

# Marginalist Politics, Political Grammar

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## Introduction

Eric Gans' [\*Chronicle of Love & Resentment\* 348](#), "The Four Freedoms," suggests the possibility of thinking about politics in terms of linguistic categories. The value of pursuing this suggestion seems to me to lie in the application of terms drawn rigorously out of the originary hypothesis so as to generate a new theoretical vocabulary—the point being to see something we couldn't otherwise. In the case of Gans' *Chronicle*, we can think of "freedom" in terms of the unfolding of linguistic forms first explored in *The Origin of Language* and then applied to cultural forms in *The End of Culture*. So, "ostensive freedom" lies in the transcendence of the appetitive and horizontal in the intention of an object on the originary scene; imperative freedom is the negative freedom "from another's intention"; declarative freedom is "the freedom to help choose the imperatives by which one will be governed"; and discursive freedom "permits the individual not simply to intend a representation of the world as it is or he thinks it should be, but to offer himself to the world as an esthetic totality, a sacred central object." Finally, since "the originary ostensive freedom to intend an object in principle generates for each member of society the discursive freedom to become an object of intention," it seems worthwhile to seize upon the strong sense of continuity suggested here between the "first" and "fourth" freedom (and, presumably, the others along the way) and proceed to think about how any concrete mode of freedom would articulate all of these modes in the free act.

First, though, I note some ambivalence in the way "imperative freedom" is treated in the *Chronicle*. The only "positive" imperative freedom imagined here is that of the sadist—the problem posed is the restraint of imperativity. Resentment toward imperatives is well grounded in, perhaps even constitutive of, the liberal and democratic political traditions, and a declarative politics, that is, the subordination of commands to deliberation, is the manner in which that resentment is generalized and made explicit. Still, while one could say that at several removes we help choose the imperatives by which we are governed, viewing imperatives as necessary evils doesn't serve to integrate imperatives into a declarative order, and this seems to me a serious weak point in liberal political thinking. Insofar as there are areas of social life in which imperative chains of command are indispensable,

those areas of life must establish criteria for competence, legitimacy and authority of given orders and commands. We can withhold the designation “freedom” from the unhindered (by external, “declarative” constraints) issuing of orders according to internally and traditionally constituted processes and for well established and publicly audited purposes, but at some cost, I believe. First, the cost is theoretical: we don’t have a way of integrating fully human desires and impulses such as ambition, the desire for fame and the calling to serve the collective in a responsible position in a scenic understanding of the human; nor, for that matter, have we gotten any closer to explaining why those whose vocation is to issue imperatives might be more or less likely to listen to those who deliberate upon their validity from a distance. More precisely: how has it happened, and how does it continue to happen, that some of those who issue imperatives are willing to act against others who do so in the name of “toothless” declaratives? Second, by maintaining the traditional liberal mistrust and distaste for such desires and a disdain for the spontaneous and reciprocal suspicion of “emperors” toward those who deliberate thanks to the peace they provide, we are unable to resist the demonization of manifestations of such desires and resentments, which entails the political and ethical cost of adding fuel to the victimary fire—along with the failure to develop an immunity to the less pressing, but by no means unthinkable, recrudescence of “strong men” demagogues who exploit what often appears to be a self-willed weakness of liberal societies.

Imperative freedom can only be rethought in terms of its problematic integration into a declarative or deliberative order by further developing the articulation of the linguistic forms into a political vocabulary. For example, ostensive freedom must be brought to bear in conjoining the declarative (deliberative, juridical, principled) with the imperative: that imperatives have been deployed consonant with deliberative practices must be affirmed through means established by those practices in interplay with the sources of the imperatives themselves. Someone must be responsible for that affirmation, and everyone must know (or be able to know) who they are. Through such affirmations we re-enact the transcendence of the horizontal and the founding of the community. Similarly, changes in the laws governing the internal affairs of institutions administered by strict chains of command must be “registered” through modifications in the publicly known procedures by which commands are issued. There must be ways, in other words, of demonstrating, verifying and authenticating the channels by which declaratives are translated into imperatives and vice versa, and all this must involve an ostensive dimension: someone must “point” to a legitimate act in order to “seal” its legitimacy, we must all be able to point to the one who has pointed, and so on. Since without such scenic verification freedom would surely be lost, it seems to me a valid project, then, to see whether we might direct the attention of (originary) political thinking to the seemingly narrow task of distinguishing among various modes and degrees of “translatability”—or, as I prefer, “convertibility” of imperatives and declaratives. The most urgent problem is with the convertibility of imperatives: those imperatives that could be recast as consequent upon a declarative, or a general claim asserting some regular set of relationships and possibilities in social reality,

would be those most readily integrated into a deliberative order. Imperative freedom would in turn be recast as the defense of that order. Our sense of declarative freedom, meanwhile would be sharpened by the implicit criterion “demanding” that the assertion of any observation or principle regarding liberal society be itself compatible with the norms of imperative freedom upon which that society depends.

As for discursive freedom, the political vocabulary and grammar I am proposing suggests the need to speak about more and less politically relevant manifestations of such freedom. Political sacralities emerge when one demonstrates a willingness to confirm or authenticate the conversion of an imperative into a declarative or a declarative into an imperative; and the degree of sacrality is higher the more necessary such confirmation or authentication is in the situation and the less “basis” there is for it in the existing procedures of authentication. (Naturally, taking on this responsibility can include refusing to confirm or authenticate.) This indicates a willingness to be a scapegoat, and whether one will be hero, scapegoat, or just goat can be ascertained only after the fact. But insofar as one engages in such a task as part of the process of self-composition as a sacred totality, one is doing something more than making a political decision: one is engaged in a discovery procedure, in gaining knowledge in the only way one possibly can in the midst of social activity, by acting in “revealing” ways. One thereby assumes that there is a principle to one’s action—a new declarative—but one that can be fully formulated only after the fact, by a spectator. There is a paradox at the heart of such action: offering oneself up as a possible scapegoat (while evincing no—while disciplining one’s actions and the signs one emits so as to defer any—desire to be scapegoated) requires intricate, if largely tacit knowledge of the “field” one is entering, and it subsequently generates knowledge regarding the current state of society; but, the more free the act, the more one makes oneself available to and dependent upon the unreserved ostensive affirmations of others, the less anyone, including oneself, can know what one is going to do next and what it is going to mean.

So, the test of this essay is whether it provides a new, unique way of exploring this paradox in terms of the problem of imperative-declarative convertibility. I don’t mean to exclude all other political vocabularies (as if it were in my power to do so) but simply to propose a measure for political discourse: the generation of viable political principles and a way of assessing their viability. I have already said something about our unease, in a liberal democratic society, in discussing imperatives, and I would like to broaden the point a bit. Once we distinguish between more and less convertible imperatives, we might find ourselves free to apply the term in all sorts of new ways, and in particular in discussions of subjectivity and character—to put it simply, if we think about it, we order ourselves around quite a bit, and that has quite a bit to do with what makes us free. Second, though, and perhaps more controversially, we “receive” impersonal imperatives quite frequently: an examination of how often people claim to be taking orders from entities such as “history,” “society,” and “reality” would be extraordinarily revealing, and not merely for the purposes of “demystification”—after all, what imperative are we following when we demystify? More

importantly, I don't see a better way of describing whatever it is that makes us come to the defense of a victim of injustice than that we are following an imperative coming from where we cannot quite tell. We can only get better at hearing and assessing such imperatives if we learn how to listen for them.

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The transcendent imperative of a political order predicated upon consent is the enhancement of consent. We obey that imperative both by increasing the visibility of that order's reliance upon consent and the creation of means by which the forms and degrees of consent can be audited. Grammatically speaking, the progress of civil society (and civil society must either progress or regress, as more people are incessantly thrown into the swirl of the marketplace and the contestations of the political system; the systems must either marginalize these new entrants or adapt to the pressures and challenges produced by their presence) involves increasing the convertibility of imperatives into declaratives. This doesn't imply a lesser reliance upon imperatives, which are simply unavoidable across enormous swaths of social life (and, for that matter, psychological, inner, life). Rather, the point is that imperatives must become ever more translatable, by those who are to execute, enforce, and obey them, into declaratives—"Because I said so" (a barely declarative iteration of the force already implicit in the imperative) must give way to "Because I have been duly authorized by those you have duly authorized to superintend this process" (a declarative reference to a consensual reality enabling the imperative). Or, to put it somewhat differently, if it doesn't give way, civil society is attenuated and, at some point, swept away.

Civil society progresses or regresses in response to events that we can consider crises in imperative/declarative convertibility: imperatives set in motion a chain of events which undermines the authority at stake in their issuance and, rather than minimizing rivalries over access within a particular arena of goods and tasks by settling the question of who determines said access, such imperatives instead intensify them. Perhaps this happens because other centers of authority, sometimes even those created or elevated by the challenged authority itself, have arisen and started to make competing claims to obedience; perhaps because the sphere of consequences following from the application of a hitherto unproblematic imperative has widened beyond the reach of whoever has issued that imperative's ability to direct and regulate outcomes; perhaps because the subjects of the imperative are, for reasons arising from different arenas altogether, not the "same" subjects as those who used to obey—habituated to deliberating and choosing from amongst a range of "imperators" elsewhere, they demand no less here (which is to say, they arrogate to themselves a center of imperative issuing authority).

Whatever the circumstances, what results from such an "imperative crisis" is an event which concludes with the acknowledgement that that "kind" of imperative can no longer be

obeyed while another “kind” of imperative (even one as minimal as “don’t obey that other kind”) has been ostensibly verified as “valid” (it was seen to resolve the crisis). The difference will lie in the greater convertibility and hence flexibility of the new imperative and the “imperative center” erected upon it. The new imperative order, at the very least, comes with a justification and narrative (a declarative) along the lines of “this is what happened when we obeyed without question the old imperative,” thus establishing at least minimal criteria and scope for argument and assessment of imperatives compatible with the new order and candidates qualified to issue those imperatives. Hence, an increase in the quality and quantity of consent.

The model of social transformation I have been describing is meant to approximate the actual liberalization and democratization of Western societies in particular over the last couple of centuries. By presenting it as a series of reversible conjoinings of imperatives and declaratives, regimes of command and authority with modes of discoursing and deliberating, I hope to suggest something of the contingency of the entire process. There is a kind of minimal “necessity” in modern social development: civil society will not remain static, so it must advance or recede, flourish or degenerate; maybe we always see some combination of all of these processes, but a sustained equilibrium seems most unlikely. We can get better at freedom; we can also forget it. And the getting better and forgetting takes place everywhere. I would call a politics attuned to this contingency “marginalist.” Marginalism is in fact a politics of the center—it is a deliberate effort to place oneself at the margin along with everyone else, intent upon preserving and repairing the social center: the protection of the inexhaustibility of the value of the individual (and attentiveness presupposes the fragility of the value). What I mean to distinguish marginalism from, for the purposes of this discussion, would be what I will call a “metaphysical liberalism.”

I use the term “metaphysical liberalism” to cover the history of modern liberalism from its origins in Hobbes and Locke through its later transformation in American Progressivism and its more recent degeneration in the victimary politics of White Guilt and what John Fonte calls “transnational progressivism.” Let’s say that liberalism is the conviction that human freedom is universal and can be spread across all spheres of life—esthetic and political; intellectual and spiritual; personal and moral. And we shouldn’t be distracted by the contrast between freedom and equality: one could stress one over the other in any instance, but the two are unthinkable without their interdependence. Etienne Balibar’s term, “equaliberty,” or the ancient Greek “isonomy,” capture this interdependence. No one could be free by themselves, no more than anyone could trade by themselves, and one must at least be equal with those with whom one shares one’s freedom. By the same token, what kind of equality is imaginable without the freedom to defend it against violation? The history of liberalism would probably best be written as the history of recognitions, and failures to recognize, new dimensions of this interdependence. In its specifically political and civil form, liberalism had to begin by confronting, by directing resentment towards, some particularly odious restrictions on freedom and equality, which is to say, unconvertible

imperatives. Liberalism, furthermore, could only advance the same way—by locating new or hitherto unnoted obstacles to freedom. Different forms of liberalism will offer different answers to the question, obstacles to what, exactly? That is, where is the presently unrealized freedom/equality located? What is the unconvertible imperative forbidding?

For metaphysical liberalism, the answers are to be found in pre-existing reality. This assumption is what connects what seem to be the very different forms of politics I mentioned in the previous paragraph. For the liberals of the Enlightenment, up through the thinking of the American founders, human beings are naturally self-interested and therefore given to violence when different interests collide; they are simultaneously capable of reasoning, calculating possible consequences beyond the sphere of immediate desires, and can hence transcend the conflicts to which their self-interest inevitably leads. This first of all is taken to imply a commitment to minimal institutions, like constitutional government and the free market, which frame and moderate conflicts, and train us to find compromises. However distant such a liberalism seems from the welfare-state quasi-socialism of the Progressives who dominated American politics from 1932-1980, the latter have usually seen themselves as direct descendants of classical liberalism, and not without reason: if historical developments render the minimal institutions which evolved in the 19<sup>th</sup> century ineffective in addressing new complexities, inequalities, and restrictions on freedom (such as those introduced by the large corporations and imperialism), then wouldn't the preservation of liberty require the transformation of those institutions? And how else would we go about transforming them other than through the use of that very reason which, according to Hobbes, enabled us to arrive at the social contract in the first place? But "reason," in the 20<sup>th</sup> century, means science, technology and organization, and the defense of liberty must involve the availability of such modes of thought and organizing capacities to all citizens. The answer to the question, "obstacles to what" is still, then, our potentialities as rational beings who can defer violence by organizing the satisfaction of needs and the realization of capacities so as to remove the source of conflict, even if those potentialities are by now more collective than individual (and even that simply shifts the emphasis to the undeniably shared dimension of freedom). Transnational progressives extend this logic to the globe, but the continuity is deceptive: White Guilt represents the turn within liberalism toward an overwhelming concern with restricting putative obstacles to freedom (tyranny, but also the false hopes, fears and prejudices that support tyranny), a concern that in previous, more optimistic forms of liberalism seemed temporary, but now seems indelibly inscribed in and, through some fateful historical wrong turn, to be inseparable from the very concepts of freedom and equality themselves.

The historical dead end of White Guilt, then, is the dead end of metaphysical liberalism. If we see freedom as taking orders from a known reality (whether Human Nature or the evolutionary Historical Process), then our politics is determined by resentment towards those who deviate from whatever model of reality we are working with. Such a politics is ultimately resentment towards the contingencies of history. And this is true of those who

resent the “Others” who bitterly “cling” to their religion and guns as well as those who resent the “biased” liberal elites in the media. I don’t weigh these resentments equally in moral or political terms, and I have my own sympathies, but the point is that both resentments hit the same dead end.

The originary liberalism I am calling marginalism seeks to find another path for the “arts” of equality and freedom by accepting the need to continually invent and create forms and representations of “equaliberty” or “isonomy.” De Tocqueville is, of course, a crucial precursor, but what is new here is my claim that such inventions and creations must engage not primarily those among whom there is already a presumption of equality, but precisely those between whom, in the current dead end of metaphysical liberalism, there have arisen incommensurable differences and unbridgeable asymmetries. And they are in fact incommensurable and unbridgeable within metaphysical liberalism—hence the need for new political thinking. In originary liberalism, or marginalism, we are no longer seeking to know the reality from which we could take our orders; reality is indeed full of imperatives, and metaphysical liberalism has been a rich cataloguing of many of them, but we aim at deferring the implementation of the general imperatives that oppose some obstacle to our freedom in order to allow for the gathering of some irreconcilable imperatives which could only be reconciled in a new and more freely joined reality. Trying, for example, to generate plausible scenes or thought experiments which might reconcile (without softening) the imperative to resist total war and protect civilians with the imperative to make war ruthlessly against precisely those who use our adherence to that prior imperative to blackmail us is far more likely to expand the sphere of freedom and liberty than trying to designate the bearers of either demand as historical delinquents.

We can think about marginalism, first of all in terms of economic theory, in the following way: the sum total of values (ultimately, my own time, talent, and energy and whatever I can solicit from others) I am able to confer is distributed in a particular manner among a range of objects available on the market. This distribution is constantly shifting in response both to internal changes in my scale of values and the prices of objects, determined, ultimately, by the intersections of everyone else’s ever-shifting scale of values. Each of us is constantly faced with choices: if acquiring one set of desired objects requires an increased quantity of value, I must consider some internal recalibration of my scale of values. If the price of sugar goes up and I want the same amount of sugar, all things being equal, I will have to settle for less of something else. As I seek out information on the distribution of values, my own actions convey information regarding values to others. What interests me here are those objects which are, or become at a certain point, irreducible and indivisible as a result of some small, even infinitesimal shifts, so as to bring about some systemic transformation in my overall “portfolio” of values. For example, I can’t buy half a car, so if my income decreases or the price of cars increases sufficiently, I simply drop from the category of “car owner” and into the category of “mass transit user”; even if I can afford an old, used, car, I might experience a similarly qualitative, albeit less dramatic, drop in status or “level,”

affecting my employment prospects and my circle of friends and associates. The price of cars, and, in turn, the amount of value ultimately allotted to the production of cars, will be determined by such drops (or, of course, ascents) from one such category into another—at a certain point, owning cars becomes a universally acknowledged necessity; or, car ownership becomes a luxury and we find ourselves transformed into a society of mass transit users, and in a kind of domino effect, other values are transformed accordingly.

At a certain point, then, some infinitesimal change tips the scale into some new order of being, with the establishment of a new level of reality or the abolition of an existing one. These are (to leave economics in the narrow sense and move to the broader field of what Ludwig von Mises called “praxeology”) the events that generate new signs: the originary event involved the production of just such an indivisible and irreducible new order of being, a threshold of conflict above which violence can, and can only, be deferred through the use of signs, and the more we were to hypothetically break down the various “elements” of the scene (a scene that might have “almost” taken place innumerable times previously) in an attempt to isolate the particular element that tipped the group over into the human community, the more the generation of new candidates for such an irreplaceable element would outpace any plausible criteria for distinguishing between the “credentials” of the respective “candidates”; without, nevertheless, impairing our conviction that there must be such an element, given the undeniable reality of the scene into which we are inquiring. Naturally, such “tipping points” are of extraordinary (I would almost say, exclusive) intellectual and ethical interest. Marginalism is interested, then, in the disproportion between “units” of change (which are recognizable as units only after the fact) and shifts in “levels” of reality; marginalism in politics is interested in those infinitesimal shifts in consent wherein displacements of obedience away from one imperative center dissolve the order it supports and displacements to some new imperative install another, emergent, center, capable, first of all, of supporting an exchange of declaratives (deliberation aimed at determining a new mode of authenticating imperatives) regarding the viability of the respective orders.

The identification of such “units” is always a matter of trial and error, but the defining feature of a marginalist politics is that we are always trying (and often erring)—this involves holding in reserve some margin of obedience to imperative centers supported by even the most free civil society, and doing so as a kind of instrument for registering the limits of the prevailing imperative order. The prevailing imperative order: we are dealing here with far more than the military and the police; we are dealing with the entire realm of social life governed by norms of loyalty, protection, honor, hierarchy, dispatch, pedagogy, the automatism of habit, and the indispensability of specific individuals situated temporally and spatially. Such is also the realm where little, and sometimes nothing, short of unanimity will do: in emergencies, in our “spontaneous” adherence to the order of a queue, to the norms of politeness in a social setting, in my not reconsidering after every word whether to continue reading a text but rather to just keep going, at least for now; and much, much, more.



Such a margin of “civil disobedience” or “dissent” is very often nothing more than a sense of irony shared with others toward the manner in which a particular set of imperatives, which we nevertheless wholeheartedly endorse and enthusiastically fulfill, are deployed by a particular authority. In a free order, there is always something anomalous, and therefore potentially comical, about those who are “overly” concerned with the maintenance of order, at least for those positioned high or low enough to take such order for granted. Even in such cases, though, we are signaling that there is some as yet undetermined point at which we would disobey—perhaps even by simply quietly altering or omitting some portion of the imperative—that imperator or that imperative center. Whatever now is endearingly silly enough about our boss to make us smile might become, through some infinitesimal shift in his practices or in our attention or tolerance, ridiculous enough to make us laugh out loud or overbearing enough that we are willing to make our resentment visible, perhaps first to a narrow, but then a wider “audience.”

Change always takes place on the margin of the prevailing imperative order: the party one has always voted for, which one’s parents always voted for, the party of the political heroes of one’s youth, the party it is unthinkable to betray, that party, one election cycle, nominates a questionable candidate—one notices certain new slogans, detects a shift in emphasis, a new set of associates becomes more prominent around that candidate, and so on. Well, it’s still your party, and you pull the lever as always. But after another such candidate, and another, and then one that goes beyond questionable to borderline unacceptable—a new imperative, uncomfortably close in origins to the one enjoining party loyalty—induces a kind of internal imperative crisis. In that case, one does the unimaginable, and listens to what the other party’s candidate has to say. Well, he sounds different than I expected, different than I remembered. I’m certainly not going to cross over the line this time, but maybe next time, just to keep my side honest...

This process, leaving aside the portrait of an uninquisitive but perfectly reasonable, and probably typical, voter, is how change takes place in political thinking and affiliation. Try saying to the person described above that he “should” stop letting the party in question take his vote for granted—why “should” he, exactly? What standing have you to issue imperatives in this case? What we all have standing to do as citizens, though, is to put forth ostensives, to attempt to draw attention to some new object, to propose new patterns of paying attention. We can seek to instigate or accelerate an imperative crisis in our fellow citizens, and then try to construct declaratives that resolve that crisis by obeying ourselves the emergent imperatives of a new imperative center.

Imperative orders break down all the time. For example, the injunction, virtually sacred in the U.S. from at least World War 2 on, that “politics should stop at the water’s edge,” that is, that partisan disagreements should not be conducted in other countries and, in particular, criticisms of the foreign policy of the incumbent President should not be aired elsewhere. In that case, former President Carter “should not” be condemning Bush’s

policies throughout the world, Nancy Pelosi and other congressional Democrats “should not” have gone to Syria in 2007 to present themselves as representatives of an alternative U.S. foreign policy, Al Gore “should not” have gone to Saudi Arabia in 2003 and accused the Bush Administration of mistreating Arabs and Muslims merely because of their ethnicity and religion, etc., etc. But, again, a moment’s thought—which is to say, a moment’s suspension of the imperative to re-iterate the terms of that imperative center, inspired by my own imperative crisis—leads to the question, the “softer” imperative(1): why “shouldn’t” they? Or, to put it in more pragmatic terms, what is the effectiveness of my “should not”? How many divisions does my “should not” have? (How many divisions “should” it have?) I can argue for putting these figures on trial for treason or lesser violations, or, as some have suggested in the wake of Carter’s latest adventure in peace-making with Hamas, taking away their passports. That, at least, would be a proposed imperative directed at those who are authorized to issue imperatives (as opposed to the impotent gesture of asking others to internalize the very imperatives they have obviously rejected); it would, also, though, place us on the threshold of a very different imperative order, thereby acknowledging the demise of the old one.

As a political thinker, that is where I want to be: that is where I find a full exercise of my freedom, on the threshold of various possible new imperative orders. I can construct a scene organized around the proposal that Carter’s application for a passport be denied in a way that I can’t around the fantasy that Carter internalize my demand that he not do something. And this possible scene places us on the threshold of others: if Carter’s passport, than who else’s? How do we formulate the new principle at stake here, that is, how do we construct a new declarative? What new field of imperatives would that declarative open up as power shifts back and forth from one set of hands to another? All these questions signify the emergence of a new imperative order, with possible “soft” imperatives coming from all directions, seeking to exclude, qualify, and subsume each other. Ultimately, a question like the following imposes itself: what might *I* want to do which will lead *them* to want to take away *my* passport? This is a question for a marginalist politics—it seeks to identify a threshold. What, first of all, would I want to do, once the injunction upon pursuing partisan politics beyond the water’s edge has been rescinded? And which, of all those things I might want to do, would be *the* thing that leads them (let’s say that “they” are those who don’t mind at all the aforementioned actions of Carter et al) to put in a bid for a new imperative center? What would I have them compelled to protect (what would be the compulsion here—what imperatives, coming from where, could they disobey only at great peril to the force of the imperatives they are accustomed to issue?), and in protecting, confront those they believe they can only confront by facing a decline in their imperative power from some other quarter, a Charybdis equal to the Scylla of the imperative propelling them forward? How much more enlightening and liberating such deliberations and inquiries would be compared to all the “should nots”! And, lest anyone object that such a politics would devolve into a petty partisan “tit for tat,” I would remark that it is precisely the need to identify the elements of a dissolving and emerging imperative center that situates marginalist politics in

a very precise relation to the center of civil life. A joint American-Pakistani evangelical enterprise focused on building new Churches aimed at converting Muslims, if attacked, or insufficiently defended by, the Pakistani government, with the consequent death, injury, captivity, and so on, of Americans, would draw upon an imperative center (and lead to the recoil of others, situated in relation to other centers) in such a way as to make visible the current status of the social center itself.

The political virtue of a marginalist politics is that it keeps reminding us of where imperative orders come from in the first place. Asking whether one would like to place Jimmy Carter on trial for treason focuses the attention on (demands that we attend to) the meaning of the sanction against taking partisan politics beyond the water's edge; it reminds, us, that is, of where such sanctions come from, in what they subsist, what we take to be the means of interpreting and enforcing them. On such margins, that is, we iterate the founding political covenants on the terms set by some new event that has nullified at least some portion of the previous iteration. Through a marginalist politics, our consent becomes much more visible, ever present and tangible—we would be generating a reality explicitly predicated upon our consent to it. And there is no need to assert that anyone *should* become a marginalist; whoever wants to can simply become one by starting off on the margin. Withhold that margin of consent to the imperative order closest to you and see what possibilities thereby reveal themselves.

A marginalist politics comes up against the prevailing alliance of White Guilt and the victimary blackmail driving the Global Intifada(2). But I would suggest that our vulnerability to such Gnostic, cultic reactionary forces lies in our adherence to traditional metaphysics, in the belief in the primacy of the declarative sentence. In politics, metaphysics means a belief in the transparency of the imperative center to declarative statements, or in the causal relation by which the latter can be formulated so as to transform the former in reliable ways. We can keep working to dismantle metaphysics even while subtracting the polemical rancor from that attempt: metaphysics, the belief that propositions can reflect a permanent reality, was presented as a replacement for the vanished authority of the ritual order, first of all in ancient Greece and Rome, and more recently in our own modernity. We don't need to treat that effort, in the manner of some Heideggereans, as an insidious coup against the glories of anarchy celebrated by the pre-Socratics. One can simply argue that it presently interferes, and has perhaps interfered for some time (thereby making the transition from metaphysical to originary modernity more painful than it needs to be), with the establishment of new modes of authority predicated upon the conjoining of individual freedom with voluntary cooperation. This is an "omni-centric" order, a greater distribution of powers with more sophisticated modes of accountability than the "progressivist" order that emerged in response to the crises of the transition to advanced modernity and that seeks to generate centers of authoritative expertise. Metaphysical liberalism is "programmed" to identify discrepancies between an abstract model of equality and actuality, and issues imperatives demanding the abolition of institutions and beliefs even

tangentially related to such discrepancies and deviations. Originary liberalism, or marginalism, responds to such discrepancies by trying to establish “platforms” upon which equality can be practiced and staged so as to affirm the tacit relation between declaratives and imperatives implicit in the legitimacy of those institutions. Metaphysical liberalism progressively narrows and intensifies the range of acceptable imperatives, which must compel action against some form of “privilege,” however deviously hidden or disguised; marginalism preserves the complementarity of declarative and imperative by increasing their reciprocal convertibility while preserving the separateness of their respective functions.

Metaphysical liberalism embeds natural equality in a presupposed world modeled on that very equality: to know that world is to reinforce that natural equality, and conversely, a failure to know the world (due to some kind of prejudice) is the central cause of inequality. Metaphysical liberalism is what we are practicing in issuing imperatives that vainly aim at eliminating the threshold separating declarative and imperative as different forms of events consisting of different forms of effectiveness. If I say, for example, that the media should be unbiased or fair, I am asserting the existence of a coherent and complete “reality” (one that could, if we had enough time and resources, be comprehensively described in a huge collection of propositions), which it is the media’s imperative to represent because, presumably, it is our imperative to know. Some organizing declarative statement about the nature of our society is ordering me to look at an undistorted picture of that social order, and I follow that order by ordering others to do likewise. If I say that Jimmy Carter “should not” meet with Hamas, I assume a shared reality with both Carter and whomever I am speaking to, a reality in which meeting with Hamas violates the same imperative, with the same force, for all of us by virtue of this recognition—otherwise, I am just saying that I don’t want him to, which is hardly worth saying. If reality, as a coherent whole, exists outside of and is represented by the declarative sentence, then all of the consequent imperatives are likewise inscribed in that reality and impose themselves effectively as a result of its accurate reflection. Originary liberalism acknowledges a multilayered grammar implicit in reality, and that reality yields differently to different speech acts, meaning that preserving the integrity of the different speech forms is integral to supporting the primary declarative principles of liberal politics.

Judgments emerge along with a new political principle out of the margin of disobedience. A new imperative is generated by the inability to verify the correspondence between an imperative issuing from the prevailing center and its “licensing” principle. In other words, the new imperative results from the failure of an ostensive sign, from, as Eric Gans argues in *The Origin of Language*, an “inappropriate” ostensive. The new imperative is, then, first of all seeking a new ostensive to resolve the crisis of which it is itself the result. This new imperative will itself be “impossible” for those situated within the prevailing imperative order, and will become even more so as it takes shape as the imperative to expose all the failed and failing ostensive signs still mortgaged to the old order. This process of exposure

in turn generates more failed ostensives, as the application of the old imperatives cannot withstand the scrutiny of the new center. The practices and icons we are used to “pointing” to, the rituals we are used to repeating, the maxims we habitually utter no longer settle disputes or ameliorate conflicts—indeed, they now seem to be ironic reminders of the persistence of those disputes and conflicts.

In turn, new horizontal associations become possible once the vertical hierarchies embedded in the old imperative order become problematic; these new associations are generated by the new shared ostensives, and the emergent imperative order is first of all concerned with defending those ostensives and the scenes and associations organized around them. These new ostensive-imperative articulations must first of all be figured. As the new margin becomes visible as an alternative site of loyalty, we are not yet at the point where there could be any intelligible principles, except, perhaps, inadequate ones redirected from the existing order. The new imperatives will always be to protect, to rescue, to remember someone and some event that marked the crisis of the existing imperative center. The creation of a new principle, then, is the production of a new political “syntax,” one that links the emergent ostensive-imperative articulations with criteria for identifying new articulations and for “generalizing” from them toward the establishment of institutions that would prevent such “illegitimate” acts. In other words, we are equal to the extent that we all verify ostensibly the convertibility of the imperative we will obey or have obeyed. The ritual invocation of one’s individuality and the declaration that “I have my own opinion,” “make up my own mind,” and that “no one tells me what to think” with which college professors are so familiar is such an ostensive verification: there is a good reason why such ritual formulae are put forth when students are being “forced” to think about a text or idea they find uninteresting, distasteful, or difficult. It is easy to ridicule such a declaration, but identifying its marginal impossibility or unintelligibility—in what kind of scene would students no longer have the freedom or self-possession to say that; or, under what conditions could they really “mean” it; or, for that matter, refuse to say it when it seems “prescribed”—would teach us a great deal about the current status of freedom and would generate a new principle. In fact, it would lead to the principle that equality should be defined more and more by the displays of “self” that would make good on the declarative types to which I will propose that the transcendence of our most recent imperative crisis be mortgaged.

Marginalism is a genuinely universal mode of politics, practicable by high and low alike, on the most micro as well as the most macro level. In fact, as soon as you withhold your margin of consent from the prevailing imperative order, you will find your allies and see its further ramifications, however and wherever you made that preliminary move. It was precisely the marginalism of the “Bush Doctrine” that so outraged leftists and foreign policy “realists.” Both parties defend a particular section of the prevailing imperative order—the leftists, the creeping hegemony of “international law,” the realists, the existing “equilibrium” of interstate powers and the diplomatic games that grease its wheels—and it is from these

imperative orders that the notion of regime change as a weapon in asymmetrical warfare removed a cornerstone without which neither can stand. The marginalist tactics of the weak, meanwhile, are well known: the slowdown on the factory floor, the refusal to cooperate with police, and so on. Nor is marginalism exclusive to left or right: we can anticipate more and less subtle forms of civil disobedience from the social and libertarian right if the Left gains power over the U.S. government this November and seeks to implement wide-ranging socialization policies; meanwhile, a healthy left might have eschewed the political theater of simulated indictments of the Bush Administration and generating discontent with a policy in Iraq which cannot be abandoned without horrific consequences from the humanitarian as well as national security standpoint, and instead aimed at keeping the Administration honest by monitoring the emergence of civil society in Iraq—keeping in touch with trade unions, secular political figures, and parties, keeping those persecuted for religious reasons in the public eye, and so on. Instead of complaining that Bush didn't "really" mean it when he claimed we were in Iraq to liberate its people, why don't *you* mean it? Withdraw your consent from those imperatives remaking reality that don't serve that end by supporting, proposing, and inventing those that do; the point is to remain attached to the ongoing remaking of reality. Indeed, it's not too late for such a left to emerge. Even more, marginalism is equally well suited for normal, everyday political transactions as for times of crisis and emergencies; whether one is in the middle of a string of victories or has one's back against the wall; in free or unfree societies—imperatives always contain some margin of ambiguity in their reach and implementation and there is therefore always some margin of consent to be withheld.

Contemporary liberalism, regardless of its roots in Enlightenment thought and nineteenth-century liberals like Mill, takes as its founding event the Holocaust. The Nazi genocide or, rather, the way the genocide came to be represented through post-war trials and victim testimony, "mapped" very effectively the two major concerns of liberals: first, the systematic discrimination against blacks, in blatant contradiction to all the stated ideals of American society and to the self-representation of America as the defender of the free world which had emerged from the War; and, second, the implication of the "banality" of everyday life, the routine and "thoughtless" obedience to arbitrary norms and mimetic standards (keeping up with the Joneses) in other, more egregious elements of American society, such as its racism, inequality, and "threatening" patriotism, militarism, and imperialism. Liberalism focused more on the issue of invidious discrimination based on arbitrary, natural differences, while the left took the more radical path of indicting the American "way of life" as such, but if the two sets of imperatives are grounded in the same event they would ultimately be inseparable—and, indeed, not only has an unmistakable contempt for the American middle class and consumer culture been detectable in a certain strain of liberalism from the 1950s on, but the intertwining of the two ways into the event of the Holocaust would also explain why liberalism since the 1960s has been so vulnerable to the more intense form of White Guilt propagated by the Left. Liberalism, once it came to be organized more around a series of taboos forbidding any statement that might, even

indirectly, be used to justify segregation or “McCarthyism” than around the continual generation of new forms of freedom, became defenseless against political movements whose primary weapon was the intensification and extension of those taboos.

The implication of this analysis is that the creation of a more originary, or marginalist, liberalism, requires the transcendence of Holocaust theology. This is not a call to forget the Holocaust—in fact, accepting that the flow of anthropological revelations produced by the Holocaust and its aftermath is slowing to a trickle is the best way of both preserving that enormous store of experience and resisting the perversion of Holocaust theology into today’s anti-Western, anti-American, and anti-semitic White Guilt. Even more, accepting that we are no longer “within” the event of the Holocaust will make possible a further flow of revelations as we come to situate the Holocaust in relation to the founding event of marginalism, 9/11. Marginalism is, in the first instance, a refusal of victimary blackmail (such blackmail being the new imperative authorized by the revelations registered in Holocaust theology) and, in the second instance, the desire for an alliance with the victims of our “victims” (thereby revealing the imperative center licensed by Holocaust theology as defunct). Such a political faith has its taboos as well, and will undoubtedly become exhausted and transcended in turn, but for now the richness of possibilities it embodies is more profound than its limitations: everywhere, we see social reality constructed in accord with the imperative order first imagined by Progressivism, which is that the commands of experts, social engineers, or anyone who claims to transcend everyday interests—the daily round of mimetic desire, rivalry and hard-won, always fragile transcendence—in a unitary organization of social life in terms of the “long term” needs and interests of some entity inclusive of all of us (society, the masses, the world, the planet) are the commands we should be obeying. Progressivism arose so as to restrain the mushrooming centers of power (corporate, imperial, and mass consumptionist) which emerged in the early 20<sup>th</sup> century West and is therefore congenitally suspicious of affirmations of the free market order. Hence, its ambivalence and paralysis before the rise of the victimary blackmail we call terrorism, and the re-energized faith of Islam, itself a toxic mix of victimary resentment and unlimited imperial ambition, introduces a stain of irrationality and violence into the Progressive world-view—a stain that it can’t cleanse, because the White Guilt that so energized the Progressive project in the post-WW II world contains no epistemological terms enabling one to distinguish genuine victimary claims from false ones, and hence legitimate from illegitimate imperatives, leaving the ability to disrupt normal life (blackmail) the *de facto* criterion (as opposed to earlier, more “innocent” analyses which saw terrorism merely as a method used by movements whose legitimacy was affirmed through other means). In other words, there is too much overlap between the demands of the blackmailers and those of the (now) transnational progressives, especially in the area of demanding that American power and American sovereignty be subordinated to some kind of international imperative order. This “anomaly” is what provides the opening to marginalism.

Marginalism has no *a priori* principles, but it is a way of producing principles, with

principles understood to be no more than declaratives with the capacity to generate or consolidate a new imperative center. "All men are created equal" doesn't tell us how to solve any particular problem, and "equality," as we have learned, is an extremely amorphous term, but the statement enables me to demand that certain practices and institutions be modified or abolished; it also might provide others with new ways of defending those institutions and practices; but, in the process, we find that our vocabulary for discussing them has shifted, and, in the end, only those institutions and practices (and the imperatives they produce) which can include "equality" in their legitimating discourse without provoking contempt or derision will survive. Marginalism, as an originary form of liberalism, remains within this framework, assuming that human equality, iterating, as it does, the reciprocity on the originary scene, is the horizon beyond which we cannot go and should not try. So, the principles generated by marginalism are always on the margin of the emergence of new forms of equality, where that universal declaration itself gets entangled in various imperative crises.

The limits of the metaphysical claim to equality are consequences of the imperatives that have flowed from that claim. The central imperative of modernity has been to oppose all imperatives that violate the essential symmetry between persons posited by that metaphysical claim; a claim, moreover, modeled on the very specific forms of symmetry found on the economic market. Each participant in exchange enters the market from where it matters not; and returns, following the exchange, to that same indeterminate place. Any imperative either participant might issue to the other would be subordinate to the terms of the exchange, as in "give me another square foot of cloth, as you promised." The imperative, in other words, refers directly back to the declarative establishing the contract. Contracts need to be enforced; or, to put it linguistically, agreement upon the declarative cannot by itself be completely counted on to guarantee that the participants will equally and freely consent to all imperatives claimed to conform to that declarative—so, the need for an arbiter is likewise freely agreed upon, along with the scope of his powers (the type of imperatives he can issue and the forms of said issuance) and manner of selection and replacement. All kinds of ambiguities and problems arise from this configuration, but let's proceed for a while longer on the assumption that these difficulties present nothing exceeding the capacity of the shared interest and vigilance of those who initially entered into the contract.

We would still be faced with the following problem: this exchange configuration must now be deployed as a model for corroding extant imperatives that interfere with its functioning (or repairing those which it has already corroded). Into no other relationship do we enter in a manner irrelevant to where we enter from and where we depart to; in no other relationship, that is, is a particular imperative more closely tied to a public, verifiable declarative than to a chain of previous imperatives. In other words, those advancing the exchange relation must arm themselves with effective imperatives of their own, above all, the founding modern imperative to abolish all imperatives that cannot be reconciled with the exchange model: "you must mobilize to oppose x... to overthrow y...to support z..." Such



imperatives tend to constitute events by producing martyrs whose victimization paved the way for the abolition of one or another assault on equality; indeed, what else could testify to the real existence of the imperatives at stake? Exchange relations can only engage those with something to buy and sell right now; the demand that one join a common mobilization to overturn putative or real obstacles to you having something to buy with or to sell can be obeyed by everyone. The desire to enter into exchange relations along with the possibility of finding available or inventing new ways of doing so will always be entangled with the resentment towards the exchange relations which are right now excluding one; to put it linguistically, the conversion of imperatives into declaratives (and the extraction of new, declarative-friendly imperatives from existing declaratives) generates the antagonistic process whereby such declaratives appear as a mere mask for the more directly experienced imperative (on the shop floor, by the landlord evicting you, the policeman telling you to move along, etc.). And such resentments give rise to new, properly modern, imperative centers, above all the aforementioned "Progressivism": which is to say, bossing others based on your putatively superior knowledge of the commands issued by History.

One can't reject metaphysical liberalism on the circular grounds that it is metaphysical—after all, the problems of slavery, overt racial inequality and imperialism, to mention just a few humanitarian accomplishments, were solved, for the most part, on the terms of metaphysical equality, and how could one say for sure that today's, from certain perspectives, far easier dilemmas, couldn't as well? My answer is that metaphysical liberalism, where it has not been rendered powerless against Progressivism has become inseparable from it, and therefore from White Guilt, because the imperatives deriving from the unequal positions from which we have entered exchanges and—today, more and more—where we go once we have completed them are simply beyond the capacity of the exchange configuration (as a model for settling disputes and assuaging resentment) to "carry," or devise the terms for imperative-declarative conversions. Indeed, the source of the imperatives mandating that we fight inequality has shifted from differential starting points (the main source of working class resentment, or that along lines of racial and gender inequality) to that of probable consequences: the devastation of the environment, of course, but also such vague but unfalsifiable fears (also known as "slippery slopes") as of "endless war," "structural" racism, sexism and homophobia, and the deployment of the means of destruction we possess for genocidal purposes. This, as I have been arguing, is the legacy of the White Guilt embodied in Holocaust Theology, which goes well beyond the evils of racial discrimination to the moral limits of the very everyday exchange relations upon which modern freedom is founded. These moral limits are real, which is why merely saying that we "should" transcend Holocaust Theology would not only be futile but would partake of those very moral limitations.

The exchange relation is universal, but its establishment as a norm is the result of a series of events in which attempts to destroy it, primarily through the persecution of those most prominently associated with it, have come to appear as signs portending the self-destruction

of the entire community. History can only unfold through such events and signs—the originary scene establishes our vocation as the species that can only learn through events and can only remember through signs. “Principles,” or declaratives generative of a fresh series of convertible imperatives, distill and provoke such events. The problem for a marginalist politics, then, is the formulation of principles that can begin by acknowledging the asymmetries produced by the modern imperative and end by “limning” or “suggesting” ways into events generative of the signs of new modes of symmetry. “All men are created equal” creates a logjam once we have lost our agreement on what counts as a threat to that equality, in which case even the principle itself can appear as a threat (as any principle contains implicit provisos regarding possible exceptions); the victims produced by imperatives simultaneously licensed by and in violation of the principle of equality confront us with the problem of diminishing returns as demands for equality appear to produce more inequality. Marginalist principles, then, would propose minimal moves that all concerned with a given situation or clustered around a common object could make that would have the result of all addressing each other as equals, with norms of accountability refined so as to minimize or, failing that, render transparent the terms of victimization. In a certain sense, such principles would be much more historically grounded and local, but on another level (if properly formulated) they would be both iterable (and the more iterable the more we construct) by signs and “universal” in the sense that we could all talk about them; even more precisely, they would interfere with the way we all talk while providing us with new ways of doing so.

Declaratives work because, if they are repeated and internalized (“lived”) by all, they rule out all imperatives that would set one agency wielding imperatives against another invested in the same declarative, thereby making it possible for the interlocutors to examine the possible consequences of the imperatives not ruled out of court, secure in the knowledge that whichever is implemented they will not be victimized in some irremediable way. Marginalist declaratives, more specifically targeted to frame incommensurable imperatives circulating within asymmetrical settings, would be characterized by the following. First, they would be genuine declarative sentences, that is, “indicatives,” cleared of all imperative, interrogative, vocative, exclamatory, etc., “admixture”; only declaratives, in other words, that create a linguistic reality which distances itself from any direct application to the reality in which we obey imperatives in ostensibly verifiable ways can provide the intellectual space for articulating urgently contending imperatives. Second, such declaratives will take on board incommensurable and inseparable imperatives, both issuing from the paradoxes of the modern dispensation insofar as the task of the marginalist declarative is precisely to find a mode of commensurability. Third, the declarative “disables” both imperatives by splitting the subject issuing each of them along with the subject to which they are issued. Finally, the marginalist principle has a chiasmic structure: whatever capacity or “right” to issue imperatives is subtracted from one side in the process of “disabling” is rerouted to the other side as a form of responsibility to address certain kinds of imperatives.

I will put these principles for the generation of principles to work in exploring a hypothetical, barely (and oddly so) discussed, and yet inevitable, at least if the republic is to survive (hence the oddness), situation—the explicit disobedience, on the part of some future President, of a Supreme Court ruling. The political interest in such a hypothetical situation coincides with the reasons for both its inevitability and the rarity with which it is ever raised as even a theoretical possibility—such a proposed act would violate a whole structure of taboos upon which the victimary revision of the Constitutional order rests, and it is those very taboos which place our future as a free society at stake. There is really no reason why such an act should be particularly scandalous—nothing in the Constitution itself gives the Supreme Court the final word on what the Constitution means: not only is the Supreme Court restricted to ruling on cases that come before it, which can only be “analogous” to future cases (allowing the other branches of government to determine the “degree” of “analogousness” before that next case comes before the Court) but, insofar as the President takes an oath to defend the Constitution, he must also have some idea of what it would mean to do so and, therefore, of what, exactly, he has sworn to defend. Indeed, as is well known, Lincoln laid down the grounds for such a stance in his response to the Dred Scott ruling, conceding that while we must obey the Court’s ruling as it pertains to this particular case, we are allowed, even obliged, to extend its implications no further. What I am proposing goes a little bit further, reaching back into Andrew Jackson’s famous declaration that “Justice Marshall has made his ruling—now let him enforce it,” but there is a unified line of reasoning connecting the two insofar as the cooperation of the Executive Branch is required for any Court decision to become “real,” and the President would be violating his own oath were he to enforce a ruling he was convinced was itself unconstitutional, not to say a danger to the Constitution.

Such a hypothetical case is an exemplary one for an elucidation of a marginalist politics since the assumption that the Court’s decision on what the Constitution means is final is a perfect example of the antinomies of metaphysical liberalism: if the rules of the game are to be inscribed in some higher reality outside of the game itself, then allotting such power to the most unaccountable branch of government, one which exercised only moral, and no physical, power, would be the safest choice; meanwhile such delegation of the task of deriving the rules from a transcendent reality has the paradoxical effect of imposing more and more limitations upon the scope of democratic decision making. Needless to say, the Supreme Court is part of the game, as became clearer throughout the course of the 20<sup>th</sup> century; first, with its resistance to the New Deal (resistance to the hyper-politicization of society inevitably politicized the Court) and then, most decisively, with the Brown vs. Board of Education decision outlawing segregation. If, then, the rules can only be worked out in the course of playing the game itself, not without a referee, but with each player assuming the role of a provisional referee by first of all abstaining from seizing all of the power it might under its interpretation of the rules, then the “game” can only be carried on insofar as each player also adopts the restraints along with the powers of its role, making moves only it can make. So, the question for the Supreme Court and for all of us if the President

were to disobey, openly, evenly defiantly, a ruling, would be, then what? What's your next move? Public opinion (in its various forms) would be split in some proportion between supporters and opponents of the President's move; such a split could be conducted through the Congress, which itself has various means for disabling or aiding the President; ultimately, those who have pledged to obey imperatives issued by the President have the last resort of civil disobedience, which will in turn be "fed back" into public opinion, and so on. We can hope that such an initial move would be chosen so as to curb evident abuses of the Court's power rather than to seize unprecedented uses for the executive's; even if that turns out not to be the case, if we can't hope that the other elements of society would be roused to obstruct any attempt on the part of the President to nullify the Court's power to decide any other case, that would surely indicate the atrophy of constitutional responsibility of the other branches, and through them, the people themselves, and hence the need of even more energetic renewal. This might create a Constitutional "crisis," but what is such a crisis other than an iteration of the founding scene in which the precise definition and interplay of these powers needs to be worked out?

I say that such a situation is virtually inevitable because it is only a matter of time before the Supreme Court rules that the President must surrender executive (especially war-making and law enforcement) powers without which it could no longer perform, and could therefore no longer be held accountable for, the duties assigned it by the Constitution. We are perilously close to such a condition already—all that would be required to tip us over the edge would be some ruling, drawing upon international human rights law, making American soldiers or officials liable to being charged, in foreign courts, with crimes against humanity or the like. (Even some recent decisions regarding the internment and treatment of prisoners could easily, given a couple of easily foreseeable applications, push us over the edge.) The assumption implicit in *Brown vs. Board of Ed* (which might very well have been correct for that particular case) was that only the impartiality claimed by the judiciary can defer the violence implicit in a modern, democratic polity which supplements the diminished sacred center with a sparagmos (mass consumption) that itself incites mimetic rivalries beyond the regulatory reach of that weakened center. The legislative branch, on this account (which represents the transformation of metaphysical liberalism into progressivism), can only divide the spoils, necessarily unevenly; while the executive can only serve the interests of a majority which maintains its equilibrium through successive bouts of scapegoating. This is the assumption that has guided the Supreme Court, with remarkable consistency and precision, towards the licensing of all forms of cultural marginality and the forbidding of all attempts to assert a stabilizing and shared center. The next step may be a difficult one in practice, but in theory it is very simple: all attempts to assert international hegemony under the banner of "central" principles such as freedom and equality must fall under the same ban (in accord with all of respectable and even some disreputable sectors of "world opinion"), with "endangered" forms world-wide given protection.

So, such a situation would confront us with incommensurable demands and, in order to duly

consider all the elements of the example we must grant legitimacy to the impossible demand on the part of those in, say, the “international human rights community” to assert an interest in the limits of American executive power. This legitimacy would lie in the fact that, after all, our actions have enormous consequences in the wider world, yet there is no commensurate, and certainly no constitutionally ordained, means for those thus affected to affect Americans in return. Such demands and the resentments underlying them, in other words, are inevitable; even more, finding some way to “process” them effectively can only help the functioning of our own system. We have, then, our incommensurable and inseparable demands. We have decided to exclude any “should”; we have determined to “split” both sides (the defenders of the last word of the judiciary and those of the unitary executive); and we have obligated ourselves to seek out a chiasmic relationship whereby rights of which one side is deprived are transmuted into responsibilities that the other side would take on.

If the executive is to take away some of the general power the Court has claimed for itself, it might, in return, provide the Court with more carefully delineated powers in more specific cases: so, for example, if the President were to refuse (in one version of our hypothetical) to render a soldier accused of war crimes to the claimed universal jurisdiction of, say, some European country, on the order of the Supreme Court, he might simultaneously issue a slew of Executive Orders forbidding commerce with a wide range of terrorist sponsors and enablers, spreading the net of complicity with Crimes against Humanity wide enough so as to ensure court challenges and, further, defend that move by asking for that very same grant of universal jurisdiction over such crimes as the Court has recognized for others. Such a move would counter one territorialization of the international legal regime with another, and while deterring the activism of the Court by forcing it to take on what would certainly be some unwanted responsibility, would nevertheless risk setting a precedent of conditional legitimation of that regime. Still, shouldn’t we wish to participate in preserving and shaping the international legal regime we were partially responsible for establishing at Nuremberg? Challenging the international human rights “community” to formulate realistic legal and political frameworks for protecting the victims of those transnational progressivism doctrinally considers permanent victims would induce a much needed imperative crisis.

We still haven’t formulated a more general principle from which such a “move” might be derived, but that is because there is more to be said about the limitations of the exchange model around which we have organized our discussion of liberalism, and which has been a limitation upon the metaphysical liberalism originating in the Enlightenment. Even if we accept that the purpose of government in accord with that model is to protect the freedom of the exchange relationship from “force and fraud,” it would still fall to the government to determine what counts as force or fraud. This is obvious enough, but the likely answer that such decisions are themselves to be made on the basis of freely exchanged declaratives is inadequate because *those* exchanges necessarily rely upon some common experience of frauds that we have detected and instances of force that have repelled us: in other words,

they depend upon some broadly acknowledged breach in the existing imperative order.

To put it another way, ensuring chains of accountability and the forms of transparency required for the authentication of accountability is a task that can be accomplished; determining that declaratives formed through uncoerced discursive exchanges have indeed been faithfully translated into corresponding imperatives is not. That is why public discussion is geared toward the election of people situated in some established imperative order rather than toward a series of plebiscites on proposed public policies. Asking that the “results” of a debate over our presence in Iraq, or over illegal immigration, or abortion, or any other “issue” be registered accurately in public actions is a recipe for perpetual frustration, accumulated resentment and political disaffection, because those located on imperative chains cannot extract themselves from those chains and situate themselves within a substantially different one as a result of a new declarative, whose intrinsic convertibility into imperatives cannot be guaranteed in advance. Or, at least they can’t do it in an orderly way, which is to say in a manner which those demanding translation of the declarative in question would recognize as satisfying their demand. Public debate is meaningful to the extent that it focuses on the margins of existing imperative chains, where one set of arrangements can be “slanted” towards another (as I hope I have made clear, focusing on the margin tells us nothing about the rapidity of the change or how thoroughgoing it will turn out to be). And it is precisely such debates, and the declaratives issuing from them, which can be taken to frame such marginal shifts, that rely upon “authentication.” The role of government is, then, as much to strengthen convertible imperatives as it is to see to the convertibility of all imperatives, and the role of political thinking is to surround imperatives whose convertibility has been demonstrated (or seems likely to prove demonstrable) with supplementary declaratives which can in turn produce auxiliary imperatives.

In politics, then, significance lies in the tracks a particular line of thinking lays down bridging the gap between declaratives and imperatives. It is certainly possible to declare, and declare sincerely, that one is opposed to certain activities because they lead to unacceptable forms of victimization. But you can only really believe someone who convinces you that they are themselves obeying an imperative they have issued to themselves to stand between victimizer and victim. I don’t say that every politician or citizen makes such a claim, or presents themselves as such a figure, only that if “enough” don’t, the system will fail. The transformation of this “standing between” into an icon of liberty, insofar as it creates a space wherein one is invulnerable to all demands but the one insisting one stay there and maintain that space, is what in politics transcends the exchange relation and provides the basis for the exchange of declarations leading to the formulation of principles. It is such freedom that hearkens back to the founding event of the political community in the—first—marginal indication and then common protection of those whose victimage we no longer countenance because to do so would be to disarm ourselves of the capacity to attend responsibly to anyone’s freedom, including our own. So, to return to our hypothetical, our

derived principle might be that by refusing to allow the *possibility* of producing victims of the center to interfere with the defense of *actual* victims against their very present victimizers, the President returns the court to its more originary task of figuring out how to distinguish the victimizer from the victim in specific cases, and simultaneously appropriates for the executive the responsibility for setting international norms. While such an assertion of norm-setting power on the part of the executive might seem unacceptably autocratic, in fact it would set in motion a whole range of moves and counter-moves, internationally and nationally, leading to the passing of new laws, the establishment of new legal precedents (the courts would get some of their international reach back, albeit not quite in the form they had hoped for) and the forming of civil associations surrounding the emergent imperative regime.

The broader marginalist principle in play is that only by formulating “moves” that require the “moves” of others to complete them and confer upon them significance can the asymmetries of postmodern market society be brought within the orbit of modern equality from which it has spun away. Wherever and however I “stand between” victim and victimizer and in doing so display the self-issued imperative I choose to obey, I maximize the split such an act induces in my community to the extent that it is imitable and ultimately generalizable; even more, though, if I set my self-issued imperative off against the imperative from which I have marginally withheld consent, I make the repairing of that split contingent upon others testing the convertibility of the imperative in question. The best model here is still the civil disobedience practiced by the Civil Rights movement, but its limits as a model lie in its location within the terms of metaphysical liberalism: the Civil Rights movement foundered and then became a victimary institution once the basic terms of constitutionally mandated equality were met, but clearly without having resolved the resentments framed in terms of Holocaust Theology.

As marginalist examples go, so far all we seem to have are more on the model of Communist bloc dissidents, who present their persecuted selves as a warning of the dangers of totalitarianism and whose powerlessness stands as a demand that we strengthen our resolve to resist. I have in mind individuals from victimary groups—such as “apostate” Muslim women like Ayaan Hirsi Ali or, in a different context, a figure like Clarence Thomas—who defy their own communities in the name of the principles of metaphysical equality and individualism. Such principles have become an annoyance to many, if not most, of those in the societies predicated upon them and, of course, I have subjected them to some criticism here as well. And the dissident stance is quite limited—it never had the same kind of effect in the Communist countries as civil disobedience had in the U.S. or in colonial India. Nevertheless, we could imagine a politics modeled on the attempt to convert our governments and institutions to the imperative, not only to protect and even treasure those dissidents we already have, but to operate under the assumption that there are many more—so many that we would all be overwhelmed—waiting, and waiting to find out that they are waiting, to receive such protection and appreciation. We can assume that

dissidence might grow into civil disobedience, which is to say that unreconstructed imperative orders cannot bear much slack, and opening them a little might be enough to impair them irremediably. More and more of our politics, in that case, would be directed toward helping develop the means for reconstructing imperative orders. And such practices of remediation might take us beyond metaphysical liberalism, toward a recuperation of the modes of sacrality and experiences of constitutional founding that have been marginalized in the constitution of metaphysical modernity.

## Notes

1. My reference here is to Gans' discussion of the emergence of the declarative sentence in his *The Origin of Language*. See, in particular the section "Negation and Predication: The Origin of the Declarative, 164-8). ([back](#))

2. Here, I will refer the reader both to Gans' series of *Chronicles* on White Guilt, and the series of essays I have written over the past couple of years, mostly in *New English Review*, but most recently in *Anthropoetics*: Gans on White Guilt:

<http://anthropoetics.ucla.edu/views/vw310.htm>;

<http://anthropoetics.ucla.edu/views/vw311.htm>;

<http://anthropoetics.ucla.edu/views/vw313.htm>;

<http://anthropoetics.ucla.edu/views/vw316.htm>;

<http://anthropoetics.ucla.edu/views/vw320.htm>;

<http://anthropoetics.ucla.edu/views/vw323.htm>; my guest *Chronicle* addressing these issues:

<http://anthropoetics.ucla.edu/views/vw342.htm>; my essay in the GATE 2007 Special

*Anthropoetics* issue: <http://anthropoetics.ucla.edu/ap1302/1302katz.htm>; and my *NER* essays:

[http://www.newenglishreview.org/custpage.cfm?frm=3882&sec\\_id=3882](http://www.newenglishreview.org/custpage.cfm?frm=3882&sec_id=3882). ([back](#))