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Awakening an Empire of Liberty: Exploring the Roots of Socratic Inquiry and Political Nihilism in American Democracy

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**AWAKENING AN EMPIRE OF LIBERTY[†]:
EXPLORING THE ROOTS OF SOCRATIC
INQUIRY AND POLITICAL NIHILISM IN
AMERICAN DEMOCRACY**

**DEMOCRACY MATTERS: WINNING THE FIGHT AGAINST
IMPERIALISM. BY CORNEL WEST. PENGUIN PRESS
(2004). Pp.229.**

*Reviewed by Maurice R. Dyson**

In his latest book, *Democracy Matters*, Cornel West contends that a perfect storm is in the making, one which has the greatest potential to destroy American democracy. This includes three combined anti-democratic dogmas that have collectively operated to deprive everyday Americans of the ability to critically analyze not only their own state of

[†] The phrase "Empire of Liberty" was first used by Thomas Jefferson in the Declaration of Independence. The phrase has come to signify the contradiction of the United States as a beacon of egalitarian freedom and a bulwark of imperialism and racial subordination. The phrase was also popularized by Robert Tucker and David Hendrickson in their fascinating 1990 book whose title bears the phrase. In it, Tucker and Hendrickson discuss the internal contradictions of Thomas Jefferson himself, struggling between racial equality and slaveholder status, the strict construction of the Constitution, and its abandonment with the Louisiana Purchase of 1803 for imperial expansionism. See generally ROBERT W. TUCKER & DAVID C. HENDRICKSON, *EMPIRE OF LIBERTY: THE STATECRAFT OF THOMAS JEFFERSON* (1990).

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affairs, but also a failure to critique, question, and challenge the mendacity of American foreign policy and the banner of democracy carried in their name. West finds free market fundamentalism, aggressive militarism, and escalating authoritarianism as the three principal animating dogmas to blame for the state of our demoralized democracy. Market fundamentalism refers to demoralized idolatry of the free markets, its degradation on American culture, and its impact abroad through regimes like NAFTA. Aggressive militarism refers to the “lone ranger, spare no enemies” strategy that in the domestic arena leads to expansion of police power, the prison industrial complex, and the corrupt enforcement of domestic police powers in poor communities of color. Closely related to the second dogma is escalating authoritarianism, which fears too many liberties may compromise security. The principal manifestation of this escalating authoritarianism is the congressional authorization of the Patriot Act. However, such escalating authoritarianism can be seen in the encroachment upon the exercise of free speech and the deprivation of civil liberties generally. He also appears to see escalating authoritarianism in institutions of higher education and gives his own experience at Harvard as an illustrative example.

Furthermore, for West, these three entrenched dogmas are in turn driven by three forms of “political nihilism.” These are evangelical nihilism, paternalistic nihilism, and sentimental nihilism. “Evangelical nihilism” is a notion of arrogant superiority that justifies might as right, or in other words, the belief that the U.S. would not be so powerful if we were not right. West terms it “evangelical” because of its perceived militant intolerance for dissension as well as blind faith to the belief that the exercise of power is a predicate to ensuring security and prosperity. For West, the quintessential evangelical nihilist is derived from Plato’s *Republic* in the form of Thrasymachus who debates with Socrates the moral superiority of might.¹

Paternal nihilism, on the other hand, treats American citizens as victims of deception by government actors who in turn attempt to superficially appease the masses. These governmental leaders fundamentally accept corrupt regimes and policies rather than question them. He finds in Fyodor Dostoyevsky’s *The Brothers Karamazov* the literary metaphor for paternal nihilism in the form of the Grand Inquisitor. As West points out, this character knows full well the atrocities of the Inquisition represent a gross

1. CORNEL WEST, *DEMOCRACY MATTERS: THE FIGHT AGAINST IMPERIALISM* 30 (2004) [hereinafter *DEMOCRACY MATTERS*].

distortion of the Christian gospel, but nonetheless, personally takes part in condemning infidels to death sentences because he believes the corrupted church is the best that mankind can hope for.² The political nihilist is faulted here not just for his failure of imagination to envision a truer democracy, but for his lack of conviction to battle corrupt elites even when history has shown these battles can be vigorously waged.³

Sentimental nihilism refers to West's belief that the news media's oversimplification and sensationalized reporting of global events sacrifices truth for distraction. Sentimental nihilism pacifies the American people by blunting the critical aspects of news events that implicate corruption in government.

MARKET MORALITIES & FREE MARKET FUNDAMENTALISM

With regard to the first dogma, West also appears to lament the destructive force of "market moralities." These market moralities, or free market fundamentalism as he terms it, have arguably led to a nihilistic culture. It is viewed as a form of "fundamentalism" for West because it is premised upon blindly worshipping the unregulated capital market as idol and fetish in much the same way as religious fundamentalism blindly adheres to the idolatry of theological worship. The result is that free-market fundamentalism has led to a distinct devaluation of important activities such as critical thought, and the humanistic conviction of compassionate temperament, without which, democracy cannot be sustained.⁴ This nihilism once saturated black America in its fascination with conspicuous market consumption and insidious pathological escapism. But now West sees such nihilistic behavior as no longer solely confined to the structures of a demoralized black reality as he described in *Race Matters*. Indeed, he claims that this phenomenon has now transcended beyond race and even beyond political affiliation. The consequence of this unfortunate development is to suffocate the ideological roots of American democracy, thereby rendering it corrupt, morally bankrupt, and wholly unaccountable in the eyes of much of its citizenry. West appears to be setting up a logical syllogism. For instance,

2. *Id.* at 33.

3. To buttress this claim, West suggests that the reason women were awarded suffrage only by 1920, the indigenous people the same right in 1924, and blacks in 1964 was due to their inability to marshal "organized political pressures" before such time on powerful white elites. *See id.* As the reauthorization of the Voting Rights Act approaches, we will likely see debate about these important issues revisited once more.

4. *Id.* at 25-29.

he suggests that this lack of an accountable government, or the perception of such, in turn leads to the perpetuation of this vicious cycle of nihilist behavior which in turn engenders a non-accountable government. As West further explains:

The perception of pervasive corruption at the top seems to many to justify the unprincipled quest to succeed at any cost in their own lives, and the widespread cheating in our culture reflects this sad truth. The oppressive effect of the prevailing market moralities leads to a form of sleepwalking from womb to tomb, with the majority of citizens content to focus on private careers and be distracted with stimulating amusements.⁵

Elsewhere, West is even more candid:

In short, the dangerous dogma of free-market fundamentalism turns our attention away from schools to prisons, from workers' conditions to profit margins, from health clinics to high-tech facial surgeries, from civic associations to pornographic Internet sites, and from children's care to strip clubs. The fundamentalism of the market puts a premium on the activities of buying and selling, consuming and taking, promoting and advertising, and devalues community, compassionate charity, and improvement of the general quality of life. How ironic that in America we've moved so quickly from Martin Luther King Jr.'s "Let Freedom Ring!" to "Bling! Bling!"—as if freedom were reducible to simply having material toys, as dictated by free-market fundamentalism.⁶

Instead, West finds hope in the American ideal as embodied in the democratic sensibilities of Ralph Waldo Emerson and Herman Melville among others, as well as in their modern day counterparts, to wit: James Baldwin and Toni Morrison, respectively. Naturally, West's nihilism thesis finds comfort in Emerson's writings, who was often heard to decry America's "vast material interests materialized intellect and low morals" and the capitalist regulatory "system of selfishness . . . of distrust, [and] of concealment"⁷

But like West, Emerson remained hopeful in the democratic ideal, as manifested in his struggle to stop the removal of the Cherokee from

5. *Id.* at 27.

6. See Cornel West, *Democracy Matters Are Frightening In Our Time*, Logos Journal, at <http://www.logosjournal.com/west.htm> [hereinafter *Frightening In Our Time*].

7. See DEMOCRACY MATTERS, *supra* note 1, at 72 (quoting Ralph Waldo Emerson).

Georgia in 1835, his opposition to the Fugitive Slave Act, and his support of John Brown's raid on Harper's Ferry.⁸ These acts in essence reflect a form of nonconformist truth-telling and the creation of a progressive rhetoric that brought the ideals of American democracy to life.

Herein lies a critical failing of progressive democrats today according to West, and concomitantly, the success of "right wing imperialists" to craft, package, and market their rhetorical platform in seductive fashion.⁹ But the mistake here for the American public is its utter failure to engage in Socratic questioning of these seductively packaged rhetorical platforms.

SOCRATIC QUESTIONING

For West, the critical Socratic questioning tradition is as much part and parcel of the fabric of our democratic experiment as is truth-telling. In fact, one would assume that without Socratic questioning, there can be little basis for informed truth-telling. Here the law professor and law student alike will be familiar with the objective to Socratic questioning in the classroom. West sees it in much the same manner, that is, Socratic tradition is "democratic paideia," as he calls it, whereby our understanding is guided by a series of queries that will ultimately leave us a more informed citizenry.

West's unyielding faith in the Socratic tradition fails to fully realize that it can lead to results other than genuine democratic ends, despite historical understandings to the contrary. Indeed, it seems odd for West, who recognizes that Plato himself used Socratic questioning to reach aristocratic conclusions about the dangers of freedom and free speech ("*parrhesia*"), to place as much faith in the Socratic tradition to rid the empire of its corrupt despotism.¹⁰ As with Plato, West must admittedly concede that the founding fathers believed that excessive Socratic questioning from the *demos* might lead to notions of power sharing with the Demos in ways that one would inevitably expect to lead to anarchical chaos and continual revolt.

It would seem then, that the call for Socratic questioning by the *demos* is to be calibrated and adjusted to the circumstances, for too much could lead to insurgency, and too little of it will promote imperial greed and tyranny. It is in this latter context that we should view West's work if we are to give it the full benefit of consideration it deserves in today's

8. *Id.* at 73.

9. *Id.*

10. *Id.* at 210.

sociopolitical milieu. If viewed from this perspective, it is not an unyielding faith in the Socratic tradition that motivates West, but it is the critical unbalanced need of such a tradition now in our history to fight the rising market fundamentalism, aggressive militarism, and escalating authoritarianism of American imperialism. This is not a wholly unreasonable proposition. Indeed, it is entirely plausible that in the fight on the war on terror, that the national leadership and electorate have bought a “best offense is a good defense” global approach to terror that has essentially thrown off-kilter the delicate balance between domestic insurgency and governmental tyranny. Moreover, when the threat of terror is posed from within the nation’s internal borders, the concern about domestic insurgency from local terrorists takes on a new ominous significance.

As a result, West sees the Founding Fathers’ genius to incorporate Socratic questioning in the constitutional revision process and the Bill of Rights, designed to safeguard *parrhesia*. Although it is never discussed in any significant way in his book, one can understand why this towering scholar was drawn to a featured role in the *Matrix* films by the Wachowski brothers. The film implicitly raises important notions of *parrhesia* and Socratic questioning in relation to the *demos*. In fact, West’s construction of Socratic questioning is analogous to Morpheus’ role in awakening Neo’s dormant consciousness, but this construction of Socratic questioning also resembles in many ways more that of the Oracle portrayed in the film. No, it is not the Oracle as we imagined as cast in modern day films as a fortune teller.

Rather, the role of the Oracle is exemplified in a more ancient conception of Oracles that can be seen in traditional Greek tragedies like Euripides and Oedipus. In this ancient conception of the Oracle, she does not tell the future, but rather, through a series of Socratic questioning, only leads the film’s protagonist down a path of understanding about choices that will ultimately shape what the future becomes. It is this Socratic questioning by the Oracle in the film that is closely akin to the Socratic questioning of Plato. Revelation of the Oracle’s existence to the still plugged-in, brainwashed, and sleepwalking masses will introduce a threat to the stability of the Matrix system of imperialist control. Similarly, Plato sees the insertion of excessive Socratic questioning as dangerously inspiring insurgency and continual rebellion by an obedient *demos*. Thus, in our current time, as in cinema fiction, the balance can only be restored by challenging political nihilism. Without such Socratic questioning, West makes clear we will continue to walk as dormant, soulless tombs, without the knowledge that there can be an alternative reality.

PATERNALISTIC NIHILISM

The second generation of nihilism is what West terms as “paternalistic nihilism.” Here West finds as his illustrative example, Dostoyevksy’s character of the Grand Inquisitor in *The Brothers Karamazov*. West states:

So cynical has the Grand Inquisitor become that although he knows the abuses of Inquisition are a horrible perversion of the teachings of Christ, perpetrated by a terribly corrupt church . . . He [the Grand Inquisitor] has come to believe that the corrupted church is the best that mankind can hope for because human society is simply not capable of living in the way Christ instructed . . .

and concludes that all that can be done is to work “within the corrupted system, paternally deceiving the public [and] shielding society from the terrible burden of the mandates of truth. He has cast his lot with corruption.”¹¹ In this fashion, West thus conceptualizes political nihilists as buying into a corrupt practice rather than attempting to challenge it. This is much like Hillary Clinton and John Kerry today, West writes. He suggests that Clinton’s and Kerry’s constant reliance on polls to test the electoral appetite, rather than reaching the right conclusions on issues based upon moral reasoning, decries a most troubling paternal nihilism.

Related to this point, he views the Democratic Party as having squandered the once lofty, idealistic visions of President Franklin D. Roosevelt’s New Deal and President Lyndon B. Johnson’s Great Society.¹² Although both men were essentially pragmatists, West sweeps this political reality aside and to buttress his claim, he cites a string of morally compromised concessions that demonstrate the Democratic party’s superficial reliance on polls designed to appease and deceive the electorate. These include the centrist position on welfare reform, the Iraq war, and the Israeli-Palestinian conflict. The asserted failing of Hillary Clinton and John Kerry, for West, is their reluctance to speak truth to power, to challenge hegemonic paradigms and to fundamentally remain complicit in them. To be fair, the same can be said of most any electoral candidate and politician of every political persuasion. West appears to single out Clinton and Kerry, as contemporary Grand Inquisitors, in an attempt to appear even-handed with his criticism against the Bush administration. But he also conceivably does so because he implicitly

11. *Id.* at 31–32.

12. *Id.* at 33.

appears to hold Democratic Party candidates to a higher standard than their Republican counterparts given the comparative commitment of the former to issues of social justice. The result is a complete disillusionment with government and democracy. He writes:

The overwhelming power and influence of plutocrats and oligarchs in the economy put fear and insecurity in the hearts of anxiety-ridden workers and render money-driven, poll-obsessed elected officials deferential to corporate goals of profit, often at the cost of the common good. This illicit marriage of corporate and political elites—so blatant and flagrant in our time—not only undermines the trust of informed citizens in those who rule over them. It also promotes the pervasive sleepwalking of the populace, who see that the false prophets are handsomely rewarded with money, status, and access to more power. This profit-driven vision is sucking the democratic life out of American society.¹³

One has to wonder how West's critique would be informed by the recent ascendancy of Howard Dean to the DNC Chairmanship and whether such a development heralds a gradual move away from political nihilism. From his apparent view of Howard Dean's ability to politically mobilize and engage youth, it would indeed appear that West would see it as a positive development.¹⁴

West's critique here, however, is not entirely original. Many will recall that political scientists and pundits could be heard to proclaim America's disillusioned nihilism in the aftermath of the Watergate scandal. Survey after survey claimed Americans had lost faith in their democratic system even though the most powerful leader of the free world was forced to resign and did so without a single shot fired. Nonetheless, the corrupt practices uncovered in the scandal were said to encourage voter apathy as the realization that their President lied to them became apparent.

It is not clear, however, that this kind of undermined trust West points out is even as pronounced today as it was then. Indeed, despite news revelations of fabricated war intelligence and false allegations of Iraqi nuclear ambitions in official presidential addresses, the majority of our American populace was galvanized to the polls in large numbers, placing

13. See *Frightening In Our Time*, *supra* note 6.

14. See *DEMOCRACY MATTERS*, *supra* note 1, at 64–65 (stating that it was the longing for an authentic voice and honest discourse in politics that led to Dean's early surge in the presidential campaign, but then stating his vision was too limited). Nonetheless, West finds encouraging that youth can be engaged based upon their avid support of Howard Dean. See *id.* at 2.

ultimate faith in George W. Bush by anointing him to reign for a second term, by a large margin no less. Moreover, just because Bush can arguably be said to embody the “blatant and flagrant marriage of political and corporate elites” West finds troubling does not necessarily mean the majority of Americans do as well. Winning sixty percent of the vote does not suggest a country that is indeed suffering from nihilism, or even that most of the nation is “pervasively sleepwalking.” It does suggest, however, that a majority of the electorate made a conscious decision to choose the candidate it believed will ensure security in the newly inaugurated era of domestic terrorist threats. West’s critique here of Kerry and Clinton largely overlooks this political reality and finds fault for the wrong reasons.

SENTIMENTAL NIHILISM

However, this political nihilism, according to West, can take on varying forms and infect various sectors of our society beyond party politics. In the world of news organizations, such political nihilism passes as objective reporting when it is anything but objective. Support for this comes from his own critique of the news coverage for its simplistic portrayal and emotional appeal with a kind of “sentimental nihilism” for which he faults the media industry. Sentimental nihilism refers here to the news industry’s willingness to “sidestep or even bludgeon the truth or unpleasant and unpopular facts and stories, in order to provide an emotionally satisfying show.”¹⁵ Instead of employing real world examples of media coverage, West prefers to turn to the fictional work of Toni Morrison’s *Beloved* to demonstrate this non-fictional thesis of sentimental nihilism, where only part of the truth is told.¹⁶

There, West finds in the white abolitionists and siblings, Mr. and Mrs. Bodwin, his metaphor for sentimental nihilism. But the additional problem besides using a fictional character to elucidate a non-fictional proposition, is that West’s metaphor here could have easily been interchanged for his political nihilist critique of the Grand Inquisitor, John Kerry, or even Hillary Clinton. This is because the Bodwins know the horrors of slavery, but nonetheless refuse to

 speak to the true depths of its horrors to their fellow white citizens,
 and even to the former slaves they helped to freedom. They know

15. *Id.* at 36.

16. *Id.* at 37.

full well about slavery's venality, but they lack the courage to exercise frank and plain speech against it . . . such cowardly lack of willingness to engage in truth-telling, even at the costs of social ills, is the fundamental characteristic of sentimental nihilism.¹⁷

Accordingly, West intellectualizes subcategories such as "political nihilism" and "sentimental nihilism," which when scrutinized closely, have essentially the same meaning. It would have been better for West to delineate these categories more distinctly, or otherwise cease referring to them as separate notions of nihilism. Further, West could have bolstered his claim by drawing on real world media events that could have nicely illustrated what he tries to describe as incomplete media sensationalizing. For instance, although he never discussed it, the reader understands well just what he means by reference to the Jessica Lynch story. The nihilistic greed for a sensationalized, inspirational story ultimately misled the public about the real not-so-daring details surrounding Private Jessica Lynch's actual rescue from an Iraqi hospital despite heroically brave media portrayals to the contrary. Almost as wanting as the media's thirst for a story is its failure to fully challenge and investigate vital facts in the public's interest.

Other pertinent examples West failed to discuss in greater depth, but which are of obvious relevance, were the plethora of stories that just went uncritically examined despite public interest weighing in the balance. Despite systematic coverage ad nauseam of the Whitewater dealings and Monica Lewinsky affair, more truly salient issues such as Enron stock dealings, non-competitive Halliburton contract awards, Abu Ghraib scandals and the elusive accountability of military intelligence personnel involved besides army officers, Gitmo abuses, diversion of Homeland Security funds for political campaign purposes, the willful blindness to advance warnings signed just prior to 9/11, the fabrication of false allegations concerning Iraqi nuclear ambitions in North Africa in a State of the Union address, multiple cabinet level disclosures of an Iraqi agenda just days after the 2001 inauguration, and the alleged coercion and pressure of intelligence analysts and the national terrorist czar by the President all received sensational coverage at best, and little probative, systematic exploration well before a presidential election year. The implicit "pass" the media was said to give the President for the three years of his administration preceding the Air National Guard controversy, are all examples where arguably the media "sidestep[ped] or even bludgeoned the

17. *Id.*

unpleasant truth” so as to render meaningful issues as marginal and of passing insignificant interest.

However, a superficial or predetermined line of questioning can in fact reinforce the seductive shape rhetoric may take, whether it be labeled “progressive democratic” or “right wing imperialist.” While West correctly observes that the recent strategic attack upon Socratic questioning of government decision-making is often painted as unpatriotic, such efforts to shut down Socratic inquiry only further reveal how the Socratic process is vulnerable to manipulation as a primary means to road blocking either truth-telling or the formation of an informed citizenry.

Here, West rightfully challenges the media industry for its sentimental nihilism, but then fails to recognize, or give adequate attention to, the possibility that genuine Socratic interrogatory discourse may also be distorted or corrupted with a predetermined conclusion in like fashion as the media industry he believes has perpetrated. Consider the following scenario: There is a spirited presidential electoral debate about whether America has done all it can in hunting down a mastermind terrorist figure who has committed one of the greatest atrocities on domestic soil. The imagery, rhetoric, perception, likeness and nexus of fear linked to this most despised figure is subtly interchangeable with a Middle East dictator who, recent findings show, had nothing to do with the operation or logistics of the atrocities committed. Here, strategically crafted rhetoric may skew and distort the line of Socratic questioning with regard to the government’s efforts.

So may have been the case with the infamous Hutton report conducted in the United Kingdom looking into pre-war intelligence available to the prime minister in the war against Iraq. There, presumably a Socratic line of questioning did not yield what West would typify as “truth-telling.” Knowing what questions to ask, therefore, is often predicated upon perception. Perception, in turn is premised upon the availability of information and the skillful manipulation thereof. Indeed, those in the press may only be all too familiar with the difficulty of reporting executive branch closed door meetings with large campaign contributors or the practice of withholding non-classified information despite a validly filed Freedom of Information Act (FOIA) request. Likewise, political scientists know all too well the skillful craft of “spin doctors” whereby Socratic questioning, even at its best, may often fall prey to these commonplace tactics of information denial and manipulative exploitation.

Further, if this last point is to be conceded, then it must also be conceded that the primary function of truth-telling has essentially failed on

its own terms because, in the final analysis, the citizenry is not truthfully informed as a result of less probative Socratic questioning.

Undoubtedly, West is likely to respond to this latter critique in two principal ways: First, that to turn to electoral politics is myopic analysis that fails to see the “moral commitments” and “fortifications of the soul” that inspire democracy.¹⁸ Secondly, he would view the question in the same vein as he views James Baldwin. That is, the role of the press and citizenry is much like that of the creative writer, to wit: to ensure that the writer “not take anything for granted, but [to] drive to the heart of every answer and expose the question the answer hides.”¹⁹ This is the nature of Baldwin’s commitment to the profound truth, “democratic individuality,” as West calls it, which demands “that white Americans give up their deliberate ignorance and willful blindness about the weight of white supremacy in America.”²⁰ Will such a revelation necessarily lead us to “shattering such Manichean . . . views” we hold in isolation of each other?²¹

TRANSFORMING OUR REPUBLIC

It is difficult to see just how a nihilistic, willfully blind nation can ever transform itself to tease out the shades of untruthful governmental corruption, racial domination, and imperialist hegemony of its own making when it is these very same conditions that further render the nation nihilistic in its individual behavior. Presumably, such a nihilistic individual by definition fails, as Jeremy Waldon suggests, to have the necessary capacity as a rights-bearer “to think responsibly about the moral relation between his interests and the interests of others.”²² So why then are we to believe the white supremacist will have the moral capacity to be a responsible rights bearer in our democratic society through Socratic questioning?

If we are tied to our own selves, there is little reason to remain confident about the ability to rise above ourselves and we fall back upon the long recognized notion that racism is not always rationally tied to material interest. In fact, it is often irrational. Even the celebrated Alexander de Tocqueville in his *Democracy in America* remained doubtful

18. *Id.* at 15.

19. *Id.* at 80.

20. *Id.* at 81.

21. *Id.* at 15.

22. See JEREMY WALDRON, *LAW AND DISAGREEMENT* 282 (1999).

that the nation could successfully navigate to the path of racial reconciliation which would realize genuine equality with blacks.²³ So how is West to convince us that Socratic questioning would make it otherwise? Surely, a formidable collective action problem arises when it comes to individual cosmopolitan duties of the citizenry to see other points of view beyond their own parochial context. In a Hobbsean world, however, we must come to terms with the inescapability of disagreement. It follows that even in a democratic republic, the robust contestability of rights and disagreement will continue concerning the most basic core propositions. These include whether Congress should apologize for the nation's legacy of slavery, provide compensation for Jim Crow inequality or for national lynching campaigns when congressional legislation was repeatedly denied, or allow judicial redress for the Tulsa race riot. Thus, while it is socially acceptable to proclaim there is no place for bigotry, readers will recall even opposition to the congressional sentiment expressed in a senate resolution apologizing for failure to enact anti-lynching legislation, where congressional leaders insisted on offering no apology for Congress' failure to pass anti-lynching legislation.²⁴ Accordingly, it is easier to see that there is nothing inherently promising [in] Socratic questioning when there is such fundamental disagreement about the very line of legitimate questioning, the truthful answers pertaining thereto, and deciding just what their relevancy is for our democratic republic today."²⁵ Thus, West dedicates a good portion of his book, as well he should, to the more fundamental question of whether our country will honestly engage in truth-telling about its imperialist self.

He states that as the American empire reluctantly decided to "join the great world struggles in the twentieth century against the nihilistic forces of imperialism and fascism, it did so with great battles yet to be waged within as well."²⁶ Setting aside West's factual misstatements or misapprehension of these "great world battles" as being anti-imperialist victories,²⁷ the full import of his thesis remains and West grapples

23. See DEMOCRACY MATTERS, *supra* note 1, at 46.

24. See S. Res. 39, 109th Cong. (2005).

25. DEMOCRACY MATTERS, *supra* note 1, at 46 (citing THOMAS HOBBS, LEVIATHAN 28 (1651)).

26. *Id.* at 54.

27. Caleb Crain recently criticized West for these historical accounts as factually unsupported. He writes:

For example, in one of the book's many capsule histories, [Cornel] writes: "The British empire, first shaken by the South Afrikaner anti-imperialist victory at the turn of the century and hobbled by World War I, pulled back financially and militarily in Latin America and Asia." The Boer War pitted British mining interests against settlers of Dutch and French

mightily over numerous pages with its full ramifications. That is, how will the U.S. ever engage in honest truth-telling about its imperialist foreign policy, past and present, when it has remained nihilistically obstinate in never owing up to its reprehensible internal legacy of slavery.

Indeed, for West, reconciling the nation with this dark past is a predicate to a healthy democracy that in turn can provide a basis for truth-telling about its conduct abroad. He argues that if America is to be a trusted, faithful steward of democratization abroad, we must first wake up to the long history of imperialist corruption that has plagued our own democratic "empire of liberty." He finds a nexus between our failure to achieve regional peace in the Israeli-Palestinian conflict and the Islamist anti-Americanism, which derives in large measure from our perceived hypocritical dealings in the world. This is not to be understated, because the roots of such American hatred go far beyond the Middle East conflict and the U.S.'s oft-perceived fictional role as "honest broker." Indeed, the hypocrisy extends to placing rhetorical and mounting military pressure on Iraq and now Iran for turning over suspected weapons of mass destruction when North Korea, which is known to have nuclear weapons, is completely left to its own devices. Simply stated, this type of escalating militarism will likely lead to greater geopolitical instability as other nations get the implicit message that if they develop and possess nukes, they will be finally free from the hypocrisy of American imperialism. Many hypocritical double standards like these lead many throughout the world to see the U.S. as a gigantic elephant that only looks after its own selfish interests by abdicating the role as a model superpower.

West also draws an intellectual nexus between the domestic confrontation of slavery through Socratic questioning and of other similar imperialist injustices with the foreign policy domain of American imperialism. Racism and imperial expansionism abroad have followed step with the nation's inexorable push toward domestic hegemony. Thus the heightened international militarism is viewed as only the latest incarnation of the once imperialist westward expansion of Manifest

descent, many of whom were white supremacists; to call the outcome "anti-imperialist victory" is a bit optimistic; the British won. It isn't true that Herman Melville's father-in-law "decreed that the fugitive ex-slave Anthony Burns return to his owner," though he was trying a murder case in the same courthouse. Why contrast V. S. Naipaul with writers "sympathetic to the Islamic sources of their modern identity"? He comes from a Hindu family. Each misstep is small; together they tell against West's judgment.

Caleb Crain, *'Democracy Matters': Plenty of Blame To Go Around*, THE CONNECTICUT FORUM, Sept. 12, 2004, <http://www.ctforum.org/whats-up/news-politics.asp> (follow "'Democracy Matters': Plenty of Blame to Go Around" hyperlink).

Destiny carried on at home at the expense of Amer-indians. Even with the wake up call of 9/11 about Islamic fundamentalism, America's own brand of domestic fundamentalism, which West refers to as "Constantinian Christianity,"²⁸ has joined forces with imperialist corporate and political elites in an unholy alliance that places America's standing in the world in a questionable light.

Accordingly, this pervasive source of moral authority is compromised as a basis for Socratic query. Because the alliance's knowledge of both American and Christian history are minimal, they are easily manipulated by Christian leaders and misinformed by imperial leaders too, according to West. The result is that they unwittingly serve as a catalyst for international imperialism by creating a safe domestic political niche for imperial rulers to hide in the name of flag and cross.²⁹ Consequently, West cannot root Socratic questioning in this longstanding Constantinian Christian tradition gone awry. He must place it instead upon the legacy of blacks to confront slavery and oppression. He further writes that "only then can genuine democratic community emerge in America—an emergence predicated on listening to the Socratic questioning of black people and the mutual embrace of blacks and whites."³⁰

However, while one can buy into some of the common sense notions he espouses, here again West's proposition proves too much. Indeed, "listening to the Socratic questioning of Black people" falls prey to the same "group think" mentality that West so vehemently denounced in the book's prequel, *Race Matters*. There, West described this type of approach to racial solidarity as "racial reasoning" because the racial dimension of reasoning is said to lead to a perverse notion of black authenticity that often skews genuine logical reasoning for progressive democrats and conservatives alike.³¹ In fact, the voices of black America are as diverse as its many shades of political affiliation, such that the multitude of voices may not always help to elucidate truth-telling, but rather to obscure it or even co-opt it for private gain.

For instance, when noted political black radio commentator William Armstrong reportedly accepted \$250,000 from the U.S. Department of Education to promote and support the No Child Left Behind Act among

28. See DEMOCRACY MATTERS, *supra* note 1, at 148.

29. *Id.* at 150.

30. See *Frightening In Our Time*, *supra* note 5.

31. See Cornell West, *Black Leadership and the Pitfalls of Racial Reasoning*, in RACE-ING JUSTICE, EN-GENDERING POWER: ESSAYS ON ANITA HILL, CLARENCE THOMAS, AND THE CONSTRUCTION OF SOCIAL REALITY (Toni Morrison ed., 1992).

his listeners, despite its devastating consequences for black children, it could hardly be said that, as a normative matter, we should be giving due regard to ideologically set commentary that passes for objective truth-telling. Nor does it follow that we should necessarily be listening to a critical black voice engaged in predetermined line of Socratic questioning. West fails to realize that even this suggestion may fall prey to the same corrupt, system buy-in, paternalistic nihilism he accuses of John Kerry and Hillary Clinton.

Nor was it the case that blacks spearheaded the Socratic questioning concerning the basis of Armstrong's comments. The national media played more a role here than black America when it came to unearthing a specific revelation of conflict of interest and material nondisclosure. Therefore, it is not always the case that blacks have a monopoly or comparative advantage for truth-telling or Socratic questioning, even when it specifically comes down to matters of racial equality and the long wounded history of slavery. It is thus not clear how West can praise Emerson and Melville at the outset, and then later reach the conclusion that "only then can genuine democratic community emerge in America—an emergence predicted on listening to the Socratic questioning of black people."³²

Finally, it is not clear that listening to black Socratic reasoning is a prerequisite to the emergence of American democracy. This is not to say blacks cannot or should not speak for their own experience. They can and should. What is also possible however, and perhaps advisable depending upon specific circumstances, is to also have a white norm entrepreneur, one who helps to establish new social norms and serve as a catalyst for progressive-minded intervention for their fellow white majoritarian culture and power. Malcolm X, later as El Hajj Malik El Shabazz, would eventually embrace this principle in his organizational efforts with the Organization of African-American Unity (OAAU) on June 28, 1964.³³ At the conclusion of his short life, Malik Shabazz accepted the help of whites whereas he previously had not. The distinct difference, however, was that he saw the primary role of white Americans to speak to their own in their own neighborhood churches, synagogues and homes. He effectively called for the same truth-telling by proxy, a proxy he believed would be most effective with the average white American than any black individual alone could ever be. In modern day and in past history, the emergence of black

32. See *Frightening In Our Time*, *supra* note 6.

33. See generally ALEX HALEY, *THE AUTOBIOGRAPHY OF MALCOLM X* (1965).

and white norm entrepreneurs of equality can still be seen. From Martin Luther King Jr. to the high profile four star military generals in the controversial affirmative action case, these individuals shaped opinion for powerful white elites and engaged in valuable truth-telling and Socratic questioning of the status quo.

WHAT ABOUT ADAMS & THE SOCRATIC QUESTIONING OF LAWYERS?

But it is curious that West, who remains an adamant proponent of Socratic questioning, never discusses how it ubiquitously functions in the world of law, lawyers, judges, and in imparting knowledge to would-be lawyers at law schools around the nation because unlike most institutions of higher learning, law schools are the prime practitioners of critical Socratic questioning. He is remiss in discussing how the craft of lawyers relies upon Socratic questioning, storytelling, persuasion, and categorization in going about the business of advancing democratic principles of our society.

Indeed, one of the earliest of the Socratic inquisitive masters of truth-telling happened to be the sixth president of the United States, President John Quincy Adams. Adams' reputation for political prowess, however, was not based upon his tenure as president, which was widely regarded as ineffective after a controversial election that mirrored much of Bush's ascendancy to the presidency in 2000 and a later questionable appointment.³⁴ However, Adams was a quintessential lawyer. It was Adams who successfully argued the case of slave mutiny aboard the Spanish schooner, *Amistad*, before an otherwise anti-progressive minded Supreme Court of the United States. In fact, Adams remained a staunch supporter of anti-slavery efforts until his tragic stroke took him suddenly while on the floor of the House.³⁵

But Adams' appeal was not only to moral justice, but rather, he demonstrated that the application of the law of nations and the Treaty of 1795 to the facts presented in the *Amistad* case, which he argued

34. President John Quincy Adams ascended to the presidency with similar controversy that surrounded Bush's first election in 2000. Adams received fewer popular votes than Andrew Jackson, his opponent. The election went to the House of Representatives to be decided. Henry Clay had famously switched political sides and threw his support behind Adams. However, it was when Adams subsequently chose Clay to be his Secretary of State, that charges of "bargain and corruption" would contentiously split the country and political parties. The appointment prompted a division of the Democratic-Republican party into two factions that ultimately led to the formation of Anti-Jackson Whigs and Jacksonian Democrats. See JOHN BOWMAN, *THE HISTORY OF THE AMERICAN PRESIDENCY* 38 (2002).

35. *Id.*

demanded that the Amistad Africans be freed. He relied upon the notion that courts are not to be deprived jurisdiction over matters simply because her Catholic Majesty of Spain demanded that it be so, or that somehow the president of the United States can be empowered to declare such judicial incompetence. Indeed, perhaps the best example of Socratic questioning for democratic ideals comes not from Emerson or Melville, but from Adams' oral argument before the court. He skillfully leads the court down a series of queries designed to reveal truth, teach compassion, and test the limits of justice. It is Socratic questioning at its finest. For instance, in response to a treaty provision calling for the return of property robbed or pirated to its rightful proprietor, the Spanish crown, Adams engages in further Socratic questioning designed as an implicit form of truth-telling:

Was this ship rescued out of the hands of pirates and robbers? Is this Court competent to declare it? The Courts below have decided that they have no authority to try, criminally, what happened on board the vessel. They have then no right to regard those who forcibly took possession of the vessel as pirates and robbers [W]ho were the pirates and robbers, Were they the Africans? When they were brought from Lomboko? in the Tecora, against the laws of Spain, against the laws of the United States, and against the law of nations, so far as the United States, and Spain, and Great Britain, are concerned, who were the robbers and pirates? And when the same voyage, in fact, was continued in the Amistad, and the Africans were in a perishing condition in the hands of Ruiz, dropping dead from day to day under his treatment, were they the pirates and robbers?³⁶

In reply to the query of whether entire property or merchandise applies to the Amistad slaves, Adams boldly reminds the Court what human dignity practically requires in terms of basic levels of provision. In so asking, Socratic questioning for Adams serves as much a didactic function for the justices as it does a rhetorical device:

Is that language applicable to human beings? Will this Court so affirm? . . . Is it a treaty between cannibal nations, that a stipulation is needed for the restoration of merchandise entire, to prevent parties from cutting off the legs and arms of human beings before

36. See Argument of John Quincy Adams Before The Supreme Court of the United States, Appellants, vs. Cinque, and others, captured in the schooner Amistad, by Liet. Gedney, Delivered on the 24th of February and 1st of March 1841, at <http://www.multied.com/amistad/amistad.html>.

they are delivered up? The very word entire in the stipulation is of itself a sufficient exclusion of human beings from the scope of the article. But if it was intended to embrace human beings, the article would have included a provision for their subsistence until they are restored, and an indemnification for their maintenance to the officers who are charged with the execution of the stipulation. And there is perhaps needed a provision with regard to the institutions of the free states, to prevent a difficulty in keeping human beings in the custom house, without having them liable to the operation of the local law, the habeas corpus, and the rights of freedom.³⁷

AGGRESSIVE MILITARISM & A BLUES NATION RESPONSE TO THE NIGGERIZATION OF AMERICA

However, West, somewhat surprisingly, never mentions or discusses in any meaningful depth Adams' exemplar for Socratic questioning or truth-telling although his book would have been the better for it. Instead, he appears to suggest that the reason we turn to blacks' Socratic questioning is because of the unique position they occupy in our society as the embodiment of the blues. This metaphor, after all, was derived from the prime example of the Civil Rights era, where violent brutality was met with a soulful suffering of black pain, but during which hope transcended race by rejecting nihilism and retaliation. But West's metaphor is more artistic, grounded in the blues/jazz tradition because "jazz is freedom." Here, he characterizes it as the Bessie Smith soulful pain, with Christ-like tragicomic suffering in patience, and the prophetic faith of a Louis Armstrong/Duke Ellington transcendental lyricism that justice will be done without resorting to retaliation. The lesson learned here is not to resort to the kind of typical military retaliatory response of American imperialism according to West. But what is the realistic unifying basis for such a proposal? West sees an opportunity to transcend beyond race and political affiliation with the horrific terrorist attacks on innocent civilians on September 11, 2001. He claims that on that fateful day, every American of all classes, colors, regions, religions, genders, and sexual orientations began to feel uneasy, unsafe, especially ephemeral and vulnerable to global scorn, obloquy and arbitrary gratuitous violence. That is, each American experienced what many African-Americans did at the hands of the KKK, suburban white America, the CIA, gang warfare, the national

37. *Id.*

media, and slavery for hundreds of years. In other words, on 9/11, each American got a glimpse into what it is to be a “n-----.” This what West refers to as the “niggerization” of America.³⁸

But as previously mentioned, the aim is not to retaliate in anger in the face of terror, but rather to embrace the blues response. The way we do this, he suggests, is to look to the Civil Rights figures that embraced a politics of reconciliation, non-violence, and spiritual humility. He writes:

The high point of the black response to American terrorism (or niggerization) is found in the compassionate and courageous voice of Emmett Till’s mother, who stepped up to the lectern at Pilgrim Baptist Church in Chicago in 1955 at the funeral of her fourteen-year-old son, after his murder by American terrorists, and said: “I don’t have a minute to hate. I’ll pursue justice for the rest of my life.” And that is precisely what Mamie Till Mobley did until her death in 2003. Her commitment to justice had nothing to do with naïveté. When Mississippi officials tried to keep any images of Emmett’s brutalized body out of the press—his head had swollen to five times its normal size—Mamie Till Mobley held an open-casket service for all the world to see. That is the essence of the blues: to stare painful truths in the face and persevere without cynicism or pessimism.

Much of the future of democracy in America and the world hangs on grasping and preserving the rich democratic tradition that produced the Douglasses, Kings, Coltranes, and Mobleys in the face of terrorist attacks and cowardly assaults.³⁹

It is thus by transforming ourselves into a blues nation, according to West, that we can learn from blacks how to nourish and keep alive the deep soul commitment to democracy in perilous times of darkness, rather than turn to the easier response of militarism and authoritarianism. Of course, to begin with, such an example can be found in the recently held Iraqi election. There, high unexpected voter turn-out at the polls triumphed over a real systemic campaign of terror at the polls by jihadists. Indeed, the voters’ daily stories of courage could equally parallel the underlying story recently depicted in the critically acclaimed film, *Hotel Rwanda*.

38. See DEMOCRACY MATTERS, *supra* note 1, at 20.

39. *Id.* at 20–21.

OTHER CONCEPTUAL DIFFICULTIES WITH THE BLUES NATION THESIS

There are at least four additional problems with West's thesis here. First, it conceptually grounds the intellectual loci of the blues nation solidly in the African-American experience with slavery and civil rights when this lesson is not limited to solely this experience. As the foregoing reveals, this same lesson can be characterized rather differently in both cultural and religious terms by non-western societies. For a book that intends to discuss American democracy globally, it is somewhat myopic to locate this proposal in the narrowly embraced black American experience of the blues, particularly when the political undertones that accompany this tradition have not always translated as a commodity to parts of the Middle East world that despise American influence, Blacks included, or that otherwise embrace mass conformity as the social norm as in East Asian societies. While it is true that blues and even more so hip hop music (including that of Chuck-D and KRS-One who West singles out) are undoubtedly part of global youth culture, it has not led, however, to accepting blacks as equals in the political or social arena. Moreover, since much of America is comprised of these same skeptically distant constituencies, one could expect resistance on the domestic front to efforts to identify with the black experience.

Secondly, by rooting this approach in such a narrow but still yet nebulous foundation of the blues, it is not likely that white Americans will identify with this experience, let alone find its relevance to their own lives and their own government. In this regard, it is easily remembered how many exclusive white clubs and all-white bands have co-opted the blues, jazz, and even rock and roll for that matter, thereby removing these musical genres from their sociopolitical context and meaning as to render them antiseptic.

Third, embracing the blues experience does not mean that democratic results will follow. For instance, while the election in Iraq typifies in many ways the blues nation's faithful response despite perilous dark times of terror and bordering civil chaos, this does not mean the results of a democratic process there will also be democratic in nature. Indeed, in Iraq, it is widely believed that the electoral victory of the Ayatollah Sistani who pushed for elections (having been a part of the Shia majority, once oppressed by Saddam Hussein) will now give rise to the creation of a religious Islamic state law that, among other things, will heavily circumscribe the rights of women. It therefore remains questionable whether we can in fact "encourage the Socratizing of Islam" without ourselves becoming the target for obloquy. While the works of Khaled

About El-Fadl, the late Mahmoud Mohamed Taha and Anouar Majidas may try to reach across the broad expanse of defining justice in Islamic law, West does not follow through in showing just how democratic process for women may be consistent with Islamic tradition that begins with God's sovereignty rather than democratic popular sovereignty.⁴⁰

Fourth, although West disavows any naïveté, it is likely that many foreign policy commentators and much of white America will believe that a "kiss the other cheek" approach, while convincing the imperialist oppressor of the error of its ways, is not likely to be a workable paradigm in today's context. Indeed, where it is believed that jihadists will think of nothing but to kill, without regard to innocence of civilians and the sacrifice of their own lives in the process, how does a blues nation approach stand up to this potent reality? Since it is in the context of 9/11 that West raises this suggestion, he should then be prepared to address this question. It appears, however, that he does not, or at least does a less convincing job of it.

In a nation where it is not just the neoconservatives and religious right, but the millions of politically middle-of-the-road Americans that re-elected President Bush to ensure the nation's continued "security," West intellectually passes on a valuable opportunity to flush out important questions. In fact, much of West's book appears to preach to the already converted, and he fails to flesh out further his thesis by unpacking the implicit ramifications and unintended negative consequences that may flow from becoming a blues nation and how we are to account for these in today's realities.

West's critique of the second dogma, aggressive militarism, does not save the text from this critique. Nonetheless, West remains concerned about a newly adopted preemptive strike policy, and unilateral intervention in foreign policy that obviates multilateral cooperation and undermines the international framework of deliberative democracy. Clearly, West is referring here to the U.S. walking away from U.N. negotiations regarding how to implement and enforce Resolution 1441 against Iraq.⁴¹ Probably the most difficult challenge facing our democracy for the foreseeable future is grappling with its unilateral intervention in Middle East politics. West states that in order to stabilize the world and enrich democracy in the world,

40. *Id.* at 136–40.

41. *See* S.C. Res. 1441, U.N. Doc.S/RES/1441 (Nov. 8, 2002).

we must confront the anti-Semitic hostility of oil-rich autocratic Arab regimes to Israel's very existence, as well as Israelis' occupation and subjugation of Palestinian lands and people. We must act more decisively to stop both the barbaric Palestinian suicide bombers' murdering of innocent Israeli civilians and the inhumane Israeli military attacks on unarmed Palestinian refugees.⁴²

These volatile concerns will undoubtedly establish whether we are to overcome inevitable Hobbesian dissent and reach a respectful dialogue. He views the Middle East as another paradigmatic litmus test of whether we will rise or fall in our democratic experiment as a whole.

However, on the domestic front, West views this dogma as having additional negative consequences. For instance, it leads to "police power, augments the prison-industrial complex, and legitimates unchecked male power (and violence) at home and in the workplace."⁴³ Given that crime is now necessarily linked to terrorism, it leads to a further subjugation of poor and minority people, rather than studying underlying causes of crime or focusing on rehabilitation.

ESCALATING AUTHORITARIANISM

His second critique of aggressive militarism is closely linked to his third regarding "escalating authoritarianism." Both are linked to the justification on the war on terror. West sees paranoia of terrorists, which he is compelled to admit is understandable, as the reason for society's willingness to surrender hard earned civil liberties and rights under the Patriot Act. Viewing the shocking terrorist attacks of 9/11 as the cannon fodder for increased surveillance and the unraveling of legal safeguards, West states Americans tragically miscalculate much in the name of security over liberty, leading our democratic society cut off at the knees. For West "[t]his is the classic triumph of authoritarianism over the kind of questioning, compassion, and hope requisite for any democratic experiment."⁴⁴

West's remarks here are not to be easily dismissed as leftist rhetoric. Recent events seriously call into question the continuing viability of our current national approach to the war on terror on the domestic front. West would have done well to include a more sustained discussion of these

42. See *DEMOCRACY MATTERS*, *supra* note 1, at 10.

43. See *Frightening In Our Time*, *supra* note 6.

44. *Id.*

events, and consider just a few of the assaults on basic civil rights and liberties in the past year that highlight West's concern.

For instance, it was reported in the news that Capt. James Yee, the former Muslim chaplain at Guantanamo Bay, had allegedly endured humiliating governmental prosecution and three months of solitary imprisonment without relevant evidence ever being found by military intelligence. Having suspected that Lee was aiding and abetting illicit activity on behalf of Guantanamo prisoners, the government curiously had not charged Lee with conspiracy charges as one might expect. Instead, it was reported that he was charged with taking home classified material. Yet here again, the government lacked evidence for this crime. In an apparent effort to save face for its serious allegations, the government was determined to hold Lee accountable for something. So it charged him with allegations of adultery and keeping pornography on his government computer in lieu of initial suspicions of conspiracy. This case is only one in a string of many that sadly highlights the expenditure of governmental funds and resources in the prosecution on the war on terror.

Likewise, on September 26, 2002, Maher Arar, a Syrian-born Canadian citizen, also had a harrowing experience that demonstrated a flagrant disregard of his civil and human rights. U.S. immigration officials detained him at Kennedy International Airport for interrogation.⁴⁵ It did not stop there, however. Once again, despite the fact that the government had no evidence connecting him to terrorists, he remained detained in the government's custody. Even more troubling, the government had not allowed Maher to call an attorney or even his family for support. Maher continued to remain detained without any accusation of a crime. At this point, true democracy would have required that Maher be released. Instead, the U.S. government sent him to a known human rights violator, Syria. Syria has been denounced by our state department not only as a sponsor of terror, but also for its known practice of torture for interrogation. Maher was hidden away for ten months, locked in an underground cell and repeatedly tortured until military intelligence determined he had no ties with any terrorist groups.

Similarly, Brett Bursey saw his civil and constitutional rights flagrantly violated for the free exercise of his free speech rights when he held a placard that read "No War for Oil." The setting was a presidential visit to Columbia, South Carolina, where local police, in cooperation with the

45. See Ruth Rosen, *Democracy Matters*, S.F. CHRON., Jan. 11, 2004, available at <http://www.longviewinstitute.org/research/rosen/rosenmat>.

Secret Service, typically arrange the creation of “free speech zones” that exclusively establish to quarantine protesters a safe distance away from the President. Except in this instance, the Secret Service designated a “free speech zone” half a mile from where Bush would be speaking. In fact, the Secret Service typically designates locations so far away that if peaceful protesters exercise free speech outside of these zones, they are summarily arrested for disorderly conduct, obstruction or trespassing. The Secret Service, in essence, ensures that neither the president nor the mainstream media outlets will witness citizens’ displeasure with the president’s policies. A similar practice could be seen at the past 2005 presidential inauguration procession as well.

However, Bursey was standing, with his sign, amid hundreds of Bush supporters when police told him he had to move because his sign was offensive. If the distance was acceptable for Bush supporters, presumably it should have been fine for Bursey to remain there. He was arrested when he refused to move to the designated “free-speech zone,” even though singling out such speech represents a clear content-restriction, not merely just time, place, and manner. He was prosecuted under an obscure law that prohibits “entering a restricted area around the president of the United States.” What remains clear, however, is that the Justice Department, for its part, will have established a chilling precedent for curtailing the free-speech rights of protesters across the nation. In response, the ACLU is suing the Secret Service for suppressing protesters in at least seven other states. West understands that the threat of terrorism requires our government to balance surveillance and scrutiny with fundamental rights and liberties, but he joins the clamor of criticism that the administration has gone too far.

ESCALATING AUTHORITARIANISM IN THE IVY TOWER? THE HARVARD ORDEAL REVISITED

However, the lessons of democratic engagement and Socratic questioning have a greater personal relevance for West and indeed all intellectual citizens of the academy. This is due in part to the fact that similar escalating authoritarianism can be observed in schools and universities nationwide, including at one of its most premier institutions, Harvard. Whether it is non-collegial disagreement with differing views or the suspect monitoring of speech content, the rising tide of intolerance poses a danger for academic *parrhesia*. For West, this goes beyond political correctness to the heart of silencing dissenting voices vis-a-vis censorship or threat of retaliation. On the state of higher education, the last

bastion of free democratic thought in the American empire, West reminds us that it “has become a competitive, market-driven, backbiting microcosm of the troubles with American business and society at large.”⁴⁶

According to West, a well-established ‘University Professor,’ already tenured at Yale, Princeton and Harvard, with more publications than ninety-five percent of his faculty colleagues—was allegedly dictatorially told to tame his fire, to limit his audience, to conduct bi-monthly visits with the University President to review progress on published works, to monitor his grades, to stop supporting political candidates or engaging in outside projects (presumably including those during his private time that may have embarrassed Harvard), that to establish himself (apparently not knowing West already was), he should write a philosophical book (he had written several already), and that he should stop missing class (he had allegedly only missed one class).⁴⁷ But it will strike the average law professor that all these activities are at some point ones which many of us engage in over our academic careers. To this alleged tirade, West reports that he responded as follows: That he had only missed one class, that he was as much a part of the Harvard tradition as was the President, that he had written sixteen books, some still in print after ten to twelve years, that the slighted *New York Review of Books* had never reviewed his work in any major way, that he co-authored several works in the intervening recent years, that his office hours were extended to five hours to accommodate students, that he taught seven hundred students, held numerous guest speaking lectures, and chose not to limit his intellectual activity to the ivy tower, but to local communities.⁴⁸

This alleged egregious breach of collegiality and the diminished protections accorded to a distinguished tenured professor are only part of the picture West reveals. Less publicized was an alleged apology to West privately, while a public disavowal of any apology occurring in the main press. West leads us to believe this conflicting message was not accidental, but rather a duplicitous, unprincipled power play to look strong in the press, but to privately assuage any possible threat that any of West’s distinguished colleagues will follow him to Princeton in protest of such alleged treatment.⁴⁹ What is clear, however, is the recounting of West’s experience in the media or in his own words signals potentially dangerous developments for our nation’s universities. As a microcosm of the larger

46. DEMOCRACY MATTERS, *supra* note 1, at 197.

47. *Id.* at 193–97.

48. *Id.*

49. *Id.*

society, universities fulfill a fundamentally democratic function. Within this context, West is surely correct that universities can and must play a greater role in shaping reform by leveraging their historical role as watchtower institutions of the public. Faced with a potentially autocratic leadership in higher learning that views the university mission as narrowly technocratic rather than viewing them as instrumentalities of democratic values for the larger community, the latter conception should prevail. Indeed:

There seems little doubt that American colleges have realized their ideals of service. They have never been isolated “ivory towers” but, rather, high “watchtowers.” They have played a decisive role in the advancement of American democracy. They have furnished the professional training needed by a growing nation. They have contributed to the efficiency of its economy by making possible the specialization required by a technological age. They have helped advance man’s knowledge of himself and of his universe. And, all the while, they have thus been increasing the health, wealth, and power of the United States.⁵⁰

Overall, West’s objective to promote democratic individuality, Socratic questioning and truth-telling in the face of dangerous political nihilism is a worthwhile and vitally important endeavor. His categorical nomenclature he assigns to various nihilisms are a bit imprecise and often redundant, however. Further, his heavy reliance on fictional literary metaphors to illustrate what are essentially non-fictional critiques, while stylistically appealing, ends up being an intellectual disservice to his own vision.

Nonetheless, observations about the state of our democracy should not be easily dismissed as merely leftist rhetoric. The call for national introspection is a prudent one. Moreover, the suggested relation between domestic politics and international imperialism is worth more sustained, systematic examination. His suggested means to achieve these objectives, while most encouraging, needs to be fleshed out more if it is to be saved from its own internal contradictions of logic. But at times, it would appear that West does not appeal to logic, but rather to our deep abiding blues-centered, prophetic, tragicomic faith in our democratic individuality to truth-telling and Socratic questioning. His recipe is the ultimate kind of philosophical individual faith-based initiative. For a professor of religion,

50. JOHN S. BRUBACHER & WILLIS RUDY, *HIGHER EDUCATION IN TRANSITION: A HISTORY OF AMERICAN COLLEGES AND UNIVERSITIES* 428–29 (4th ed. 1997).

that is understandable. But it also means that West's book often ends up preaching to a choir of already converted believers. He still has the awesome task of adequately convincing us just how our society is to transform itself.

The reliance upon a "Richard Wright Blues"⁵¹ struggle against pain for transcendence of race, class and political affiliation remains idealistic and problematic in that his notion of a blues nation is rooted in race and class culture. Further, despite misapprehending some historical facts as anti-imperialistic, West nonetheless makes a compelling argument that the *demos* needs to be heard more and awakened by plain speaking *parrhesia* if it is to become an informed citizenry, or as ancient Greeks called it, "*paidea*."⁵² This is necessary in order for the perennial battle between empire and democracy—that reaches from Athens to America—to restore the proper balance in our democratic republic from tyranny and expansive imperialism. Otherwise, who is to say that the American empire of liberty will not tumble as a result of over-extended imperialism, as was the case with Roman, Ottoman, Soviet and British empires. West reminds us that we may ignore the rising military aggressiveness and rising authoritarianism, but it may ultimately be our own undoing as a result.

51. See DEMOCRACY MATTERS, *supra* note 1, at 19 (quoting Richard Wright's Blues as saying: "[t]he blues is an impulse to keep the painful details and episodes of a brutal experience alone in one's aching consciousness, to finger its jagged grain, and to transcend it, not by the consolidation of philosophy but by squeezing from it a near-tragic, near-comic lyricism.").

52. *Id.* at 91.