created at the state department. In order to make American popular in the world, rather than change policies that are widely viewed as imperialist or dismantling bastions of terror like Guantanamo Bay, this office is staffed by private marketers who attempt to sell America to the world, in order to improve its image in the same way that Corporations sell their own brands. One method by which this was attempted was the proliferation of videos portraying successful Muslims working within the U.S.A, among other things.

"When a nation strives to create trust through public relations rather than policy, that *is* propaganda" (Barber, 2007. Pg, 208). While propaganda is nothing new, and can only be assumed to have been used as a political tool prior to the failure of the division of labor, the point at issue here is that the U.S government deems that propaganda alone is sufficient to change global public opinion. Treating image over substance in this way is paradigmatic of the failure of politics stemming from the narcissism inherent in modern consumer culture, in which, as shown earlier, it is becoming increasingly difficult for individuals to pursue healthy schizophrenia, wherein they would assume roles as shoppers and roles as wives, fathers, citizens, etc. Given this causal chain, it should not be surprising that the U.S government treats global public opinion in this way. In the same way that at one time consumption required face to face interaction and even argumentation, but now has been dominated by branding which associates ideas irrelevant to the object at hand, now the office of Public Diplomacy wants "America to be about Mom rather than about nasty old Guantanamo Bay or Abu Graib" (Barber, 2007. Pg, 208).

If domestic politics were immune to this phenomenon then this essay would be superfluous, because at least then the way in which decisions are made within the U.S could mitigate the puerile way in which it is marketed outside of its borders. However, Barber shows that this is not the case. In discussing the republican and democratic branding strategies, wherein the former aims to be a 'stern father' and the latter has recently attempted to appear as a nurturing parent, he points out that this whole debate misses the point,

This game fails to notice that both the stern father and the nurturing parent images infantilize voters by substituting p/materialism for democratic politics, shoving aside the idea of active citizenship, whose practitioners are not the pliant children of their leaders but the sovereign citizens of the communities in which they live. The language of grown-up democratic politics moves necessarily away from the brand game and back to democratic political theory and practice, where branding appears as what it is, an insidious corruption of democratic ideals and practices.

(Barber, 2007. Pg, 209)

When the two dominant parties of the most powerful democracy in the world debate the image they wish to portray to voters, rather than the information they have a responsibility to disseminate, then obviously democratic politics in general has a problem. Nor is this, as Barber says, a problem of elites seeking to dominate the world through the maintenance of a culture of consumerism that atomizes individuals through a broken division of labor (divide and conquer?), and also seeks to blind them from the actual issues affecting their lives. This is, as this thesis has shown, an issue of the character of capitalism itself, the way in which it is practiced on both macro and micro levels, and the way in which citizens cannot differentiate between capitalism, leisure, and politics. Barber claims that when a system pretends that consumers are citizens, democracy is necessarily threatened, this essay seeks to add to that: when consumers themselves pretend to buy citizenship, democracy is doubly threatened.

Political parties selling themselves as soap is sold is only half of the story, the fact that parties are also purchased in that way bears description as well. The ethos of infantilism, perpetuated by the market in almost every aspect of modern life, pushes puerility in consumers as the most efficient means of selling products. It is not that advertisers are intentionally lowering societal IQ, it is that these goods are most efficiently sold if

consumers act as though they are not mature, intelligent responsible citizens while in shop-mode. Indeed, the ethos of puerility would not be so harmful to democracy; it might not even bear mention at all, were it not for the arguments already put forward in this essay. It has already been shown that consumption, as a result of the failed division of labor, has morphed from a tool of social cohesion (through constant bartering) into a passive act involving the application of irrelevant feelings to goods. Also, it has been shown that due to the nature of the work (the way in promotes narcissism) under the new, failing, division of labor, it is becoming increasingly difficult for more and more of the population to entertain a healthy schizophrenia in their lives. No longer is the internal work-self differentiated from the leisure-self or, more importantly, the political-self. Consumption is the be all and end all, and so too must work identities, leisure, and politics be consumed under the failed division of labor.

This is shown by Richard Sennett in his smaller book *The Culture of the New Capitalism* (2006). He indicates that something called the consuming passion has pervaded not only work identities, but the perception of firms within the stock market, "work identities get used up, they become exhausted, when institutions themselves are continually reinvented...doing something for its own sake, sits ever more uneasily...instead the flexible organization puts a premium on portable human skills" (Sennett, 2006. Pg, 141). He states that this "consuming passion" is mirrored and reinforced through branding (already discussed at length in this essay) and through the idea of potency. This latter concept is manifested in goods that offer completely redundant and unreasonable options. Sennett's example of this is the iPod, which can carry ten thousand songs, far more music than a person can ever remember, and nine thousand nine hundred eighty more songs than the average person usually listens to (Sennett, 2006. Pg, 153). In providing more than a human being could ever realistically use, the consuming passion is 'satisfied' because what can be done is not limited to what one may wish to do. In this way, the iPod can technically never be 'used up', in the same way that other goods, lacking this insane potential, can be.

The mobility of the workplace and the new personalities engendered within those new cutting edge firms also exhibit this consuming passion in their seeming disdain for ever remaining static. Stock/share - holders, who directly undermine the division of labor by exercising so much external control over firms also reinforce this by subscribing to the idea that only flexible, constantly changing firms are profitable. When carried over into politics, the consuming passion takes an even greater toll on the model of politics outlined above. However, for Sennett, it is only one aspect of the politics-as-consumption problem that this essay has attempted to describe. His 4 aspects of politics as consumption are as follows 1) political platforms resemble product platforms, 2) the platforms are largely similar, and minor differences are emphasized as significant, 3) politics is made user-friendly, that is, non-oppositional and 4) political platforms are consumed with the consuming passion, meaning their life-spans are constantly shortening. (Sennett, 2006. Pg, 162). The reader should now be noting the similarities between these 4 characteristics and the concept of Brand-America outlined above. However, one of the most telling examples of politics-as-consumption (which is in turn merely the worst symptom of the broken division of labor) occurred in Britain wherein the parties have debated for extraneous periods (that is seven hundred hours of debate time) over the legality of fox-hunting with hounds, whereas their newly created Supreme Court required only eighteen hours of parliamentary debate (Sennett, 2006. Pg 164). If the political debate model outlined above had been followed, and if citizens clearly saw their own self-interest, then obviously the members and powers of a Supreme Court are far more relevant for the country than the legality of a sport that is practiced only by a small handful of elites². The trivialization of politics is not necessarily new, and certainly minor differences between parties have been over-emphasized in the past, what is new is the way in which politics, due to the problems engendered by the division of labor, can no longer effectively create debate so that citizens can pursue their own rational self-interest. Indeed, as shown, due to the

² As with the Gun Registration debate here in Canada, this issue also demonstrates much about the rural-urban divide in the two countries. Just as few Canadian urbanites consider gun registration relevant, neither do many British urbanites spend their days lamenting the potential fall of fox hunting. Yet, the majority of both populations are located in urban areas.

application of personality to exterior objects, it is becoming difficult for individuals to perceive their own self-interest even in simple shopping.

This thesis has outlined the casual chain linking failing politics to the failed division of labor as follows. At one point, there arose a break between production and consumption, the interests of the two ceased to coincide, and the western economy also underwent a shift from a focus on production to a focus on creating profits. Concomitant with this shift, and with the repudiation of the protestant work ethic (delayed gratification, giving way to instant pleasures, even if debt is incurred) there occurred within the Western division of labor, as Durkheim described it, an anomic situation. Community ceased to be maintained through work, work began to undermine the bonds that held a close-knit society together. The result of this failure of the division of labor to coalesce society has created a situation in which consumption, leisure and work are conflated within the minds of citizens. As such, consumption is becoming all pervasive, and bringing with it its inherent problems into other realms of life. When carried into politics, things like brand America, the consuming passion, as well as gold plating (the exaggeration of trivialized differences in politics) effectively prevent the pursuit of self-interest on behalf of voters, and in turn render politics ineffective in its purpose of maintaining democracy. That is the contention of this thesis, and the effects of which, primarily the state of exception, wherein law and life itself are conflated, precipitating the appearance of ‘the camp’, and the creation of bare life.

Chapter 5: The Force of ~~Law~~

“To show law in its nonrelation to life and life in its nonrelation to law means to open a space between them for human action, which once claimed for itself the name of ‘politics’. Politics has suffered a lasting eclipse because it has been contaminated by law, seeing itself, at best, as constituent power. (Agamben, 2005. Pg, 88)

Agamben sees a connection between the state of exception and politics. While he is not entirely clear as to the meaning of ‘lasting eclipse’, it is clear that he sees the potential for eliminating the state of exception and its application of bare life within the realm of democratic politics. What this thesis has tried to examine is why

politics cannot assume this role. The anomic division of labor leads to a situation in which politics is consumed in a similar fashion to leisure and work identities. This chapter seeks to make clear the nature of the state of exception, the nature of bare life, and their specific relationship, or non-relation, to politics.

It has often been erroneously stated that the state of exception exists in an area of non-law, or a law-less zone. This is, however, not accurate. While it is true that certain laws cease to operate within the exception, indeed the entire normal juridical order is suspended; this is not to say that it is a lawless situation. Usually the state of exception, given territorial and temporal manifestation within the camp, is codified within the law of the land, and constantly reaffirmed by that law. The way in which this is achieved, most confusingly, is the use of the law to exclude itself from the camp. In other words, what is excluded from the camp is the normalcy of law, its usual application; however that very application must simultaneously be included into the juridical workings of the camp so that it may be excluded. The law was made to accept the exception so that it may in turn be capable of suspending itself within the camp. As Agamben points out, it is academically meaningless to ask how such crimes against humanity can be committed within the camp, what is more relevant is to question the legal workings surrounding the camp (to call them lawless is thus also meaningless), and to determine how it occurred that “human being could be so completely” and legally “deprived of their rights and prerogatives that no act committed against them could appear any longer as a crime” (Agamben, 1995. Pg, 171).

What then could the state of exception be called if not a lawless space? It has also been contended that the exception is an area in which the norm no longer applies, and this is true only to an extent. While it is true that the norm of law is suspended in a situation of exception, as stated, law does not cease to exist, the norm of law must therefore incorporate its own temporary suspension in the form of the exception, “the state of exception is neither external nor internal to the juridical order, and the problem of defining it concerns precisely a threshold, or a zone of indifference, where inside and outside do not exclude each other but rather blur with each other” (Agamben, 2005. Pg, 23). Thus, the exception is an area in which the legal, the extralegal and the illegal not only blur with one another, but cease to maintain their usual meanings. Thus it can be seen that in the

camp the officers of the state still maintain their bio-political power (in this sense, the monopoly over the legitimate use of force, which is to say that they maintain the decision over life and death in the camp), without any of the mitigating factors over that power, while the camp inmates can simultaneously maintain their rights to religion (as at the former Guantanamo prison camp), and yet not be seen as full life due to their subjection to an undefined version of torture. So it can be safely stated that the state of exception is not a lawless space, but a space in which the distinction between the legal norm and the legal exception (example: emergency powers) ceases to be meaningful. In examining Schmitt's ideas on the state of exception, Agamben makes the issue clearer,

The sovereign, who can decide on the state of exception, guarantees its anchorage to the juridical order. But precisely because the decision here concerns the very annulment of the norm, that is, because the state of exception represents the inclusion and capture of a space that is neither outside nor inside, 'the sovereign stands outside of the normally valid juridical order, and yet belongs to it, for it is he who is responsible for deciding whether the constitution can be suspended *in toto*'" (Agamben, 2005. Pg, 35)

In deciding on a situation that must exist outside of the law, the sovereign necessarily has to use law to define that situation, in which case, law has been used to define the circumstance of its own inoperability. This is where the concept of the force of ~~Law~~ enters into the discussion. In the state of exception, the usual norm of law ceases to be of any meaning precisely because of its infusion into a space into which it has been technically defined to be inapplicable, what comes to the fore instead is the force of ~~Law~~, wherein "decrees provisions, and measures that are not formally laws nevertheless acquire their force" (Agamben, 2005. Pg, 38). Thus, the way in which the state of exception can be defined is an area of law, temporally and/or spatially defined, in which the norm of the law is formally in effect, but ceases to be applied *de facto*, and in which other executive acts, which have no formal force of law, nonetheless acquire its force, hence the term the "force of ~~Law~~" (Agamben, 2005. Pg, 38).

Life that can be Killed but not Sacrificed

While the state of exception can define a situation of law ranging from the Nazi death camps to airport customs officers under the patriot act to refugee “waiting camps” in the modern western world, and while it is true that one could technically define the individuals under these states as bare life, only under the worst camp conditions does the concept of bare life bear out its definition fully in the real world.

Agamben begins his argument by stating that the Greeks had no adequate word to define life, they had firstly *zoe*, which simply defined life as all living beings have it, and *bios* which indicated living proper to an individual in a group (Agamben, 1998. Pg, 1). The reason for this is that life as such is not an adequate term, life, for the Greeks, had to be qualified as worth living and as worthless

Every interpretation of the political meaning of the term “people” must begin with the singular fact that in modern European languages, “people” also always indicates the poor, the disinherited, and the excluded. One term thus names both the constitutive political subject and the class that is, de facto if not de jure, excluded from politics...in the concept ‘people’ we can easily recognize the categorical pairs that we have seen to define the original political structure: bare life (people) and political existence (people), exclusion and inclusion, *zoe* and *bios*. The ‘people’ thus always already carries the fundamental biopolitical fracture within itself...It is always already *is* and yet must, nevertheless, be realized; it is the pure source of every identity, but must, however, continually be redefined and purified through exclusion, language, blood and land. (Agamben, 1995. Pg, 176-178).

It would seem therefore that the idea of identity exclusion, that is that one can only define oneself by starting with what one is not, is included within the very political fabric of the West, "Just as the law, in the sovereign exception, applies to the exception case in no longer applying...so *homo sacer* belongs to God in the form of unsacrificeability and is included in the community in the form of being able to be killed" (Agamben, 1995. Pg, 82). However, the modern secular state, which makes no use of sacrifice as an appeasement to a god, now makes sacrifices in the name of the people, and for the purposes of security. Thus, a certain enclave of the people may be killed, but not sacrificed.³ What occurs in the state of exception is the recognition of sacred life

³ In this sense the stark contrast between a military funeral for a legitimately killed soldier as a recognition of sacrificial life, and the secret nature of Guantanamo detainees is illuminating of the difference between sacred life, and life worthy of sacrifice, between *zoe*

as sacred, and its consequent exposure to a norm less force of ~~Law~~, that can exercise almost infinite violence, depending on the whims of the officers in charge. Thus sacred life becomes bare life when it is recognized and subject to normlessness. This is also, according to Agamben, the original act of sovereignty.

This can be illustrated with reference to the sovereignty paradox outlined by Eudaily and Smith,

Thus, we are left with a "sovereignty paradox" where we must have a sovereign state with territory as a necessary condition for its ability to articulate power; however, this territorial imperative must first be satisfied by some sovereign legitimate authority... The paradox of a singular constitutional state needing to exist within territorial boundaries on the one hand, while on the other requiring sovereign, legitimate authority to enforce those boundaries, raises questions about the nature of sovereignty. Specifically, what is its character and how might simply using notions of the state and sovereignty together, as if they are interchangeable, unnecessarily bracket a number of important geographical questions? (Eudaily and Smith. 2008. 314, 316).

As is indicated by the above, the primary issue that Eudaily and Smith have with contemporary academic inquires into the state is that sovereignty is assumed to be territorially based. Without a territory on which to base its power, and which to confine it, then that power must be derived from some other source, or indeed it must be assumed to be ineffectual. If one juxtaposes the writings of Agamben with Eudaily and Smith, however, then the original act of sovereignty (or the sovereign) becomes clearer. Indeed, if territory is required for power, and if power is needed for territory, then the problem becomes a closed circle similar to the chicken and egg problem, and solutions must be found elsewhere. In this way Agamben indicates that sovereignty was first constituted (here he draws heavily on Schmitt, with some Benjamin) in the decision on what part of the "people" constituted *bios*, "the sovereign and *homo sacer* ...delimits what is, in a certain sense, the first properly political space of the West distinct from both the religious and the profane sphere, from both the natural order and the regular juridical order" (Agamben, 1995. Pg, 84). In this case, it can be said that an exclusion was the first political act of the west. This political act has now been monopolized by the law, through the exception, precluding the political nature of the decision and placing the monopoly of decision in the hands of the legal

and bios. If the latter were not sacred life, then he could not be exposed to potentially infinite violence in a legal space without norm. Contrastingly the military funeral is an acceptance of the horrors that bios must sometimes be subject to, and an affirmation that the soldier was acting legitimately, and was thus legitimately exposed to violence.

sovereign, excluding "the people", and in this sense the entire people is excluded from the decisions on exclusion.

Legal Non-existence: Guantanamo Bay

"Torture is a technique; it is not an extreme expression of lawless rage" (Foucault. 1991. Pg, 33). It has been shown that the state of exception is not at all lawless, but an area (spatially or temporally defined) in which the norm of law is suspended in favour of a force of non-law. The norm of law is rendered superfluous by excluding itself from the situation, and this can only be done, paradoxically, using the law. It has also been shown that the type of life contained within the exception has been stripped of all legal and divine (or "normal") defences against the absolute violence to which it can now, "legally" be subjected. This thesis must now demonstrate how this violence manifests itself in the real world.

While Foucault was speaking of the juridical killing of those condemned to death through public spectacle, his quote still applies to the torture exercised at Guantanamo Bay, which is itself in a legal exception. The 1903 lease of Guantanamo Bay to the United States stipulates that Cuba retains ultimate sovereignty over the area, while America maintains "complete jurisdiction and control" (Kaplan. 2006. Pg, 836). This is a legal ambiguity, but cannot be said to be paradigmatic of the state of exception because it represents only a blurring between domestic and foreign. So much so that the supreme court has avoided tackling the issue directly, and has relegated the status of Guantanamo to an area over which U.S supreme courts "do not lack jurisdiction" (Kaplan. 2006. Pg, 847). So it is that the status of Guantanamo at the time of the Kaplan article is an area that was legally under the sovereignty of Cuba, and yet controlled in a de facto way by the United States of America. In this way, the prisoners held there technically have recourse only to the Cuban legal system, and yet their status was defined within the American legal system.

However, the state of exception is not only characterized by a blurring (or an irrelevance) of traditional legal definitions, it is also an area filled with bare life over which the force of ~~Law~~ is the only mitigating factor. What examples of force of ~~Law~~ can be found within Guantanamo bay?

The first of which can be found in the concept of "enemy combatants", which, according to the norm of laws in the United States, is an exceptional case. It is indeed quite interesting to see the legal lengths that the Bush administration undertook in order to maintain not only the ambiguous status of the prison camp itself, but also the status of the prisoners and the violence to which they were subject. Agamben once referred to the state of exception as being characterized by an "emptiness of law" (2005. Pg, 6). He did not mean lawlessness, he was referring to situation in which the law has become empty, it has lost its substance and/or its spirit, "laws of this nature...conflict with the fundamental hierarchy of law and regulation in democratic constitutions" (Agamben. 2005. Pg, 7). Since the state of exception, characterized by laws of this nature, is often also permeated with the force of ~~law~~, sovereign decrees that are not law but still acquire its force, it can be safely assumed that forces of ~~law~~ are also characterized by that same emptiness.

The concept of enemy combatant derived from a 1942 case against 7 men who were accused of spying on the United States on behalf of Germany, the case was called *Quirin*. (Danner. 2007. Pg, 3). Not only was the concept of enemy combatant defined very ambiguously as men who work for an enemy army, do not wear uniforms, and seek to destroy property. The court assumed that these men worked for the German army, and as such not treating them as civilians was unproblematic (as was the case in Hamdi, a recent Guantanamo detainee examined by the supreme court) (Danner. 2007. Pg, 4). However, in both cases the exact definition of enemy combatant was left open, and thus left to lower courts, and the president to decide. Indeed, in the case of most of the detainees of Guantanamo, it was the latter who monopolized the privilege of decision.

While the executive's deliberate use of a virtually undefined term in its prosecution of what would otherwise legitimately be considered POWs⁴ is not exactly paradigmatic of the state of exception, the Bush administration's use of the Combatant Status Review Tribunals (CSRT) certainly is. Under normal circumstances a POW is granted a standard military trial, if one is not a POW then one is a standard criminal,

⁴ Of course, these detainees do lack the support of a state in their combat operations. Which is one of the primary arguments against their definition as prisoners of war. However, under every other criterion of POW these detainees are eligible for that status. The lack of legal state support (that is, a uniform, legal defences and so on) in no way diminishes their humanity and their right to just treatment under the Geneva convention. In other words, the lack of a state can be considered an irrelevant variable, even though the Bush administration did not argue in this way.

and receives access to standard defenses and the usual domestic courts. For reasons not adequately explained, beyond the fact that the definition of enemy combatant has been chosen, the detainees of Guantanamo have recourse only to the CSRTs, which has further broadened the scope of enemy combatant to include anyone associated with the Taliban or Al Qaeda, as well as anyone performing or supporting belligerent acts against the United States (Danner. 2007. Pg, 4). After this definition had been accepted, the Military Commission Act presented another even broader definition of enemy combatant. The definition has been broadened such that anyone engaged in hostilities against the United States can now be considered an enemy combatant, which thus precludes POW status for essentially anyone that the administration wishes. Despite these definitions however, the Bush administration has admitted that 55% of the detainees had not committed any hostile acts against the U.S.A or its coalition allies (Gregory. 2006. Pg, 415). When contrasted with the steps normally undertaken with POWs, this is certainly an exceptional measure, and given the president's and executive's direct interventions into these primarily legal affairs, this is a situation characterized by the force of ~~Law~~. A further illustration of this can be found while examining the case of Jose Padilla,

The government's position is that, being an enemy combatant, Padilla had no right to meet his Lawyer, Donna Newman, or to challenge his status as an enemy combatant. Even Habeas Corpus should be unavailable because Padilla is not held as a criminal suspect but as an enemy: a habeas petition would "interject this court into the president's conduct of ongoing hostilities". Indeed, the government's position is that this designation is virtually a "decision" in the Schmittian sense: not reducible to a subsumption of a case under a general rule, and beyond the possibility of independent rational review. This decision moves Padilla into an exceptional status beyond the normal law: legal recourse should not be available to him because he was not accused of breaking the law, but of being a threat to the law who needs to be kept beyond the law...Therefore he is placed in a legal situation in which he ceases to exist as *a person with rights*. (Wilke. 2009. Pg, 643).

While the rest of the Guantanamo inmates have the same legal status, they still exist as persons who can be subject to the whims of the officers of the camp. In other words, they exist as life indefensible by law, but still subject to violence as bare life. Prior to that discussion however, it has been said above that Guantanamo is not lawless, as are the legal subjects of the detainees contained therein. Indeed that prison camp is surrounded

by a multitude of laws and legal codes, all of which are indeed empty, but they still exist as law with the force of ~~Law~~,

Guantánamo was not placed outside the law: 'the applicable legal regulations [were] too dense to allow such a claim'. But the result of these contending arguments – which eventually spilled over into the courts – was to confine prisoners in what Wilke calls 'a place of *rightlessness* in a context that [was] not *lawless*'. (Gregory. 2006. Pg, 412)

Guantanamo was deliberately selected as the site for the prison camp so that its legal ambiguity would prevent the standard legal system from access to the prisoners. In this way, the president acknowledged the supremacy of law in the domestic United States, while simultaneously suspending that supremacy in regards to the detainees. Using the law to exclude itself is paradigmatic of the state of exception. Furthermore, it was the a presidential order, not a legislatively appropriate process, that prevented the Geneva Convention from applying to the detainees (Gregory. 2006. Pg, 414). As far as the ambiguous position of Guantanamo Bay is concerned, Gregory has one last point of relevance, "Guantánamo was *outside* the United States in order to foreclose *habeas corpus* petitions from prisoners held there and *inside* the United States in order to forestall prosecutions for torturing them" (Gregory. 2006. Pg, 416). Only in the state of exception can something be simultaneously inside and outside of a legal jurisdiction.

The re-definition of torture in relation to the Guantanamo detainees is an example of the state of exception insofar as a multitude of regulations and legalities are used to reassess what is fundamentally counter to the general spirit of Western law; the principle of non-violence. Jeremy Waldron devotes a lengthy journal article to the concept that non-violence, and respect for the dignity of those who must be subject to the coercion of law, is archetypal of Western Law, specifically American law. By archetypal he means that in the same way that different statutes within the same law all serve a common purpose, and therefore function together, so too do entire bodies of law within an entire system, and thus a spirit of the law can be determined.

The spirit of a cluster of laws is not something given; it is something we create, albeit sometimes implicitly. It emerges from the way in which, over time, we treat the laws we have concocted. We begin to see that the norms

and precedents we have established hang together in a certain way. We begin to see that together the provisions embody a certain principle, our seeing them in that way becomes a shared and settled background feature of the legal landscape, and we begin to construct legal arguments that turn on their coherence and their embodiment of that principle. (Waldron. 2005. Pg, 1722)

Thus, for Waldron, torture is not only a morally reprehensible act, from an empirical perspective, allowing torture within the law violates the validity of law as a whole, while also making other laws that are somewhat dependant on non-violence, less secure. While this is somewhat of a slippery slope argument, it is worth mentioning to avoid the criticism that the entire paradigm of the state of exception is one based on natural law arguments. This is not the case, when a state of exception appears, it is an empirically verifiable situation insofar as it contradicts the spirit of the law, or as Waldron would call it, a legal archetype. Also, as has been shown, the exception violates the standard operations of democracy through force of ~~Law~~.

How was torture constantly redefined in Guantanamo? It was not simply legalized, nor was it placed into a grey zone. Its definition was modified such that what was once torture is now no longer so. While it is true that the more grizzly practices such as finger-nail removal, electrocution, and acid drips are not used on the detainees, less violent but just as psychologically damaging techniques are used. The details of which are not relevant to this thesis, but the definitions thereof and the legal battles are. Torture was defined such that only pain resulting in organ failure, death, or the impairment of necessary bodily functions was to be prohibited (Gregory. 2006. Pg, 416). Not that the prohibition was de facto of any relevance given that the legal location of Guantanamo made it virtually impossible to prosecute guards for anything that took place there. Furthermore, the memorandum⁵ stipulated three categories of aggressive interrogations, all of which were to be legally permissible, but it placed no limits on the use of these techniques. Deprivation of light and sound may seem very innocuous, except when one considers that this could occur for a period of up to a month. Also, there was

⁵ A memorandum does not have the force of law. While this could be called a serious methodological error in this thesis, which argues that exceptions to the norm of law are brought about by the problems of politics deriving from a malfunctioning division of labour, it must be noted that the whole point of the state of exception is that decrees that should not have that force, obtain it. Thus, regardless of what is contained within the memorandum, the fact that it achieves the status of law at Guantanamo is sufficient grounds for indicating the presence of a state of exception.

no considerations of the effects of these tactics. A stress position is not a violent form of interrogation, but after standing in the same place for 18 hours, ankles swell, and kidneys can shut down (Gregory. 2006. Pg, 417). Had these effects been directly achieved, through beatings for instance, then it would immediately be called torture, and yet, under the exception of Guantanamo, these techniques were legally permissible, and so too were their effects.

Conclusion

While Guantanamo Bay has been selected as the empirical manifestation of the state of exception, it must be pointed out that the state of exception is becoming more and more common. For instance, In Canada security certificates have been used in immigration cases, these certificates allow authorities to deport persons meeting certain criteria, totally skipping the usual deportation process. Of course, not every time an exception to the law is made can be called a legal exception, judges make such decisions very often, and no bare life appears. What is different about Guantanamo Bay and these security certificates is that judges overturning a precedent to make an "exception" are still adhering to the law's usual practices, that is why judges exist. The other examples quoted here, and those used by Agamben illustrate cases where the usual mechanisms of the democratic state itself are rendered superfluous by executive acts or decrees. They thus place the life on which their decisions were made, and the officers concerned in conditions of bare life, wherein legal protections are removed.

It has been said that the decision on bare life was the first wholly political act of the West, potentially even preceding the territory on which a sovereign can base his power. Yet, in the current world, this political decision on exclusion has been colonized by the law, and effectively removed from the political realm. It did not occur very often that Guantanamo Bay was a highly politicized issue, despite its ramifications for personal freedom and the future of law in the United States. Indeed, if Jeremy Waldron's thesis is accepted, then the law has already been seriously damaged, and its force in other areas should begin to weaken, leaving even more room in society for force of ~~Law~~ and its ramifications through bare life.

Politics cannot re-colonize the realm of the decision on exclusion, among many other things, because of the causal chain outlined in this thesis. The protestant work ethic once provided an ideology of work within society whereby not only was excelling at work a personal virtue, it was an act of god. Furthermore people were given free reign to pursue work which they found fulfilling. This work ethic helped maintain an efficient division of labor as Durkheim saw it, whereby solidarity was maintained and communities and community activity could be pursued. This was true even in large cities.

The protestant work ethic began to be replaced by the new economy, wherein the break between production and consumption was pushed forward by serious demographic shifts and the concomitant economic requirements. In the new economy pleasure and consumption began to be espoused as goods in and of themselves, partially thanks to the fact that production ceased to have a social impact, and partially because consumption lost its give-and-take bargaining character. It used to require communication to buy things, now it requires only money. These shifts rendered the division of labor in some cases anomic, and in other cases forced, but overall, ineffective, and solidarity began to break down.

Furthermore, personality began to become more important to consumers than did the actual goods being purchased. Associational meanings, and later on branding, served to blind consumers to those goods being sold. This was referred to by Sennett, and others, as narcissism. Had narcissism remained in the realm of consumption, then indeed politics could have maintained its hold over issues most important to individuals in society, however, due to new ideas of success (displaying consumption for its own sake) and new forms of anomic administration within the new economy (especially in bureaucracies and high tech industries) the lines between work, leisure, and self are blurred. Thus aspects of narcissism, that is the inability to view outside factors without projecting the self onto them, pervade all realms of life in the individual.

It is because of this blurring of realms that individuals begin to become narcissistic in relation to politics, and thus politics can no longer function without dramatized issues as battles between the personalities of politicians, without branding and selling itself as a standard consumable (and thus missing actual issues). When

political discourse is outlined as such, among many other problems, this thesis has shown that the state of exception begins to appear. For it is in the interests of citizens to maintain their own monopoly over the decision on the exclusion through democratic politics, that is, the decision on bare life. Without that control, for whatever reason, parts of the populace will begin to be treated as bare life in relation to those who are left with their legal protections. Agamben, and others have shown that this will continually happen, and assuming that this is so, and that the atrocities witnessed throughout history, both within liberal regimes and outside of them, are examples of the state of exception, the only way for these to be prevented in the future is for democratic politics to regain its control over these issues. For, as it stands, the executive alone holds that monopoly on decision. As such, the Western World faces the prospect of the state of exception appearing on a more and more regular basis. Worse yet, while the formal mechanisms remain in place despite their repeated impotence in curbing the exception, democratic politics is ineffectual, as has been shown. Thus, the Western World's greatest challenge is not the state of exception itself, but the end of politics as a mechanism of effective governance.

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