**The Emperor’s Nudity:**

**The Media, the Masses, and the Unwritten Law**

If there is one quintessential trait typical of the new breed of authoritarian leaders gaining ground throughout the liberal-democratic world, it is their ability to infringe upon the unwritten rules of the political game. The ascendance of Donald Trump – an extreme example of the abovementioned trend – to the presidency of the United States has particularly stumped scholars and pundits alike. In the hands of this new kind of politician, the violation of norms and conventions that would normally put an abrupt end to a political career, reveals itself, on the contrary, to be the secret to maintaining their elusive power, a mechanism for mobilizing support and legitimization. Even more startling than the infractions themselves is the flagrant and public way in which they are committed. In the present article, I will examine the link between the new political powers’ direct appeal to the obscene and the tacit dimension of socio-ethical rules, as well as point out the correlation between ethical and political transformations and changing trends in mass media.

Keywords: political philosophy, media, unwritten law, Trump, public, Canetti, Freud, Lefort, Groys.

**Introduction**

An ever-increasing number of world leaders who have risen to power in the liberal-democratic world over the past decades expose the need to rethink such fundamental concepts as authority, sovereignty, legitimacy and power in the modern state. The ascendancy of leaders such as Trump, Erdoğan, Netanyahu, and Putin is perceived is a new political phenomenon, one that often stumps and astonishes scholars of political science. It is easy to classify this new kind of political power as an updated version of populism, especially based on its widespread harnessing of resentment towards the elites, among other things, as a source of influence. Nevertheless, it would seem that the concepts formulated by populism studies fall far short of encapsulating the phenomenon. They fail to provide an explanation to the apparently global nature of the emerging trend, and more importantly, they seem unable to account for the new patterns of legitimation, political discourse and authority characteristic of this new kind of politics.

In the pages that follow, I will focus on what seems to be a quintessential trait of new politics, which is its direct appeal to the obscene as a source of power. This characteristic is especially striking when it comes to Trump, Netanyahu, and Berlusconi, as attested to by the spirit of hedonism or even vulgarity that surrounds them, in their ability to say things that are taboo, their disregard for the rules of political discourse, the public use of winks and “dog whistles” (i.e., the positioning of the obscene as the center of the transmitted message), and so on and so forth. No wonder such displays elicit the astonishment and frustration of political scholars and commentators. Patterns of discourse and actions that have traditionally been considered destructive to political figures are turning out to be secret weapons for securing power in the hands of these new leaders. They also pose a theoretical challenge to our ideas about political authority and legitimacy.

A good way to elucidate the theoretical challenge this present paper attempts to address is by referring to Hans Christian Andersen’s story “The Emperor’s New Clothes,” which illustrates a fundamental paradigm of modern thinking on the subject of authority. According to this paradigm, authority is nothing but external attire and all it takes to uncover this fact is to look at it with eyes free of the chains of traditional political culture.[[1]](#endnote-2) If only we can gain enough insight – with the help of critical thinking, rejection of ideology, and recognition of the systems of power – we shall see that underneath the clothes, the people who hold the power are mere flesh and blood, and their nakedness will be exposed to all. And yet, the new authoritarians flaunt their nakedness, in the sense that their patterns of recruitment, legitimation and maintenance of power are in fact based on the exposure and blatancy that they themselves perpetrate.

Still, this focus on the way power presents itself externally will naturally provoke some malaise, especially among critical readers, for the natural critical tendency is to forcibly shift our gaze away from the display in order to examine the covert, in-depth factors behind it: not to look at the image that seeks to captivate our gaze, the shadow-puppet show on the walls of the cave, but rather to locate the thing that image seeks to cover up. For the power of an image to captivate the gaze stems from the fact that it appears in the place of the "full picture," the theoretical – but to all intents and purposes impossible – picture that encompasses reality in its infinite complexity. That is the basic lie of the image. The reason it fascinates us is that it postures as a representation of the whole, the one picture we must look at. The image, the prominent display, positions itself in the center and ostensibly denies access to the deep undercurrents flowing beneath. And yet it is this very image – the flattened depiction of complex tensions – that lends itself to symptomatic analysis. The epistemic character of a symptom is overdetermination, being the result of more than one causal chain.[[2]](#endnote-3) By proposing a symptomatic analysis, there is therefore no intention here of making conjectures about some kind of ultimate cause – a singular infrastructural and decisive cause, or one that encapsulates all the rest – but rather to proceed by taking into account the overdetermination, the volatile intersection of different causal chains in one symptom. In other words, our goal is to see the object of analysis as a focal point where multiple and contradictory trends intersect, and thus as an expression of a complex array of tensions that do not align into a clear and coherent worldview.

The article, as such, is divided into two main parts. In the first part, I will examine the unique characteristics of the “new authoritarianism,” in particular, its direct appeal to obscenity in terms of the relationship between the written and unwritten law and between what is decent and what is obscene. In the second part, I will scrutinize the media conditions in which these recent developments have been unfolding, in particular the new emergent relationship between the “media” and the “masses,” and the changes it has effected in the public space.

**Liberal democracy in crisis and the new populism**

The wave of populism[[3]](#endnote-4) that has washed over liberal democracies around the globe in recent years has brought what Chantal Mouffe termed “the democratic paradox” back into the central discourse of political science.[[4]](#endnote-5) This concept refers to the tension, at the heart of liberal democracy, between the radical egalitarianism denoted by the term “democracy” and the liberal protection of individual rights, a tension that is currently threatening to bring liberal democracy to an end. The combination of these two separate foundations of liberal democracy, Mouffe warns, is not inexorable, but rather a product of historical chance and one that is riddled with tensions and contradictions.

These tensions and contradictions have come to the surface in recent years with the emergence of concrete political phenomena that emphasize the gap and disconnect between the fundamental elements of liberal regimes. In his book *The People vs. Democracy*, Yasha Mounk describes the current crisis through the metaphor of “divorce proceedings” between the democratic-popular pole and the liberal pole of the liberal-democratic spectrum.[[5]](#endnote-6) The gradual separation of liberalism from democracy has manifested itself in the phenomena of rights without democracy, on the one hand, and democracy without rights, on the other. The former can be seen in the rise, over the last few decades, of liberal entities that are non-democratic, in other words, institutions that promote liberal values and protect liberal rights through bureaucratic means, without relying in any significant way on popular support, such as the European Union or national and international human rights organizations. The latter is apparent in the adoption of various models of what Hungarian Prime Minister Viktor Orbán has recently termed “anti-liberal democracy” by a growing number of countries around the world.[[6]](#endnote-7)

Firstly, it is important to emphasize the centrality of antagonism in the new strain of right-wing politics. The current form of anti-liberal democracy isn’t seeking to replace liberal democracy with another kind of democracy (totalitarian democracy, for instance, as Jacob Talmon would call it).[[7]](#endnote-8) It is certainly possible for things to take a turn in that direction in the future, however for now it is imperative to recognize that the main focus of these regimes is anti-liberalism, that is to say, the gradual and continued erosion of liberal values and institutions. This negation of liberalism is not a matter of passive attitudes, but one of an effective political action plan. The eclecticism that is characteristic of the many manifestations of populism is centered around this one common factor, even though it is a negative one. There is no doubt that such an erosion allows, among other things, for the rise of truly fascist elements, who have unquestionably drawn encouragement from the wave of right-wing populism. However, while we must recognize that this is a real possibility, it is no less important to be aware of the possibility that the assault on liberal norms and institutions is not a transition stage towards some historical form of government we have experienced in the past, but a unique political configuration with its own characteristics and an unknown potential for longevity. Moreover, it is even possible that the fear of the return of fascism has been helping right-wing forces to solidify their power. The easily identifiable differences between the emergent right-wing regimes and 20th century fascism enable the right-wing to dismiss the alarms sounded by the left and center as baseless panic or propaganda. David Runciman has already established that the central image used to talk about the death of democracy, that of the coup d’état, is rooted in the past and ill-suited to illustrate what he calls liberal democracy’s “midlife crisis.”[[8]](#endnote-9) This ill-suitability, in turn, prevents us from seeing that which is taking shape before our very eyes. The defenders of the liberal order, by focusing on familiar dangers from the past, tend to view the new right as a transitional phase and thereby look right past one of its most prominent and significant features, the innovation that justifies its being called “new”: the absence of a positive political program. The quintessential attribute of the new right is that it is nihilistic, transgressive and thoroughly cynical.

On the one hand, the new right is a revolutionary power, one that has been changing the agenda of government and the accepted rules of play. Yet, on the other hand, anti-liberal, right-wing populism has been acting as an anti-ideological agent:[[9]](#endnote-10) it is not seeking to enlist support for an alternative vision of the future; rather, it is presenting itself as a remedy for the dangerous illusions created by liberal ideology, which is perceived as globalist, utopian, mired in self-deception, and therefore blind to actual present threats. The right is calling for all hands on deck due to the realistic need to manage the now, which is an ongoing emergency that can no longer be contained. Meanwhile, the political power that currently represents the principal alternative to the new right, the center-right parties, is equally busy denouncing their extreme right-wing opponents for being too ideological, possessed by dangerous delusions, and therefore unfit to handle the challenges presented by reality.

There is therefore an important distinction to be made between classic populism, which enlists popular support by undermining the existing order alongside promises, albeit by and large vague ones, of a better or more just future, and the populism of the new right, which promises to “burn down the establishment” as its main policy. This is also why the anti-liberal right presents itself as shackled, at this stage at least, by the various “fetters” it is seeking to remove. That is the context in which we must look at Netanyahu’s and others’ demands for “free governance,” for example, which in practice means the removal of the “silk gloves” of standard regulation, and which is presented as a casting off of the shackles that have been preventing them from effectively handling the many problems piling up on today’s society. This demand constitutes a pillar of the utmost importance in propping up the organizing fantasy of the new right. The message is: if only we didn’t have our hands tied, we would be able to do away with our enemies once and for all. Enemies, of course, both internal and external, are never in short supply. However, like any fantasy, one has to simply imagine it coming true in order to see it fall apart – without the “fetters” of the liberal order to struggle against, the new right would actually have to take some real action. Eliminating enemies – who are, as we said, too many to count – is a much more difficult task, and one at which it is far easier to fail, than continuing the assault on those same “fetters” holding back the righteous forces of the new right. It is precisely this negative-antagonistic element, the struggle against moral and institutional “fetters”, that likely forms the basis of the new right’s mechanism of legitimation.

Various political thinkers have expressed themselves on the two-faced nature of the demos, the people, as the subject of democracy. Giorgio Agamben points out that in many European languages, the word for “people” has a double and often contradictory meaning. On the one hand, the people is the sovereign body of citizens, the collective that forms the polity. On the other hand, people denotes the popular masses, the rabble, the shapeless crowd devoid of political or social order that mostly constitutes a threat to the moral order. To use Agamben’s terms, this is the difference between the “bios,” the organized political life, and the “zoe,” the “bare” life outside of the social order.[[10]](#endnote-11) Jacques Rancière views the Greek “demos” as the prototype of the “proletariat” concept in Marxist philosophy, the group whose exclusion from the centers of power is what makes it the champion of revolutionary universalism. Rancière examines how the demos, a category that applied first and foremost to the common people, those deprived of all privilege, those who, as Artistotle puts it, “had no part in anything,” gave its name to the universal principle of democracy. As those who had nothing but their freedom, the demos provided the foundational principle of a system in which they found no representation.[[11]](#endnote-12) Etienne Balibar argues the central importance of the ambivalent attitude towards the “masses” in modern democracy as a fundamental problem of political philosophy from Spinoza onwards. Modern democracy relies, both symbolically and practically, on the power of the people, the power of the masses, and yet it is this power that threatens the very logic that drives it.[[12]](#endnote-13) Awareness of the threat posed by the “mob” to the representational logic of liberalism can be found in writings as early as Hegel’s. [[13]](#endnote-14) The rabble, Hegel admits, is justified to feel despair regarding the political order wherein they find themselves at the bottom.[[14]](#endnote-15)

The “people” then denotes two opposing concepts in terms of legitimacy: on the one hand, the people are the polity from which the political system draws its meaning, the subject in whose name governors are able to govern. On the other hand, the people are that hard to pinpoint segment of the population that has abandoned the official values of the polity and endangers its stability. “Popular,” derived from this sense of “people”, is another word for coarse, nondescript, vulgar and threatening. It therefore stems to reason that the “popular” has an essential and non-incidental link with the “obscene.” The appeal to the obscene, to which we will devote the following pages, touches on that element in the people that is omitted from the array of regular representation. “Our era,” writes Agamben, “is nothing but an invisible and systematic attempt to heal the rift dividing the people, to eliminate the excluded.”[[15]](#endnote-16) It is important to understand why the attempt to heal the people is in all actuality synonymous with eliminating those who are excluded. The exclusion of the “popular,” in this sense, is a formative gesture of the socio-political order,[[16]](#endnote-17) establishing the boundaries of what is allowed and what is forbidden. It is in this context that we must consider the direct and public appeal of the new right to obscenity, the trend of placing front and center that which is supposed to be excluded from the public space, that which is defined exclusively by its exclusion. It is an attempt to write the unwritten, or as Jaques Lacan put it, that which “doesn't stop not being written.”[[17]](#endnote-18)

**The decent and the obscene: leader, charisma, law**

One of the basic paradigms of thought about culture, society and politics is the assumption of a deep and complex relationship between the decent and the obscene. The existence of political order, society and culture relies on the domestication, repression or refinement of pre-societal forces. The writings of Freud,[[18]](#endnote-19) Nietzsche,[[19]](#endnote-20) and Elias[[20]](#endnote-21) all contain expressions of this paradigm, however it is much broader and more basic than the specific instances they explore. In a certain sense it is wide enough to include, on the one hand, the entire body of political thought concerning the idea of the social contract,[[21]](#endnote-22) and on other, Foucault’s work on discipline and sexuality. In the more sophisticated extrapolations of this paradigm, the relationship between the decent and the obscene is dialectic: the obscene is not just a primordial, natural power, the decent being its cultured sublimation; rather, the obscene is created side by side with the decent and continues to accompany it like an irreducible remainder. It is this dialectic that allows Foucault to declare that Victorian society was “directly perverse.”[[22]](#endnote-23) Any attempt at purging the discourse of sexual content invariably bolsters the obscene. The same dialectic is also observed by psychoanalysis: even though Freud sees human urges as a primordial biological element, the taming of which signals the foundation of culture, it is this very taming that marks human urges as obscene and ensures their continued existence as a perpetual disruptive threat to order.[[23]](#endnote-24)

That being said, all of the abovementioned authors agree that the political, the societal and the cultural belong squarely on the side of the decent. Even if the obscene is a necessary aftermath of culture and order, it will always be represented as the other, the hidden side of the coin. Even when we see political authority draw legitimacy from its mention of the obscene, it does so while maintaining the boundaries between the decent and the obscene, and preserving the place of the obscene as that which cannot be named directly. The burning question of the day then is how, within this same dialectic of the obscene and the decent, has it become possible for the political, which is supposed to reside on the side of the decent, to drastically switch sides and appeal directly to the obscene?

Donald Trump’s candidacy for the presidency of the United States and his public conduct since his election into office will serve us from here on out as “the writing on the wall,” indicative of the political power taking shape before us. Time and again during the 2016 U.S. presidential campaign, commentators had declared the inevitable end of Trump’s candidacy due to the candidate’s scandalous and unusual behavior. Trump had mocked his rival, John McCain, for having been a prisoner of war, and had derisively imitated a handicapped journalist in public and in front of cameras. When a recording of Trump boasting about his disgraceful treatment of women had leaked into the press, the expectation was that he would at least lose the support of the “moral majority” Republicans who hold family values ​​and decency sacred. As it turned out, not only did Trump’s image survive undamaged, it even gained ground among his supporters, many of whom are devout evangelicals. He himself had remarked that he could “shoot somebody on Fifth Avenue” and his fans would continue to support him. This immunity from criticism is at the heart of the charismatic power that has propelled Trump and his ilk to the top, a power that inspires dread in the hearts of his rivals, and admiration among his supporters.

We might ask what makes the political “charisma” of leaders who fit the new model of authoritarianism unique, and what is the secret of its success? Trump, more than any other leader, raises a problem that cannot be explained by the classic concept of charisma, even though Weber’s description of the charismatic authority structure clearly outlines many of the anti-establishment aspects of the charismatic leader. Weber maintains that the charismatic leader has a direct relationship with the “masses,” a fact which makes his charisma unstable and requires him to constantly rally and legitimize support. Because he does not rely on external (traditional or legal-intellectual) sources of legitimacy, the charismatic leader must validate his power by demonstrating it. In other words, he must succeed:

Charisma knows only inner determination and inner restraint. The holder of charisma seizes the task that is adequate for him and demands obedience and a following by virtue of his mission. His success determines whether he finds them. His charismatic claim breaks down if his mission is not recognized by those to whom he feels he has been sent. If they recognize him, he is their master—so long as he knows how to maintain recognition through “proving” himself. But he does not derive his “right” from their will, in the manner of an election. Rather, the reverse holds: it is the duty of those to whom he addresses his mission to recognize him as their charismatically qualified leader.[[24]](#endnote-25)

Even though it is not explicitly stated, Weber’s paradigmatic model is evidently that of Protestant choice, wherein success is a posteriori proof of having been chosen. Likewise, charisma, according to Weber, is validated retroactively only when it is already in effect and embodies a mode of being chosen without an election, being elected without a single instant of choice.

The obvious discrepancy between Weber’s “inner determination and inner restraint” on the one hand, and the chaos and permissiveness that Donald Trump disseminates around him is no marginal detail. For Freud, as opposed to Weber, demonstrative permissiveness and a lack of inhibitions are the traits of a “horde” leader.[[25]](#endnote-26) Restraint and determination seem essential to Webber, precisely because of the centrality of the mission in his definition of charisma. The success of the charismatic leader is inseparable from the mission he had been chosen (by a higher power) to fulfill: he proves that he had been chosen by successfully accomplishing the task at hand. This is where we run headlong into the incongruity of the new “charisma.” Although there are ample signs that both Trump and his followers see him as a man on a mission, it is doubtful that anyone – including the leader himself and his fans – could define just what that mission is. The folksiness of the Trump campaign’s nostalgic slogans, such as “make America great again” or “drain the swamp”, is no coincidence. These are ways of expressing discontent with the status quo without really defining it or laying out ways to amend it.

A comparison with left-wing populism makes this point even more conspicuous. Bernie Sanders, the left-wing populist candidate in the United States, has been employing rhetoric and suggesting policies that connote radical change to the existing political order: ridding the political system of dependence on large donors, nationalized healthcare, the “Green New Deal,” etc. For better or for worse, he is giving his voters very clear and specific criteria by which to measure his success, if he should be elected and along the road to the White House. Do Trump and others like him present such criteria, or measures by which they might succeed or fail? Let us remind ourselves that this is no marginal quandary. If indeed the charismatic authority needs to constantly keep proving its success, understanding the efficiency of said authority requires insight into its internal success criteria, which in Trump’s case appear to be profoundly enigmatic. What exactly is the mission that he is ostensibly still successfully fulfilling, at least in the eyes of his supporters? Any attempt to attribute an ideology, or even a coherent agenda to Trump’s conduct, comes up short. For example, he may have claimed to be in favor of American separatism, but he also appointed (and then dismissed) one of the architects of neo-conservative imperialist foreign policy, John Bolton, as national security adviser; he declared unprecedented friendship with Russia, while at the same time renewing the arms race against it; he speaks about the economic difficulties of the working class while giving tax benefits to the extremely wealthy (and, to a much lesser extent, to the moderately wealthy), and there are countless examples to be added to the list. The one consistent line in his policy is the attempt to roll back the policies put in place by his predecessor, if only for appearances’ sake. It all points to the fact that Trump’s mandate is one of abnegation – he doesn’t violate conventions in order to fulfill his mission; breaking the conventions is the mission. In this sense, Trump most clearly embodies one of the prominent features of the current political moment.

If there is one quintessential trait typical of the new breed of authoritarian leaders gaining ground throughout the liberal-democratic world, it is their ability to infringe upon the unwritten rules of the political game. The ongoing onslaught and ethical erosion make it easy to forget the sins of the past, so let us take a moment to remember that when Donald Trump – an extreme example of the abovementioned trend – ascended to the presidency of the United States, scholars and pundits alike were utterly stunned. The violation of norms and conventions that would normally have put an abrupt end to a political career, in the hands of this new breed of politician had revealed itself, on the contrary, to be the secret to maintaining their elusive power, a mechanism for mobilizing support and legitimization. In order to establish the elusive criterion of success that characterizes the new authoritarian leader, it is imperative to pause for a moment and pay attention to the element of surprise evoked when unspoken things are said and unwritten rules are broken[[26]](#endnote-27). What is surprising is not the content of the things said or done, but the very fact that they are said or done. Equally, it is not the actual violation of the rules that is shocking, but the public manner in which it is perpetrated, since the fundamental viewpoint of the modern citizen, especially in the second half of the 20th century and onward, in the “post ideological” age, is one of extreme cynicism and jadedness.[[27]](#endnote-28) We have no illusions; we know very well that the emperor has no clothes.[[28]](#endnote-29) This position, which crosses political lines and even class divisions, and is shared by “elites” and “masses” alike, makes viewers of the political game prepared to expect obscene behavior on the part of others, perhaps especially on the part of politicians. However they also expect it to take place in the dark corridors of power, away from the public spotlight.

The quote misattributed to Otto Von Bismark, according to which “if you like laws and sausages, you should never watch either one being made,” captures rather concisely the obscene dimension of revealing the unseemly truth about the foundations of society, typical of the modern zeitgeist. Political modernization is accompanied by the rationalization and transparency of the means of control. Ostensibly, according to Weber’s renowned sociological thesis, in the modern conditions of a transparent political process, a process also known as the “routinization of charisma,” the mystery as to the origin of the law and its authority is supposed to wane.[[29]](#endnote-30) Laws are made by parliamentary bodies in public assembly for all to see, and even covert procedures – so-called “backroom deals” – are an open secret, and widely covered in the media. Modern humans do not obey the law because its source is sublime or mysterious, but despite or because they know full well how it is made. The democratic process, the organized struggle for authority, means that, in modern politics, political power no longer has a charismatic center shrouded in mystery or an aura of holiness to keep it in place.[[30]](#endnote-31)

What, then, makes the new emergent authoritarianism unique? As we shall show, the new authoritarianism reconnects with the mysterious element of the law in a cynical age, precisely because of its openly transgressive nature. As Slavoj Žižek observes:

What is happening today is not just more of the same, but a qualitatively new form of dissonance: one openly admitted, and for that reason treated as irrelevant. The paradox is thus that, today, there is in a sense less deception than in the way ideology functioned in the past: nobody is really deceived. In other words, it is not that prior to our current era we took the rules and prohibitions seriously while today we openly violate them. What changed are the rules which regulate appearances, i.e. what can appear in public space.[[31]](#endnote-32)

Denying reality by the very fact of admitting it, is a familiar structure in psychoanalytic literature. Contrary to repression, fetishistic disavowal allows the subject to maintain their beliefs by denying them directly. Octave Mannoni insists on the widespread use of the linguistic structure typical of denial, and effectively illustrates its internal logic: “I know well…” (that like all politicians, the candidate I support is a crook / a cheat / incompetent / goes against my own self-interest) “but all the same…” (he is still better than his rivals / he reflects my identity / not to elect him would spell disaster, etc.).[[32]](#endnote-33) Yet what makes this new form of authority so challenging to comprehend is the explicit way in which it makes exposure operate perversely as illusion, the act of taking off the mask function as a mask.

The violation of unwritten rules is an act of exposure. The new political power’s recourse to obscene behavior as a means of mobilizing support should direct our attention, therefore, in the first instance to the importance of the unwritten – or tacit – nature of social ethical rules. For what captivates those watching the rise of this political power, whether in horror or admiration, is how politicians of the new breed bring the tacit dimension of social life, the rules we normally obey without being able to formulate them, to light by violating those same rules. Contrary to written law, the unwritten nature of these rules imbues them with an inherent mystery. It would seem that these rules become tangible only when they are violated, and it is this newfound tangibility that surrounds politicians of the new breed with a unique aura, as proof of their mysterious social clout.

**The unwritten law, or how we know without knowing**

In order to better understand the sphere of the obscene, a distinction must be made between written and unwritten law. The distinction between what is decent and what is obscene is a matter of unwritten law, as opposed to the distinction between what is legal and what is illegal, which is a matter of written law. In very general terms, the unwritten law can be defined as the ethical background of the political order. As such, unwritten law is at once a source of legitimation of the existing order, and the space from which it can be criticized. This intentionally broad definition is meant to elucidate how very distant and sometimes even opposing concepts, such as divine law, local custom, natural law, and common law have all historically fallen under the category of “unwritten law.” The abovementioned metaphorical image of the unwritten law as a “background” emphasizes the slippery relation of this kind of law with the written law: as the background to an object, the unwritten law must lose some of its articulation in order for the outline of the written law to be rendered distinct. This quality of the unwritten law is also the reason why it is difficult to define and therefore identify it as a distinct object of historical investigation. The resistance to conceptual formalization typical of tacit knowledge is also present throughout the conceptual history of the object in question:[[33]](#endnote-34) much of the conceptualizing is done by “translating” it to proximate terms while diverting the emphasis from its unwritten nature. Thus, for example, divine law emphasizes the exceptionality and supremacy of the unwritten law in relation to the finality of the written law. Custom or tradition are both concepts that touch on the primordial element, and the idea that unwritten law embodies the spirit of community, whereas natural law seeks to formulate the rules that must underlie the positive order and by way of which it can be criticized.[[34]](#endnote-35)

For our purposes – the study of power accumulated through exposure – it is those characteristics of the unwritten law that emphasize its tacit aspect and resistance to formalization that are most relevant and the ones on which we shall focus. One of the most prominent and consistent attributes of unwritten law (in its various instances) is also that which distinguishes it most clearly from written law. The violation of a legal norm involves a forceful sanction imposed by the authorities,[[35]](#endnote-36) whereas a violation of the rules of public decency is met with a more vague, albeit sometimes more severe, response.[[36]](#endnote-37)

The obscene therefore has a complex role in relation to the social order: the obscene can be perceived as less severe than the illegal because it is a breach of unwritten law, which is not enforced by formal sanction, but it can also be considered more severe than the illegal for the exact same reason - the rules that it breaks are fundamental to society precisely because there is no way to formulate them fully and formally. These are rules that we follow without being aware of them, or, to employ a slightly more provocative phrasing, they are rules we don't know we know. Like the hammer in Heidegger's well-known example,[[37]](#endnote-38) unwritten law only becomes present as an object when something goes wrong, only when the pre-theoretical relation with encounters an obstacle. Just as the hammer emerges before our eyes as an object only when it stops working properly, the unwritten law is only revealed when it is violated.

Both our attraction toward and our rejection of the obscene involve the impossibility of formulating the boundaries of the field. It is an object revealed only with experience, without us having a prior idea of what it is. A functioning member of a given social group readily and immediately recognizes what is perceived as obscene, what violates the unwritten law, even though they cannot give an a priori definition of what falls under this category, to formulate a rule so to speak. This is why, in everyday experience, the effect that accompanies the breaking of an unwritten law is surprise and embarrassment. We feel that a boundary has been crossed, that we have said something that should not be said, or looked at something we should not have looked at, even though most of the time we are not quite sure what that boundary is or what rule we might have violated.[[38]](#endnote-39) The obscene, in that sense, is the opposite of the unicorn. The unicorn is a concept we can easily define and even draw on paper, even though it is not part of the experience-based reality of our lives. Contrary to this, we recognize obscenity when we encounter it in our daily lives, even though we cannot provide a definition for it.[[39]](#endnote-40) The inability to frame it as a rule is what creates the close link between obscenity and transgression. It is an invisible boundary, which is only perceived when crossed – only then do we come face to face with it.[[40]](#endnote-41)

Armed with the distinction between written and unwritten law, let us now go back to examining the singularity of the new model of authority in relation to the classic concept of charisma. Max Weber writes about the hostile attitude of the charismatic leader towards the legal system:

Genuine charismatic domination therefore knows of no abstract legal codes and statutes and of no “formal” way of adjudication. Its “objective” law emanates concretely from the highly personal experience of heavenly grace and from the god-like strength of the hero. Charismatic domination means a rejection of all ties to any external order in favor of the exclusive glorification of the genuine mentality of the prophet and hero. Hence, its attitude is revolutionary and transvalues everything; it makes a sovereign break with all traditional or rational norms: “It is written, but I say unto you.”[[41]](#endnote-42)

The final phrase of this excerpt is highly significant for our investigation of the uniqueness of new authoritarianism. “It is written, but I say onto you” is the basic formula Jesus uses to confer authority upon himself in the Sermon on the Mount as the bearer of the new word of God that overrules established law.[[42]](#endnote-43) This is not the place to discuss the influence of Christian political theology on Weber’s thought,[[43]](#endnote-44) however it is important to make a note of this allusion to a moment when present political reality forces us to revise and update social theory. In the Sermon on the Mount, Jesus brings to culmination a critical process with a rich history: censuring existing law in the name of the unwritten law that underpins it and allows for its critique. In the case of Jesus, the unwritten law in question is divine law, but what matters to us is that historically speaking, very disparate categories of unwritten law, such as custom or tradition, natural law and divine law can all be used for the same purpose – a grounded and thorough critique of the existing order.[[44]](#endnote-45) Jesus wishes to replace the letter of the law with the spirit of the law, which he is uniquely qualified to put into words. By identifying himself directly with the unwritten law, Jesus establishes a radical model of revolutionary-charismatic criticism. Despite the frequent use Trump and his ilk make of the accusatory slogan “fake news” to mean “don’t believe them, I am the only one you should believe,” it is hard to attribute anything close to Jesus’s sense of mission to the charismatic leaders of the new right. Their goal is not to give expression to the essence of the law hidden behind the language of the law, but to reveal the essence of the unwritten as such. Their message, when all is said and done, is not “so it is written, but I say unto you,” but “this is the unwritten, here, let me show it to you.”

Freud points to a similar model of leadership in his well-known discussion of group psychology. It is enough for the horde leader, like some primordial father, to display signs of “libidinal liberty”, lack of inhibitions and narcissism – the reverse traits to those Weber attributes to the charismatic leader – in order to win the horde’s adoration. Freud, however, does not believe that such traits can underpin a real political movement, and he attributes this flamboyant model of leadership to “ephemeral” masses, spontaneous manifestations of crowds in a given physical space. For structural reasons we will explore later, such masses have an erratic and transient structure. While it is true that Freud's portrayal of the horde leader captures an important dimension of new authoritarianism, we still have to understand how this kind of model can apply to the core of institutional politics, and how the transient mass can stabilize into a long-term, global political phenomenon.

**Crowds and power: the two faces of the masses**

The discourse around the term “crowd”, which garnered a lot of theoretical attention at the turn of the 19th and the beginning of the 20th centuries, directed the focus of sociological thought onto the ostensibly threatening and disorganized facets of “the people.” Gustave Le Bon became a pioneer in the field when he pointed to what seemed to be unique psychological traits proper to the crowd. As a result, when we study the crowd as a subject with its own personality and psychology, we see that there is a unique element of freedom in the crowd, despite, or perhaps because of its threatening nature – the freedom from individuality.[[45]](#endnote-46) Elias Canetti seized this ambivalence best in his book *Crowds and Power*:

There is nothing that man fears more than the touch of the unknown… All the distances which men create round themselves are dictated by this fear. They shut themselves in houses which no-one may enter, and only there feel some measure of security… It is only in a crowd that man can become free of this fear of being touched. That is the only situation in which the fear changes into its opposite… As soon as a man has surrendered himself to the crowd, he ceases to fear its touch. Ideally, all are equal there; no distinctions count. not even that of sex. The man pressed against him is the same as himself. He feels him as he feels himself. Suddenly it is as though everything were happening in one and the same body.[[46]](#endnote-47)

The crowd frees the person from their individuality, from the partitions erected between their private space and whatever is external and foreign to it. That is the source of both its charm and its horror. Canetti begins his analysis by distinguishing between the “open crowd” and the “closed crowd,” even though it might be more accurate to term them the “opening crowd” and the “closing crowd.” The former’s intention is set on removing boundaries, while the latter aims to erect and preserve them:

The natural crowd is the open crowd; there are no limits whatever to its growth; it does not recognize houses, doors or locks and those who shut themselves in are suspect… In its spontaneous form it is a sensitive thing. The openness which enables it to grow is, at the same time, its danger… The closed crowd renounces growth and puts the stress on permanence… It establishes itself by accepting its limitation. It creates a space for itself which it will fill. This space can be compared to a vessel into which liquid is being poured and whose capacity is known. The entrances to this space are limited in number, and only these entrances can be used; the boundary is respected whether it consists of stone, of solid wall, or of some special act of acceptance, or entrance fee.[[47]](#endnote-48)

Canetti here distinguishes between two orders of social organization. The natural order is that of the open crowd, and therefore, its domestication, in the form of the closed crowd, can only be partial. Of course, the appeal of the open crowd, which according to Canetti is the desire to overcome the barriers at the foundation of social life, raises questions about the precedence of this kind of organization: without boundaries and barriers, what is there for it to open or remove? Since the open crowd is described as a kind of anti-cultural drive, an impulse to remove the partitions put up by culture, it presupposes the existence of these partitions.

Perhaps this is why for Freud, the distinction between the crowd and the organized group, a distinction analogous to Canetti’s open and closed crowds, is smaller than we would like to imagine. In his essay on group psychology, Freud disputes the sharpness of the distinction between the wild, or open, and the civilized crowds: “groups of the first kind stand in the same sort of relation to those of the second as a high but choppy sea to a ground swell.”[[48]](#endnote-49) What Canetti likens to a dynamic, formless liquid and the receptacle that wishes to contain it, Freud compares to another vast liquid mass – the ocean. The formations of crowds are like waves breaking on the beach; although it is their visible power that makes an impression on the onlookers, this power is only a pale expression of their underlying power, the power of the deep currents – the permanent and stable social order. Where other observers see disorder, Freud sees an expression of the most primordial elements of order.

This is also why, where others see a leaderless mass, Freud sees an expression of a deep yearning for the worst kind of leader, a leader in the image of the primal father Freud outlined in *Totem and Taboo*.[[49]](#endnote-50) Even the “spontaneous”, “ephemeral” crowd is not really without leadership. Quite the contrary. The unique identification mechanism Freud describes in his essay, explains the complex relationship between the masses and the liberated leader – a leader unfettered by inhibition. Freud describes identification with the transgressive leader as a process by which “the individual gives up his ego ideal and substitutes for it the group ideal as embodied in the leader.”[[50]](#endnote-51) In other words, the leader directly embodies the “commonness” of the masses, their (at least potential) lack of boundaries through his uninhibited behavior. This behavior, in turn, leads the crowd to live up to the transgressiveness attributed to it through the power of “suggestion”, the Freudian equivalent of Tarde’s “imitation.”[[51]](#endnote-52) What Canetti, and others like him, see as spontaneous and leaderless manifestations, Freud perceives in terms of a complex mechanism of identification, driven by the transgressive elements of the masses. He sees evidence of this in the contrary phenomenon – the panic that seizes a truly leaderless crowd, which ultimately leads to its dispersion.[[52]](#endnote-53) A rallying crowd, even one that is wild and riled up, according to Freud, is always under some form of leadership, even if it is but an idea of leadership (the way that Jesus is the leader of the Church).

Freud doesn’t pass up the opportunity to remind his readers of the fragility of their independence, and of the arrogance of their self-image as individuals who are distinct from the crowd, protected behind ironclad doors and steeped in self-consciousness. Nevertheless, Freud also admits that the same primeval human characteristic which serves as the focal point of his essay – the elimination of the self in favor of an uninhibited leader – is equally characteristic of the transient crowd.[[53]](#endnote-54) The crowd that Canetti terms “open,” is for Freud only a surface manifestation of primordial structures of control. However, it is a temporary, fleeting manifestation. It would appear, in light of this fundamental contradiction, that a profound transformation must take place in the transition from the transient to the permanent crowd, a transition that allows for the emergence of an open-closed crowd, a stable or semi-stable transgressive group. This transformation, the emergence of stable masses bearing the characteristics of the transient, as well as the global nature of the phenomenon, calls for an examination of the changes that have taken place in the public arena, and in particular, the changes in the media landscape. A thorough assessment of the above would require a separate article; therefore, in the following pages, I will sketch out a frame of discussion in only the most general lines.

**Opening medium, closing medium: the crowd between television and the Internet**

Canetti's distinction between two kinds of crowds may not be entirely convincing with respect to its original object, however it might useful in describing the difference between types of media. Indeed, in the spirit of Canetti’s distinction between open and closed crowds, Noam Yoran offers a distinction between television and the Internet in terms of their social significance.

Television, argues Yoran, is a sacred space, because it splits humanity into two: those who are on television, and those who can only watch it from the outside. Crossing this boundary constitutes a dramatic transformation, akin to crossing the line between the sacred and the profane. One may say that being on television is a way to differentiate and extricate oneself from the anonymous crowd of television viewers. The Internet, on the other hand, does not offer this same kind of polarized division of reality. In Yoran’s words, “the spatial structure of the Internet does not allow for holiness, because the web does not divide reality into two. Unlike television, the Internet doesn’t provide the possibility of distinguishing the inside from the outside.”[[54]](#endnote-55)

Yoran proposes a media-oriented analysis of a difference expressed in everyday speech, the fact that, unlike television, you can never be “on the Internet.” Unlike a broadcast, a term containing the idea that “everyone” is watching the same thing at the same time, a kind of tribal gathering at the bonfire, one might say, the Internet does not have a center from which content is broadcasts and to which our collective gaze is turned. In the same way, the Internet does not guarantee a space of shared meaning . On the other hand, it is also impossible to be completely off the internet. In other words, the Internet appears to be a medium of rumor.[[55]](#endnote-56) The rumor is an archaic model of viral propagation, which on the Internet replaces the centralized model of the broadcast. Rumors are able to spread like wildfire due to the fact that there is no need to internalize them: we don’t have to believe the rumor in order to pass it on. We can even explicitly disbelieve it and still spread it (“I don’t believe it of course, but I heard that…”).[[56]](#endnote-57) However, the internal logic of the rumor also defines our relationship with the medium: we hear about what happens on the Internet, whether we want to or not. Even if we are not active online ourselves, our friends’ friends’ friends are, and if not, we’ll still hear about it on television.

At this point it is useful to go back to Canetti’s definition, not as a distinction between two kinds of crowds, but as a second order distinction between two means of communication within the crowd. Television is a closed medium, or rather a closing medium, one that frames and differentiates between outside and inside. The Internet, on the other hand, is an open medium, or rather an opening medium, that is to say, the Internet erodes the distinction between the open crowd and the closed crowd.

Canetti’s original terminology was intended to define the erosion of the distance between the private and the public in an open crowd, Freud’s unstable crowd, on the point of discovering the wondrous phenomenon of the loss of the ego. Translating Canetti’s thought process to means of communication allows us to add nuance to his thesis regarding the degradation of the border between the private and the public: what is eroded is not the border between the private and the public, but the border between a complete elimination of the border, the terrifying liberated mass, and a hunkering down within the border.[[57]](#endnote-58) This erosion may offer a preliminary explanation for the emergence of the semi-permanent “open” crowd, a phenomenon which various thinkers thought necessarily transient, while at the same time suggesting why such a crowd fails to provide the satisfaction of the transient open crowd.

**Mass, media: problems of representation and sincerity**

During Donald Trump’s election campaign, Salena Zito came up with an excellent way of describing the gap between Trump supporters and the attitude of the media towards him: “It’s a familiar split. When he makes claims like this, the press takes him literally, but not seriously; his supporters take him seriously, but not literally.”[[58]](#endnote-59) This insightful formulation points to the special linguistic status occupied by the speech of Trump-like leaders, a linguistic status that was perhaps too hastily nicknamed “post-truth,” even though it certainly points to a use of language whose notions of truth are non-representational, that is to say, their “truth” value is not derived from the correspondence of the linguistic sign with the reality to which they refer, i.e. the “literal” in Zito’s statement.

In his book, *Under Suspicion: Phenomenology of the Media*, Boris Groys proposes a possible explanation. According to Groys, the ontological desire, the need to identify that which is “really” concealed beyond the surface sign, beyond the phenomenological level, is motivated by our existential dread concerning the medial nature of reality. Behind the content, the surface sign displayed by any medium, we cannot help but suspect the existence of a hidden message contained within the medium itself. The suspicion that there are dark and threatening forces operating beyond the visible dimension of phenomena can neither be corroborated nor disproved. This is an internal suspicion regarding the structure of the media: when you see a sign, you do not see the medium, and the medium can only be seen when it stops functioning as such. As an illustrative example, Groys considers a painting hanging in a museum: “When we see a painting in a gallery, we do not see the canvas that sustains this painting. In order to see the canvas, we have to turn the painting around.”[[59]](#endnote-60)

Based on this insight, Groys suggests a distinction useful for the discussion before us between medial sincerity and the truthfulness of the message. Because the message of the medium must be hidden, to disappear behind the signs, it cannot be presented directly, but only to be revealed, as if inadvertently, like a forced confession. Due to the hidden nature of the medium, the viewer watches with suspicion and anticipation for the medium to reveal itself. Groys proposes a “phenomenology of medial sincerity” whereby the consistency of messages only increases the viewer’s suspicion that the gap between appearances and reality must be vast. Sincerity, therefore, is experienced precisely at the momentary appearance of the strange, the unusual and the perverse at the heart of the familiar and the known:

The biggest effect of sincerity… is created when signs are incorporated that are not only alien but also dangerous. This incorporation of signs of danger provides the most radical confirmation of media-ontological suspicion. Thus, signs of militant, revolutionary, direct, and immediate violence—along with signs of insanity, ecstasy, and unrestrained erotic desire—come across as particularly sincere… In this sense, sincerity stands in opposition to civility: we spontaneously associate “nice” with mendacious— and “coarse” with direct, authentic, and sincere.[[60]](#endnote-61)

This link between the obscene or the “coarse,” and the exposure of the “behind the scenes” dimension of the medium, is supported by a possible etymology that links the English word “obscene” to the Greek “ob-skene”, the off-stage space where actors could change clothes between acts. The obscene, in this sense, is the appearance of what, in principle, cannot be “on stage,” the medium which, by being hidden, allows the stage to be the locus of display.

Groys’s description of the sincerity effect produced by the abnormal and the transgressive, also offers an original explanation for the much-discussed penchant of the media to prefer the scandalous and the trivial over the important and the protracted. There is, however, yet another felicitous aspect to Groys’s proposed explanation: it establishes a link between medial suspicion – the suspicion that the media is mendacious fundamentally and in principle – and the aura of “sincerity” that attaches itself to whoever and whatever breaks away from its rules. The greater the suspicion of the media (“fake news”, conspiracy theories, etc.) the more compelling the sincerity of the coarse and the crude. If there is any credence to the definition of the Internet as a medium that undermines the very distinction between what is medial and what is not, then perhaps it is no wonder that the attraction of “unmediated” behavior, as last sign of realness or “medial sincerity,” has grown in recent years.

**Transgression and the crisis of representation**

The above discussion of representation and the media is not a departure from the discussion of law and political power, but rather its natural development. According to the general consensus, populism is an expression of the “crisis of representation.” The paralysis that has gripped liberal regimes around the world – as manifested by frequent elections, shaky and short-term coalitions, popular protests – seems to signal a deep crisis in the mechanisms of political representation. The attack on the formal mechanisms of liberal democracy, in the name of the people’s will, must be considered as a reaction to the centrality of the formal aspect of liberal democracy, a centrality pointed out by Claude Lefort. According to Lefort, politics is a form that gives expression to the symbolic dimension of society.[[61]](#endnote-62) Therefore, the political configuration of liberal democracy, at the center of which is a contest between representatives of the people, expresses, first and foremost, the fact that there is no “natural” representative of the nation. It is an expression of the radical history of modern democratic society, founded on the objection to the traditional legitimacy of power. Whereas in a monarchy, the absence of a King is a fragile and dangerous time that must be terminated as quickly as possible, in a democracy, the “throne” is empty by default, [[62]](#endnote-63) meaning that the symbolic place of power once occupied by the King as the representative of the nation chosen by Diving Grace, is only ever filled temporarily.[[63]](#endnote-64) The “democratic invention” renders the struggle for power routine, and represents the conflicted nature of liberal society precisely by preventing its people from being fully represented. Lefort identifies a complex affinity between liberal values and institutions, on the one hand, and human rights and their legal status, on the other. Liberal values, unlike traditional values, are unlimited in principle: “From the moment when the rights of man are posited as the ultimate reference, established

right is open to question.”[[64]](#endnote-65)

In the spirit of Hannah Arendt’s “the right to have rights,” Lefort stresses the status of rights as the perennial source of undermining the established order. This is the meeting point between the moral and formal aspects of liberal democracy: in its institutionalized struggle for the legislature, modern democracy has found a way to dynamically formalize the ability to challenge the law, thus making the law’s lack of timeless legitimacy (conferred by God or tradition, for example) its exclusive source of legitimacy. In this sense, substantive democracy, the value content of liberal democracy – human rights – can be considered an extension of the form, through different means.

This is also Lefort’s way of demonstrating the genetic affinity between liberal democracy and totalitarianism. Totalitarianism is a constant threat to liberal democracy, as it relies on the same “empty throne” vacated by the King. While liberalism seeks to keep the struggle for the representation of the people open, totalitarianism wishes to fill the empty space and from it express the will of the people directly. In liberal democracy, “the people do not exist.” In our daily lives, we are but a collection of individuals, and “the people” come together only once every few years during elections, in a mediated form that requires compromises between different interest groups. The liberal fear of populism of any and all kinds stems from the latter’s claim of “truly” representing the people, giving the people a continued public presence.

The populist sentiment is perceived as an expression of disbelief in representative democracy’s claim to represent its constituents, to represent the people. However, the new right is in no hurry to abolish the formal mechanisms of liberal democracy. The new right-wing parties seek to change the rules of the game, guarantee themselves a permanent advantage, and make it difficult but not impossible to defeat them in the political arena. The change in the space of political representation should be sought in the mechanism of legitimation employed by new authoritarianism. This mechanism does not demand full representation of the people; rather its places the dimension of the people that is in principle absent from the official public space right at the center of its representational array. It is through its transgressive actions that the populist right manages to make present that element of the people that escapes the regular system of representation. Sándor Ferenczi saw this as the unique power of the obscene word: the obscene word doesn’t point at its object from a distance; it makes it present.[[65]](#endnote-66) Baudrillard uses similar terms to describe the obscene element of the media: “We no longer partake of the drama of alienation, but are in the ecstasy of communication. And this ecstasy is obscene. Obscene is that which eliminates the gaze, the image, and every representation.”[[66]](#endnote-67)

From Claude Lefort we learned that in liberal democracy, the legislative mechanism plays an important symbolic role. The representative distance from the real is a value in liberal democracy. From this point of view, a direct expression of reality – a full, unmediated representation of the people’s will – would not just be an invitation to violence; it would be violence itself. In other words, the liberal space represents the representational distance itself as a supreme value of a special kind. One can even say that in liberal democracy the supreme value, or the constitutional norm is the fact that there is no supreme value, there is no positive normative content that can be allowed to “saturate” the political system once and for all. Parliamentary democracy and the discourse of rights are the means that express this absence as a positive value. The new right does not, at least not at this stage, seek to establish a supreme value – for instance, the nation, or the leader – that would fully expresses the will of the people and thereby allow and perhaps even require the abolition of the mechanisms of representation. Instead, the right is working to bring forward that which eludes the representational logic at the heart of the legislative act itself, and in the process has developed a “genre” of legislation that undermines the rational-formalist logic of the law and what it represents. Anti-liberal legislation has been explicitly politicizing that which up until now has been seen as neutral territory, one where the rules of the game have been equal for all participants – part of the formal and ideologically neutral gears of government. To refer back to the concept of “medial sincerity” coined by Groys, this legislation is motivated by suspicion towards the medial dimension of the law – the rational-formalist conception of the law that gives utmost importance to preserving the status of the law as a space of ideologically neutral rationality, the medium through which various interests are given expression – and its deviation from this logic is what imbues it with the effect of “sincerity”.

In the reality we see emerging before our eyes, words are more and more often perceived as acts of violence. This is a trend that has manifested itself in legislation, but perhaps more importantly in a culture – especially online culture – of sensitivity to “offensive” speech. At the same time, we see violence assuming a growing symbolic role. Not only is the main message of anti-liberal legislation one of violence; we are living at time when rocket fire, for example, is perceived as having semiotic value, the main and perhaps only language that both sides of the Israeli-Palestinian conflict have in common. Every average news consumer is accustomed, albeit unknowingly, to interpreting the rocket fire from Gaza to Israel, as well as Israeli violence towards the Palestinians, as a set of signals and signs. The discussion of representation and the means of representation, then, is a direct and inseparable continuation of our discussion of the new manifestations of power. The distinction between power and the space of representations is what is currently undergoing erosion. To return to the image we referenced at the beginning of this article, this is the challenge posed by naked power, a power that exalts in its nudity. The explicit anti-liberal transgressiveness is a display of naked power that marks the polite liberal opposition as one that hypocritically denies that which the right is no longer afraid to parade publically for all to see. The truth exposed by the right – the revelation that the symbolic order is nothing but a show of sanctimony put on to conceal violent reality – is congruent with the anti-ideological project of critical thinking, and therefore criticism finds itself powerless to oppose it.

The appeal of transgressive sincerity, as exhibited by authoritarian leaders of the Trump variety, is the other, complementary, side of the coin of the culture of online shaming. Angela Nagle describes a system of feedback loops between the online culture of progressive sites, such as Reddit, and sites identified with the transgressive alt-right such as 4chan and 8chan, which provided the infrastructure for Trump’s viral online presence.[[67]](#endnote-68) The Internet enables anyone to display their morality through the simple action of sharing a political or ethical cause. This facility, Nagle suggests, makes it necessary to create an ethical “shortage” through the constant exposure of the ethical failings of others.[[68]](#endnote-69) There may be a link between the Internet’s lack of boundaries and the ubiquity of the act of marking ethical boundaries online. Either way, the ceaseless effort to demarcate the limits of the decent and the obscene leads to the emergence of indelible suspicion: any statement may be revealed as obscene and any commitment to a cause may reveal ethical blindness to another cause. Expressing oneself online has become somewhat akin to traversing a minefield of invisible taboos. And while the online liberal crowd is busy rejoicing over their friends’ moral shortcomings, the transgressive alt-right is getting their jollies “trolling” the purist moral sensitivities of the left. Thus, the left’s moral outrage feeds the right’s appetite for transgression, which feeds the left’s moral outrage, and the cycle continues.

Moralization only appears to be the opposite of obscene behavior. The two trends can be seen as complementary aspects of the same project of writing the “unwritten”, that is, the attempt to blur the gap between the representational array and that which never ceases to elude it. At first glance, one might say that transgression seeks to grant presence to the unwritten by violating it, while moralization seeks to eliminate any space of moral ambiguity, to legislate and unfortunately formulate as a rule any aspect of life containing traces of ambiguity. However, the attempt to formalize and legislate areas previously subject to the unwritten law is a double edged sword: on the one hand, it implies narrowing the scope of the unwritten law, but on the other, it can be seen as an intrusion of the obscene into the realm of the written law. Rules governing sexual behavior provide a clear example of this dual process: they prohibit but at the same time enhance the presence of the taboo. They have banned certain behaviors, but because of the inherent ambiguity that accompanies this ban, they have also charged social situations with a stronger than ever danger of stumbling into obscene territory, by creating a new category of acts tainted with constant suspicion that is impossible either to affirm or deny.

This dualism is also evident in the public preoccupation with sexual behavior. The public space is flooded with content of the order of the obscene: sexual harassment, illicit affairs, forbidden speech. While the official goal is to denounce these behaviors, it seems that these condemnations are accompanied by an indecent amount of pleasure taken in the very act of denunciation. Not only is the exposure of the obscene intensified, there seems to be something obscene in the act of exposure, which is a socially authorized way to engage with obscene content. The desire to regulate the urges translates into an urge to rectify, that is to say, the obscene passion is transposed to the action of rectification, and finds its catharsis in denunciation.[[69]](#endnote-70)

**Back to the unwritten law**

The unwritten law comes to us out of nowhere. Unlike written laws, which derive their authority from the constitutive act of their legislation, unwritten law derives its power from the mystery surrounding its origins. For the Greeks, it was the unwritten nature of the laws that made them divine.[[70]](#endnote-71) Precisely because they could not be traced to any particular source, the unwritten laws were seen as having superhuman origins.[[71]](#endnote-72)

The concept loses some of its mystery upon its entry into the philosophical tradition, where it is also directly associated with obscenity, in at least two ways. In Plato's *Laws*, the unwritten law appears as a fundamental social matter, but one that does not entirely fit the category under which it is supposed to fall, the category of law. At the same time, it is the focus of the discussion. In Plato’s book, the Athenian states the following:

All these things we're now going through are what the many call “unwritten customs.” Indeed, what they name “ancestral laws” are nothing other than all such things as these. What is more, the argument that has been poured over us now, to the effect that one shouldn't ordain these in law, and yet also shouldn't leave them unmentioned, has been nobly put. For these are the bonds of every regime, linking all the things established in writing, and laid down, with the things that will be set forth in the future, exactly like ancestral and in every way ancient customs; if nobly established and made habitual, they provide a cloak of complete safety for the later written laws, but when they perversely stray from the noble they are like props of the walls of houses which buckle in the middle and cause the whole edifice to fall, one part under another, the parts that were later constructed in a fine way collapsing after the props themselves, the ancient things. have collapsed.[[72]](#endnote-73)

The unwritten law is perceived not only as a social establishment, but as universally and mysteriously effective, as in the case of the taboo on incest.[[73]](#endnote-74) This is the aspect of the unwritten law that makes it so attractive to the political architects who take part in Plato's dialogue and seek to draft laws for a new polity. The unwritten law works through the internalization of the prohibition. The proscription of an unwritten law is experienced as an inhibition, as an internal restraint rather than as external coercion. After briefly discussing the supremacy of the unwritten law, Plato offers a realistic compromise. While it would have been preferable to be governed solely by unwritten laws such as the incest taboo, human lusts are too strong and too numerous. Therefore, Plato proposes the second order of law – what cannot be forbidden, must be concealed:

The strength of the pleasures should, as much as possible, be deprived of gymnastic exercise by using other exercises to turn its flow and growth elsewhere in the body. This would be the case if the indulgence in sexual things never occurred without a sense of awe. For if shame made their indulgence rare, the infrequency would weaken the sway over them of

this mistress. So let it be the custom laid down in habit and unwritten law, that among them it is noble to engage in these activities if one escapes notice, but shameful if one doesn't escape notice-though they are not to abstain entirely. Thus our law would come to possess a second-rank standard of the shameful and the noble, a second-rank correctness...[[74]](#endnote-75)

The unwritten law, as it is delineated in Plato's dialog, thus has two overlapping dimensions: in the most fundamental sense, the unwritten law is the system of boundaries, tangible yet indefinable, between the decent and the obscene. As a marker of the elusive limit of what can be expressed, the unwritten law is at the same time the limit between that which can be made public, that which can be given stable linguistic expression, and that which can only be vaguely felt, or implied. Thus, as something that cannot be formulated, the unwritten law itself contains an element of the obscene.

The “second-rank standard” that Plato describes is an arch-law, also unwritten, that establishes which rules are truly binding, and which rules can be broken in private. As such, it gives the very distinction between the obscene and the decent a whiff of the obscene. The concealment of the obscene designates the decent public space as a space of pretense, and culture as hypocrisy. Formulated in these terms, decency itself becomes an obscene act, a cynical harnessing of shame as a tool of mutual social monitoring.[[75]](#endnote-76)

The picture painted by Plato might be cynical, but it offers a rather convincing criterion for social cohesion, which is often omitted from the discussion. This is the knowledge we lack, and which marks us as strangers in a society that isn’t our own. To “pass” in the sociological sense, to be viewed as one who belongs, requires knowledge not only of the explicit rules, but, more importantly, of which rules can be broken under the cover of silence.[[76]](#endnote-77) Social intimacy is, perhaps increasingly, a matter of complicity in the violation of rules.

The deep ambivalence regarding the social order becomes somewhat clearer when we place the emphasis on its tacit nature and the implications of that nature. The social deal was not made by contract, but by a wink. When we wink, the gesture is the message. In the wink, the message is always, beyond all concrete context, the wink itself; the message is “we understand each other in silence, without words.” That is, we understand each other somewhat like thieves, at the expense of some imagined other who is not in on the secret. However, this “conspiring” is simultaneously the establishment of what Freud would call “the ego ideal,” that civilizing authority whose love we seek and before whom we are ashamed, the same authority from which we seek to conceal our failings.

The justifiable hostility evoked by hypocrisy regarding the rules of decency, at least partially explains the reason why political figures like Trump are so attractive. For many voters, the only choice at hand is, to borrow Sarah Palin’s expression, between a pig with lipstick on – i.e. the representatives of the liberal establishment – and a real pig who does not try to hide his piggishness.[[77]](#endnote-78) But the truly horrifying aspect of the current political moment is the way in which the desire to remove masks and libidinal liberty are coupled with their antitheses: powerlessness and a determination not to know.

In his essay about group mind, Freud makes an enlightening remark. Not only are the members of the group themselves not released from inhibitions, their inhibitions are in fact what make them a group.[[78]](#endnote-79) "The crowd, in contrast to its common reputation, is not deprived of restraint; on the contrary, it becomes a crowd because of its collective inhibitions. Only the leader is free of restraint; the crowd is only following his commands. We will recall that Freud sees the group as the reincarnation of the prehistoric “primal horde”, that is to say, the early structure of society. The paradox of our era is that this deep underlying reality, the primal structure of control, becomes invisible precisely because it is no longer underlying – it is out in the open for all to see and as such, everyone looks past it. The changes that have taken places in the media, in the lines demarcating the private and public spaces, in the boundaries between the legitimate and the obscene, have brought this foundational element to the surface: the “liberation” brought about by the transgressive leader is in fact testimony of ongoing subjugation. The formula is: “the more we are prohibited, the more he is allowed.”[[79]](#endnote-80)

The Greeks had a saying: “The law is not written for the King or the jester.”[[80]](#endnote-81) That the law is not written for the King is a widely discussed subject in 20th century political theory. The paradoxical status of sovereign power as having the legal authority to suspend the law,[[81]](#endnote-82) reveals the problematic link, in the law, between justice and violence. If we follow this thought to its conclusion, the fundamental justification of the law, which puts an end to arbitrary violence sometimes associated with nature, turns out to be the justification of boundless violence, a continuation of violence by other, far-reaching means.[[82]](#endnote-83) However, the part of the saying which stipulates that the law is not written for the jester points us in another direction, that of daily social life, a space where a rule violation is met with ridicule and laughter rather than organized coercion, and as such directly touches on social “nature.”[[83]](#endnote-84)

The attempt to understand the circumstances necessary for the rise of the clown-king, the leader who rules by virtue of his power to violate basic, unwritten social rules, requires a terminological distinction between two conceptions of the law – the social and the political – and the tracing of their historical pathways, as well as the points where the two meet and intersect. In the meantime, however, it is worthwhile to turn our attention one last time to Zito’s statement: “It’s a familiar split. When he makes claims like this, the press takes him literally, but not seriously; his supporters take him seriously, but not literally.” There is no doubt that the elitist scorn showered upon leaders of the new kind plays a part in sustaining their power. It may be difficult to respect this clown, but we must nevertheless take him – and most importantly the circumstances that have made him possible – seriously.

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1. To borrow the terms of Ernst Kantorowicz’s classic essay, the king’s “attire” is that which distinguishes between his “natural” or mortal body and his immortal body, the body politic which represents the continuity of the nation. The king’s insignia – his “ring, tiara, and purple” – are material objects that signify the transformation of a pretender to the throne into a king, and their removal, conversely, strips him of the king’s dignity and authority, the consequences of which are often dreadful. See Ernst Kantorowic, *The Kings Two Bodies: A Study in Medieval Political Theology* (New Jersey: Princeton University Press, 1956), 35-6. [↑](#endnote-ref-2)
2. Althusser Overdetermination [↑](#endnote-ref-3)
3. The term “populism” is of course notoriously ambiguous. See Margaret Canovan, *Populism* (New York: Harcourt, 1981). For a thorough overview of the different approaches and definitions of the term, see Danny Filk, “Populism”, in *Mafteah* 13 (2018, Hebrew), page range. [↑](#endnote-ref-4)
4. Chantal Mouffe, *The Democratic Paradox* (London-New York: Verso, 2000), 2-3. [↑](#endnote-ref-5)
5. Yascha Mounk, *The People vs. Democracy: Why our Freedom is in Danger and How to Save It*, (Cambridge-London: Harvard University Press, 2018), 44–147. [↑](#endnote-ref-6)
6. Lately, Orbán has also started employing the term “Christian democracy”. One cannot help but note the dubious honor Israel can claim in being the first to adopt a regime in which democracy is bundled together with a religious-ethnic identity, the main purpose of which is the disenfranchisement of large segments of the country’s population. [↑](#endnote-ref-7)
7. Jacob Talmon, *Totalitarian Democracy* (Tel-Avit: Dvir, 1956, Hebrew). [↑](#endnote-ref-8)
8. David Runciman, *How Democracy Ends*, (London: Profile Book, 2018), 16–24, 53. [↑](#endnote-ref-9)
9. Slavoj Žizek, *Like a Thief in Broad Daylight: Power in the Era of Post-Humanity* (London: Penguin, 2018), 90. [↑](#endnote-ref-10)
10. Missing reference. [↑](#endnote-ref-11)
11. Jacques Rancière, *Disagreement: Politics and Philosophy*, trans. Julie Rose (Minneapolis and London: University of Minnesota Press, 1999), 8–9. [↑](#endnote-ref-12)
12. Etienne Balibar, *Masses, Classes, Ideas: Studies on Politics and Philosophy Before and After Marx*, trans. James Swenson (New York and London: Routledge, 1994). [↑](#endnote-ref-13)
13. G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H.B Nisbet (Cambridge: Cambridge University Press, 1991), 266–267. [↑](#endnote-ref-14)
14. Frank Ruda, *Hegel’s Rabble: An Investigation into Hegel’s Philosophy of Right* (New York: Continuum, 2011). [↑](#endnote-ref-15)
15. Giorgio Agamben, “People,” trans. Miron Rappaport, in *Mafteah* 8 (2014, Hebrew), page. [↑](#endnote-ref-16)
16. The formative distinction, in Agamben's philosophy, the distinction law forces upon nature, is formulated in terms of the distinction between the written law and the unwritten law. Thus, for Aristotle, nature is the space of unwritten law, while society is the space where the law splits into written and unwritten law. Unwritten law is the way by which that which is outside the law is preserved at the heart of the social order. [↑](#endnote-ref-17)
17. Jacques Lacan, *On Feminine Sexuality, the Limits of Love and Knowledge, Book XX: Encore 1972–1973*, ed. Jacques-Alain Miller, trans. Bruce Fink (London, New York: W. W. Norton & Company, 1998), 59. Lacan uses this phrase – “what doesn’t stop not being written” – to describe the order of the real. Whereas the phallus, in the 20th century stopped not being written, that is to say, it transitioned from the impossible to the possible, sexual relations, in Lacan’s opinion, continued to not be written. It is no wonder that the effort to write down, to define sexual relations with formulas and laws, is one of the distinct preoccupations of the present moment. [↑](#endnote-ref-18)
18. See for example Siegmund Freud, *Civilization and its Discontents*, trans. James Strachey (The Standard Edition, London, New York: W. W. Norton & Company, 1989). [↑](#endnote-ref-19)
19. Friedrich Nietzsche, *On the Genealogy of Morality,* ed. Keith Ansell-Pearson, trans. Carol Diethe (Cambridge: Cambridge University Press, 2006). [↑](#endnote-ref-20)
20. Norbert Elias, *The Civilizing Process*. Trans. Edmund Jephcott. (Oxford:Blackwell publishing, 1994). [↑](#endnote-ref-21)
21. For example, in Hobbes's influential writings, the need for sovereign power emerges from the potentially destructive perversion of human desire. Contrary to common notion, Hobbes does not assume the natural state as a starting point, but infers it from his observations of human nature, that is to say, the particularity of man in relation to nature. Humans crave power – a means to achieve goals, rather than a specific goal. This dimension makes human desire infinite and, therefore, unlimitedly competitive, antisocial and dangerous to others. This is why the social fabric is a potential "war of all against all" that must be restrained by appealing to a power that is external and above all competition, the sovereign power. See Thomas Hobbes, *Leviathan*, ed. J. C. A. Gaskin (Oxford: Oxford University Press, 1998), 82–106. [↑](#endnote-ref-22)
22. Michel Foucault, *The History of Sexuality, Vol. 1: The Will to Knowledge*, trans. Robert Hurley (New York: Pantheon Books, 1978), 47. [↑](#endnote-ref-23)
23. In her book *What is Sex?* Alenka Zupancic conducts a close examination of the strange ontological status of sexuality in psychoanalysis. See Alenka Zupancic, *What is Sex*? (Cambridge, MA and London: MIT Press, 2017). [↑](#endnote-ref-24)
24. Max Weber, *On Charisma and Institution Building: Selected Papers by Max Weber*, ed. S. N. Eisenstadt (Chicago: University of Chicago Press, 1968), 20. [↑](#endnote-ref-25)
25. Reference? [↑](#endnote-ref-26)
26. The centrality of unwritten law also emerges from Levitsky and Ziblet's analysis. The real check on political power, they show, lies not in constitutional regulations, but in unwritten rules. What prevented Roosevelt from increasing the number of Supreme Court judges and filling them with his people was bipartisan resistance to the reform on the grounds of normativity. See Steven Levitsky and Daniel Ziblatt, *How Democracies Die*, (New York: Crown Publishing, 2018), 219–267. [↑](#endnote-ref-27)
27. Peter Sloterdijk, *Critique of Cynical Reason*, trans. Michael Eldred (Minneapolis and London: University of Minnesota Press, 1988), 5. [↑](#endnote-ref-28)
28. Being disillusioned is the singular way in which modern humanity deludes itself. Robert Pfaller, *On the Pleasure Principle in Culture: Illusions Without Owners*, trans. Lisa Rosenblatt (London and New York: Verso, 2014). [↑](#endnote-ref-29)
29. Weber, *Charisma,* 25. [↑](#endnote-ref-30)
30. Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* , ed. John B. Thompson, (Cambridge, MA: MIT Press, 1986), 181–272. [↑](#endnote-ref-31)
31. Žizek, *Like a Thief in Broad Daylight,* 90. [↑](#endnote-ref-32)
32. Octave Mannoni, “I Know Well, But All the Same”, in *Perversion and The Social Link*, (Durham, NC: Duke University Press, 2003), 68–92. [↑](#endnote-ref-33)
33. Michael Polanyi*, The Tacit Dimension* (Chicago: Chicago University Press, 1966). [↑](#endnote-ref-34)
34. Aristotle, for instance, sometimes identifies unwritten law with universal morality, other times with custom or tradition.[reference?] Friedrich Hayek identifies a possible common denominator between these conflicting viewpoints by employing the term “spontaneous order.” Unlike laws put in place by legislators, social life is rooted in a kind of “vegetable” or spontaneous order, one whose rules inherently cannot be formulated. Such order, according to Hayek can be found in nature (in minerals for example) but also in the societal and economic spheres. [reference?] [↑](#endnote-ref-35)
35. Hans Kelsen, *Pure Theory of Law,* trans. Max Knight (Clark, NJ: The Lawbooks Exchange, 2009). [↑](#endnote-ref-36)
36. Weber, *Charisma,* 16–17. [↑](#endnote-ref-37)
37. Being and Time [full refrence?] [↑](#endnote-ref-38)
38. Adam Kotsko, *Awkwardness* (Winchester, UK: Zero Books, 2010). [↑](#endnote-ref-39)
39. See Župančič [full reference?] [↑](#endnote-ref-40)
40. Walter Benjamin, *Critique of Power* [full reference?] [↑](#endnote-ref-41)
41. Weber, *Charisma,* 23–24. [↑](#endnote-ref-42)
42. “It is also written in your law, that the testimony of two men is true. I am one that bear witness of myself, and the Father that sent me beareth witness of me” (John 8:17–18). See also Matthew 5:17-44. [↑](#endnote-ref-43)
43. Weber explicitly declares the legal historian Rudolph Sohm as the main source behind his concept of charisma. Sohm, in turn, develops the concept in his book about church law, a paradoxical term in his view. The law is an earthly institution, while the church is a social organization based directly on divine grace. The distinction between the written law and its enforcement mechanism, and church “law” is most problematic if we were to confer complete autonomy on either of these spheres. See Yuval Kremnitzer, “Neither\Nor: Moses Mendelssohn's Political Theology as a Response to Nihilism” (unpublished manuscript, year?). [↑](#endnote-ref-44)
44. Michael Stolleis, “The Legitimation of Law through God, Tradition, Will, Nature and Constitution,” in *Natural Laws and Laws of Nature in Early Modern Europe: Jurisprudence, Theology, Moral and Natural Philosophy*, ed. Lorraine Daston and Michael Stolleis (Burlington, VT: Ashgate, 2008), page range. [↑](#endnote-ref-45)
45. Étienne Balibar sees the equivalence of freedom and equality as the deep philosophical principle of the French revolution. From this point of view an opposition established between freedom and equality is a profound ideological distortion that must be overcome. [reference? There is one Balibar book mentioned in the endnotes and another one in the bibliography…] [↑](#endnote-ref-46)
46. Elias Caneti, *Crowds and Power*, trans. Carol Stewart (New York: Continuum, 1978), 15–16. [↑](#endnote-ref-47)
47. Ibid, 16–17. [↑](#endnote-ref-48)
48. Sigmund Freud, *On Group Psychology and the Analysis of the Ego*, trans. James Strachey (London: Hogarth Press, 1949), 26. [↑](#endnote-ref-49)
49. Sigmund Freud, *Totem and Taboo*, trans. James Strachey (London and New York: Routledge, 2001). [↑](#endnote-ref-50)
50. Sigmund Freud, *On Group Psychology*, 102. [↑](#endnote-ref-51)
51. Ibid., 99–100. [↑](#endnote-ref-52)
52. Ibid., 45–46. [↑](#endnote-ref-53)
53. “If we survey the life of an individual man of to-day, bearing in mind the mutually complementary accounts of group psychology given by the authorities, we may lose the courage, in face of the complications that are revealed, to attempt a comprehensive exposition. Each individual is a component part of numerous groups, he is bound by ties of identification in many directions, and he has built up his ego ideal upon the most various models. Each individual therefore has a share in numerous group minds—those of his race, of his class, of his creed, of his nationality, etc.—and he can also raise himself above them to the extent of having a scrap of independence and originality. Such stable and lasting group formations, with their uniform and constant effects, are less striking to an observer than the rapidly formed and transient groups from which Le Bon has made his brilliant psychological character sketch of the group mind. And it is just in these noisy ephemeral groups, which are as it were superimposed upon the others, that we are met by the prodigy of the complete, even though only temporary, disappearance of exactly what we have recognized as individual acquirements. We have interpreted this prodigy as meaning that the individual gives up his ego ideal and substitutes for it the group ideal as embodied in the leader. And we must add by way of correction that the prodigy is not equally great in every case. In many individuals the separation between the ego and the ego ideal is not very far advanced; the two still coincide readily; the ego has often preserved its earlier self-complacency. The selection of the leader is very much facilitated by this circumstance. He need only possess the typical qualities of the individuals concerned in a particularly clearly marked and pure form, and need only give an impression of greater force and of more freedom of libido; and in that case the need for a strong chief will often meet him half-way and invest him with a predominance to which he would otherwise perhaps have had no claim.” Ibid., 101–102. [↑](#endnote-ref-54)
54. Noam Yoran, “Television,” in *Mafteah* 8 (2014), p. ? [the original reference was wrong - this is not freud. provide page for citation] [↑](#endnote-ref-55)
55. The status of a rumor is that what, for the Greeks, gave the unwritten law its divine status. Of course, the rumor status of the Internet must be understood in terms of the technology-mediated “secondary orality” coined by Walter Ong. Nevertheless, Herder's insight into the difference between the various modes of addressing the covert, derived from the emphasis on one sense over others, is still valid for the distinction between modern media, though not necessarily in the direct manner that Marshal McLuhan attributes to the sensory medium. Vision creates a buffer and distance between the viewer and the world, while hearing engages the listener within the space of meaning. See Jonathan Gottfried Herder, *Sculpture: Some Observations on Shape and Form from Pygmalion’s Creative Dream*, trans. Jason Gaiger (Chicago: University of Chicago Press, 2002); Walter Ong, *Rhetoric, Romance and technology: Studies in The Interaction of Expression and Culture* (Ithaca NY: Cornell University Press, 1971); Marshal McLuhan, Laws of Media [full reference? Not in bibliography]. [↑](#endnote-ref-56)
56. Mladen Dolar, Rumor Indigo [full reference]. [↑](#endnote-ref-57)
57. This second-order erosion may account for the "disinhibition effect" coined by John Suler to describe how, paradoxically, online communication imposes disinhibition, which is not perceived as a release of the self but as a violation of its integrity. In complete contrast to Canetti's depiction of the masses as liberating us from our differences, on the Internet it is precisely the things that isolate us and separate us from others, which become primers for disinhibition: anonymity, invisibility, lack of eye contact, the lack of simultaneity, these are the factors that enable us to feel liberated online. However, it is a strange kind of disinhibition, not experienced as such, but as the creation of a separate persona. That is, in contrast to the common image of latent urges hidden behind a public mask, the mask on the Internet is informed directly by primal urges and free of inhibition. The Internet is the contrast of the world as defined by Arendt: it separates by connecting. Connecting to the network also makes social connection an isolated element. Precisely because there is no partition between them, public space becomes completely primal and devoid of inhibition, and private space becomes entirely made up of inhibitions. [references?] [↑](#endnote-ref-58)
58. Salena Zito, “Taking Trump Seriously, Not Literally,” *The Atlantic*, 23 September 2016, <https://www.theatlantic.com/politics/archive/2016/09/trump-makes-his-case-in-pittsburgh/501335/>. [↑](#endnote-ref-59)
59. Boris Groys, *Under Suspicion: Phenomenology of the Media*, trans. Carsten Strathausen (New York: Columbia University Press, 2012), 12. [↑](#endnote-ref-60)
60. Ibid., 55. [↑](#endnote-ref-61)
61. Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, ed. John B. Thompson (Cambridge, MA: The MIT Press, 1986), 188. [↑](#endnote-ref-62)
62. Slavoj Žizek. *For They Know Not What They Do: Enjoyment as a Political Factor*, (New York: Verso, 1991), 267. [↑](#endnote-ref-63)
63. Claude Lefort, *The Political Forms of Modern Society*, 254. [↑](#endnote-ref-64)
64. Ibid., 258. [↑](#endnote-ref-65)
65. Reference? [↑](#endnote-ref-66)
66. Jean Baudrillard, *The Ecstasy of Communication*, trans. Bernard Schutze and Caroline Schutze (Cambridge, MA: MIT Press, 1988), 22. [↑](#endnote-ref-67)
67. Angela Nagle, *Kill All Normies: The Online Culture Wars from Tumblr and 4chan to the Alt-right and Trump* (Winchester, UK and Washington, USA: Zero Books, 2007), page? [↑](#endnote-ref-68)
68. Ibid., page? [↑](#endnote-ref-69)
69. The currently emerging model for regulating sexual relations in progressive circles is the introduction of detailed and explicit negotiations for every sexual act, borrowed, not coincidentally, from the practices employed by BDSM communities. Sadomasochistic sex earns its label as perversion not because of any moral condemnation that used to be attached to this term, but precisely because of its performative dimension – the transference into the field of performance of the elusive borderline between what is allowed and what is forbidden. The rule appears as the limit of pleasure which must be located, thus it becomes important to negotiate the “rules of the game” in order to prevent unwanted injuries to body and mind. Nowadays, it is “normal” intercourse – i.e. intercourse that does not involve the same principle of playing with the threshold between pain and pleasure – that is increasingly perceived as a danger zone that needs to be regulated. This is another sense in which the relation between the “normal” and the “perverse” is far more complex than it may seem at first glance: the attempt to regulate sexual relations is what imbues them with the dimension, though not necessarily the pleasure, of perversion. [↑](#endnote-ref-70)
70. Remi Brague, *The Law of God: The Philosophical History of an Idea*, trans. Lydia G. Cochrane (Chicago: Chicago University press, 2008). [↑](#endnote-ref-71)
71. Similarly to rumor, the unwritten law’s position is not only lower than knowledge (episteme), but even lower than opinion (doxa), which were indistinguishable in early philosophy, and like rumor, its source is absent. The disturbing power of the rumor lies in the fact that there is no need to believe it in order to take part in its dissemination. “I don't know, but I've heard,” is the phrasing that usually accompanies the transmission on a rumor. Even agnosticism is not a requirement: outright rejection of the content doesn't hurt its status as a rumor either (“I'm sure it’s not true, but they say…”). The epistemic weakness of the rumor is the secret of its power. Just as the effectiveness of the rumor does not depend on the ability to verify or refute it, so the unwritten law does not depend on enforcement. See Brague, *The Law of God* and Mladen [abbreviated reference]. [↑](#endnote-ref-72)
72. Plato, *The Laws of Plato*, trans. and ed. Thomas L. Pangle (Chicago: University of Chicago Press, 1988), 181. [↑](#endnote-ref-73)
73. Ibid., 229. This is also one of the contexts in which Freud refers to the concept of unwritten law, see *Totem and taboo*. As a rule, the term appears in Freud’s “religious” writings on the subjects of ritual and compulsive repetition, as well as the figure of Moses. Page numbers? [↑](#endnote-ref-74)
74. Ibid., 232–233. [↑](#endnote-ref-75)
75. At this point in the dialog we come to understand the rationale behind the Athenian’s puzzling opening gambit: a philosophical defense of the Athenian custom, ubiquitously considered obscene, of getting drunk in public. [↑](#endnote-ref-76)
76. Žizek. [book? Pages?] [↑](#endnote-ref-77)
77. For more on political hypocrisy see Judith Shklar, *Ordinary Vices* (Cambridge, MA: Belknap Press, 1985); David Runciman, *Political Hypocrisy: The Mask of Power from Hobbes to Orwell and Beyond* (Princeton, NJ: Princeton University Press, 2008). On the “noble lie” see Leo Strauss [reference]. [↑](#endnote-ref-78)
78. Freud, *Group Psychology*, 91–92. [↑](#endnote-ref-79)
79. Angela Nagle, *Kill all Normies,* page number. [↑](#endnote-ref-80)
80. Reference [↑](#endnote-ref-81)
81. Reference [the references in this part in the original are all jumbled up] [↑](#endnote-ref-82)
82. Benjamin, *Critique of Power*. [↑](#endnote-ref-83)
83. Henri Bergson, *Laughter*, trans. Cloudesley Brereton and Fred Rothwell (Mineola, NY: Dover Publications, 2005). Bergson argued that the societal function of laughter is the prevention of “over-legislation,” of the mechanical formalization of human life. [↑](#endnote-ref-84)