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The Somewhere We Wish Were Nowhere: Dystopian Realities and (un)Democratic Imaginaries

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THE SOMEWHERE WE WISH WERE NOWHERE
DYSTOPIAN REALITIES AND (UN)DEMOCRATIC IMAGINARIES

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Abstract

How do political practices influence mass culture? Conversely, how does mass culture influence political practice? This project addresses these questions by turning to the concepts of utopia and dystopia. Imagined utopic and dystopic visions express both the hopes and anxieties of the societies producing them. Dystopias also highlight the mechanisms of power that function within particular social orders. Through readings of Lois Lowry's *The Giver* and Phillip K. Dick's *Do Androids Dream of Electric Sheep?*, I demonstrate how utopia and dystopia function and how we can respond to dystopic realities by theorizing solutions that are more conducive to the preservation of democracy. Additionally, I read Christopher Nolan's Dark Knight Trilogy as a dystopia that exaggerates the fears of terrorism and crime in order to cause the viewers to see the ceding of civil liberties as a reasonable avenue for pursuing safety. In this way, the films reflect and support post-9/11 domestic and foreign policy, especially with respect to issues of surveillance. If this is the case, and if we are currently allowing our view of policy to be shaped by the imaginary mechanism that is dystopia, then is there another way that we can conceive of or imagine the world that is more conducive to democratic practices? The question of what a more-democratic response to dystopic imaginaries might be is tied to our real-world policy attempts to create utopic regimes in the here and now.

To

Bernal Wilbur Taylor

Julia Olive Hawk

Were that both of you could share this project's completion with me

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On the other hand, I do not think that there is anything that is functionally — by its very nature — absolutely liberating. Liberty is a *practice*. So there may, in fact, always be a certain number of projects whose aim is to modify some constraints, to loosen, or even to break them, but none of these projects can, simply by its nature, assure that people will have liberty automatically, that it will be established by the project itself. The liberty of men is never assured by the institutions and laws intended to guarantee them. This is why almost all of these laws and institutions are quite capable of being turned around — not because they are ambiguous, but simply because "liberty" is what must be exercised.

   —Michel Foucault

Contents

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going to be the smartest, most musically inclined, and most athletic of all of us. Until then, keep doing what you're doing.

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worse off without you here. Professor Barnard, as I have expressed to you on many occasions, I thoroughly regret never having had the opportunity to take a class with you. When we met to discuss my project, I explained it to you, and you responded, "Yeah, superheroes are fucking fascists." I knew right then that I wanted you to advise my project. Much as Mark's departure damages the College, your residency greatly improves it.

Finally, to Maddi, what can I say that you don't already know? I'm glad you stopped hating me after our first year of knowing one another. It would have been kind of hard to date otherwise. You make me better: clearer, more precise, and probably less uptight. As a note, I don't think I believe in false consciousness, but your claim that you have beaten me soundly in all of our arguments makes me second-guess my position on that. I personally think we make a fantastic team. It's been a wonderful almost two and one-half years; here's to many more.

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THE SOMEWHERE WE WISH WERE NOWHERE

DYSTOPIAN REALITIES AND (UN)DEMOCRATIC IMAGINARIES

INTRODUCTION

There exists in some branches of political science (though far less in the field of English) the reification of an artificial division between the "political" and everything else. Issues of statecraft, matters of public policy, and issues of law enforcement are all political. Film, literary text, and stage are not. In the realm of the political, neat and tidy classifications of human activity can be made so as to attempt to develop predictive theories of human behavior that will allow us better to craft law and policy. Politics is an issue of mass behavior that lends itself to mass incentivization. It may also be an enterprise in which structures can stand in for cultural practices in order to understand how particular nations might act toward each other (e.g. democratic peace theory). This division is considered to be fundamental, and it drives discourse to seek better theories of human behavior and activity while ignoring the remainders left over from the necessary oversimplification required by systematic attempts to capture the diversity of lived experience.

In this work I reject this distinction as fundamentally incapable of apprehending the nature of human existence. Put simply, it's all so much more complex than that. As Bent Flyvbjerg explains in his book *Making Social Science Matter*, the social sciences consistently fail to function adequately in a predictive fashion because they (often) abstract from the conditions

that actually influence human action and interaction, namely reflexivity and intersubjectivity.[1] I instead focus on the ways that those media often thought of by the scientists of politics to be non-political, the works of cultural representation and production that demonstrate and influence how we view each other and the world around us, are crucial to the study of politics. In my view, statecraft and the crafts of cultural production come from the same source, *ex uno fonte*. The ways in which humans see and interpret the world are not only demonstrated when human interaction occurs but also when human interaction is *portrayed*. The representations are just as important, if not more so, than the "actual" politics.

It is with this perspective that I have here delved into the study of the place of utopia and dystopia in political thought. Of these, it was the dystopic that quickly caught my eye and my imagination. Unlike the utopian, the dystopian makes no claims to be universal or complete.[2] Instead, it presents only one possibly terrible situation — *a*, not *the*, potential future or place that is worse than the one that we currently inhabit but which, if it is to have any relevance to us at all, mirrors our world in certain crucial ways. Dystopia consequently avoids some of the pitfalls to which I believe utopia falls prey. Further, unlike the utopian, the dystopian does not necessarily need to be imagined in purely spatial terms. That is, while the utopian entails an organization of material reality in accordance with some sort of logistical vision, the dystopian may or may not embrace a particular societal structure. It may instead illuminate a feature of a world the structure of which is not fully known. Thus, in Chapter One I analyze both *The Giver*, which is more concerned with the organization of a society as a whole, and *Do Androids Dream*

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[1] Bent Flyvbjerg, *Making Social Science Matter: Why Social Inquiry Fails and How It Can Succeed Again*, trans. Steven Sampson, 1 edition (New York: Cambridge University Press, 2001). See especially pages 9-37.

[2] Arguably, not all utopias do this either. However, the underlying assumption of a utopian society is that it is the best possible ordering for a particular area. In this sense, while utopian visions might be restricted to the local, they are still objective and totalizing in a way that ought to raise some degree of concern.

of Electric Sheep?, which focuses less on how society is structured and more on particular aspects of the social life of the society. It is the dystopian's malleability that draws me to it.

In the first chapter, "Dys(u)topia: A Study in Perspectivism and Power," I begin by looking at the utopian and the dystopian in general terms. I propose that we ought not to view dystopian imaginaries as offering normative perspectives on the world but instead should see them as dramatized analytic tools that serve to expose hidden relations of power that already exist in our day-to-day lives. To this end, I analyze the two texts mentioned above and show how they highlight fears from the present and displace them into writing. *The Giver* is primarily concerned with the ways that the regulation of language produces subjects who are docile and disconnected from each other, while *Do Androids Dream of Electric Sheep?* concerns itself with the ways that we determine certain lives to be valuable and others to be disposable. In both, the dystopic brings to the fore mechanisms of power that function in our lives but to which we are often blind.

The second chapter, "The Dark Knight and Democracy: Batman and the Dangers of Seized Authority," picks up on the this theme by emphasizing that it is not merely the exposure of power relations that is important but also how we imagine our *responses* to these relations of power. The chapter does this through a close reading of Christopher Nolan's Dark Knight Trilogy. Gotham is taken to be a dystopic situation, one in which crime is rampant and threats of mass terrorism the likes of which the world has never actually seen confront the citizenry almost daily. The superhero figure, Batman, is presented as the best viable response to the extreme dangers engineered by Ra's al Ghul, the Joker, and Bane. Only an extralegal sovereign can preserve legal order.

The third and final chapter, "From Prison to PRISM: Panopticism and the NSA," explores why the way we theorize Batman (and other responses to the dystopic) is important through a discussion of real-world post-9/11 policies, particularly those focused on surveillance, that seem to track closely with the tools that Batman employs. These laws show us why fictional dystopia is important: the ways that we approach issues of security are as determined by our portrayals of emergency issues as they are by the real emergencies themselves. The line between the "real" and the "imaginary" is blurry at best because the way that we understand the "real" always incorporates at least some "imaginary elements" in the sense that conceiving of policy or of approaches to existing problems requires thinking that is creative.

This, then, is the fundamental aim of this project: to explore the role of the dystopian as an exposer of real-world relations of power. Without further ado…

ONE

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DYS(U)TOPIA: A STUDY IN PERSPECTIVISM AND POWER

When the first film in *The Hunger Games* series was released, it had an opening weekend gross of $152 million.[1] The second movie in the series, *Catching Fire*, surpassed it by about $6 million, and the two films currently sit ninth and tenth on the list of all-time best opening weekends.[2] All in all, the four movies in the series have collectively grossed just under $1.5 billion.[3] This has been followed more recently by the less-successful (with a gross of only $318 million[4]) *Divergent* series, which has released three of a planned four movies. The second movie, *Insurgent*, was described by *Rotten Tomatoes* as part of a franchise "struggling to distinguish itself from the dystopian YA *crowd*."[5] While this may have been in part due to the quality of the film, the review identified an important feature of the genre: it is "crowded." In recent memory alone, *V for Vendetta*, *Watchmen*, *Snowpiercer*, *Mad Max: Fury Road*, *Total Recall*, *The Host*, *The Matrix* (and its sequels), *Rise of the Planet of the Apes*, and *Dawn of the Planet of the Apes*

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[1] "Biggest Opening Weekends at the Box Office," accessed March 26, 2016, http://www.boxofficemojo.com/alltime/weekends/?pagenum=m50&sort=opengross&order=DESC&p=.htm.

[2] *Ibid.*

[3] "The Hunger Games Movies at the Box Office - Box Office Mojo," accessed March 26, 2016, http://www.boxofficemojo.com/franchises/chart/?id=hungergames.htm.

[4] "Divergent Movies at the Box Office - Box Office Mojo," accessed March 26, 2016, http://www.boxofficemojo.com/franchises/chart/?id=divergent.htm.

[5] "Insurgent," *Rotten Tomatoes*, accessed October 24, 2015, http://www.rottentomatoes.com/m/insurgent/. Emphasis added.

are all examples of dystopic movies.[6] Meanwhile, there has been an explosion of dystopian books during the 21st century. While it is difficult to find a comprehensive list of such works (if such a list could even exist), Wikipedia provides one of the largest. It categorizes 280 books as dystopic. Of these works, 164 were published prior to 2000 (the earliest in 1595), whereas 116 have been published since.[7] This means that about 71% of the number of dystopic books published during the 405 year span from 1595-2000 have been published in the last 16 years. If one were to include all the books and films that were not strictly dystopic but had dystopic elements, this list could most certainly be expanded. The genre is not just crowded; it is overflowing.

What so deeply fascinates us with the dystopian? What about it captures the popular consciousness? Most importantly to this work, what political or theoretical function does the dystopic serve? The cultural productions that we consume play a critical role in constituting us, so it is significant that dystopian works comprise a large portion of what is being consumed. This chapter begins to explore the importance of dystopia by addressing it in opposition to and in mutual constitution with its sometimes opposite/sometimes doppelgänger utopia. I will first examine general theories of utopia and dystopia to obtain a sense of the functions of the genres. After this I will contend that the best way to view the dystopic is not as a normative argument but as an analytic account. I then provide the books *The Giver* and *Do Androids Dream of Electric Sheep?* (*Android*) as examples of what thinking about dystopia in analytic terms can do for the analysis of works in the genre.

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[6] "Top Dystopian Movies and Books," accessed March 17, 2016, http://dystopia.com/. This list provided assistance in recalling some examples of the dystopic.

[7] "List of Dystopian Literature," *Wikipedia, the Free Encyclopedia*, March 15, 2016, https://en.wikipedia.org/w/index.php?title=List_of_dystopian_literature&oldid=710225488, accessed March 17, 2016. Certainly, some of this increase is attributable to the likely increase in publishing totals in recent history, but information on the total number of books published each year is difficult to come by. However, it does not seem unreasonable to assume that since essentially anyone can publish their works in some format if they so choose, there has likely been a significant increase in book publications in recent times.

THEORIES OF DYS(U)TOPIA

To begin I'd like to consider some general theories of dystopia. Gregory Claeys describes dystopia as "an inverted, mirrored or negative version of utopia, the imaginary bad place as opposed to the imaginary good place."[8] He offers "new definitions of the terms 'utopia' and 'dystopia'" that reformulate them in a way that demonstrates that "neither term indicates a purely literary tradition."[9] Similarly, Michael D. Gordin, Helen Tilley, and Gyan Prakash discuss utopias and dystopias as "histories of the present," wherein dystopia is a "utopia that has gone wrong, or a utopia that functions only for a particular segment of society."[10] Their work treats utopia and dystopia "not as *objects* of study, but as *historically grounded analytic categories* with which to understand how individuals and groups around the world have interpreted their present tense with an eye to the future."[11] They want to look at how certain groups have viewed the conditions in which they find themselves and how utopia and dystopia as "intimately related acts of imagination" allow individuals to "reimagine their present and transform it into a plausible future."[12]

Gordin et al. further explain that though utopic imaginaries at the academic level have "died down" because the "present appeared (and to many still appears) to be a time that call[s] utopia into question," there is still "large-scale planning of utopian or dystopian futures" by groups such as Al Qaeda and the World Trade Organization.[13] In other words, though the critical theory project of determining a complete vision for the world and seeking to enact that vision is

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[8] Gregory Claeys, "News from Somewhere: Enhanced Sociability and the Composite Definition of Utopia and Dystopia," *History* 98, no. 330 (April 2013): 155. *Humanities International Complete*, EBSCO*host* (accessed October 25, 2015).

[9] *Ibid.*, 171.

[10] Michael D. Gordin, Helen Tilley, and Gyan Prakash, eds., *Utopia/Dystopia: Conditions of Historical Possibility* (Princeton: Princeton UP, 2010), 1.

[11] *Ibid.*, 3.

[12] *Ibid.*, 2-3.

[13] *Ibid.*, 3.

no longer considered favorably by the academic world — largely because history has not been kind to plans aimed at altering or improving the human condition — there are still groups driven by visions, whether hegemonic or not, of what society ought to look like.[14] As such, we must examine visions for the future that are held by particular groups and question whether they work for all or only for some, and if only for some, then for whom and in what ways. Thus, for Gordin et al., the task is to understand utopian thought in order to understand utopian (and, similarly, dystopian) practices in the real world. They write, "What we focus on, therefore, is utopia as a *practice*, as a technique used by historical actors for understanding their particular contemporary circumstances — and thus a valuable lens for the historian."[15]

Claeys echoes the need to look for non-literary instances of both utopian and dystopian imaginaries when he cites totalitarianism as dystopia's "dominant form in the twentieth century."[16] One of the most prominent examples of totalitarian dys(u)topia in the 20th century was Nazi Germany. Nazism fits within the definition of dystopia given by Gordin et al., though it is not mentioned specifically by them, in that it is a "utopia" that only functions for some. The Nazi regime sought to create a world wherein the Aryan race was privileged above other races. They pursued a "utopia" that was possible only at the expense of non-Aryan persons. Totalitarian regimes function to privilege some over others and as such are a form of dys(u)topia — a condition wherein the perspectival nature of utopic imaginaries becomes readily apparent through the dystopic elements that persist for some segment of a population.[17]

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[14] Compare, for example, the Marxist theory of class revolution, which seems to be a global class revolution, with Frederic Jameson's image of the planned city as a type of utopia. In both instances, "What is utopian is then identified with this now-traditional and much criticized bourgeois idea of progress." Frederic Jameson, "Utopia as Method, or the Uses of the Future," *Utopia/Dystopia: Conditions of Historical Possibility*, Michael D. Gordin, Helen Tilley, and Gyan Prakash, eds.(Princeton: Princeton UP, 2010), 21-22.

[15] *Ibid*., 4.

[16] Claeys, "News from Somewhere," 162.

[17] Gordin et al. do mention Hitler as one of several "midwife[s]" of historical dystopias along with Pol Pot, Mao, Nixon, Stalin, and Pinochet. Gordin et al., *Utopia/Dystopia*, 3. Claeys mentions totalitarian regimes without direct

In some sense, though, all social systems are dys(u)topias. William Connolly's *The Ethos of Pluralization* illuminates the tendency to treat particular identities as normal and others as deviant.[18] Connolly argues for a reformulation of modern (in both the sense of "modernist" and "current") understandings of identity pluralism, what he calls a "pluralization" of pluralist systems. His "central question" is to ask how to "reconfigure and renegotiate the constitutive tension between democratic pluralism and pluralization," that is, to understand how pluralism both limits and advances claims to new identities.[19] Pluralist societies allow multiple forms of identities (religious identities, racial identities, etc.) but only within a delimited range of acceptability (e.g. religious pluralism may be acceptable whereas diversity in sexual or gender identity may not be). He writes that the "biggest impetus to fragmentation, violence, and anarchy" are those "totalistic identities engaged in implacable struggles against those differences that threaten their hegemony or exclusivity."[20] The construction of some identities as normative is effectively the production of a hegemony of identity, which is itself an exercise of disciplinary power that at least dimly reflects the techniques of totalitarian governments. A society that privileges some identities over others may be distinguishable from fascist regimes, but every social order — any instance where plurality can be found — has oft-realized dys(u)topic potential.

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reference to Hitler or Nazism, stating, "Thirdly, and consequently, a definition of 'dystopia' which also gives priority to content over form can be understood as portraying a society based upon fear – the opposite of friendship. Utopia and dystopia alike, from this perspective, are discourses principally (not exclusively) on the promise and threat, in turn, of intensified sociability. This invites consideration of political despotisms as a characteristic institutional form of dystopia, and totalitarianism, in the later modern period, as the most invidious form thereof. Here we will have to confront the charge that the dominant form of modern dystopianism inevitably emerged from utopianism, and particularly the secularization of Christian millenarianism." Claeys, "News from Somehwere," 146. Nazism will also be (analytically) central to the argument I later advance by way of Foucault.

[18] I will note that these are not quite the terms in which he puts the argument. While Connolly draws a good deal from Foucault, the language of normality and abnormality is not the one that he primarily adopts. He instead prefers to talk of identity\difference, normalization, and the ontopolitical (not to claim that this list is exhaustive).

[19] William Connolly, *The Ethos of Pluralization* (Minneapolis: Minnesota UP, 1995), xiv.

[20] *Ibid.*, xxi.

UTOPIA'S SALVATION? JAMESON'S "UTOPIA AS METHOD"

But if every society and every construction of future-oriented potential always bears the mark of Cain (that is, a negative distinguishing feature setting it apart), then is there any hope for utopian futures? Can there be utopia that is not dys(u)topic? Fredric Jameson's articulation of utopia as a "method" rather than as a "place" moves in the direction of offering an alternative.[21] He states that the idea of utopia is "not a representation but an operation calculated to disclose the limits of our own imagination of the future, the lines beyond which we do not seem able to go in imagining changes in our own society and world …"[22] The utopian worlds we imagine show the extent to which we plausibly believe that our present conditions can be altered.

Jameson distinguishes between the "utopian program" and the "utopian impulse," rejecting the program as overly closed off. With regard to the impulse, he writes, "The utopian impulse, therefore, calls for a hermeneutic, for the detective work of a decipherment and a reading of utopian clues and traces in the landscape of the real; a theorization and interpretation of unconscious utopian investments in realities large or small, which may be far from utopian."[23] This hermeneutic element entails a reimagining or receptivity to new ways of understanding potentially dystopic conditions as they emerge. Jameson says he wants to offer neither a

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[21] Jameson, "Utopia as Method," 21. Foucault takes a similar stance in the interview "Space, Knowledge, Power," when responding to a question about utopian schemes. He states, "Men have dreamed of liberating machines. But there are not machines of freedom, by definition. This is not to say that the exercise of freedom is completely indifferent to spatial distribution, but it can only function when there is a certain convergence; in the case of divergence or distortion, it immediately becomes the opposite of that which had been intended." Michel Foucault, "Space, Knowledge, and Power," in *Power*, ed. Paul Rabinow, vol. 3, Essential Works of Foucault 1954-1984 (New York: The New Press, 2000 [1982]), 356. Foucault also adds that he thinks it is "somewhat arbitrary to try to dissociate the effective practice of freedom by people, the practice of social relations, and the spatial distributions in which they find themselves." *Ibid*. Effectively, Foucault's point is that a scheme of organization cannot be separated from the way the scheme is lived and experienced by the actual practitioners of it. For example, collective self-rule (that is, democracy) can only be free if the participants choose to exercise the opportunity for freedom. What Foucault means by this is complex, and I do not want to devote the space here to explaining his view, but it suffices to say that he is skeptical of utopic programs presented as automatically liberating and instead wants to focus on the practices in which individuals engage, whether or not the individuals are part of such programs.

[22] Jameson, "Utopia as Method," 23.

[23] *Ibid*., 26.

"hermeneutic nor a political program" (a phrase in which the essential term is "program," since Jameson *is* advancing a hermeneutic, just not a hermeneutical *program*).[24] Without eliminating the possibility for interpretative openness, Jameson merely wants to propose some of the forms the interpretation might take.

Jameson draws on Foucault and Nietzsche to suggest a "genealogy" of the future, which he understands to be a "logical operation" that looks neither for the causes nor the "outlines" of a utopian future in the present but instead for the "logical preconditions" of the "appearance of a given phenomenon" without implying that the preconditions directly caused the later phenomena.[25] He writes, "The operation itself, however, consists in a prodigious effort to change the valences on phenomena that so far exist only in our own present and experimentally to declare positive things that are clearly negative in our own world, to affirm that dystopia is in reality utopia if examined more closely, to isolate specific features in our empirical present so as to read them as components of a different system."[26] Thus he characterizes Marxism as both a "practical project as well as a space of the investment of unconscious forces," and he outlines that a "Marxist politics … is also a conception of historical dynamics that posits that the whole new world is objectively in emergence all around us, without our necessarily perceiving it at once, so that alongside our conscious praxis and our strategies for producing change, we may take a more receptive and interpretive stance."[27] As the material conditions of the world change, the argument goes, especially those material conditions related to the control of the forces of production, the world itself undergoes an alteration that can be received (and produced) as either utopic or dystopic in nature.

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[24] *Ibid*., 42.
[25] *Ibid*., 41-42.
[26] *Ibid*., 42.
[27] *Ibid*., 26.

Jameson's utopia is an interpretive process; those who inhabit the world of these material conditions must imagine utopic possibilities and understandings as new "objective conditions" emerge. Jameson exemplifies his point through a reading of Walmart that takes into account its monopolizing tendencies while simultaneously postulating ways that its mechanisms of distribution could be differently wielded. He suggests that Walmart should be seen in terms of "the shape of a utopian future looming through the mist, which we must seize as an opportunity to exercise the utopian imagination more fully, rather than an occasion for moralizing judgments or regressive nostalgia."[28] Those emerging conditions that appear to have the function of turning the world into some form of dys(u)topia may in fact be viewed in potentially utopic terms. The same technologies may both contribute to benefits for all or benefits for only a few. Utopia thus entails a reimagination of existing conditions as full of potential rather than eternally negative.

Jameson's main concern is with providing a model for utopian thought that is hampered by neither "a weakening of historicity or of the sense of the future; a conviction that fundamental change is no longer possible, however desirable; and cynical reason as such" nor the "sheer power of excess money accumulated since the last great world war" and the "psychological conditioning" of an "omnipresent consumerism."[29] While he explicitly rejects the political program variation of utopianism, his aim is still in political in at least a limited sense of the term:

> This kind of prospective hermeneutic is a political act only in one specific sense: as a contribution to the reawakening of the imagination of possible and alternate futures, a reawakening of that historicity which our system — offering itself as the very end of history — necessarily represses and paralyzes. This is the sense in which utopology revives long-dormant parts of the mind, unused organs of political, historical, and social imagination that have virtually atrophied for lack of use, muscles of praxis we have long since ceased exercising, revolutionary gestures we have lost the habit of performing, even subliminally. Such a revival of futurity and of the positing of alternate futures is not a

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[28] *Ibid*., 32.
[29] *Ibid*., 24.

political program or even a political practice, but it is hard to see how any durable or effective political action could come into being without it.[30]

Jameson shares the concerns of dys(u)topia — that a totalizing program will necessarily entail exclusions. The enclave form of utopian programming is hegemonic within its sphere, and only that which is within the sphere is acceptable in the first place. Thus his alternative is to read future possibility into the emerging regimes of the present and to adopt a form of utopian imagining that is more concerned with clearing out space for political imagination than with positing a particular form or program of political action.

PERSPECTIVISM'S PERSISTENCE

This, though, does not seem to solve the fundamentally perspectival problem of utopia. Even if utopic visions entail an interpretation of newly enfolding conditions rather than the imposition of a particular ordering of social relations, there is no way to know that there is a "right" or "appropriate" way to interpret such conditions. Jameson responds to claims that his method "foregrounds the subject and subjectivity" by relying on the intertwining of objective emerging conditions with our always partial ability to apprehend the world around us, but this does not seem to solve the problem. He argues that Marxist political programs are always accompanied by the need to see the (potential) future in how the present is emerging. Yet because Jameson does not and cannot articulate the political program that necessarily ought to accompany utopian interpreting (as to do so would be to risk dys(u)topia), he also cannot present any sort of guide to what is utopian or dystopian. To conceive of utopia as a method without any teleological end guiding interpretation risks (if it is a risk) reduction of utopian interpretation to individualistic preference for or distaste of the present state. No matter how bad the conditions under which we live are, there is always the possibility of imagining the world in a utopic

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[30] *Ibid*., 42-43.

fashion, and there will likely always be someone willing to imagine it in such a way.[31] The problem is still perspectival. Jameson's understanding of dystopia and utopia reduplicates the problem that his formulation was meant to solve: casting utopia as interpretation cannot provide an uncontestable account of the utopic. As long as we consider utopia to mean something along the lines of "a society better than ours" — whether imaginable, achievable, or achieved — it is difficult to come to a conclusive understanding of "better" that is not also "worse" for some.

This is the point made by Octavia Butler in her short story "The Book of Martha," in which a middle-aged woman named Martha meets God. God tasks Martha with "help[ing] humankind to survive its greedy, murderous, wasteful adolescence" by "help[ing] to find less destructive, more peaceful, sustainable ways to live."[32] After much discussion Martha determines that the best way to redirect these aggressive tendencies is through dreams: "Powerful, unavoidable, realistic dreams that come every time people sleep." She says, "I want them to have the only possible Utopia. … Each person will have a private, perfect utopia every night — or an imperfect one. If they crave conflict and struggle, they get that. If they want peace and love, they get that. Whatever they want or need comes to them."[33] Butler explains in the afterword what she believes her story means:

> "The Book of Martha" is my utopia story. I don't like most utopia stories because I don't believe them for a moment. *It seems inevitable that my utopia would be someone else's hell.* So, of course, I have God demand of poor Martha that she come up with a utopia that would work. And where else could it work but in everyone's private, individual dreams?[34]

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[31] Strangely enough, this seems to make Jameson's "utopia" one that simply accepts the conditions of the world as they are emerging, viewing those conditions positively rather than allowing for a reflective analysis of the world that could lead to its "improvement." Of course, to critique Jameson's position in this way is to accuse him of not adhering to the very formulation of utopia that he is rejecting: utopia as "progress." But at the same time, his version of utopia seems to me actually to castrate it as a political project, even if Jameson claims that he is essentially opening up space for political programs to move forward.

[32] Octavia Butler, "The Book of Martha," in *Bloodchild and Other Stories*, Second Edition (New York: Seven Stories, 2005 [2003]), 192.

[33] *Ibid.*, 204.

[34] *Ibid.*, 214. Emphasis added.

Butler dramatizes here the inescapably dys(u)topic nature of any totalizing vision, which itself, in my view, problematizes Jameson's interpretative model of utopian imagining. As soon as utopia becomes a set of social relations, it has the possibility of becoming oppressive. For Butler every pursued utopia is inevitably someone else's dystopia. In Connolly's terms, a world of being potentially precludes opportunities for becoming. All visions of the world are necessarily partial and incomplete, favoring some over others.

DYSTOPIA AS METHOD: A FOUCAULDIAN APPROACH

In my view, Jameson's attempt at a methodological utopia, a form of logic that is not only content-less but that cannot effectively or non-problematically be coupled with *any* vision of the good, fails. However, I believe that his approach does have viability as a strategy for dystopic imaginings, a viability that it obtains from its grounding (however nominally; indeed, the resemblance may be one of nomenclature alone) in Foucauldian and Nietzschean genealogy.

For Foucault, the task of writing or exploring history is about paying attention to the mechanisms of power. He states, "I believe that it is futile to cover our eyes — we must try to go to the bottom of things and to face up to them."[35] The tracing of the coming-to-be of a particular practice or rationality necessarily involves an excavation of these mechanisms of power, which themselves may be obscured by a view of the present as always having been the same. For this reason Foucault also endorsed a method called "eventilization," which entailed showing that aspects of human experience assumed to be universal were not. The method also questioned how the standard of what "counts as being self-evident, universal, and necessary" came to exist.[36] As Foucault stated in his 1978-1979 introductory lecture to his series on the birth of biopolitics,

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[35] Michel Foucault, "The Risks of Security," in *Power*, ed. Paul Rabinow, vol. 3, Essential Works of Foucault 1954-1984 (New York: The New Press, 2000 [1983]), 376.
[36] Michel Foucault, "Questions of Method," in *Power*, ed. Paul Rabinow, vol. 3, Essential Works of Foucault 1954-1984 (New York: The New Press, 2000 [1980]), 226.

"[I]nstead of deducing concrete phenomena from universals, or instead of starting with universals as an obligatory grid of intelligibility for certain concrete practices, I would like to start with these concrete practices and, as it were, pass these universals through the grid of these practices."[37]

In some ways Foucault's historical analysis does to the "real" world what, according to Freud, "uncanny"[38] texts do to their readers: uncanny texts expose an aspect of the world that appeared to function in a particular way and show that it instead functions differently. In Freud's terms, such texts take as their object "something which ought to have been kept concealed but which has nevertheless come to light."[39] It is that "class of the terrifying which leads back to something long known to us, once very familiar."[40] Freud posits several distinct causes of the feeling of uncanniness that I think are relevant to how dystopic texts function. The dystopic can be seen as producing a particular type of uncanny effect, one that exposes relations of power as hiding under the surface of the world as we experience it.

When Freud initiates his discussion of the uncanny, he starts with a view taken by an individual named E. Jentsch. Jentsch proposed that at least some instances of the uncanny could be attributed to ambiguity about whether an object was actually alive or dead and that "epileptic seizures and the manifestations of insanity" could be thought of as uncanny because they "excite in the spectator the feeling that automatic, mechanical processes are at work, concealed beneath the ordinary appearance of animation."[41] Later Freud elaborates that the "ordinary person sees in [these conditions] the working of forces hitherto unsuspected in his fellow-man but which at the

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[37] Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978--1979,* trans. Graham Burchell (New York: Palgrave Macmillan, 2008), 3.

[38] By "uncanny," Freud means a sensation that "belongs to all that is terrible — to all that arouses dread and creeping horror," but does not seek to indicate that the feeling is limited to those situations. Sigmund Freud, "The 'Uncanny,'" trans. Alix Strachey, 1919, http://web.mit.edu/allanmc/www/freud1.pdf, 1.

[39] *Ibid.*, 13.

[40] *Ibid.*, 1-2.

[41] *Ibid.*, 5.

same time he is dimly aware of in a remote corner of his own being."[42] Finally, Freud also discusses the idea of the "double" (for example, a doppelgänger) as something that is "considered identical by reason of looking alike" but which is actually different in nature.[43] In these moments especially, we see instances wherein the person undergoing the uncanny experience perceived the world to have existed in a certain way that was in fact actually false.[44] Appearance is duplicitous. The apparent double is actually a separate person or thing. The apparent freedom with which an individual was choosing is actually being controlled by some type of animistic forces. The world is vastly different from how the person experiencing the uncanny took it to be, and it arouses a feeling similar to dread in the individual who learns of this new reality.

This exposure of the world as different from how we previously took it to be is what I believe the dystopic accomplishes. I would like to think of dystopia "as method," as genealogy. Jameson is useful in that he seeks to provide an alternative to utopia as *place* (or structure), but this alternative provides little assistance to a literary utopian program due to its utter inability to answer, "Why this utopian dream and not that one?" beyond the subjectivity of an individual author (and whatever reasons they might be able to provide). Certainly utopian imaginings can be viewed as articulating the "limits of our imagination," and they also may be interpretations of potential emerging "good," but this emerging good cannot itself be justified. Dystopian imaginings viewed similarly potentially suffer from the same danger, but they do not need to; instead, while utopian worlds can be articulated as an emerging good, the dystopic imagining can be viewed as an excavation of oft-hidden relations of power. Rather than functioning

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[42] *Ibid*., 14.
[43] *Ibid*., 9.
[44] Freud's analysis draws more on the real world than on the experience of the uncanny in texts; he attempts to locate the uncanny feelings generated by texts in the real-world conditions that produce similar feelings.

normatively (as Foucault points out, not all relations of power are bad[45]), the dystopic imaginary is a palatable analytic, a tool for exposing all that was thought to be hidden and that some wish would have remained hidden. As with Foucault's genealogical method, the dystopic show the ways in which the world that we took to be given is actually contestable.

In some sense, of course, the dystopic also entails the same subjective element that the utopic does. The analysis of power relations must come from a particular point of view. The difference, though, is that the dystopic as method can be checked back against the actual conditions of the world. That is, if a dystopic imaginary posits a fear that has no substantial relationship to reality, then the fear can be critiqued on that basis. Contrarily, the subjective element in the utopic is the determination of what counts as a positive emergent relation of power and what counts as a negative one. Certainly, most dystopias implicitly condemn the relationships(s) of power that they expose, but the question of whether the social order is positive or negative is left largely to the reader. For the utopian, the subjective strain runs much deeper; to see a condition as utopic is to view it normatively. I want to move us away from looking at dystopia as a normative claim and to see it instead as an analytic one[46]

This account of dystopia as essentially a fictional genealogy meshes with Foucault's analysis of totalitarian regimes in the first volume of *The History of Sexuality* (*HoS*). Foucault describes Nazism as "the most cunning and the most naïve (and the former because of the latter)

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[45] "What I am attentive to is the fact that all human relationships are to a certain degree relationships of power. We evolve in a world of perpetual strategic relations. All power relations are not bad in and of themselves, but it is a fact that they always entail certain risks." Foucault, "The Risks of Security," 372.

[46] Perhaps a simpler way to express all this is that the utopic and the dystopic both include an analytic and a normative element and that the normative element is necessarily subjective. However, I believe that the utopic necessarily privileges the normative over the analytic, but I do not think that the dystopic necessarily must. I believe we can reread dystopic works as presenting an analysis over a normative critique, even if the works do lend themselves to such a critique.

combination of the fantasies of blood and the paroxysms of a disciplinary power."[47] While totalitarianism describes a particular set of societies and ideologies with a distinct temporality, a totalitarian regime can be seen as a manifestation of disciplinary and normalizing power, though one made obvious by the combination of an "extension and intensification of micro-powers" with the "oneiric exaltation of a superior blood" (as Foucault describes the Nazi regime).[48] In other words totalitarian regimes, like dystopic imaginaries, extend the techniques already in place, thereby making them readily apparent. In a way, this can also explain why Nazism and other totalitarian regimes are often taken as paradigmatic instances of historical dystopia. It is not that the techniques these regimes use are new or currently unemployed; it is that they are *made apparent* in an unusual or extraordinary way. Nazism and all similar totalitarian regimes simply do not obscure (in the same way) the artificiality of the mechanisms of power they are employing. Walmart, as Jameson shows, is somewhat similar. What is "bad" about it is already widely known, and the store has resigned itself to being represented as such.[49] Thus, as Connolly

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[47] Michel Foucault, *The History of Sexuality, Volume One: An Introduction*, trans. Robert Hurley, Vintage Books Edition, March 1990 (New York: Vintage, 1976), 149.

[48] *Ibid*., 49-50. Foucault also states regarding "fascism and Stalinism" that they "in spite of their historical uniqueness, they are not quite original. They used and extended mechanisms already present in most other societies. More than that: in spite of their own internal madness, they used, to a large extent, the ideas and the devices of our political rationality." Michel Foucault, "The Subject and Power," in *Power*, ed. Paul Rabinow, vol. 3, Essential Works of Foucault 1954-1984 (New York: The New Press, 2000 [1982]), 328.

[49] Perhaps ignored (or at least less discussed) by Foucault and others, though not the existentialists, is this dread that can ensue when these mechanisms are first revealed, when the "unhomely" is brought to light. This could also be why some think that Foucault is a scholar of "discontinuity," that is, the world he is exposing seems so radically different to them that they cannot conceive of a continuous narrative incorporating both the newly revealed world and the world they had taken as given. For them, the dread of historical contestability must automatically entail that an actual historical rupture is being proposed.

This is clear to me in that I can still remember the first article I read truly exposing (or beginning to expose) some of these disciplinary powers at work. My sophomore year of high school, I took a class at Cleveland State University in which we read an essay entitled "Against School" by John Taylor Gatto. In the essay, Gatto traced the insidious and hidden effects of mass schooling and the role of mass schooling in making citizens who would be docile. (This, he said, descended from a Prussian model of schooling.) John Taylor Gatto, "Against School," *Harper's Magazine*, 2003, 33-38, MasterFILE Premier, EBSCO*host*.

I recall experiencing great degrees of terror while reading this essay. Surely it was wrong. The purposes of schooling were benign — schooling was a project aimed at teaching, nothing more. I put the matter out of my mind and went on to read whatever less-memorable texts were assigned throughout the rest of the course. This one,

pointed out above, all social orders favor some over others by particular mechanisms of power. Certain social orders, especially authoritarian and totalitarian orders, demonstrate more clearly whom they are privileging. They extend and exaggerate the disciplinary powers in question until they are made obvious. The dystopic, I am arguing, functions identically, albeit in a fictional form. It takes a particular aspect of society and exaggerates it until it is more easily grasped than a complex analysis of society writ large.

To demonstrate how the literary format of dystopia pursues this aim, I would like to turn to two dystopic texts: *The Giver* and *Android*. Both of these works are considered to be dystopic. My reasons for choosing these works are twofold. First, both were very popular, albeit during different eras. *The Giver* was published in 1993 and was the winner of both the Newberry Medal and the William Allen White Award, among others.[50] It is read by many to be a dystopic work[51] even though Lowry denies having intended it as such.[52] It was made into a movie released in 2014. *Android* is similarly popular. It was first published in 1968 and was the source material for the film *Blade Runner* in 1982. Beyond mere popularity, though, both texts also touch on important issues that have been addressed by political theory. *The Giver* has as a central theme the role of language in producing subjects, while *Android* deals with the construction of some lives as valuable and others as disposable. Both of these issues are deeply intertwined with real-world practices; the dystopic form simply exaggerates and makes them obvious so that they may be better analyzed and understood. I will first discuss *The Giver* and then will examine *Android*

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though, stayed with me, even in a partial and incomplete form, precisely because of the dread, perhaps even existential dread, that resulted from my awareness of disciplinary power's functioning.

[50] Neda Ulaby, "Lois Lowry Says 'The Giver' Was Inspired by Her Father's Memory Loss," NPR, 21 August 2014 (http://www.npr.org/2014/08/16/340170478/lois-lowry-says-the-giver-was-inspired-by-her-fathers-memory-loss), accessed November 7, 2015.

[51] "*The Giver* inhabits the discursive space of dystopia, and like most dystopias, *The Giver* begins in an imagined world intended to be worse than the reader's own, although it is initially somewhat inviting." Carter F. Hanson, "The Utopian Function of Memory in Lois Lowry's *The Giver*," *Extrapolation (University of Texas at Brownsville)* 50, no. 1 (Spring 2009): 45-60, *Humanities International Complete*, EBSCO*host*, accessed December 11, 2015.

[52] Ulaby, "Lowry."

with the goal of showing how each text takes a particular political issue as its focus and demonstrating this issue's relationship to real political practice. In so doing, I hope to prove the utility and benefit of viewing utopia as an analytic rather than as a normative production.

THE GIVER AND LANGUAGE

I turn first to *The Giver*. The book follows a young boy named Jonas who lives in a futuristic community. In this community, each aspect of everyday life is monitored and regimented. Elders of the village are elected, but they maintain total control over the lives of everyday civilians. Vocations are assigned, children and marriages are applied for and orchestrated by committees, and those unfit for life within the community are euthanized. Finally, all memories of a life beyond the community are located within a single individual: the Receiver of Memory. Jonas is assigned the job of Receiver, and he must procure memories from the past Receiver, who calls himself the Giver.

The community of *The Giver* employs a variety of specific techniques of language regulation and bodily control. Each evening, the family unit discusses the feelings each of its members had throughout the day. They then talk about these feelings until the feelings are resolved and the member is brought back to a state of "normalcy." This practice mirrors a similar one that occurs each morning after breakfast, where each member of the family shares the dreams that he or she had the night before, and then they discuss those dreams as a group. Finally, there is a practice of ritualistic apology that occurs whenever one citizen violates, intentionally or unintentionally, any rule of the community (especially the rule against rudeness):

> Jonas grinned, remembering the morning that Asher [his best friend] had dashed into the classroom, late as usual, arriving breathlessly in the middle of the chanting of the morning anthem. When the class took their seats at the conclusion of the patriotic hymn, Asher remained standing to make his public apology as was required.
>
> "I apologize for inconveniencing my learning community." …

"We accept your apology, Asher." The class recited the standard response in unison.[53] Here we have regulatory speech across a variety of formats. The students "chant" the patriotic hymn. Asher must stand to apologize in front of the entire class, and the class must collectively decide to absolve (or not to absolve) Asher. The individual is shown to be separate from the community at the same time that the community takes demonstrable preference over the individual. Required apologies suppress deviant action while collective absolving generates the group capable of such suppression.

The techniques articulated by the book are productive of dystopic conditions. Speech is everywhere, and everywhere it is required. On this point, the text holds a magnifying glass up to the world, exaggerating (if only slightly) the techniques that Foucault sets out in the first volume of *HoS*; language is often employed to produce identity categories of "normal" and "aberrant." In *The Giver*, normalizing power is employed to maintain the status quo in the society; the techniques of regulation are eerie and "dystopic" precisely because they reflect and extend the micro-powers that actually exist.   Foucault writes that his aim in *HoS* is to uncover why "sexuality [has] been so widely discussed" and what the "effects of power generated by what was said" were.[54] The question is not *whether* sex was talked about but the way *in which* it was discussed and the effects that resulted from it. Foucault points to a variety of specific techniques, such as the institution of the requirement of confession, which entailed the "nearly infinite task of telling — telling oneself and another, as often as possible, everything that might concern the interplay of innumerable pleasure, sensations, and thoughts which, through the body and the soul, had some affinity with sex."[55] Sex, Foucault notes, was "in the nature of a public potential;

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[53] Lois Lowry, *The Giver* (Boston: Houghton Mifflin Company, 1993), 3.
[54] Foucault, *The History of Sexuality*, 11.
[55] *Ibid*., 20.

it called for management procedures; it had to be taken charge of by analytical discourses."[56] Thus, speech about sexuality is regulated as a means of regulating sexuality itself, and this management of sexuality has a relationship to external concerns such as those of population and the economy.[57]

The Giver's treatment of the requirement to speak effectively functions the same way. Speech constrains thought and action, so "precision of language" is emphasized as a way of ensuring that communication can occur without misunderstanding. Jonas, for example, recalls having received a lecture for saying as a child that he was "starving" instead of merely hungry,[58] and his parents laugh and admonish him when he asks them whether they "love" — a term he has only learned through the reception of memories — him:

> There was an awkward silence for a moment. Then Father gave a little chuckle. "*Jonas.* You, of all people. Precision of language, *please!*"
>
> "What do you mean?" Jonas asked. Amusement was not at all what he had anticipated.
>
> "Your father means that you used a very generalized word, so meaningless that it's become almost obsolete," his mother explained carefully.
>
> Jonas stared at them. Meaningless? He had never before felt anything as meaningful as the memory.
>
> "And of course our community can't function smoothly if people don't use precise language."[59]

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[56] *Ibid.*, 24.

[57] In my view, Foucault's discussion of the employment of the disciplinary mechanisms employed with relation to sexuality is closely tied to his articulation of the concept of "governmentality" broadly understood, that is, the art of management employed in a variety of arenas beyond the traditional state. It is in these writings that Foucault describes the art of government as "a right manner of disposing things so as to lead not to the form of the common good … but to an end that is 'convenient' for each of the things that are to be governed. This implies a plurality of specific aims: for instance, government will have to ensure that the greatest possible quantity of wealth is produced, that the people are provided with sufficient means of subsistence, that the population is enabled to multiply, and so on." Foucault, "Governmentality," 211. In other words, the aims of the state or any other governing organization (the church, for example) are relative to the thing being regulated. With respect to sexuality, the aims may be multiple, and it may also be impossible fully to capture the constellation of aims that coalesce into the production of a particular sexual identity. The important point, I think, is to take away that speech is being regulated to produce a particular form of subject in accordance with these aims, whatever they may be.

[58] Lowry, *The Giver*, 70.

[59] *Ibid.*, 127.

His parents suggest alternative phrasings such as, "Do you enjoy me?" or, "Do you take pride in my accomplishments?"[60] The question of love is stripped of any meaning beyond what could be immediately useful to the community, and thus the term itself is banished from common usage. The term is dangerous. It threatens to disrupt the established order. Jonas understands love, but he must restrict his language to terms such as "enjoy" and ideas such as "pride in my accomplishments" so that his language reflects what is productive for the community.

The same is true insofar as the libidinal energies manifested by Jonas must be repressed. When Jonas has a dream one night in which he is attempting to convince his female friend Fiona to undress and enter a tub of water so that he can bathe her, he is made to begin taking a daily pill that will prevent "Stirrings" [61] from returning.[62] His mother and father, as well as some of his friends who have also begun to have the Stirrings, also take the pill each day. In a society where Birthmother is a vocation and children are assigned, there is no need for sex. It is disruptive to the established order's regularities. This requirement also creates an opportunity to rebel; one of Jonas's first acts of resistance is to stop taking the pill. This act only becomes an act of resistance because of the productive power of speech. By exposing his internal states, he opens himself up for regulation and suppression, a suppression he ultimately fights. Were it not for the requirement to speak, there would be no clear way to identify when the pill became necessary, but because of the central function of speech, the pill occupies an essential position.

The Giver not only exemplifies the way that speech can function to regulate and produce identities but also the ways that silence can be a space that allows for an individual to resist the

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[60] *Ibid.*

[61] Interestingly enough, this term is also used by Foucault when he highlights the "shifting [of] the most important moment of transgression from the act itself to the stirrings — so difficult to perceive and formulate — of desire." Foucault, *The History of Sexuality*, 19-20.

[62] *Ibid.*, 34-39.

regulations of power. This first becomes apparent after Jonas is given the guidelines for training to become the next Receiver of Memory. Four of his eight rules are related to speech: he is exempted from rules governing rudeness and may ask any questions of any other citizen, he may not discuss his training with anyone else in the community, he is no longer allowed to tell his dreams when his family does so in the mornings, and finally, he is permitted to tell lies. Of these, two forbid him from speaking, one — the exemption from rudeness — allows him to speak where he was previously silent, and the final rule — the exemption from lying — both allows him to speak and to be silent.

It is the permission to lie that Jonas finds the most radical of all the rules. While contemplating the prohibition on dream telling, he wonders what he is supposed to do if he does indeed have a dream: "What if he *did* dream — should he simply tell his family unit, as he did so often, anyway, that he hadn't? That would be a lie. Still, the final rule said … well, he wasn't quite ready to think about the final rule on the page."[63] Jonas reflects on the lifetime of teaching that has taught him not to lie; even the emphasis on using precise language, he realizes, is in place to "ensure that unintentional lies were never uttered."[64] Thus, the exemption from lying is in some ways an exemption from a regulation of his speech. He no longer must ensure that every word he uses aptly captures the idea that he is intending to convey (supposing this is possible in the first place).

Wendy Brown provides a framework for understanding the role of silence within a Foucauldian discourse in her essay "Freedom's Silences." Brown contests that speech and silence are opposites, instead arguing, along with Foucault, that the injunction to speech is as much an effect of power as are compelled silences. But if power compels speech, then can

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[63] Lowry, *The Giver*, 69.
[64] *Ibid*., 70-71.

silence not in some instances be liberating? Silences can often function as a space that is free from regulation. She writes, "This conceit [that speech and silence are opposites] enables both the assumption that censorship converts the truth of speech to the lie of silence and the assumption that when an enforced silence is broken, what emerges is truth borne by the vessel of authenticity of experience."[65] Speech is not necessarily emancipatory. Silence may at times be more liberating. Brown states, "In the course of this inquiry, silence is considered as not simply an aesthetic but a political value, a means of preserving certain practices and dimensions of existence from regulatory power, from normative violence, as well as from the scorching rays of public exposure."[66] That which is spoken is constantly open to further production and discipline.

As such, the permissibility of lying provides Jonas a space where he can resist the normalizing functions of speech. Brown writes, "Foucault … marks the ambiguity of silence in relationship to power, insisting that silence functions not only as a 'shelter *for* power' but also as a shelter *from* it."[67] Silence, Brown notes, may not be a space that is completely free from the organizations of power, but it is still a space that can in some instances exist in a way not yet accounted for by discourse — not in the sense that silence is not organized by power, but in the sense that silence can be a space that does not actively aid in the production of particular kinds of subjects and from which resistance to power's normalizing effects is possible.[68]

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[65] Wendy Brown, "Freedom's Silences," *Edgework* (Princeton UP, 2005), 83.
[66] *Ibid*., 85.
[67] *Ibid*., 86.
[68] This concept becomes clearest in Brown's quick discussion of a law in Trinidad and Tobago that aimed to criminalize lesbian sex. As Brown writes, "[L]esbian sexuality emerges into public discourse in Trinidad and Tobago only for purposes of stigmatizing and criminalizing it, as part of the criminalization of all extramarital and nonreproductive sexual practices." Brown, "Freedom's Silences," 87. In this instance, far from discussion or analysis of a topic being liberating, the speech only emerges in an effort to repress. Brown also discusses the Fifth Amendment to the United States Constitution and its guarantee against self-incrimination, writing that it could be understood as a "literal lifeline by those the House Un-American Committee persecuted in the 1950s," noting that silence generally has the potential to be a "reprieve from drowning in words that do not communicate or confer recognition, that only bombard or drown." *Ibid*., 93. The Fifth Amendment is itself a silence that exists within the larger discourse of American politics, which are themselves situated in the discourse of philosophical liberalism traced back to Locke and others. Despite the fact that this silence was constructed in the midst of a discourse, it can

Jonas's first lie to his parents takes "refuge from power"[69] in the shelter of silence. He actively resists the normalizing effects that regulation of his speech would entail, thereby abstaining from the injunction to speak that plays a significant role in the production of discourse. After Jonas's parents kindly chastise him for using the word *love*, his mother asks whether he "understand[s]" why the use of the term *love* is "inappropriate": "Jonas nodded. 'Yes, thank you, I do,' he replied slowly. / It was his first lie to his parents."[70] Precision of language is intended to diminish the potential for lying, and accuracy in descriptive language (and the constant confession of thoughts and feelings) produces a subject that abides by the rules of the community without questioning them.[71] Jonas resists this subjection by deigning not to engage in the discursive ordering of speech. In other words, if certain words are considered too imprecise for use because the feelings that they represent no longer exist, then to understand and to use them is to resist the elimination of those feelings from the society. But if Jonas attempts to speak those terms, then they will be taken from him, and he will be made to use other terms. By telling his parents that he understands why the use of certain "imprecise" terms is inappropriate, he resists engaging in a regulatory system that would be to excise the word from his lexicon. For Jonas, then, the possibility and permissibility of lying, even if it is only because permission to do so has been granted within an already constructed discourse, is a site of potential freedom from subject production.[72]

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still serve as a space where freedom can be found by some (but not by all; alleged terrorists being tortured are excluded altogether from the discourse of rights, finding no space of silence in which to dwell). We can see then that both intervals of silence carved out by the law as well as lacunas in the law (e.g. the failure to regulate lesbian sexual practice) can function as spaces in which resistance against power can find its locus and from where liberty can consequently be practiced.

[69] Brown, "Freedom's Silences," 87.

[70] Lowry, *The Giver*, 127.

[71] Of course, it is also the community that determines what constitutes accuracy within the confines of these rules. Power operates not merely at the level of the rule's *articulation* but at the level of its *application*.

[72] In addition to regulating speech in order to produce subjects that behave and identify in particular ways (as do all discourses), regulations and non-regulatory practices of speech extend to the naming of subjects themselves; the

The regulation of speech, then, certainly plays an important role in the workings of Jonas's community. It presumes a specific and previously delineated set of identities and internal states and only recognizes those verbally. For example, throughout the text, individuals are referred to as male and female and only in those terms. Despite a policy of "Sameness," which makes it rude to point out anything different about anyone else, there are still identified and encoded differences in gender and sex. Similarly, every parental pairing discussed is heterosexual. At every level within Jonas's community, language serves a regulatory function in the production of identity, but it does so in an extreme fashion. Whereas a scheme of discourses may play the same role in our society, it does not do so to the same extent that it odes in the community in *The Giver*. The community in *The Giver* dramatizes what happens every day. It makes extreme the production of identity via discourse, thereby exposing the micro-techniques to scrutiny, even if it is only a scrutiny of an exaggerated form.

If this is a technique dramatized in the novel, though, it is not necessarily its aim. That is, the fear the work expresses is not merely that we will be regulated, and as such, we must examine *why* the regulation in the text is occurring. At what do the disciplinary mechanisms the Community employs aim? One of the most important themes (and one that is directly tied to the role of language) in *The Giver* is the role that memory plays in the production of meaning for individuals and communities. As Jonas acquires new experiences, his world acquires a depth that

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community regulates what lives can be apprehended as existing. For example, each citizen is called only by a number prior to receiving a name in a group ceremony for one-year-old children, at which time each child is also placed in a family. Until a child is given to a family, it cannot be given a name. It is only within the social context of the community that the lives become valuable. This becomes further apparent when Jonas is inquiring of his parents what his position as the Receiver of Memory will entail. His parents describe for him the last time a Receiver was chosen, but when Jonas asks what the Receiver's name was, his parents refuse to tell him: "His mother replied, 'Her, not his. It was a female. But we are never to speak the name, or to use it again for a newchild.' / Jonas was shocked. A name designated Not-to-Be-Spoken indicated the highest degree of disgrace." Likewise, the text notes that when children misbehave, their parents sometimes call them by their number instead of by their name in order to indicate that "mischief made one unworthy of a name." Thus, in Jonas's community, only those individuals who act in accordance with what is desired of them by the community can be considered full members of it. Otherwise, they are treated as if they did not exist — if they exist, it is a worthless existence.

was not previously present. In interviews with the author, she has claimed that the focus on memory was her primary reason for writing the book, recounting that her elderly father began to lose his memory, which caused him to forget tragic events such as the death of his 28-year-old daughter. Lowry stated, "I began to think about writing a book about people who had found a way to manipulate human memory so [that] they wouldn't have to remember anything bad."[73] According to Lowry's account, the book is fundamentally about excising memory from humans in order that their lives may be less painful.

If we look to what the techniques of regulation accomplish in the community, we can see that they are fundamentally aimed at this end: the elimination of pain and suffering. This theme becomes most apparent early in Jonas's training. When The Giver is explaining the pain that Jonas will experience, Jonas asks, "But why can't *everyone* have the memories? I think it would seem a little easier if the memories were shared. You and I wouldn't have to bear so much by ourselves, if everybody took a part."[74] To this, The Giver responds, "You're right. … But then everyone would be burdened and pained. They don't want that. And that's the real reason The Receiver is so vital to them, and so honored."[75] The Receiver remembers so that the people may forget. The forgetting is neither complete nor unguided, but the memories that the townspeople retain are only those that would be useful in establishing and maintaining the civil order that they have constructed. For example, the classes that they teach in school are language and communications, commerce and industry, science and technology, and civil procedures and government.[76] Knowledge (and therefore memory) of these types of subjects is maintained; the

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[73] Lois Lowry, as quoted in Ulaby, "Lowry."
[74] Lowry, *The Giver*, 112.
[75] *Ibid*., 113.
[76] *Ibid*., 89.

collected history of "scientific" disciplines is maintained without any sort of generalized history explaining why and how those disciplines have come about.

Simultaneously, though, the "forgetting" of the non-scientific disciplines is not a complete forgetting. The remainder of the memories that Jonas is required to keep, while not strictly utilitarian in nature, are reduced to utilitarian in function, at least insofar as the community is concerned. The Giver notes to Jonas that he is only ever called upon to provide advice to the Committee of Elders in times when they "are faced with something that they have not experienced before. … But it very seldom happens."[77] The function of the Receiver of Memory is not to enrich the experiences of those within the community by providing context to their activities but to provide a minimal degree of assistance to those who are in control, and he is only employed when the elders find themselves in a situation that they do not understand. It is not just that The Receiver and The Giver are treated as vessels for the unwanted memories of the community but that they are made to discuss those memories for the sake of their repression. The memories are incorporated into a discourse (purportedly) aimed at their suppression, but the suppression is partial. The discourse only encourages the suppression of memory where there is the potential for lasting pain, whether physical or psychological. Thus Jonas may not take any medicine to eliminate pain related to his training, even though everyone else is permitted to have their pain instantly dulled by means of medical advances.[78]

The Giver deals with two primary themes. The first is the way that discourses regulate the terms used by (and consequently the relations between) the members of the community in order to produce a particular type of subjects. The second is the relationship between the techniques of

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[77] *Ibid.*, 103.

[78] In this way, we can see the investment of utopian possibilities into the world of *The Giver*. Jameson has argued that aspirins (and laxatives, deodorants, etc.), for example, can be seen as manifestations of a utopian impulse to "immortality" or a "transfigured body." See "The Uses of the Future," 26, and *Archaeologies of the Future: The Desire Called Utopia and Other Science Fictions* (New York: Verso, 2005), 6.

power employed and the collective "forgetting" undergone by the community. There is a certain degree of ignorance that allows the members of the community to be controlled. Interestingly, this is implicit in Foucault's historical rejection of the "Repressive Hypothesis" in *HoS*. Rather than accepting that power has function only to say "no" to sexual desire, Foucault instead examines *historically* how language has functioned. His contextualization of the function of sex across several centuries is what allows him to identify the workings of power. Similarly, while Foucault argues that resistance to power exists everywhere power is exercised,[79] seemingly implying that resistance to power can occur passively, it does not seem a far stretch from his argument to surmise that it takes an understanding of power's functions to resist it actively. This is what occurs for Jonas; he becomes aware of how power is working, and this allows him better to conceive resistances to it. Thus, *The Giver* is both a story of control and a story of resistance to control, resistance only made possible by the knowledge of how the control is functioning.

DO ANDROIDS DREAM OF ELECTRIC SHEEP?, OR, ARE ALL LIVES EQUAL?

A similar theme is present in Phillip K. Dick's *Android*. However, the "resistance" in *Android* is not undertaken by the "protagonist" of the story, as it is in *The Giver*, but rather by those against whom he is operating. The story uses experiential knowledge, namely, the knowledge and experience of empathy, to question what lives count as existing or salvageable as opposed to disposable. In *Android*, a bounty hunter named Rick Deckard works for the police in a futuristic, post-apocalyptic San Francisco to "retire" any androids that have escaped to Earth. These androids are made of organic material rather than mechanical parts. The story is set after

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[79] Foucault states, "Where there is power, there is resistance." Foucault, *History of Sexuality*, 95. See also Foucault "The Subject and Power" at 342 ("Where the determining factors are exhaustive, there is no relationship of power: slavery is not a power relationship when a man is in chains, only when he has some possible mobility, even a chance of escape") and "Space, Knowledge, and Power" at 354 ("[A]side from torture and execution which preclude any resistance, no matter how terrifying a given system may be, there always remain the possibilities of resistance, disobedience, and oppositional groupings").

World War Terminus, a worldwide nuclear war of unspecified proportions that has left the planet covered in radioactive dust. This dust has killed a majority of the animal life on the planet, and its alleged detrimental effect on humans has caused many to emigrate to other planets to avoid a supposed "degeneration" of their mental and physical capabilities.

In *Android*, memories play an essential role. Many of the androids have artificial memories implanted into them at creation, which means that some do not even realize that they are androids. At one point Rick meets another bounty hunter named Phil Resch. Resch's boss, Garland, is discovered to be an android, and Garland confides to Deckard that Resch is also an android. After they have killed Garland, Deckard conveys this news to Resch, who frantically attempts to determine whether his memories of having worked in his job for at least three years and the fact that he owns a pet squirrel (thereby demonstrating his capacity for empathy) mean that he is actually human and not an android with implanted memories. He asks Deckard to administer an empathy test to him, claiming that he will kill himself if the test proves him an android. (He turns out to be human.)

The android, then, is a category of disposable life, a not-quite-human human, the presence of which on Earth sufficiently disrupts the everyday so as to merit violent action against it. The androids are considered dangerous especially because they are sentient creatures allegedly lacking empathy, especially for each other; it is frequently mentioned that an android would turn another over to the police if it thought it would help to save itself. This lack of empathy results from a lack of memory similar to that of the community in *The Giver*. While the androids in *Android* have some degree of intelligence and recollection, they are said not to be able to grasp reasons that are not purely intellectual, that is, emotional justifications for action (though the text undermines this claim consistently). Any motivations based on a characteristic such as empathy

are said to be alien to them; their knowledge is entirely "scientific." It is only useful for a diagnostic of *how* the world functions without explaining why it could matter that the world is such a way. For the androids, it may not be that they have forgotten the actual events that have occurred in their "lives" but that they cannot experience them in the same fashion as humans can.

While the surface of the text sharply divides the human and replicant worlds, tsunami forces roil under apparently placid waves, and the actions of the characters (more than what they say) muddy these waters significantly, making ambiguous the bifurcation between androids and humans. The androids seem to feel *something* for their own kind, whereas Deckard's thoughts and feelings are conveyed in almost mechanistic, robotic terms. After arriving on the planet, several of the androids stay in a group in order to maximize their chances of survival. Three of the six, Roy and Irmgard Baty and Pris Stratton, stay in two apartments in a mostly deserted apartment complex in the suburbs outside of San Francisco. Though their primary objective is survival, Roy sets up a warning system that can only be triggered by humans that will allow him and Irmgard to come to Pris's aid if a bounty hunter comes after her. When Deckard arrives, Roy and Irmgard do not simply head for the hills; they stay together to the bitter end. When Deckard kills Irmgard Baty, Roy "let[s] out a cry of anguish," and Deckard responds, "Okay, you loved her. … And I loved Rachel."[80] Despite all claims to the contrary, the androids seem to have affection for each other. The decision of some of the androids to stick together could be reduced simply to the desire on the part of each android to escape "retirement" at Deckard's hands, though the apparent pain that the androids express after their fellow androids have been killed makes this reading difficult. (For example, when Pris is told by Roy Baty that several of the

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[80] Philip K. Dick, *Blade Runner (Do Androids Dream of Electric Sheep?), 25th Anniversary Edition* (New York: Ballantine, 2007 [1968]), 271.

other androids have been killed, the text states that the "joy which had appeared on Pris's face at seeing her friends at once melted away."[81])

Similarly, Rachel Rosen, an android owned by the largest android-manufacturing company in the world, meets Deckard with the ostensible goal of helping him kill the escaped androids that he is pursuing. Rosen appears distressed when she learns that one of the androids that has escaped is the same model that she is. If she helps Deckard, she will effectively be killing a version of "herself." She expresses this in conversation with Deckard:

"You know what I have? Toward this Pris android?"

"Empathy," he said.

"Something like that. Identification; there goes I. My god; maybe that's what'll happen. In the confusion you'll retire me, not her. And she can go back to Seattle and live my life. I never felt this way before. We are machines, stamped out like bottle caps. It's an illusion that I — I — personally — really exist; I'm just representative of a type." She shuddered.[82]

Despite this, Rachel offers an interpretation of her reaction that eliminates empathy for others. She states, "I'm empathetic about myself. And, see, if I go to that suburban broken-down conapt building— … I don't dare go because androids have no loyalty to one another and I know that that goddamn Pris Stratton will destroy me and occupy my place."[83] Rachel even promises to kill Stratton herself if Deckard will sleep with her.

After sleeping with Deckard, though, Rachel reveals to him that her true intention was to make it difficult for him to kill other androids, claiming, "No bounty hunter has ever gone on. … After being with me. Except one." [84] When Deckard decides to kill the androids anyway, Rachel

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[81] *Ibid*., 153.
[82] *Ibid*., 187.
[83] *Ibid*., 189.
[84] This statement problematizes a scene at the start of the book. Rosen allegedly only learns that she is an android after having the Voight-Kampff test administered to her at the start of the book. However, the time elapsed *within* the book does not seem to be long enough to allow her to have slept with multiple bounty hunters since she learned that she was an android (made especially true by a reference to a bounty hunter with whom Deckard has been

responds by killing a pet goat he had purchased with some of his reward money. Rachel clearly seems to be empathetic even though she presents herself as having no empathy. Rachel's killing of Deckard's goat cannot be explained in any other way; Rachel is taking vengeance on Deckard. There is no reason for her to do so other than the empathy that she seems to deny possessing.

It is not only the claim that androids do not feel empathy that is contestable, though. The assertion that empathy is the feature that allows humans to be distinguished from androids becomes contestable the more sophisticated that the android models become. Before Deckard is permitted by his boss to begin pursuing the androids, he is first made to go to the headquarters of the Rosen Corporation to determine whether the Voight-Kampff test, which differentiates between humans and androids on the basis of the subject's responses to a variety of emotional situations, works on the newest model of androids released by the Rosen Corporation: the Nexus-6 model. The fear, as expressed by a group of Soviet psychiatrists, is that the Voight-Kampff scale "applied to a carefully selected group of schizoid and schizophrenic human patients."[85] In other words, for certain humans, those who demonstrate a "flattening of affect," the scale that is meant to identify androids as androids would apply to them as well.

The ironic aspect of the fear that the test might identify some humans is that the humans it would register have the same characteristic that allegedly makes the androids dangerous. Deckard is hunting androids because they lack empathy, but he is trying to ensure that the test will not accidentally target humans on the same grounds. Humans with no empathy must be protected, but androids must be destroyed because they have no empathy.

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working for a significant portion of the book). Unless she had unwittingly employed this tactic prior to having learned that she was an android, the two moments seem (probably intentionally) incongruous and unexplainable in any sort of rationalist logic (in other words, some portion of the story must be false in order for the events to make sense together). This seems to be something of a theme throughout the book. For example, when Deckard meets one of the androids, the text progresses at a normal rate until conflict suddenly arises between the two of them (and leaves the android dead). The jumping around seems to me to be an aspect of the text's focus on alienation insofar as the experience of the reader is one of defamiliarity (or at least confusion) with the textual experience.

[85] *Ibid*., 35.

A lack of feeling is not limited to the small "schizoid" population of Earth, though. It is spread across the human inhabitants of Earth. Deckard's wife, Iran, is the first to bring it up. She is explaining to Deckard why she has set her Penfield mood organ, a device that alters the mental states of the users, to provide her with a "six-hour self-accusatory depression."[86] She explains that once while home alone, she turned off the television and was overwhelmed by the silence of the apartment complex:

> "At that moment," Iran said, "when I had the TV sound off, I was in a 382 mood; I had just dialed it. So although I heard the emptiness intellectually, I didn't feel it. My first reaction consisted of being grateful that we could afford a Penfield mood organ. But then I realized how unhealthy it was, sensing the absence of life, not just in this building but everywhere, and not reacting — do you see? I guess you don't. But that used to be considered a sign of mental illness; they called it 'absence of appropriate affect.' So I left the TV sound off and I sat down at my mood organ and I experimented. And I finally found a setting for despair." Her dark, pert face showed satisfaction, as if she had achieved something of worth. "So I put it on my schedule for twice a month; I think that's a reasonable amount of time to feel hopeless about everything, about staying here on Earth after everybody who's small has emigrated, don't you think?"[87]

Deckard's wife is using the mood organ in a way that remedies her diminished capacity to feel empathy. Her affect exists at a "flattened" level. Even as the society constructs the lack of empathy as a danger or a "disorder" that must be regulated among humans or destroyed among non-humans, it provides mechanisms to hide that same feeling on the part of humans. Finally, the androids also describe their condition in the same terms; Pris tells a human that she and her fellow androids are "schizophrenic, with defective emotional lives — flattening of affect, it's called."[88] Yet the same mental and emotional state that the androids allegedly experience, that

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[86] *Ibid*., 2.
[87] *Ibid*., 3-4.
[88] *Ibid*., 159.

makes them "dangerous," is sought after by Deckard's wife because she considers it healthy to feel this way from time to time. [89]

Thus, the regulation of what it means to count as a life worthy of protection on Earth in 2019 is facially tied to empathy but in actuality tied to the nature of the life in question: is the life manufactured by humans via corporations or copulation? There are admittedly some differences between the humans and the androids. The Voight-Kompff test primarily registers androids for a reason, and the alarm that Roy constructs will only be tripped if a human of a certain mental capacity is present. However, the androids still register strong reactions to a majority of the situations that are examined under the Voight-Kompff test, simply not in the same way that humans register reactions to them. Additionally, the difference in biological constitution registered by the alarms is unrelated to the arguments about empathy that are used to justify the hunting and killing of the androids. At base, the androids are constructed as an undesirable life form for no other reason than that they do not fit the biological paradigm for valuable life.[90] Value is ontogenetic; the androids are the "other" that unites the humans and who are consequently "justifiably" used by them as slaves in the off-planet colonies. If the life of the androids is not understood as of equal value to the life of the humans, then the humans can rule the androids with impunity, having them perform whatever tasks they desire and killing them without guilt or legal reckoning.

[89] I feel that it is impossible to discuss the construction of the androids as creatures without empathy without bringing up an important scene in which Pris cuts several legs off of a spider to see how few legs it truly needs to walk. *Ibid.*, 203-210. The text in that moment seems to use it to demonstrate that the androids are truly "other," that they lack a characteristic that is unique to humans. Of course, the moment itself is situated in a world where a scientific "curiosity," not unlike that expressed by Pris before beginning to cut off legs, has led to the destruction of significantly larger lifeforms generally considered to be more desirable. Owls and toads, for instance, are extinct in the world of *Android*. That Pris's curious dissection of the spider and the androids' purported lack of empathy for each other serves as the basis for their persecution is ironic situated in a world that bears the aftereffects of the identical human tendencies spread across a much larger scale.

[90] Further discussion on the construction of some lives as valuable and others as disposable can be found in Chapter Two.

The construction of some lives as valuable and others as disposable works in two directions. Humans affirm their own value by devaluing androids, but they also affirm their own value by setting some experiences aside that they may have but the androids may not.[91] An entire religion — Mercerism — arises around the ideal of empathy. By making use of a machine called an "empathy box," individuals across the various worlds may share in a "group mind" type of experience in which they are allegedly able to share the thoughts and feelings of other users. The entire experience centers on a figure called Wilbur Mercer, who begins in a pit of bones before leaving the pit and climbing up a mountainside. Once at the top, Wilbur again descends to the pit of dead things, after which the entire journey begins again. Users of the empathy box become the figure of Mercer; they lose their identity to experience a collective consciousness. However, during the course of the novel, Mercer, who is generally believed to be real in some sense of the term (in the same way, for example, that Jesus is usually thought by most to have existed even if they do not believe that he was divine), is proven to be no more than an actor who was filmed against a generic background. The tenets of the religion are constructed on the reality of a fictitious being.

The religion, though, is unlikely to die out, precisely because it is an experience *unavailable to the androids*. In fact, Irmgard Baty rants, "Isn't it a way of proving that humans can do something we can't do? Because without the Mercer experience we just have your *word* that you feel this empathy business, this shared, group thing."[92] The religion or cult or experience of Mercer lives on (or is at least presented as if it *will* live on beyond the end of the book) because it is an experience, contingent and constructed, that separates certain humans from the

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[91] This is for Foucault an early point in the history of sex as a concern of power: the "self-affirmation" of the nobility with respect to the continued vigor of their lineage. Foucault, *History of Sexuality*, 123-125. In other words, humans construct themselves as capable of experiencing something that the androids cannot as a way of affirming themselves, which ultimately comes at the cost of how the androids are treated.

[92] Dick, *Android*, 207-208.

androids. Again, though, not all humans participate in it. Rick, whose job requires that he not have the empathy he develops for the androids, takes care to avoid it, yet in the course of killing the androids, he comes to see himself as Mercer. Mercer appears to him in visions and tells him that killing the androids is wrong but something that he must do,[93] and after killing the androids, Deckard believes that he has "permanently fused with [Mercer]."[94] To reject his feelings of empathy for the androids, Deckard must subscribe to a dubious ideology that constructs the androids as other, and after he goes about killing the androids (again, thereby rejecting his empathy for them), he believes that he has become a figure that is the epitome of empathy. *Android* then is a story of conformity for Deckard. He is the anti-Jonas in that he comes to understand, in at least some partial way, the illegitimacy of hunting and killing androids yet continues to do so anyway. He recognizes the way that power is functioning, but because it is functioning on his behalf, he refuses to resist it.[95]

But as with *The Giver*, it is not enough to analyze the mechanisms of disciplinary power, in this case those that construct some lives as valuable and others as disposable. We must look at what these categories *produce*. Here I think it is helpful to turn to the author's articulation of his own aims. In an interview, Dick stated that for him, the book "stemmed from [his] basic interest in the problem of differentiating the people who are physiologically human but behaving in a nonhuman way."[96] Dick also noted that he wrote the work during the Vietnam War and that part of his concern was whether it "might become necessary to fight" people who, like the androids, lacked empathy and whether it would be possible to maintain empathy in the course of the

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[93] *Ibid*., 177.

[94] *Ibid*., 231.

[95] This, though, does to some degree gloss over the degree of alienation that he experiences.

[96] Paul M. Sammon, "Of Blade Runners, PKD, and Electric Sheep," in *Blade Runner (Do Androids Dream of Electric Sheep?), 25th Anniversary Edition* (New York: Ballantine, 2007), 244.

fight.[97] It seems from his own descriptions that Dick was indeed attempting to portray the androids as so separate from humans that they could ultimately be dangerous to humans. However, as we have already seen, his actual work undermines this effort. It is not simply that Deckard "becomes *like* an android" but that androids and humans are already essentially the same. The benefit of introducing Dick's analysis is that it highlights an apparent concern in the text that otherness may in fact be dangerous. However, rather than actually promoting this view, the text's construction of android life actively undermines it as a legitimate perspective. The text's main concern is in fact how some lives are constructed as worth living and why some others are considered to be so dangerous to human existence that they must be eradicated. While Dick may have meant to constrain this logic to the specific instances of persons who were leading military campaigns overseas, the logic of disposability plays a role in our current politics, as we shall see further in the next chapter. Dick does a good job in presenting the issue he desired to raise, but he did so in a way that ultimately promoted a point opposed to the one he was trying to articulate: to divide life into categories of worthy and unworthy to live is dangerous.

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Both *Android* and *The Giver* are clearly dystopic works. They are both imagined futures dealing with societies significantly "worse" than our own. In *Android*, Earth is uninhabitable, which has provided the impetus to conquer other worlds. In *The Giver*, the world is inhabitable, but each individual may only access a small portion of the world. The eradication of memory and the implementation of a strictly rule-oriented way of life have led to the creation of a world in which individuals rarely seem to leave the space to which they have become accustomed. The

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[97] *Ibid.*

dystopic imaginary serves to express concerns about various societal tendencies when those tendencies are taken to their extremes. *Android* deals with fears about the tactics of war that are waged when those understood to be living are not valued as human. *The Giver* is concerned with the authoritarianism of a society that is willing to do whatever it takes to be free of pain, no matter how much self-regulation such an endeavor would require. Both of these dystopias are worlds in which the concerns of the present are shifted into the future. The eradication of the "present" — in the sense that these stories are always "potential futures" — as an immediate concern functions almost as a control would in a scientific experiment; it allows for the features of society that concern the author to be explored without worrying about the details that would be essential to any study of those features as they exist within the present.

It is not always the case, though, that dystopias only ever present problematic relationships of power. Sometimes, worlds that could be considered dystopic come with their own ready-made solutions, and these responses mark the points of resistance against dystopian tendencies. This means that it is essential to understand how dystopia is being constructed in order to determine whether the problems being presented have some fair relationship to the real world and whether the potential solutions proposed actually get to the heart of the matter. In order to explore this issue further, we will turn to the imaginary of the superhero in Chapter Two.

For Jonas, resistance involved leaving the community. For Deckard, there was a lack of resistance. He was assimilated back into the group mind of Mercerism, the mind that constructs androids as other in order to eradicate them. Both texts are useful for demonstrating the potentialities that exist as responses to dystopic worlds. *The Giver*'s response is fairly utopic, while *Android* instead demonstrates a dystopic response to the problems of dystopia. The text, though, does not seem to indicate that resistance is impossible but only that it may be difficult. It

leaves open the opportunity of resistance to the paradigms it problematizes. In fact, Rachel is a better figure of resistance than Deckard. While she does return to the corporation that produces her, the action of killing Deckard's goat is a symbolic act rejecting the prioritization of biological life over mechanical life. And, of course, her action leaves Deckard only with a mechanical toad and sheep that he owns. His rejection of mechanical life in the form of the android has led to him possessing only mechanical pets, a source of shame for him throughout the book. In both novels, the dystopia seems to be proposed less for the world that is portrayed and more for the demonstration of ways that the dystopic can be resisted, even if the resistance portrayed in the text is not successful. Dystopia becomes a problem to be solved, a problem of how best to resist the problematic constructions of biopolitical regimes.[98]

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[98] This is not to say that every dystopia functions in this way, only that those presented in *The Giver* and *Android* do so.

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THE DARK KNIGHT AND DEMOCRACY: BATMAN AND THE DANGERS OF SEIZED AUTHORITY

The form of the dystopic is multiple and varied. Numerable imaginaries fall within its boundaries, some more utopic, some less so. One variety of the dystopic can be found in the world of the superhero. Superheroes consistently inhabit worlds that are a far cry from our own. Crime rates are through the roof; corruption is everywhere; and, of course, some people (including criminals) have superhuman capabilities. In the figure of the superhero, we see a utopian figure combatting a dystopian reality. Metropolis is under attack, so Superman must save it. The world is being attacked by a terrorist organization linked to Nazism, so the Avengers must come together to save the world. The paradigmatic superhero episode entails first an imagination of dystopia and then the presentation of the superhero as a response or solution to it. In this chapter, I would like to explore what fears and mechanisms of power the presentation of superhero dystopias expose and what our imagined responses to them are. I will do this specifically through an examination of Christopher Nolan's Dark Knight Trilogy.

The superhero genre is no freer than any other from the socio-political forces that channel the anxieties of society into their expressions across various media. From the movie screen to the comic book, the superhero is, by virtue of having been created in a political world, an inherently politicized creation. This is especially apparent in the superhero genre's centrality to the

production of culture. Of the top-ten domestic (U.S.) film grosses, four are superhero movies. *Marvel's The Avengers* (2012) is fifth, *The Dark Knight* (2008) is sixth, *Avengers: Age of Ultron* (2015) is ninth, and *The Dark Knight Rises* (2012) is tenth.[1] The same is true for thirteen more of the top 100. Of these, only one (*Batman*, 1989) occurred prior to the last decade and a half. More than at any prior point in cinematic history, superhero films hold strong sway over the public's imagination. Analyzing the films that are popular with the general public is important in turn because these films interpellate and, more importantly, directly produce the subjects who view them. These audiences, inhabitants of a seemingly more and more uncertain world marked at every turn by dangerous potential futures, are little removed from the public in the world of the superhero: the masses who are unable to save themselves in the face of chaotic (often terroristic) forces of "evil." The superhero is a force of good and justice capable of making the world safe for the quotidian. The implication? Grave danger is all-pervasive, and it can only be combatted by near-absolute, extralegal authority.

Everyday cultural forces produce subjectivities. In his book *Mythologies*, Roland Barthes states that his analyses were usually inspired by a "feeling of impatience at the sight of the 'naturalness' with which newspapers, art and common sense constantly dress up a reality which, even though it is the one we live in, is undoubtedly determined by history."[2] In other words, the contestability and malleability of the world we inhabit is often obscured by how we view the world that we experience on a daily basis, and everything that is a part of our everyday contributes to shaping this world. In the world of the superhero, the "there-ness" of evil is a

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[1] "All Time Domestic Box Office Results," accessed March 26, 2016, http://www.boxofficemojo.com/alltime/domestic.htm. When I originally accessed this list in September 2015, *Marvel's The Avengers* and *The Dark Knight* both occupied places in the top five. While *Avengers* still does, *The Dark Knight* slipped to sixth thanks to the success of *Star Wars: The Force Awakens* (2015), which can be read as dys(u)topic in its own right. The recent *Deadpool* (2016) is currently 34th on the list.

[2] Roland Barthes, *Mythologies* (New York: Granada, 1983 [1957]), 11.

defining trait; another villain always arises to be combatted by the forces of "truth, justice, and the American way."[3] As Marc DiPaolo has described the phenomena in the context of Batman, "In his world, villains, following long-standing melodramatic tropes, announce their intentions in advance and perform obviously evil acts. There is little need for speculation about their possible innocence and no need for 'absurd' notions such as due process."[4] Barthes' distaste for the naturalization of a contingent world would find an easy object in the realm of the superhero, a world where forces that are evil through and through are a *necessity*. The audience knows who is good, who is evil, and which of those two forces will prevail, and this form of art "dresses up" our daily reality until we can no longer see its contestability.

In this way, the myth of the superhero is not so different from the myths that often visibly drive U.S. politics. In fact, the two are deeply intertwined. As Sheldon Wolin puts it, "Their [the media's] vivid representations of the destruction of the Twin Towers, accompanied by interpretations that were unwavering and unquestioning, served a didactic end of fixing the images of American vulnerability while at the same time testing the potential for cultural control. The media produced not only an iconography of terror but a fearful public receptive to being led, first by hailing a leader, the mayor of New York, Rudolf Giuliani, and then by following one, the president of the United States, George W. Bush."[5] The process of producing subjects who would be receptive to the expansion of executive authority in an effort to combat terrorism involved first articulating the risk to the wellbeing of the nation's citizens by imprinting the ever-present possibility of danger on their collective consciousness, "an enemy — terrorism — that had no

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[3] Obviously, this has exceptions (for example, the acclaimed *Watchmen*), but as a general rule, it seems to hold.

[4] Mac DiPaolo, *War, Politics, and Superheroes: Ethics and Propaganda in Comics and Film*, (Jefferson, North Carolina: McFarland & Co., 2011), 58.

[5] Sheldon Wolin, *Democracy Inc.: Managed Democracy and the Specter of Inverted Totalitarianism* (Princeton UP, 2008), 5.

obvious limits, neither temporal nor spatial, nor a single fixed form,"[6] and then providing a leader who could serve as a solution to or a bulwark against that danger. A truly super hero was needed to save the people from the supervillain bent on their destruction.

It was in this context that the high-grossing superhero films of the early 2000s-2010s were released. Included among them was Christopher Nolan's Dark Knight Trilogy, consisting of *Batman Begins* (2005), *The Dark Knight* (2008), and *The Dark Knight Rises* (2012). These three films addressed the issue of terrorism in obvious terms (though Christopher Nolan claims that, at least for the first movie, he only realized the connections between at least his work and terrorism after the film had been completed).[7] The films trace Bruce Wayne's journey from bourgeois resident of Gotham City, through his time as Gotham's primary defender and architect of its uneasy peace, to his eventual retirement from and release of the role of Batman. In all three films he faces enemies bent on the demise of Gotham: Ra's al Ghul (and the Scarecrow), the Joker, and Bane (along with Talia al Ghul). In this chapter, I examine the Dark Knight Trilogy as a dystopia. Gotham is the dystopic situation, with rampant crime and constant terrorist attacks. Simultaneously, Batman is a manifestation of the utopian impulse. He presents a solution to the problematic of dystopia that Gotham presents. To this end, I discuss the world that Christopher Nolan has created, focusing primarily on its villains and the tactics that Batman employs to stop them. I also begin to discuss the way that these films help to generate our understandings of the real world, a theme that I develop further in the next chapter.

BATMAN BEGINS WITH A WAR ON TERROR

The first film deals with the journey of Bruce Wayne into the persona of Batman. It begins *in medias res*, with Wayne in a prison in an unspecified but apparently Asiatic country,

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[6] *Ibid.*, xi.
[7] DiPaolo *War, Politics, and Superheroes*, 51.

which starkly contrasts the opulence of Wayne Manor and its grounds. The audience is left with the question, "How did he end up here?" The "here" is a here of complete otherness; the criminals are all non-white, and they are out to kill Bruce. While in prison, Bruce is approached by a man named Ducard. Ducard offers Bruce the opportunity to work for a man named Ra's al Ghul, who is the head of a group called the League of Shadows.[8] Ducard offers Bruce training to master his fears so that Bruce can be a part of the League's mission to bring justice to the world. In order to demonstrate his commitment to justice, though, Bruce must kill a local farmer who murdered and attempted to steal land from his neighbor. When Bruce says that the man should instead be tried, Ducard replies, "By whom? Corrupt bureaucrats? Criminals mock society's laws."[9] Earlier Ducard had also stated that criminals "thrive on the indulgence of society's understanding."[10] Finally, Ducard Gotham is to be destroyed for its criminality and corruption. Ducard's vision of the world is dys(u)topic. It entails punishment and destruction for those who have committed "crimes" against the law as determined by the League of Shadows, which consequently imposes on the world an order desired only by a few. It exalts extralegal punishment as the path to justice. Wayne refuses to be complicit in Ducard/al Ghul's utopic vision, even as he uses extralegal means to impose his own plan of redemption for Gotham.[11]

Ra's al Ghul is a terrorist; fear is the weapon he employs to bring about his political ends. In his case it is literal fear as his plan to destroy Gotham entails releasing a toxin that causes individuals to see hallucinations. He wants the city to "tear itself apart through fear."[12] This "forces Batman to fight a literal 'war on terror,'"[13] in the process employing extralegal

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[8] Ducard is revealed to be the true Ra's al Ghul, but this is not revealed until near the end of the film.

[9] Christopher Nolan, *Batman Begins*, DVD (Warner Bros., 2005).

[10] *Ibid*.

[11] Bruce's one rule, discussed further below, is that he will not kill. Everything up to that point, though, seems to be a legitimate strategy if it ensures the "safety" of Gotham.

[12] Nolan, *Batman Begins*.

[13] DiPaolo, *War, Politics, and Superheroes*, 52

mechanisms of security. As DiPaolo writes, al Ghul is "a lunatic who is too driven by 'righteous' fury and ideology to be reasoned with."[14] Bruce, on the other hand, is the sane, intelligent, moral man of the classic comic book adventures."[15] He is wealthy and virtuous. Al Ghul's fanaticism and otherness present, according to the film, a graver threat to Gotham than does Batman's decision to take the law into his own hands. The binaries of neighbor/foreigner, Western/non-Western, secular reason/religious ideology, and civilian/terrorist are replicated and reinforced through the opening scenes, even as Batman adopts Ducard's mantra that he must "devote [him]self to an ideal" and make himself "more than just a man" if he wants to bring a new order to Gotham.[16]

For DiPaolo the relevant inquiry in Batman's attempts to fight crime is, "to what extent do[es] *Batman Begins* … present Batman as violating civil rights?"[17] Arguably, though, this inquiry obscures an even more important question: To what extent does Batman's triumph over al Ghul produce an understanding of the role of executive authority in modern democracy that is ultimately inimical to the functioning of democracy generally? The question of civil rights is an important one, but it is secondary, in my view, to whether executive authority ought to be curtailed in the face of extreme danger, especially when that expansion appears to be necessary to save the public. It is only by operating outside of the law that Batman is ultimately able to do what is necessary to save the city. Gotham's law has been practiced in a way that benefits the wealthy, both businessmen and crime bosses, and harms the poor. It is inadequate to combat crime and exploitation. The practice of democracy in Gotham is insufficient to produce the types

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[14] *Ibid.*, 53.
[15] *Ibid.*, 51.
[16] Nolan, *Batman Begins*.
[17] DiPaolo, *War, Politics, and Superheroes*, 54.

of subjects (and leaders) that it takes to maintain democracy, so Bruce must seize authority for himself.

DEMOCRACY'S DARK NIGHT IN *THE DARK KNIGHT*

This theme runs throughout the three films. Can a system of government where the power to rule is ostensibly vested in the people succeed, or will it necessarily devolve into anarchy? Along with this question necessarily arises DiPaolo's question of civil rights. In *The Dark Knight*, Ra's al Ghul's ideologically motivated fanaticism is replaced by the Joker's love of chaos. The Joker appears after organized crime has been pressed nearly to the breaking point, at which time he offers to eliminate the Batman for the remaining crime bosses — for a fee, of course. He describes himself as a "dog chasing cars" and tells others that his goal is simply to bring chaos into places where order prevails.[18] The Joker commits act of wanton terror throughout the city, including killing Wayne's love interest, Rachel Dawes, and burning off half of the face of her fiancée, District Attorney Harvey Dent. His aim is to destroy Batman's moral authority rather than killing him.[19] The structure of the plot at its most basic is very simple: the Joker is perpetrating acts of evil, and someone (Batman) must stop him.

The film does delve into important issues of the legitimacy of emergency powers, vigilante justice, and sovereign action. The film signals this early on when Bruce shows up (with a supermodel date in tow) at the restaurant where Harvey Dent and Rachel Dawes[20] are eating. The conversation turns to whether Batman is a force for good or a force for evil. Harvey defends

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[18] Christopher Nolan, *The Dark Knight*, DVD (Warner Bros., 2008).

[19] The Joker in fact says as much. The Joker is briefly (and intentionally) captured by the police. Batman interrogates him, asking, "Then why do you want to kill me?" The Joker laughs and responds, "Kill you? I don't want to kill you. What would I do without you? Go back to ripping off Mob dealers? No, you, you complete me." The Joker then tells him, "You have these rules, and you think they'll save you. … The only sensible way to live in this world is without rules. Tonight, you're going to break your one rule." Nolan, *The Dark Knight*.

[20] To clarify, Rachel Dawes and Bruce Wayne are longtime friends, and Bruce is in love with Rachel. However, Rachel refuses to be with Bruce for as long as he is Batman. As such, she dates District Attorney Harvey Dent.

him; when Bruce asks, "Who appointed the Batman?", Harvey replies, "We did. All of us who stood by and let scum take control of our city."[21] The conversation continues:

> NATASCHA [Bruce's supermodel date]: But this is a *democracy*, Harvey.
>
> DENT: When their enemies were at the gates, the Romans would suspend democracy and appoint one man to protect the city. It wasn't considered an honor. It was considered a public service.
>
> RACHEL: Harvey, the last man that they appointed to protect the republic was named Caesar, and he never gave up his power.
>
> DENT: Okay, fine. You either die a hero, or you live long enough to see yourself become the villain.[22]

The film explicitly addresses the legitimacy of a single individual seizing the authority that ought to be left to the masses. When asked who *appointed* Batman — a term that implies administrative decision making, whereas a term such as *elected* might imply democratic relationships — Harvey makes the grant of authority implicit. Batman may be outside (above) the law, but he acts functionally as a sovereign, and in some sense he is more legitimate than those who were actually elected. Gotham's preservation rests solely in his hands. Because the subjects of democracy could not combat threats to the foundation of the city on their own, a self-chosen leader was necessary to preserve their way of life. Sovereign authority is an obligation not lightly undertaken; it must at times replace democracy if danger is too near. Harvey equates the prevalence of crime with the imminent danger of one's enemies being "at the gate," thereby expanding the "emergency" of exigent circumstances to instances of "everyday" lawless action, ignoring that the methods used by Batman to combat crime are as extralegal as the actions of criminals (not to mention the disparate militarization in terms of weapons technology as Batman and the Joker are both much better equipped than the average criminal). Good and bad become

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[21] Nolan, *The Dark Knight*.
[22] *Ibid*.

categories outside of democratically determined structures, to be determined by Batman instead of by the people, and illegality can only be combatted by equally extreme means. Legality is teleologically suspended for the higher good of the preservation of life.

The "necessity" of extreme, extralegal action is demonstrated concretely throughout Batman's attempts to combat the Joker. In order to find where the Joker is so as to stop his reign of chaos, Batman turns every cell phone in the city into a sonar device, effectively allowing him to surveil the entire city at once. The only way to stop an enemy who may strike anyone anywhere at any time, an enemy with "no obvious limits," as Wolin puts it, is to surveil everyone everywhere all the time.[23] While Batman destroys the device as soon as the Joker is captured, it does not diminish the film's implication that he was justified in using it prior to neutralizing the threat to Gotham. DiPaolo writes, "The implication of this decision [to destroy the device] is that, ultimately, the Joker fails to push Batman into becoming a full-fledged, permanent fascist or a technocrat. He just pushes Batman into *briefly* becoming a tyrant."[24] The only way to save democracy is to seize authority from the people for use by a single individual.

However, the film's antipathy toward popular sovereignty is not expressed only by what Batman does; it is also demonstrated through the film's silences. The majority of the film does not display the "usual" citizens of Gotham. It seems to be a city made up only of police, criminals, public officials, and rich political donors. The "people" are only present in two related scenes. Toward the end of the film, the Joker threatens to blow up a hospital unless an individual trying to reveal Batman's alter ego is killed, a serious attempt by the Joker to embroil Gotham in a Hobbesian war of all against all (or at least all against one). The hospital is evacuated, and for

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[23] "The new paradigm [of Bush-era conservative politics] would define the scope ot its dominion by postulating an enemy — terrorism — that had no obvious limits, neither temporal nor spatial, nor a single fixed form." Wolin, *Democracy,* xi.

[24] DiPaolo, *War, Politics, and Superheroes*, 61.

the first time in the film, the "people" are present, but they are little more than passive victims of violence. This image is further secured when one of the buses goes missing and its passengers are taken as hostages by the Joker and his minions. The people are helpless to fend for themselves, and it is only by Batman saving them from the ruthless criminals that they are able to survive.

EQUALITY DOWN THE RIVER? GOTHAM'S PRISONER DILEMMA

The second scene that portrays the people occurs shortly after the hospital scene. Citizens from Gotham are being transported off of the island in boats. The first two ferries to leave cause controversy: one is full of citizens, but the other is full of criminals who are being sent off of the island in case the Joker would want to use them in his plans. While still in the water, the engines of both boats stall, and the Joker's voice is broadcast over the intercom. He reveals to the passengers of both ships that he has wired the boats' engines with explosives and given each boat the other boat's detonator. One boat must choose to blow up the other boat prior to midnight or else the Joker will incinerate them both.

On the boat full of citizens, the matter is put to a vote. The matter is to be determined democratically. Surely, it seems, the citizens will not vote to destroy a boatful of people merely to save themselves, even if those they would be killing are criminals. The citizens are composed of (seemingly respectable); there are businessmen, mothers with children, members of the military, and others just seeking to leave the island. Will they really choose to destroy a boat full of other humans? The viewer knows that this would only reinforce the Joker's position; to blow up the boat is to allow the Joker's regime of fear to triumph. When the vote comes back, though, the democratically produced answer is decidedly in favor of blowing up the boat full of criminals by a count of 340-196. It seems to the viewer that democracy has failed to produce the correct

answer. The procedure has certainly been democratic, but this does nothing to assure the viewer that the citizens made the proper choice.

Further, while the answer is democratically produced in terms of the procedures used in the particular instance, the democratic situation itself is produced by emergency. The system by which some are chosen to live and some are chosen to die in the particular case of the boats exempts itself from the typical standards used by a democracy to determine punishment; it ignores both the type of and intent behind the offenses committed.[25] While the criminals on the boat are from a prison designed to hold more "dangerous" prisoners, the decision to blow up the boat reflects little more than the position of the citizens on the boat: a position of peril. The discussion does not incorporate broader principles of fairness or just retribution that are ideally included in conversations concerning how the law ought to be applied. Instead, the question is no more than "Us or them?" One member on the boat even says, "We don't all have to die. Those men had their chance."[26] Democracy is often thought to be more than a formal system of governance, i.e., rule by the people, and also to include features such as equality, justice, and rule of law. (Thus exists the classical typology of governments, which includes both anarchy and democracy as structurally identical but functionally different.[27]) However, Gotham's democracy apparently does not hold to these principles. Instead of considering the common good of their society more broadly, the citizens cast aside their principles at the soonest sign that they might be subjected to some type of harm. The film seems to pose the question, "Is democracy always only a situation of us or them?" Democracy is reduced to base self-interest (if it were not always that).

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[25] There are many places where the "criminal justice" system of the United States arguably does exactly this.

[26] Nolan, *The Dark Knight*.

[27] See, for example, Niccolò Machiavelli, "Selections from *The Discourses*," in *Selected Political Writings*, ed. David Wootton (Indianapolis: Hackett, 1994), 88-91.

However, this way of casting the situation on the boat ignores that all decisions made by a democracy have a relationship to emergency. The emergency may not always be an immediate threat to the actual existence of the democracy or of its citizens, but any change made to a democracy threatens to alter it in a way that fundamentally shifts its current makeup. In other words, to change the laws of a society (or, for that matter, to have a society at all, which necessarily entails plurality and thereby intersubjectivity) is to risk having it appear as something different than it had previously been. The "norms" to which democracy subscribes are always contestable and positional. The point, then, is not so much that democratic "norms" in an abstract sense fail but that the movie itself makes it seem as if the people on the boat have done the wrong thing in voting against the prisoners.

This feeling that those on the boat made the wrong decision is further reinforced by what can be thought of as the second "failure" of the scene. Even after arriving at the decision to blow up the other boat, the citizens cannot find someone willing to abide by the decision. No one on the boat is willing to pull the trigger. One man tries. He states, "No one wants to get their hands dirty. Fine. I'll do it. Those men on that boat, they made their choices. They chose to murder and steal. It doesn't make any sense for us to have to die too."[28] But when he holds the detonator in his hands, he is unable to do the deed. He cannot save the people of democracy. His inability to act demonstrates that some reservation still exists about taking action against society's outcasts. This, though, problematizes the vote's implication that democracy is just mass rule and self-interest. Is it something more? And is that "something more" good for democracy if it cannot produce citizens willing to dirty their hands for the sake of democracy?

Again, with this portion of the scene, the point is not that there has been an actual "failure" of democracy to produce some sort of paradigm of citizens. Rather, the film seems to

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[28] *Ibid.*

leave two options: democracy is capable of producing only either citizens who pay lip service to principles of fairness and justice, *or* it produces citizens who adhere to the principles to the detriment of the democracy, even up to its death. If citizens want to survive, they must betray the principles that make democracy worth having. Democracy cannot both produce subjects who are rooted in democracy and who can take the necessary steps to save the people.

While the citizenry might fail to act in accordance with the expectations of idealized democratic principles when they vote to kill the boat of prisoners, they do not fail to act in accordance with the norms of the regime that dominates Gotham, a regime that is itself not in accordance with idealized democratic principles. By this I mean that the citizens on the boat choose to reduplicate a decision that the elites of Gotham had made a long time prior: they treat the prisoners on the boat as a category of life that is disposable in order that their lives may be made central and protected. The "criminals" on the boat are not lives of the same type as those who are members of the "citizen" class. As Judith Butler writes, "The epistemological capacity to apprehend a life is partially dependent on that life being produced according to norms that qualify it as a life or, indeed, as part of life."[29] The criminals have not been produced according to Gotham's norms. Gotham values the "productive" members of society, the elites who are capable of judging according to norms that prioritize the cost-benefit analysis and cold rationality of neoliberalism. It values citizens like the businessman. The businessman reduces the decision of the boat to "us or them." He assumes that one boat will make the decision to destroy the other, so direct and immediate action is required to ensure that it is his boat that makes the decision and not the boat of the criminals. The criminals are nonproductive, so they should be destroyed if productive members of society are put in risk. It is unsurprisingly the businessman who makes use of this rationality. While it is true that the boat of citizens may have made the

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[29] Judith Butler, *Frames of War: When Is Life Grievable?* (New York: Verso, 2009), 3.

same decision if the other boat had been filled with other citizens like them instead of with criminals, the majority of the justifications that are used by the citizens do not explicitly entail their *own predicament* but instead the *nature* of those whom they will be eliminating. Part of the argument is that at least one group (if not both) will be destroyed either way, but the citizens seem to think that it should be the "valuable" group that remains.

When a member of the criminal boat throws the detonator for the other boat out of the window, he is to some extent mirroring the vote of the citizens to destroy the boat of criminals. He actively attempts to ensure that his life and the lives of all the other individuals on the prisoner are treated as disposable. This is clear when he says to the guard holding the detonator, "You don't want to die, but you don't know how to take a life. Give it to me. These men will kill you and take it anyway. Give it to me. You can tell them I took it by force. Give it to me, and I'll do what you should have done ten minutes ago."[30] The "criminal" — a member of a disposable category of life — takes the detonator from the citizen holding it — a member of a category of "valuable" life — based on the argument that he is capable of acting against valuable life in a way that a member of the same category cannot. It is because the criminal is not worthy of life that he is deemed capable to take life, but his decision not to do so merely replicates the view of his category of life as disposable that the businessman and other civilians hold.

Ironically, the situation of precariousness in which both ships find themselves causes to some degree the citizen boat to recognize the members of the criminal boat as living beings. As the passengers of the civilian boat are calling out for the destruction of the criminal boat, the captain points out, "Don't forget. We're still here. Which means they haven't killed us yet either."[31] The criminals began as essentially non-human creatures, vicious savages incapable of

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[30] Nolan, *The Dark Knight*.
[31] *Ibid*.

organized society. Meanwhile, the civilians are practical. They are voters. If a majority of them agree on something, then that decision makes sense. But when the captain points out that the other boat has not yet destroyed them, he re-humanizes the criminals. They are not the beast who would destroy the other boat without even discussing whether or not it was the right option; they too have a sense of something more than mere self-preservation keeping them from pulling the trigger. The reanimation of inert bodies via the shifting of the epistemological framework through which the criminals are seen is all that keeps the businessman from killing them. Perhaps they are forms of life worth valuing, not merely disposable bodies?

What, though, is the aim of the Joker in putting the two boats in such a position? Batman asks him this question, suggesting that his point was to show that "deep down, everyone's as ugly as you?"[32] On this reading the Joker is seeking to collapse the distance between himself and the two groups, which will also necessarily entail collapsing the distance between the two groups as well. The Joker, though, refuses to answer. On some level, Batman's suggestion seems to get at the truth. The Joker has consistently tried to antagonize Batman so that Batman will be willing to kill him; such a decision would effectively be a victory on the part of the Joker. Likewise, the Joker says that he has taken Harvey Dent and "brought him down to our level [referring to him and Batman]."[33] These statements would seem to indicate that the Joker views the world as a place of good/evil, rationality/madness dichotomies, and he tries to promote the subordinate aspects of the binaries.[34]

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[32] *Ibid.*

[33] *Ibid.*

[34] The Joker is a complex character, and it is beyond the scope of this project to give a complete psychological portrait of him. I would like briefly to discuss three instances in the film that I think are essential to understanding the Joker. The first comes when he introduces himself to the mob bosses. He offers to kill the Batman, but when they ask why he has not yet done so, he states, "If you're good at something, never do it for free." *Ibid.* However, when he receives money from the criminals, he sets it on fire (or, as he puts it, sets his half on fire, which then causes the other half to burn). The mob bosses are outraged, but the Joker replies, "All you care about is money. This city deserves a better class of criminals." *Ibid.* Finally, when he is talking to Harvey in the hospital, he

THE JOKER AND SCHEMING

However, not all of Joker's actions or aims seem to fit within a simple good/evil dichotomy (or at least cannot simply be explained in such terms). Why, for example, does the Joker specifically choose to blow up a hospital? Why not the mayor's office? He does blow up part of a police station but in a far less dramatic fashion. What is the point of choosing the hospital? The hospital is central to the life of the city and the state. It contains family members of many citizens. Selecting the hospital and requiring the passengers on two ships to blow each other up result from the same origin: recognition on the Joker's part of the function of the state in biopolitical regimes[35] as the preserver of life and a recognition that state legitimacy is measured in terms of whether it is fulfilling this task. Roberto Esposito articulates the continued relevance of biopolitics in the following terms: "It is not difficult to recognize its growing presence in all areas of domestic and international politics, along a line of growing indistinction between public and private. From the health sector to that of biotechnology, from ethnic issues to the environment, the only source of political legitimacy today seems to be the preservation and implementation of life."[36] I think that the Joker is positioned to recognize this when he selects a hospital as his target and when he puts the lives of large numbers of civilians and criminals (both groups of citizens) in danger. He is exploiting the state's concern with ordered life to generate

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describes himself as a "dog chasing cars." The Joker is a character full of contradictions, but at his base, he seems highly critical of "schemes" or "plans." This would seem to include an unguided "scheme" or "plan" such as market logic focused on obtaining capital. Insofar as he is critiquing ordered systems, what Kierkegaard describes as "systematic finality," this seems to include both ordered government and ordered business. He is essentially an anarcho-communist, and this as much as anything else presents a danger to the order of Gotham, an order that is itself just as dangerous to the weakest of its citizens as the Joker is.

[35] Biopolitics as introduced by Foucault are inaugurated by the shift in state logic from having the "ancient right to *take* life or *let* live" to a model wherein this right was "replaced by a power to *foster* life or *disallow* it to the point of death." Foucault, *History of Sexuality, Volume One*, 138. Essentially, the idea is that the state's focus became one where it was concerned with generating and preserving life, usually determined through metrics measuring population. The logic of the state became over time one in which the preservation of life was central to state legitimacy. This focus is what I am arguing that the Joker is contesting.

[36] Roberto Esposito, "Community, Immunity, Biopolitics," *Angelaki: Journal of the Theoretical Humanities* 18.3 (September 2013), Tr. Zakiya Hanafi, 87.

chaos. Like the Batman, the Joker is also undermining state sovereignty, albeit apparently more intentionally. For the Joker, the reasoning is not presented directly in these terms, but this reasoning is implicit in the arguments that he does make. The Joker promises to blow up a hospital unless someone kills a man who has threatened to reveal Batman's true identity as Bruce Wayne. By threatening a hospital he effectively turns the city against this individual. The hospital is a central feature of Gotham, so targeting it affects the entire city.

The Joker meets Harvey Dent in his hospital room shortly before destroying the hospital, and he makes an interesting set of statements. Harvey blames the Joker for Rachel's death, stating that it was the Joker's plan, so he is to blame. The Joker responds, "Do I really look like a guy with a plan? You know what I am? I'm a dog chasing cars. I wouldn't know what to do with one if I caught it. You know? I just do things. The mob has plans. The cops have plans. Gordon's got plans. … I'm not a schemer. I try to show the schemers how pathetic their attempts to *control things* really are."[37] At first the Joker seems to be saying that he never makes plans for the actions that he undertakes, which is problematic because many of his schemes require a good deal of forethought and careful instrumentation. But the Joker is not, in my view, talking about individual plans (e.g. I'm going to put explosives on two boats so that I can make the passengers on the boats argue about blowing each other up). He is talking about teleologies and epistemological frameworks. What I mean by teleologies seems fairly straightforward: no meta-plan guides his actions as he carries out his specific acts of destruction. The idea of epistemological frameworks, on the other hand, is a bit more complicated, for which reason I will turn again to Butler.

Butler argues that the frameworks by which we view life as existing within themselves contain the elements of their own undoing. She writes, "The frame that seeks to contain, convey,

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[37] Nolan, *The Dark Knight*. Emphasis added

and determine what is seen (and sometimes, for a stretch, succeeds in doing precisely that) depends upon the conditions of reproducibility in order to succeed,"[38] but she notes that the need for reproducibility in promoting the frame removes the frame from its original context in a way that undermines the production of a frame itself. It is still necessary to have epistemological (in the sense that they mediate our ability to *understand* certain lives as existing) frames — even if they are contestable and superseded with regularity — in order to translate the world we inhabit. The Joker, on the other hand, appears to be contesting the very necessity of interpretive epistemological frameworks. He "just do[es]" things, but he also does them in a way that contests the production of schemes, a word that doubly refers to structures, such as those of thought and power, and to plans, both long-term and short-term. The Joker's escapades seem then to be a fight against the production of meta-narratives or epistemological frames that would give any sort of meaning to his actions. The Joker cannot respond to Batman's desire for a "why" because the very presence of a "why" goes against what the Joker is doing.[39]

The end of the second movie can in some ways be seen as a defeat of the Joker's anti-schemes. Harvey is still seen as good even though Batman is made to be evil. The Joker says that the citizens' "spirit [will] brea[k] completely" when they "get a good look at the real Harvey Dent and all the 'heroic things' he's done"[40] but this does not happen. Instead of the film ending with Harvey's exposure, a regime based on lies is established. Batman takes the fall for what

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[38] Butler, *Frames*, 10.

[39] By this I do not mean to conflate epistemological frames that construct certain lives as valuable and others as disposable with epistemological frames that lend a narrative structure to the events of the world. However, I do think that the frames that construct lives as existing do affect how individuals understand themselves, which is a part of Butler's argument in my view, which consequently plays a role in how they see their place in the world. As such, by contesting interpretive frames generally and "just doing," the Joker is ultimately disregarding both a distinction between disposable and grieveable lives as well as any sort of narrative that would give meaning to his actions. (Though there is a sense in which the Joker's ultimate aim is the triumph of "chaos" over "order," which is itself a sort of narrative conclusion that he is pursuing.)

[40] Nolan, *The Dark Knight*.

Harvey did, and the government passes harsh criminal reform laws that memorialize Harvey and punish criminals in his name. The Joker appears to have failed.

THE DARK KNIGHT RISES AND POLITICAL MYTHMAKING

The ending sets the stage for the beginning of the third movie, which takes place eight years after the second. Gotham City has been cleaned up of crime thanks in large part to the Dent Act. While the Act is never described in specific terms, the film makes it clear that it led to an increase in the ability of law enforcement to use force against criminals. In a speech given on Harvey Dent Day, a day reserved for honoring Harvey and which the mayor describes as "one of the most important [holidays]" that Gotham has,[41] the mayor explains that Harvey's death provided the impetus for the Dent Act, which "gave law enforcement teeth in its fight against the mob."[42] Commissioner Gordon likewise states that "there are one thousand inmates in Blackgate Prison as a direct result of the Dent Act. These are violent criminals, essential cogs in the organized crime machine."[43] Gordon finishes the speech by stating that Dent's death "has not been for nothing."[44]

The current safety and security of the people of Gotham is based entirely on a mythology created around the actions of a "hero" turned homicidal, yet the sense of security itself is a type of mythology. The mayor notes in his speech that the city still has crime but that it is not "organized" crime. The criminals are "violent," while Harvey Dent was a "hero" and a "knight," someone capable of being an inspiration to the city. As Gordon says, "I believed in Harvey

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[41] Christopher Nolan, *The Dark Knight Rises*, DVD (Warner Bros., 2012).
[42] *Ibid.*
[43] *Ibid.* Emphasis added.
[44] *Ibid.*

Dent."[45] The contestable assertion of the presence of a utopic peace existing in Gotham is predicated on the ideal of Harvey Dent, Gotham's "White Knight."

For Gotham to achieve peace, a mythology springs up around the tragedy of Harvey Dent's death, and this mythology is used as a reference point that justifies all later actions taken to prevent the same harm from occurring again. Wolin addresses the manufacture of myths in the context of 9/11 in similar terms. He writes,

> [September 11] was converted into the political equivalent of a holy day of crucifixion, of martyrdom, that fulfilled multiple functions: as the basis of a political theology, as a communion around a mystical body of a bellicose republic, as a warning against political apostasy, as a sanctification of the nation's leader, transforming him from a powerful officeholder of questionable legitimacy into an instrument of redemption, and at the same time exhorting the congregants to a wartime militancy, demanding of them uncritical loyalty and support, summoning them as participants in a sacrament of unity and in a crusade to 'rid the world of evil.' … Myth recounts a story, in this case of how the armies of light will arise from the ruins to battle and overcome the forces of darkness. Myth presents a narrative of exploits, not an argument or a demonstration. It does not make the world intelligible, only dramatic. In the course of its account the actions of the myth's heroes, no matter how bloody or destructive, acquire justification. They become privileged, entitled to take actions that are morally denied to others. No need to tally the Iraqi civilian casualties.[46]

For Wolin, the "holy day" (or "holiday") of September 11 becomes the basis of a political theology that prioritizes the "mystical body" of the state over the bodies of Iraqi civilians. Wolin does not quite put it in these terms, but it seems to follow from his argument that there is a direct linkage between the sanctifying power of a political hol(y)day and the legitimation of action taken against some bodies by others. The justification of "heroic" actions is the necessary effect of the establishment of such a day, and it proceeds necessarily from the establishment of a transcendent "body politic" that is staticized in its relations and eternal in form. The same thing occurs via Harvey Dent Day; the event of Harvey's death, allegedly at the hands of Batman, justifies granting greater authority to the police.

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[45] *Ibid*.
[46] Wolin, *Democracy*, 9-10.

Butler further develops the relationship between the generation of a sovereign nation-state and the production of subjects. Butler's argument is complex, and her main point is not, I think, primarily aimed at the relationships of states to subjects, but she does deal with the issue in the course of her discussion of the way that affect is produced and regulated with respect to both grievable and disposable populations. Butler notes that war "seeks to deny the ongoing and irrefutable ways in which we are all subject to one another, vulnerable to destruction by the other, and in need of protection through multilateral and global agreements based on the recognition of a shared precariousness."[47] This denial is based, argues Butler, on efforts to minimize precariousness for some by maximizing it for others, but doing so fails to recognize that individuals can never exist individually, that "our very survival depends not on the policing of a boundary — the strategy of a certain sovereign in relation to its territory — but on recognizing how we are bound up with others, [which] leads us to reconsider the way in which we conceptualize the body in the field of politics."[48]

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[47] Butler, *Frames*, 43. It is worth noting that Butler's next sentence is, "I think this is finally a Hegelian point, and one worth reiterating here." *Ibid*. Earlier in the work, Butler distinguishes between "recognition" and "apprehension," writing that "'Apprehension' is less precise, since it can imply marking, registering, acknowledging without full cognition." *Ibid*., 5. It seems to me, then, that Butler's point is that the recognition of precariousness is an actual Hegelian recognition, one that entails "full cognition" of the reality of precariousness. Of course, if something can be fully cognized at a fundamental level, then it must not be subject to the production of norms of recognition. Instead, it must be prior to them. Butler notes this when she (somewhat confusingly) writes that "We can apprehend, for instance, that something is not recognized by recognition. Indeed, that apprehension can become the basis for a critique of norms of recognition. The fact is we do not simply have recourse to single and discrete norms of recognition, but to more general conditions historically articulated and enforced, of 'recognizability.'" *Ibid*. The choice of the term "recognition," followed by the direct reference to Hegel, seems to me to indicate that Butler views the precariousness of life as ontological; it exists outside of and precedes norms of recognition according to which individual lives can be understood as lives. It is a physical "fact" that must be accounted for by the norms that are constructed. I believe that Butler's later language supports this reading, as she refers to shared precariousness as an "insight."

Now, just because shared precariousness is a "fact" does not mean that norms of recognition properly account for it. This, though, provides the ground for the critique of those modes of recognition, not of recognition itself. Conversely, critiques of recognition itself (such as that undertaken by Patchen Markell in *Bound by Recognition*) do not reach the fundamental level of shared precariousness because it necessarily precedes the intersubjective norms that regulate the production of lives as living (and if intersubjective, then also necessarily perpetually undecided and unsettled).

[48] Butler, *Frames*, 52.

The borders of sovereign states are intertwined with perceptions of the body's social dependency. Butler writes, "After 9/11 we saw the development of the perspective according to which the 'permeability of the border' represents a national threat, or indeed a threat to identity itself. … [O]ne fears invasion, encroachment, and impingement, and makes a territorial claim in the name of self-defense."[49] Further, "The notion of the subject produced by the recent wars conducted by the U.S., including its torture operations, is one in which the U.S. subject seeks to produce itself as impermeable, to define itself as protected permanently against incursion and as radically invulnerable to attack."[50] For Butler, the subject produced by the reification and transcendentalizing of the state as an eternal and "mystical" body likewise produces subjects of such a body who view themselves as equally impermeable and who desire security at any price. As the United States must survive by maximizing its position of security and diminishing the degree to which outside "threats" may be advanced against it, so the selves that compose the United States are produced as impermeable and righteous bodies.

Butler continues, "How I am encountered, and how I am sustained, depends fundamentally on the social and political networks in which this body lives, how I am regarded and treated, and how that regard and treatment facilitates this life or fails to make it livable. … It follows, then, that certain kinds of bodies will appear more precariously than others, depending on which versions of the body, or of morphology in general, support or underwrite the idea of the human life that is worth protecting, sheltering, living, mourning. These normative frameworks establish in advance what life will become worthy of being mourned. Such views of lives pervade and implicitly justify contemporary war."[51] The subject of the United States is a subject that views itself as always at risk and aware of the risk that is presented to it by being a member

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[49] Butler, *Frames*, 43.
[50] *Ibid*., 47.
[51] *Ibid*., 53.

of the United States. This view of individual precariousness, perceived as the result of national precariousness, leads to attempted impermeability at both levels. But if subjects are impermeable, then there is no possibility for rethinking relationships of identity\difference. There are only subjects who must be protected (because their protection entails my protection) and subjects who must be disposed of or eradicated (because they present a threat to my permeability, if not my existence). Thus the production of a pseudo-spiritual mythology around September 11 justifies the actions of the "heroes" of the United States against Iraqis and Afghanis because those heroes are trusted to minimize precariousness for themselves and those who are like them. A shared recognition of norms of precariousness solidifies connections between members of the same class while the failure to recognize precariousness *qua* precariousness regulates affect in a way that deems some lives mournable and some disposable.

This is precisely the way in which Harvey Dent Day and the mythology around Harvey Dent works for the upper-class residents of Gotham City. The holiday is a secular "holy day," and it is based on the martyrdom of a hero of the "people," where the people are understood as those who are like Harvey in the relevant aspects, which largely seem to be related to class (and potentially race). The death of Gotham's "White Knight," an Arthurian figure of veneration and honor, generates the production of a class of individuals who are viewed as terroristic in their activity and are thereby justly imprisoned. Not coincidentally do Gordon and the mayor speak directly after Bane and his men are shown hijacking an American plane, one of the men sacrificing himself to "star[t] the fire" of political change, the same change that causes Selina Kyle (Catwoman) to warn Bruce Wayne on numerous occasions that "there's a storm coming."[52] The unsteady peace relies on a frame of hyper-criminalization that perceives threats to the

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[52] Nolan, *The Dark Knight Rises*.

systemic economic inequality of Gotham and the privilege of the upper class while missing threats that would affect the majority of Gotham's citizens, including the non-wealthy.

MORE LIFE AND MERE LIFE

A major overtone of the movie is the inequality that exists within Gotham. As Travis Langley notes, "With the haves feeding off the have-nots during troubled post-9/11, post-war times and evil men then pounding their messages into frustrated citizens, Bruce needs to determine once and for all what kind of hero, what kind of legend or man, people really need and what they need to know about him."[53] Bruce is warned, as mentioned above, by Selina Kyle that Gotham cannot remain long in the state that it is. She says, "There's a storm coming, Mr. Wayne. You and your friends better batten down the hatches, 'cause when it hits you're all gonna wonder how you ever thought you could live so large and leave so little for the rest of us."[54] Similarly, Officer Blake encourages Bruce to continue funding a home for orphans for which his charity had previously provided money while Alfred implores him to stop fighting crime and contribute to Gotham in other ways:

> **ALFRED:** That was then. And you can strap up your leg and put your mask back on. But that doesn't make you what you were.
>
> **WAYNE:** If this man [Bane] is everything that you say he is, then this city needs me.
>
> **ALFRED:** This city needs Bruce Wayne. Your resources, your knowledge. It doesn't need your body, or your life. That time has passed.
>
> **WAYNE:** You're afraid that if I go back out there, I'll fail.
>
> **ALFRED:** I'm afraid that you want to.[55]

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[53] Travis Langley, *Batman and Psychology: A Dark and Stormy Knight*, (Hoboken, New Jersey: John Wiley & Sons, 2012), 25.

[54] Nolan, *The Dark Knight Rises*.

[55] *Ibid*.

Alfred appeals to Bruce based on the value of life, but not on life as an individuated occurrence. He is referring to what Bonnie Honig characterizes as "more life," or "something like that overliving: it is a dividend — that surprise extra, the gift that exceeds rightful expectations, the surplus that exceeds casuality."[56] It is a vision of life that goes beyond the "mere life" of survival, rearticulating the idea of surviving as containing aspects of what we might presently consider luxurious but which actually contributes to a fuller existence.

Honig contrasts more life with survival, stating, "Often survival's needs reduce us, they make us focus on specifics, immediacies, the needs of mere life."[57] But Honig is not only concerned with a contrast between the two. Rather, she states that "Too many democratic theorists focus on either the heroic or the everyday, reinscribing rather than interrogating an opposition between the needs of mere life versus more life. But survival as mere and more life postulates both, acknowledging their agonistic tension and mutual indebtedness." Essentially, she is seeking an understanding of survival that indicates both surviving and thriving, and she believes that this is essential for democratic politics. One of Honig's most important examples of this comes in her discussion of food politics, during which she analyzes a movement called Slow Food's argument for a "right to taste." Slow Food focuses not just on having food (survival as mere life) but on having food that is produced responsibly and with a focus on quality (survival as "overlife"). She states, "Slow Food called people to resist the bland homogeneity of fast food on behalf of diversity in taste — local flavors, crops, and species,"[58] which in turn itself entails "education, biodiversification, localism, and transnationalism. It also entails political action."[59] In essence, the argument of a right to taste reformulates the categories of what is seen as

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[56] Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton UP: 2011), 10.
[57] *Ibid*., 10.
[58] *Ibid*., 57-58.
[59] *Ibid*., 59.

necessary and what is seen as excessive or beyond necessary with respect to democratic life. Thus, "In the context of survival as mere life, the right to taste does not stand out as a pressing concern; it seems like a luxury," but Slow Food has "rescript[ed] that supposed luxury as a necessity for human health and wellbeing, and [oriented] our gaze toward a different emergency: the contemporary infrastructure of consumption."[60] Honig argues that this "remobilizes the doubleness of survivance — as both mere and more life."[61] Essentially, the idea is that the characterizations of necessity produced by situations of emergency are themselves contestable. Threats to human life do not only include those that deal with crises that could end existence (i.e. war); they are also those that have the potential to diminish substantially or radically alter existence as we know it. These sorts of crises may be combatted by sacrificing the overproduction and focus on quantity that is central to mere existence for the sake of a world that at times may seem "luxurious" but is in fact necessary for the preservation of humanity.

In my view, Honig's argument runs parallel to Butler's in *Frames of War*. Therein, Butler critiques the idea of a right to life. In her argument, she notes that the debate that considers the concept of personhood as primary when considering a right to life "restricts itself to an ontology of individualism that fails to recognize that life, understood as precarious life, implies a social ontology which calls that form of individualism into question. There is no life without the conditions of life that variably sustain life, and those conditions are pervasively social, establishing not the discrete ontology of the person, but rather the interdependency of persons, involving reproducible and sustaining social relations, and relations to the environment and to non-human forms of life, broadly considered."[62] Butler contends that viewing a right to life in a social context, not as a right rooted in "ontogenetic" interpretations of the existence of rights,

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[60] *Ibid*., 60.

[61] *Ibid*.

[62] Butler, *Frames*, 19.

"impl[ies] positive obligations to provide those basic supports that seek to minimize precariousness in egalitarian ways: food, shelter, work, medical care, education, rights of mobility and expression, protection against injury and oppression. Precariousness grounds such positive social obligations …"[63] She continues, "Our obligations are precisely to the conditions that make life possible, not to 'life itself,' or rather, our obligations emerge from the insight that there can be no sustained life without those sustaining conditions, and that those conditions are both our political responsibility and the matter of our most vexed ethical decisions." For Butler, as for Honig, there is an undeniable link between existence and the conditions that make existence itself livable. There is a link between "mere life" and "more life."

It is this link to which Alfred calls Bruce's attention when he implores him to cease being Batman and to instead devote his intelligence and his wealth to changing Gotham for the better. Bruce as Batman understands only the emergency of immediate violence and destruction against the city. As in the case of al Ghul (and presumably Bane), Bruce sees as the primary threat to Gotham an evil that must be expunged from the city. It is a material evil; terrorists are coming who must be stopped. Bruce either refuses to or is incapable of seeing the underlying issues that bring Bane and the League of Shadows to Gotham. The motives are presented as merely revenge, but this ignores that Ra's al Ghul's original mission involved not simply revenge but punishment for the greed and corruption of the city. Instead of using his wealth to combat greed and corruption, Bruce instead falls directly into the trap of greed by prioritizing his own understanding of what Gotham — a city he has only experienced as an outsider of sorts — needs, not by listening to the calls of those such as Blake and Alfred, one of whom actively lives in the city and the other of whom seems to be more attentive to such concerns.

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[63] *Ibid.*, 22.

PERILOUS POPULISM

The movie's focus on inegalitarianism is manifested in other ways as well. For example, a recurrent theme is the likelihood of the multitude to resort to selfishness and greed when the structures of law and enforcement of the law are removed. As soon as Bane introduces martial law into the city, blowing up a football field and revealing a nuclear bomb underneath, essentially anarchy ensues, but only an anarchy of the poor. Bane tells the multitude that they are claiming "what is rightfully [theirs],"[64] but the movie portrays the time as a reign of terror. Only the poor are safe because they have no wealth that can be taken. The rich are in danger because the poor have what they want. Bane tears down social structures to release the "greed" of the city. It is as if he recognizes the hypocrisy of destroying a city because of greed and corruption that exists only at the top and must instead expose its existence throughout the entirety of the system prior to destroying the city. The film thus seems to be promoting a redistribution of wealth more like that argued for by Andrew Carnegie than by Karl Marx. By this I mean that instead of a democratization of the forces of production, the film presents as dangerous a complete rule by the people. While it seems to recognize the problems of inequality, its solution seems to be one wherein the rich use their wealth on behalf of the people instead of letting the people control the resources (thus, Alfred consistently exhorts Bruce to devote his financial resources to the city).

Bruce eventually comes around. He fakes his own death and leaves his mansion to the boys' home that Officer Blake encouraged him to continue supporting. For Bruce to get to this point, though, his money must first be stolen by Bane so that another magnate, John Daggett, can take over the board at Wayne Enterprises. The wealthy are just as likely (if not more likely) to

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[64] Nolan, *The Dark Knight Rises*.

keep what they have for themselves. But which is worse, the film seems to ask: leaving the wealth to the rabble or hoping that some tycoons will eventually recognize the ways in which they can do "good" with their resources? The answer the film gives seems decidedly in the second category, especially insofar as it seems to criticize movements such as Bane's (read "populist movements") as taking advantage of the general public in the same way that amassers of major sums of wealth do. Bane's ostensibly egalitarian redistribution of wealth — which leads to kangaroo courts for the wealthy and supporters of the wealthy, such as police, as well as the looting of rich homes — is simply a mechanism by which he punishes/defeats Batman and destroys the city. The criticism, while it may be apt insofar as it contests current "representative" politics, is decidedly undemocratic in its portrayal of the masses. Perhaps something similar would happen if the same context were present in the real world. The important point is that the masses are constructed as unreasonable in opposition to Bruce's perceived reasonableness. The few rich are wise; the many poor imbecilic and rapacious.

GOTHAM AND MOVIEGOERS: THE PRODUCTION OF SUBJECTS

This un- or anti-democratic sentiment runs throughout the Dark Knight Trilogy, prioritizing the actions of a single, wealthy individual in the face of chaos, terror, and emergency over the potential democratic actions of the general public. But the truly important question this film raises is what such a portrayal does to us as viewers. When we see the worst possible form of a world — the city, in Gotham's case — what alterations does this produce in how we view the world? How does the portrayal of Batman regulate and produce frames and modes of affect that produce actions in the real world? Obviously, this question is impossible to answer to its fullest extent. To do so, one would need to be able to know and understand the way that the discourses that produce and are reproduced within the three films have produced and positioned

all groups and individuals who have viewed it while at the same time understanding the competing discourses outside of the world of the film that have also produced such subjects. In other — far more obvious — words, what the film does depends on the situation of the viewer. To contend otherwise would be to universalize the effects of a relative medium for relative viewers; only watching the movie behind a veil of ignorance would allow for such an interpretation. (Of course, being behind such a veil would make one wonder why they would watch it at all.) With this in mind, I would like to offer a few ideas about why the genre into which these films fall is popular as well as what points the films themselves seem to be making and how I think those points would tend to affect viewers.

First, as has generally been noted throughout this chapter, though perhaps not in these specific terms, the superhero presents an extralegal outsider capable of preserving the law. Like the dictator elected by the Romans in times of trouble, the superhero has the capability to suspend democracy, to become essentially self-elected, in order to preserve the legal state of affairs. This is why Gordon is able to describe Batman as a friend who "plunge[d] their hands into the filth so that you can keep yours clean."[65] Superheroes try to save societies perceived to be "threatened," and, more often than not, they succeed.

However, this function also relates to other functions of the superhero film generally and of Batman specifically. Namely, the superhero generally makes implicit the ideal that violence is necessary to preserve an ordered society. It hearkens back to Thomas Jefferson's quote, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."[66] Of course, the implication of superhero movies is often that the tree of liberty must from time to time be refreshed with the blood of terrorists, even if doing so means temporarily abandoning

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[65] Nolan, *The Dark Knight Rises*.
[66] Thomas Jefferson, "The 'Tree of Liberty' Letter," 1787, http://www.theatlantic.com/past/docs/issues/96oct/obrien/blood.htm.

democracy for a system more closely resembling tyranny. The superhero is not merely an outsider who is capable of saving the law; the individual capable of saving the law is necessarily an extralegal outsider. Implicit in much of the superhero genre, especially that genre as exemplified in the Dark Knight Trilogy, is the idea that safety is the primary aim of any reasonable people and that such a safety can only be achieved by ceding power to an authority unchecked by juridical norms. Significantly, Batman's only rule — that he not kill anyone — is self-imposed. Catwoman chooses not to follow it when she shoots and kills Bane, thereby saving Batman's life. Even when the Joker tries to encourage Batman to kill him, Batman refuses. Otherwise, all legal norms go unheeded by Batman. This view of Batman as necessarily an outsider consequently implies and encourages a passive citizenry. He is the savior; society needs only to sit back and let him work.

Further, though, beyond merely encouraging passivity of action, the superhero genre reinforces a conception of the state as security-focused. Even though by their very nature the characters of the superhero genre frequently act outside of the state,[67] they present the most important concerns as concerns of security. Consequently, the films become part of a cultural regulation of affect in the fashion that Butler addresses. Superhero films are actively complicit in the production of a norm or an imaginary of subjects as beings that need protection from those contesting the legitimacy of the state/society (meant as a mutually constitutive and privileged binary), a protection that can only be received through violence undertaken by those brave enough to "get their hands dirty." Thus, Gordon tells Blake that there may be a time "[w]hen the structures fail you. When the rules aren't weapons anymore, they're shackles, letting the bad guy

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[67] This is obviously not the case for all superheroes. Take, for example, the Avengers generally and Captain America specifically. The overwhelming majority, though, are not government operatives.

get ahead."[68] While the film ultimately contests the lie that emerged from the moment Gordon is referencing, it is not as quick to rethink whether someone who is willing to act outside of the provided structures is necessary to the preservation of those structures.

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Superhero films allow individuals to see citizens like themselves saved from threats that may run parallel to those that they imagine as threatening themselves. But the continued need for films that function in this way is part of a need produced by the anxieties the films reinforce: anxieties about terrorism, about the need for the erosion of civil liberties in a post-9/11 world in order for safety to be maintained, about the permissiveness of use of force. Superhero films, especially Nolan's Batman movies, are a result of this production of culture while also actively continuing to produce the culture that has made them; they result from fear resulting from antidemocratic forces and provide antidemocratic forces to the fears. We can see this more clearly when we turn to and examine the policies that have arisen after 9/11 with respect to executive authority and surveillance.

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[68] Nolan, *The Dark Knight Rises*.

THREE

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FROM PRISON TO PRISM: PANOPTICISM AND THE NSA

Through the first two chapters, my aims have primarily been abstract. I would now like to turn to real-world practices that are related to the issues that I have been raising. The dystopic imaginaries and the elements of the utopic impulse that can be found within them matter because they assist in the construction of our understandings about what constitutes a legitimate social order. In the previous chapter, I examined some of the understandings that the Christopher Nolan Dark Knight Trilogy generates. Now I would like to discuss aspects of post-9/11 security policy that relate to how these films construct the world. Because of the wide variety of laws that are related to security, I will narrow my focus to the issue of surveillance. I will look first at some of the laws that were passed and practices that were adopted after and in relation to September 11, 2001, in response to the potential threat of future terrorist attacks, as well as at the language that was used to discuss these problems. I would then like to consider the issue of surveillance in the abstract, drawing primarily on Foucault and his example of the panopticon. Finally, I would like to discuss the aspects of our thinking that might limit the possible futures that we can imagine and the role that the dystopic imagination plays in contesting the world as we take it to be.

THE PATRIOT ACT AND EXTENDED SURVEILLANCE

In commencing this conversation, one of the most apparent or starting points is the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (or, USA Patriot Act; hereafter "the Act"). The Act was passed by Congress on October 25, 2001, a mere month and one-half after September 11. It is lengthy and complex and authorizes a range of behaviors, including methods to curtail international money laundering, and surveillance techniques were significantly expanded through its passage. For example Title II of the Act, "Enhanced Surveillance Procedures," granted authority to allow the "seizure of voice mail pursuant to a search warrant" as well as the ability to subpoena "the addresses and times of e-mail messages sent by terrorism suspects" without accessing the content of those messages and the ability to subpoena "records of electronic communications but not the content of those sessions."[1] Similarly, the law allows for "law enforcement officials to obtain … the authority for roving wiretaps on a person suspected of involvement in terrorism so that any telephone used by that person may be monitored."[2] While these changes did allow an entirely new range of activity to come under the purview of the government's ability to conduct searches, they were defended by some, such as Laurence H. Tribe, as "entirely constitutional responses to technological change" concerning which we can be "reasonably confident the scales aren't unfairly tipped against individual privacy."[3] The law also permits those whose computers have been hacked to allow law enforcement to "monitor attacks on their computer networks without needing a court order."[4]

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[1] Amitai Etzioni and Jason H. Marsh, "Antiterrorism Tools: A Summary of the USA Patriot Act and the Order on Military Tribunals," *Rights vs. Public Safety after 9/11*, 19-20.

[2] *Ibid.*, 20.

[3] Laurence H. Tribe, "We Can Strike A Balance on Civil Liberties," *Rights vs. Public Safety after 9/11*, Amitai Etzioni and Jason H. Marsh, eds., 17-18.

[4] Etzioni and Marsh, "Antiterrorism Tools," 19.

These provisions, though, were superseded in some respects by another portion of the Patriot Act that concerned National Security Letters. A National Security Letter (NSL) allows the FBI to obtain information including telephone and email records, financial records, and credit information.[5] Congress has authorized the issuance of these letters without judicial oversight, and According to the Electronic Privacy Information Center (EPIC), Section 505 of the Patriot Act lowered the standard according to which National Security Letters could be granted. The Act reads in relevant part, "information sought [must be] relevant to an authorized investigation to protect against international terrorism *or clandestine intelligence activities*."[6] According to the EPIC, this significantly lowered the burden that the government previously had to demonstrate in order to obtain such a letter. Before the Act, the "FBI may only have used NSLs to request information if it had 'specific and articulable facts giving reason to believe that the customer or entity whose records are sought is a foreign power or an agent of a foreign power.'"[7] Now, though, it is not a requirement that the information obtained be important to an ongoing investigation into terrorist activity. According to the ACLU, this lower standard allowed "hundreds of thousands of national security letters, a majority against U.S. persons, and many without any connection to terrorism at all."[8] The total number of NSLs issued expanded greatly after the Act was passed. *The Washington Post* reported in 2007 that there were fewer than 9,000 NSL requests in 2000 but almost 50,000 in 2005.[9] Further, EPIC notes that those who receive an

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[5] Electronic Privacy Information Center (EPIC), "National Security Letters," accessed February 13, 2016, https://epic.org/privacy/nsl/.

[6] F. James Sensenbrenner Jr., *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001*, vol. 115, accessed March 27, 2016, https://www.gpo.gov/fdsys/pkg/PLAW-107publ56/pdf/PLAW-107publ56.pdf, 365. Emphasis added.

[7] EPIC, "National Security Letters."

[8] "Top Ten Abuses of Power Since 9/11," *American Civil Liberties Union*, accessed February 17, 2016, https://www.aclu.org/top-ten-abuses-power-911.

[9] Dan Eggen, "Judge Invalidates Patriot Act Provisions," *The Washington Post*, September 7, 2007, sec. Nation, http://www.washingtonpost.com/wp-dyn/content/article/2007/09/06/AR2007090601438.html. *Wired* notes that this trend remained in place through 2006, but the government has issued far fewer NSLs since then (to the nearest

NSL are "prohibited, or 'gagged,' from telling anyone about their receipt of the NSL, which makes oversight difficult."[10]

PUBLIC PERCEPTIONS AND SECURITY MECHANISMS

The FBI's practice of issuing such letters was struck down by a U.S. District Judge in New York in 2007 on the grounds that it "violate[d] the First Amendment and constitutional provisions on the separation of powers because the FBI can impose indefinite gag orders on the companies, and the courts have little opportunity to review the letters."[11] However, this does not reach actual issues of security. As Laurence Tribe explains, though, the concern for laws like the Act extends beyond whether specific provisions are upheld or struck down: "[T]here is a danger, far from trivial, that the laws we enact today in response to yesterday's terrorist attack will move the baseline of privacy expectations against which we assess the tools proposed to deal with tomorrow's terrorist attack."[12] As Tribe points out in his essay, what constitutes the ideals of private and public under the United States Constitution are altered based on the standard of "reasonable expectation of privacy," which was first articulated in Justice Harlan's concurrence to the 1964 Supreme Court case of *Katz* v. *United States*.[13]

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thousand: 17,000 in 2007; 25,000 in 2008; 15,000 in 2009; 24,000 in 2010; and 17,000 in 2011). See Kim Zetter, "Federal Judge Finds National Security Letters Unconstitutional, Bans Them," *Wired*, March 15, 2013, http://www.wired.com/2013/03/nsl-found-unconstitutional/. These amounts are still more than the fewer than 9,000 amount that *The Washington Post* reported were issued in 2000. Eggen, "Judge Invalidates Patriot Act Provisions."

[10] EPIC, "National Security Letters."

[11] Eggen, "Judge Invalidates Patriot Act Provisions." U.S. District Judge Victor Marrero of the Southern District of New York in fact struck down the law on multiple occasions. The 2007 case was in relation to the 2005 reauthorization of the Patriot Act. *The Washington Post* story covering the 2007 case noted that "Congress passed legislation in 2005 aimed at solving the problems identified by Marrero" in a 2004 case where he struck down similar provisions in the original version of the Act. *Ibid*. Marrero also authored *Merrill* v. *Lynch*, 14-CV-9763 (S.D. N. Y. 2015) (decision accessible at https://yale.app.box.com/Nicholas-Merrill-SDNY-Decision), which officially lifted the original gag order from the 2004 case. The government chose not to appeal. See "Following Major First Amendment Victory, National Security Letter Recipient Nicholas Merrill Able to Reveal Previously Undisclosed Scope of FBI Warrantless Surveillance Tool," accessed March 28, 2016, http://isp.yale.edu/node/6037. The full legislative history can be found in the text of *Merrill* v. *Lynch*.

District Judge Susan Illston of the Northern District of California ruled similarly in a 2013 case. See

[12] Tribe, "We Can Strike a Balance," 17.

[13] John Marshall Harlan II, concurring,, *Katz* v. *United States*, 389 U.S. 347, 362-74 (1967).

What this means is that the Fourth Amendment extends to non-physical locations so long as most people expect them to be private. However, this doctrine, which was revolutionary and expansive in its interpretation of the Constitution, implies in our modern era that Fourth Amendment protections *only* extend to those spaces where most people expect privacy (and, of course, to any sort of personal property that can be trespassed). As Tribe writes (summarizing the reasoning of the 2001 case *Kyllo* v. *United States*), the Court "cautioned that, once any technology is 'in general public use,' its employment by law enforcement agencies to pierce personal privacy might no longer count as a 'search' at all. In fact, the public's tolerance for just a bit more government surveillance will grow as authority previously ceded sets an ever-moving precedent."[14] In other words, if the federal government enacts laws that push the limits of what is considered to be acceptable surveillance, this can alter the subjective expectations of citizens in a way that has constitutional ramifications with respect to what can be regarded an unlawful search. This is a potential weakness in the *Katz* standard, the two prongs of which consider both individual expectations of privacy and the expectations of society writ large. It is in part for this reason that some members of the Court have shifted to different understandings of the Fourth Amendment, which include not just the expectation of privacy in the area or object subject to search but also in the nature or duration of the search itself (see generally the various rationales given in the opinions of *U.S.* v. *Jones*, especially the concurrences by Justices Sonia Sotomayor, Samuel Alito[15]).

DO WE HAVE A SAY ON THE NSA?

Concerns about constant surveillance became even more pronounced in the wake of Edward Snowden's revelation that the National Security Agency (NSA) regularly collects

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[14] *Ibid.*, 17-18.
[15] *United States* v. *Jones*, 565 U.S. (The Supreme Court of the United States 2012).

metadata in bulk quantities. As *The Guardian* reported in June 2013, the NSA took advantage of provisions in the United States Patriot Act that allowed for the security agency to request that cell phone companies and other similar businesses turn over vast quantities of data. *The Guardian* released a court order from the Foreign Intelligence Surveillance Court that commanded Verizon to "produce to the National Security Agency (NSA) upon service of this Order, and continue production on an ongoing daily basis thereafter for the duration of this Order … an electronic copy of the following tangible things: all call detail records or 'telephony metadata' created by Verizon for communications (i) between the United States and abroad; or (ii) wholly within the United States, including local telephone calls."[16] The order also specifies that the term "telephony metadata" refers to "comprehensive communications routing information, including but not limited to session identifying information (*e.g.,* originating and terminating telephone number, International Mobile Subscriber Identity (IMSI) number, International Mobile state Equipment Identity (IMEI) number, etc.), trunk identifier, telephone calling card numbers, and time and duration of call."[17] The order explicitly stated that neither the contents of the communications nor any information about calls that both started and ended in another country were being requested by the NSA. As *The Guardian* story that first exposed the surveillance noted, "A 2005 court ruling judged that cell site location data — the nearest cell tower a phone was connected to — was also transaction data, and so could potentially fall under the scope of the order."[18]

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[16] In Re Application of the Federal Bureau of Investigation for an Order Requiring the Production of Tangible Things from Verizon Business Network Services, Inc. on Behalf of MCI Communication Services, Inc. D/B/A Verizon Business Services, accessed March 27, 2016 (hosted by *The Guardian*, http://www.theguardian.com/world/interactive/2013/nov/01/snowden-nsa-files-surveillance-revelations-decoded#section/2), 2.

[17] *Ibid*.

[18] Glenn Greenwald, "NSA Collecting Phone Records of Millions of Verizon Customers Daily," *The Guardian*, June 6, 2013, sec. US news, http://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order.

The NSA was capable of collecting an open-ended amount of information about a majority of residents of the United States with the approval of a single court order. It was not merely Verizon that came under orders such as the one released by *The Guardian*. *The Washington Post* reported the day after *The Guardian* broke the story that "The National Security Agency and the FBI are tapping directly into the central servers of nine leading U.S. Internet companies, extracting audio and video chats, photographs, e-mails, documents, and connection logs that enable analysts to track foreign targets …"[19] This is done using a program known as PRISM, which, according to a leaked NSA PowerPoint presentation "enables 'collection directly from the servers' of Microsoft, Yahoo, Google, Facebook, and other online companies."[20] As *The Guardian* later reported, the collection of all of this data "allow[s] the NSA to build what it calls 'a pattern of life,' a detailed profile of a target and anyone associated with them."[21]

According to the same article, the NSA is allowed to analyze the metadata of a target and any who are up to "three hops" away from the target, meaning "people who talk to people who talk to people who talk to you."[22] Using a calculator on *The Guardian's* website, someone who has 500 friends on Facebook would have approximately 13,349,780 people within this range. At the time of this writing, I have 1,011 "friends" on Facebook, which means there are 26,993,189

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[19] Barton Gellman and Laura Poitras, "U.S., British Intelligence Mining Data from Nine U.S. Internet Companies in Broad Secret Program," *The Washington Post*, June 6, 2013, https://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970ccb04497_story.html.

[20] Timothy B. Lee, "Here's Everything We Know about PRISM to Date," *The Washington Post*, June 12, 2013, https://www.washingtonpost.com/news/wonk/wp/2013/06/12/heres-everything-we-know-about-prism-to-date/.

[21] Ewen MacAskill et al., "NSA Files Decoded: What the Revelations Mean for You," *The Guardian*, November 1, 2013, http://www.theguardian.com/world/interactive/2013/nov/01/snowden-nsa-files-surveillance-revelations-decoded.

[22] *Ibid*.

people within the analyzable distance of me, an amount between 8-9% of the U.S. population.[23] I have no idea who the majority of these millions of people are, but this lack of knowledge in no way limits the NSA's capacity to obtain information on my communication (and possibly even movement) patterns if they should deem such information useful to any sort of search.

Perhaps one of the most frightening aspects of the Verizon court order was the mandate at the bottom of the first page: "Declassify on: 12 April 2038."[24] For 35 years (minus thirteen days), the NSA's activities could have gone unknown by the public were it not for Edward Snowden's disclosure of them. This problem is further compounded because the companies from whom the information was requested were themselves not permitted to share the fact that their data was being obtained by a security agency. Knowledge of the breadth of this mass web of complex surveillance relations, which only came about when they did because of the crisis of 9/11, could have remained hidden from the public processes of democracy had someone not stepped forward.

"THE HUGS I REMEMBER": A REPUBLICAN'S RHETORIC ON NSA SURVEILLANCE

It was not merely that these surveillance tactics originated because of 9/11, though. The continued defense and after-the-fact attempts to justify the program have similarly relied on the events of that date. *The Guardian* cites preventing another 9/11 as the NSA's primary motivation.[25] Recent Republican primary debates also indicate that some of the members of the party share this view. The matter came up during an extended discussion between Senator Rand Paul (R-KY) and Chris Christie, governor of New Jersey, during a primary in August 2015. The dialogue between Paul, Christie, and moderator Megyn Kelly occurred as follows:

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[23] Calculated via data from "U.S. and World Population Clock," accessed February 10, 2016, http://www.census.gov/popclock/.
[24] "In Re Application of the Federal Bureau of Investigation," 1.
[25] MacAskill, "NSA Files Decoded."

KELLY: Alright, gentlemen, we're gonna switch topics now and talk a bit about terror and national security. Governor Christie. You've said that Senator Paul's opposition to the NSA's collection of phone records has made the United States weaker and more vulnerable, even going so far as to say that he should be called before Congress to answer for it if we should be hit by another terrorist attack. Do you really believe you can assign blame to Senator Paul just for opposing the bulk collection of people's phone records in the event of a terrorist attack?

CHRISTIE: Yes, I do. And I'll tell you why: because I'm the only person on this stage who's actually filed applications under the Patriot Act, who has gone before the federal — the Foreign Intelligence Service court, who has prosecuted and investigated and jailed terrorists in this country after September 11th. … This is not theoretical to me. I went to the funerals. We lost friends of ours in the Trade Center that day. My own wife was two blocks from the Trade Center that day, at her office, having gone through it that morning. When you actually have to be responsible for doing this, you can do it, and we did it, for seven years in my office, respecting civil liberties and protecting the homeland. And I will make no apologies, ever, for protecting the lives and the safety of the American people. We have to give more tools to our folks to be able to do that, not fewer, and then trust those people and oversee them to do it the right way. As president, that is exactly what I'll do.[26]

In response, Rand Paul suggested that searches should only take place pursuant to warrants issued with specific targets and potential threats as the object of the warrant. Christie rejected this notion, telling Paul that he could "blo[w] hot air about this" while "sitting in a subcommittee," but for Christie, "protecting the lives of the American people" is paramount. Paul answered, "I don't trust President Obama with our records. I know you gave him a big hug, and if you want to give him a big hug again, go right ahead." Christie fired back,

And you know — you know, Senator Paul? Senator Paul, you know, the hugs that I remember are the hugs that I gave to the families who lost their people on September 11th. Those are the hugs I remember, and those had nothing to do — and those had nothing to do with politics, unlike what you're doing by cutting speeches on the floor of the Senate, then putting them on the Internet within half an hour to raise money for your campaign and while still putting our country at risk.[27]

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[26] *The Washington Post* Staff, "Annotated Transcript: The Aug. 6 GOP Debate," *The Washington Post*, August 6, 2015, https://www.washingtonpost.com/news/post-politics/wp/2015/08/06/annotated-transcript-the-aug-6-gop-debate/.

[27] *Ibid*.

The rhetoric almost bleeds through the page. The only hugs Christie remembers are the ones from those who lost their family members on 9/11. But whatever the political strategy that may have been related to these measures, the important point is that talking about security in the way that Christie does dichotomizes our potential approaches to it: we are either surveilled and safe or exposed and precarious. Our "freedom" from the government's gaze comes at no less a cost than our very existence. While some listening certainly agreed with Paul's assertions, it is also certain, not the least from the applause that Christie received for his statements, that there was also considerable support for the latter's views.

DISCIPLINE AND PUNISH AND **PANOPTICISM**

Surveillance is just one of the numerous tactics that have been employed since 9/11 to securitize and "make safe" the United States. We could also talk about no-fly lists, the denial of habeas corpus to some government detainees, or the use of torture procedure on U.S.-controlled land outside of the United States.[28] Surveillance, though, is and has been essential to state control for centuries. To consider surveillance in the United States as it currently exists, I think it is helpful to turn to Foucault's discussion of panopticism in his work *Discipline and Punish*. Foucault undertakes a lengthy discussion and analysis of the panopticon, a structure proposed by Jeremy Bentham as a way of disciplining a variety of potential subjects — schoolchildren, criminals, and the sick, for example — wherein the state is able both to control subjects and experiment on them. The structure would have a tower in the middle of a ring of cells that could be viewed from the interior; a single individual watching from the tower would be able to view each individual housed in the panopticon. As such, each person housed in the panopticon must always act as if they are being watched, even if no one is actually surveilling them. As Foucault

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[28] "Top Ten Abuses of Power Since 9/11," *American Civil Liberties Union*, accessed February 17, 2016, https://www.aclu.org/top-ten-abuses-power-911.

writes, it is "at once too much and too little that the prisoner [or civilian] should be constantly observed by an inspector: too little, for what matters is that he knows himself to be observed; too much, because he has no need in fact of being so."[29]

While the exact device of the panopticon was never itself employed, it provides a model for understanding how power must be situated if it is to produce the desired effects in those whom it regulates. The panopticon is a sort of ideal form of exercising disciplinary power, but lesser iterations of it can be seen everywhere, from the organization of a classroom so that the teacher can see everyone while each student can only see a few persons to the requirement some colleges have that students must sign in to every building they enter. Studying the panopticon allows us better to understand how power operates in the day-to-day.

For Foucault, the techniques employed in the panoptic model themselves originated during the time of the plague in medieval Europe. Populations had to be controlled at the level of the individual. While the plague was the "ideal situation" for imagining disciplinary mechanisms (Foucault describes it as a "state of nature" for those who wanted to consider a disciplinary model of society), the techniques themselves spread outward throughout society. The incessant monitoring of many by a few in order to control the actions of the many on a consistent basis has become integral to the way power operates. Foucault states that the "panoptic arrangement … programmes, at the level of an elementary and easily transferable mechanism, the basic functioning of a society penetrated through and through with disciplinary mechanisms."[30] The aim of the panopticon is to create a governable and controllable social order.

Foucault ties the implementation of the panopticon to the similar extension of "more profound processes," which he seems to consider less visible. These processes are the

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[29] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Second Vintage Books Edition (New York: Vintage Books, 1995), 201.
[30] *Ibid*., 209.

"functional inversion of the disciplines," the "swarming of the disciplinary mechanisms," and the "state-control of the mechanisms of discipline."[31] By the first process, the inversion of the disciplines, Foucault is referring to the ways in which the "disciplines function increasingly for making useful individuals."[32] This is opposed to a view of the disciplines as negative in the sense that they were "expected to neutralize dangers, to fix useless or disturbed populations, to avoid the inconveniences of over-large assemblies."[33] Foucault emphasizing a shift from the role of power as simply negative (i.e. it denies people) to power as positive (i.e. it produces identities).

The second extension, the "swarming of disciplinary mechanisms," means the "mechanisms [of disciplinary power] have a certain tendency to become 'de-institutionalized,' to emerge from the closed fortresses in which they once functioned and to circulate in a 'free' state."[34] Foucault is referring primarily to mechanisms of "civil society" that also serve to produce subjects in a certain way. He provides as an example the provision of charitable goods by the Church to those in need only after the family in question agreed to abide by a certain set of practices. The means and mechanisms of power thus were not necessarily aimed at producing the same subject in all times and places. Rather, the subject produced varied with the aims of those who employed the disciplinary mechanisms relevant to their aims.

Finally, the third extension of disciplinary mechanisms came in the form of state control over such mechanisms. Foucault discusses in this section the "organization of a centralized police."[35] He states that the police force "is an apparatus that must be coextensive with the entire social body and not only by the extreme limits that it embraces, but by the minuteness of the

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[31] *Ibid.*, 210-212.
[32] *Ibid.*, 211.
[33] *Ibid.*, 210.
[34] *Ibid.*, 211.
[35] *Ibid.*, 213.

details that it is concerned with."[36] The creation of the police force allowed surveillance (and thus potential enforcement) to be spread throughout the entirety of the society, down to the minutest detail. Foucault writes that police power required the "instrument of permanent, exhaustive, omnipresent surveillance, capable of making all visible, as long as it could itself remain invisible."[37] The threat of policing must always be present, whether in the form of an informer, a secret agent, or an official officer, so that nothing can be thought hidden. If an aspect of the subject is removed from surveillance, then the possibility of producing the right type of subject is hampered. Subjects are produced by surveillance and by the conditioning of the receipt of benefits based upon particular behaviors. This in turn leads the subjects to internalize the forces that are acting upon them, causing them to act as both the subjects and objects of disciplinary power. It might not be the case that someone is always watching, but it is also always the case that someone might be watching.

FOUCAULT AND GOVERNMENTALITY

On the one hand, determining what types of subjects are created through the employment of these techniques seems simple: subjects who rely on the government for their protection and who are thus likely to be more inclined to trust the government on issues of security and foreign policy are produced by tactics that encourage individuals to provide all of their information to the government. If the government knows everything, then it lays claim to trustworthy judgment. That is, for the government to be able to "protect" society, it claims that it needs essentially unlimited access to the private information of ordinary citizens, and if these ordinary citizens think that their safety is dependent on the government having access to all of this information,

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[36] *Ibid*. It is worth noting that "police" does not refer to a system of police officers such as we have today but rather a whole collective of civil servants and workers to whom was ensured the responsibility of making certain that the law was followed and that disciplinary power was exercised.

[37] *Ibid*., 214.

then they are likely going to provide it to the government. At the same time, though, we must understand not just the role that surveillance specifically plays in producing citizens but the role that surveillance plays in an overall scheme of management. For this we need to turn to the Foucauldian concept of "governmentality."

Foucault frequently uses the term "government" in a way that applies to more than the organization of state apparatuses. He writes, "Government is defined as a right manner of disposing things so as to lead not to the form of the common good, as the jurists' texts would have said, but to an end that is 'convenient' for each of the things that are to be governed. This implies a plurality of specific aims: for instance, government will have to ensure that the greatest possible quantity of wealth is produced, that the people are provided with sufficient means of subsistence, that the population is enabled to multiply, and so on."[38] For the art of government to be employed, it is required that those governing (including the state) will need to "exercis[e] toward its inhabitants, and the wealth and behavior of each and all, a form of surveillance and control as attentive as that of the head of a family over his household and his goods."[39] Thus for Foucault, the implementation of a policing force designed to manage and "discipline" the entirety of society is related to the ability to "govern" properly, that is, to organize and "dispose" of things in a way that is "convenient" to the object in question.

The surveillance techniques that the NSA and other branches of the federal government employ can be understood similarly in the present day. These groups employ "machinery that assures dissymmetry, disequilibrium, difference."[40]   There is always the chance that they are watching. When such a system is in place, Foucault notes, it "does not matter who exercises

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[38] Michel Foucault, "Governmentality," in *Power*, ed. Paul Rabinow, vol. 3, Essential Works of Foucault 1954-1984 (New York: The New Press, 2000 [1978]), 211.
[39] *Ibid*., 207.
[40] Foucault, *Discipline and Punish*, 202.

power. Any individual, taken almost at random, can operate the machine: in the absence of the director, his family, his friends, his visitors, even his servants. … The Panopticon is a marvelous machine which, whatever use one may wish to put it to, produces homogenous effects of power."[41] To surveil, to obtain cell phone location data, to review whom one has called, to examine the contacts one has made in order to establish a "way of life" profile, and to be able to do this to anyone even remotely related to someone who might be considered a target — all of this permits a dissymmetry of power equivalent to the model of the panopticon. As *The Guardian* summed up the NSA's reasoning, one must be able to access the entire haystack if one hopes to find the needle in it.[42]

SELF-MONITORING AND SECURITY

A view of security as relating to self-discipline becomes ingrained in our thinking when we are subjected to the constant possibility of surveillance. As noted above, Foucault explains that the mechanisms of discipline become automatic. Concerning the police he writes, "In the seventeenth and eighteenth centuries, 'police' signified a program of governmental rationality. This can be characterized as a project to create a system of regulation of the general conduct of individuals whereby everything would be controlled to the point of self-sustenance, without the need for intervention."[43] In other words, the mechanism of surveillance pervades society in such a way that individuals keep themselves from acting in the ways that would draw attention to themselves. The logic takes on almost a life of its own. Citizens must be protected, which means they must be monitored, but if I am being monitored, then I must behave. Deviation from norms of behavior consequently becomes a cause for concern.

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[41] *Ibid.*

[42] MacAskill, "NSA Files Decoded."

[43] Michel Foucault, "Space, Knowledge, and Power," in *Power*, ed. Paul Rabinow, vol. 3, Essential Works of Foucault 1954-1984 (New York: The New Press, 2000), 351.

The U.S. government acted in direct accordance with this when it set up specific systems after 9/11 that were designed to turn citizens into monitors. Mere days after 9/11, Attorney General John Ashcroft made a speech before Congress asking for an expansion of presidential power. He included in his speech that the government had set up a website and a tip line for individuals to call if they encountered anything suspicious in their day-to-day life. The two had received a combined 95,000 tips by the time of his speech, a mere 13 days after 9/11.[44] "Terrorists can run," opined Ashcroft, "but they should have no place to hide."[45] Even now, almost fifteen years after the attacks, the motto, "see something, say something," is still pervasive. Shortly after the December 2, 2015, mass shooting that occurred in San Bernardino, California,[46] several media outlets reported that the neighbors had suspected Syed Farook of some sort of criminal activity but refused to report him for fear of being accused of racially or ethnically profiling him.[47] The clear implication of these stories was that it was the responsibility of these citizens to be enforcers. The prevention of terrorist activity is constructed as a responsibility of all. Each individual must become the monitor at the center of his or her own panopticon. The centers of surveillance, of disciplinary power, are multiple and dispersed, and all are implicated in them.[48]

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[44] John D. Ashcroft, "A Clear and Present Danger," in *Rights vs. Public Safety after 9/11: America in the Age of Terrorism*, ed. Amitai Etzioni and Jason H. Marsh, Rights and Responsibilities: Communitarian Perspectives (New York: Rowman & Littlefield Publishers, 2003), 8.

[45] *Ibid.*, 7

[46] Fourteen people were killed and 22 injured by Syed Rizwan Farook and Tashfeen Malik at an office holiday party. The shooters acted for ideological and religious reasons, both having pledged support to the Islamic State. "Everything We Know about the San Bernardino Terror Attack Investigation so Far," *Los Angeles Times*, December 14, 2015, http://www.latimes.com/local/california/la-me-san-bernardino-shooting-terror-investigation-htmlstory.html.

[47] See, for example, Mia De Graaf and Snejana Farberov, "Neighbors of Husband and Wife San Bernardino Shooters 'Noticed Them Acting Suspiciously but Did NOT Report Them for Fear of Racial Profiling,'" *Daily Mail*, December 3, 2015, http://www.dailymail.co.uk/news/article-3344736/Neighbors-Saudi-husband-wife-San-Bernardino-shooters-noticed-acting-suspiciously-did-NOT-report-fear-racial-profiling.html.

[48] That being said, some subjects may also modify their behavior so as to attract unwarranted government attention. For example, I once received an email from my brother labeled "illegal," the content of which read, "dude the president is the bombs dont you think? there is no terror he can't face. His speeches just kill dont they? Allah is

THE LIMITS OF OUR IMAGINATION

When Jameson articulated his "utopia as method," he stated that he was trying to "reviv[e] long-dormant parts of the mind" so that we could "posi[t] … alternate futures."[49] His aim, much like Foucault's, was to clear out space where we could imagine the present as alterable. The security state seeks the opposite. The world of constant monitoring is the utopia we need. It might not be perfectly peaceful, but it is (at least in theory) perfectly safe. We must surrender our right not to be surveilled or have the "freedom" of a vigilant safety forced upon us. When we are watched and when we are watchers, then we have reached utopia. The apparent necessity of mechanisms of security staticizes the world before us. Things must stay as they are. The security state is both based on this rationality and plays a role in reproducing and dispersing its effects. To function it requires citizens who think that safety is paramount and that only surveillance can achieve it. If our utopic dreams are, as Jameson contended, designed to "disclose the limits of our own imagination of the future," then our imagination apparently stops at the NSA and the FBI. When pressed, the director of the NSA could confirm only that "at most, one plot — which he has not specified — might have been disrupted by the bulk phone records program alone," according to a 2013 *Guardian* report.[50] Yet much of the country continues to believe that increased security measures are necessary even though such measures have proven themselves neither effective nor necessary.

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the muslim god. bye" (all errors in the original email). Andrew Taylor, "Illegal," April 27, 2011. While on one hand this could potentially be seen as a form of resistance, whereby he was attempting to waste the time and energy of government workers (who allegedly cannot see the content of such communications), it could also be seen as the further shaping of subjects whose behavior is altered in correspondence with specific regulations. The once-exceptional surveillance tactics become a norm that regulates behavior.

[49] Frederic Jameson, "Utopia as Method, or the Uses of the Future," *Utopia/Dystopia: Conditions of Historical Possibility*, Michael D. Gordin, Helen Tilley, and Gyan Prakash, eds.(Princeton: Princeton UP, 2010), 42-43.

[50] MacAskill, "NSA Files Decoded."

Works such as Nolan's Dark Knight Trilogy are central to the production of this nexus between utopia and security. Batman is effectively a utopian impulse in the midst of a dystopic world. As Gotham crumbles, he rises to save it. Eventually peace comes to Gotham, so Batman can retire. The same imagination that generates superhero as savior and sovereign erects a worldwide panopticon. It allows spy drones to be used within the United States (albeit sparingly)[51] and government offices to use secret means to track individuals' movements via their cell phones.[52] It is an impulse to a particular form of utopia that is truly dys(u)topic. While some may find the security state liberating, others may find the extended surveillance oppressive. This is especially true when the same tactics are employed to shut down protests[53] or to monitor specific groups on the basis of their identity (as at least one GOP presidential candidate has recently proposed).[54]

But where there is power, there is also resistance. The Dark Knight Trilogy and similar dys(u)topian productions do not present uncontestable solutions to potentially dystopic problems. Because the dystopia functions primarily as an analytic devise, it can be criticized on the grounds of inaccuracy. Batman's tactics are close to those in the real world — he acts outside of what is strictly legal in order to uphold certain aspects of the law, and he employs mass surveillance to defeat terrorism — yet the situations he is confronting go far beyond anything that we have ever actually been made to encounter. The Joker, Bane, and Ra's al Ghul all presented far more

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[51] Gregg Zoroya, "Pentagon Report Justifies Deployment of Military Spy Drones over the U.S.," *USA Today*, March 9, 2016, http://www.usatoday.com/story/news/nation/2016/03/09/pentagon-admits-has-deployed-military-spy-drones-over-us/81474702/.

[52] Brad Heath, "U.S. Marshals Secretly Tracked 6,000 Cellphones," *USA Today*, February 23, 2016, http://www.usatoday.com/story/news/2016/02/23/us-marshals-service-cellphone-stingray/80785616/.

[53] Naomi Wolf, "Revealed: How the FBI Coordinated the Crackdown on Occupy," *The Guardian*, December 29, 2012, sec. Opinion, http://www.theguardian.com/commentisfree/2012/dec/29/fbi-coordinated-crackdown-occupy.

[54] Nolan D. McCaskill and Eliza Collins, "Cruz Calls for Patrols of Muslim Neighborhoods," *Politico*, March 22, 2016, http://www.politico.com/blogs/2016-gop-primary-live-updates-and-results/2016/03/ted-cruz-syrian-refugees-221093.

serious threats to Gotham even than the tragic events of 9/11. The total annihilation of the people of Gotham was the risk that had to be prevented.

The distance between Gotham and the United States ought to give pause to those who seek to justify expanded surveillance tactics on the grounds of security. If it takes the crisis of the Joker to make Batman's exploitation of every cell phone in the city seem even remotely reasonable, then what situations in our world could even possibly do the same for the far broader mechanisms employed by the government? Are terrorist groups as radical as the League of Shadows? More importantly, the League of Shadows seems to have no justification for their actions other than an effort to bring about justice. Terrorists often have justifications. Some of them are certainly difficult to address, especially those that draw primarily on religious factors, but it would seem to be a worthwhile task to seek to determine what the causes of terrorism are and to alleviate those rather than only to attempt to prevent attacks from happening.

These suggestions and places for further investigation arise because we view the dystopic as analytic. In this sense the dystopic seems as essential to our thinking as Jameson contends the utopic is. Utopic visions paint a world at the edges of what we conceive as possible; dystopic analytics allow us to see what could be otherwise in the ostensibly utopic solutions we pose because they expose the contestability of how we have constructed the problems of dystopia. Disciplinary power's attempts at success rely on closing off the contestability of the techniques they employ; dystopian imaginings are essential to rebuffing this closure.

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What we allow is inseparable from what we believe to be possible. If we believe the only possibility for preventing terrorism is to implement more and more invasive mechanisms, then that is what we will do. However, if we believe that we can stop terrorism through careful

involvement with residents of other countries around the world, then we will take steps to try to alleviate the conditions that produce terrorism rather than merely playing catch up after the process of creating terrorists has already occurred. It matters what we think of as utopic because this will orient us to the options that we will pursue. Likewise, it matters what we think of as dystopic because this can highlight where our fears may be exaggerated or misplaced. If Jameson's desire is to clear out space where utopian thinking can occur, then his best ally is the dystopic because it confronts the world that is and shows the dangers in it. Dystopia highlights potential sites of resistance to the functioning of power. It is up to us to act on them.

Conclusion

I would to conclude this project by briefly discussing both what I think this paper has accomplished and what I believe the next steps of study that need to be taken are.

First, it has been reestablished (if it was ever in question) that there is a close-knit relationship between art and reality. While not a novel point, it is essential, I think, to keep this perspective at the forefront of all literary and political analysis. How are we to understand art outside of its political role? How can we comprehend politics unless we take cultural productions into consideration? I also think that casting the dystopic as analytic instead of as primarily normative provides a better basis for examining works classified as dystopic.

With regard to what areas of study ought to be pursued in tandem with or as a result of this study, I contend first and foremost that a genealogy of security needs to be undertaken. To do so was well beyond the scope of this project, but in order to begin to understand how we might rethink security, we need to understand how it has previously been thought within the United States as well as how it is being and has been thought in countries around the world. This is obviously a broad scope of analysis, but I think it is essential.

Second, there needs to be further analysis of the relationship of U.S. foreign policy to issues of security. It has been argued by some that continued U.S. involvement within the Middle

East generates terrorists.[1] If true, then we must rethink our foreign policy strategy as a nation so that we are not doing more harm than good. It may also be worthwhile to explore what link (if any) exists between poverty and terrorism. This might include a new examination of the way that aid is provided to foreign countries. Central to these points is the need to recognize our shared precariousness with those whom we construct as other in order to try to explore in what ways their sense of precariousness might be reduced.

Third, we need to be critical and careful in how we review our media and how we let art productions affect us. If, as I have argued here, there is a direct and obvious link (and more than a link, a shared rationality) between art and politics, then to be an uncritical consumer of art is to ignore the role it plays in defining the world that we inhabit. These are the primary suggestions I would have for further study in this vein.

Integrating an understanding of both the impulse to utopian imagining and the functioning of dystopic analysis will benefit these studies by allowing us to be aware of the limits of our imaginative capacities regarding how the world could be constructed as well as the contestability of how we present our world's problems. Without such an understanding, we may be consigned to imagine futures not far different from the dys(u)topic world we already inhabit.

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[1] Murtaza Hussain, "Retired General: Drones Create More Terrorists Than They Kill, Iraq War Helped Create ISIS," *The Intercept*, July 16, 2015, https://theintercept.com/2015/07/16/retired-general-drones-create-terrorists-kill-iraq-war-helped-create-isis/.

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