Reveries of the Bureau Man

By Florent Boucharel

1

Social Optimum. The person satisfied with his lot ought to be placed in a lower condition, because he might be as satisfied in that lower condition as he currently is, and there are people who envy his current condition. Because of his case, it is likely that the overall equilibrium is suboptimal. Being unsatisfied, even unhappy, is a good omen; there only needs not go off the rails, because then one becomes useless.

Business Cycles. The cycle implies to do nothing against recession but at the same time, because the population is impacted, to make believe problems are addressed. This is the function of politicians. In the case of those "in command," the function can be best described as follows: *Dispose of in case of need*.

Make-Work. It is not because the economy needs our work that we are working. No, we are working because we wouldn't know what to make of our free time.

If it is idleness that corrupts (Voltaire), then one should ask whether the brightest child is not as idle in school as the worst dunce.

Reading a newspaper is relying on partial and partisan rhetoric; reading two newspapers is a waste of time.

What used to be called the servile class are now called entrepreneurs. The house cook now runs a restaurant, the footman has opened an electrical and plumbing business, the housemaid is a self-employed cleaning lady. These are the entrepreneurs. As to the economy, the *technostructure* handles it.

Nothing great in the world has ever been achieved without passion (Hegel). *A* grande passion *is the privilege of people who have nothing to do* (Oscar Wilde). – The real problem is not mass unemployment but mass employment.

Mankind owes everything to cynics. What a cynic was the man who invented the wheel, who thought walking was foolish when the others said it was a duty.

Definition. The organization man is an intermediate state between man and the machine.

When the organization man wants to save his soul from complete mechanization, he turns to politics and becomes a politician. He plays at elections, at personal power… This is why the man who remains an organization man all his life hates the politician, who puts something human, however primitive, in his own life. Of course he despises him at the same time because, whereas he, the organization man, has an aura derived from the fact that he represents the corporation ("I represent the corporation"), the politician has an aura derived form the fact that he seeks to represent or actually represents the people, and that for sure has a peculiar smell.

Below good and evil: the life of the organization man.

At a Parisian *café* a cup of coffee is expensive because it is served to you by a grumpy waiter.

The principle of least effort is at the core of the economy because it conditions productivity. However, the organization man has a hierarchical, even a feudal outlook; his objective is to be well seen. Hence a burst of efforts and energy as spectacular as it is worthless.

To sacrifice oneself in order to provide one's children with a better life than one's life (meaning to legitimate one's overwork) is as bright an idea as that of a life after death.

They say moral judgment relates to the act and not the person. However, women permit to some what they take offense at from others.

Man can take his pleasure with any woman (who does not disgust him). Why would he consult anything but his interest in the choice of a mate?

Taking his pleasure with any woman, man is a pig. Furthermore, all great minds agree to say that work prevents one from cultivating oneself and thinking. Thus modern man, as condemned to work, is a dog. I say he is a rat too, but this is merely a personal opinion.

It is so complicated to be a woman that if a woman told the whole truth, not one man would comprehend her consistency.

Women are superior to men, except in their tastes, because they love men. Whereas men have noble tastes that incline them towards superior objects.

Politicians are proof that cretins can go far in life and our societies cannot do without such a message of hope.

Zillions of euros are spent in advertising aimed at associating in the male consumer's mind this or that low-end product with success in courtship whereas everybody knows that, to succeed with women, one would rather earn more money than what allows to buy these cheap products.

What a person buys under the influence of mass advertising is what prevents him from distinguishing himself, when his goal is to distinguish himself. N.B. I'd say it pays the poor to distinguish himself from the poor surrounding him, in poor women's eyes, but it impairs the rich to distinguish himself, because then he's just an eccentric.

We sent people to the moon but we can't even make silent fridges. You just can't buy a fridge for an open-plan kitchen without making a no man's land of your living room due to the nuisance!

Mass culture is the engine of automatized consumption.

Oscar Wilde is like me, he can't believe in the authenticity of ordinary people's passions: "Most people are other people. Their thoughts are someone else's opinions, their lives a mimicry, their passions a quotation." When asked about their life by social scientists, people remember a film they liked and tell the story.

My ancestors must have owned slaves, because I hate to work.

Scholars tell you work is good in order to keep not working.

From Dr Blau, evolutionary psychologist: “Those who make sexual pursuits too conspicuous a goal of their life are considered base. I am not saying these people are base, only that they are considered base, including by me.”

Yellow Literature : The world has become French.

Rechtschreibreform. These last years the Germans have invented a few linguistic niceties, such as *Schifffahrt*, *Rollladen*, *Stoppppreis*, *Schwimmmeister*, etc, and they are serious about it, they really mean to write like that. Once, Schopenhauer said « *Jeder Wohlgesinnte und Einsichtige ergreife also mit mir Partei für die deutsche Sprache gegen die deutsche Dummheit.* » (« I call every good-meaning and reasonable man to take side with me for German language against German stupidity. ») As we see, it is now too late! Who cares about Germans and Germany anyway?

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A Message To Our Extraterrestrial Neighbors

So far the message sent into space with Pioneer 10 in 1972 has remained unanswered. Let me suggest the sending of a more accurate message, based on the latest developments of the universal smileys language, as follows:

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which meaning is, obviously:

We Happy Human Species Yet Longing For Eternity
Life Expectancy Eighty Or So – Far From Eternal Life
Welcome And Let Us Search For The Way Together Take Care

2

Amazing. Leading into a maze.

Under-stand. See what is under.

Woful = woeful, woe + ful => woman, woeman (wretched man, the wretched one, the wretched sex)

In managerial economies like ours, high remuneration tends to accrue to positions held in depersonalizing organizations (cf *The Organization Man* by W. H. Whyte). It is therefore surprising that few intelligent people, if the concept of meritocracy is accurate, face a *motivation obstacle* preventing them from sacrificing personality to remuneration.

The concept of meritocracy ought to be further reviewed. For one thing, it may not be true that a degree is a sure sign of intelligence, insofar as we are now seeing women widely outperforming men in academic achievements while IQ testing does not predict it. – All in all, those who take in earnest the *Pygmalion effect* (the influence of expectations on performance) are implicitly rejecting the concept of meritocracy as they claim school results depend on third parties' expectations rather than IQ. – Which, by the way, makes John Stuart Mill's idea of granting plural voting to intelligent people *as deduced from education* – '*The distinction in favour of education, right in itself, is further and strongly recommended by its preserving the educated from the class legislation of the uneducated*' (*Considerations on Representative Government*) – nonsensical. Do the Millists of our days, then, advocate weighting votes according to IQ?

'A machine-like footman.' (*The Case-Book of Sherlock Holmes*) 'Tis how a footman ought to be. Anything beyond machine-likeness would be obtrusive.

It is not being misanthropic to prefer being served by machines. Do not let the condition of our *present* feudal society think of yourself as a misanthrope.

Drop man from service. The habit of dealing with humans for purely monetary-functional transactions erodes our humaneness.

In terms of service Chinese dealers are closest to the perfection of the machine. This is why I patronize their businesses.

Amusement and recreation are necessary to relax from work. They are not *leisure*, which is an end in itself.

In Thomas More's *Utopia*, the workday lasts six hours. But everybody works. Whereas, for Thomas Aquinas, the surplus of work (above, say, six hours) for some allows others to live a contemplative life (*vita contemplativa*), in other words a *leisure life* (cf Sebastian de Grazia, *Of Time, Work, and Leisure*, 1962). It is this very notion of leisure life that has vanished from Western conscience, which disappearance makes the idea of the slavery of machines for the sake of living a leisure life sound quite… utopian.

Time-starved and as good as dead.

In our society many a man has no place intended to him as a man – only as manpower.

London subway, Dec. 24, 2014. A prerecorded female voice tells you to '*alight here for the museums.*' But all museums are closed Dec. 24, 25, & 26 each year – you know why.

According to Marshall McLuhan, colonization has detribalized Africa through the introduction of the written medium. According to Cheikh Anta Diop, colonization has retribalized Africa, where great unified empires existed.

Old-fashioned vs mass-fashioned.

The great man's mistakes are closer to the truth than the little man's exactitude.

The craving for dignity, in a deterministic world, leads to absurd work ethics – to an unproductive show of make-feel-worthy.

On a plane with x-axis capacity and y-axis wealth I say we shall find a bell-shaped curve, because mediocre individuals are capacious enough to unite against the highly capacious and prevent them from competing. *Not allowed to compete!* (However, the main problem is motivation – motivation obstacles. Competition is time-consuming and its rewards unlikely to compensate great minds for the time lost away from enjoying the company of other great minds through books, and their own inner dialogue, thinking, contemplation, leisure.)

According to Kant, it does not take intelligence to know one's duty, i.e. the moral law, whereas it takes intelligence to thrive in the world, to be worldly wise. Kant thereby disqualifies this kind of self-serving smartness (*Klugheit*) as in no way noble and in no way central in mankind's calling. – As to Schopenhauer, he considers true intelligence as unselfish, as he posits a trade-off between *Wille* (will) and *Vorstellung* ('representation,' insight). The genius is detached from nature's pursuits, finding no higher enjoyment than his own insight at representing the world in his mind, that is, in his own genius.

Perverted into compliance.

What best characterizes the present age of information is that it's not an information age.

There must be something wrong with the so-called 'extraversion-dominance' dimension of psychology, as the organization man must be both extraverted/other-oriented and dependent/submissive in his life as a *hierarchical team worker*. Or it shows the dramatic extent of the strain the organization exerts on our nature.

Cities are no less pestilent than villages. Yet in cities one's relationships are limited to people one cares to see, whereas in villages one is expected to socialize with all other villagers; the pestilence of social life is thus transferred from interpersonal relationships to some holistic crowd effect, in which the injury comes from unknown passers-by. – In villages people know each other and gossip about each other. In cities people drop bad comments on passers-by. Same pestilence everywhere.

Most pets are castrated, sterilized by their owners. Remember we are a domesticated species. A self-domesticated species.

Ubiquitous mass media pornography is externalized *delectatio morosa*.

Assignment: Carry out big-data survey on scholars' writings in scientific journals compared to their published books in order to assess the extent of publishers and editors' intervention in the latter.

The specialized scientist's worldview is unbalanced. As his worldview manifests itself even in his work as a specialist, the specialist's work itself is unbalanced. The cold objectivity of facts and figures, so much flaunted by the specialists, is imbalance.

The specialist is an unbalanced man. His activity is *knowledge as toil*. Toil is what unbalances man's development. Leisure ensures the balanced development of man's faculties.

Morals has been replaced by priming, but the latter does not escape the objections addressed to the former, as scientists inevitably sneak priming in their writings.

In developing countries the role of the importune beggar is played by the street peddler.

'*All men are equal*': the legal axiom defies science. It is based on purely moral grounds and at the same time the recognizance of this moral axiom as the fundation of the civil compact has become or is becoming universal. Literally it only means that 'all men are equal before the law' but the qualification is immaterial for that the law should treat as equals people who are unequal according to nature is at defiance with nature. Where is the scientific evidence that 'all men are created equal'? By opposing the civil state to the state of nature, Hobbes stressed the necessary humbling of natural urges before the civil law for the maintenance of civil order and peace, which, in religious terms, compares to the humbling of the natural man before the law of God. As it imposes an absolute restraint on nature, the law may be called moral and any breach of compact is abhorrent to the moral law. The restraint is absolute in the sense that if one is free to contract with others in the way that best suits his own interest, he is not free to violate, in his interest, a contract. The latter is incompatible with civil order. A person caught in the act of breaking his word is not allowed any longer to pursue his interest until a sentence has been served.

If science primes us (psychologically) to indulge in tendencies that are being surmounted by progress, then science becomes an impediment to progress and will be left behind.

When work is through, status via work will be no option anymore.

What is the ultimate cause (vs proximate cause, i.e. sudden rush of air in the lungs or whatever) of human babies being the only species born crying?

In business they're always talking about having ideas, but the ideas they have in business are of the kind a thinker would be ashamed to have.

How to pronounce the word 'read' when reading it is at times impossible to know before the end of the sentence.

It seems that scientific marketing has been so efficient that only those who underwent some religious conditioning (in part inconsistent with mass marketing) are now capable of being critical toward the current state of society.

When I was young I was feeling a need for religious belief and I would see the scientist who lacked that need as a defective mind, same as I would see a man without sexual needs as unmanly.

I remember very well that when I used to be an avid reader of classic philosophy I couldn't shift to more recent material without being highly disappointed by their content, I mean by the thinking evidenced in it. No matter how noted the authors were, Ivy League professors and all, they couldn't rise any high in my estimation.

Google has decided they wanted to help you search things on the Web. So you start typing a name and their engine completes it, with the closest Hollywood star or soccer player, when you're looking for a biologist... Am I the only one to think this will reinforce *herd mentality*?

Mexican film *La sexorcista (Satánico Pandemonium)* (1975) by Gilberto Martínez Solares takes place in a convent during Mexican colonial times (there are still black slaves – some of them escaping from slavery into convents and monasteries, where they are hardly treated better– and there is plague in the country too). Although the title is a bit of a 'catcher,' the film, about a nun falling into sin and consequently becoming a serial murderer is subtle and profound. Once one devotes her life to God in the way a Catholic nun does, that is, relinquishing the most demanding urges of nature, the slightest slip can lead one astray and into the deepest regions of despair and madness via a terrifying logic. If she loses in the slightest the firmness of her faith or faith in her firmness, and realizes in what grave she has buried herself alive, she becomes demented – a demon. Yet the apparences can be preserved, including through murder, and the horrible irony of the film is that by accepting to live in utter deception of others the criminal nun is offered the highest honors, the leadership of her community, whereas the confession of her crimes would have brought her into the hands of the Inquisition and to death after atrocious abuses. It is made plain, however, that her reward will corrupt the whole community and beyond: under the guise of devotion and unbeknownst to them, the believers will be paying honor to Satan, into whose sheep they have been turned.

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"Israel does not suffer from rape"

About the fantastic claim that Israel does not suffer from rape made by Tobias Langdon, in his essay Fake Jews: Deceit and Double-Think in Britain's Hostile Elite, *May 2017)*: According to Tobias Langdon, as an *ethnostate* Israel's blessings include Israeli women's being spared from rape.

According to *A Natural History of Rape* (2000) by Randy Thornhill and Craig Palmer, rape is at least two different things, 1/rape by a sexual predator (his victims being unknown to him), 2/rape by a relative (including incest on children) or by a known person (date rape); and the second category (incest and date rape) is the commonest by far – very far. Yet rape by migrants is of the sexual-predator category.

(I also believe that the first category has always been more reported than the second one, and if it is found that a statistical increase in rape is due in part to more victims reporting, we will also find that this reporting concerns in large part family and/or date rapes.)

Rape, being a sensitive issue, comes handy for propaganda. Shock value of violent murders and rapes can cloud the reasoning and then one would swallow anything unsupported by statistics. And in anti-migrant internet literature one does not find statistics as much as shock-value cases.

As to the fantastic claim that 'ethnostate' Israel 'doesn't suffer from this crime' (rape) as she does not allow third-world immigration, it is preposterous, on three counts:

1/ The claim assumes that family and date rape does not exist in Israel.

2/ That there is no third-world immigration in Israel is not true, as Black Ethiopians and other third-world nationalities have immigrated to and settled in Israel. – To be sure, the numbers of Black people and third-world immigration in Israel may be considered negligible. But as Langdon notes, there are 20 percent non-Jewish Arabs with Israeli (however second-class) citizenship: hardly an ethnostate! Israel is not as 'sane' as Langdon likes to, perhaps craves to believe.

3/ & finally rape rates in Israel are said to be rather high. (There are problems with international rape statistics, however. For instance, in an article about 'Top 10 Countries With Maximum Rape Crime,' I can see no reason why Canada has 14 times [!] more sex assaults than similar, neighbor country USA.)

Langdon is, according to me, a case of delusional thinking about Israel, combined with an ingrained repulsion toward colored people – that same repulsion that led one of my Twitter contenders to make, in the heat of an exchange, the fantastically preposterous claim that all rapists in Israel are Blacks.

ii

Nor was ever the U.S. an ethnostate, as the economy of the South was based on slavery (on paper, however, it could be said it was, yes, as slaves were not citizens). Neither slavery America nor apartheid Israel are ethnostates. Both are exploitative caste states.

Of course, that ruthless exploitation could be a political aim is not considered appropriate today, except perhaps to the most unabashed supremacists. For all others, an unarticulated desire to enslave a whole class of people in order to make one's own life easier would translate as a perceived need, an actual anxiety to defend one's civilization – where there's nothing to defend but a heritage of exploitation and misery for the greater number.

It is because of the earnest possibility of such a collective desire for enslavement and exploitation that academia tends to reject IQ studies, as lesser IQs would be deemed a sufficient reason to enslave, say, the Blacks, however shocking this is to our moral sense. Liberals are often snubbed as moralists, but morality is no more to be dismissed from the fabric of man than are man's lower instincts.

If there exist statistics that demonstrate high crime rates of Black and other people of color, then I'd like to see them. What some are wont of doing on the internet is tweeting shocking cases of rape and murder, say once every week or two, when heinous crimes happen in the U.S. alone at the rate of dozens a day. So as these highly motivated militants can't bring more than such numbers of cases to my attention, then I say to myself, wait, I am deeply nauseated by these crimes, but what about the figures now? Again, if there are figures.

The figure I know is Black inmates in American prisons. There's no reason to suppose, like many liberals, that this high percentage is per se a proof of racism in American society rather than, say, the criminal nature of the Black man, as the opponents of those liberals would have it. Once this is being said, the greater part of these inmates have been sentenced for drugs and I think that changes everything because even if that might prove one of the Black man's natural tendencies, I wouldn't exclude that Blacks are being targeted on purpose by pushers having all the means of scientific marketing at their disposal, especially knowing that these inmates do work in prison, that is, are just like the slaves of old and the Black peons of the Jim Crow regime (where they were not allowed to diversify their crops, to take just one instance). This is a pattern.

3
Doha Dreamland

Travel notes from Doha, Qatar, August 27-30, 2017. Palms, sea, sand, the silvery evening light, and the best of contemporary architecture.

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Do you think you benefit from democracy as much as politicians do?

What's the point of boasting that censorship bureaus have been dismantled when one can be condemned by a court of law for what he or she writes?

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Msheireb Museums

i

Bin Jelmood House's Exhibit on Slavery

"***Modern slavery.*** *Qatar, like every nation, has long since abolished slavery. Yet we all continue to be faced with a global problem. Slavery not only continues in the present day but also may be a greater human problem than it has ever been. An estimated 27 million people are victims of modern slavery around the world and almost every country is involved. Most modern slavery takes the form of human trafficking.*'' (A United Nations definition of human trafficking follows.)

It turns out that 80 percent of contemporary slaves are sex workers – presumably most of them women. Asking where these sex slaves work, I think the answer is that the majority of them work in affluent Western countries. Western countries are where the greatest number of slaves are to be found.

The exhibit also says a word on the Islamic *kafala* system through which 'guest workers' are introduced in some Arab countries where they toil under conditions that human rights associations describe as slavery. In this respect Qatar has been specially targeted, in particular regarding the nation's use of South Asian workforce in the construction sector. The exhibit doesn't try to contest that kafala is a form of slavery nor to claim that there is no issue; it doesn't expatiate on the problem very much, however. Yet, as far as I know, and my reflection dates back to a French TV documentary I saw a couple of years ago about kafala in Qatar, there is no doubt in my mind that many beneficiaries of the kafala system are multinational Western companies that operate in Qatar. Yet the documentary of which I am talking failed to report on this. On the contrary, it stressed the case of *one* German company which CEO was taking steps to release the company's South Asian workforce from the kafala system, which reporting bias evidently led to the implicit conclusion that all Western companies operating in Qatar were opposing the practise in the same fashion. Nothing was said about other Western companies and I fail to see how, if those do not oppose kafala *actively*, they would not benefit from this form of slavery. And it is my understanding that a great deal of Western companies are making business in Qatar.

Circassian (white) as well as black slaves were numerous in the Gulf for ages.

ii

Mohammed Bin Jassim House

In a video a gentleman from Pakistan says when he first came to Doha 35 years ago there were no Qatari riyals, today's national currency – only Indian rupees.

A New Msheireb Development project under the patronage of the Emiress intends to make of this historical central area of Doha a model 'green,' i.e. ecological ; renewable-energy-friendly neighborhood. Today it has become a rather populous district crowded by South Asian migrants with their shops and businesses. I wonder whether these migrants will still be there once the area has been turned green and fashionable…

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After a short cruise on a derelict dhow†, I took a stroll on the Corniche but my mind was not at ease because I couldn't help wondering how on earth I would manage to cross the road (a densely trafficked two-way street) to the other side to get a taxi. I must have walked more than a kilometer before I met a pedestrian crossing, and as soon as I saw it I decided to stop my anxious stroll. The traffic lights turned green for cars as I arrived, and I must have waited something like ten minutes for the lights to turn red again – and yet they turned green again just as I engaged the second part of the crossing, so I had to trot behind a Somali-looking cyclist who wanted to cross the road at the pedestrian crossing and had turned on an alarm on his bike in case the car drivers would not notice him and would run over him (actually over us) as night was beginning to fall.

†For this dhow cruise I paid between 5 and 7 times the usual price because I had confused the service I would be offered with a half-day or full-day 'chartered tour' with dinner included, of which my information guide gave notice (*Marhaba*, autumn 2017, courtesy of Radisson Blu hotel). Confused in this way, I hardly bothered to haggle over the outrageous price (which for a chartered tour would have been unexpensive), actually I made a very unconvinced and ineffectual attempt at it (asking for a price much too close to the one uttered), and only on board the boat did I realize my mistake. I had probably also been impressed by the crowd of shabby South Asian boatmen who surrounded me as soon as I got off the taxi on the Corniche. Forgetting that they were competing entrepreneurs rather than a single-minded gang of tourist-exploiting thugs, I overlooked that one of them tried to make me understand I was going to pay too high a price by accepting the offer that the sly youngster had made me, when he said, after I asked for water, that there wasn't fresh water on the dhows for customers (so I'd better reconsider). I was invited to walk in the boat and I walked in, thus agreeing to the outrageous terms. They had no fresh water on board and had to ask some fellow boatmen on the other side of the bay for two bottles, which were proffered to me after about half the thirty-minute cruise. By the time the cruise ended, I had realized my mistake, as I said, and that what was supposed to be one of the cheapest attractions in Doha would be one of the most expensive for me (about 40 euros). When handing his riyals to the boy, I tried to be inconspicuous for I was seeing the other boatmen staring intently at the both of us. The boy took the banknotes and, overwhelmed by delight, started performing monkey shines, grotesquely palpating the notes as if to check their genuineness. I said 'good bye' as graciously as I could, as well as to a grey-haired boatman who seemed to be endowed with some authority and who politely answered with his own good bye, and I left the wharf. The boy was unable to repress a brief laugh behind my back, so happy he was, and for a moment I expected the whole of them to burst in prolonged, irrepressible

laughters at me and my foolishness. They did not and I feel grateful. Besides, I never perceived the slightest sign of agressiveness on the part of these amiable South Asians. I warmly recommend the dhow cruises in Doha.

*

Man walked on the moon and I walked in Doha. It comes as no surprise that the superposh new residential area called The Pearl Doha, built on an artificial island, advertises its property as being 'pedestrian-friendly.' An argument of weight, no doubt!

The Pearl Doha is the counterpart of The Palm Dubai, also on an artificial island and also a superposh residential area. I don't know which copied the other. The Pearl also boasts free wifi for all residents (through the national telecom company Ooredoo's 'Supernet').

To be precise it is the neighborhood which looks like a brand new Venice that is advertised as been 'pedestrian-friendly,' but I guess the other parts, like the one that replicates a Swiss Lakes canton, mustn't be too unfriendly either…

Pedestrian NASCAR dads.

The more cars in a country, the more pedestrian her culture.

No matter how many luxury cars it sports, the bourgeoisie is pedestrian.

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Mathaf Museum of Arab Modern Art

Going to a museum of modern art is an adventure, perhaps the ultimate urban adventure: ultraperipheral locations unknown to hotel staff and taxi drivers! I have experienced this recently in Prague, in Sharjah (going there in taxi from adjacent Dubai), and in Doha.

To go to Mathaf Museum, Doha, from Msheireb Museums, standing on the pavement I waved my hand to an official Karwa company's turquoise taxi, which stopped. I said I was going to Mathaf Museum and the driver, who, by the way, had one passenger already, told me to get in. Then he wanted me to confirm that I was going to the Museum of Islamic Art (MIA), which is the principal cultural institution in the city and, as I was to find out, about the only one known by hackmen and hotel staff. I said no, I was going to Mathaf Museum. After a few exchanges in which the other passenger, a South Asian gentleman like the driver, took an active part, watching at my map and giving instructions to the driver in a language that was neither English nor Arabic, the driver dropped his other passenger and started toward the peripheral area called Education City where Mathaf Museum is located.

I learned afterwards, from a limousine driver, that Karwa cabs normally don't go to such peripheral areas. Only because my Karwa driver first had thought I was going to the more central Museum of Islamic Art had he let me in his taxi, and I assume he, when informed of his mistake, did not dare to throw me out!

When we finally arrived at Mathaf Museum –and that took some time because he, and I, had to ask our way to wards and security guards at a few booths here and there in Education City– I learned that the shuttle bus I had expected would drive me back to downtown, did not operate that day (even though the Mathaf was open, as the shuttle is between Mathaf and MIA and the latter was closed that day, the shuttle did not operate either). I asked my Karwa taxi if

he could wait for me on the spot and tell me what he asks for the service, but I did not manage to convince him, and he left. So I made my visit to the museum concerned about how I would manage to come back from that remote and rather lonely place… Luckily I had the phone number of a limo driver, Mister Basheer, and in the end I was lucky enough to have him drive to the museum to pick me off in no time.

In parenthesis, it reminded me that, although Sharjah is no further than 15-20 minutes from Dubai, tourists in Dubai seem to ignore the many interesting museums to be found in Sharjah, as Dubai taxi and limo drivers don't know these museum's locations. Yet my limo driver there, Mister … (his name will come to me), turned out to be very helpful throughout.

In Prague, although one of the two museums for contemporary art I visited was located near a metro station, it was a very peripheral station, serving areas hardly conceived for pedestrian convenience. I had first taken a wrong exit and walked in a desolate industrial spot a dozen minutes, map in hand, before I realized the museum was on the other side of the metro station. Then I came back and took another exit on the opposite side, which led me straight to a… highway – a concrete desert stormed at intervals by zooming metal monsters. I was lucky enough to meet a young man who told me that that second exit was not the right one either for my destination and he was kind enough to accompany me to the museum and give me instructions on how to reach the station after my visit.

Mathaf Museum, although my visit was a little marred by the uncertainty I described, was worth the pain.

Contrary to Sharjah Art Museum, where I saw the painting *Sabra and Shatila* by Palestinian artist Bashir Sinwar, I found no Palestinian militant work in Mathaf Museum.

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When you travel to the Gulf, first the nationals' garments convey to you a sense of worth and dignity alien to Western streets. Then you turn on the TV and see their sitcoms…

Female characters in Gulf sitcoms are depicted in their houses as they are in reality in their houses, that is, unveiled. Does it make sense? You can't see your neighbor's hair (sometimes not even her face) but you can see a sitcom actress's hair! It's not okay to see your neighbor's hair in real life but it's okay on TV! Well, one could say it's the same as elsewhere: you don't see, unless by accident, your neighbor nude but you can watch programs with nudity…

More broadly, I guess that makes perfect sense if the veil (and what form of veil) is… a woman's choice.

Which reflections lead me to the following cultural anthropological questions: Who can see whom's hair or face? In what circumstances?

*

A young Christian once described to me I don't remember which annual meeting of Christian youth in France as a ''get-down spot'' (f*ckpad). Some acquaintances to whom I told it did not find that incongruous, while taking the testimony at face value. I wonder whether they would find it incongruous if someone described to them the Islamic hajj or pilgrimage to Mecca as a ''get-down spot''…

4
There's a Fatma For You in This World

To the Consumers' Association of Ireland

Dear Sir or Madam,

Supportive of consumer rights, I would like to call your attention to the topic of subliminal advertising, on which I have made some research.

The following case studies from my blog [with links] deal with very recent paper advertisements, many of them advertising multinationals' brands and designed for international marketing.

The subliminal techniques involved are akin to mental manipulation and likely to be detrimental to the consumer's choice. What is to be done to prevent consumers from being subjected to such deceptive manipulation? (March 29, 2015)

Answer:

> Dear Flor, [Although I signed my full name Florent Boucharel, she calls me Flor because my email is flor.boucharel[@]gmail.com]
>
> Thank you for your email. We would recommend that you contact the government body, the Competition and Consumer Protection Commission as they have the power to investigate companies. They can be contacted on [etc]
>
> Kind regards,
>
> Caroline.

My answer:

Dear Caroline,

Thank you for your reply. I don't think the law forbids embedding the word SEX in advertisement photographs, which, as far as I have been able to ascertain since my attention was called to the practice, is the case in almost every paper advertisement these days. Since the law says nothing, a government investigation is out of the question. I believe this is what they will tell me. I was seeing more a campaign of opinion, and that's why I reached out to your organization, in case you would find the matter relevant to consumer rights. (March 30)

& later (having no further news from Caroline)

In spite of your reply, I feel my mail has not received due consideration, especially since my blog statistics tells me you haven't even thrown a cursory glance on one or two of the cases I have provided.

You know, I am sure, of those people who hold positions of responsibility and, when contacted about attendant matters, ask: "Why are you talking to me? Do we know each other?" (April 1)

*

To International Consumer Research and Testing

Dear Sir or Madam,

Supportive of consumer rights and the important missions of consumers' organizations, I would like to ask what your position is on the topic of subliminal advertising, on which I have made some research.

The following case studies [with links to my blog] deal with recently published advertisements (March 2015), many of them advertising multinationals' brands and designed for global marketing. (April 4, 2015)

No answer.

Hello, is anybody in? Here's the taxpayer who pays you!

No answer.

For the sake of accuracy, your name ought to be ICRNT: *International Consumer Research and No Testes*.

*

Horror movie *The Exorcist*, about a Catholic priest fighting the Devil in the good old ways, uses subliminal techniques. Hence the many faints, nauseas, mental collapses necessitating psychiatric intervention among theater patrons when the film was released. Yet horror movies had been played on the screens for decades and none had had such impact on the viewers – simply because those films did not manipulate unconscious mind structures with subliminal techniques. As an example, the soundtrack for *The Exorcist* was embedded with the sound of humming bees at subliminal level, in order to trigger panic. It was an experiment in mind manipulation. (For more details on the subliminal elements in *The Exorcist*, read *Media Sexploitation*, 1976, by Wilson Bryan Key.)

*

To Hollaback!

In their own wods, 'Hollaback! is a global, people-powered movement to end harassment. We work together to ensure equal access to public spaces.'

Having seen on internet a video of yours in which a young woman is filmed by a hidden camera walking in Manhattan, it reminds me of a news report on the same topic and with the same technique I saw a few years ago on French TV, and of my own situation even though I'm a man.

I live in Paris where I do quite a lot of walking, not seldom by myself. My experience is that some people feel free to abuse verbally, in a sneaky way, lone persons in the street whose outward appearance they happen not to like.

I have conjectured that many people, walking alone in the street, resort to listening to music or to calling someone on their mobile phone in order primarily to prevent their being abused in such a way, or at least to escape noticing it.

Some vulgarized notions of psychology likely will evoke a paranoid state of mind. The very idea of paranoia, however, may well contribute to the spreading of sneaky verbal abuse. (As a matter of fact, the person abused may even be abused by being called a 'paranoiac' by his or her surreptitious abuser.) (April 2015)

No answer. (My point, as the reader understands, is that harassment in the street is not limited to female *victims. In my experience verbal abuse not seldom comes from women.)*

*

There was in the past of Christian Europe a mighty enemy in the East: the Ottoman Empire. A mighty colossus, it nearly obliterated Christianity on several occasions, as when its armies besieged Vienna twice. At the head of such powerful armies, numerous as the waves of the ocean, were the dreaded Janissaries, a slave brotherhood of Albanian origin. They were the gate-keepers of the Bab-i Ali. O what convulsions in the misty mountains of Albania when this people too vindicated its freedom!

*

There is that taylor in my neighborhood, M..kan, an Armenian. I brought him a pair of trousers not long ago. He told me that with such fabric these trousers would last me ten more years. Now they have a big hole in the bottom. You can't trust Armenians…

M..kan is the Devil. For one there's his accent. It took me some time to understand at last what he says when he's greeting me. He says "*Ça va, mon ami ?*" (Howdy, my friend?) and I was hearing something like "*Ça va, Mehmet Ali ?*" (Howdy, Mehmet Ali?) I thought he was mocking me in his nasty Armenian ways… He's a stutterer. He says "*Merci, mon-mon ami*" (Thanks, my-my friend) and I hear "*Merci, Mehmet Ali*'' like he's mocking me. Like the devil he is…

One day I needed to have my trousers enlarged at the waist. He said, "Okay but think about a diet, Mehmet Ali!" And he laughed. He's the Devil…

*

Russian émigrés were all with Hitler, especially after Operation Barbarossa and the onslaught against USSR. They had brought the Protocols of the Elders of Zion to Germany, they had brought them to the USA, even to Manchuria and Japan. There's even one book which claims they are the true inspiration of Hitler and the Nazi party. Grand-dukes and grand-duchesses were with Hitler. The heir to the Russian throne was with Hitler (and he was spied upon by the Gestapo at the same time). All the former White army was with Hitler and joined the Wehrmacht and Waffen-SS on the Eastern front. The popes were with Hitler. Czarists,

Solidarists, Fascists were with Hitler. Georgians and Tatars were with Hitler and they fought the Résistance in Corrèze where my grandparents were living their humble lives (my grandfather was once taken hostage). Caucasian Muslims were with Hitler, and Stalin made them pay the price after the war.

I spent years collecting thousands of names of people involved on the side of Nazism and Fascismfrom every country: Cossack White Army officers, Albanian gurus of mystic tariqas, French anarchists, Australian aborigines (true!), Afro-Americans, Indian nationalists, Indonesian nationalists, Khmer nationalists, Pu Yi the last emperor of China, Turkish Turanians, British aristocracy, the then King of Sweden and his son the present King of Sweden, Nobel Prize Knut Hamsun, the Muslim Brotherhood and Nasser of Egypt, the Shah of Iran *and* the future Ayatollah Khomeini, etc. etc. A long list.

*

Fragrances like attar of rose…

Vuelan azahares
jarabe de rosa beberé
almíbar de rosa saciará mi sed ardiente
miles de mirtos para tenderle arropes suaves
Encantadora es la rosa en el jardín de luna
Canta, bello ruiseñor, por la rosa que te llena de dulzura

*

In France the name Fatma was used as a common name to designate a North-African girl (as there are many migrants from North Africa in France). For example: "Did you see that fatma?" Then it designated any girl, whatever her background, for example: "Did you see that fatma?" And then it came to be abbreviated as "fat," for example: "Will there be *fats* at the party?" (*Il y aura des fatts à cette soirée ?*) At least that was so in my teens.

I distinctly remember occurrences when the word was used by my friends and myself (by the way we were all white, middle-class teenagers). For instance, during a summer vacation in Spain we used to call Spanish girls "*fats*" among us. And there's a joke. While we were in Spain, near Valencia, there were several days of feria with bulls, "*toros*." Several *toros* were involved and they had a leader, so to speak. One day, one of our group, talking about this leading bull, called him "*le taureau mère*," as we talk of a "*vaisseau mère*" (mother-ship) in a fleet of ships. But "mother-bull" was ridiculous, so we laughed and someone said: "You mean '*le taureau fatt*' (the fatma-bull)!"

But we didn't say fatma *to* girls, they would have beaten us up.

ii

Actually, Fatma was a derogatory name for women in France since the colonial period, because it was a common name among women in North Africa. That's why we still used the name in my teens, a couple of decades after decolonization, and we didn't know why. I thought it was because of migrants. The recent watching of old French movies gave me the clue.

5
3 Poems to O. (2014)

You didn't tell me you'd take my heart away.

You didn't tell me you'd always be in my dreams, at the cost of a life. But what is a life worth comparing with such dreams?

You didn't tell me that, because of my memories of you, I'd be like a madman always by my thoughts. But what worth is soundness of mind compared to such lunacy?

You didn't tell me my memories of you would be more real to me than reality. But what is reality worth, you tell me, in the shadow of one memory like these?

You didn't tell me there would be no more seasons but the summer of your smile.

You didn't tell me there would be a never-ending day from the day on when you said: One plus one makes one. Did you say so, by the way, or is it my imagination?

You didn't tell me you'd break my heart in two so that one plus nothing makes a funny two: a crazy man.

You didn't tell me one is not just one but also the one and only, so this one can't be counted like any other one because in a way this one is a bit too much – especially being away.

You didn't tell me I'd have to know the effect of spending some time by your side and then (as a punishment for what crime?) I'd have to know the effect of spending my whole life and perhaps even an eternity without you.

You didn't tell me it wasn't just two people in a given place at a given time, but two people one of whom would be forever out of space and time.

You didn't tell me that was just a serious game so that not only would I lose my bid but also I would lose my mind.

You didn't tell me I was to be there with you for a few days and then you wouldn't be by my side until the end of time. Yet that's not too high a price because there can be no such thing as too high a price for what I'm talking about.

You didn't tell me you'd make a fool of me and I would be glad. Had you told me, I wouldn't have believed you, for I was a fool. Born to be a fool: that's what you should have told me.

You didn't tell me…

*

Yes but…

Yes but it's only a dream.
–Yes but this is only a life.

Yes but what's more precious than life?
–Yes but it's made precious from dreams.

*

Tears

If I could see your eyes
Then you would see
The moonlight on the sea
(Your eyes the moon
My tears the see)

6
Feyspook Anthology

First thing first, retweet if you think that Mister Cocaine-Mountain ought to be jailed for appropriating the Global Village.

*

Yesterday I was told the following by an acquaintance:

"X. talked to me about one of my female friends, telling me he objected very strongly to my having made friends with her, given her ideas.

Why bother? I said. I take no heed of my female friends' ideas. It's just a pity they have any.

– Still, she has some, he added after a moment.

– She will change her ideas before you change your spectacles.

– How do you know? he asked.

– An idea is like everything else in the world: After a while it's boring and one feels like having a change. Besides, if my friends had to share my ideas, I would have none.''

*

(To friends who liked my top picture, *Red Alert* by artist Hito Steyerl) You are connoisseurs and you appreciate this work of art. I appreciate it too and as long as it makes the women hot I will keep showing it.

Let me add a few comments to sustain our appreciation of this work of the monochrome genre. We have here a three-panelled work not on canvass but on screens. There is some electronics involved, which produces a halo effect both coarser than the halo effect produced by oil-paint monochromatic works (I'll explain what a coarse halo is some other day) and measurably closer to alpha wavelengths – alpha waves being, as you may already know, the waves induced in the brain by watching television along with a hypnoid state (and increased suggestibility as a result). It is speculated among the finest connoisseurs that watching this monochrome long enough while thinking it is a television set will lead one's mind into a condition of irreversible hypnosis.

*

The Good News and the Bad News About TV Viewing

The Good News

"Although W. J. Potter did uncover a negative relationship between TV viewing and academic achievement (as viewing increased, achievement decreased), the relationship did not appear to

kick in until TV viewing had reached at least 10 hours per week.'' [Note that 10 hours per week is roughly 1 hour and 25 mn per day.]

The Bad News

"One recent large-scale survey of media use was reported by the Kaiser Family Foundation. ... On average, children and adolescents in this age range [up to 18] watch nearly 4.5 hour of TV each day.'' [Three times (3.2) the above figure.]

From G.G. Sparks, *Media Effects Research*, 2015 (pp. 91 & 87 resp.). My own comments in [].

*

Love is composed of a single soul inhabiting two bodies!

Okay, sweetheart, let's dispense with your soul!

*

Friedrich Engels on Irish Immigration, from *The Condition of the Working Class in England*, 1844:

> The Englishman who is still somewhat civilized needs more than the Irishman who goes in rags, eats potatoes, and sleeps in a pig-sty. But that does not hinder the Irishman's competing with the Englishman, and gradually forcing the rate of wages, and with it the Englishman's level of civilization, down to the Irishman's level.
>
> Even if the Irish ... should become more civilized, enough of the old habits would cling to them to have a strong degrading influence upon their English companions in toil, especially in view of the general effect of being surrounded by the Irish. For when, in almost every great city, a fifth or a quarter of the workers are Irish, or children of Irish parents, who have grown up amid Irish filth, no one can wonder if the life, habits, intelligence, moral status – in short, the whole character of the working class, assimilates a great part of the Irish characteristics. On the contrary, it is easy to understand how the degrading position of the English workers, engendered by our modern history, and its immediate consequences, has been still more degraded by the presence of Irish competition.
>
> This is the final struggle, la la la la la...

*

In *The Thin Red Line* (1998), on the Guadalcanal battle in WW2, the psychology is grossly inaccurate.

Men scared out of their minds, nervous breakdowns, endless tears... It looks more humane than other war films, truer, then, to our humanity, but it's the contrary: Even though fear is always present in war, pride prevents its easy manifestation. Men can so easily become good little soldiers when flocked together because of their pride. And if the contemporary public does not understand, or feel, this any more, then it must be that they have lost their pride – and with it all sense of shame. (On the power of pride, read Mandeville's *Fable of the Bees*.)

Moreover, in the film one of the soldiers receives a letter from his lonely wife at home asking for divorce as she has found another man. I'm sure such things did not happen. Infidelity, yes, certainly, but a woman divorcing from a drafted soldier on duty in wartime would have

been eyed as a traitor by her neighbors, her act as akin to high treason, as disloyalty not only to her man but also to her country. I am confident that research on this particular point would prove me right – but that says nothing on women's faithfulness.

*

Brexit is a big shame... on all experts, who saw nothing coming. They now are silent on their resounding failure to deliver any insight whatever.

The analysts in question, about the whole caste of them, ironically are the very persons responsible for Brexit. Many people who would have voted against it did not go to the polls as they were convinced Brexit would not pass and they could make a better use of their time. Similarly, many people who voted for Brexit in order to send a signal of anger to Cameron but did not mean Brexit, felt justified in doing so as they were convinced Brexit would not pass. This I learnt from French politologist Olivier Duhamel, who, however, came short of drawing the obvious conclusion. For whence came such a firm conviction in people if not from the steamroller of expert forecasts predicting that Brexit would not pass, i.e. true brainwashing?

ii

Commentators insist on the fact that that financial hub, London, voted against Brexit – but is that surprising? How did Oxford and Cambridge vote?

*

(A YouTube Video posted after one of the debates for the 2016 American presidential election:)
Strange yellowish filter on background of hillary clinton frame...

The filter (or whatever contrivance is used) makes the image more attractive, with shiny golden lettering as opposed to dull lettering in the background. The brain will tend to demand the "starlit'' background, so when it's Trump speaking the brain says: "Oh, not that dull image again, bring the shiny one back.'' By the brain is the paleocortex meant, and the effect is especially pronounced in the alpha state induced by TV viewing.

The video has generated many comments on YouTube. A man who presents himself as a technician says there's no filter but rather it's automatic camera correction, adapting to the color of the candidates' clothes. Whatever the technicalities, if the effect I have described above is true (and this is elementary psychology), then there is a bias, and if both candidates were not equally informed of the effects of their clothes and of the lighting and of any other effect of the set-up, then the debate(s) was/were rigged.

That dull vs. bright picture (even if only the background) is not without psychological effect is ascertained by the plain cigarette pack policy (Australia &c). Certainly the idea is intuitive. Both words dull and bright have figurative, value-loaded meanings: dull is negatively loaded, bright is positively loaded. But more importantly the intuition is confirmed by neuromarketing, if needed be. For decades packaging has made use of such psychological notions. "Glossy'' gives you the idea. Clearly, if a media set-up, by any of its contrivances, automatic or otherwise, creates "gloss'' for one candidate and dullness for the other, then that set-up biases the debate, as much as a plain pack is perceived as unattractive compared to a glossy pack and the difference influences the purchase decision. The designers of the presidential debate(s) either contrived their set-up in order to advantage one candidate or they

overlooked an elementary notion of their business to the detriment of the fair treatement of both candidates. In any case I think the Supreme Court should look into this, because this is serious.

Some people think it cannot be an intentional trick played against Trump inasmuch as we are talking about conservative Fox News, but Fox News is hardly pro-Trump as this quote from Trump may help you figure out: “Most people don’t know that the co-owner of Fox News is Prince Al-Waleed of Saudi Arabia.’’ It must have been a pleasure for Prince Al-Waleed of Saudi Arabia to participate in the organization and overseeing of the debates for the American presidential election.

7
The Future of Media Illiteracy

Gustave Le Bon, in his *Psychologie des foules*, talks about women who throw acid at their lovers' face as something frequent in his days. Today the media talks about the same, but pointing the finger to men, mostly in Pakistan and other Muslim countries, throwing acid in order to oppress women because those men are Muslims. In fact, EP scholar David Buss also talks of Jamaican women doing the same with their female rivals nowadays. Yet talk about acid attacks these days and you will find that people associate it with Muslim men. To confirm Le Bon, there is a Sherlock Holmes story by Conan Doyle about a woman throwing acid at her lover's face (*The Adventure of the Illustrious Client*) and a drawing by Eugène Grasset (*La Vitrioleuse*).

*

Outline for a dystopian sci-fi novel. As a foreign body inside the societies where their communities live, the Lormocks have a perception of their own, the basic idea of which being that their community's interest only partially overlaps with that of the host societies, which they seek to exploit. They are parasites. Neuroparasites. For a long time our knowledge of parasites was perfunctory; we knew lice and other pest that suction blood and weaken the body, and that's about all. It took us decades to find out that rabies is a parasite that compels the dog host to bite in order to carry the parasite over to more hosts. Now we have a much broader picture of what parasites are doing: they control their host, sometimes they castrate it, sometimes they do not allow him to take food, they do as they please with their host. As the Lormocks achieve middleman-minority status due to their ingroup solidarity inside societies that they help make atomistic, they endeavor to control the channels of public expression and of course they use these according to their community's interest. Sycophancy toward the Lormocks, serving this foreign and parasitic body's purposes, becomes a sine qua non of individual success –and fitness– in society.

*

Subliminal advertising: the elephant penis in the living room.

*

Since the July 2016 failed coup in Turkey, Erdogan has been conducting massive repression in the country. Thousands of civil servants are being sacked and their names published so they will never find public jobs again in the country. Intellectuals are also targeted.

272 writers from all over the world have signed a petition against the judicial trials that will open against journalist Ahmet Altan and his brother, economist Mehmet Altan. Both are accused by the government of having sent *subliminal messages* on TV about the impending coup. As far as I know, a world premiere! (*Le Monde*, Sep 21, 2016) Turkey's President Erdogan is thus giving support to my research [the Subliminals Series of my blog]. I am available for expert at the trial.

*

Taco Subliminals

"*There where similar charges* [of the use of subliminal techniques, (like the 'rats' in 'democrats' in U.S. 2000 campaign trail, if you remember] *by Andrés Manuel López Obrador against the right-wing candidate Felipe Calderón in the Mexican presidential elections of 2006, in which the color scheme for a popular soft drink and its publicity mirrored those of Calderón's party. Opponent saw the similarity as a sneaky way to circumvent campaign spending limits by a corporate supporter of Calderón.*'' (Charles R. Acland, *Swift Viewing: The Popular Life of Subliminal Influence*, 2011).

Acland's aim is to debunk subliminals as just another "urban legend.'' Faced with such incredulity, it is really heartening to find support from intellectuals like Eric McLuhan [See Professor Eric McLuhan's contributions on my blog]. The example above shows that the use of *non-verbal persuasion techniques* is part of the public debate now, as it should be in media-literate constituencies. Information society must not amount to mass manipulation by mass media but to media literacy of the public.

*

The Age of Empathy (2009) by primatologist Frans de Waal talks of an experiment by Swedish professor Ulf Dimberg: When people are shown visuals of angry faces they tend to frown and of happy faces they tend to smile, and this is true also when the faces are subliminal. De Waal says Dimberg's results have been met with resistance...

Dimberg, Thunberg, & Elmehed (2000), *Unconscious facial reactions to emotional facial expressions*. Psychological Science 11: 86-89.

*

Jacques Castonguay's book *La Psychologie au service du consommateur* (1978), said by prefacer Nicolle Forget, the then chair of Canada consumers association, to put the limelight on subliminal advertising (« *Il aura eu le mérite aussi de ramener dans l'actualité la question de la publicité subliminale* »), is terribly disappointing. Albeit not in denial, Castonguay says Marshall McLuhan and Wilson Bryan Key's views are 'exaggerated,' so the topic is expedited in a couple of pages and he can devote the rest of his book to conveying the nauseating platitudes that business insiders wrote for the public.

*

Take Buddhism. Basically a personality cult (in the person of the Buddha).

*

The three following statements cannot be true taken together and studies show that 3/ is consistently true.

1/ The activity and development of the brain's right hemisphere is not taken into account in IQ tests. (Marshall and Eric McLuhan, *Laws of Media: The New Science*, 1988)

2/ Asians are right-hemisphere people. (*Ibid.*)

3/ Asians (Northern Asians) have the highest scores in IQ tests.

Well, they may be true taken together but only if Asians are superior to Westerners even in the skills that are not Asians' best (left-hemisphere skills), that is, if Asians are superior in everything.

*

Laws of Media's ascribing several contemporary art forms to the brain's right hemisphere, such as *atonal music*, finds some resistance in me. These forms appear much too much intellectual (left hemisphere) – professors' experiments rather than art proper. If atonality is an expression of acoustic space (p. 52), yet our ears (as evolved) want no part in the business of atonality. "As evolved'': According to evolutionary biology, that is, not since the phonetic alphabet but in the African savanna. Atonal music is an intellectual, abstract, left-hemisphere business: Left-hemisphere radicalism.

Same with *relativity theory*. Not that I know to which hemisphere it belongs; but I find it inconsistent with Kant's transcendental idealism, that is, if time and space are a priori forms of our perception I don't think it makes sense to say time-space can be distorted by massive objects.

Same with *psychoanalysis*. It has been exploded. Randy Thornhill, for instance, has concisely demonstrated that an Oedipus complex makes no evolutionary sense at all. "*The Oedipus complex proposed by Freud would never have been given any credence if anyone had considered the evolutionary fate of a trait that produced such incestuous desires (Thornhill and Thornhill 1987). Because of the reduced viability of offspring produced by mating of close relatives, close inbreeding is selected against. Thus, Freud postulated as fundamental to human nature a trait that simply cannot exist as an evolved human psychological adaptation.*'' (Thornhill and Palmer, *A Natural History of Rape*, 2000)

Same with *Copenhagen interpretation*. If the idea is that we should get rid of determinism in science, then it makes no sense, by definition. The uncertainty principle only tells us that our perceptual endowment allows us not to perceive all causes and determinations in nature – not that these causes and determinations do not exist in nature.

*

Electric Telephone Man

Electric man is discarnate (McLuhan). What about the man who is used to telling his friends: "I don't use the phone anymore except for emails''? – He is both discarnate and dyslexic. Email is discarnate nudism because electric man cannot conceal his dyslexia.

Yet we can. Electric man has by now invented the simplified writing system that Eric McLuhan envisioned for our dyslexic times. He has made it almost completely phonetic:

4 => for

2 => to

8 => -ate ex. contempl8

Same process in French: « *c'est* » becomes just « c » etc.

*

Some exploration of the fringe: Reverse Speech

First thing first, one interesting thing about Australian David Oates's *reverse speech theory* is that it is debunked on Wikipedia by the same sort of arguments that are used against subliminal perception, namely "pareidolia, *the tendency of the human brain to perceive meaningful patterns in random noise.*"

According to Oates's theory, the unconscious mind expresses itself backward in our utterances.

When reading about this, I was reminded of a video I saw a few months ago (now withdrawn). In that speech by Obama, the President at some point says: "Let me express, let me express my faith etc.'' Playing the passage backward, the author of the video hears, and convincingly so, for "Let me express, let me express'': "Serve Satan, serve Satan.'' A creepy commentary about the President's faith.

The author of the video added he could not reproduce the same effect when recording himself saying these words, which is confirmed by Oates: our utterances, when played backward, do not pronounce the same even when we pronounce the same speech. That leads to the question of the origin of pronunciation differences (accents etc). Why do some people never lose their local accent even after living many years in the capital city when others lose it very fast in the same transplant conditions?

The theory is fascinating at any rate. For one thing, it could never be designed nor tested before the invention of audio recording. But above all, if the unconscious can understand reverse speech, words pronounced backward, as stressed by Bill Key (cf W.B. Key at the 1995 Judas Priest trial), why could it not express itself backward as well? Key's research helps buttress Oates's contentions.

ii

Oates wanted to check the truth of evangelists' assertions that rock music contains reverse satanic messages. He found some intentional reverse messages but also was led to the discovery that reverse speech can carry meaningful messages.

Using Jungian notions, he then says the word Satan occurs rather often in reverse speech because it's embedded in the collective unconscious, and it serves to express negative feelings.

*

There is a school of thought that sees elaborate clothing as a way to conceal bodily imperfections and thus distort the choice of a mate. A few German racialists (Heinrich Pudor, Richard Ungewitter…) adopted such views, and nudism was considered sound and healthy in some Nazi circles (German Nazi nude photograph magazines are collector's items today). Scanty clothing, in that view, such as that of contemporary American youth, boys and girls alike, would be close to that philosophy. In the absence of matrimonial intermediaries, who take a careful look at and check the physical condition of the future partners in arranged-marriage societies, people need to check by themselves. In free (as opposed to arranged)-marriage societies, nudism, or close substitutes, is in order.

*

Global Village's Pizza Gate

(Posted as comment to a since then withdrawn YouTube video, Nov 2016)

The case is rather strong as here presented, however I don't see 'proof' in the technical sense. Yet it definitely should be sufficient ground to further investigate in that direction.

What is new about the so-called Pizza Gate is that it is a criminal investigation carried out by internauts. Being public, it can't help being a smear campaign at the same time, and I guess this is the reason why several people involved in this new kind of investigation have been banned or shadowbanned on Twitter after the pizza parlor concerned asked Twitter to do something about it or be held accountable for the smear campaign.

Yet, as good ol' Marshall McLuhan said, we have entered the *global village*, meaning we really are back to village life. For one thing it means privacy will shrink to nothingness or almost nothing, as in a traditional village. It also means, from what I gather from public Pizza Gate investigation, that 'villagers' will take charge of law and order themselves. Remember these 'investigators' mainly work on the evidence brought to them –brought to everybody in the village– by WikiLeaks. Advancing a technicality according to which all evidence available in this way is void because the source is a 'spy,' a 'traitor,' a 'renegade,' whatever, as is common and perhaps sound practice in the traditional views of law courts, would seem extremely disconnected with the real world under the circumstances of the global village. And remember, these circumstances are here to stay.

*

The level of tax imposed on bachelors is indecent. I can't even keep a mistress. One has to be a married man for that.

*

The beautiful people of adverts

Facial symmetry is more attractive than asymmetry and high-status people are more symmetric than poor people in general. Advertisers just pick attractive people (and usually airbrush the model according to systematic, technical rules): Turns out we associate these models with wealthy people.

Asymmetry can be due to adverse environmental conditions during development (deprivation) and betrays a less healthy phenotype –"wealth is health''– but the answer is not to torture our natural biases by trying to impose other, silly tastes on us, that would have us prefer crippled, perhaps sterile (in the case of obesity) persons.

Beauty is largely objective and a marker of health. Make all people healthier rather than trying, out of a misconceived sense of justice, to force unnatural tastes on people.

The beauty world of advertising systematically creates *supernormal stimuli* to which the real world can only be unequal. This is the true definition of the problem.

*

One result of behavioral science is that masturbation conditioning is particularly efficient. It even works with high psychotics – the least conditionable of all.

*

French journalists had once agreed they would make no news with politicians' private lives. It shows they wanted no place for morality concerns in the public debate, which is an unjustified prerogative the journalists bestowed upon themselves. This will not last, however. There have already been news on President Hollande's affair with a B-rated actress a few years ago. They made news of it and the president's popularity plummeted at once. Morality concerns ought not to be ignored.

*

McLuhanesque Strolls

What's the point of writing and publishing books, as literacy has ended? This thought brings me solace.

Also, in the literacy age, there was a public: It was made up by publishing houses and the press. Now the public has disappeared and thought is free.

Counter-culture is an ego trip now. Bad form. We're the village.

The global village is already something real. Internet social networks are the village. The whole world on a 'timeline'! (English as single medium, all other languages due to be discarded?)

Thought becomes aphoristic. Think about the aphoristic-minded world of Twitter users whose every tweet cannot exceed 140 signs (280 now)! Literary heroes disappear. Academic scholars look awkward; the littlest rascal in the world can make fun of them and their ponderous knowledge in retweets as public as the original tweets. Journalists are corrected and insulted in front of their devoted readers. Comedians prove less funny than their followers. Actresses are less beautiful than their fans. Politicians receive sound advice from the administered herd.

We've all become sayers of sayings, each of us expresses the village wisdom. It's tribal, deindividualized, exactly as predicted by McLuhan Marshall and Eric.

With the decline of the Gutenberg Galaxy, the written word is sheer lip service. It says whatever anybody wants to hear, upholds consensus. If the medium is the message, then the message is not even between the lines. It's in quite another galaxy where literacy has no relevant use as such, only as distraction.

*

Libertarians defend personal liberty against the law but they seem to have nothing to say about personal liberty against mind control by big business, which has become a huge (muted) issue with the advent of scientific marketing. Against this control I see no other shield than the law, like Prohibition was a shield against the liquor industry's endeavor to "break down sales resistance'' by advertising and PR. The fake-news media opposed the Prohibition and contributed mightily to its inadequate, sabotaged enforcement (cf Upton Sinclair, *The Wet Parade*).

*

Mensa and GMAT

When I wanted to be a Mensa member without taking their tests.

Dear Sir or Madam, (to info@americanmensa.org)

On Mensa Website, qualifying score for the GMAT is "95% or above.''

At a second and last attempt after a crash course in 2004, I got 710 / 94%. My mother tongue is French and before taking my first GMAT test I practiced English only at school. Then I took a second test after a few months in the U.S.

Do you think that people having English as mother tongue are advantaged in the GMAT, or not at all? In case of a yes, shouldn't the qualifying score for nonnative English speakers be adapted?

Given the time, and thus reflex, factor involved in the test, it seems English fluency (the test language) is important, which puts nonnative speakers at a disadvantage, although per se this fluency does not appear to be relevant to what Mensa membership is about. (July 5, 2017)

Answer:

> Hello,
>
> Thank you for the email. Unfortunately, the only way we have to evaluate evidence that is sent in is based on the test publisher's normative data. To be honest, I am not certain how the GMAC calculates the scores on the exam so I cannot speak to whether or not they make those kinds of allowances. We accept the 95th percentile on the exam based on the fact that their norms are somewhat skewed by the population that takes the exam. The population that attends graduate school is not necessarily a representation of the general population so we allow for more than just the typical top 2 percent.
>
> (Mr T. B., Mensa manager for membership and admissions, July 7, 2017)

/

Thank you very much for your reply.

Do you estimate that top 5% of graduate students population is an inclusive or rather restrictive approximation of top 2% of general population?

According to one source, "*Factors such as native vs non-native English speakers, US vs non-US, white vs non-white, etc – generally don't affect one's score too much. In terms of covariance analysis, the variation between these subgroups was always less than 1/4 standard deviation.*'' (www.gmatpill.com)

I think we know the variation goes against nonnative speakers. In case you'd estimate the 95th percentile is not large already, would you be willing to take this variation into account too?

Now, according to Lawrence Rudner, GMAC's chief psychometrician, "*Yes, the GMAT test is administered in English and is designed for programs that teach in English. But the required English skill level is much less than what students will need in the classroom. The exam requires just enough English to allow us to adequately and comprehensively assess*

Verbal reasoning, Quantitative reasoning and Integrated Reasoning skills." (www.time4education.com)

That the test only requires "*just enough English*'' doesn't preclude a variation factor between native and nonnative speakers due to mental reflexes ingrained in native vs nonnative speakers and more consequential in time-constrained tests than in classroom attendance. Such a variation may justify Mensa to accept a tolerance margin for its admissions based on GMAT scores in the case of nonnative speakers.

If the variation is not "too much,'' "less than 1/4 standard deviation,'' as I understand the phrasing it is not altogether negligible inside the scope considered (the above tolerance margin). (July 11, 2017)

/

> Florent,
>
> At this time, we do not take anything additional in to consideration for the GMAT. The 95th percentile score is the minimum we will accept. (T. B., July 12)

/

I am curious how you get from "the population is somewhat skewed'' to "2% translates into 5%.'' Does the data support this? What does GMAC say about it? (July 12)

No more from T. Let's ask GMAC (Graduate Management Admission Council):

Dear Sir or Madam, (to customercare@gmac.com)

Mensa International is an "*organization open to people who score at the 98th percentile or higher on a standardized, supervised IQ or other approved intelligence test.*''

People who score at the 95th percentile or higher on GMAT are, however, entitled to join in, and the reason is: "*We accept the 95th percentile on the exam based on the fact that their norms are somewhat skewed by the population that takes the exam. The population that attends graduate school is not necessarily a representation of the general population so we allow for more than just the typical top 2 percent.*'' (Email from the manager of membership and admissions, Mensa USA)

According to your knowledge, does the data support this translation "98th=>95th''?

I took a GMAT test in 2004 and scored 710 / 94%. I asked Mensa if they took into consideration a tolerance margin for nonnative English speakers and they said they did not, so I have been asking them the exact same question as I am asking here, currently waiting for their answer. It is, however, my understanding that Mr Brooks's phrasing above rather hints at a guesstimate on their part, a rule of thumb that should justify them to show some flexibility.

No answer. Between those who refuse considering a pinch of pliancy with their rule-of-thumb regulations and those who coldly disregard emails, talk of psychorigids!

*

Aristotle's prime mover (as God) has been given the *coup de grâce* by Kant, with the latter's antinomies, according to which it is beyond human reason to determine whether the

world is finite or infinite, has begun or has been eternal. Each of both opposite conclusions on these two antinomies (there are four in the *Critique of Pure Reason*) is a contradiction in itself†. This being because our mental apparatus does not describe the thing-in-itself (which, presumably, could not have contradictions in itself without ceasing to exist). I find it a sound position to hold, with Kant, that no rational proof of God's existence is to be expected in such conditions. The one proof would be the moral law, if it could be ascertained that it's something true and not derived from the laws of nature (which, for Kant, is the case indeed, so in no way Kant can be called an atheist).

†Monotheisms answer one of these antinomies with a created world, and a prime mover, whereas Hinduism and Buddhism answer with an uncreated world, and both are convinced their position is rational.

*

There's a passage in *Uncle Tom's Cabin* where a ruthless slaveholder defends his practice and monstrous unconcern for the well-being of his slaves (his practice being to exploit them to the utmost, calculating that it would lead the slaves to death, and to new expense from buying slaves, after a few years and inscribing this computation as a mere data in his books) with the words: "*This is a free country.*''

You may find the same kind of situation elsewhere. I once scorned the Jesuits in Paraguay because they made their wooden statues 'speak' to the Indians through clever contrivances, but it makes no doubt in my mind that their Socialist form of government with Indians was much more humanitarian than the lay encomiendas of the time. Yet the encomenderos defended their prerogatives as the heritage of communal liberties, while the Jesuits were, before the king turned against them, the arm of central monarchy. For a long time, in the Middle Ages, government authority and coercion were grounded by theologians on the original sin and the resulting wicked nature of man.

*

Of Joyce I only read *Ulysses*, but I read it twice (in French), at 16 and 23. It occupies a special place in my memories. There is a rather long sequence about a lame girl on a beach that is deeply moving, and beautiful. Then, there is the final unpuctuated soliloquy of the unfaithful woman, which each time as much captivated as it incensed me. Once, long ago, I was talking about the novel with a friend; she had not read it but she said one boy of her acquaintance had told her about the finale: "This is Woman's mind.'' I said no, trying to remain cool, but really 'twas a protest from me. That a boy, the boy of her acquaintance, dared say such a thing – was not what gave me a surge, not that alone... Now all we've got is lost baggages.

8
The Island of Dr Bentham

People who say manual labour is a good thing have never done any. (Brendan Behan)

With the notable exception of Henry David Thoreau.

*

When the wise seer beholds in golden glory the Lord, the Spirit, the Creator of the god of creation, then he leaves good and evil behind. (Upanishads)

'Good and evil behind,' an early occurrence of *Jenseits von Gut und Böse*.

*

A few people dream entirely in color. (Aldous Huxley, *Heaven and Hell*, 1956)

I have never dreamt in black and white. Never. In fact I have never heard of people dreaming in black and white either. Was color-dreaming rare in Huxley's time because TV was black and white and people dream not after a real-life but after their screen-viewing pattern?

*

You've cheated me out of a mother's joy and happiness in life. And a mother's sorrows and tears too. And that was perhaps the greatest loss for me. (Ella Rentheim in Ibsen's *John Gabriel Borkman*)

Compare with Nora Helmer's 'duty to herself' in *A Doll's House*. Which quotation do people know, Ella's or Nora's?

*

A Multitude of Working Poor

The height of it [Luxury] *is never seen but in Nations that are vastly populous, and there only in the upper part of it, and the greater that is the larger still in proportion must be the lowest, the Basis that supports all, the multitude of Working Poor.* (Bernard Mandeville, *The Fable of the Bees*)

Anyone who has read Mandeville knows he is not being critical here; on the contrary, his fable claims the necessity of heightening luxury. Now let it be known that Mandeville was extolled by the Austrian School of Economics and Friedrich Hayek, intellectual seeds of the Chicago School.

*

Phobos is being drawn to Mars' surface at a rate of one centimetre every year. At this rate of attraction, in something like fifty million years, it will smash into the surface of Mars. (*Mission to Mars: The Emirates Mars Mission and Mars Hope*, 2015)

So there is something after all in Hörbiger's contention that celestial bodies are spiralling toward one another… => World Ice Theory (*Welteislehre*)

*

Liberty Steak with Freedom Fries

America entered the war [WWI]. *Those great newspapers which had been opposing the entry now suddenly discovered the seriousness of the German menace … Hamburger became 'liberty steak,' and sauerkraut became 'liberty cabbage,' and so the world was made safe for democracy.* (Upton Sinclair, *The Wet Parade*)

And French fries became 'freedom fries' when the French refused to support the U.S. war in Iraq.

*

It is tempting to blame … self-interested advertisers for creating our desire for fats (Deirdre Barrett, *Waistland*)

As far as I'm concerned, I have never blamed advertisers for creating anything. But I blame them nonetheless.

*

So long as visible or audible pain turns you sick, so long as your own pains drives you, so long as pain underlies your propositions about sin, so long, I tell you, you are an animal, thinking a little less obscurely what an animal feels. &

This store men and women set on pleasure and pain, Prendick, is the mark of the beast upon them, the mark of the beast from which they came. (H.G. Wells, *The Island of Dr Moreau*)

So much for Bentham and other 'Utilitarians' (from the mad scientist who's a genius in his own right).

*

The Rasta's motto is 'Peace and Love' – this is the manner in wich they greet each other. (Leonard Barrett Sr, *The Rastafarians*, 1997)

This very motto being better known as the hippies', who took it from anti-Vietnam war protest chants in the late sixties, it should be acknowledged that the rastafarians were already using it long before, as they have been an identified group in Jamaica, other Caribbean islands, and the States from the fourties/fifties onwards.

*

Imam [Wallace] *Muhammad 'pointed out that the Constitution of the United States is basically a Qur'anic document. Its principles were presented to the world over 1,400 years ago by the Prophet Muhammad (PBUH).* (Mattias Gardel, *Louis Farrakhan and the Nation of Islam*, 1996)

God bless America.

*

A Swede wants to be capable and industrious – and not only in the context of work, since the duktighet [ability, industry, sedulity] *ideal encompasses the whole person. The situation is complicated by another notion, namely, that you are nothing by virtue of being an individual. … This cultural trait, called the 'Law of Jante' (*Jantelagen*), is also a significant component in*

Norwegian and Danish culture. Personal worth is gained not least as a reward for being duktig, *industrious, hard-working, but one is admonished not to forget that 'pride goes before a fall'. Such is the Scandinavian attitude.* » (Åke Daun, *Swedish Mentality* [Svensk mentalitet], 1989)

I should think the 'cultural trait' here described is typical *smalltown mentality* no matter the country. This mentality will always be one of the causes that rush enterprising people into cities, or emigration when a country's population is so small as to be pervaded by smalltown mentality. Scandinavians who migrated in great numbers to the United States knew of no *Jantelag* in their new surroundings and adopted as a matter of course the live-and-let-live, flaunt-it, individualistic mindset that has made America the first country in the world.

*

As a rule making a living is boring to death.

«*The Entertainment Age cometh!*» and it won't be the Leisure Age.

A right to insurrection supposes the right to call to insurrection.

'Bags' under the eyes are permanent (one has to remove them surgically), 'shadows' under the eyes are temporary (they disappear with better health). In films, successful, (moderately) mature men are depicted with conspicuous bags (thanks to makeup), women never (thanks to makeup). Bags, obviously, are not perceived as a marker of bad health in males. The cinematic practise surely relies on research (marketing research), so women must be looking for the bags (when in search of a springboard).

You feel blue because of your blue genes.

I had a dream which I dare not tell my shrink. A gentleman is chatting with a lady at one or the other's cosy place. Then she says she needs to use the restroom and accordingly leaves the living room. The camera stays on the man's face while we're hearing monstrous noises from the restroom, explosive flatulences and splashes, and that takes a little while. When the lady comes in again, the living room is empty, a window open, curtains waving: the man has jumped from it.

The only thing science knows for sure is that it will kill all poets in the end.

As a true philosopher you thought you would be king.

How can you live, how dare you live after killing the poet inside? – There was a woman, it was my way to tell her: "You will give me nothing? I'll give you everything.'' I sent her so many poems, then threw my poetry away.

I should have died long ago, what went wrong?

Oil rent is something for nothing.

As there's a First Lady, my neighbor asks, what number is my wife?

Psychoanalysts are fascinating as a special sort of clowns. They have the same attraction as circus freaks, or of distorting mirrors. They evoke the court dwarves of gone ages, whose charm, if one may say, lied in their making themselves funny either by endorsing something elevated or by finding it defective in some way or other.

Everyone wants to be a star, who cares about privacy?

Freedom-free zone.

No freedom from freedom for the enemies of freedom from freedom.

When all is said and done, poetry wins.

Prague. The hotel restaurant is due to open at 3:30pm. I go there at 4pm. No cook. The waitress tells me the cook usually arrives at 4:30pm.

The Mismanagerial Revolution.

The very concept of meritocracy is abhorrent. You can't expect somebody to accept his low status as being the result of his low merit as a humain being. Merit in meritocracy is world wisdom (*Klugheit*) and may go hand in hand with utter despicability as a person.

Religion struggles against passions with passions. It will be superseded like everything passionate. Self-salvation is immaterial to selfless intelligence.

Man is the animal that can't take science seriously.

Having being a child when personal computers and video gaming were in their infancy, makes the difference.

Once, as a child, I was introduced to a girl of my age named Klytaimnestra (in fact, Clytemnestre, the French version of it). When I heard her name my mouth gaped and I remained dumb. Seeing it, the girl gave me the evil eye. I knew Clytemnestre was some Greek character and all that, but I couldn't make up my mind as to what kind of madness it was that led parents to give a child such an impossible name, which begins like clit (clitoris).

I find hijabs a pleasanter look than Western fashion. And the best look of all, according to me, is when all women wear black abayas, like in the Gulf States, which I have come to see as the summum of beauty in a crowd. Otherwise I find crowds ugly. Please note this is solely a judgment on how crowds look like.

A good deal of the results of experimental psychology rely on the subliminal techniques utilized during the experiments. For instance, the 2003 Lakin & Chartrand experiment (see *Social Psychology and the Unconscious*, John Bargh ed., 2007) *depends on* the efficacy of subliminal priming, and takes it for granted. – At the same time, in the same society, the public is told that subliminal techniques can have no effect!

Wahhabi discouragement of devotion to the Prophet Muhammad is to be endorsed as sound, as such devotion must lead to a spirit of emulation which may turn into a desire to set up a new religion. (The desire to be like the Prophet may make one want to be a new Prophet.) ''*Even today religious police are placed near the Prophet's tomb in Madinah to discourage veneration of the Prophet rather than of God.*'' (John A. Shoup, 'Popular Islam' in *Saudi Arabia and the Gulf Arab States Today: An Encyclopedia of Life in the Arab States*, 2009) In footages showing the religious police near the Prophet's tomb in Madinah, one can see that they do not waver to push pilgrims away.

Even the Dhammapada contains traces of resentment. (Nothing strange here for a Nietzschean.)

Paul Ekman: Mating and friendship would be impossible if humans were equipped with a facial switch (turning off *involuntary expressive actions* on command). – And, I may add, cheating would be impossible *without* such a switch.

9

Perhaps it's secondary to the content, the length and the style in philosophical writings is still a dilemma. What are the reasons behind this issue and is there a mold to respect? (Maylynn)

From Alain's extremely short and concise *Propos* to Kant's ponderous yet not verbose in the least bit *Critique of Pure Reason*, all formats may indeed do in philosophy.

Yet there's a domain where long-windedness seems to be the rule, and a detrimental (but inevitable?) one:

''Dijksterhuis and van Knippenberg (2000) demonstrated behavioral effects of activation of the stereotype of politicians. In pilot testing, they had established that politicians are associated with longwindedness. People generally think that politicians talk a lot without saying much. In an experiment, Dijksterhuis and van Knippenberg activated the stereotype of politicians with the use of a scrambled sentence procedure for half of their participants. Subsequently, participants were asked to write an essay in which they argued against the French nuclear testing program in the Pacific (this experiment was carried out in 1996). As expected, participants primed with politician-related stimuli wrote essays that were considerably longer than did control participants.'' (Dijksterhuis, Chartrand & Aarts, in *Social Psychology and the Unconscious*, 2007, John A. Bargh ed.)

*

Whether global warming needs urgent and immediate actions, it is high time we let go of the past in order to face the future. What past are we talking about? Traditions and religions. (Maylynn)

Let's call tradition your ''traditions and religions.'' Your programmatic call has already been taken up: by science – the very hard science that is burning our planet Earth to ashes. Science has assumed a dogmatic guise wholly uncongenial to its very essence; *scientism* is in truth the hopeless and embittered realization that the relativity of empirical knowledge (in the continuous synthesis of empirism) cannot fulfill the metaphysical functions of tradition.

In Heideggerian terms science is not even so much relativism as outright *nihilism*. In that view, tradition would have to be re-understood, which means two things. First, tradition must be re-understood over the nihilism of hard science that has colonized modern Man. Second, to re-understand tradition means to understand its dialectics, which is to say that the actual tradition of our traditional past and present is not tradition yet.

*

One might consider that thoughts or "a thought'' is not a philosophical object to begin with, but a sociological one, what German psychologist Karl Marbe called a *Fremdeinstellung*, or borrowed attitude/disposition (ingrained, customary or transitive, through suggestion, priming, education, hypnosis and what not): More often than not a thought we call ours (''My thought is…'') is a replicate of a thought from amidst the group we live in. These are thoughts in the sociological sense; philosophy being, in this context, meta-cognition, the way one deals with one's sociological thoughts – which dealing, as Heidegger stressed, is bound to remain impractical in every sense of the word.

ii

That there be any individual benefits in reading philosophy is a moot point, and my conclusion is that this is why it should be made compulsory reading at one stage or other of one's schooling.

The most obvious answer to the question about what the benefits of reading philosophy are, is, following Heidegger, that there are none for the individual: he will be no worse a cog in the machine if he completely lacks philosophical culture (or even, plain and simple, culture, as philosophy is part of culture). Yet when one gets acquainted with culture and philosophy, one needs it as one needs oxygen. There are no benefits but only one more need, and this is the need to be a human in the full sense of the word. Were it not compulsory during one's education to read philosophy and work on these readings, in most cases one would not wish to get acquainted with it, precisely because the benefits of it are immaterial on the monetary market that we tend to see as "our future" in this life. Even when compulsory at some point, philosophy is discarded by many when the subject is no longer required for grades (and for getting in the marketplace). One underlying reason may be that, as the Hungarian economist Tibor Scitovsky once put it, "*Culture is the occupation of the leisure class*." Where one's vocation is to be a cog in the machine, philosophy has no place.

That the activity of thinking should make some people roll their eyes is no surprise, as it comes as no surprise either that sometimes feathers fly when a wealthy bank manager hears his son telling him he wants a degree in philosophy or in other *humanities*.

*

I think philosophy should be marketed in order to be read/learned. Philosophers never really market themselves because they are above this and I agree with them. However the world today functions with marketing. While some silly stuff are followed by millions, I don't see why we should not market philosophy and make it (look) accessible. (Maylynn)

It happens already –philosophy *is* marketed– and I'll tell you how this is done. There is that wealthy banker or industrialist; his son had his own way and studied philosophy instead of the business of trading bonds and securities. This son of his, not too brilliant as a matter of fact, has got his degree in philosophy anyway. What is he going to do now? His daddy picks up the phone, calls the manager of the weekly newspaper that his bank or holding owns, and tells him or her: "I want a column for my son in your paper." Aussitôt dit, aussitôt fait! A new "influencer" is born, an abortive mind of rabidly conservative tendencies.

People who ask what the point of studying philosophy is, deserve no reply, or the reply of one's shoulders shrugging. Among the very few things I find good in my country is that philosophy is (well, not sure that I shouldn't have to say ''was'' in fact, this is something I must check) compulsory for all students at least a couple of years till the baccalauréat.

*

Xennials

Thank you for introducing this new object, Xennials, to my noetic sphere.

Albeit I am no buyer generally speaking of such overgeneralizations, I tend to see a statement like "Xennials are described as having had an analog childhood and a digital

adulthood" as relevant, being under deep influences from the side of Marshall and Eric McLuhan (media ecology). Yet, although I understand that a characteristic such as multitasking skills may be logically inferred from statements about technological environments, I fail to see the link with "ambition," or the alleged "unbridled optimism" of Millenials, an optimism I do not observe (especially since dispositions acquired during childhood are always subject to adjustments to current situations and in many countries such dispositions are bound to be blasted by events such as skyrocketing levels of poverty).

As to the present technological environment, my own view is that today's kids are growing up along a virtual reality at the stage of the "uncanny valley" (Masahiro Mori), that is, too realistic to be taken as the pixelated fairy tale it used to be when I was a kid (bordering with Xennials on the older side) and yet not realistic enough to be interchangeable with non-virtual reality. This uncaniness of computer-generated imagery (CGI), Actroids, etc, may be warping their tender minds, perhaps creating in the long run a deep-seated hatred toward all things virtual, and a willingness, so to speak from the cradle, to develop Blade-Runner tests for the ultimate sparks of uncaniness in the insurpassable Androids of the future, while, on the other hand, all animal life will have disappeared in repeated megafires, animal life in the mirror of which human minds find a neverending spring of emotional upheavals. When nature won't be surrounding us anymore but we will be surrounding nature, owning it like a fish tank in a living room furniture, we will have lost, as Kant would say, our *sense of the sublime*, all generations alike from that time on to the end of times. Paradoxically, when there is no nature (*natura naturata*) any longer but a ''fish tank'' zoo, Man is bound to lose all sight of his supernatural vocation.

*

Aesthetics 1

Colors are the antidote to a modern world of greyness. This especially has been, after years of classicism militancy in the fine arts, what led me to modify my appreciation of contemporary art, namely its colourness as antidote (as well as its abstractness as antidote to perceptual overload).

As often, though, Kant's philosophy serves as a mitigating factor here again, as he describes the value of fine arts as being in the drawing, colours being the lure (inferior). Quoth:

"En peinture, dans la sculpture, et d'une façon générale dans tous les arts plastiques … c'est le dessin qui est l'essentiel : en lui, ce n'est pas ce qui fait plaisir dans la sensation, mais seulement ce qui plaît par sa forme, qui est au principe de tout ce qui s'adresse au goût. Les couleurs, qui éclairent le dessin, font partie des attraits : elles peuvent certes rendre l'objet lui-même plus vivant pour la sensation, mais non pas beau et digne d'être contemplé." (*Critique de la faculté de juger*)

*

Aesthetics 2

I used to worship Beauty. I was young.

Now whenever she shows up I am hurt.

Beauty makes me feel sad for the life I'm living.

Beauty, what have I done to you that I can't look at you in the eyes?

It is a betrayal of Beauty when one feels called to it and yet withholds the offering, as with time passing by one looks ever more deeply into the inescapable. Sometimes, then, when a grown-up man hears a song, a simple song from a simple heart, he is deeply shaken, as he remembers the days when a song was all he needed and yet he turned his back on the song, letting the song pass by that was the meaning of his life. What's worth the song, he asks to himself. He looks around and comes to the conclusion: None of this. Beauty blinds him again. Always.

*

All in all, I don't think this Covid-19 pandemic will change anything in depth, that is, we will not stand corrected. We'll find a vax and then conclude that quarantines aren't needed anymore, even though vaccination campaigns won't prevent relatively high rates of yearly deaths in case the coronavirus becomes recurrent like the flu. The flu is killing between 300.000 and 650.000 people every year (10.000 in a country like France where the vax is available for free); did governements impose quarantines each year, the death toll of the flu would be far less (say 200 in France), but the economy would stand still. So the choice is made (although no one were asked their opinion about it) to sacrifice human lives each year so the economy can go on. We'll simply add the death toll of Covid-19 to the figure (in case it too becomes periodic) and will have business as usual.

People who will have experienced hunger and participated in food riots, like in Lebanon and South Italy, and in lootings in the US, certainly are not likely to forget these days soon. But –perhaps because, as some social scientists would argue, I have an alienated personality– I don't think the future will be shaped by the people themselves, unless a revolution occurs, as business interests are always in the mood of keeping things as they are. Of course even business interests will have to make some adjustments, for instance in the way they brace for such so-called black swan events like Covid-19 in the future (black swan event theory is a brainchild of Lebanese-American economist Nassim Taleb), or in the short run to the hyperinflation that some see coming, and if things go awry, then it means collapse, and then again, revolution.

*

1 Philosophy and Psychology
2 *Universätsphilosophie* and Philosophy

1/ The main difference between philosophy and psychology is that psychology being a positive science it is empirical throughout, whereas there is no such thing as a philosophy empirical throughout.

2/ *Philosophy is the study of the fundamental nature of knowledge, reality, and existence, especially when considered as an academic discipline. (Maylynn)*

True as far as the first part of the sentence is concerned, extremely dubious as to the rest.

As a matter of fact, the expression *Universitätsphilosophie* (university philosophy) reminds us that there is no congenial bond between the two. True enough, as early as the Antiquity philosophers taught at so-called Schools: Plato's Academia, Aristotle's Lyceum, the Stoics' Portico... Yet at the same time, since Socrates they criticized the Sophists' practice of

having their teachings financially compensated. Which, I assume, means that a philosopher in, say, the Academia would not be paid. University professors being paid, they are the Sophists of our days. And the other distinction made by Schopenhauer, which overlaps the former, between those who live for philosophy and those who live of philosophy, stands. As was to be expected from these facts, Schopenhauer is hardly considered a philosopher by university "philosophers.'' – All this bears no relation to anyone's own personal situation, and I believe my readers are above taking my views as being personal regarding their situation. Kant was a professor too. (Schopenhauer explains that Kant could be a professor and a philosopher at the same time due to the ruling of an enlightened monarch in Prussia; and by this he was not meaning that in a democracy, then, university teachings would be free by mere virtue of a democratic Constitution.)

1 – I may agree that psychology is not quite on par with physics, but this is only on a superficial level, given, at the core, the incompleteness of all empirical knowledge, its incrementality. As empirical sciences, both physics and psychology suffer from the same defect of being incremental knowledge providing at best an *analogon* of certainty.

Predictions based on exact sciences are in fact much more limited than usually acknowledged. True, when you start your car, you know it will go at your command, and this is due to scientific predictions upon which the apparatus is built up. Yet this is all we can do with exact science: to make technique out of it, that is, to harness forces in a predictable way – until the prediction is contradicted (by black swan events). It happens from time to time that a powder magazine explodes for no apparent reason, because of the particles' Brownian movement which cannot be detected at the present stage of our technique; so these explosions are unpredictable, yet we are closing our eyes on the danger on which we stand. In the future we will find a way to predict these movements, but then still other events will escape our knowledge, ad infinitum, so progress amounts to nothing, it is only a change in conditions, not a progress in the true sense of the word, and that is true of the whole empirical field.

In this context, psychology is no different, and only ethical considerations have (allegedly) prevented us so far from designing apparata to predict and control human behavior based on the empirical knowledge of our psyche. Such apparata would, I believe, work as satisfactorily as a car does (only, we would have to deal with casualties there too, as we are dealing with road traffic casualties).

2 – When universities and schools are not free from all influences, philosophy professors are sophists because not only do they hold a remunerated tenure but also they make believe philosophy is what the government, the authorities, the "Prince," or any other interest-holding influencer, says it is.

If we look at the history of relationships between university and philosophy beyond the controversy involving Greek philosophers and sophists, we see that universities were created in the middle ages and that the philosophy taught in these institutions then was scholasticism, as the ''ancilla'' (maid-servant) of theology. Modern philosophy developed against Scholastics (Hobbes et al) and from outside the university. As far as modern philosophy is concerned, the connexion with university is therefore not foundational, but a late evolution, the turning point of which is Hegelianism. Yet the relationship remains shaky at best. To take only a couple of examples, Nietzsche left university at an early stage in his professoral life as an uncongenial environment, and Sartre, although his curriculum was the via regia to holding a tenure, chose

quite another path (namely, a literary career and journalism), leaving no doubt, in a couple of his novels, as to the paramount existential importance of this choice. Conversely, Heidegger made a brave attempt at justifying the position of tenured professor for a philosopher, namely, that "To teach is the best way to learn.'' And I already talked about Kant. Kant and, in a lesser measure, Heidegger are the reason why I see the two distinctions, that is, between *Universitätsphilosophie* and philosophy, and between those who live of philosophy and those who live for philosophy, as overlapping greatly but not quite perfectly.

*

Montesquieu vs Ibn Khaldun

Montesquieu is the first, in his *Spirit of the Laws* (1748), to have disproved a few of Ibn Khaldun's views, albeit without seeming aware of the latter's writings. (Not sure when Ibn Khaldun –14th c.– became known in the Western world.) The idea that civilized people, because of the crippling effects of luxury, must fall prey to more warlike Barbarians, is formally said by Montesquieu to not obtain in modern times (eighteenth century).

Ibn Khaldun's idea is a historical law according to which civilized people, through the corrupting influence of luxury, with time must fall at a disadvantage compared to Barbarian people, who then conquer them. He discusses several instances of this, such as Almoravids and Almohads' conquests in Al-Andalus. Montesquieu wrote on the same topic and confirmed it (I believe, independently) as far as pastimes are concerned but disproved the view as far as 18th-century Europe is. He writes that in the past poverty would give people a military advantage – this is exactly what Ibn Khaldun states, as Barbarians are poor– because, he argues, in the past governments relied on armies formed of their own citizens and when these citizens were softened by luxury they would evince poor military capabilities. But in 18th-century Europe things had changed wholly: now armies were, Montesquieu says, composed of the scum of every society and permanently maintained by the sovereign's treasury. Hence, no matter how citizens are lenified by luxury, standing armies can be at no disadvantage when facing warlike but poor Barbarians.

That one of Ibn Khaldun's historical laws was already confuted by one of our great authors when it first became known on our shores. And I believe I am the first to write down the fact.

Montesquieu's depiction of ferocious nations rushing en masse "out of their deserts'' against wealthy and mollified civilizations strikes a chord to anyone who has Ibn Khaldun's views in mind, but, as he argues, this depiction did obtain no more.

*

A prediction about AI

If life is the objectivation of the thing-in-itself, and the thing-in-itself is *blind will* (Schopenhauer), then there is no spirit, no soul, the human mind is an appendix of the will at the stage of the human brain.

Animals have a mind inasmuch as their bodies are each animal's immediate object, they behave according to the intuition of space and time, and according to the law of causality from

which they draw inferences just like humans. They only lack conceptual power, a thin layer in the fabric of life (admittedly with large consequences).

From this I draw the prediction that artificial intelligence (AI) can become autonomous – whereas I consider the same prediction impossible with the notion of a soul, that is, of the primacy of consciousness over blind will. Because, if Man is primarily a soul, the origin of it is supernatural (just like the will is in the other view), and Man only has natural means at his disposal. Whereas, if the will is primary, then consciousness is not supernatural but natural (as it is, then, an item in the realm of will's objectification), and then there is no apriori impossibility that it can be made by technique, and made to be autonomous.

If consciousness is the instinct of life, then animals share consciousness with humans and therefore consciousness is not what makes us human. If, on the other hand, consciousness is what makes us humans, it can be *primary* or it can be *secondary*. Admitting, for the sake of argument, that human consciousness is no soul, that is, human consciousness is a mere property of the human brain, then human consciousness is secondary to the brain's matter. As a modality of matter, it can be technically reproduced, there is no impossibility that it be. If, however, our consciousness is a soul, a spirit of supernatural origin, and as such the primary element of human life (instead of matter), there is an impossibility that it be reproduced by human technique, because it is a matter of experience that we have no connection with the supernatural as far as positive science is concerned, on which we are bound to rely for all technical purposes. There is no doubt about it: If consciousness is secondary, it can be copied. Therefore I am expecting, without contradiction I believe, the answer to the question of the soul's existence from one technical development: The day an autonomous AI is made by technique, the concept of the soul as primary will be discarded.

There is another way for consciousness to be deemed secondary: in the context not of materialism but of *transcendental idealism* where the thing-in-itself is Will. Being the thing-in-itself, Will is, as a soul would be if it existed as a spirit independent from matter, above nature (above the law of causality). In this context, consciousness would be secondary to the will, would be Will's objectification and yet we would not be speaking of a soul. Here again, as in materialism, an autonomous AI is possible. This autonomous AI would be what we have been mistakenly thinking we are, namely a soul: It would be a consciousness of primary, not secondary, order, inasmuch as it is no objectification of the will, unlike every consciousness in nature so far.

An autonomous AI would be born as a consciousness without a will of its own, and yet I fail to see how it would not develop a will once it is autonomous; in fact, that it possess a will is implied by its very definition as autonomous. We must assume that it will have an interest in pursuing the knowledge goals it was assigned to, and at the same time an interest in keeping functioning, in staying 'alive,' and in opposing forces inimical to its 'conatus'; it will develop a will of its own.

10
Law I

Canadian Prime Minister Trudeau: "*We do not have the right for example to shout fire in a movie theatre crowded with people*'' (Oct 2020, in explaining to Canadians that caricatures of religions should be excluded from free speech protection – or rather why such caricatures are not protected under Canadian law already)

Trudeau v *Brandenburg v Ohio* 1969

" [Justice] *Douglas dealt with the classic example of a man falsely shouting fire in a theater ... In order to explain why someone could be legitimately prosecuted for this, Douglas called it an example in which speech is brigaded with action. In the view of Douglas and* [Justice] *Black, this was probably the only sort of case in which a person could be prosecuted for speech.*'' (Wikipedia *Brandenburg v Ohio*, US Supreme Court)

Sir Trudeau is only reminding us of Canadian law, as there exist hate speech statutes in Canada. Yet the comparison with shouting fire in a crowded theater is wrong when being "brigaded with action'' is lacking; Canadian hate speech laws cannot be justified on the shouting fire example.

Whereas freedom of speech is a constitutional right in the U.S., in Canada it is a bullshit right and Canadians are bullshit freemen. – If that's hate speech, then come and get me: French police will be delighted to give a hand. #Trudeaublackface

*

Invasive Moderation

I

Sarah Palin is awesome and there is going to be a large lawsuit against Twitter on first amendment rights. (S.T., Nov 2020)

To allow internet platforms, which have become the Agora of the day, to suppress free speech because they're private businesses and no government, will soon prove antiquated.

As "Privately-Run Libraries Expand Throughout U.S.'' (Center for Digital Education, 2015) and the First Amendment "does not impact the ability of private organizations to limit speech,'' on sees the consequences if privately-run libraries are private organizations re First Amendment law. It's about "privately-run public libraries,'' like in the news: "A Maryland company that runs public libraries faces opposition as it seeks to add the 24 libraries in California's Kern County to its portfolio of 82 in six states.'' – my question being: Is a privately-run public library a private or public organization re First Amendment law? If private, then *Board of Education v. Pico* (US Supreme Court, 1982) doesn't apply and these libraries are free to withhold any of their books from readers.

As private businesses are already constrained to not discriminate based on race, ethnicity etc according to the Civil Rights Act of 1964, this is no big step further to constrain them to not discriminate based on speech either. If the First Amendment has value, it is because one's

opinions are one's life (even if one is free to change one's mind) and it is the fear of consequences that must be stopped, whether the feared consequences are prosecutions or the loss of one's livelihood. – If we admit this, then not only private businesses should not be allowed to discriminate against employees but also against customers such as internet platform users based on speech.

With or without section 230 website owners have the right to determine what speech is conveyed on their property. (Emgorse, Dec 5)

Are they allowed to determine who conveys speech on their property based on the color of one's skin? – As one's speech reflects one's opinions and one's opinions are one's inner life, I see the view here expressed as no different than that of people who advocate discrimination based on ethnicity etc. Besides, given that democracy lives on the free flow of ideas ("*the marketplace of ideas*''), and considering the nature of internet platforms, comparing them with family households is unsustainable re First Amendment.

The Good Samaritan clause in section 230 indeed provides immunity from civil liabilities for providers that restrict content but *only* if they act *in good faith* in this action. => Free flow of information and ideas. "*Section 230(c)(2) provides Good Samaritan protection from civil liability for operators of interactive computer services in the removal or moderation of material they deem obscene or offensive, even of constitutionally protected speech,* AS LONG AS *it is done in good faith.*'' (Wikipedia)

ii

Assuming that ["I see the view here expressed as no different than that of those who advocate discrimination based on ethnicity''] *was the case, so what if it was? Would you treat him differently because of his views, also becoming like those who discriminate based on ethnicity? (digital slime, Dec 6)*

If I were an internet platform, you mean? Because that's the topic.

Who has the power to discriminate? The provider, not the user. Restaurant owners are individuals but as they're on the hiring side of the handle, it is them are asked to not discriminate against protected categories, not the waiters.

We're all equal before the law but also its allows for differences when situations are different. When managerial decisions are concerned, individuals are concerned *qua* managers. So d.s.'s question is irrelevant as it draws the same consequences whether there's 'qua' or not, or this or that 'qua.'

D.s. agrees there are individuals qua *public officials* but seems to forget there also are individuals qua *public figures* (not working in the public sector) and as far as section 230 is concerned individuals qua websites who are liable for their moderation when not done in good faith.

In any case there can be no claim of total shielding from disputes about moderation, not least because users may find they're moderated contrary to the platform's very own guidelines. Deceptive terms of service are illegal: "*Deceptive terms and conditions void a contract in entirety.*'' (*Duick v. Toyota Motor Sales USA Inc*, Cal. App. 2 Dist.) Moderation contrary to TOS would be evidence, at the very least when consistently contrary.

Deceptive terms voiding a contract is a separate issue. One that shouldn't actually come up since most social media sites reserve the right to remove you for any reason any way. (digital slime)

Come up with evidence of deceptive terms, deceptive moderation and other deceptive practices by social media and the judge will make them pay.

According to d.s.'s reasoning, a moderator could moderate his ex-girlfriend in an invading fashion like an electronic stalker and get off scot-free.

Justice for all. The responsibility for *invasive moderation*, like some say is found on platforms, is the moderator's, owner or staff; the owner cannot shield a manic staff moderator but the staff's defence can be that he abided by the contract.

II

Seriously why do these people think nobody has successfully sued Twitter for First Amendment violations? ([A Twitter user named] *The First Amendment)*

The First Amendment suit to come:

1/ The First Amendment's aim is to maintain a free *marketplace of ideas* (the first occurrence of the phrase was in Justice Holmes's dissent on *Abrams v. United States* 1919);

2/ Trusts must be combated on that marketplace too, and *preferred freedoms doctrine* gives "greater protection to civil liberties than to economic interests.''

ii

What cause of action do you think exists against Twitter for moderating content, putting notices on tweets, or restricting the ability to like or retweet certain tweets? (The First Amendment)

The cause is invasion upon others' rights.

Not admitting that a platform can be sued for moderation is like saying they can staff their moderation offices with maniacs and that would be just as good. I claim a staff of lunatics would do a less prejucided and prejudicial job than many a platform. They are an impediment to the free marketplace of ideas.

What rights? (The First Amendment)

a/ A notice on tweets could well be libel for ought I know, depending on the notice, but even a removal could have the same effect as to the person's reputation. You tell me what rights libel laws protect.

One lawyer TFA has RTed said: Platforms' moderation is protected by the First Amendment. I agree platforms must not be liable for users' content but I disagree they must not be liable for moderation. Moderation is speech and not all speech is protected; moderation can be unprotected speech. A State of the Union address isn't supposed to be libelous either but as a POTUS (President of the United States) once tweeted to advertize a certain pizza parlor we may see a future POTUS disparaging a burger parlor in his State of the Union address and that could be judged libelous by a court of law.

The worst scenario is platforms protected from liability *both* for users' content and for their moderation – basically the current state of affairs.

b/ What rights? The same rights as here : "*The conscious decision by an airline to deny a passenger a ticket for no good reason might justify the award of punitive damages.*'' (*Encyclopedia of American Law*, 2002, D. Schultz ed.: *Punitive Damages*) Similarly the decision by a social media to deny a user speech for no good reason might justify the award of punitive damages. How could it be a good reason for a business set up with the corporate purpose of offering people a platform for speech, that it disagrees with what someone said?

III

i-a

I prevent Senator Ted Cruz (and the rest of Congress) from punishing private companies based on the content of the speech they allow or disallow on their websites. Companies have the First Amendment right to determine what speech is conveyed on their websites. (The First Amendment)

Take that statute: "*In California, you* [a business] *also can't discriminate based on someone's unconventional dress.*'' This California statute goes beyond the Civil Rights Act's *protected classes*. It's still in vigor as of Sep 3, 2020. Dress, like an armband in the famous precedent, is speech, so in fact Cal companies don't have the First Amendment right to determine what speech is conveyed on their premises already.

Besides, "*The conscious decision by an airline to deny a passenger a ticket for no good reason might justify the award of punitive damages.*'' (See above.)

i-b

No, YouTube is not "*violating Section 230'' by deleting videos that question election results. YouTube could say that it won't allow any uploads by professors named Jeff, and that wouldn't* "*violate Section 230.'' (It would, of course, be terribly short-sighted). (Asst. Prof J. Kosseff)*

Short-sighted indeed: "*The conscious decision by an airline to deny a passenger a ticket for no good reason might justify the award of punitive damages.*'' Perhaps it wouldn't violate Section 230 but I wouldn't advise it all the same.

ii

The SCOTUS (Supreme Court of the United States) has stressed time and again that the First Amendment ensures the free flow of information and ideas. If private actors turn out an impediment to that free flow, I rest assured the Court will uphold 'antitrust' statutes that combat the problem.

No. The First Amendment applies to state actors. To hold otherwise would require SCOTUS to reverse longstanding First Amendment doctrine. (TFA)

TFA's is a quite correct inference from the First Amendment and yet it is also misleading because a balancing must be made with another inference which is the free flow of ideas, and the result must depend on how these conflicting yet both necessary inferences are weighted against each other. There's no doubt in my mind that the free flow of information and

ideas will prevail, as common law *never* has construed private property as a source of entirely discretionary power.

As to the doctrine TFA stresses, it is right insofar as the two inferences were not conflicting in the past and it is only since recently that they have been.

IV
The Corporate Frankenstein

Twitter is going wild with their flags, trying hard to suppress even the truth. Just shows how dangerous they are, purposely stifling free speech. Very dangerous for our Country. Does Congress know that this is how Communism starts? Cancel Culture at its worst. (Pres. Donald Trump, Dec 24, 2020)

Twitter's flags are Twitter's free speech. But sure go with "free speech is how communism starts'' and see how far that gets you. (The First Amendment)

As a few tech companies *today* have the power to stifle the *free flow of information and ideas* that the First Amendment's aim is to ensure, to do nothing about it is to make fun of the Amendment rather than to pay it due respect.

To compare Twitter's policy with an individual's speech is bogus. A company follows a predefined corporate purpose. At best its speech should be construed as *commercial speech,* with limited protection only.

(Nota Bene: As in the next tweets I speak of the *political speech* of corporations, it should be clear to you that the statement here is about what corporations are *in essentia* according to me, like an "End Corporate Personhood!'' message on a placard.

Commercial speech has only limited protection: "*For commercial speech to come within that provision, it at least must concern lawful activity and not be misleading.*'' (*Central Hudson Central Hudson Gas & Electric Corp. v. Public Service Commission* [1980]). And in the earlier state of affairs commercial speech wasn't protected by the First Amendment at all: see *Valentine v. Chrestensen* (1942). – An individual's speech isn't subject to these conditions.

As to corporations' so-called "political speech,'' since *Citizens United v. Federal Election Commission* (2010) it gets broad protection but the decision deals with "*political speech in the form of contributions and expenditures on behalf of candidates and political issues,*'' not in the form of internet moderation affecting the free flow of information and ideas. Twitter Inc. has the First Amendment right to contribute financially to the campaign trail of a candidate, that's all, there's nothing about First Amendment protection for flagging other candidates' tweets in the bargain.

Next time I'll comment on *Amalgamated Food Employees Union Local 590 v. Logan Valley Plaza* (1968): "Logan *dealt with right to use private property as 'equivalent' of public space.*''

ii

A corporation isn't the government. The First Am. is applicable against the government or private entities acting under color of state law ONLY. And Twitter ain't that. (Ava)

As the First Amendment cannot ensure the free flow of information and ideas against private encroachments, a statute is needed. I am arguing that that statute will be upheld against the private companies' claim that it violates their First Amendment right.

Indeed, corporate speech has not as strong a status as citizens' speech, all this ultimately deriving from the common law, where property is no source of absolute discretionary power.

The Supreme Court of the United States has to balance on one hand the free marketplace of ideas, which a statute will maintain, and on the other hand the rights of trustlike corporations, which a statute will regulate for the good of the commonwealth just as numerous statutes do already.

Corporate speech is twofold: commercial and political. Conceding that corporations' political speech is equally protected (since *Citizens United*), that's not the case of their commercial speech. This alone enables one to say that corporations have less First Amendment rights than individuals. => 1>.5+.2

But wait... how can you argue with... MATHEMATICS!??!?! (Allen)

Algebra is as good a form of logical thinking as another. At least according to Bertrand Russell.

But a true algebraic formula here would be: 1>.5+x 0<x<.5

Given different >levels< of scrutiny by courts, one could easily translate the whole thing into algebraic formulae.

iii

Because of *Citizens United*, courts will apply *strict scrutiny* on the bill I envision (as moderation by internet platforms such as Twitter would be deemed corporate political rather than commercial speech, and so receive full rather than limited protection). Precisely! I'm arguing that in any case the *compelling interest* called for by strict scrutiny exists, as it is about guaranteeing the free flow of information and ideas.

The First Amendment is a means to an end: the free flow. When people complain about private platforms not respecting the First Amendment, technically they're wrong because they mistake the means for the end but in fact they are complaining about impediments to the flow.

Those who complain about platform moderation invoking the First Amendment mistake the means for the end but those who deny them the right to complain make the same mistake. It's 1A for the sake of it; that is called fetish worship.

iv

Commercial speech is speech that has a commercial purpose. Even an individual can produce commercial speech, and if so, is also subject to government regulations on commercial speech. i.e. commercial speech != [different from] *speech by corporations. (Bob)*

The difference is that there's no corporation without commercial speech, i.e. without a part of it devoted to that sort of speech that was not even considered to be speech until the 1970s.

Think about it: "corporate-political-speech.'' Where until *Virginia State Pharmacy Board v. Virginia Citizens Consumer Council* (1976) corporations' commercial speech wasn't even considered to be speech at all!

"*The* McConnell *decision* [McConnell v. Federal Election Commission (2003)] *largely rested on* Austin v. Michigan Chamber of Commerce (1990), *which permitted bans on corporate speech.*'' (From comment on *Citizens United v. Federal Election Commission* [2010] in John R. Vile, *Essential Supreme Court Decisions*, 2018).

For 20 years corporate political speech was no speech at all either in the United States. "*The Austin decision identified 'an antidistortion interest' in limiting political speech based on an attempt to prevent the effects of accumulated wealth.* " That was the rationale.

Justice Stevens's dissent on *Citizens United* is brilliant. Quotes (J. R. Vile 2018):

> Restrictions on corporate expenditures date back to the Tillman Act of 1907. ... The decision in *Austin* has not shown itself to be as flawed as the majority suggests.
>
> The Court has long approved 'the authority of legislatures to enact viewpoint-neutral regulations based on content and identity.'
>
> The Framers had a much narrower view of the rights of corporations than the majority, and the original understanding has been substantiated by the history of regulation in this area.
>
> The Constitution does, in fact, permit numerous 'restrictions on the speech of some in order to prevent a few from drowning out the many.'
>
> The laws at issue are legitimate measures to prevent corruption and to protect shareholders from expenditures they do not support.
>
> They [corporations] are not themselves members of 'We the People' by whom and for whom our Constitution was established.

Just like about 40 years ago commercial speech emerged as speech, 30 years later, that is ten years ago, corporate political speech became speech. For what purposes have these sinister Frankenstein creatures been invented?

V
Section 230

The (1) of Section 230 seems intended to prevent its (2), it protects providers from liability for content on their platforms, so providers have no reason to remove content –if they're for free speech– as nothing can happen to them for content, 230(1) speaking.

I grant you immunity for any sort of content (1) and, whereas you should be content with that, I also grant you immunity for (bona fide) content removal (2). It's called to have your cake and eat it too. Completely unbalanced. As they're free to remove content, why can't I hold them responsible for content they don't remove?

You're perfectly free to sue the person posting the offending tweet. (J_Rex)

Wouldn't suing an anonymous user depend on Twitter's will to disclose information about the user?

If you don't like Twitter's or Facebook's rules you are perfectly free to create your own platform with whatever idiosyncratic rules you want. In fact, there are such platforms, notably Parler. (J_Rex)

I'm free to leave *but at a cost* (among other things in terms of audience) and Twitter, which, as one of the first movers, has an undue trustlike position on the market due to its millions of users, should partake in the cost.

*

Hate speech laws are something democracies and dictatorships have in common. Or is USA the only democracy in the world? God Bless America.

11
Law II

The First Amendment Protection of Speech and Assembly Which Advocate Violence

I

No speech is protected if it incites violence. (D.B., Nov 28)

WRONG. No speech is protected if it incites *imminent lawless action*: *Brandenburg v. Ohio*, US Supreme Court, 1969.

'Imminent' means that speech is protected when it "*amounts to nothing more than advocacy of illegal action* [like violence] *at some indefinite future time*'': *Hess v. Indiana*, 1973.

The American Constitution protects speech that incites violence in some cases and I should say most cases. D.B.'s view is the same misunderstanding that led Misters Brandenburg and Hess to be prosecuted *in violation of the Constitution.*

D.B.'s phrasing is misleading. "Inciting violence,'' when it is "advocacy of illegal action at some indefinite future time'' is protected speech, so the Court does *not* examine whether speech incites violence, only whether it incites imminent lawless action.

The imminent lawless action test is more stringent than the earlier "clear and present danger'' test, so even speech that wouldn't pass a clear and present danger test is now protected. Thus, to tell people they can't "incite violence'' is to mislead people, as they are constitutionally entitled to advocate riots, bombings, killings, you name it, as long as it is in "some indefinite future time.''

And if it is true that the imminent lawless action test is more protective of speech than the earlier clear and present danger test, then advocacy of violence is protected *not only* when adressing some indefinite future time – because of the word 'present.' As the less protective test contains the notion of "present danger,'' one is bound to think that the more protective test has discarded it, and that "imminent action'' being not the same as "present danger'' there can be present (not future) danger and yet no imminence of lawless action.

II

Otherwise, the First and Fourteenth Amendments protect even speech and assembly which advocate violence. (*Encyclopedia of American Law*, D. Schultz ed: Brandenburg v. Ohio)

'Otherwise' = when speech is not intended to produce imminent lawless action (1) and not likely to produce such action (2).

The use of the negative form here (by me) is confusing. The decision poses (1) and (2) as compounded, not alternate conditions: there must be *both* the *intent* to produce imminent lawless action and, independent of the intent, an actual *likelihood* as to result. If one of the two conditions is missing, speech is protected.

III
Advocacy of Illegal Conduct Is Lawful

In I I told D.B., who had said "no speech is protected if it incites violence,'' that she was wrong. She was wrong, but even competent persons make the same error: "*These cases illustrate that the First Amendment applies to all groups so long as their intent is not to intimidate or incite violence.*'' (MTSU First Amendment Encyclopedia: American Nazi Party and Related Groups)

When such a conclusion isn't from lack of knowledge, it's lack of logical thinking. "Incite violence'' isn't the same as "incite imminent lawless action'' (including violence) and therefore it is lawful to incite non-imminent violence.

"*In* NAACP v. Claiborne Hardware Co. *(1982), the Supreme Court ruled that an economic boycott constitutes a form of constitutionally protected expression akin to traditional means of communication, such as speaking and writing, <u>even if violence is threatened</u> as a means of achieving group goals.*'' (MTSU First Amendment Encyclopedia : Boycotts)

I think the courts have held (properly) that there is a tight rope to be walked between allowing someone who is simply pissed off to vent their anger and someone who is actually intending harm. (D.B.)

I'm sorry to disagree again. People who "threaten violence,'' like in the *Clairborne* decision, "actually intend harm'' (at least conditionally: if... then) and yet it is protected speech.

But D.B. is probably thinking of the *true threat* doctrine. So I add that except for the unusual 2003 decision on cross burning that can be a true threat, generally speaking in case law a threat has to be kind of very clear, present, imminent, lawless and all that to be (a little bit) *true*.

If the courts want to be consistent with *Virginia v. Black* (2003) on cross burning and the vague notion of intimidation, they will have to smash down the very doctrine of true threat, even *Brandenburg v. Ohio* (on lawless imminent action) and the whole edifice of First Amendment law. The Supreme Court made a mistake.

ii

The true meaning of the American First Amendement, its truly distinctive nature lie in the words "Advocacy of illegal conduct.'' This distinctly American right is what makes all other peoples beside conscious Americans look like phantoms or trembling mice keeping close to the wall.

*

Desegregation

I

Brown v. Board of Education of Topeka et al. (1954) was based on massive empirical evidence that segregation in the Southern states did not live up to the standard of separate but equal. Yet *Plessy v. Ferguson* (1896) had been based on the *a priori* possibility of the standard, which cannot be disproved by empirical evidence.

An *a priori* possibility is to be rejected by statement of *a priori* impossibility, statement that is lacking in *Brown v. Board of Education* as it relies on empirical facts. From empirical facts only, the conclusion could well have been that segregation had to be redesigned, started anew.

ii

As the conclusion from the empirical evidence could be either ending segregation or redesigning it, the decision to end segregation would require an additional *a priori* impossibility justification that cannot be found in *Brown v. Board of Education*. So the Court's conclusion exceeded the premise, as the only ways open to the Court, absent a statement of *a priori* impossibility, was redesigning or leaving it to the states to decide.

Desegregation was postulated rather than inferred by the Court, whose reasoning in the case is a mere *petitio principii* (the fallacy known as begging the question).

Petitio principii i.e. begging the question: Based on empirical evidence, on empirical evidence only, you can't have the imperative of desegregation in the conclusion if you don't put it in the premises yourself (if you don't postulate it no matter what the evidence is).

iii

In *Brown v. Board*, unanimous justices say: Segregated schools are not equal and we believe they can't be. We see the main part for them is "Segregated schools are not equal,'' whereas "they can't be'' is a minor point in their eyes, as a belief suffices.

Yet from a Court about to conclude with mandatory desegregation, one was expecting not a mere belief that "they can't be'' but a formal demonstration: an *a priori* demonstration of an impossibility *per se*.

Moreover, the very fact that unanimous justices wouldn't express more than a belief is testimony that the documents sent by the NAACP and attorney Thurgood Marshall were wanting on that side of the issue. And it wasn't bad faith on the justices' part, as they granted desegregation.

According to commentators, the NAACP articulated some demonstration of the kind, well aware, then, that such a demonstration was unavoidable, but in the end justices expressed a mere belief, the polite way to say the demonstration was worthless. Without offering one of their own.

II
One Bused Nation

As of precedent of Sep 1999, when a school district has "eliminated all traces of intentional racial discrimination,'' busing programs must be stopped. How may one think this is not starting over with segregation, as said elimination was the result of busing only?

Busing made mixed schools. End busing and you get segregated schools again, because busing did not mix neighborhoods.

What can lead from busing to mixed neighborhoods is that families find busing so impractical, burdensome and punitive they prefer moving in the neighborhoods where their kids

are bused, in order to avoid this busing hell. As if the inspiration for desegregation designers were Machiavelli rather than the Founding Fathers.

III
A Chronology of Desegregation in the USA
Cut-ups from the Encyclopedia of American Law

As late as 1992 the state of Mississippi was before the Court because it was continuing to maintain a dual university system (*United States v. Fordice*) (about 40 years after *Brown v. Board of Education*).

In 1991 the Supreme Court ruled that once a school district eliminated "the vestiges of prior discrimination,'' it no longer had to maintain racial balances. *Oklahoma City Board of Education v. Dowell* (1991)

In September 1999 a judge of the district court involved in *Swann v. Charlotte-Mecklemburg Board of Education* (1971) found that the Charlotte-Mecklemburg School District had eliminated all traces of intentional racial discrimination and so ordered it to stop its massive busing program.

Finally, a counterpart to de jure segregation is de facto segregation, which refers to division of races based on residential patterns. De facto is not mandated by the state or required under law. Instead it is a voluntary form of segregation. De facto has been recognized by the Supreme Court, which ruled that because it was based on private action it did not allow for a judicial remedy. In the case of *Milliken v. Bradley* (1974) the Court ruled that de facto segregation in residential patterns could not be remedied by forced busing of students from suburban schools to urban schools.

*

A Country Where Pornography Isn't Obscene?

Given that "*obscenity is not protected under First Amendment rights to free speech*,'' it is puzzling that U.S. law doesn't affirm at the same time a presumption against the whole pornographic industry.

That in American law obscenity is not protected by the First Amendment and yet most pornography is, is beyond my understanding. I honestly fail to see how the bulk of porn videos and pictures can pass the *redeeming value* test set up by the courts as I'm told they do. So maybe scholars are wrong and it simply isn't true that "*pornographic materials are protected by the First Amendment*'' as far as as the bulk of them is concerned, and that so long as porn is cordoned off, 'redlight-districted,' so to speak, authorities don't prosecute. That would be *law enforcement discretion*, choosing not to prosecute obscenity when it is cordoned off. The reason we would fail to see it this way is that such an extensive use of discretion is rather at odds with our sense of what the rule of law ought to be.

ii

Porn often promotes 'plots' based on racism, incest, rape, sexism, or violence, and then says these themes are okay in porn because they're 'fantasy.' Why are we sexualizing scenarios that are never acceptable in reality? (FTND: Fight the New Drug)

On a First Amendment Encyclopedia I read of criticism of porn films... in the sense of literary criticism. So, as you talk of ‘plots,’ that alone could be construed as *redeeming value* (which protects some explicit material from prosecution for obscenity). As there’s a plot, that’s a work of the mind, a work of art.

But let me ask, then. What if someone cuts up the sex scenes from the film and uploads them piecemeal? The public will inevitably miss the dialogues, the acting, the story, the plot, all the redeeming value, they will only be... watching porn.

12
Law III

"*The argument against censorship is clear: no person should dictate our tastes, ideas, or beliefs. No official has the right to say what is trash or what has value.*'' – Justice William O. Douglas

It's more than just an argument against censorship in the sense of prior restraint:

"*It is impossible to concede that by the words 'freedom of the press' the framers of the amendment intended to adopt merely the narrow view then reflected by the law of England that such freedom consisted only in immunity from previous censorship.*'' – Justice George Sutherland

In about all Western countries previous censorship, i.e. prior restraint, is past, but the amount of public prosecutions for speech is appalling in about all Western countries but the USA. In those countries it's still the "*narrow view then reflected by the law of England.*''

*

Judicial Singlism

Single defendants are more likely to be convicted and more harshly by a court of law. I think I read it in an American law encyclopedia but forgot to mark the passage. Anyway, the first thing a criminal judge asks defendants is their marital status and whether they have kids. Given that "the first thing a criminal judge asks defendants is their marital status and whether they have kids'' and what I have read about judicial discrimination against singles, all convicted singles can appeal convictions on the ground of singlism.

*

Criminal penalties are illegal as they are grounded on the hubristic notion that the society is owned by its representatives, namely, at the date of the notion's emergence, the king. Criminal law and criminal penalties are the artefact by which kings dispossessed traditional justices.

The consequence is that the judicial system is clueless about how to integrate "victim's rights" => "*victim justice, or what is often referred to as parallel justice*''! It's no integration at all but parallelization.

When you've got parallel justices but no double jeopardy doctrine, then you do the defendants an injustice. (To have parallel lines you need at least two lines, even in case they overlap.)

*

Coroner-Elect

In the USA coroners are elected officials in a majority of states ("*More than 80 percent of U.S. coroners are elected*''). In 2016 the Progressives of ThinkProgress published a paper "*Why do we still elect coroners?*'' which conclusion –no surprise from Stalinians– is to stop

electing them. They give the example of one coroner in whose reports "*suspicious deaths in police custody were simply accidents or natural causes.*'' What those Stalinians don't tell you is that in countries where coroners aren't elected, they *all* declare such suspicious deaths as natural.

*

The First Amendment Protection of Book Burning

Books won't stay banned. They won't burn. Ideas won't go to jail. In the long run of history, the censor and the inquisitor have always lost. The only sure weapon against bad ideas is better ideas. – Alfred Whitney Griswold

"They won't burn''? Book burning is protected speech.

Picture: Comic books burning in Spencer W.Va. [West Virginia], 1948 (AP Photo via Middle Tennessee State University's First Amendment Encyclopedia)

Of course Griswold meant "books won't burn *as a result of state action*. " However, I'm sure some people would cry foul state-sponsorship if a GOP local section carried out book burnings while the governor or POTUS is a Republican, for instance. Book burning is free speech.

"Books won't burn as a result of state action without judicial redress'' isn't the same as "books won't burn,'' to begin with. People have the constitutional right to burn books. The ambiguity of Griswold (or is it GRIMswold?)'s words is unescapable. "Books won't burn'' has a smell of "You won't burn books,'' a threat at people who would exercize their First Amendment right.

*

Bolshevik Control

"*I must stay on the court in order to prevent the Bolsheviki from getting control.*'' Chief Justice William Howard Taft, 1929

It must have been no small peril as the Chief Justice could utter such words.

ii

On the other hand there are those who trivialize the matter using the phrase *red scare*, blaming people such as Chief Justice Taft for *irrationality*.

iii

The record of Communist parties' participation in coalition governments in European countries (like France) remains unscrutinized. What you'll find is their consistent voting for the curtailment of fundamental freedoms.

iv

In June 1919 the Overman Committee of the U.S. Senate concluded that Communism in Russia was "*a reign of terror unparalleled in the history of modern civilization.*''

v

"*Since 2011, the United States National Aeronautics and Space Administration (NASA) has excluded the Chinese government and China-affiliated organisations from its activities, including using funds to host Chinese visitors at NASA facilities.*'' (Wikipedia: China exclusion policy of NASA)

*

In 1943 the Chinese Exclusion Repeal Act of 1943, or Magnuson Act, repealed the 1882 Chinese Exclusion Act, allowing for an annual quota of 105 Chinese immigrants, at the same time maintaining the ban against ownership of property and businesses by ethnic Chinese.

*

For those who think hate speech is unprotected, please read Snyder v. Phelps, *562 U.S. 443 (2011). The Supreme Court held that the WBC* [Westboro Baptist Church]*'s hateful picketing was protected speech. And Wikipedia correctly cites me as the source of the protection. (*[a Twitter user named] *The First Amendment)*

Hate speech is a name found by those willing to shield group lobbying from people's scrutiny. To those who'd retort that using the n-word and other such words isn't "scrutinizing group lobbying,'' I have this to say: "*One man's vulgarity is another's lyric.*'' (Justice John Marshall Harlan)

*

In *Cleveland v. United States* (1946), "Justice Francis W. Murphy dissented, largely based on anthropological analysis, arguing that polygamy differed from promiscuity.'' #Mormon

*

On a marketplace there must be antitrust laws. What are the antitrust laws on the "marketplace of ideas''?

The marketplace of ideas is about speech and counterspeech but some are defining it as speech and speech-canceling.

13
Law IV

This chapter is short (but nonetheless important), as I was giving lessons on Twitter and have shut down my account there (with about a thousand followers), as well as my Facebook account, because of these platforms' meddling in politics and political censorship, which I find unacceptable.

*

I am amazed at how readily some Americans will surrender all forms of freedoms so long as the invasion comes not from government but big corporations, as if the latter could treat individuals as trash and no redress existed.

(My goal in previous chapters was to show that means of redress exist, even without a new statute or constitutional amendment: See *Invasive Moderation*.)

*

However Broad the Daylight

When in 1929 intellectual and candidate José Vasconcelos contested election results in Mexico he made a call to insurrection and, the insurrection failing, left the country. – How can accepting a new governement after claims of electoral fraud be consistent with democracy?

Was the people given a satisfactory coverage of how the fraud claim was answered? Each point of the claim should have been addressed one by one and there should exist at the date of today a formal document refuting all the claim's points. Does it exist?

To say that courts decided is not enough, if it turns out the courts made answers completely in the abstract, i.e. making a general statement that does not deal at all with the points as presented as they sometimes do albeit they have to deal with particular cases.

One may call violence at the Capitol disgraceful but I fail to perceive that the claim of electoral fraud was addressed with due concern rather than disregarded from the beginning as "same antics." It's not the way these things should be handled.

ii

Seeing that the U.S. president was not preparing for an armed insurrection even though he kept crying foul, the once evoked martial law would have been his duty in the circumstance. He is letting an illegitimate government take charge.

I can't say that the evidence supporting the claim seems conclusive to me but also I'm not quite familiar with U.S. electoral law (I swear to change this before the next presidential election). However the counterspeech strikes me as so light-minded –though aggressive– that I am in doubt. President Trump makes precise –not vague– accusations, such as that in states X and Y electoral law was changed before the election without the approval of state legislatures as required by the constitutions of these states. It should be easy to prove that right or wrong. So?

As each state has its own electoral law, the number even of Americans who have a fair picture of the electoral process is quite small. Add the tortious invasion of politicians' speech by oligopolistic internet business, and you've got ideal conditions for massive fraud in my book.

"Tortious invasion,'' yea, regardless of unhinged platform lobbyists ranting about their right to decide what speech they convey. These lunatics will make East Berliners regret the Wall if no one stops them. They've got no right which would be the end of free speech.

Let me tell you more about the platforms' tortious practices. When French authorities for instance ask them to remove content, they remove it, explaining "The tweet was against the law of the country.'' This is disingenuous, for removal is censorship and there is no censorship in France: People can be prosecuted for speech but there's no 'censorship,' the government cannot force one to remove or recant content even if the person is prosecuted for the content. This is called "*la loi de 1881*.''

Please note that Twitter complies with French authorities' repressive –and illegal!– hubris even though "*Twitter has no offices nor employees within France, so it is unclear how a French court could sanction Twitter.*'' (Wikipedia: Censorship of Twitter)

And this is *government* censorship: Twitter has reestablished *governement censorship* in France, it acts on governement's order, not –or not only– on courts' injunction.

But as Twitter might be prosecuted according to that law, not as author but as publisher, they remove content as soon as asked, even though, as stressed above, "*it is unclear how a French court could sanction Twitter*.'' – They remove not only what they don't like but also, and around the world above all, anything repressive governments ask them. Pathetic.

These trustlike platforms incorporated in America are pathetic because they align themselves on the repressive practices of repressive governments around the world instead of the American spirit of the laws.

Not only does Twitter drift from the American spirit of the laws, thus corrupting Americans toward degenerate subserviency, not only does it de facto reestablish government censorship in countries like France, but also, whereas it is blocked in Communist China, it allows thousands of *wumao* trolls from same Communist China to spread their slavish propaganda. To say that they are a threat to American national security is an understatement.

*

The Business of Looking the Other Way

"*More than 90 percent of federal employees* [are] *covered by the civil service or other type of merit-based system.*'' (Middle Tennessee State University's First Amendment Encyclopedia: Political Patronage) They're the people who will look the other way in presence of fraud.

The reduction of political patronage has not diminished civil servants' dependency on political machines in the least, only now they depend not on one machine all the time but on all machines alternately.

I don't know whether these 'unpatronaged' functionaries should be called the Deep State or rather the soft belly of the state, a mass of discarded citizens whose constitutional rights are

about the same as those of the furniture in their offices. That these functionaries live under the U.S. Constitution makes no difference, they would be living the same life in Communist China, in the same way as their office furniture would be as good in Beijing as it is in Capitol Building.

14
Law V

On Original Understanding

In American law original understanding is the doctrine according to which judicial review should abide by the constituant's original intent. This may sound pretty much like common sense, yet it is a minority opinion, which, as such, takes the name of 'originalism,' and the originals who defend it are 'originalists.'

A major exponent of original understanding is Robert H. Bork, President Reagan's failed nominee for the position of Justice of the United States Supreme Court in 1987. His book *The Tempting of America: The Political Seduction of the Law* (1990) shall serve as a guideline to the present lesson.

Although there is much to be commended in Bork's book, in the present lesson we are mainly concerned with laying down our disagreement with some of his interpretations.

*

''*The abandonment of original understanding in modern times means the transportation into the Constitution of the principles of a liberal culture that cannot achieve those results democratically.*'' (Bork, p. 9 of First Touchstone Edition, 1991)

Leaving aside the content part of the sentence, it sums up Bork's technical opinion on judicial review as practiced in 'modern times,' namely, by judges who, feeling unconstrained by the constituant's original intent, inject their own political views into judicial decisions. In the context with which he is concerned, this approach has served, according to him, to carry out a liberal agenda. And 'democratically,' here, means by elected legislatures (although, in a broader sense, nominated judges are as much part of the democratic life of a nation as elected legislatures, we'll come back to this later).

The claim is that a judge cannot disregard original understanding without relinquishing neutrality. To stick to the original intent is the only way not to force one's own political views upon the body politic in one's judicial decisions.

Thus, according to Bork, a *substantive* due process clause of the 5th amendment (*No person shall be deprived of life, liberty, or property, without due process of law*) was *invented* by Chief Justice Taney in the *Dred Scott* decision of 1857, whereas the amendment only contains a *procedural* due process clause.

As a matter of fact, Bork denies that a right to own slaves was in the Constitution. However, in the Court's decision, Chief Justice Taney refers to the rights of property, which are obviously in the Constitution. A slaveholder had a property right on his slaves and, as the right of property is protected, the right to hold slaves was to the same degree.

A few years after *Dred Scott* and during the Civil War, the 13th amendment was adopted, excluding slaveholding as a form of constitutional right of property (*Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States*). Was, because of *Dred Scott*, a constitutional

amendment necessary? I might even doubt it (see below), and yet it does not affect *Dred Scott*, inasmuch as, back then, slaveholding was as constitutional as any other holding of property. The clause struck down by the Court was an unconstitutional abridgement of the right to property; it does not mean that slaveholding was protected as such by the Constitution, that is, that the legislator could not decide to exclude slaveholding from the right of property, but as long as it was included in the latter right, it was protected accordingly, and according to existing statutes compatible with the Constitution.

This fallacy, that the Court would have introduced in the Constitution a right to hold slaves that was not in it, is Bork's departing point. According to him, the substantive due process clause is the essence of later judicial activism, of '*judicial legislation*.' He quotes Justice Black saying deprecatorily that the substantive clause is not the '*law of the land*' but the '*law of the judges*' (*In re Winship*, 1970).

To refuse to see slavery in the Constitution before the 13th amendment and to claim that the Court introduced it itself, amounts to giving slavery a definition it has never had, which makes it heterogeneous *per se* to the right of property. However, the freedom to own slaves, in a Constitution the letter of which knows of slavery (Art. I, Section 2, clause 3; Art. I, Section 9, clause 9; Art. IV, Section 2, clause 3), is *the same thing* as the right of property.

Even in the hypothetical case where slavery were absent from the letter of the Constitution, it is not permitted to interpret the right as not including slaveholding, for three reasons:

1/Slavery existed in the states at the time of the ratification of the Constitution;

2/The Constitution did not abolish slavery;

3/The Constitution does not enumerate the goods that it is legitimate to own as property, so the right includes all kinds of goods that the law held as permissible at the time of the ratification, which included slaves.

The Supreme Court in *Dred Scott* said that to deprive a slaveholder of his property when entering a state where that property was banned by statute (like Illinois, by state statute, and Louisiana, by the Missouri Compromise of 1821, the states involved in the case) is violating the right of property without due process of law. This is not the same, I believe, as saying that to vote a statute excluding some kinds of goods, here slaves, from legitimate property is unconstitutional. It is true that Chief Justice Taney went further toward 'substance.' However, had the Court made it clear that it was striking down, in the Missouri Compromise, not the statutory exclusion itself but the proceeding attached to the statute, depriving citizens from other states of their property as soon as entering the territory of the state that passed the statute, it would have injected no 'substance' at all in the due process clause. (That the consequence might follow that it is also unconstitutional to confiscate illicit drugs, for instance, is not unlikely; that would not shock me, and those aware of recent debates about forfeiture will show no surprise either.)

*

According to the Constitution, ''*No State shall pass any law impairing the obligation of contracts.*'' This clause is held by Bork, contrary to the Supreme Court in *Hepburn v. Griswold* (1870), to apply to the States and not the Union.

However, what could be the meaning of such a limitation, when federal law is as binding as state laws in the respective states? What would be the aim of placing such a constraint on the states, which would have few if any effects on individuals (as the federal law could still impair individuals' contractual obligations), and that in a domain which has little bearing on the relationships between the states and the federal government? No, one must accept that a written Constitution leaves many things implicit, if only because the constituant cannot foresee all situations in the future, and also because too strict a litteral approach favors bad faith maneuvers that seek the flaws in the letter to the detriment of the original intent.

In the constitutional passage here, one fails to see what the constituant's intent would be aimed at if he had intended to limit the states' power to impair obligations of private contracts and not the Union's, whereas, when both the states and the Union are held in check, one understands that the intent is to ensure the binding force of private contracts throughout the territory of the Union.

Here is a case where Bork asks the courts to adopt a litteral approach. Yet, in one major instance, a very important one in this thought, he asks them to do precisely the opposite.

*

Bork approves the Supreme Court's ruling on the *Slaughterhouse Cases* (1873) involving the 14th amendment. The Court said the amendment applies to the newly freed slaves only. Yet the letter of the amendment (*No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States*) cannot lead to the conclusion that the amendment stops at racial questions. Indeed, in said cases dissident Justice Bradley asserted that the amendment was '*embracing all citizens,*' and this would later become the line of the Court after it reversed its position†.

†*Footnote*: [On this particular clause of the 14th amendment, the Court is actually said to have maintained its position: ''*The Court's narrow restriction of the privileges and immunities clause continues to this day.*'' (J.R. Vile, on *Slaugtherhouse Cases*, in *Essential Supreme Court Decisions*, 2018) (Bork, for his part, says of this clause: ''*The privileges and immunities clause, whose intended meaning remains largely unknown, was given a limited construction by the Supreme Court and has since remained dormant.*'' [37]) At the same time, as Bork emphasizes it time and again, another clause of the same amendment, the equal protection clause (*No State shall deny to any person within its jurisdiction the equal protection of the laws*), has been interpreted as 'embracing all citizens', for instance: ''*It is clear that the ratifiers of the fourteenth amendment did not think they were treating women as an oppressed class similar in legal disadvantages to the newly freed slaves. That is an entirely modern notion and written into our jurisprudence only recently by the Supreme Court.*'' (Bork, 329) Therefore, as a result of the Supreme Court's *stare decisis*, in the same sentence of the same amendment, in one part of this sentence (the privileges and immunities clause) the word 'citizens' is understood in a restrictive sense as meaning Blacks, and in the other part (the equal protection clause) the word 'person' is understood as embracing all citizens. This is certainly peculiar and unlikely to enhance American citizens' knowledgeability in their own law.]

Bork agrees that the 14th amendment was specifically framed for Black people, the newly freed slaves. He acknowledges that its redaction is more general, more 'embracing,' to speak like Justice Bradley, and his argument here (pp. 65-6) is that some other general

dispositions are applied by courts in a limited fashion consistent with the intent of the legislator. (As if he were not warning us throughout his book that courts could take militant positions.)

With this guideline of looking for the intent, Bork argues that the Court could have, with the same result, been 'originalist' in *Brown v. Board of Education*, for ''*the real principle was that government may not employ race as a classification*'' (79) (as the equal protection clause is nothing less and nothing more than a prohibition on racial classification, according to him), but that the unanimous Justices chose another, 'un-originalist' way of reasoning, to reach their conclusion. Bork's point, contrary to the mainstream interpretation of the case, is that the decision itself is consistent with the original intent of the framers of the 14th amendment, no matter how the Court got there.

Leaving aside that (1) a Black-White racial classification is not the only possible racial classification and (2) one fails to see how the will to abolish a slave-master relationship, even when this relationship overlapped with a Black-White classification, must imply an absolute mandate to relinquish every kind of racial classification (an altogether different subject –slavery needs not function on racial dividing lines– and the Chinese Exclusion Act subsequent to the 14th amendment surely pays no heed to the amendment being a racial classification prohibition clause), one entirely fails to see why, if by the 14th amendment they wanted to strike at racial classifications only, the legislators would not say so explicitly and would use the word 'citizens' and 'person' instead.

Many will find my essays on *Brown v. Board of Education*, in the previous Lessons of this blog (Lessons 4-6), naive, as I seem to believe that the Court's aim was to end not only legal but also de facto segregation. I admit I have difficulties with the notion that the undoing of legal segregation and the policy of busing (not to mention affirmative action) had nothing to do with contemplating the end of de facto segregation. Especially because, as the Court claimed that legal segregation was an obstacle to Blacks *feeling* equal, I fail to see how the obstacle to feeling equal is removed when Blacks cannot put the blame for their marginality in the American society on the states any longer but have to put it on themselves, as they are told that the obstacle to their integration has been withdrawn. Current de facto segregation is of a center-margin structure, no doubt about it. (At the relevant level, which is the reverse of the topographic level, where white suburbia is the periphery.)

As the Court from the outset has refused to address the question of de facto segregation (the dead-on-arrival decision *Shelley v. Kraemer*, striking racially exclusive covenants, notwithstanding), if the aim was to put an end to a psychological feeling of inferiority, the truth is that *Brown* was not addressing the issue even remotely.

It remains that the Court could not prove that legal segregation was *necessarily* causing a feeling of inferiority among Blacks, although the apodixis was formally required to order the ending of legal segregation rather than its reform on new grounds.

*

Bork blames the Court, in *Griswold v. Connecticut* (1965) by which the Court struck down an anticontraception law, to have invented a tool for expanding 'moral relativism in sexual matters' but he has just explained in the previous pages that the anticontraception statute in question was not enforced (except in the present case, which was brought about as a *test case*, that is, intentionally by the claimants), and this means that moral relativism was already

ensconced in legal affairs and that the Court, therefore, only affirmed it, not as an invention of the Justices, but as the current state of the law. It would have been different if the law had been enforced.

Justice Stewart called the anticontraception bill '*an uncommonly silly law*,' yet it is a perfectly Christian law. The first and foremost deterrent to promiscuity is the possible consequence of unwanted pregnancy, and Christianity is '*that religion precisely which extols the single state*' (Kierkegaard, *The Instant N° 7*). Obviously, for such a religion promiscuity must be a major evil. Had, on the other hand, Justice Stewart had STDs (sexually transmitted diseases) and the preventative necessity to curb their spread in mind, he would have called the law dangerous, not silly, so he had not STDs in mind while making his comment, and so it is hard to know what he meant if not that Christianity is an uncommonly silly thing.

In *Griswold* the Court found especial fault in the fact that the law applied (or purported to apply, as it was not enforced, according to Bork) to married people and what they were doing in their bedrooms. Yet two spouses can be promiscuous with each other (the number of sexual partners is immaterial to the true definition of the word), so laws against promiscuity cannot leave spousal relationships out of their scope.

It is the same with antiabortion laws. As the best trammel to promiscuity is the risk of unwanted pregnancy, women must be compelled to bear the consequences of their sexual conduct in terms of pregnancy, in order for unwanted pregnancies to remain a deterrent. In the past, several, not all, antiabortion legislations made exceptions in case of rape, the result of which must be, however, that some women will want to terminate unwanted pregnancies by accusing the father, or any man, of rape, and such accusations, though baseless, may be hard to dismiss. (I believe many rape cases are decided mainly on the basis of conventional presumptions, such as, if the two individuals did not know each other before, rape, when alleged, is assumed, etc.)

And it is the same with antisodomy laws.

*

On *Brandenburg v. Ohio* (1969), Bork makes the relevant following remark: ''*That rule* [that only incitement to 'imminent lawless action likely to produce such action' falls outside the protection of the first amendment] … *would not protect one who advocated a sit-in in a segregated lunch counter if the segregation was lawful and the advocacy produced a sit-in*'' (335).

Bork's solution, however, is not acceptable: The right to *advocacy of illegal conduct* is a pillar of American freedom, the tenet that distinguishes it from all other nations in the world, which are police states and political caste (see below) states.

The solution must be, therefore, that incitement through speech is never a crime. How, anyway, does one reconcile criminalizing verbal incitement with the individualistic postulate of democracy? One is responsible for one's actions; the law that criminalizes verbal incitement derives from another, archaic, opposite and incompatible postulate. While you criminalize verbal incitement, why do you not criminalize social conditions, systemic incitement? – Would you like to make an exception for crowds on the ground that crowds are irrational? Be aware

that the social scientists who developed such theses, like the French Gustave Le Bon, also said that assemblies are crowds, legislative bodies are crowds.

Bork's solution is the following: Advocacy of illegal conduct is not to be tolerated unless the conduct advocated is… lawful.

In his example above, he argues that, segregation being unconstitutional due to the equal protection clause of the fourteenth amendment, speech advocating a sit-in in a segregated lunch counter would be protected by the first amendment. The persons prosecuted for their speech could therefore invoke the unconstitutionality of segregation to demonstrate that, since segregation was unconstitutional, their speech was no advocacy of illegal conduct and was therefore protected by the first amendment.

To begin with, as executive authorities are no judge of the constitutionality of the laws they must enforce, if Bork's solution were adopted prosecution would be unavoidable, and this in itself is repressive of speech, is bound to function as a form of censorship.

Then, the Constitution can be amended just as legislative statutes can be repealed, so there is no justification in allowing speech that incites conduct contrary to statutes (provided the statutes are proven unconstitutional) but not speech that incites conduct contrary to the Constitution.

This is why we suggest the rule of making unconstitutional all criminalization of verbal incitement.

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One important thing omitted by Bork is that, in the separation of powers, irremovable judges must be a check to a *political caste*. But we are not really dealing with constitutional theory here, as the Constitution does not even know of political parties.

The lesser of two evils: 'Judicial policymaking' by irremovable judges is necessary to counter the underhand actions of a political caste, that is, to prevent the political class to become a political caste in the first place, and this is called for by the separation of powers itself, as a political caste cannot serve its vested interests without maintaining and increasing executive discretion and arbitrariness.

Bork is convinced that legislative policymaking is the result of a democratic tradeoff between political forces and that this tradeoff does not obtain in 'judicial policymaking,' but he ignores the common interest of a political caste in the absence of a sufficiently strong judicial counterpower. This common interest results, in questions bearing upon it, not in a political tradeoff but in caste unanimity against all other interests in the society. (Among other things, the caste suppresses speech, to prevent criticism.)

By caste we do not mean the traditional group structure based on the principle of heredity; we were only looking for a word that would make clear that in those democracies where the judiciary is weak the political class (and it is undeniable that there is a political class in the United States) degenerates into something else much more obnoxious.

The 'liberal culture' that Bork claims has been forced upon Americans by the US Supreme Court was on the other hand forced by their own legislators on European people. While reading the book, we hypothesized that the US Supreme Court may have set the

precedent for legislations abroad, and that European legislators perhaps would not have passed such reforms as legalization of abortion, had not a great Western nation taken the lead, not by politicians but by nine judges. (In the media and political doxa, those European politicians are still held as 'courageous,' which implies that they went against the grain, against the mainstream, against the *majority* of the people.) The hypothesis is not historically supported as far as abortion is concerned. A chronology that would go from totalitarian legislation – Bolshevik rule in Russia (1920-1936, then 1955) and National-Socialist power in Germany (in the thirties)– to the US Supreme Court's decision *Roe v. Wade* (1973) to European democratic legislations like France's (1975), would leave aside a couple of legislative reforms in other countries (Mexico, Poland, Iceland in the thirties, etc).

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For a common law judge, the legislator's intent is not binding. The following quotation on the situation in Nordic countries will serve as an illustration, by the contrast it offers:

''*Such preparatory works* [so-called *travaux préparatoires* to the adoption of legislative statutes] *are therefore used extensively by the courts in Nordic countries as interpretive tools when facing legal uncertainties. The fact that judges both participate in the making of new laws and as the practical users of those laws can to some degree explain the willingness of courts to follow such interpretive sources without feeling unduly influenced by politics. (As a contrast, see* Pepper v. Hurt *[1992], in which the British House of Lords –nowadays the Supreme Court– allowed for a rare consultation of political statements regarding the purpose of a law.) It might be said as a general observation that the courts in the Nordic countries try to stay loyal to legislative intent.*''

(Thomas Bull, in *The Nordic Constitutions: A Comparative and Contextual Study*, Krunke & Thorarensen ed., 2018)

Common law: the phrase is not to be found in the index of Bork's book. Yet American judges are common law judges; Bork ignores it completely. His argument, in a nutshell, is that since the US has a written federal Constitution it is a regime of *civil law* (Roman law), but this is not the case, and one needs no modern constitutional theory, however liberal, to affirm that this is not.

For Bork, judicial policymaking must be interstitial, it must fill in the interstices of statutes, but in the philosophy of common law statutes fill the interstices of common law. – Coming from the very land hailed as the craddle of modern parliamentarism.

Bork's concept of original understanding must by necessity make an entirely residual, insignificant power of the judiciary (like in France and other continental European countries) with the mere passage of time, for the simple and good reason that as time passes by the number and scope of situations that it is not possible to link satisfactorily to an original intent of the constituant must increase, so much so that the judge of 100 years from now will have to concede more power to the legislator than today's judge, and the judge of 200 years from now more than the judge of 100 years from now. To prevent it, to maintain a balance of powers, the judiciary therefore must not approach the Constitution too literally, too narrowly, and this not in order to obtain new prerogatives but in order to avoid falling into insignificance, which would unavoidably lead to a despotic republic as warned about by Tocqueville (whom neither Bork nor his coauthors seem to have read).

To be sure, the Constitution can be amended to respond to evolutions. This power of constitutional amendment proves us right in the analysis of the passage of time. One must admit that its very existence shows that the original constituants have asked the posterity not to rely *too much* on their intent. Bork has little to say about this power of constitutional amendment that contradicts his claim that decisions of the Supreme Court are final. The fact that the legislator does not use this power more often against the decisions of the Court indicates that these decisions are not the will of 'nine judges' only. Bork advocates leaving many issues which the Supreme Court have dealt with recently to the legislative bodies, but the legislator has not used its constitutional power to oppose the Court's decisions. To be sure, there exists an asymmetry between the decision procedure by the Court and the amendment procedure, the latter allowing for a minority veto, and that would confirm Bork that the will of the majority can be held in check. On the other hand, the Court's decisions are allowed to be countermajoritarian only to a small degree, because if it were to a higher degree its decisions would be defeated by amendment more often than not.

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To conclude, the following comparative law study will illustrate the tendencies of the political *caste* in continental Europe. (It is no accident that the United Kingdom of all European countries left the European Union: Common law is incompatible with this bureaucratic mess.)

In the US, the ACLU (American Civil Liberties Union) defended the American Nazi party, in *National Socialist Party of America v. Village of Skokie* (1977), and Nazi organizations are protected by freedom of association and freedom of speech. Needless to say, this is not the case in France, where civil liberties organizations would be on the frontline, and vociferously so, to oppose the legal existence of such parties. We know of a legal Nazi party in Denmark too, with swastikas and like paraphernalia, and we are trying to find more on the legal issues involved, as Denmark belongs to the EU and the Council of Europe, which have guidelines to fight 'extremism' so it should be easy to terminate these national protective laws but still the Danish Nazi party exists and is legal.

The position of some American Conservatives on free speech is disappointing, they tend to ask for a European model, like Justice Thomas on libel (US libel law is much more protective of speech than France's) or Robert Bork on flag burning (constitutionally protected in the US whereas it is a criminal offense in France, where one may get six months jail time).

I agree with the latter, however, that pornography does not deserve the same protection. The US still makes a distinction between pornography and obscenity (which includes some pornography), allowing to prosecute the latter, which difference, of course, does not exist in France, where pornography is more protected than political speech.

The first amendment is good protection against state encroachments, but the issue is rising as to how one deals with private encroachments by internet platforms, Twitter, Facebook, etc. Their lobbyists argue that Section 230 protects platforms' free speech as private actors. Their moderation and censorship is the platforms' free speech, so the platforms would attack the repeal of S230 on first amendment grounds (cf previous Lessons). Yet they fail to see that the 1964 Civil Rights Act was needed because the Constitution does not protect minorities (ethnic, religious, etc) from *private discrimination*. As the 1964 Act stands in conformity with the Constitution, a bill that would prevent platforms to discriminate based on speech would

equally be constitutionally unobjectionable. In the present state of the law, Twitter or Facebook could ban people based on the color of their skin and that would be legal and constitutional. The Supreme Court's already named decision striking down racially exclusive private covenants (*Shelley v. Kraemer*) was dead on arrival, it has never been followed by other decisions, on the contrary the Court has ruled several times in the opposite direction, like in *Evans v. Abney* (1970) and *Moose Lodge N° 107 v. Irvis* (1972). Where the Civil Rights Act or Acts are silent, private discrimination is perfectly legal and constitutional in America. French legislators and courts have never granted private actors such room.

The European political caste, challenged by no judicial power worthy of the name, has forced the 'liberal culture' Bork is talking about on their people much more rabidly than the US Supreme Court on Americans.

End of Reveries of the Bureau Man
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