

## Hard Choices: Obama and Snowden

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To be published in *Obama and Transnational American Studies*. Ed. Alfred Hornung et al., 2016.

Why does [the government] not encourage its citizens to be on the alert to point out its faults, and *do* better than it would have them? Why does it always crucify Christ, and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels?

Thoreau, *Civil Disobedience*

In this essay I will argue that Barack Obama und Edward Snowden, though apparently occupying opposite ends of a globally perceived political conflict, share more values than contemporary public discourse is often ready to concede although it is readily expressed in popular iconography (Fig. 1). I will do so less by way of an orderly political analysis. Rather, as my field is literature, I will read Obama and Snowden and the actions in which they are caught through a number of classical American texts. No simple – least of all color-coded – allegory will emerge. Readers are invited to join me in a *jeux d'esprit* inspired by one of the most exciting human dramas of our times.



Fig. 1 Barack Obama by Shepard Fairey; Edward Snowden by “error-23”

For many, the election of Barack Obama for President of the United States in 2008 represented a belated act of justice for that part of the American population that had hitherto been underprivileged and disfranchised. Much of the “hope” associated with his person has lost its original luster under the massive pressures of realpolitik and a continuous conservative opposition in Congress. Yet as hardly any other politician (besides Nelson Mandela and a few others), Obama is associated with a generation’s struggle for human rights and social justice – the principal ideals of American democracy. While Obama’s project is halted by institutional obligations and dependencies, defense of American values – above all the right of private communication – is offered from an unlikely position: the former secret serviceman Edward Snowden. Snowden’s “sapere aude” – his ‘audacity to know’ and to share his knowledge with the world community – can be seen as a political anchorage for Obama’s somewhat idealistic and vague “audacity of hope.” Like Obama’s, Snowden’s political vision transcends the national realm, and both regard their struggle for justice within a cosmopolitan framework. And both, this paper argues, trace the origins of their thinking to a fundamental American right to rebel against conditions that they regard as unconstitutional.

At the end of his memoir *Dreams from My Father* (1995), having returned from his quest for identity to Africa, Barack Obama reflects on the implications of his law studies in Harvard:

The study of law can be disappointing at times, a matter of applying narrow rules and arcane procedure to an uncooperative reality; a sort of glorified accounting that serves to regulate the affairs of those who have power – and that all too often seeks to explain, to those who do not, the ultimate wisdom and justness of their condition.

But that's not all the law is. The law is also memory; the law also records a long-running conversation, a nation arguing with its conscience.

*We hold these truths to be self-evident.* In other words, I hear the spirit of Douglass and Delany, as well as Jefferson and Lincoln; the struggles of Martin and Malcolm and unheralded marchers to bring these words to life. I hear the voices of Japanese families interned behind barbed wire; young Russian Jews cutting patterns in Lower East Side sweatshops; dust-bowl farmers loading up their trucks with the remains of shattered lives. I hear the voices of the people in Altgeld Gardens, and the voices of those who stand outside this country's borders, the weary, hungry bands crossing the Rio Grande. I hear all of these voices clamoring for recognition, all of them asking the very same questions that have come to shape my life, the same questions that I sometimes, late at night, find myself asking the Old Man. What is our community, and how might that community be reconciled with our freedom? How far do our obligations reach? How do we transform mere power into justice, mere sentiment into love? The answers I find in law books don't always satisfy me – for every *Brown v. Board of Education* I find a score of cases where conscience is sacrificed to expedience or greed. And yet, in the conversation itself, in the joining of voices, I find myself modestly encouraged, believing that so long as the questions are still being asked, what binds us together might somehow, ultimately, prevail. (*Dreams* 437-38)

The quotation shows Obama's idealism, his belief in American core values such as community and the promise of happiness, but also a certain dissatisfaction, as when he refers to cases "where conscience is sacrificed to expedience or greed."

In his famous speech on race on March 18, 2008 in Philadelphia, Obama refers to the danger of race talk to occlude the real reasons for social inequality: "Just as black anger often proved counterproductive, so have these white resentments distracted attention from the real culprits of the middle class squeeze – a corporate culture rife with inside dealing, questionable accounting practices, and short-term

greed; a Washington dominated by lobbyists and special interests; economic policies that favor the few over the many.”

As we all know (but nobody knows better than Obama himself), it is difficult to fend off the corporate lobbyists and their political henchmen if they have infiltrated the political system in such a degree as they have in most Western democracies. Forced to leave the idealist intellectual coordinates of his early years of self-finding, Obama the President finds his political visions embattled by powerful interest groups both inside and outside of Congress (think of the filibuster against the health reform, or the severe antagonism against his immigration and environmental politics). As all presidents and public figures do to some extent, he has to experience that the leader of the nation has, to evoke Ernst Kantorowicz’s analysis of medieval and Elizabethan political discourse, two bodies – a natural body and a body politic. In this “crypto-theological” (16) legal construct, the natural body is inferior to the body politic, it is the lesser of the two (9) and it dissolves in the body politic. Stated in more modern terms, once a natural subject assumes the role of President he gives up his natural freedoms and subjects them to the constraints of his state office. To quote Ishmael Reed, a President sits in the cage of history.<sup>1</sup> He is to some degree the prisoner of his office. This at least is what I keep telling my American friends who have become very disillusioned with Obama over the past few years and who blame him personally for the lack of reform. What did they expect?

### **Precarious Garments**

In *Connecticut Yankee at King Arthur’s Court*, Mark Twain provides a useful allegory for the situation of state leaders. Going on the *aventure* that is expected of him as the great Boss, he has himself locked into an armor that does neither allow him to climb on his horse without help nor to reach for his handkerchief in his helmet in order to fight the sweat that inevitably begins to run down his face in the growing heat.

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<sup>1</sup> I’m referring to Reed’s poem “Dualism in ralph ellison’s invisible man”:

I am outside of  
history. i wish  
i had some peanuts, it  
looks hungry there in  
its cage.

i am inside of  
history. its  
hungrier than i  
thot

Meantime it was getting hotter and hotter in there. You see, the sun was beating down and warming up the iron more and more all the time. Well, when you are hot, that way, every little thing irritates you. When I trotted, I rattled like a crate of dishes, and that annoyed me; and moreover I couldn't seem to stand that shield slatting and banging, now about my breast, now around my back; and if I dropped into a walk my joints creaked and screeched in that wearisome way that a wheelbarrow does, and as we didn't create any breeze at that gait, I was like to get fried in that stove [...] (82-83)

He starts to itch, a fly enters his armor and starts pestering him, and in general he is quite miserable for the rest of the day. What adds to his misery is the poverty and suppression he encounters in Arthurian England. Hank is particularly unsettled by the countryfolk's ignorance of their basic human rights. This gives him occasion to reflect on the issue of loyalty:

You see my kind of loyalty was loyalty to one's country, not to its institutions or its office-holders. The country is the real thing, the substantial thing, the eternal thing; it is the thing to watch over, and care for, and be loyal to; institutions are extraneous, they are its mere clothing, and clothing can wear out, become ragged, cease to be comfortable, cease to protect the body from winter, disease, and death. To be loyal to rags, to shout for rags, to worship rags, to die for rags – that is a loyalty of unreason [...] it belongs to monarchy, was invented by monarchy; let monarchy keep it. I was from Connecticut, whose Constitution declares “that all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and that they have at all times an undeniable and indefeasible right to alter their form of government in such a manner as they may think expedient.”

Under that gospel, the citizen who thinks he sees that the commonwealth's political clothes are worn out, and yet holds his peace and does not agitate for a new suit, is disloyal; he is a traitor. (93-94)

One of the lessons to be learned from Twain's novel is that the new suit, unfortunately, is not necessarily any better than the old one, as Karl Marx had already expressed in the *Eighteenth Brumaire* (1852). Marx here uses the garment metaphor to reflect on the tendency of revolutionary governments to repeat the injustices of the aristocracies they supplanted. He also reflects on the limits to individual agency imposed by historical circumstance:

Man makes his own history, but he does not make it out of the whole cloth; he does not make it out of conditions chosen by himself, but out of such as he finds close at hand. The tradition of all past generations weighs like an alp upon the brain of the living. At the very time when men appear engaged in revolutionizing things and themselves, in bringing about what never was before, at such very epochs of revolutionary crisis do they anxiously conjure up into their service the spirits of the past, assume their names, their battle cries, their costumes to enact a new historic scene in such time-honored disguise and with such borrowed language. Thus did Luther masquerade as the Apostle Paul; thus did the revolution of 1789-1814 drape itself alternately as Roman Republic and as Roman Empire [...].

In other words, the revolution is easily absorbed in the seemingly unavoidable continuities of the political system. Thus, in spite of his good intentions to liberate the medieval peasants from feudal oppression, Hank Morgan is swallowed up by political and military dynamics of which he increasingly loses control, and the novel ends with a human massacre whose details anticipate the battles of the Philippines and (quite spookily, in the image of barbed wire) the trenches of World War I.

### **The Power of Humanism**

I would like to include two more American classic stories in my reflections – stories about race relations but also about freedom in a more fundamental sense; especially stories about the struggles for basic human rights. I will look at the element of friendship and the power of moral conversion in those stories. If you feel tempted to allegorize while reading, I would like to encourage you to follow Obama’s premise to look at the world in a color blind way. What I’m talking about is not race but human values in a more general way.

In his novella “The Heroic Slave,” Frederick Douglass invents the white citizen Listwell who decides to become an abolitionist after having secretly listened to a slave Madison Washington’s lonely prayer to God to end his and his family’s sufferings. Listwell helps the protagonist Madison Washington at two points: he secretly shelters him from the slave hunters and he sneaks a pair of files into his hands while Washington is embarking on the slaveship Creole to be transported further south. As the ship reaches the high seas, Washington leads on a slaveship rebellion. The plot roughly follows the real events of 1841 but Douglass invents the

Listwell figure who, of course, breaks the law according to the injunction against assisting fugitive slaves that existed in 1841 and even more so according to the Fugitive Slave Act of 1850 against which the novella takes issue. Listwell acts against positive law which in his view violates the principles of 1776. So do the rebelling slaves. Their leader, Madison Washington, stands firmly at the helm during the storm, meeting it with “the equanimity of an old sailor.” When the storm begins to cease, he shouts to Mr. Grant, the ship’s mate: “Mr. mate, you cannot write the bloody laws of slavery on those restless billows. The ocean, if not the land, is free’.” This powerful speech makes Grant feel “in the presence of a superior man; one who, had he been a white man, I would have followed willingly and gladly in any honorable enterprise. Our difference of color was the only ground for difference of action. It was not that his principles were wrong in the abstract; for they are the principles of 1776” (347). Douglass evokes the high seas as the last resort of superior justice beyond the confines of national legislation, a legislation in league with the institution of slavery.<sup>2</sup>

The second example is, unavoidably, Mark Twain’s *Huckleberry Finn* – according to Hemingway the book from which all modern (and thus all American) literature derived. Huck Finn’s moral conflict whether he should follow slave society’s imperative and turn Jim over to the authorities or whether he should help him escape culminates when they reach Phelps’ farm and Huck considers to let Miss Watson know about Jim’s whereabouts. He feels his conscience grinding in him, he feels the “plain hand of Providence slapping me in the face” because he was, according to the moral system he had been trained in, “stealing a poor old woman’s nigger.” Apart from the logical inconclusiveness of the scene, the moral conflict is pretty real. For violating the teachings of his Sunday school training, Huck expects nothing less than to “go to everlasting fire.” We all know this scene. It is one of the key scenes of American literature. Here it is again:

So I was full of trouble, full as I could be; and didn't know what to do.

At last I had an idea; and I says, I'll go and write the letter—and then see if I can pray. Why, it was astonishing, the way I felt as light as a feather right straight off, and my troubles all gone. So I got a piece of paper and a pencil, all glad and excited, and set down and wrote:

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<sup>2</sup> For a longer treatment of this issue, see Mackenthun, *Fictions of the Black Atlantic* 93-102.

Miss Watson, your runaway nigger Jim is down here two mile below Pikesville, and Mr. Phelps has got him and he will give him up for the reward if you send. *Huck Finn*.

I felt good and all washed clean of sin for the first time I had ever felt so in my life, and I knowed I could pray now. But I didn't do it straight off, but laid the paper down and sat there thinking—thinking how good it was all this happened so, and how near I come to being lost and going to hell. And went on thinking.

And got to thinking over our trip down the river; and I see Jim before me all the time: in the day and in the night-time, sometimes moonlight, sometimes storms, and we a-floating along, talking and singing and laughing. But somehow I couldn't seem to strike no places to harden me against him, but only the other kind. I'd see him standing my watch on top of his'n, 'stead of calling me, so I could go on sleeping; and see him how glad he was when I come back out of the fog; and when I come to him again in the swamp, up there where the feud was; and such-like times; and would always call me honey, and pet me and do everything he could think of for me, and how good he always was; and at last I struck the time I saved him by telling the men we had small-pox aboard, and he was so grateful, and said I was the best friend old Jim ever had in the world, and the *only* one he's got now; and then I happened to look around and see that paper.

It was a close place. I took it up, and held it in my hand. I was a-trembling, because I'd got to decide, forever, betwixt two things, and I knowed it. I studied a minute, sort of holding my breath, and then says to myself: "All right, then, I'll go to hell"—and tore it up. (201-02 [chapter XXXI])

The transformation of both white figures – Listwell who passes the files and Huck who tears the letter – significantly rests on the previous *conversation* they have had with their black counterparts. This conversation is the prerequisite of their *conversion*. Listwell had listened to Washington's prayer, and Huck had swapped delightful pieces of metaphysical knowledge with Jim. Both Huck and Listwell have learned to see the world with the eyes of the other and broken the law as a result of their lived experience of the other's suffering. Both represent the power of human beings in general and of American citizens in particular to transcend inhuman ideologies and risk their own security in the service of the revolutionary promise of human equality



and civil liberties. They have liberated their own mind and conscience by assisting in the liberation of another. They illustrate the human capacity of moral conversion, of turning from Saulus to Paulus, of recalibrating their moral system in the light of overwhelming evidence. This power, not to change one's garment opportunistically to adjust to new political conditions, but fundamentally to radically reposition oneself in an existential way, is a humanistic quality that is highly valued both inside and outside the U.S.; it is one of the foundations of modern liberalism.

### **Digital Huck Finn in the Panopticon**

My sole motive is to inform the public as to that which is done in their name and that which is done against them. The U.S. government, in conspiracy with client states, chiefest among them the Five Eyes—the United Kingdom, Canada, Australia, and New Zealand—have inflicted upon the world a system of secret, pervasive surveillance from which there is no refuge. (quoted in Greenwald 23)

With these words Edward Snowden handed over his documents to Glenn Greenwald in summer 2013. In an NBC interview on May 28, 2014, he states:

I've from day one said that I'm doing this to serve my country [...] my priority is not about myself, it's about making sure that these programs are reformed and that the family I left behind, the country that I left behind can be helped by my actions and I will do everything I can to continue to work in a most responsible way possible and to prioritize causing no harm and serving the public good.

These and other of Snowden's statements resonate with some of the questions posed by Obama (cited above): how to reconcile community with freedom? How far do our obligations reach? How do we transform mere power into justice? And what to do when you feel that conscience is sacrificed to expedience or greed? Snowden appeals to the citizen's duty to rebel against state action that he deems unjust.

Although he himself hardly ever explains his action with reference to the classics of political liberalism, its principles seem to be deeply ingrained in his consciousness and conscience. Snowden's action is philosophically sanctioned, for example, by Henry David Thoreau who writes in *Civil Disobedience*:

If the injustice is part of the necessary friction of the machine of government, let it go, let it go; perchance it will wear smooth, - certainly the machine will wear out. [...] but if it is of such a nature that it requires you to be the agent of

injustice to another [i.e. another citizen, human being], then, I say, break the law. Let your life be a counter friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong that I condemn.

(231)

Mark Twain's Connecticut Yankee Hank Morgan goes even one step further, as we have seen. He contends that citizens who do not rebel against breaches of constitutional principles commit treason. In this sense, the premise for viewing Snowden as a traitor (as the U.S. government presently does) is to leave the grounds of the constitution – a constitution whose principles, unfortunately, have been suspended since the passing of the Patriot Act which has thrown the United States into a state of legal exception. However, the exception is about to become the new norm. Snowden's revelations help us to see that danger to democracy.

Glenn Greenwald quotes Snowden as saying, "I have been to the darkest corners of government, and what they fear is light." (31-32). This quote is reminiscent of a phrase from Samuel Huntington, who wrote: "Power remains strong when it remains in the dark; exposed to the sunlight it begins to evaporate." Noam Chomsky takes this sentence from 1981 as a motto in an essay in June 2014 in which he reflects on the present surveillance situation. Chomsky regards the present surveillance state as a

radical violation of the US Constitution's Bill of Rights, which protects citizens from "unreasonable searches and seizures," and guarantees the privacy of their "persons, houses, papers and effects." Much as government lawyers may try, there is no way to reconcile these principles with the assault on the population revealed in the Snowden documents.

He then draws a historical comparison:

It is also well to remember that defense of the fundamental right to privacy helped to spark the American Revolution. In the 18th century, the tyrant was the British government, which claimed the right to intrude freely into the homes and personal lives of American colonists. Today it is American citizens' own government that arrogates to itself this authority.

The presumption of innocence, a basic right dating back to the Magna Carta, is now "dismissed to oblivion," Chomsky writes. He furthermore suggests that the "enemy" against whom U.S. state power has established its security state is not only a foreign enemy but its own domestic population: "To defend state power and private

economic power from the domestic enemy, those two entities [i.e. state and economic power] must be concealed – while in sharp contrast, the enemy must be fully exposed to state authority.”

This is precisely the situation that Glenn Greenwald describes in terms of the Foucauldian concept of the panopticon in his book, *No Place to Hide*. In *Discipline and Punish*, Foucault famously used Jeremy Bentham’s innovative eighteenth century prison architecture to describe the psychological deformations caused by a ‘rational’ surveillance system. In a panopticon, the prisoners live under the impression of being constantly observed (from a tower at the center of the octagon). But they cannot see their observers who remain themselves hidden. Bentham’s idea was, as Greenwald reminds us, to create “the apparent omnipresence of the inspector” in the minds of the inmates (175). “They would thus act as if they were always being watched, even if they weren’t. The result would be compliance, obedience, and conformity. [...] With the control internalized, the overt evidence of repression disappears because it is no longer necessary.” Greenwald adds, quoting Foucault: “the external power may throw off its physical weight; it tends to be non-corporal; and, the more it approaches this limit, the more constant, profound, and permanent are its effects” (176). With the panoptical situation we’re presently in, the vestments of state power have become invisible; or rather: the overpowering dominance of the *secret* state has turned the vestments of the *political or democratic* state into mere vestiges, rags and tatters. How did Hank Morgan say? “To be loyal to rags, to shout for rags, to worship rags, to die for rags – that is a loyalty of unreason [...] it belongs to monarchy, was invented by monarchy; let monarchy keep it.” Every citizen who in such a situation “yet holds his peace, and does not agitate for a new suit, is disloyal; he is a traitor” (*Connecticut Yankee* 94).<sup>3</sup>

The psychologically deformative power of the present panoptical state is likewise evoked in the official report ordered by Obama in 2013 year to investigate the effects of the NSA surveillance. The report was published only a few days after the so-called library records provision, collection of “telephony meta-data” by the FBI

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<sup>3</sup> In the present political situation, the omniscience of the Five Eyes, which unwittingly affects our communicative and political behavior, forms an uncanny couple with the secretly enacted negotiations for the Transatlantic Trade and Investment Partnership (TTIP), one of whose most debated aims is to suspend political control over economic practices and interests (including conflicts over environmental and consumer rights) in favor of private courts of arbitration. Critics of TTIP share Noam Chomsky’s analysis that in the present state the ‘enemy’, as perceived by those negotiating the treaty, is not predominantly the ‘terrorists’ but domestic citizens and activists striving to retain political control over corporate interests.

under Section 215 of the Patriot Act (which modifies and radicalizes the Foreign Intelligence Surveillance Act, FISA) was ruled unconstitutional by federal district Judge Richard J. Leon in Washington, D.C. – a rule that was overturned 11 days later by U.S. District Judge William Pauley. The NSA report by Richard A. Clarke et al. is worth quoting, as it assesses the present surveillance practices from the perspective of a famous ruling by Justice Louis Brandeis in 1928, the *Olmstead* ruling, in which Brandeis defined the right to privacy as an important constitutional right. The Fourth Amendment, both Brandeis and Clarke et al. remind us, contains the promise to American citizens that “the right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated” (Clarke et al. 2). As Clarke and his co-authors elaborate, this right to privacy is, according to Brandeis, the “right to be let alone – the most comprehensive of rights and the right most valued by civilized men.” Brandeis continues: “The makers of the Constitution [...] recognized the significance of man’s spiritual nature, of his feelings, and of his intellect. [...] They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations” (2). What is interesting about the report by Clarke et al. is that they argue that this right to be let alone is also a right to *security* – but a different kind of security than the one constantly evoked in defense of the surveillance practices. They write:

The protection is indispensable to the protection of security, properly conceived. In a free society, one that is genuinely committed to self-government, people are secure in the sense that they need not fear that their conversations and activities are being watched, monitored, questioned, interrogated, or scrutinized. Citizens are free from this kind of fear. In unfree societies, by contrast, there is no right to be let alone, and people struggle to organize their lives to avoid the government’s probing eye. The resulting unfreedom jeopardizes, all at once, individual liberty, self-government, economic growth, and basic ideals of citizenship. (3)

The authors of the report explain that these two senses of “security” do not contradict one another. The Latin word “*securus*” means “*free from care, quiet, easy*” and also “*tranquil, free from danger, safe*” (3). Clarke et al. decidedly reject the view that the two senses of security are getting into conflict with one another because of the external threat of ‘terrorism’. This view, they write, “is inconsistent with our traditions and our law.” The authors see a risk to civil liberties if the surveillance activities are

not stopped: “If people are fearful that their conversations are being monitored, expressions of doubt about or opposition to current policies and leaders may be chilled, and the democratic process itself may be compromised” (5). Dissent and opposition, they contend, are necessary elements of a democratic state. The authors also demand that “those who do not live within our borders should be treated with dignity and respect.” An absence of such treatment, they write, can “create real risks” (6). And in their press release they warn against the dangers of surveillance in the light of past experience: “We cannot discount the risk, in light of the lessons of our own history, that at some point in the future, high-level government officials will decide that this massive database of extraordinarily sensitive private information is there for the plucking. Americans must never make the mistake of wholly ‘trusting’ our public officials” (Ross). As our colleague Michael Hochgeschwender wrote in *FAZ online*, this warning amounts to a slap in the face of American politics since 2001.

I have quoted the official NSA Report at some length because it is the result of the official government investigation of the issue, ordered by Barack Obama himself. The issue of the bulk collection of telephony data (Section 215 of the Patriot Act) will come up again on June 1, 2015. The U.S. government is deeply divided about this issue – a fact that it is our duty as scholars and intellectuals to discuss and explain on both sides of the Atlantic. But the resonance among Americanists to this issue has so far been sadly weak. It is our obligation, especially in Germany where the public outcry about this pervasive violation of constitutional rights is comparatively strong, to explain to our students, colleagues, and neighbors that the U.S. government is not a consensual institution in this case but that there exists significant internal critique of the secret service practices.

There probably is nothing in this report that Obama the ‘natural’ person would not agree with. Yet as the ‘incorporated’ ruler<sup>4</sup> he is made to stand for a position that seeks to legitimate global surveillance in the name of national security (in the sense of ‘freedom from danger’) while neglecting the other sense of security as ‘freedom from care’ (i.e. the freedom to be let alone).

While Obama became ‘incorporated’ (in the sense of the medieval concept) and we may wonder how often his conscience sweats in its institutional armor, Snowden, we may say, also acted on a traditional script inherited from ancient times:

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<sup>4</sup> The idea of incorporation is a medieval one. Kantorowitz quotes Elizabethan jurists as writing: “These two Bodies are incorporated in one Person, and make one Body“(9). The concept can be traced back to the medieval concept of the *corpus mysticum*, which is central to the concept of the divine right of kings.

he left his whole world behind him and went on an *aventure*, a quest, and a flight – intellectually and geographically. In this sense he is the digital version of both Huck Finn and more ancient medieval figures like the Arthurian knights. His office is to bring knowledge and enlightenment to the people and to help them reestablish order. Not unlike the slaves of the Creole, he disappeared from public view (though Moscow, politically and well as climatically, has little to compare to the British Bahamas). Unlike Obama, who had to adjust the radical ideals of his youth to the requirements of his office, Snowden converted from a useful cog in the surveillance machine into a defender of human rights. As President, Obama has to tone down his cosmopolitanism – by which I mean (with Diogenes, Kant, and Seyla Benhabib) the ability to transcend particular (e.g. national) affiliations and loyalties and act according to an abstract love for people completely foreign to oneself. Snowden grew up in a more or less provincial context but then transformed into a defender of the human right to privacy for *all* people, both inside and outside the U.S. A person sitting in the “darkest corners of government” with a copy of the US Constitution on his desk, Snowden was driven by circumstance to become a citizen of the world, widely honored for his prudence, care, and audacity.

How would Obama, the constitutional lawyer and faithful spokesperson for human rights and equality, have acted had he been in Snowden’s position? In *Dreams from My Father*, Obama, too, writes of a quest for knowledge. He feels that his journey to his African family helps him in finding his place in American society and that it might enable him to enter into political service for his country (430). Snowden, too, did what he did to serve his country and the citizens of the world. His deed, his flight and present precarious legal status possess the qualities of the plights of mythical heroes. They also evoke classical concepts of legal ambivalence. Following Girard, we might regard Snowden as a scapegoat, declared a traitor and beaten out of the Western consortium *humanum* or sacrificed to the god of security and global power so that his community does not have to question its existence under the rule of that power. Snowden’s journey, plight and social position also share qualities with the related classical concept of *homo sacer* (as described by Giorgio Agamben) – a person excluded from his community, deprived of friendship and the protection by the law.<sup>5</sup> He lives in a condition of “bare life,” of natural sovereignty perhaps not unlike

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<sup>5</sup> This idea is shared by Michel Rizzotti in his insightful essay “Edward Snowden: Banned and Sovereign.” <http://netage.org/2014/09/15/edward-snowden-banned-and-sovereign/> (accessed 5 May, 2015).

that state claimed by slaves rebelling on the high seas who declared their action lawful according to the law of nature, as Douglass reminds us in “The Heroic Slave.” Having chosen to live in a state of exception, Snowden has chosen a sovereign life or, according to Agamben, the original *political* life (100).

### **Coda: On the Raft**

As we always point out to our students, the river in *Huck Finn* represents an extraterritorial site, a space free from the constraints and the violence from society on land. The sphere of the river is “relatively uncontaminated by [...] civilization,” writes Leo Marx: “Only on the island and the raft do [Huck and Jim] have a chance to practice that idea of brotherhood to which they are devoted” (297). The raft is Twain’s metaphor for articulating what Louis Brandeis meant when he spoke of the right to be let alone, to exercise one’s freedom of thought and one’s freedom to dream of a better world. Marx continues:

On the raft the escaped slave and the white boy try to practice their code.

“What you want, above all things, on a raft, is for everybody to be satisfied, and feel right and kind towards the others.” This human credo constitutes the paramount affirmation of *The Adventures of Huckleberry Finn*, and it obliquely aims a devastating criticism at the existing social order. (298)

If America were that raft, we should imagine Barack Obama and Edward Snowden sitting on it together, drifting into an unknown future, swapping stories and worldly wisdom. How to control the secret services; how to find a secure password. They might sit there and talk. Snowden and Obama have both been, at different stations in their biographies, representatives of the U.S. state and its secret services *and* defenders of civil liberties against the encroachments of antidemocratic forces. To view them as opponents in the present drama is to ignore the many values they share. “When two locusts fight, it is always the crow who feasts,” quotes Obama from one of his conversations with his relatives in Africa, a proverb that his half-brother Sayid actually traces to Chinua Achebe (*Dreams* 382). While the locusts, oblivious of their common values and basic interests, contend with each other, the real power allowed to extend its sphere of influence is, among other things, uncontrolled “free trade” that actually serves the monopolistic tendencies of corporations and that ensures the continuation of income inequality, racial conflicts, and global “terrorism.” Because the real locusts are, as Obama told his audience on March 18, 2008, and as

– it is to be hoped – he will tell us again after the end of his presidency, “a corporate culture rife with inside dealing, questionable accounting practices, and short-term greed; a Washington dominated by lobbyists and special interests; economic policies that favor the few over the many” (“Speech on Race”).

Barack Obama may have the power to help bring about the changes he advocated during the presidential campaign of 2008, only a few of which he was able to realize during his presidency. Other former presidents, too, became important political figures after having slipped off the armor their office had imposed on them and once they regained a certain freedom from direct political pressure (I’m thinking of Jimmy Carter and his service as political arbitrator, also of Bill Clinton whose Global Institute is doing some important humanitarian work). Former presidents can be powerful in joining the ranks of citizens’ initiatives and civil society, using their reputation for the public interest. Civil society and individual, humanistically motivated political action, after all, is the real source of democracy – both in the United States and elsewhere.

We can hardly imagine Barack Obama, who is known for his oratorical skill and eloquence, in a state of speechlessness. Yet such occasions, according to his memoir, did happen. Faced with his own linguistic limits when he meets his Luo-speaking grandmother, Obama writes that at that point he understood that “the joy I was feeling would pass and that that, too, was part of the circle: the fact that my life was neither tidy nor static, and that even after this trip hard choices would always remain” (*Dreams* 377). It was a hard choice to become the commander-in-chief of the world’s most powerful nation, a great boss hindered from scratching his moral conscience due to the restraints imposed on him by his institutional armor.

Edward Snowden, by comparison, is not a very outspoken person. He lacks the eloquence of Obama and also that attested to Madison Washington, whose rebellion in the service of the values of “1776” he shares. He is rather reminiscent of Douglass’s white character Listwell, a person who is quietly transformed from a consenting citizen of an unjust system into a silent but effective assistant of rebellion.<sup>6</sup> Aside from the statements quoted above, he is very monosyllabic about his motivation for doing what he did. Even the political comedian John Oliver, in his recent interview with Snowden in Moscow (April 5, 2015), can hardly draw him out.

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<sup>6</sup> The fact that he left the publication of his story to a carefully chosen group of highly qualified journalists supports this notion.



He is somewhat amazed when street interviews Oliver shows to him on his notebook reveal that many Americans don't even know his name or at best confuse him with Julian Assange of Wikileaks. Measured by the ignorance of these interviewees, as well as the fact that the only information that can draw passionate reactions from them (the males, that is) is the suggestion, falsely planted by Oliver, that the NSA stores photos of their "dicks," he may well wonder whether his worst fear has not come true after all – that the world will ultimately let his revelations pass unnoticed. Because even more than Obama, Snowden has made a hard choice, leaving the protective, but also abusive, embrace of his nation and – according to its logic – even the bounds of the democratic consortium humanum, and becoming a homo sacer: *vogelfrei*, without rights, free to be killed.

The last scene from Laura Poitras' film *Citizenfour* epitomizes this "bare" situation. It shows Snowden with his wife cooking dinner in a wooden-panelled apartment somewhere in Moscow – a scene of great simplicity and privacy reminiscent of American ideals of family life and of a life close to nature. The author of *Walden* would have recognized and approved of this scene. In being forced to leave America, in being denounced and condemned as a traitor, Snowden has come to incorporate the most American values we know. He has indeed earned his status as a citizen – a *citoyen*. Like Obama's African grandfather confronted with the transformational rule of colonialism, "[h]e will have to reinvent himself in this arid, solitary place. Through force of will, he will create a life out of the scraps of an unknown world, and the memories of a world rendered obsolete" (*Dreams* 427).<sup>7</sup>

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<sup>7</sup> In May, 2014, the Humanities Faculty of Rostock University has voted to award Edward Snowden with the honorary doctoral degree for his extraordinary service in enlightening society about severe abuses against democracy, as well as for his power of judgment revealed in his discerning choice of journalists. Here is part of the press release: "The Humanities Faculty honors an American patriot who has committed himself to defend the values of the American Constitution and of democratic constitutions worldwide. The moral integrity, the courage, and the cosmopolitan sense of responsibility demonstrated by this young man – not much older than our students – cannot be overestimated. A Humanities Faculty dedicated to upholding the hard-won values of the transatlantic Enlightenment cannot regard the scholarly accomplishment of a person to be honored as being separate from the moral, ethical, and civil dimensions of his/her social action. For this reason the Humanities Faculty honors Edward Snowden's *scholarly* contribution toward a new discourse about freedom, democracy, cosmopolitanism and individual rights in a globally connected digital world *in conjunction with* his *personal* commitment to our shared values."

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