

‘We the People:’

Tea Parties, Original Violence and the Paradox of Popular Sovereignty

As exemplified by the now famous ‘Government Hands off my Medicare,’ or the apparent willingness of its members to draw benefits while protesting benefits, the Tea Party movement has consistently exhibited a degree of facility with paradox and inconsistency that has exasperated many of those observers still doggedly paying dues to the ‘reality-based community’. This pick-and-mix approach to political policy is nowhere more evident, it seems, than with regard to the movement’s declared intent to return America to its founding principles, consistently presented as a fervent reverence for the sacred document by which the nation was brought into being. While pocket Constitutions might abound at Tea Party rallies – and devotees are want to invoke the Constitution in defense of their right to carry guns or make racial slurs in public – it is clear that the movement’s Constitutional fidelity is, from a strictly juridical perspective, entirely half-baked. Limiting ‘big government’ or gun-control is apparently order of the day; but respecting the prohibition on established religion, or granting due process to young men whose skin isn’t white, not so much.

What I want to explore in this paper is how we might make sense of the Tea Party’s political incoherence by reading their Constitutional invocation as an essentially mythic gesture, an attempt to re-perform the act of sovereign self-determination which functions, and has always functioned, as the mystical origin of American political identity. There are basically two inter-related claims I want to make here. The first concerns the mythic status of the very mechanism of political legitimacy in this country, insofar as, from its

inception, that legitimacy has been conceived as deriving from the sovereignty of 'We the People,' the slogan now emblazoned on a thousand and one Tea Party banners and shirts. To the extent that popular sovereignty is, and always has been, an untenable fiction, what the Tea Party represents, therefore, is the myth of American political origins coming home to roost, much to the paralyzed horror of a political establishment whose consistent appeals to the sovereign will of the American people are now being deployed against their own authority.

What is particularly notable about the Tea Party, I would suggest, is the way in which their gesture of sovereign reconstitution functions as a type of double repetition of America's founding myth. Not only does the myth itself concern a people's power to construct itself as its own authority, but, furthermore, the Tea Party's cohesion as a political identity relies on putting this original myth to work in order to unify its members into a new political tribe, one which, on the basis of the myth, mistakenly conceives itself as a sovereign entity. This leads me to my second claim, which follows from Jean-Luc Nancy's analysis of the role of originary myths in the performative constitution of the fusional entities he calls 'communions.' Such myths are central, he argues, to the "founding" of "the intimate being of a community," (MI: 48) where 'intimacy' indexes the perfection of a community's homogeneity and self-identity. Thus, I will argue, the more or less incipient violence which has been consistently displayed by Tea Partiers towards all manner of minority groups, is not, as they might like to claim, the work of just a few bad apples, but is rather, fundamental to the very structure of the movement.

First then I will turn to a somewhat diagrammatic explication of the claim that, insofar as it relies on the trope of popular sovereignty, American political legitimacy is mythic by nature. To this end we must travel back – impossibly perhaps? – to before the Constitutional origin, and, in particular, engage the theory of republican legitimacy proposed by Rousseau in 1762. As we know, for Rousseau, sovereignty derives through the Social Contract, the act, he tells us, “by which a people is a people.” (SC: I.IV; 49) That is, crucially for our purposes, political legitimacy is a consequent of the procedure by which a people brings itself into being as a people, the process by which the multitude transmutes itself into a singular and sovereign body politic. The will of this singular body is, as we also know, general, and it is *in* this will that the legislative authority of the state resides. Law is created, Rousseau tells us, by the “enacting will” of the people as a whole, that is, “when the whole people enacts a statute for the whole people...with no division of the whole.” (SC: II.VI; 67) For Rousseau, then, it is absolutely impossible for this general legislative will to reside in anything other than the body of the people as a whole, and consequently, with powerful implications for the mechanics of contemporary democracies, it is impossible for the general will to be in any way represented by emissaries who would be lesser than the totality of itself.

In this thumbnail sketch we can begin to glimpse some of the conceptual and pragmatic problems enfolded in this rendering of republican theory. According to the reading of the Social Contract proposed by Louis Althusser in *Politics and History*, Rousseau’s legitimacy-machine is, in fact, beset by a series of paradoxes or ‘decalages’ springing from its source. The originary paradox derives from the very idea of the Social Contract

itself, the moment in which the body politic is forged, Rousseau suggests, by the people entering into a contract with itself. As Althusser recognized, this moment contains both Rousseau's "theoretical greatness," (RSCD: 136) and the origin of the endlessly displaced 'discrepancy' in his system. The genius is in obviating the totalitarian consequences of Hobbes' contract between the people and the transcendent sovereign by recasting the contract as one immanent to the people themselves. What we have here, Rousseau tells us is "an act of association" which functions by "each individual... contracting, so to speak, with himself." (SC: I.VII; 51) This evasive 'so to speak' is, however, Althusser observes, the point at which the foundational paradox in Rousseau's system is both "admitted and at the same time negated." (RSCD: 130) This paradox derives from the fact that a 'contract' is, strictly, an agreement between two entities who must, Althusser notes, "exist prior to and externally to the act of the contract." (RSCD: 129) As such, Rousseau's 'contract' - an act in which one of the contracting parties brings itself into being by contracting with itself - does not actually "correspond to its concept" and hence, the origin of Rousseauian political authority is to be found in a "(fictional) act of constitution" which constructs 'the people' as a "*juridical ideality*." (RSCD: 133)

This originary paradox is structurally identical to that Jacques Derrida named the 'mystical foundation of authority' in his 1989 'Force of Law,' the address in which he embarked on the interrogation of sovereignty that dominated the latter part of his career. According to Derrida, the essence of sovereignty is to be found in the conceit of autonomy, of the action of the 'self-giving of the law,' an idea which necessarily relies on the

possibility that authority might be derived from an absolute origin, a ‘groundless ground’ or ‘unmoved mover.’ As we would expect, Derrida disputes the very possibility that such an origin might exist, suggesting that in the case of law, we are confronted with a particular formulation of the aporia which undermines the pretense of all entities to absolute self-identity. The “*the law of the law*,” Derrida tells us, is that “to be invested with categorical authority” it must be “without history, genesis, or any possible derivation.” (BL: 191) However, and *at the same time*, in order to have authority, the law must be derived from some “anterior legitimacy,” for otherwise it risks being exposed as a merely arbitrary, and hence, illegitimate, authority which rests on nothing other than its own “violence without ground.” (FL: 242) In this regard, Derrida argues, the logic of sovereign law should be regarded as a “performative tautology” which “produces the conventions...that guarantee the validity of the performance,” (FL: 267) in a manner similar to the way Rousseau’s social ‘contract’ produces the body of the people whose existence is necessary to grant authority to the convention by which they are produced.

What we are dealing with here then, is, in essence, the immemorial metaphysical problem of infinite regress at the point of origin, and the basic deconstructive – or perhaps, if we prefer, Hegelian - assertion that all strategies intended to arrest such regression are, given the necessary fact of temporal and spatial relation, simply intellectual conceits. For Althusser, the fundamental paradox coiled inside Rousseau’s ‘contract’ must then, by dialectical necessity, simply displace itself throughout his system. It is concealed in the orgiastic fusion which effaces all conflict or difference to unite the multitude in the singularity of the body politic, and surfaces in Rousseau’s stunning account of the

process by which the mysterious general will is transmuted into legislation. As mentioned, Rousseau explicitly forbids representational mechanisms as a means of conveying the general will, on the grounds that, I would suggest, they introduce the specter of duplicity or plurality into the undivided whole of the body of the people. However, clearly no republic larger than Rousseau's native Geneva could, under any circumstances, convoke a meeting of the full citizenry for legislative purposes, not to mention the problems posed by the fact that the "blind multitude" doesn't, in any case, Rousseau tells us, "know what it wills because it doesn't know what is good for it." (SC: II.VI; 68) In order to deal with this intractable knot in the realization of his theory, Rousseau is compelled to introduce, in the Second Book of the Social Contract, the quasi-divine figure of the Lawgiver, he who is able to "rise beyond the reach of vulgar men" and use his "divine authority" in order to "make the Gods speak." (SC: II.VII; 71)

What is revealed, I would suggest, by this intercession of divine authority into a purportedly secular, axiomatically Enlightenment, account of the mechanisms of popular sovereignty is, in fact, the fundamentally theological – or mythical – structure of the very idea of sovereignty itself. Given that temporal and spatial relation constitute the immanent conditions of being, and that hence, no immanent entity can, in fact, be its own self-originating ground, all accounts of sovereignty as the self-giving of the law must, at some point, devolve into an invocation of the transcendent. As Derrida noted towards the end of his life, sovereignty is the great political issue of our age, and we would do well to become more cognizant of the fact that all axioms of sovereignty are derived, ultimately, from a theological origin. The "*true sovereign*" he tells us, "*is God,*" and political

authority, once passed down from the ‘divine right’ of Kings to the hands of the people, still retains the “same theological attributes as those attributed...to God.” (FWT: 91-2) It is on these grounds, Derrida suggests, that we must read Alexis De Tocqueville’s theological analogies about American democracy as more than mere rhetorical tropes. In the famous account of his 1835 journey through the American political landscape, De Tocqueville writes:

“The people reign in the American political world as the Deity does in the universe. They are the cause and the aim of all things; everything arises from them and everything is absorbed back into them.” (DiA: I.IV)

In a significant sense then, for all their abundant Constitutional wackiness, the Tea Partiers are not entirely deranged. They are rather, deluded, having simply made the mistake of believing an endlessly repeated lie, or perhaps, to be more accurate, their religious world-view has positioned them perfectly to suspend all disbelief and vigorously re-enact a political myth regarded unreflectively by rest of the population as more-or-less rhetorical. It is in this context that we must read the *prima facie* absurdity of the charge of tyranny against the Obama administration, operating, as it is, by a simple metonymic substitution of the Federal and British governments. Moreover, what remains unacknowledged by the standard, and juridically accurate, liberal response to the overblown charge of tyranny - the exasperated cry of ‘You just lost an election, get over it!’ - is that consistent appeals by politicians of all stripes to ‘the American people’ as a whole are implicated in the propagation of a quasi-theological myth which bears little

relation to the realities of political authority in a modern representative democracy. The Obama campaign, for instance, was fully reliant on the mobilization of this myth in the 2008 presidential election, particularly in the crafting of its memorable central slogan, which functioned as an affirmation (yes) of the people's (we) power (can). To this extent then, there is something of the return of the never-really-repressed about the Tea Party.

None of this is to say, however, that the Tea Party misguided mythic performance is anything other than a divisive and pernicious blot on the American political landscape, particularly in a nation whose great political strength has traditionally been derived from the at least notional sense that anybody can be or become an American. What the Tea Party is attempting to do by banging drums and dancing around the Constitution is, my reading suggests, reconstitute itself as a separate sovereign body politic within the nation as a whole. As we have seen, this can be traced to the inheritance of Rousseauian republicanism, Rousseau being, Jean-Luc Nancy's tells us in 'The Inoperative Community,' "the first thinker of community," or rather, he clarifies, "the first to experience the question of society as an uneasiness directed towards the community." (IC: 9) For Nancy, Rousseau's thinking of community is an axiomatic, and for Enlightenment era democracies, paradigmatic, instance of the phenomenon he denotes *community-as-communion*. This fantastical entity is founded, as we have also seen, on the fusion of the multitude into a single body or "common substance," and represents, Nancy continues, the "thinking of community as essence" (xxxviii), impelled by a nostalgia for a "lost age" in which the group was safely and securely bound together by "tight, harmonious, and infrangible bonds." (IC: 9)

The being of this community, understood by Nancy as an “organic communion with its own essence,” is constituted and maintained through “institutions,” “rituals” and “symbols” which repeat the image of “its own immanent unity, intimacy and autonomy.” (IC: 9) Myths of origin are therefore crucially implicated in the construction of communions. In the first place, they provide a central locus for all members of the group in order to enact the “identification with the living body of the community.” (IC: 9) Secondly, and more significantly, the myth deploys the co-implication of origins and essence to provide the group with a narrative of how they came to be what they are. As with Rousseau’s conceit of the mythical foundations of sovereignty, what is crucial to such stories is that they secure the absolute purity of the group’s essence by deriving them from nothing other than themselves. The being of communions must be, Nancy notes, “perfectly detached, distinct, and closed” and, thus, in order to secure their status as a “being without relation,” (IC: 4) they must be posited as arising only through the self-originating “autarchy of absolute immanence.” (IC: 4)

It is on this basis that I want to suggest that the consistent and transparent othering of a range of minority groups exhibited by Tea Party supporters and candidates – Sharron Angles disgraceful demonization of Latinos being only the most recent example – is not merely a contingent feature of the being of the Tea Party as communion. Such communions are, Nancy tells us, engaged in death-work in at least two important respects. The first concerns the way in which communion as a denial of finitude functions effectively as denial of the conditions of both life and death. While, arguably, the denial of finitude is the motive engine beneath the impulse to subsume oneself in a body greater

than oneself, it is not an impulse to which we can, at present, devote much attention. More pertinently for our purposes, the second aspect of death-work that attends the being of communions concerns the fact that their fusional, and hence, inherently totalitarian, structure implies a more-or-less explicitly violent gesture of othering as a necessary corollary. To the extent that the Tea Party's being is characterized, fundamentally, by the positing of itself as a singular, pure, sovereign body, then the violent logic of 'Us' and 'Them' is a necessary part of its structural integrity. As a consequence, the end to which the motor of original myth inexorably leads, as it enfolds the many in its speculative embrace of "fascination and identification," is, Nancy bluntly contends, "murderous violence" (IC: xl) and "crimes against humanity." (MI: 47) Or, as he notes in *Being Singular Plural*, the denial of the sharing of relation between different individuals implied by communion always involves the appearance of "murder...on the horizon, that is, death as the operative negativity of the One, death as the work of the One-All or the One-Me." (BSP: 92)

I'd like to pull these threads together by way of conclusion by offering a brief reflection on one of the most absurd, but persistent, of the Tea Party's accusations against their political adversaries, the claim that there is insufficient evidence to establish that Obama is an American citizen. What the birther narrative represents, effectively, is the transposition of the generalized claim that the current administration is, in some entirely unspecified way, wrecking the Constitution, into the claim that the President is unconstitutional in his very being by virtue of his dubious origins. Given the identitarian structure which underpins the Tea Party's deployment of the Constitution, this claim

makes, by their own mythic logic, a kind of perfect, if perverted, sense. Insofar as the Constitution represents the originating myth of the fusional communion that is the Tea Party, to be ‘constitutional’ means, simply, to be like them. As such, it matters not that the man in the Oval Office was once a constitutional scholar, or that he was actually born in Hawaii almost half a century ago, he is – due to the color of his skin, foreign father, fancy words, French mustard-*philia* and dangerous sounding middle name – manifestly *not* one of them, and consequently, he cannot, by mythic necessity, be countenanced as the rightful bearer of the nation’s originating moment.