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Seeking in Modern Athens an Answer to the Ancient Jerusalem Question

Zygmunt Bauman

Abstract

Carl Schmitt's *Political Theology*, recycled into *The Concept of the Political*, was meant to be to political theory what the Book of Job has been to Judaism, and through Judaism to Christianity. It was intended/designed/hoped to answer one of the most notoriously haunting of the born-in-Jerusalem questions: a sort of question with which the most famous of the born-in-Jerusalem ideas, the idea of the *one and only God*, omnipresent and omnipotent creator, judge and saviour of the whole Earth and the whole humanity, could not but be pregnant. The question, however, had to be born once the Hebrew Prophet Jesus declared the omnipotent God to be in addition the God of Love, and when his disciple, St Paul, brought the good tidings to Athens – a place where questions, once asked, were expected to be answered, and answered in tune with the rules of logic. Taking absolute power, the God of monotheistic religion took absolute *responsibility* for the blessings and blows of fate. The Book of Job recasts the frightening *randomness* of Nature as the frightening *arbitrariness* of its ruler: God *speaks* and *gives commands*. But just like numb Nature, he is *not bound* by what humans think or do. He can *make exceptions*. Indeed, the rule of norm is by definition irreconcilable with a true sovereignty – with the absolute power to *decide*. To be absolute, power must include the right to neglect/suspend/abolish the norm. Schmitt's idea of sovereignty would engrave the pre-formed vision of divine order onto the ground of legislative order. Power to exempt founds simultaneously God's absolute power and the human's continuing, incurable fear born of insecurity. This is exactly what happens, according to Schmitt, in case of the human sovereign no longer handcuffed by norms. Thanks to that power of exemption, humans are, as they were in the pre-Law times, vulnerable and uncertain.

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enemy ■ fear ■ insecurity ■ monotheism ■ norm ■ sovereignty ■ state of exception

CARL SCHMITT's *Political Theology* (1985; conceived in 1922 and ten years later recycled, with the rest of the t's crossed and the rest of i's dotted, into *The Concept of the Political*, 2007) was meant to be to political theory what the Book of Job has been to Judaism, and through Judaism to Christianity. It was intended/designed/hoped to answer one of the most notoriously haunting of the born-in-Jerusalem questions: a sort of question with which the most famous of the born-in-Jerusalem ideas, the idea of the *one and only God*, the omnipresent and omnipotent creator of stars, mountains and seas, judge and saviour of the whole Earth and the whole humanity, could not but be pregnant. That question would hardly occur elsewhere – in particular to the Athenians living in a world crowded with larger and smaller deities of larger or smaller nations; though it would not occur to the ancient 'tribal God' Hebrews either, at least as long as their God, much like the gods of the Greeks, shared the Earth (even their own tiny homeland, Canaan) with uncountable gods of hostile tribes. It would not be asked by Hebrews even if their God claimed planet-wide mastery, since the Book of Job pre-designed the answer before the question could be fully articulated and started haunting them in earnest. That answer, let us recall, could not be simpler: *The Lord gave, the Lord took away, blessed be His name*. It called for resigned obedience, but no questioning or debate; it needed neither learned commentary nor profuse footnotes to sound convincing. The question with which the idea of the one-and-only God was pregnant, however, had to be born once the Hebrew Prophet Jesus declared the omnipotent God to be in addition the God of Love, and when his disciple, St Paul, brought the Good Tidings to Athens – a place where questions, once asked, were expected to be answered, and answered in tune with the rules of logic. That the answer was not available off-hand shows the rather unwelcoming reception which St Paul received among the Athenians – and the fact that, when addressing 'the Greeks', he preferred to send his missives to much less philosophically sophisticated Corinthians . . .

In the world of Greeks (as in the worlds of all other, countless polytheistic peoples), there was a God for every human experience and for every life occasion, and so there was as well an answer to each past and future query – and above all an explanation for any and all remembered inconsistency in divine actions, and a recipe for improvising new yet a priori sensible explanations in the case of new inconsistencies being spotted. To pre-empt or at least to retrospectively neutralize the divine defiance of human logic, many gods were needed: gods aiming at cross-purposes, just like humans do; gods whose arrows may be diverted from the intended targets by the arrows released from the bows of other similarly divine archers. Gods could sustain their divine authority and keep it uncontested

only jointly, in a group, the larger the better – so that the reason for a god or a goddess not keeping their divine promises could be always found in an equally divine curse cast by another Pantheon resident.

All those comfortable explanations of the irritating randomness with which divine grace and condemnation were scattered, a haphazardness evidently unbound by human piety or impiety, merits and sins, ceased to be available once the very existence of a Pantheon had been denied and the ‘one and only’ God laid claim to the unshared and indivisible, comprehensive and uncontested rule, decrying thereby all other deities (other tribal gods, or ‘partial’, ‘division of labour’, ‘specialist’ gods) as but false pretenders. Taking absolute *power*, the God of monotheistic religion took absolute *responsibility* for the blessings and blows of fate – for the bad luck of the miserable as much as for the (as Goethe would say) ‘long row of sunny days’ of those pampered by fate. Absolute power means *no excuse*. If the caring/protective God has no rivals, neither has He a sensible, let alone obvious, excuse for the evils that torment humans under his rule.

The Book of Job recasts the frightening *randomness* of Nature as the frightening *arbitrariness* of its Ruler. It proclaims that *God does not owe worshippers an account of His actions*, and most certainly *does not owe them an apology*; as Leszek Kołakowski crisply put it, ‘God owes us nothing’ (neither justice, nor an excuse for its absence). God’s omnipotence includes the licence to turn and turn about, to say one thing and do another; it presumes the power of caprice and whim, power to make miracles and to ignore the logic of necessity, which lesser beings have no choice but to obey. God may strike at will, and if He refrains from striking it is only because this is His (good, benign, benevolent, loving) will. The idea that humans may *control* God’s action by whatever means, including the means which God Himself recommended (that is, total and unconditional submission, meek and faithful following of His commands and sticking to the letter of the Divine Law), is a blasphemy.

In a stark opposition to the numb Nature which He rules, incarnates and personifies, God *speaks* and *gives commands*. He also finds out whether the commands have been obeyed, and rewards the obedient and punishes the obstreperous. He is *not indifferent* to what human weaklings think and do. But, just like the numb Nature, he is *not bound* by what humans think or do. He can *make exceptions* – and the logics of consistency or universality are not exempt from the exercise of that divine prerogative. Indeed, the rule of norm is by definition irreconcilable with a true sovereignty – with the absolute power to *decide*. To be absolute, power must include the right to neglect/suspend/abolish the norm, that is, to commit acts which, on the receiving side, rebound as miracles. Schmitt’s idea of sovereignty would engrave the pre-formed vision of divine order onto the ground of legislative order: ‘The exception in jurisprudence is analogous to the miracle in theology. . . . the legal order rests on a *decision* and not a *norm*’ (Schmitt, 1985 [1922]: 10 [36]). Power to exempt simultaneously founds God’s absolute power and the human’s continuing, incurable fear born of

insecurity. This is exactly what happens, according to Schmitt, in case of the human sovereign no longer handcuffed by norms. Thanks to that power of exemption, humans are, as they were in the pre-Law times, vulnerable and uncertain. Which brings us back to the beginning, to the 'cosmic' or *primal* fear which, according to Mikhail Bakhtin, is the source of religion and politics alike.

* * *

Unravelling the mystery of the earthly, human power, Mikhail Bakhtin (1968 [1965]), one of the greatest Russian philosophers of the past century, began from the description of 'cosmic fear' – the human, all-too-human emotion aroused by the un-earthly, inhuman magnificence of the universe; the kind of fear that precedes man-made power and serves it as the foundation, prototype and inspiration (see also Hirschkop, 1997). *Cosmic* fear is, in Bakhtin's words, the trepidation felt in the face of the immeasurably great and immeasurably powerful: in the face of the starry heavens, the material mass of the mountains, the sea, and the fear of cosmic upheavals and elemental disasters. At the core of the 'cosmic fear' lies, let us note, the nonentity of the frightened, wan and transient being faced with the enormity of the everlasting universe; the sheer weakness, incapacity to resist, and *vulnerability* of the eminently mortal, frail and soft human body that the sight of the 'starry heavens' or 'the material mass of the mountains' reveals; but also the realization that it is not in human power to grasp, comprehend, mentally assimilate that awesome might which manifests itself in the sheer grandiosity of the universe. That universe escapes all understanding. Its intentions are *unknown*, its next steps are *unpredictable* and irresistible even when guessed. If there is a preconceived plan or logic in its action, it certainly escapes human ability to *comprehend*. And so the 'cosmic fear' is also the horror of the unknown and the indomitable: the terror of *uncertainty*.

Vulnerability and uncertainty are also the two qualities of human condition out of which that other fear, the 'official fear' – fear of *human* power, of *man-made* and *man-held* power – is moulded. 'Official fear' is construed after the pattern of the inhuman power reflected by (or, rather, emanating from) the 'cosmic fear'. Bakhtin suggests that cosmic fear is used by all religious systems. The image of God, the supreme ruler of the universe and its inhabitants, is moulded out of the familiar emotion of fear of vulnerability and trembling in the face of impenetrable and irreparable uncertainty. But let us note that when re-moulded by a religious doctrine, the pristine, primeval cosmic fear undergoes a fateful transformation.

In its original, spontaneously born form it is a fear of an *anonymous* and *numb* force. The universe frightens, but does not speak. It demands nothing. It gives no instructions on how to proceed. It could not care less what the frightened, vulnerable humans do or refrain from doing. It cannot be immolated, flattered or offended. There is no point in talking to the starry heaven, mountains or sea, and trying to ingratiate oneself into their favour.

They would not hear, and they would not listen if they heard, let alone answer. There is no point in trying to earn their forgiveness or benevolence. Besides, despite all their tremendous might, they could not abide by the penitents' wishes even if they cared; they lack not just eyes, ears, minds and hearts, but also the ability to choose and the power of discretion, and so also the ability to act on their will and to accelerate or slow down, arrest or reverse what would have happened anyway. Their moves are inscrutable to human weaklings, but also to them themselves. They are, as the biblical God says at the beginning of his conversation with Moses, 'what they are', full stop – *without* declaring that much.

'I am that I am' was the first recorded message coming from the superhuman source of the cosmic fear in that memorable encounter on the top of Mount Sinai. Once the words had been spoken, just *because* there were words spoken, that superhuman source ceased to be anonymous, even if it stayed beyond human control and comprehension. *Humans* remained vulnerable and uncertain as before, and so terrified – but something terribly important happened to the *source* of their cosmic fear: it acquired control over its own conduct. From now on, it could be benign or cruel, could reward or punish. It could make demands and render its conduct dependent on whether the demands were obeyed or not. Not only could it *speak*, but it could be *spoken to*, humoured or angered.

And so, curiously, while re-forging frightened beings into slaves of divine commands, that wondrous transformation of the Universe into God was also an act of *oblique human empowerment*. From now on, humans had to be docile, submissive and compliant – but they could also, at least in principle, do something to make sure that awesome catastrophes they feared would pass them by and the blessing they coveted would come their way . . . Now they could gain nights free of nightmares and full of hope in exchange for days filled with acquiescence. 'There were thunders and lightnings, and a thick cloud upon the mount . . . and the whole mount quaked greatly . . . so that all the people that was in the camp trembled.' But among all that blood-curdling and mind-boggling turmoil and racket, the voice of God had been heard: 'Now therefore, if ye will obey my voice indeed, and keep my covenant, than ye shall be a particular treasure to me above all people.' 'And all the people answered together, and said, all that the Lord hath spoken we will do' (Exodus 19). Obviously pleased with their oath of unswerving obedience, God promised the people to lead them 'onto a land flowing with milk and honey' (Exodus 33).

One can see that, if (as Bakhtin suggested) it was meant to be a story of the cosmic fear recycled into the 'official' one, the story told so far has been unsatisfactory, or perhaps incomplete. It tells us that (and how) people came to be restrained in whatever they did by the code of Law (which had been spelled out in meticulous detail after they signed a blank cheque promising to obey God's wishes whatever those wishes might be); but it tells us as well that God – transformed into the source of the 'official' fear – is to be similarly bound by his people's obedience. And so, paradoxically, God

(or the Nature He stood for) had acquired will and discretion only to surrender them again! By the simple expedient of being *docile*, people could *oblige* God to be benevolent. People acquired thereby a patent (one is tempted to say foolproof) medicine against vulnerability, and got rid of the spectre of uncertainty, or at least could manage to keep it at a safe distance. Providing they observed the Law to the letter, they would be neither vulnerable nor tormented by uncertainty. But without vulnerability and uncertainty, there would be no fear; and without fear, no power . . . If rule-bound, the omnipotent God risks being a *contradictio in adiecto*, a *powerless* God. But a powerless God is *not* a force on which one can rely to deliver on His promise to make one His 'particular treasure . . . above all people'. The Book of Job undertook to resolve that paradox.

While blatantly violating one by one the rulings of God's covenant with His 'particular treasure', the *story* of Job is all but incomprehensible to the denizens of a modern state conceived as a *Rechtsstaat*; it went against the grain of what they had been trained to believe the meaning of contractual obligations by which their life was guided, and so also the harmony and the logic of civilized life, was about. To philosophers, the story of Job was a continuous and incurable headache; it dashed their hopes of discovering, or instilling, logic and harmony in the chaotic flow of events called 'history'. Generations of theologians broke their teeth trying in vain to bite at its mystery: like the rest of modern men and women (and everyone who memorized the message of the Book of Exodus), they have been taught to seek a rule and a norm, but the message of the book was that there is no rule and no norm one can rely upon; more exactly, no rule or norm that the supreme power is bound by. The Book of Job anticipates the later Carl Schmitt's blunt verdict that 'the sovereign is he who has the power of exemption'. The power to impose rules stems from the power of suspending them or making null and void.

Carl Schmitt, arguably the most clear-headed, illusion-free anatomist of the modern state and its in-built totalitarian inclination, avers: 'He who determines a value, *eo ipso* always fixes a nonvalue. The sense of this determination of a nonvalue is the annihilation of the nonvalue' (Schmitt, 1963; 80, in Agamben, 1998: 137). Determining the value draws the limits of the normal, the ordinary, the orderly. Nonvalue is an exception that marks this boundary.

The exception is that which cannot be subsumed; it defies general codification, but it simultaneously reveals a specifically juridical formal element: the decision in absolute purity. . . . There is no rule that is applicable to chaos. Order must be established for juridical order to make sense. A regular situation must be created, and sovereign is he who definitely decides if this situation is actually effective. . . .

The exception does not only confirm the rule; the rule as such lives off the exception alone. (Schmitt, 1985 [1922], in Agamben, 1998: 15ff, italics added)

Giorgio Agamben, brilliant Italian philosopher, comments:

The rule applies to the exception in no longer applying, in withdrawing from it. The state of exception is thus not a simple return to the chaos that preceded order but rather the situation that results from its suspension. . . . In this sense, the exception is truly, according to its etymological root, taken outside (ex-capere), and not simply excluded. (1998: 18, italics added)

In other words, there is no contradiction between *establishing a rule* and *making an exception*. Quite the contrary: without the power to exempt from the rule, there would be no power to make rules abide . . .

All this is admittedly confusing, it may defy commonsensical logic, yet this is the truth of power and it is indispensable to reckon with it in any attempt to comprehend its works. Without the Book of Job, the Book of Exodus would fail to lay foundations for God's omnipotence and Israel's obedience. The story of Job's life told in that book was the most acute and insidious (and the least easy to repel) of conceivable challenges to the idea of order resting on a universal norm instead of on (arbitrary) decisions. Given the contents of the toolbox and the routines currently available to reason, Job's life story was a gauntlet thrown down against the very possibility of creatures endowed with reason, and therefore yearning for logic, feeling at home in the world. Just as the ancient astronomers went on desperately drawing ever new epicycles to defend the heliocentric world-order against the unruly evidence of the night-sky sightings, so the learned theologians quoted in the Book of Job leaned over backwards to defend the unbreakability of the sin-and-punishment and the virtue-and-reward links against the steadily supplied evidence of the pains inflicted on Job – in every respect an exemplary person, a God-fearing, pious creature, a true paragon of virtue. And as if their resounding failure to advance clinching proofs that the credibility of routine explanations of evil has emerged unscathed from the acid test of pious Job's misfortune was not yet enough, the dense fog in which the allocation of good and bad luck was tightly wrapped did not disperse when God himself joined the debate . . .

Job's begging: 'Tell me plainly, and I will listen in silence: show me where I have erred. . . . Why hast thou made me thy butt, and why have I become thy target?' (Job 6:24, 7:20) waited in vain for God's answer. Job expected that much:

Indeed this I know for the truth, that no man can win his case against God. If a man chooses to argue with him, God will not answer one question in a thousand. . . . Though I am right, I get no answer. . . . Blameless, I say. . . . But it is all one; therefore I say: He destroys blameless and wicked alike. (Job 9:2–3, 9:15, 22)

Job expected no answer to his complaint, and at least on this point he was evidently in the right. God ignored his question, and questioned instead Job's right to ask:

Brace yourself and stand like a man; I will ask questions, and you shall answer. Dare you deny that I am just or put me in the wrong that you may be right? Have you an arm like God's arm, can you thunder with a voice like his? (Job 40:6–9)

God's questions were but rhetorical, of course; Job knew only too well that he had no arm or voice to match God's, and so by implication he was aware that it was not God who owes him explanations, but it was he who owed God apology (let's note that, on the Holy Scripture's authority, it was God's questions, not Job's, that came 'out of the tempest' – that archetype of all other blows known to be deaf to all begging for mercy and to strike at random . . .).

What Job was unaware of was that, in the centuries to come, all the earthly pretenders to God-like omnipotence would find the unpredictability and haphazardness of their thunders to be the most awesome by far, the most terrorizing and invincible of their weapons; and that whoever might wish to steal the rulers' thunders must first disperse the fog of uncertainty that enwraps them and recast *randomness* into *regularity*, the state of 'anomie' (*normlessness*, or fluidity of the limits to normative regulation) into *norm*. But then Job could not anticipate that; he was not a creature of modernity.

* * *

Susan Neiman (2002) and Jean-Pierre Dupuy (2005) have recently suggested that the earthquake, fire and high tide that jointly, in quick succession, destroyed Lisbon in 1755, marked the beginning of the modern philosophy of evil. Modern philosophers set *natural* disasters apart from *moral* evils – the difference being precisely the *randomness* of the first (now recast as blindness) and *intentionality* or *purposefulness* of the second.

Neiman (2002) points out that 'since Lisbon, natural evils no longer have any seemly relations to moral evils, since they no longer have meaning at all' (Husserl suggested that *Meinung* – 'meaning' – comes from *meinen*, 'intending'; later, post-Husserl generations of philosophers would take it for granted that there is no meaning without intention). Lisbon was like a stage production of the story of Job, performed on the Atlantic coast in full glare of publicity and all Europe's view – though this time God, His prerogatives and credentials, were to be largely absent from the dispute that followed the event.

True to the nature of all disputes, standpoints of discussants differed. According to Dupuy, the protagonist who struck in the debate the most modern chord was paradoxically Jean-Jacques Rousseau, who due to his celebration of the pristine wisdom of everything 'natural' was all too often mistaken for a hopelessly pre- and anti-modern thinker. In his open letter to Voltaire, Rousseau insisted that if not the Lisbon disaster itself, then most certainly its catastrophic consequences and their horrifying scale were results of human, not Nature's, faults (note: *faults*, not *sins* – unlike God,

Nature had no faculties to judge the moral quality of human deeds). They were outcomes of human myopia, not Nature's blindness, and products of human mundane greed, not Nature's lofty indifference. If only:

. . . the residents of that large city dispersed more evenly, and built lighter houses, the damage would have been much smaller, perhaps even none at all. . . . And how many wretches lost their lives in the catastrophe because they wished to collect their belongings – some their papers, their money some others? (Rousseau, 1959: 1062)

In the long run at least, Rousseau-style arguments came out on top. Modern philosophy followed the pattern set by Pombal, the prime minister of Portugal at the time of the Lisbon catastrophe, whose concerns and actions 'focused on eradicating those evils that *could be reached by human hands*' (Neiman, 2002: 230, italics added). And let's add that modern philosophers expected/hoped/believed that human hands, once they have been equipped with scientifically designed and technologically supplied extensions, would stretch further – eventually far enough to handle things as needed. They trusted that as human hands lengthened, the number of evils remaining outside their reach would fall; even to zero, given enough time and sufficient resolve.

Two and a half centuries later, however, we can opine that what the philosophical and non-philosophical pioneers of modernity expected to happen was not to be. As Neiman sums up the lessons of the two centuries separating Lisbon, that triggered modern ambitions, from Auschwitz:

Lisbon revealed how remote the world is from the humans; Auschwitz revealed the remoteness of humans from themselves. If disentangling the natural from the human is part of the modern project, the distance between Lisbon and Auschwitz showed how difficult it was to keep them apart . . .

If Lisbon marked the moment of recognition that traditional theodicy was hopeless, Auschwitz signalled the recognition that every replacement fared no better. (2002: 240, 281)

As long as it was confronting humans in the guise of an omnipotent yet benevolent God, Nature was a mystery that defied human comprehension: indeed, how to square God's benevolence cum omnipotence with the profusion of evil in the world that He himself designed and set in motion? The solutions to that quandary most commonly on offer – that natural disasters visited upon humanity were so many just punishments visited upon moral sinners by God, that supreme ethical legislature, the supreme court of justice and the executive arm of moral law rolled into one – would not account for the stark evidence, summarized laconically by Voltaire in his poem composed to commemorate the 1755 Lisbon earthquake and fire: '*l'innocent, ainsi que le coupable, /subit également ce mal inévitable*'. The mind-boggling quandary haunted *les philosophes* of emergent modernity just

as it did the generations of theologians. The evident profligacy of evil in the world could not be reconciled with the combination of benevolence and omnipotence imputed to the world's maker and supreme manager.

The contradiction could not be resolved; it could be only taken off the agenda by what Max Weber described as *Entzäuberung* ('disenchantment') of Nature – which means derobing Nature of its divine disguise – and chose as the true birth-act of the 'modern spirit': that is, of the hubris grounded in the new 'we can do it, we will do it' attitude of self-assurance and confidence. In a sort of penalty for the inefficacy of obedience, prayer and the practice of virtue (the three instruments recommended as sure to evoke desirable responses from the benevolent and omnipotent Divine Subject), Nature was stripped of subject-hood and so denied the very *capacity* of choosing between its own benevolence and malice. Humans could hope to ingratiate themselves in God's eyes, and could even protest God's verdicts and argue and negotiate their case, but trying to debate and bargain with 'disenchanted' Nature in the hope of currying its favour was evidently pointless. Nature had been stripped of subjectivity, however, not in order to restore/salvage the subjectivity of God, but to pave the way for the *deification of His human subjects*.

With humans put in charge, uncertainty and uncertainty-fed 'cosmic fears' did not vanish, of course, and Nature stripped of its divine disguise appeared no less tremendous, menacing and terror-inspiring than before; but what prayers failed to accomplish, science-supported *techne*, targeted at dealing with blind and *numb* Nature though not with the omniscient and *speaking* God, surely would, once it accumulated the skills to do things and used them to have things done. One could now expect the randomness and unpredictability of Nature to be but a temporary irritant, and believe the prospect of forcing Nature into obedience to the human will to be but a matter of time. *Natural* disasters might (and should!) be subjected to the same treatment as designed for *social* ills – the kind of adversities that, with due skills and effort, could be exiled from the human world and barred from returning. Discomforts caused by Nature's antics eventually would be dealt with as effectively as calamities brought about by human malice and wantonness, at least in principle. Sooner or later, *all* threats, natural and moral alike, would become predicable and preventable, obedient to the power of reason; how soon it would happen depended solely on the determination with which the powers of human reason were deployed. Nature would become just like those other aspects of human condition that are evidently human-made and so, in principle, manageable and 'correctable'. As Immanuel Kant's categorical imperative implied – when deploying reason, our inalienable endowment, we may raise moral judgement and the kind of behaviour which we would wish to universally follow to the rank of the *natural law*.

This is how it was *hoped* that human affairs would develop at the start of the modern era and through a good part of its history. As the present experience suggests, they *have been* developing, however, in a direction

opposite to that hope. Rather than *promoting* reason-guided behaviour to the rank of the natural law, it *degraded* its consequences to the level of irrational Nature. Natural catastrophes did not become more like the ‘in principle manageable’ moral misdeeds; it was, on the contrary, the lot of immorality to become or be revealed as ever more similar to the ‘classic’ natural catastrophes: like them hazardous, unpredictable, unpreventable, incomprehensible and immune to human reason and wishes. Disasters brought about by human actions arrive nowadays from an opaque world, strike at random, in places impossible to anticipate, and escape or defy the kind of explanations which set human actions apart from all other events: explanation by *motives* or *purposes*. Above all, the calamities caused by human immoral actions appear ever more unmanageable *in principle*.

* * *

This is what Carl Schmitt found in the world in which he was born and grew up: a world divided between secular states which, according to a retrospective summary written by Ernst-Wolfgang Böckenförde (1991: 11), ‘lived off preconditions which they cannot themselves guarantee’. The modern vision of a ‘powerful, rational state’, a ‘state of real substance’, ‘standing above society and remaining immune from sectarian interests’ (Müller, 2003: 4, 5), a state capable of claiming the standing of the precondition or determinant of social order, the standing once occupied but now vacated by God, seemed to dissolve and evaporate in the reality of sectarian strife, revolutions, powers incapable of acting and societies reluctant to be acted upon.

The ideas that assisted at the birth of the modern era hoped and promised to eliminate and extirpate once and for all the erratic twists and turns of contingent fate, together with the resulting opacity and unpredictability of the human condition and prospects that marked the rule of the Jerusalem God, and they ‘rejected the exception in every form’ (Schmitt, 1985: 37). They sought an alternative, solid and reliable precondition of social order in the constitutional liberal state, which was expected to replace the capricious finger of divine providence with the invisible yet steady hand of the market. Such hopes have abominably failed, whereas the promises proved to hang anywhere except within the reach of the states they envisaged. In his garb of the modern ‘powerful and rational’ state, the Jerusalem God found himself in Athens, that messy playground of mischievous and scheming gods – where, to follow Plato, other gods would die of laughter hearing his pretence to ‘one and only’ status, while (to be on the safe side) making sure that their quivers are full of arrows.

Insofar as they follow the lead of the Jerusalem God who stoutly refused recognition to other pretenders to the divine status, the pages of the Book of Job were obviously missing from the gospels of the theorists and panegyrists of the modern state. The happy-go-lucky Athenian reconciliation to the plurality of obstreperously uncomplaisant and quarrelsome gods (the kind of settlement brought to its logical conclusion by the Roman practice of adding new busts to the Pantheon with every new territorial

conquest) would not do for the hapless residents of the modern world, that precarious arrangement founded on the (un)holy triune alliance between state, nation and territory.

In this modern world there might be, as in Athens or Rome, many divinities, but the places where they could meet in peace and fraternize, like a Parthenon or Pantheon designed for their affable conviviality, were missing. Their encounter would turn any site into a battlefield and a front-line since, following the line originated by the Jerusalem God, each triune formation would claim an absolute, inalienable and indivisible sovereignty in its own domain. The world into which Schmitt was born was not a polytheistic world of Athenians or Romans, but a world of *cuius regio eius religio*, of an uneasy cohabitation of viciously competitive, intolerant, self-proclaimed 'one-and-only' gods. The world populated by states-in-search-of-nations and nations-in-search-of-states could be (and is likely to remain for some time yet) polytheistic, but each part of it defends tooth and nail its own prerogative to (religious, secular or both – as in the case of modern nationalism) monotheism. That principle and that intention were to be recorded in the statutes of the League of Nations and restated, with yet greater emphasis, in the rules and regulations of the United Nations, instructed to uphold with all its (genuine or putative) powers the sacrosanct right of every member state to its own uncompromising sovereignty over the fate and lives of its subjects at home. The League of Nations, and later the United Nations, wished to pull the bent-on-sovereignty nation-states away from the battlefield, their heretofore normal and tested ground of cohabitation and reciprocal genocide, and sit them down instead, and keep them, at a round table, prompting them to converse; it intended to lure the warring tribes to Athens with the promise of making their tribal, Jerusalem-style gods yet more secure.

Carl Schmitt saw through the futility of that intention. The charge that can (and should) be laid against him is the charge of liking what he saw, and the yet more serious charge of embracing it enthusiastically, and a truly unforgivable charge of earnestly trying to do his best to raise the pattern he distilled from the practices of 20th-century Europe to the rank of the eternal law of any and all politics; the charge of conferring on that pattern the distinction of the one and only attribute of political process that elides/transcends the sovereign's power of exemption and sets on the sovereign's power of decision a limit that he can ignore solely at his own mortal peril. A charge of imperfect vision, on the other hand, would be groundless if aimed at Schmitt; it ought to be laid instead at the door of those who saw otherwise and whose vision Schmitt set about correcting.

If you put together Schmitt's assertion that sovereign is he who decides on the exception (more importantly, decided *arbitrarily* – 'decisionistic and personalistic elements' [Schmitt, 1985: 48] being the most crucial in the concept of sovereignty), and his insistence that the distinction defining 'the political' aspect in actions and motives, an opposition to which they can be reduced, 'is that between friend and enemy' (Schmitt, 2007: 26), what

follows then is that the substance and the trademark of any and all holders of sovereignty and/or any and all sovereign agencies is ‘association and dissociation’; more exactly, *association-through-dissociation*, deployment of ‘dissociation’ in the production and servicing of ‘association’ – naming the enemy that needs to be ‘dissociated’ so that the friends may remain ‘associated’. In a nutshell – the pinpointing, setting apart, labelling and declaring war on an enemy. In Schmitt’s vision of sovereignty, association is inconceivable without dissociation, order without expulsion and extinction, creation without destruction. The strategy of destruction for the sake of order-building is the defining feature of sovereignty.

The naming of an enemy is ‘decisionistic’ and ‘personalistic’ since ‘the political enemy need not be morally evil or aesthetically ugly’ – indeed, he need not be guilty of hostile deeds or intentions; it is sufficient that ‘he is the other, the stranger, something different and alien’ (Schmitt, 2007: 27). But then, given the decisionistic nature of sovereignty, it must be clear that someone becomes ‘the other’ and ‘the stranger’, and ultimately ‘an enemy’, at the *end*, not the *starting point* of the political action defined as the enemy-naming act and enemy-fighting action. Indeed, ‘objectivity’ of enmity, the condition of ‘being an enemy’ being determined by the enemy’s own attributes and actions, would go against the grain of sovereignty that consists in the right to make exceptions; not unlike the covenant binding equally Jahweh and the people of Israel, a settlement unacceptable to modern sovereigns as much as it was to the jealous and vengeful God of the Book of Job. At least *also sprach Carl Schmitt*, after taking a close look at the practices of the most decisive and unscrupulous seekers of sovereignty of his time; perhaps also after noticing the ‘totalitarian inclination’ endemic, as Hannah Arendt suggested, to all modern forms of state power.

* * *

One of the patients in Alexander Solzhenitsyn’s *Cancer Ward* is a local party dignitary who starts every day by reading attentively the editorial of *Pravda*. He awaits an operation and his chances of survival are in the balance – and yet each day, from the moment the new issue of *Pravda* with a new editorial is delivered to the ward, he has no reason to worry; until the next issue arrives, he knows exactly what to do, what to say and how to say it and on what topics to keep silent. In matters most important, in choices that truly count, he has the comfort of certainty: he cannot err.

Pravda editorials were notorious for changing their tune from one day to the next. Names and tasks only yesterday on everybody’s lips might have become unmentionable overnight. Deeds right and proper a day before might become wrong and abominable the day after, while acts that were yesterday unthinkable become obligatory today. But under Stalin’s decisionistic and personalistic rule there was no moment, however brief, when the difference between right and wrong, the obligatory and the prohibited, was unclear. If you just listened and followed what you were hearing, you couldn’t make a mistake; since, as Ludwig Wittgenstein pointed out, ‘to

understand' means to know how to go on, you were safe, protected against fatal misunderstanding. And your safety was the gift of the Party, and of Stalin, its leader (it is in his name, surely, that *Pravda* editorials spoke). Telling you each day what to do, Stalin took responsibility off your shoulders by tackling for you the worrisome task of understanding. He was, indeed, *omniscient*. Not necessarily in the sense of knowing everything that there was to be known – but of telling you everything that you needed and should know. Not necessarily in the sense of unerringly distinguishing between truth and error – but of drawing the authoritative boundary between truth and error.

In Tchiaureli's film *The Oath*, the central character – the Russian Mother, the epitome of the whole gallantly fighting, hard-working and always Stalin-loving and loved-by-Stalin Russian nation – visits Stalin one day and asks him to end the war: Russian people suffered so much, she says, they bore such horrible sacrifices, so many wives lost their husbands, so many children lost their fathers – there must be an end to all that pain. . . . Stalin answers: yes, Mother, the time has arrived to end the war. And he ends the war.

Stalin was not just omniscient – he was also *omnipotent*. If he wanted to end the war, he did. If he did not do what the nation would wish him or even asked him to do, it was not for his lack of power or the know-how to oblige, but because there must have been some important reason to postpone the action or refrain from it altogether (it was he, after all, who drew the authoritative boundary between right and wrong). You could be sure that if doing it were a good idea, it would have been done. Yourself, you might be inept at spotting, listing and calculating all the pros and cons of the matter, but Stalin protected you against the terrible consequences of miscalculation arising from your ignorance. And so it did not matter, in the end, that the meaning of what was going on and its logic escaped you and 'the others like you'. What might have looked to you like a hotchpotch of uncoordinated events, accidents, and random happenings had a logic, a design, a plan, a consistency. The fact that you couldn't see that consistency with your own eyes was one more proof (perhaps the sole proof you needed) of just how crucial to your security was the perspicacity of Stalin, and how much you owed to his wisdom and his willingness to share its fruits with you.

Between themselves, the two stories go a long way towards revealing the secret of Stalin's power over the minds and hearts of his subjects. But not far enough. The big question not only unanswered but unasked is why the subjects' need of reassurance was so overwhelming as to prompt them to sacrifice their minds for its sake and fill their hearts with gratitude for their sacrifice having been accepted? For certainty to become the supreme need, desire and dream, it must first be *missing*: as-yet-unacquired, lost or stolen.

True to the nature of Schmitt's sovereign, Stalin demonstrated repeatedly his power to launch purges and witch-hunts and to stop or suspend them as abruptly and inexplicably as they had been started. There was no

telling what activity would next be declared witchcraft; and since blows fell at random and the material proof of their connection with the currently hunted variety of witchcraft was a frowned-upon luxury, if not a dangerous step obliquely recalling ‘objectivity’ from its exile, there was no telling either whether there was any intelligible link between what individuals did and the lot they suffered (as expressed by the Soviet popular wit in the story of a hare running for shelter when hearing that camels are being arrested: they’d arrest you first, and then you try to prove that you are not a camel . . .). Indeed, nowhere else and at no other time was the credibility of the Calvinist image of a Supreme Being who distributes grace and condemnation by his own inscrutable choice, regardless of the targets’ conduct, and who suffers no appeal nor petitioning against His verdicts, so profusely and convincingly demonstrated.

When everyone at all times is vulnerable and ignorant of what the next morning may bring, it is survival and safety, not a sudden catastrophe, that appears to be an exception, indeed a miracle that defies the ordinary human’s comprehension and requires superhuman foresight, wisdom and acting powers to be performed. On a scale seldom matched elsewhere, Stalin practised the sovereign power of exemption from treatment owed by right to legal subjects or, indeed, owed to humans for being human. But he managed as well to reverse the appearances: as the exemptions (suspension or cancellation of rights, assignments to Giorgio Agamben’s *homini sacri*) turned from an exception into a norm, it was the *avoidance* of the randomly distributed blows that appeared to be an exemption, an exceptional gift, a show of grace. For the favours one receives, one should be grateful. And one was.

Human vulnerability and uncertainty is the foundation of all political power. Powers claim authority and obedience promising their subjects effective protection against these two banes of the human condition. In the Stalinist variety of totalitarian power, that is, in the absence of the market-produced randomness of human condition, vulnerability and uncertainty had to be produced and reproduced by the political power itself. It was more than a sheer coincidence that random terror was unleashed on a massive scale at a time when the last residues of NEP (New Economic Policy, which re-invited the market into Russia after its banishment in the years of ‘war communism’) were folded up.

In most modern societies vulnerability and insecurity of existence, and the need to pursue life purposes under conditions of acute and unredeemable uncertainty, was from the start assured by the exposure of life pursuits to the vagaries of market forces. Except for protecting market freedoms and occasionally helping to resuscitate the dwindling vigour of the market forces, political power had no need to interfere. In demanding the subjects’ discipline and observance of law, it could rest its legitimacy on the promise to mitigate the extent of the already-existing vulnerability and uncertainty of its citizens: to limit harms and damages perpetrated by the free play of market forces, to shield the vulnerable against mortal or excessively painful blows, and to insure against some risks at least out of the many

which a free competition necessarily entails. Such legitimation found its ultimate expression in the self-definition of the modern form of government as a 'welfare state'.

That formula of political power is presently receding into the past. 'Welfare state' institutions are progressively dismantled and phased out, while restraints imposed previously on business activities and on the free play of market competition and its dire consequences are one by one removed. The protective functions of the state are tapered to embrace a small minority of the unemployable and invalids, though even that minority tends to be re-classified from the 'issue of social care' into an 'issue of law and order': incapacity to participate in the market game tends to be increasingly criminalized. The state washes its hands of vulnerability and uncertainty arising from the logic (or illogic) of free market, now redefined as private fault and a private affair, a matter for individuals to deal and cope with through the resources in their private possession. As Ulrich Beck put it, individuals are now expected to seek biographical solutions to systemic contradictions (1992: 137).

These new trends have a side effect: they sap the foundations on which state power – claiming a crucial role in fighting the vulnerability and uncertainty haunting its subjects – increasingly rested in modern times. The widely noted growth of political apathy, erosion of political interests and loyalties ('No more salvation by society', as Peter Drucker famously put it; or 'There is no society; there are only individuals and their families', as Margaret Thatcher equally bluntly declared), and a massive retreat of the population from participation in the institutionalized politics all testify to the crumbling of the established foundations of state power.

Having rescinded its previous programmatic interference with market-produced insecurity, and having on the contrary proclaimed the perpetuation and intensification of that insecurity to be the mission of all political power caring for the well-being of its subjects, the contemporary state must seek other, non-economic varieties of vulnerability and uncertainty on which to rest its legitimacy. That alternative seems to have been recently located (perhaps most spectacularly, but by no means exclusively, by the US administration) in the issue of personal safety: threats to human bodies, possessions and habitats arising from criminal activities, anti-social conduct of the 'underclass' and, most recently, global terrorism. Unlike the insecurity born of the market, which is if anything all too visible and obvious for comfort, that alternative insecurity, through which it is hoped to restore the state's lost monopoly of redemption, must be artificially beefed up, or at least highly dramatized, to inspire sufficient 'official fear' and at the same time overshadow and relegate to a secondary position the economically generated insecurity about which the state administration can do nothing and does not wish to do anything. Unlike in the case of the market-generated threats to social standing, self-dignity and livelihood, the extent of the dangers to personal safety must be presented in the darkest of colours, so that (much as in the Stalinist political regime) the non-materialization

of threats could be applauded as an extraordinary event, a result of the vigilance, care and goodwill of state organs. Our times are, and no wonder, the heyday of the power of exemption, states of emergency and appointment of enemies. It is a moot question whether the power to exempt is an eternal essence of all sovereignty, and whether the selection and pillorying of enemies is the extemporal substance of 'the political'. There is, however, little doubt that nowadays the muscles of the powers that be are flexed in the pursuit of those two activities as hardly ever before.

These are the activities with which the CIA and FBI have been mostly occupied in recent years: warning the Americans of the imminent attempts on their safety, putting them in a state of constant alert and so building up tension – so that there is tension to be relieved when the attempts do not occur and so that all credit for the relief may be, by popular consent, ascribed to the organs of law and order to which the state administration is progressively reduced.

On 10 June 2002, the highest-ranking US officials (FBI Director Robert Mueller, US Deputy Attorney General Larry Thompson, Deputy Defense Secretary Paul Wolfowitz, among others) announced the arrest of a suspected Al-Qaeda terrorist on his return to Chicago from a training trip to Pakistan (*USA Today*, 11 June 2002). As the official version of the affair claimed, an American citizen, American born and bred José Padilla (the name suggest Hispanic roots, that is the latest, relatively poorly settled, addition to the long list of immigrant ethnic affiliations) converted to Islam, took the name of Abdullah al-Mujahir and promptly went to his new Muslim brethren for instructions on how to harm his erstwhile homeland. He was instructed in the artless art of patching together 'dirty bombs' – 'frighteningly easy to assemble' out of a few ounces of widely available conventional explosives and 'virtually any type of radioactive material' that the would-be terrorists 'can get their hands on' (it was not clear why sophisticated training was needed to assemble weapons 'frighteningly easy to assemble' – but when it comes to the use of diffuse fears as fertilizer for the grapes of wrath, logic is neither here nor there). 'A new phrase entered the post-Sept. 11 vocabulary of many average Americans: dirty bomb', announced *USA Today* reporters Nichols, Hall and Eisler.

As became clear in the years that followed, this was, however, but the humble beginning of a powerful and overwhelming trend. On the last day of 2007 the *New York Times* ran an editorial insisting that the United States could hardly be described any longer as a 'democratic society'. The editorial enumerated a list of state-sanctioned abuses, including torture by the CIA and subsequent repeated violations of the Geneva Conventions, the web of legalized illegality enabling the Bush administration to spy on Americans, and the willingness of government officials to violate civil and constitutional rights without apology, all done under the aegis of conducting the war on terrorism. The editorial board of the *New York Times* argued that since 11 September 2001 the US government had induced a 'state of lawless behaviour'. The *New York Times* was not alone in voicing such concerns.

The prominent writer Sidney Blumenthal, a former senior adviser to President Clinton, claimed that Americans now live under a government tantamount to 'a national security state of torture, ghost detainees, secret prisons, renditions and domestic eavesdropping' (2006). Bob Herbert, an op-ed writer for the *New York Times*, argued that the dark landscapes of exclusion, secrecy, illegal surveillance and torture produced under the Bush regime offer Americans nothing less than a 'road map to totalitarianism' (2006: 25).

As Henry A. Giroux (forthcoming) has pointed out, however:

... it is a mistake to suggest that the Bush administration is solely responsible for transforming the United States to the degree that it has now become unrecognizable to itself as a democratic nation. Such claims risk reducing the serious social ills now plaguing the United States to the reactionary policies of the Bush regime – a move which allows for complacency to set in as Bush's reign comes to a close on January 20, 2009. The complacency caused by the sense of imminent regime change fails to offer a truly political response to the current crisis because it ignores the extent to which Bush's policies merely recapitulate Clinton-era social and economic policy. Actually, what the United States has become in the last decade suggests less of a rupture than an intensification of a number of underlying political, economic, and social forces that have ushered in a new era in which the repressive anti-democratic tendencies lurking beneath the damaged heritage of democratic ideals have now emerged swiftly and forcefully as the new face of a deeply disturbing authoritarianism. What marks the present state of American 'democracy' is the uniquely bipolar nature of the degenerative assault on the body politic, which combines elements of unprecedented greed and fanatical capitalism, called by some the New Gilded Age, with a new kind of politics more ruthless and savage in its willingness to abandon – even vilify – those individuals and groups now rendered disposable within 'new geographies of exclusion and landscapes of wealth' that mark the new world order.

All this happened in the USA; but similar effort to increase the volume of fear and provide the targets on which to unload the resulting anxiety is noticeable worldwide. Giroux's summary of the most recent shifts in the European political spectrum is echoed in Donald G. McNeil Jr's article (2002), entitled 'Politicians Pander to Fear of Crime'. Indeed, throughout the world ruled by democratically elected governments 'I'll be tough on crime' has turned into the highest trump card that beats all others, but the winning hand is almost invariably a combination of the promise of 'more prisons, more policemen, longer sentences' combined with the 'no immigration, no asylum rights, no naturalization' oath. As McNeil (2002) puts it: 'Politicians across Europe use the "outsiders cause crime" stereotype to link ethnic hatred, which is unfashionable, to the more palatable fear for one's own safety.' Obviously, politicians all over Europe do not need to play second fiddle to the American tune-setters and script-writers.

In 2002, the Chirac vs. Jospin presidential duel degenerated in its preliminary stages into a public auction in which both competitors vied for

electoral support by presenting their ‘exemptionist’ credentials through offering ever harsher measures against criminals and immigrants, but above all against immigrants who breed crime and the criminality bred by immigrants (Herzberg and Prieur, 2002). First, though, they did their best to re-focus the electors’ anxiety stemming from the ambient sense of *precarité* (infuriating insecurity of social position intertwined with acute uncertainty about the future of one’s livelihood) onto the fear for personal safety (integrity of the body, personal possessions, home, neighbourhood). On 14 July 2001 Chirac set the infernal machine in motion, announcing the need to fight ‘growing threats to safety, that rising flood’ in view of an almost 10 percent increase in delinquency in the first half of the year (also announced on that occasion), and declaring that the ‘zero-tolerance’ policy was bound to become the law once he was re-elected. The tune of the presidential campaign had been set, and Jospin was quick to join in, elaborating his own variations on the shared motif (unexpectedly for the main soloists, though certainly not for sociologically wise observers, it was Le Pen’s voice that came out on top as the purest and so the most audible). On 28 August Jospin proclaimed ‘the battle against insecurity’, vowing ‘no laxity’, while on 6 September Daniel Vaillant and Marylise Lebranchu, his ministers of, respectively, internal affairs and justice, swore that they would show no tolerance to delinquency in any form. Vaillant’s immediate reaction to 11 September was to increase the powers of the police aimed principally against the juveniles of the ‘ethnically alien’ *banlieues* where, according to the official (i.e. convenient to officials) version, the devilish concoction of uncertainty and insecurity poisoning Frenchmen’s lives was brewed. Jospin himself went on castigating and reviling, in ever more vitriolic terms, the ‘angelic school’ of the softly-softly approach, which he swore he had never belonged to in the past and would never join in the future. The auction went on, and the bids climbed skywards. Chirac promised to create a ministry of internal security, to which Jospin responded with the commitment to the ministry ‘charged with public security’ and ‘coordination of police operations’. When Chirac brandished the idea of locked centres in which to confine the juvenile delinquents, Jospin echoed the promise with the vision of ‘locked structures’ for juvenile offenders, outbidding his opponent with the prospect of ‘sentencing on the spot’.

A mere three decades ago Portugal was (alongside Turkey) the main supplier of the *Gastarbeiter*, feared by German *Bürger* for despoiling their homely townscapes and undercutting the social compact, the foundation of their security and comfort. Today, thanks to its sharply improved fortunes, Portugal has turned from labour-exporting into a labour-importing country. Hardships and humiliations suffered when earning bread in foreign countries have been promptly forgotten, 27 percent of Portuguese declared that crime-and-foreigner-infested neighbourhoods are their main worry, and the newcomer politician Paulo Portas, playing a single, fiercely anti-immigration card, helped the new right-wing coalition into power (just as Pia Kiersgaard’s Danish People’s Party did in Denmark, Umberto Bossi’s

Northern League in Italy, and the radically anti-immigrant Progress Party in Norway – all in countries which, not so long ago, sent their children to far-away lands to seek the bread that their own homelands were too poor to offer). Almost exactly the same pattern was to be repeated in Ireland, another country that had turned from labour-exporting to labour-importing, when an impressive majority of the suddenly enriched Irish rejected the rights of migrants to naturalization.

All such news makes it easily to the front-page headlines (like ‘UK Plan for Asylum Crackdown’ in *The Guardian*, 13 June 2002, and many similarly alarming headlines since; no need to mention tabloid first-page banners . . .). The main bulk of the immigrant-phobia, however, stays hidden from Western Europe’s attention (indeed, knowledge) and never makes it to the surface. Selecting the strangers, the newcomers, and particularly the newcomers among the strangers as the objects of hate, casting them in a lawless limbo and blaming them for all aspects of social malaise (and above all for the nauseating, disempowering feeling of *Unsicherheit*, *incertezza*, *precarité*, insecurity) is fast becoming a global habit.

Vainly trying to escape Nazi-dominated Europe, Walter Benjamin (2003) noted that legal exception and legal norm had exchanged places, that the state of exception had become the rule. Little more than half a century later, in his study of historical antecedents of the state of emergency, Giorgio Agamben (2005: 2–4) came to the conclusion that the state of exception (whether referred to by the names of ‘state of emergency’, ‘state of siege’ or ‘martial law’) ‘tends increasingly to appear as the dominant paradigm of government in contemporary politics’. Ever more profuse laws, decrees and orders tend to ‘radically erase any legal status of the individual, thus producing a legally unnameable and unclassifiable being’.

Stalin’s way of deploying the ‘official fear’ in the service of state power is, we may hope, a matter of the past. This cannot be said, though, of the issue itself. Fifty years after Stalin’s death, it is rising daily on the agenda of the modern powers, who desperately seek new and improved ways to employ it, to close the gap left by the enforced, but also eagerly pursued, renunciation of their original formula of self-legitimation. The secret of sovereignty laid bare by Carl Schmitt may be extemporal, but the ever more frequent resort to the prerogatives of exemption has its time-bound historical causes. And, hopefully, historically bound duration.

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