

**THE VENOMOUS EYE:
VENGEANCE, MELODRAMA AND THE LEGITIMATION OF STATE POWER¹**

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DRAFT

*"We have a calling from beyond the stars to stand for freedom."
--George W. Bush*

Legitimation, American Style

How have recent expansions in American state power acquired legitimacy? After 9/11, military action abroad and security, surveillance and regulatory increases at home garnered popular legitimacy, though they were not subject to typical democratic channels of legitimation. Congress relinquished its constitutional duty to declare war, thus diminishing possibilities for procedural or rule-bound legitimacy for expanding military action. Media and political sources tightly circumscribed public debate over domestic and foreign action, thus diminishing claims for a robust deliberative legitimation process. Dissent, in some instances, was even considered immoral. Yet in the years after 9/11 many citizens still accorded legitimacy to large-scale increases in domestic regulation and military power. A form of legitimacy thus seemed to operate outside procedural or deliberative channels. Of course, despite this tacit consensus many people felt these actions to be illegitimate, and by 2006 the voices of dissenters who were marginalized, scolded or ignored by politicians and mainstream media entered public discourse. With the success of the wars in doubt, and with the wisdom and constitutionality of domestic policies in question, many citizens began to demand a return to both procedural and contestatory legitimating practices.

These phenomena raise a series of questions. Is it possible, in a representative democracy, for state action to acquire legitimacy when it is not subject to deliberative or

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procedural processes?² How would that process of legitimation work? Might this form of legitimacy allow state power to impinge upon the very subjects it claims to protect from power? How is political contestation over state expansion transfigured into a form of immoral activity? This essay will address these questions as it interrogates contemporary forms of legitimacy in American politics. I contend that a particular form of legitimacy can work outside accepted channels of decision-making that are presupposed, desired, debated, or normatively sanctioned by liberal and democratic theorists. Legitimacy for post-9/11 expansions in state action, I suggest, was conferred not by deliberation, nor by adhering to neutral procedural norms, but by a pervasive discursive framing of these actions as a *moral obligation*.

In this essay, my aim is not to support one particular norm of legitimation over others, nor to construct a new version of what legitimacy ought to be.³ Rather, I aim investigate how legitimacy for dramatic and large-scale state action was produced at a particular moment.⁴ I seek to reframe certain questions over legitimacy by asking not whether particular actions are legitimate or illegitimate but instead, by examining one particular moment in American politics, to ask how certain actions *become* legitimate. Framing the study of legitimation by judging the rightness of norms or the illegitimacy of an action can overlook how certain actions seem to acquire legitimacy independent of their operations, and how legitimation is generated and

² The categories of procedural and deliberative legitimacy overlap in certain instances, though I am separating them here for the purpose of pulling out their different emphasis. For central work on procedural forms of legitimacy, see John Rawls, *Political Liberalism* (NY: Columbia, 1993) and *The Law of Peoples* (MA: Harvard University Press, 1999) On deliberative legitimacy, see Seyla Benhabib, "Toward a Deliberative Model of Democratic Legitimacy" in *Democracy and Difference* (NJ: Princeton, 1996), Joshua Cohen, "Deliberation and Democratic Legitimacy" in *The Good Polity*, ed. Hamlin and Pettit (UK: Basil Blackwell, 1989), John Dryzek, "Legitimacy and Economy in Deliberative Democracy" *Political Theory* v. 29, n. 5, Oct 2001.

³ At the end of this paper, however, I do consider how a discourse that encourages deliberative decision-making can become a counter to the types of legitimacy I outline in the rest of the paper.

⁴ Let me explain briefly what I mean by the state. I do not want to suggest that there is something called the state that is the sovereign authority in a political order, a unified entity with absolute power, or a singular actor in its own right. What I refer to as "the state" is a set of multiple governing and bureaucratic institutions, discourses, material conditions, laws and policies, governing officials, and even disciplinary practices that work to establish the boundary between what is and is not considered "the state." Together, these parts work in various and often contradictory ways to organize relations of power that juridically, and also non-juridically, govern citizens, set standards for acceptable and unacceptable action, regulate the exercise of various forms of political and economic power, and are coordinated around a more or less nebulous arena that has as its target federal governance and foreign relations. The term "state" refers to the power relations that circulate through a set of governing institutions, political discourses, practices and subjects, which work to create and carry out the actions of collective governance in a political system.

sustained. When scholars circumscribe legitimacy to its evaluative terms, then legitimating norms and their “goodness” come into focus at the expense of other important political dynamics. One alternative to a normative assessment is found in the disciplines of political psychology and sociology, which locate legitimacy in the realm of belief. Max Weber, for instance, argues, “it is only the probability of orientation to the subjective belief in the validity of an order which constitutes the valid order itself.”⁵ In this tradition, initiated by Weber and extended by Seymour Martin Lipset, the way for a state or any governing authority to secure legitimacy is to secure its political subjects’ belief in legitimacy; a legitimate state is that which is, ultimately, “considered to be legitimate.”⁶ This approach, while helpful in enlarging the source of legitimacy beyond neutral norms to subjective perception, still does not provide a comprehensive answer to the question of *how* legitimacy is cultivated, both in the individual subject and in the social body.⁷

Michel Foucault’s theory of legitimation may get us a bit further in this inquiry. Foucault argued that power does not operate only, nor even primarily, through the state, the law, or a contractual constitution. Power, according to Foucault, is a series of relations that circulate between individuals and social bodies, and works through discourses, in regulating techniques and disciplinary practices that produce subjects and manage populations. For Foucault, the concept of “legitimacy” effaces the complicated operation of power by implying that it is limited to laws and institutions. He writes,

The essential role of the theory of right, from medieval times onwards, was to fix the legitimacy of power; that is the major problem around which the whole theory of right and sovereignty is organized. . . the essential function of the discourse and techniques of right has been to efface the domination intrinsic to power in order to present the latter under two different aspects: on the one hand, as the legitimate rights of sovereignty, and on the other, as the legal obligation to obey it. . . . Right should be viewed, I believe, not

⁵ Max Weber, *Economy and Society* (California, University of California Press, 1978), p.33.

⁶ Max Weber, “Politics as a Vocation” in H.H. Gerth and C. Wright Mills, tr., and eds, *From Max Weber: Essays in Sociology*, (New York: Oxford University Press, 1968), p.78. Italics mine.

⁷ For Weber, the answer to “how” is by state domination, but aside from examining coercion he does not extend his analysis to a deeper examination of how state domination works to cultivate belief.

in terms of a legitimacy to be established, but in terms of the methods of subjugation it instigates.⁸ Foucault's intervention disrupts the assumption that one can make judgments about state legitimacy that are free from power. Legitimacy is part of a theory of politics that, for Foucault, is tied to institutional models of power; inquiry into legitimacy thus ignores power's more insidious regulatory and subject-producing operations, and therefore functions only as smoke screen to obscure modes of domination. Though he may be right to argue that legitimation can obfuscate power, Foucault then turns away from further inquiry into how power becomes legitimated. Like the 'theory of right' he criticizes, he also cannot conceptualize the notion of legitimacy separate from institutions or objective measurements. By understanding legitimacy only as a form of domination, Foucault too misses a range of complex mechanics involved in legitimation, to which I would like to call attention.

If legitimacy is a crucial nodal point for effacing the work of power (as Foucault himself points out) then the process of legitimation deserves a central place in political reflections of post-9/11 American political life.⁹ I find that it is Weber who anticipates Foucault's provocations, and provides the missing link between his critique of legitimacy and the study of non-institutional processes of legitimation: by redefining legitimacy as belief, Weber shifts the study of legitimating power to a nonjuridical register. Rather than abandoning the process of legitimation as Foucault does, Weber makes it possible to trace its mechanics in non-judicial, non-procedural, and non-deliberative registers. Legitimacy can be said to reside in discourse – in processes that cultivate, contour and sustain belief – rather than only in the quality of institutions and policies.

⁸ Michel Foucault, *Society Must be Defended: Lectures at the College de France 1975-1976*. Tr. David Macey. NY: Picador, 2003.

⁹ Wendy Brown argues a related point in *Regulating Aversion*; Foucault's refusal to conceptualize the state outside models of right, she argues, ignores the ways that the state is a visible referent for power that relies on a discursive production of legitimacy to authorize its actions. For Brown, state power is not superseded by governmentality but extends its reach through governmentalizing functions. Using Foucault against himself, she offers her account as a Foucauldian corrective to Foucault's eschewal of studying the state, writing "A full account of governmentality, then, would attend not only to the production, organization and mobilization of subjects by a variety of powers by also to the problem of legitimizing these operations by the singularly accountable object in the field of political power: the state." Wendy Brown, *Regulating Aversion*, (New Jersey: Princeton University Press, 2006). P. 83

Weber suggests that belief is in part an effect of power, and thus forges the link between belief in legitimacy and the production of legitimating norms. Shifting the terms that analyze the production of legitimacy from (Weberian) belief to (Foucauldian) discourse additionally helps to implicate a larger array of political, social and cultural forms in this production. If evaluations of legitimacy can be said to derive in part from discourses that nourish belief in legitimacy, then we can begin to investigate how they maintain and enlarge legal and extralegal power. I would thus like to propose that evaluations of legitimacy are not necessarily objective or neutral, but work through the cultivation of specific political subjects, subjects who make judgments of legitimacy shaped in part by available political discourses. Dislodging legitimation from its association with deliberation, norms and procedures opens a space to interrogate both how belief in legitimacy allows state power to expand, and how certain prevailing discourses reproduce and resecure this belief within political subjects.

I would like to be clear here: I am not arguing that there is no difference between legitimate and illegitimate political action, that legitimacy is impossible, or that the discourse of legitimacy always functions to obscure the expansion of power. Mutually agreed upon and broadly applicable standards of legitimacy are necessary for a democratic polity to sanction certain actions and inhibit others. The evaluation of legitimacy is a crucial tool for limiting state power and upholding individual dignity. Yet the complex operations that enable subjects to impute legitimacy to state actions are only partially captured by deliberative and procedural frameworks of analysis. The work of other legitimating forms remains outside of political inquiry. This paper will examine the effects of a legitimation process that operates outside standard normative models. In focusing on the role of discourse, this approach supplements existing modes of inquiry by examining the workings both of state power and of nonjuridical power, as they interweave in the production of political legitimacy. Evaluations of legitimacy, I will offer, extend beyond the norms we consciously employ and into the discourses that delimit how we conceptualize power, politics and moral virtue.

In the rest of this essay, I examine a melodramatic mode of political discourse that, I suggest, contributes to the production of legitimacy for post-9/11 contemporary state actions. Melodramatic discourse constructs America as a good, virtuous nation that has been victimized by an evil enemy, and is mandated to enact a venomous form of heroic retribution on the forces that caused its injury. (I explain the melodramatic mode more completely below.) I will argue that this discourse was one of the primary national narratives shaping interpretations of the 9/11 events, and that it facilitated the legitimation of expansive state action in non-deliberative and non-procedural pathways. Melodrama is a particular legitimating strategy that works by *depoliticizing* state power. If politics is a space of collective governance, and thus of contestation, of debate and dissent, of competing claims for what can and should be done in public life, of laws that decide what is and is not allowed within a polity, of procedures that ensure fairness in decision-making and outcomes, then melodramatic modes of legitimacy place the evaluation of state power outside of this space. Melodrama moralizes the work of certain state actions, depoliticizing them by figuring them as uncontestable, necessary, and categorically righteous: as always and already legitimated. In the post-9/11 moment, melodrama figured certain state actions as moral imperatives and legitimated them as such, rendering moot the need for political debate or discussion. The most elective of state actions were discursively transformed into a necessary rejoinder to evil.

Melodramatic discourse is only one technique in a larger set of processes that legitimate increases in state power, yet it is particularly important because of how it simultaneously mandates and moralizes state action.¹⁰ The constitutive power of melodramatic discourse not only helps to legitimate state action and de-legitimize dissent, but enables expansive forms of power through its articulations of national events. In this essay, I suggest that although the legitimacy effects of this post-9/11 discourse were short-lived, their consequences were long-ranging, and they continue to reverberate in American politics.

¹⁰ Other techniques include rewiring longstanding procedural pathways for authorizing power, narrowing space for public deliberation, obfuscating the work of state power, and employing varied discursive strategies for encouraging a more passive citizenship.

The Fight Against Evil

In order to understand how melodramatic political discourse works as a form of legitimation, let us first explore what melodrama is and how it operates. Melodramatic discourse posits a clear separation between good and evil, and employs the antagonism between these moral binaries to create a gripping narrative of injury and retribution.¹¹ Its three main characters -- villain, victim and hero -- cycle through repetitive stages of anticipation, suffering and action until the hero triumphs victorious over the villain. To validate the retributive and often brutal actions involved in heroism, melodrama relies both on visual spectacles of violence toward undeserving victims, and on the moral outrage and deep empathy that victimization engenders. The unjust suffering of innocents, the irrational brutality of villainy, and the spectacular valiance of righteous heroism compose melodrama's main structural themes. Used episodically during moments of national crisis, melodramatic discourse helps to reconfigure American politics; its moral worldview, victim-hero narrative, somatic impact, triumphalist assumptions, and visual spectacle create an orientation for articulating national events.¹²

Predominant in theater and novels throughout the nineteenth century, in film and visual culture throughout the twentieth century, and in political discourse and news media since the end of World War II and the rise of televisual communication, melodrama has become a central mode of mass cultural and political experience, a pervasive way of viewing and clarifying the

¹¹ On melodrama, see Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, Melodrama and the Mode of Excess* (Connecticut: Yale University press, 1985), Linda Williams, *Playing the Race Card*, (NC: Duke University Press, 2001). Linda Williams, "Melodrama Revised" in Nick Browne, ed. *Refiguring Film Genres*, CA: UC Press, 1998.) Daniel Gerould, ed. *American Melodrama* (Maryland: PAJ Publications, 1983), Robert Heilman, *Tragedy and Melodrama: Versions of Experience* (Washington: University of Washington Press, 1968). Thomas Elsaesser, "Tales of Sound and Fury: Observations on the Family Melodrama" *Monogram* 4, 1972. Christine Gledhill, Ed. *Home is Where the Heart is: Studies in Melodrama and the Woman's Film*. (UK: British Film Institute. 1987). Tom Gunning, "The Horror of Opacity: The Melodrama of Sensation in the Plays of Andre de Lorde" in Bratton, Cook, Gledhill eds., *Melodrama: Stage, Picture, Screen*, (London: BFI, 1994). Ben Singer, *Melodrama and Modernity*. (NY: Columbia University Press, 2001). John Cawelti, "The Evolution of Social Melodrama" in Marcia Landy, ed. *Imitations of Life: A Reader of Film and Melodrama* (Michigan: Wayne State University Press, 1991).

¹² Melodramatic politics is expressed in the rhetoric of political speech and imagery, shaped and dispersed through multiple channels of political communication, especially television, and utilized by, among others, political leaders, journalists, and commentators, so that its premises help organize the structure and knowledge of national politics.

ambiguities of nationhood and political life. Melodramatic political discourse is triggered during times of crisis, dramatic action, and large-scale political change, such as the end of WWII and beginning of the cold war, the end of the cold war, and 9/11. But it is also increasingly available to make sense of the confusion and complexity of daily national political life by giving meaning to its shifts and actions. Through its popularity melodrama has become a quick and easy way to apprehend the convolutions of national politics, especially during disorienting moments when the meaning of significant events does not seem to be set or certain at their outset.

Melodramatic political discourse helps to structure the meaning of politics, power, forms of citizenship, and national identity. However, it is only one form of political discourse among many others that circulate within American politics. Some gain ascendancy at certain points, while others contradict them, recede or disappear.¹³ Yet even as it is short-lived, fragile and easily dismantled over time, melodrama periodically becomes both compelling and powerful. In the moments when it is predominant, melodramatic political discourse has the potential to do many things: produce political meaning, organize the structure of political events, legitimate some responses to events and not others, articulate norms for morality and behavior, mobilize specific modes of citizenship, and reduce possibilities for other types of engagement with national political life. It certainly does not do all at once, nor does it do all of them equally well, but as a discourse it depicts political life in ways that encourage certain actions, productions and legitimations while discouraging others.

Moral polarities are perhaps melodrama's most common defining feature, though they are often imprecisely described as manicheistic by melodrama scholars.¹⁴ In the original

¹³ Other popular American discourses that narrate nationhood would include the jeremiad, captivity narratives, American exceptionalism, and manifest destiny, among others. Melodrama is not necessarily antagonistic to these other forms; many of them interweave and co-constitute each other at different moments in American history. See Chapter 2, "The Melodramatic Imagination and American Political Life: A History."

¹⁴ To name a few: See Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, melodrama and the Mode of Excess* (Connecticut: Yale University press, 1985), Daniel Gerould, ed. *American Melodrama* (Maryland: PAJ Publications, 1983), Robert Heilman, *Tragedy and Melodrama: Versions of Experience* (Washington: University of Washington Press, 1968).

manicheistic concepts of good and evil, good is understood to mean fully rational, pure, peaceful, and “of the mind.”¹⁵ Evil is rage unmodified, irrational, uncontrollable, and “of the passions.” Evil is, specifically, an *invasion* of the good, a hostile force determinedly focused on good’s violation. For the Manicheans, evil was timeless and indestructible, fated to eternally lock heads with its nemesis. Evil could be restricted only by imprisonment or scuttled away in the recesses of darkness, but its complete eradication was an impossibility. Good was passive, defenseless, always threatened with impingement by evil’s ferocity, relying solely on the force of its purity for protection. These manicheistic understandings of evil, as invasive, irrational and feral, contribute to melodrama’s present political use. What has transformed, however, is the ontological status of evil and the submissive quality of the good. Now, in the American political use of these terms, evil stands in contradiction to itself, as Janus-faced: it becomes mortal as well as immortal. The annihilation of evil is possible, yet the fight against evil is an eternal one. Perhaps evil operates here like the king’s two bodies, in which the office persists beyond the body of the individual office keeper; a mortal evil can be destroyed, although the larger category of evil is always populated by invasive and irrational power. And goodness, in contemporary American political discourse, harbors the violent, passionate power to accomplish the extermination of evil.¹⁶ Good acquires aggression and violence without tarnishing its purity. And evil is both vanquishable and unvanquishable, immortal and earthly. While I cannot here analyze the reasons for this complex historical shift, it is important, I think, not to condemn the incoherence of evil’s polysemy but instead to question what a mortal and immortal evil, pitted against a violent goodness, allows in the context of national politics.

In the contemporary American political discourse of melodrama, the villain is evil personified, drawn in the stock image of the rabid outlaw. In his first address to the nation on 9/11, President Bush used the word evil four times to describe the perpetrators of the day’s

¹⁵ Peter Brown, *Augustine of Hippo*. (California: UC Press, 2000), pp.35-49.

¹⁶ Bush’s rhetoric provides ample illustration of both, e.g. 11/6/01, “So we’re determined to fight this evil, and fight until we’re rid of it.” And 1/28/03, “And this nation is leading the world in confronting and defeating the man-made evil of international terrorism.”

events, and four more times later that evening in his prime-time television speech. In the following months, the president named “19 evil men,” “lives ended by evil,” “evil acts,” “the evil ones,” “evil dictator,” “evil folks,” “a cult of evil,” “the power of evil,” “a war against evil,” and “evil-doers.” Throughout his presidency, Bush regularly describes political enemies as “a madman,” “the enemy,” “the worst kind of cruelty,” “thugs,” “assassins,” “pure malice,” “the heirs of all murderous ideologies,” “devious and ruthless,” “the worst in human nature.” This villain seems to be an incarnation of melodrama’s mustachioed, black-caped rogue, a symbol of horror, wrong, and destruction, a fuel for imaginative fantasies of unlimited evil capabilities. It is a new incarnation of an old character that functions as the repository of individual and collective fear who invades with viral force.

Examining the use of the term evil in contemporary American political discourse, Jodi Dean argues that since the Reagan era evil has functioned as a foundational premise for the organization of American politics.¹⁷ Evil becomes an intransigent national problem, and each American president’s ability to name and diagnose evil becomes symbolic of his moral goodness: “Under conditions of ontological evil, failing to recognize evil becomes moral weakness while naming it becomes a key signifier of moral strength, courage and will.” For Dean, the deployment of evil in American political discourse signifies primarily the moral conviction of the speaker; in other words, the president who condemns a regime or leader as evil becomes himself a signifier of goodness. Dean’s analysis points to the tight dialectic between naming evil and becoming good, but her focus on the figure of the president as the speaker who names evil diminishes the generative effect “evil” has as it circulates. The power of evil rapidly exceeds the President who utters its name. “Evil” serves not only to mark the morality of the president, but the morality of the entire nation. When evil is used in national political discourse, I want to suggest, it allows for the resignification of national identity. If America’s attacker is evil, then not only the president who names evil, but all Americans who are under attack, can become “good.” The category of goodness arises *with* and *through* the

¹⁷ Jodi Dean, “Evil’s Political Habitats” *Theory and Event* 8.2, June 2005

naming of that which is evil. Once the enemy has been established, then both the victims of evil and the hero who punishes evil become morally coded as virtuous. Within Bush's language in the days after 9/11, Americans became "innocent," "great," "the brightest beacons of freedom," "courageous" "good and just," "heroic," "peaceful," "strong of heart" "a loving and giving people", full of "abiding love of our country." This ordinary goodness that was attributed to America prior to the attack, the peaceful unity of a loving and giving people, the "innocence" that defined America, seemed only to come into being once they had been violated. These qualities of American nationhood entered into political discourse retrospectively – not that they had never been used before, of course, but that they only made sense at that moment *through* their molestation. Hegel explains this logic when he writes in a different context, "What is thus found only comes to be through being left behind."¹⁸ Within melodrama, national identity is formed out of a temporal reversal. The national self-definition that was attacked was not necessarily possessed beforehand; it emerged and was constituted through the act of external aggression.

This phenomenon, in which goodness arises out of, and in contrast to, the mark of evil, can perhaps be better understood with recourse to Nietzsche's theory of the morality of victimization. Arguing against scholars who claim that the judgment good originated with "those to whom 'goodness' was shown," Nietzsche contends that modern uses of the term good originate from a prior naming of that which is deemed evil.¹⁹ Goodness is a secondary consideration, one that germinates as a condemnation of evil, one that marks as virtuous those who suffer from the injuries of "evil" action. In other words, "good" is a value judgment that arises in opposition to other objects in the world. Reversing a self-evaluating glance, in which a value judgment marking one's goodness starts by first examining the self, here the self first condemns an external object: "This inversion of the value-positing eye – this need to direct one's view outward instead of back to oneself – is of the essence of *ressentiment*: in order to exist . . .

¹⁸ G.W.F. Hegel *Science of Logic*. tr. A.V. Miller, (Amherst, New York: Prometheus Books, 1989), p. 402.

¹⁹ Frederich Nietzsche, *The Genealogy of Morals*. tr: Walter Kauffmann. (NY: Vintage, 1989), p.25.

[it] needs an external world; it needs, physiologically speaking, external stimuli in order to act at all."²⁰ This reversal of the self-evaluating glance creates "the venomous eye" out of which a vengeful subjectivity, insisting on its own post-injurious virtue, is formed.²¹ Goodness requires an evil other in order to exist, as its subject forms only as a contrast: "He has conceived 'the evil enemy' '*The Evil One*', and this in fact is his basic concept, from which he then evolves, as an afterthought and pendant, a 'good one'-himself!"²² Goodness seems to emerge first, and is only subsequently contrasted with the evil that inaugurated it. This reactive form of identity formation obscures its own development, and thus makes good seem prior. Good is therefore parasitic on evil, as it is only out of the disparity with evil, and the suffering that evil causes the self, that this form of subjectivity can be generated.

I want to suggest that the logic of "the venomous eye" circulates in a specific historical moment in contemporary American political life, and contributes to the ascription of "goodness" in national identity after the events on 9/11. The moral values attached to America's violent victimization by evil on 9/11 generated designations of national virtue, justness, innocence and righteousness.²³ Formed by the venomous eye, evil's temporal precedence became concealed. This national identity relied heavily on the horrific visual spectacle of the attacks to create these designations; Nietzsche's reference to the concept of the venomous eye emphasizes the importance of visibility, and perhaps of spectacle, to this type of victimized identity production. In 9/11, the visual experience was generated out of the media coverage that was the primary format for experiencing the events, which helped to

²⁰ *Ibid*, p. 37

²¹ Nietzsche writes, "One should ask precisely *who* is 'evil' in the sense of the morality of *ressentiment*. The answer, in all strictness, is: *precisely* the "good man" of the other morality, precisely the noble or powerful man, the ruler, by dyed in another color, interpreted in another fashion, seen in another way by the venomous eye of *ressentiment*." *Ibid*, p.40

²² *Ibid*, p. 39.

²³ These designations of goodness are a constitutive part of melodrama. See among others Thomas Elsaesser, "Tales of Sound and Fury: Observations on the Family Melodrama" *Monogram* 4, 1972. Christine Gledhill, Ed. *Home is Where the Heart is: Studies in Melodrama and the Woman's Film*. (UK: British Film Institute. 1987).

conceptualize them as an attack on all Americans.²⁴ Melodramatic modes of political discourse rely upon visual and aural fields to engender belief in the moral legibility of their verbal messages; captured on television, much of it live, the 9/11 events were experienced by most Americans as a visual spectacle of suffering.

My concern in employing the venomous eye is not to piece out who is or is not a proper victim of 9/11; instead I am interested in the political effects of categorizing the entire nation as an entity that has been victimized. Once America became a unified land of innocence injured – a nation virtuous for its victimization – then retributive action taken in response to evil’s injury became morally just. After 9/11, a national definition of goodness, a goodness formed out of victimization by evil, allowed and fomented national retribution. Nietzsche contends that goodness develops as a claim for power; it is a declaration of superiority over and against a hostile external world, a judgment that is motivated by and sanctions revenge against that hostility. Goodness, in this formulation, initiates retribution; attacked goodness sanctions a fight against evil. The “evil” of the venomous eye serves to legitimate any retributive action taken against what it names.

Therefore, what makes the logic of the venomous eye so advantageous is that it *requires* revenge against “evil” by a victimized “goodness”. As a result, a melodramatic political discourse arising after 9/11 could insist that state action was morally mandated by evil’s unjust victimizations of national virtue. Bush relies on this moral command when explaining in a speech why America has chosen to invade Afghanistan, “Today, we are a nation awakened to the evil of terrorism, and determined to destroy it. That work began the moment we were attacked; and it will continue until justice is delivered. . . Our cause is just and worthy of sacrifice.”²⁵ In his speech, the exercise of state power is necessitated by the imperative to destroy evil. The language of evil simultaneously casts the power that fights it as just, as goodness-that-has-been-attacked. Evil both names and valorizes the good, demonizes one’s

²⁴ For an expansion of this argument, see Elisabeth Anker, “Villains, Victims and Heroes: Melodrama, Media and 9/11” *Journal of Communication*, 88:1, March 2005.

²⁵ 10/11/2001

assailant, and commands an attack on that which is deemed evil. Post-injurious heroism carries the weight of moral righteousness, and the state occupying this position of heroism garners immediate justification for its retributive actions. The move to “destroy” is itself depoliticized, because it is viewed as a moral requirement rather than a political choice.

Consider the presidential address given during primetime on September 20, 2001 titled “Freedom at War With Fear” which draws on melodramatic modes of political discourse to cultivate the legitimacy of the newly-formed Office of Homeland Security. In this speech, Bush announces the creation of the Office by explaining to the public that it is necessitated by the crusade to safeguard the civilized world. Bush proclaims the moral imperative for the Office’s founding by articulating the drastic conditions that require its existence: “This is the world’s fight. This is civilization’s fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom,” against those who “hide in countries around the world to plot evil and destruction.”²⁶ The Office of Homeland Security is instituted as part of a civilizational war of good versus evil, of freedom versus unfreedom, of those who believe in pluralism and tolerance versus those who attack these values. Its mission is to combat villainous destruction and avenge unjust injury. An ambiguous situation is made to appear clear, and an uncertain response, obligatory.

Bush continues, “Great harm has been done to us. We have suffered great loss. And in our grief and anger we have found our mission and our moment. Freedom and fear are at war. The advance of human freedom – the great achievement of our time, and the great hope of every time – now depends on us.” Using victimization to justify, and indeed animate the desire for, state action, the Office itself becomes heroic, part of the nebulous yet energizing cry for action embodied in “our mission and our moment.” The Office becomes part of the advance of human freedom, transcending its specific creation: it is a central point within a larger and timeless “hope of every time.” These words help to dehistoricize the specific context that the creation of the Office is responding to by placing the 9/11 events on a timeless, cosmological

²⁶ <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>

plane. Transcendent moral obligation becomes the discursive motivation for the Office, and as such abstracts the decision to create it from its specific conditions. As Secretary of Defense Donald Rumsfeld later proclaimed in a speech used to legitimize the Iraq war, "Today, as before, the hard work of history falls to our country, to our coalition and to our people. We've been entrusted with the gift of freedom. It's ours to safeguard. It's ours to defend. And we can do it, knowing that the great sweep of human history is for freedom, and that is on our side."²⁷ Rumsfeld both specifies history and displaces it, justifying the Iraq war in order to safeguard the teleology of human freedom. The militarism he advocates has a mission that transcends this moment and belongs instead "to the great sweep of human history." The decision to begin the Iraq war is required of those who safeguard and defend the gift of freedom, though it could also be shown how those who are entrusted with this moral obligation seem to be so only once they have been attacked – again, demonstrating the temporal reversals that operate in this type of national identity formation. It thus comes as no surprise that the military action for the war was named "Operation: Enduring Freedom"; the war seems transcendent, enduring beyond history.

Bush concludes his address by asserting "Freedom and fear, justice and cruelty have always been at war, and we know that God is not neutral between them." The Office of Homeland Security draws sustenance from its initial victimization in order to spearhead a fight larger than the nation, and in fact larger than this historical epoch; a war, the president explains, that has "always been." The discursive conditions surrounding the justification for the Office's creation are not about coordinating law enforcement divisions or centralizing spy technology but about injury by evil: the terms of discussion are fashioned through a moralization of the problem. The creation of the Office becomes part of the transhistorical fight for justice against the invasive power of embodied evil. The mandated quality of action against evil means this state response is considered necessary, universally obligatory, and unquestionably good. Melodrama effects the depoliticization of state action by naming state action as an unquestionable moral good when it fights evil. Without a space for questioning or debate,

²⁷ 10/4/04

melodrama aims to close the possibilities for deliberation and dissent. And it also situates state action within a narrative that necessitates aggressive heroic retribution by the state in response to national victimization.

In the speech announcing the Office of Homeland Security, Bush insinuates that the office itself had been sanctioned by God. His invocation of God functions here to cement the moral absolutism of his political claims. If the Office of Homeland Security becomes part of a cosmological battle approved by God, its existence and methods cannot be subject to question or to discussion. It is conventional to take the rise of good and evil in post-9/11 political discourse to be a sign of religious revivalism in the public sphere, or a sign that the wall between church and state has fallen. Perhaps these claims are correct, but I want to suggest a different possibility. Good and evil, no matter how tied they are to the theological, are not wholly circumscribed by that domain. Yet by focusing only on the religious connotations of these words, we lose sight of the work that they do politically. Melodramatic modes have always used good and evil to make meaning out of social life. This is not to say melodrama is antithetical or wholly separate from theology; its origins come out of the downfall of church power in the eighteenth century, as melodrama became a modernized form of moral order.²⁸ However, as a cultural form of expression, melodrama cannot be subsumed by theological. It uses good and evil in different ways, takes different forms, and does different work. In post-9/11 melodrama, the use of good and evil sanctions certain political actions by turning them into moral obligations, and draws upon moral binaries to increase state power and diminish dissent. Within melodrama, questioning the creation of the Office of Homeland Security, or placing it under terms of public deliberation, becomes an act that is fundamentally unnecessary and, essentially, *immoral*.

Explaining the 9/11 events through an essentializing discourse of good and evil transforms political problems into divine ones, thus prohibiting discussion over the complicated and vague causes, effects and understandings of the events and how they should be connected

²⁸ See Peter Brooks, *The Melodramatic Imagination* (New Haven: Yale, 1995.)

to national life. Bush relies on transcendence to justify the invasion of Afghanistan, stating “We cannot fully understand the designs and power of evil. It is enough to know that evil, like goodness, exists.” By using this explanation for 9/11 to justify war, one in which “our cause is just,” Bush places a political problem into a theological realm of which humans have little understanding, but deep obligations. Melodrama’s theologization of political events simultaneously moralizes – as the right thing to do – and naturalizes – as the only thing to do – the use of state power when battling evil. This framing of the issue instantly delegitimizes any attempt to check the power of what fights evil. Melodrama legitimates state action by delegitimizing dissent, which it accomplishes by positioning state action within a plotline that demands righteous retribution for an injured nation.

Not only is debate or dissent about the state’s functioning discursively neutralized, but since the goal is to spread democracy or fight evil, there is no conceivable limit to the power it requires. As in the earlier claim that the “nation” is “determined to destroy” evil, there is no discernable endpoint for this action, and thus there is neither boundaries on the power needed to accomplish this task nor measurements to know when it has been completed. Vice-President Dick Cheney follows this form of argument for unlimited power when he explains what is needed for America’s mission: “This is a struggle against evil, against an enemy that rejoices in the murder of innocent, unsuspecting human beings. . . . A group like Al-Qaeda cannot be deterred or placated or reasoned with at a conference table. For this reason, the war against terror will not end in a treaty. There will be no summit meeting or negotiations with terrorists. This conflict will only end with their complete and permanent destruction and in victory for the United States and the cause for freedom.”²⁹ The certitude of moral absolutism allows the crucial shift that transforms unlimited retribution into a necessary response to evil. With America as its virtuous victim, post-9/11 melodramatic politics requires in endless form of state action. Indeed, “evil” in this context dramatically increases the scale of tolerable violence when it is anchored within the political, because it mandates, as a moral injunction, the destruction of a

²⁹ 10/23/01

transcendent concept, while simultaneously valorizing whatever conducts this attack. Here we can see the political uses of polysemic evil. As both mortal and immortal, evil allows both for triumphalist assertions, as in Cheney's speech, and for unlimited increases in state action in the service of fighting evil, as evil's eternal existence means we must always be engaged in battle. Cheney's rhetorical force puts evil into the category of that which is thoroughly uncivilized, virulently destructive, and morally irredeemable, and thus the only possible response to its taming becomes neither law, nor politics, but annihilation: war.

This claim of victimization through the venomous eye thus works in contrast to Rene Girard's popular explanation of sacrificial victims.³⁰ For Girard, the naming of a sacrificial victim establishes order in a political community by uniting people against a scapegoat, a sacrificial victim who takes on the function of a common enemy. The victim becomes a rallying point to unite the rest of the community, and absorbs public enmity. Scapegoating may still be a factor after 9/11, as the demonization of Muslims (and now immigrants) works to as a form of victimization that simultaneously attributes vast and secret powers to these groups. Yet in melodrama something different happens: the group itself takes on the claim of victimhood, and its self-identification as victim works as a binding and unifying force. The group sees itself as victimized, vulnerable, innocent, targeted by a more powerful other which vents its rage unjustly upon the victim. Rather than taking on the burden of self-sacrifice, however, the group draws on this claim of victimhood in order to justify violence and retribution against its victimizer. This latter part is what makes this victimhood a particular function of the venomous eye, in how it marks the group as victim in order to justify the sacrificial violence of its attacker. In melodrama, the removal of the villain restores the goodness of the victim.

Evil's polysemy goes even further, though, becoming at the same time a transcendent concept and a personified one, a quality residing only in individuals. The political characterization of a person as evil turns political problems from institutional or historical conditions into personal deficiencies. The speech justifying the war in Afghanistan employs

³⁰ Rene Girard, *Violence and the Sacred*. MD: JHU Press, 1979.

this trope when Bush explains, "The hijackers were instruments of evil who died in vain." And again, "In the terrorists, evil has found a willing servant." Evil here is the proactive puppeteer controlling individual action, and it deflects complicated lines of responsibility for political events onto only those individuals who are said to embody evil. It is Karl Marx who first analyzes this form of depoliticization, in which political events appears to exist separately from overarching structures of power, so that "a specific activity and situation in life no longer had any but an individual significance."³¹ In melodrama, when one is the victim, then evil is totally externalized in the figure of the villain; the self is wholly virtuous, wholly just. If one is a victim then one cannot be an aggressor. An externalization of evil reduces not only the taking of responsibility for political events but the space in which questions about responsibility can be posed. Indeed, placing conflict within the realm of melodramatic good and evil depoliticizes the affairs of state in two ways: it displaces problems from institutions to individuals, while it simultaneously reorients the context of conflict to a universal, transhistorical crusade. It creates a counter-movement in which evil operates, at the same time, individually and transhistorically. Through this mutual displacement, which attempts to resolve political problems through a reenactment of the forces of good and evil, melodrama helps to reorient political power toward reconciling transcendent dilemmas embodied only in a few bad apples, and thus cannot address the immediate problems these reenactments evoke

The refusal of responsibility for political life operates in Bush's Republican nomination acceptance speech in 2004 when he explains, "Freedom is on the march." And moments later, "Freedom is not America's gift to the world, it is the Almighty God's gift to every man and woman in this world."³² In the first quote, the state loses any sense of political agency; it is "freedom" which marches, and an abstract ideal becomes the agent of political action. In the quote that follows, God becomes the overarching generator of action -- agency is now two steps

³¹ Karl Marx, "On the Jewish Question" in *The Marx-Engels Reader*, ed. Robert Tucker, (NY: Norton, 1978), p. 45.

³² <http://www.whitehouse.gov/news/releases/2004/10/20041031-3.html> These words were used repeatedly in Bush's speeches throughout 10/2004 as well as in his nationally-televised RNC convention speech in September of the same year.

away from the state -- as the movement of "freedom" is bequeathed to the world as his gift. Similarly, when the Office of Homeland Security becomes civilization's defender, Bush's audience is asked to forget its political functionality and, more broadly, the state's agentic capacity. For within the logic of melodramatic discourse, the American state functions to complete on earth the work of God.³³ By creating a moral imperative for the employment state power, melodramatic discourse creates a moral legitimacy for state action that it eclipses and renders unnecessary a substantive role for procedural, legal or deliberative legitimacy.

The problem of moral terminology that I am sketching is not endemic to moral values in general, of course, but in how the language of good and evil operates in this specific post-9/11 political context. It articulates the moral principle of goodness, not political power, as the sole motivating force of state action. This is certainly not to say that moral judgments do not or should not infuse politics; the experience of governing should hopefully entail a vision of how best to live collectively, even as that "best" is radically contested – that contestation itself marks one practice of democratic political life. Yet in melodramatic political discourse after 9/11 is moral claims for what we ought to do become moral imperatives: what we *must* do, what we *need* to do, what we have no other choice but to do, what is unquestioningly obligatory upon all. This mandate aims to cultivate belief in legitimacy by diminishing contestation over competing visions of what can and should be done in response to the events.

What is novel about the post-9/11 use of the venomous eye, is that it incorporates *ressentiment's* logic while severing it from its original base. Nietzsche makes clear that *ressentiment* originates from a position of weakness and powerlessness. It is a desire for revenge against the domination of the external world. Naming that external dominating power "evil" serves not only to demonize power, but to revalue the weak as good, as virtuous, as superior. The claim of goodness, for Nietzsche, is thus a call not only for power, but a call for power by powerlessness against those seen as more powerful. Good compensates weakness by

³³ See Ivo Daalder's *America Unbound: The Bush Revolution in Foreign Policy*. (DC: Brookings, 2004) for a detailed analysis of post 9/11 foreign policy that operates under the assumption that America performs God's work, and justifies its actions as such.

generating a new form of power: moral authority. Conferring the designation evil onto power is thus an effort to critique domination by securing the ground (of virtue and goodness) from which to condemn it. Yet when *ressentiment* structures American national identity, it loses this grounding in weakness. Whereas goodness was initially generated by powerlessness as a judgment against power, now, when introduced to the realm of post-9/11 nationhood, it inhabits the pretense of the weak in order to permit the exercise of expansive power. Power seizes the discourse of powerlessness to legitimate its operation. The logic of *ressentiment* is appropriated by power, severed from its critical project, and instead becomes a technique of power's exercise. Melodramatic political discourse thus reverses the conditions under which the "the venomous eye" primarily develops. Twisting Nietzsche's metaphor, the bird of prey now uses the moralizing discourse of the lambs in order to justify its exercise of power. This moralizing doesn't inhibit strength, but enables its expansion. It operates not as a censure of power, but as a form of its legitimation.

...

In *Legitimation Crisis*, Jurgen Habermas argues that the creeping and consistent encroachment of the state into areas of life previously unregulated by its management can potentially bring about a crisis in the legitimacy of state action.³⁴ The legitimacy of liberal states erodes with increased state intervention, in part because the ideologies and traditions used to justify state power under liberal capitalism – ideologies that define the state as a limited power with impartial affiliations – are now not capable of justifying its new increases.³⁵ Without validation for its broadening movements, state action, and the legitimation it had relied upon, become exposed to contestation. By increasing its scope, the liberal state unintentionally re-politicizes the exercise of its own power, an effect that leaves it open to public challenge.

³⁴Habermas explains, "Administrative planning has unintentional effects of disquieting and publicizing. These effects weaken the justification potential of traditions that have been forced out of their natural condition. Once they are no longer indisputable, their demands for validity can be stabilized only by way of discourse. Thus, the forcible shift of things that have been culturally taken for granted further politicizes areas of life that previously could be assigned to the private domain." *Legitimation Crisis*, tr. Thomas McCarthy (MA: Beacon Press, 1973). p. 147.

³⁵ In addition to Habermas's claims about capitalism, I want to suggest that this process troubles political discourses that cultivate belief in state legitimacy by proclaiming its formally limited and neutral scope.

Habermas' observations help point us to the problem facing the contemporary American state in the post-9/11 moment: its recent military security and regulatory expansions can potentially delegitimize its authoritative power. To avoid this challenge, legitimacy must be shored up; for Habermas, this occurs not by altering or minimizing state action so that it recedes to earlier boundaries, nor by coercing obedience, but by keeping state action outside the realm of political contestation. The success, therefore, of contemporary legitimacy in the liberal state, especially in America, would in Habermas's view depend upon the ability to quell the re-politicization of expanding state power. As state power continues to deepen its regulations, surveillance, and disciplinary penetrations, its concurrent requirement is to maintain belief in state legitimacy by keeping this action outside political debate.

With Habermas in mind, we could say that by fashioning a non-political, yet popular, validation for state operations, deployments of melodramatic discourse maintain belief in the legitimacy of the state by keeping its expansions uncontested. By externalizing evil, creating national identity out of goodness, and placing political events in a narrative arc of victimization-retribution, melodramatic discourse generates narrative expectations and moral imperatives for responsive state action. The techniques of moralization, dehistoricization, and theologization circumvent a politicizing of state operations that would leave them open to contestation. They rely partly on visual spectacle, as the ever-present news coverage of 9/11 indelibly marks the condition of national victimhood and serves as a backdrop to all official political discourse on the War on Terror. Combined, these forms of legitimation help avoid the potential for a legitimation crisis. The venomous eye of melodramatic political discourse helps to maintain belief in legitimacy by keeping the state's movements outside the realm of political debate, simultaneously sanctioned and normalized.

The Bush administration uses this moralization to justify the war in Iraq by asserting "We have fought the terrorists across the earth, not for pride, *not for power*, but because the lives of our citizens are at stake . . . we are working to advance liberty in the broader Middle East,

because freedom will bring a future of hope, and the peace we all want.”³⁶ In Bush’s language, advancing liberty, an ostensibly political action, is not about “power” but about universalistic moral values “we all want” : life, hope and peace. This rhetoric both classifies militaristic state actions as outside the realm of “power”, i.e. outside the realm of the political, and as universally desirable. They are a command necessary for the transhistorical and global battle for good; they are required for the pursuit of hope. Melodrama’s moralizing discourse thus signals a world *beyond* politics, beyond the machinations and calculations of power. It is a world of truth, of the ultimate values of pure good and evil that guide events beyond the daily squabbling and dissimulations of political life. Actions to fight terrorists and start a war are *a priori* legitimate because they are immunized from the oppressive and amoral power relations that constitute the realm of politics. The discourse aims to cultivate belief in the legitimacy of state action by articulating the Office of Homeland Security’s existence through world-historical, apocalyptic and monumental terms conceals the disputable, arbitrary, contingent nature of its creation, and the Office is denied any relation to politics. Bush’s language works as a legitimating discourse that aims to keep political problems below the threshold of political contestation. The Office is birthed by political decision-making, yet its parentage is instantly disavowed and its existence naturalized at the moment of its first breath.

If, as I have been suggesting, discourse can be a vehicle for power that legitimates the expansions of the state, then melodrama accomplishes this task through a twofold strategy. One, of bifurcating political life into good and evil, and two, resignifying state action as a moral imperative in the service of good against evil. In the context of the 9/11 events, moralizing terminology labels state action as required heroic action; thus the state’s accountability disappears inside the necessity of its mission to protect goodness. Journalist and academic Michael Ignatieff adds to this endeavor when explaining why, even though Americans did not find WMD’s in Iraq, and even though the war caused thousands of casualties, they should still support the Iraq war. Particular justifications for the war are fungible if at bottom America is

³⁶ Italics mine: see www.georgewbush.com/news/read.aspx?ID=3422

still fighting evil and is motivated by goodness. Ignatieff explained that “the essential issue” for going to war is “the malignancy of [Hussein’s] intentions,” and that “Hussein ran an especially odious regime.” Therefore, “the fundamental case for war” is captured in a quote by an Iraqi man who explains what America has the capability to provide: “This is the first and only chance in my lifetime for my people to create a decent society.”³⁷ Ignatieff’s “fundamental case” is the claims legitimacy by speaking on behalf of a morality that exists prior to and beyond itself. Ignatieff seems to argue that when the American military is fighting evil (“an odious regime”) and establishing good (“a decent society”), its methods for achieving this goal are necessarily legitimate. In other words, the state’s political operations are divested of political significance and resignified as moral requirement. Discursively cast as a moral virtue and a moral obligation, state action becomes invisible as *political* action; within the bounds of melodramatic political discourse it is reclassified as a transcendent protector of humanity and a harbinger of its goodness.

It therefore seems possible to claim that the justification for invading Iraq was neither misplaced nor simplistic for being based on Weapons of Mass Destruction; yes, Saddam Hussein was categorized as a “homicidal dictator”, but that label alone was insufficient to motivate a nationwide demand to attack Iraq.³⁸ Melodrama requires an act of injurious, invasive evil in order to jump-start its heroic narrative; WMDs were therefore necessary to initiate the anticipatory fear of another victimization on America – a virtuous nation now threatened by a rogue dictator who aimed to control the world – that would again aim to transform military action in into a moral necessity. And the fear of an attack by WMDs was so successful because it was temporally adjacent to the still-oozing wounds incurred from 9/11.³⁹ The ominous threat of a WMD attack provided an anticipatory victimization by evil that

³⁷ Michael Ignatieff, “The Year of Living Dangerously.” *New York Times Magazine*, 3/14/04. pp.13-18.

³⁸ Though Saddam’s persona became sufficient as retrospective justification once the invasion was deep underway and WMD were nowhere to be found; but by that point, the feelings used to *initiate* the war were no longer required.

³⁹ Bush capitalized on this adjacency by baldly juxtaposing the two; attempting to incite motivation for the Iraq war, Bush proclaimed that one of Saddam Hussein’s previous attacks on his own country “killed 120,000 people. This is more than six times the number of people who died in the attacks of September 11.” 10/7/02

reverberated with the aftershocks of 9/11. In some sense, this reworks Hegel's aforementioned maxim into, "What is thus found only comes to be by being anticipated." Anticipatory expectations of another attack by evil required retribution for a suffering that had yet to actualize, but still virtually accompanied the present. Anticipatory suffering cultivated legitimacy both through naming the virtue of the expected sufferers, as well as sanctioning the exercises of state power required in the present to avenge their future suffering. Deputy Defense Secretary Paul Wolfowitz argued in support for the future Iraq War: "The signs tell us that as terrorists continue to murder innocents, their methods will only grow more deadly. It would be a mistake to think that we have seen either the last or the worst of such attacks. . . . A mistake too, to think that a precision-guided airplane would be the deadliest bomb a terrorist would use, if they could get their hands on weapons that could kill thousands or even millions. How attractive they would find that. How efficient. How horrific. . . But there is much we can do: to pre-empt their actions. . ." ⁴⁰ Anticipatory suffering decides the present on the basis of a future that not only has yet to occur, but is itself a projected image of past experience. In this form of melodrama, 9/11 and Iraq were part of the same narrative; 9/11 terrorists, Osama bin Laden, and Saddam Hussein were thickly linked by their shared desire to destroy American ideals and replace them with anti-democratic, anti-civilizational compulsions. In linking 9/11 and Iraqi WMD, this discourse leached onto the dialectical cycles of suspense, suffering and action that melodrama uses to propel its narrative onward, so that the expectation of a future attack "in the form of a mushroom cloud" ⁴¹ required immediate response in the present. It was the anticipated quality of another injury by evil that so easily legitimated the war for most Americans, and maintained the belief that the state is responsive to the needs of its citizens. Explained as "pre-emptive war", anticipated confrontations with evil helped produce the legitimacy to invade Iraq.

⁴⁰ 6/1/02

⁴¹ 10/7/02

Melodramatic discourse cultivates not only the legitimacy of expansive state actions but the development of a certain form of citizenship, one that views citizens as those who morally demand these actions, who require state power to work in the service of protecting good and fighting evil. One crucial aspect of American legitimacy is that citizens are to authorize the use of state power. When belief in legitimacy is cultivated through melodramatic political discourse, it also helps to secure the belief that the state is responsive to the needs of its citizens. It helps to generate a *felt legitimation* of state action, a sense that the state is responding to the needs of its citizens who demand, as a moral imperative, state action to protect and avenge their injury. State action is seen as a necessity, but as a necessity that has been determined by the citizens for whom it operates. In a form of citizenship that views the control of state power as part of its national identity, post-9/11 melodrama legitimates state power both because it is a moral necessity, and because it is desired by a victimized nation. Responsive state action becomes, perhaps retrospectively, the nation's choice that the state then enacts. A felt sense of legitimation brings belief in the legitimate use of state power into being long before legitimacy might have been conceived through deliberative, procedural or legislative channels. In the case of post-9/11 politics, felt legitimacy becomes a substitute for civic participation. The felt sense of legitimacy further exacerbated the depoliticizing effects of this discourse; in it, the feeling of legitimacy itself became a signal of virtue. It is what one does to certify one's own morality, to heal the nation's suffering. Legitimizing the end of villainy marks one as a moral person and a good citizen. If morality is generated out of unjust victimization, then the felt legitimation of responsive action becomes an ethical response to nationwide suffering.

The Fragility of the Quick Fix

The tragedy of melodrama is double: within melodrama, the techniques employed to protect democracy seem to diminish its practice. And by configuring political events as transcendent effects instead of historical and cultural conditions, any solution to these problems cannot work; their target is temporally and spatially unbounded, both above and beyond the

register of lived politics. The venomous eye of melodramatic political discourse reformulates a solution to political problems outside of the conditions that had birthed it, engendering a problem with no context and a solution with endless targets.

However, the work of melodramatic political discourse simultaneously demonstrates its helplessness in sustaining legitimation over long periods of time. Judgments of good and evil are predicated on each other, and melodrama requires their constant dialectical interaction in order to sustain its moral imperatives. Because of the intense co-dependence of suffering and retribution, each situation on its own is almost impossible to maintain over long periods of time; as a result, melodrama's thematic situations are short-lived. Melodrama cannot be upheld without the repetition of injury by evil – which is why, in literary and filmic forms of melodrama, plotlines fervently employ continuous cycles of victimhood and revenge, pathos and action. Yet in politics this cycle is usually not self-generating, and tends to unravel without fresh injury; melodrama's instability as a political discourse resides in its inability to function without this constant dialectic. As a political discourse, melodrama can only sustain a legitimizing function and maintain a moral imperatives if America's virtuous victimization is continuously reinvigorated. Melodrama's weakness as a long-term political discourse thus belies its robust short-term capability to sustain legitimation for expansive state power. The constant references to 9/11 during Rudy Giuliani's failed 2008 Presidential run and Bush's 2004 election race testifies to the predicament that occurs when the discourse of melodrama is used to script political events. Giuliani aimed to revive the felt sense of victimization that attended 9/11 in order to mark himself as the leader who had earlier allayed that suffering. To justify its militarism, the Bush administration aimed to recreate a unified, virtuous America, with Americans bound to the state through fear, victimization and righteousness. Incessant references to the pain, devastation, and injury incited by the 9/11 attack revitalized a weakened melodramatic framework for legitimating state power and leaders' decisions, and for justifying the necessity of a sustained militarism. Within melodrama, an attack by evil becomes the primary way to legitimate heroic retribution and mandate state action. This is partially why a

sense of moral righteousness has not stayed firmly with America over the contingencies of the Iraq war; melodrama as a long-term discourse reveals its inability to sustain its moral certitude, and the political dimensions of state action start to seep through its moral imperatives. The repoliticization of state action comes about when this dialectic breaks down, and actions previously under the radar are opened for re-evaluation.

Melodrama's narrative is often incompatible with the complexities of political life, and as powerful a constitutive force it is when it begins, is as quickly as it fades out of usefulness. American melodrama assumes that the hero will always succeed in his task to eradicate evil; while there may be near-misses and close calls, heroic retribution is assumed to be inevitable. The triumphalist worldview cultivated by melodrama requires that one's heroic success is rarely in question, that righteous might will quell all unrest and villainous action. In post-9/11 melodrama, America's justification for the War on Terror was grounded in moral righteousness, and thus melodramatic expectations for heroic victory asserted that the war would go well, that Americans would be greeted as liberators, and that post-war reconstruction would be self-generating. As Bush affirmed the day after 9/11, before any concrete plans for retribution had been formulated, "Make no mistake about it: we will win," and "This will be a monumental struggle of good versus evil. But good will prevail."⁴² In a speech that announced the war in Afghanistan, Bush declared: "The course of this conflict is not known, but its outcome is certain." The demise of melodrama begins at the moment of its inception; the same trope that classifies state action as a necessity, as an unquestionable moral imperative, is also what reveals most strongly the fragility of a discourse that cannot account for the contingencies of political life. The triumphalism woven into melodramatic discourse does not leave space for the exigencies of a reality in which America's self-image of virtue does not translate abroad, in which the moral goodness that Americans attribute to state action is perceived as imperialism and domination by the very people whose lives they aim to free. One wartime state department advisor revealed that "the startling mismanagement of planning for the postwar did not result

⁴² 9/12/01

from a sudden emergency and a lack of time to plan;” instead, the administration’s certitude about “the inevitability and speed of America’s triumph” led to its dismissal of reports detailing the enormous management and challenge a post-war Iraq would require.⁴³ Planning for insurgency, for deeply adverse conditions, and for the possibility of failure perhaps went unprioritized in part because these circumstances existed outside the framework of the melodramatic. The national imperative toward heroic action is ultimately inseparable from the same triumphalist and binaristic tendencies that cultivate melodrama’s self-undoing.

Yet melodrama’s promise of future heroic triumph, which seems detrimental to the long-term legitimation of state power, may also and ironically function to enable power’s expansion. Although the failure of America’s melodramatic claim to win the War on Terror is by now patent, its failure may also serve other ends. The larger changes of events in American life after 9/11 are testament to an enormous expansion of varied forms of state power. The increase in anti-American violence and world-wide rebuke that erupted after the failure of “Mission Accomplished” produced myriad new enemies, and therefore helped to sustain America’s victimization – a victimization that began to extend across the globe. A growing terror network kept evil alive and ferocious by keeping the sting of victimhood fresh, and may have served in part to legitimize America’s claims to moral righteousness that justify (for itself) the War on Terror. Another way of putting this would be to say that if there are no more terror attacks, then massive expansions of state power are justified. And if there are more terror attacks, then more expansions are required. Either way, power expands when continual action is legitimated as a necessity.

Perhaps, then, the ongoing War on Terror does not destroy America’s enemies, but instead draws sustenance from them. Perhaps The War on Terror continually expands militaristic, disciplinary, and surveillant state power by showing America that evil does, in fact, exist. The War on Terror proliferates the evil which it then aims to eliminate. The failure of the

⁴³ Larry Diamond, *Squandered Victory*, (NY: Times Books, 2005) quoted in Michiko Kakutani, “An Insider’s Troubling Account of the U.S. Role in Iraq.” *The New York Times*, 6/17/05, B38.

war reinforces the expansion of state power, by generating more evil that state power must then destroy. In concrete terms, the more that America is unable to triumph over evil, and the more enemies, insurgents, villains and terrorists appear, the more money is spent on military action, the more policies are introduced to sustain the war, the more regulations are insinuated in domestic and foreign security plans, the more maintenance and regulation strategies are outsourced to private companies with no formal accountability, the larger the Department of Homeland Security grows, the longer the Patriot Act becomes, and the more surveillance techniques by government agencies such as the FBI and the NSA penetrate daily life. This is why evil's polysemy, though conceptually incoherent, is vital to the expansion of power; the mortality of evil demands immediate extensions in state power for its destruction, and yet evil's immortality also demands continued increases to fight an unyielding adversary.

The fragility of melodramatic discourse, then, might not work to ultimately discredit state legitimacy but instead to provide conditions for the further extension of state power. The failure to "destroy" evil, a failure that is of course inevitable, is actually the condition by which power expands most rapidly – the failure demonstrates the need to increase state action in order to reverse the failure. Wider expansions and further operations into the lives and bodies of individuals, and into the territories of other nations, are then required in order to sustain the fight. It is conceivable that melodrama's principal service to power is less in its legitimation than in its own undoing. The fragility of melodrama assists in greater extensions and impingements of power. Perhaps in the end the effect of melodrama is not exactly to legitimate expansive power, but more precisely to make the spread of state power less troublesome and more efficient.

Post-Melodramatic Discourse

It was certainly not inevitable that melodrama was one of the primary discourses used to narrate the events of 9/11; other popular American discourses may have crafted different conceptions of the events even as they grappled with the fear, horror, and disorientation that

they incited. Instead of turning to pre-established discourses in order to counter the legitimating function of melodrama, I'd like to suggest a new possibility for an alternative discourse, one that could draw on the post-9/11 experience of disorientation in order to reveal how melodramatic political discourses cultivate legitimacy. When melodrama's voracious appetite for fresh victimization remains un-fed, then the rhetoric of heroic infinite capability breaks down, and space opens for a counter-discourse that could desacralize retributive state power. The shock and brutality of 9/11 might be experienced in a new way, perhaps provoking the instability necessary to begin more expansive understandings of politics that take the complexity of contemporary life into account. A discourse that could accomplish this task might help to concede the weakness of a national identity that insists on its own triumphalism. Re-politicizing the legitimacy accorded to state power, this counter discourse might understand the exercise of state power as a political decision rather than a moral obligation.

One example of this type of political discourse can be found in *Three Kings* (dir: David O. Russell, 1999), a film about the 1991 Gulf War that challenges the moral necessity of state power by generating situations of post-melodramatic ambiguity. War films are among the most melodramatic and state legitimating genres in American cinema, but *Three Kings*, by unsettling presumptions about the legitimacy of state military action, explores the history and ambiguity surrounding specific moments of legitimation. It provides face-to-face interaction between political enemies, and affords direct encounters with violence that loosen, and perhaps counteract, *a priori* moral legitimacy for vanquishing villainy. Yet *Three Kings* does not dispute the necessity of making moral political decisions; it ends with an innovative moral-political action while also suggesting that the determination of legitimacy in political life is not universalizable, transcendent or easily bound by conventional discursive forms. *Three Kings* is a problematic film in many ways; it harbors the assertion that individual heroic mastery can right the problems of the world, and depicts popularized stereotypical scenarios in which white American heroes rescue grateful brown third-world victims. The pervasiveness of these themes in American culture does not make them less disturbing in their normative assumptions. Yet I

would like to offer a reading alongside that one, which pulls out the film's challenge to easy normative assumptions about the heroism of retributive state action. In denaturalizing the workings of the venomous eye that rely on moral imperatives to justify vengeance, *Three Kings* disrupts the reduction of politics to evil, of complexity to imperatives, of contestation to legitimation, of individuals to ideology.

The opening shot of *Three Kings* begins visually with a black screen. A title flashes: "March 1991. The War Just Ended." Whereas titles are often meant to center the narrative, the film immediately provokes an innovative decentering: the black space fades into a scene in which the spectator does not view a character or a clear setting. Instead the camera takes on a first-person perspective as the spectator's eye becomes the eye of the camera, bouncing through a surreal white landscape. The scene is a physical vacuum, with no markers or signposts to guide the jarring movement. After a moment the perspective shifts again to place into view an American soldier sprinting in a desert. This character brings the scene into better focus, yet the initial disarming of stable expectations, its rapid movement from third- to first-person and back again, is unnerving. A profound sense of unbalance lingers throughout the scene.

The running soldier stops short because an Iraqi man appears in the distance, but is too far away to see what he is doing. The soldier asks an unseen person behind him to clarify the situation:

"Are we shooting?"

-- "What?"

"Are we shooting people or what?"

-- "Are we shooting?"

"That's what I am asking you."

-- "What's the answer?"

"I don't know the answer. That's what I'm trying to find out."

It seems there is no answer: the spatial disorientation is now combined with moral and political disorientations initiated by this Beckett-esque dialogue. Questions abound: What is the status of this man and what is he waving? Is he the enemy now that the war is over? Is it morally or politically legitimate to shoot him? Who is the soldier talking to and does he have the authority to make these decisions? Political markers have been erased, yet the Iraqi's identity is

dependent on these external political markers. And it is apparent that political markers were also tethered to moral ones: in wartime, without the political key, the moral map is nonsensical.

The soldier stops shouting and the camera pans a dizzying 180 degrees across the stark desert landscape, creating a further unmooring. It stops at a few military soldiers in the distance, but they are engaged in an absurd conversation. The soldier will have to decide what to do on his own; he is left unguided by a given moral compass or clear narrative. The markers of good and evil, villain and victim, have broken down, and the soldier is left in a discomfiting position of ambiguity. His next move will be unscripted by the stock military, moral or political discourses that reveal their limitations by their inability to elucidate a reading or option for this encounter. The mise-en-scene contains the externalization of the soldier's internal discordance.

The soldier looks at the Iraqi through his rifle's binocular and sees that he is waving a white flag but has a gun in his other hand, though he is not brandishing it; this makes the soldier's options even more unclear. Spectators watch through the rifle's viewfinder as the Iraqi notices that the soldier is pointing his rifle at him, and begins to pick up his own gun. His movement restabilizes the soldier: the soldier sees a gun in the hands of a potential enemy and sees that it is about to be pointed toward him. His military expectations come back, his options have diminished, and perhaps he experiences a desire to escape this dizzying state. The soldier shoots and kills the man, recognizing only after he shoots how his own actions may have provoked the man to hold up his gun, how his choices may have instigated the shooting. Although he experienced the limitations of the discourses governing his understanding of the event, the soldier has no resources at this point to work outside them. The scene ends when he turns away in disgust and shame.

What is valuable about this scene is not only the unsettling action that occurs on screen, but the space that this action creates for the spectator; the scene provides the conditions for reexamining the military action it displays from a new perspective. It allows the viewer to experience at a bodily level the destabilization in this condition of ambiguity. By disrupting the

narrative expectation of a moral imperative for killing enemies, the soldier's choices become re-politicized. His motives are the consequence of a series of calculations and decisions which were not inevitable, which were not obligatory, and which we do not have to legitimate. The scene does not provide any absolutist judgments of right and wrong for his action, but instead opens a space where decisions can be justifiably challenged. The initial ungrounding is what then provides new ground for examining the forces contributing to the soldier's decision.

In a later scene, *Three Kings* shows the artificiality and weakness of melodramatic discourses at a site where they are often least questioned: the perilous moment of face-to-face contact with the villainous enemy. The army soldier from the first scene, Sergeant Barlow, has become captive of the Iraqi army. The situation at first seems quite clear: Barlow is tied to a chair with electric wires attached to his ears, and an Iraqi soldier is towering over him. Yet the interrogating soldier starts to ask Barlow questions about Michael Jackson, an absurdity that disarms narrative expectations and paves the way for the dialogue that follows. After asserting that Americans hate Arabs in the same way they hate blacks, the Iraqi soldier asks Barlow if the Americans are coming back to help the children of Iraq survive after the devastation of war. Barlow responds that the Americans are not coming back, which at this moment implies that the American military does not care about those it came to save. Their dialogue challenges the moral necessity of state action, as American spectators experience the interpretation of this war from an entirely different angle, one not available through official state discourse or media representations. While there is no condoning of the Iraqi soldier's claims or his military's actions, this discussion complicates conventional moral coding of American intervention. The scene is not asking us to decry America as now evil and Iraq as now good, but instead asks us to observe more nuanced and perspectival readings that complicate easy designations. It re-politicizes this particular state decision.

Other soldiers begin to apply electric shock to Barlow, which they do while shielding their faces from watching – their disturbed reaction is yet another complication to the evil villain. The Iraqi soldier states that the Americans had bombed his neighborhood, killing his

son and paralyzing his wife. He asks Barlow to “imagine in your heart” what that would feel like and Barlow does, as an image flashes on screen of his wife and child under attack. At this moment, the man who first appeared to be the embodiment of evil, the torturing enemy soldier, is seen as a victim who deeply suffers from American military action. Barlow, our initial protagonist, commences the film by killing a man, and wanted to abandon innocent Iraqi civilians slated for death by the Iraqi army. Both men are part of a larger military apparatus that protects some and destroys others. And both are perpetrators as well as victims of their government’s rhetoric; we hear the Iraqi’s empty justification for invading Kuwait, and the American’s flimsy explanation for why America invaded Iraq: “for stability” Barlow claims, and “to stabilize the region”, not knowing how to go further. American action has both liberated Kuwait and killed human beings, who are just as fallible and vulnerable as the American soldier. In some sense, the two men become interchangeable: who is good now, and who is evil? The answer is neither; both have become too complex for either clumsy designation. *Three Kings* thus disrupts the logic of the venomous eye – political designations of good and evil become slippery, nebulous, mutable. Good cannot be retrospectively established on the back of evil, as evil itself can transmute into goodness, and vice versa; both of these categories here prove useless in their instability. This scene does not suggest that judgments of good and evil are impossible, but rather that here they are incapable of grasping the complexity of this moment.

The film concludes when the American soldiers decide to challenge military protocol, one-size-fits-all narratives, and the inattentive commands of military leadership in order to help Iraqis slated for death by Hussein escape across the border to Iran. The soldiers make innovative political and moral judgments that work within the limitations of the military as an institution, and arrange for the media to film live their rescue of the Iraqis across the border-- an act which, though it breeches established military protocol, would seem morally legitimate (for humanitarian reasons) to the court of world viewers. The force of the conclusion resides in the soldiers’ deliberate effort work through previously unquestioned discourses that postulate

legitimacy for all military violence, to then make decisions arrived at through heated debate between the soldiers. Barlow's disorienting experiences have challenged his earlier assumptions of what is good action; his initial disorientation subsequently provided the resources he lacked at the beginning of the film to generate more thoughtful, responsive options. The debate between the soldiers requires discussion of a possible range of choices, all seen in various lights as moral or immoral, and in this way refutes melodrama's substitution of necessity for debate. It takes the specific conditions of their situation as groundwork for generating new possibilities for action. *Three Kings* doesn't proscribe new moral imperatives for the state but instead shows us one way of working around them to make more thoughtful decisions in complicated circumstances. Of course, the soldiers are now not "free" of discourse, but rather they remake their relationship to melodrama. While the film does not provide one answer for how to make good political judgments, but it does suggest that more humane and fair decisions are made when individuals do not rely on ready made formulas or moral imperatives. The question of the legitimacy of the soldiers' final action remains open, though the harm in naturalizing moral imperatives is made clear.

My reading of *Three Kings* is not intended to suggest that military action is always bad or that challenging its operations is always good; obviously, the military could not function if this was the case, or if soldiers only worked to de-naturalize their governing discourses. Rather, I am interested in *Three Kings* not for what it says about the military but for precisely its ability to re-politicize state action by showing how melodramatic political discourses fail to account for the contingent, the unexpected and the troublesome. It demonstrates the practices of disorientation that work as a strategy to counter melodramatic shapings of political action. *Three Kings* illuminates the moral and political complexity lurking in the interstices of any political action, in which the reassuring signposts of moral certitude remain out of range. It does not rest there, however, but uses disorientation as a temporary strategy for challenging unquestioned assumptions about the necessity of state action. Only by first questioning these

assumptions can the soldiers start to disentangle themselves from scripted narratives, and begin to think outside their initial possibilities for political action.

Three Kings is by no means an anti-melodrama, as it still works within melodrama's terms: the good guys win, the victims are rescued, visual spectacle is employed to reveal goodness in unexpected places, and a state of virtue is restored by the end of the film. Yet at the same time, as post-melodrama it asks spectators to see, and to feel, the limitations of a melodramatic script for political life, and thus it creates conditions to move beyond it; both characters, and spectators, can experience this "beyond" where the possibility for challenge germinates. By repoliticizing the decision-making that traffics under uncontestable moral imperatives, it works as a critical counter-discourse to the legitimating power of melodrama. Its post-melodramatic narrative orients spectators to the ambiguous quality of political events, to the limitations of grand political imperatives, and to the possibilities for political change that can arise from this orientation. While *Three Kings* does not house any concrete answers for grappling with the present, or provide detailed prescriptions for post-9/11 politics, its post-melodramatic structure provides an example of how to repoliticize state action, to reestablish possibilities for collective decision-making, to formulate creative and yet pragmatic actions for difficult problems, and to allow these contributions become nationally revalued methods of political work.