

CENSORSHIP

A PHILOLOGICAL (AND RHETORICAL) VIEWPOINT

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Abstract

The word "censorship" is philologically rooted in a glossary of key notions that span across the spectrum of the paradigm of authority. Based on analyses by Émile Benveniste, from his *Vocabulaire des institutions indo-européennes*, this essay aims at bringing out the censorial denotations of "authority," "war," "award," "direction," as well as, for instance, the embedded censorial dimension of, for instance, the rhetorical presidency. It closes on a reflexion concerning the censorial drift, within democracy, from *demos* to *laos*.

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The fifth question is in what kind of government censors are necessary. My answer is, that they are necessary in a republic, where the principle of government is virtue. We must not imagine that criminal actions only are destructive of virtue; it is destroyed also by omissions, by neglects, by a certain coolness in the love of our country, by bad examples, and by the seeds of corruption: whatever does not openly violate but elude the laws, does not subvert but weaken them, ought to fall under the inquiry and correction of the censors.

Montesquieu, *The Spirit of Laws*

The remarks that follow are meant as a commentary on Émile Benveniste's philological commentary concerning the Latin word *ensor*, in his *Vocabulaire des institutions indo-européennes* (Benveniste 1969, II, 143-151). Although Benveniste's anti-Saussurean semiotics has been a lasting source of inspiration for post-structuralist philosophy and theory in France (intentionally cited in the course of this essay), non French-speaking readers have had, so far, very limited direct access to his seminal work (Benveniste 1973) – except, presumably, when references to *Vocabulaire* crop up, in translations of books by Roland Barthes, Jacques Derrida and, after 9/11, Giorgio Agamben (Agamben 2003a, 2003b, 2004).¹

Benveniste's argument about censorship may be unashamedly philological (his first work was on Avestic infinitives, in 1935), it forms, nonetheless, a virtuoso argument about the political nature of speech. It does rest on examples drawn from Italo-Celtic and Indo-Iranian semantics, yet, the drift of his argument aims further than philology: it underlines a philosophical project and it relocates freedom of speech as a political object right at the time of the 1968 student revolution. (Benveniste published *Vocabulaire* in 1969, at Minuit, a socialist leaning publisher, and in the same series that gave Pierre Bourdieu his main outlet).

To Censor and to Speak

Benveniste begins his meditation on censorship on a startling, and startled, statement: In the Indo-European linguistic area, social functions, especially those imbued with authority or power, are mainly expressed by words, particularly verbs, the signifier of which is simply: "to speak." Although Benveniste concedes that the lexicon spun from "to speak" is a rich one, where specific semes adopt specific meanings referring to specific actions, he also remarks that, nonetheless, the primary signifier makes no difference between signified "to speak" and signified "to have authority/power" (this dual notion will be un-coupled below). The primary verbal form denotes the same act, and the two signifieds we conveniently keep apart, are originally so tightly connected that one can be substituted for the other. Speaking is exercising power. The best instance of the primary seme spinning into a specific semantic differentiation is, according to Benveniste, the noun *ensor*, in Latin. The substantive form *ensor* represents the outcome of a process by which the verb "to speak" acquires a narrower meaning, denoting a specialised state or situation of *auctoritas*. The verb *enseo* has moved, as it were, from meaning "to speak/to have power or authority" (like all verbs related to the paradigm) to what we attribute today to "to censure." From verb to noun, something "institutional" has taken place (to recall Benveniste's book title), the jelling of an action of speak-

ing (with) power into a state, or a function, of an office that, in turn, to use now a term lifted from political consultancy (Plasser and Plasser 2002), “professionalizes” an act of political communication. This professionalisation of the primary verb is underscored by the stable paradigm, in Latin, *censeo*, *ensor*, *census*, from which many of our modern European languages derive “censorship.”

Benveniste’s point of departure in unravelling “censorship” lies in the articulation of a noun and a verb.

Censor, a noun, designates a magistrate, whereas the verb *censeo* signifies “to utter an advice, to judge verbally” in the sense that one passes judgement when one gives advice. In other terms, as far as the action denoted by the verb is concerned, the ethical and the political, the sense of justice and the judicial remain indistinguishable. The verb *censeo* maintains the primary interlocking between the exercise of power and the exercise of speaking, although its register is now more specific (speaking as being a judgemental power – power need not be, otherwise, judgement-laden). As such (Benveniste brings forward evidence for it) the verb, that qualifies an action, carries no meaning linked to the exercise of a recognised magisterial power or authority. In short, the noun *ensor* hardens, or clarifies (depending upon one’s political prejudices) the blurring between power and judgement, and politics and ethics just mentioned. In addition, Benveniste notes that the third element of the paradigm, also a noun, *census*, qualifies an even more specific function, involving technical operations, that of an evaluation of the wealth of citizens and of their classification according to their tax base. This *census* is close to our modern *census* – a population *census* ultimately, or vicariously, depending again upon one’s view of politics, helps secure the basis for taxation. Revenue collection is a fundamental test for sovereignty in democratic theory. *Census* reminds us that counting people and accounting for wealth allows for a surreptitious transformation, whereby private wealth becomes a public criterion for ethical or civic standing, whether it is to place restraints on sumptuary display or to magnify its value (Bennett 1996). The magistrate who performs the *census* is then a *ensor*.

The passage from private ownership to public accounting of it does not only allow citizens to move from *oikos* to *polis*, if one is to resort to this Aristotelian distinction, from “the private” to “the public,” but also, in more general terms, it entrenches ethics within politics and links this entrenchment to the performance of technical operations, essentially the *ensor*’s function. By contrast, the verb *censeo* although it is used to indicate such specialised actions, retains a non-technical compass (“to utter an advice”). In other words, “to censure,” while it has definitely moved away from its original denotation, has retained its verbal or rhetorical judgemental dimension (summarised as “I evaluate you as being worth so much, this is my judgement”). Hence, the ambivalence of *census*, from where stems the undefined contour of our “censorship.” The word passes into the domain of public morality: the *ensor* verifies the good moeurs of Senators, the governing body of the *Respublica*, it is an instrument of the *lectio Senatus*, from which we derive “election.” The *ensor* verifies that the senatorial class respects rules of proper behaviour, upon which the Republic is modelled; in relation to the wider population, he controls excesses in the life-style procured by money and power. The *ensor*’s next function is to adjudicate State contracts including tax collection contracts, a cause for personal enrichment and related excesses. Classifying citizens for tax purposes and

verifying that wealth does not corrupt the Republic are within the ambit of the *censor's* power.

From that point, “censorship” strides the republic. *Censor* is, in other words, not about public or private morality, but about money and how money relates, in symbolic or material terms, to power; for instance, in the formation of bureaucracies that enact what Legendre calls, in centralised republics, the “State as matriarchy” – an ethical object of civic love (Legendre 1976).² Censorship makes an argument about “the values of the Republic” or “the service of the State.” In the French Republic, when the president sees as its function to remind citizens of “our republican values,” the implication of such rhetorical intervention is two-fold. As the president brushes aside engaged scholarship about the conflicting values of 1791 and 1793, and their enduring tension (representative democracy vs. popular rule; Rosanvallon 2000a, 2000b), he simultaneously exerts magisterial power that is redolent, in its style, of “illiberal democracy,” as Rosanvallon famously analysed presidential republicanism (Rosanvallon 2000a, 229). Differently from the American rhetorical presidency, which has at its disposal a stable set of principles (for contrasted analyses, see contributions in Medhurst 1996), the French presidency’s direct appeal to the people activates, at will, undefined values which, at regular intervals in the fabrication of this republic, have materialised in actual civil wars and coups d’état. The rhetorical appeal to glossed-over “republican values” suffices to effect what wishes to be a censorial act, the imposition of a definition marked by its un-definition. The motives belong, of course, to politicking – either the para-judicial exoneration of corrupt, and condemned, politicians, the vilification of extremists to knock them out of the electoral contest, or the expediency of a partisan policy –, yet their intention is to lift politics out of it and brings civil life into the domain of ethics. It is intensely censorial as it casts, rhetorically, political contenders outside the republic.

As I have explained elsewhere (Salazar 2004b), following on Canfora’s critique of democratic rhetoric (Canfora 2003)³, the people who are being appealed to as witness of values are no longer treated as *demos* but as *laos*, twin words to signify “people” or “public,” a distinction made briefly by Benveniste (1969, II, 90-92) and to which I will return. Censorial acts are rhetorically “liturgical”; they portend to be of “public service” (the Greek sense of “liturgy,” service of the *laos*). They adopt rhetorical forms of public address which enhance the ethical position of who utters them, by the very fact the speaker speaks (Campbell and Jamieson 1990). Censorial speeches conjoin what ought to remain disjointed: ethics and politics. When parliamentary government was prevalent, “censure” passed on the executive often made similar appeals to “values.” Whereas the parliamentary rhetoric of censure helps realize the true censorial weight of presidential rhetoric, the linguistic duality of censorship/censure points toward a convenient blurring of the boundary. This process of obfuscation has probably reached its maximum level in the practices of “governance.” Governance ideology makes censure redundant and censorship proliferous.

To Censor and to Declare (War)

Benveniste moves to a second question. What does the verb *censeo* exactly encompass?

The verb, in its specialised meaning, should simply denote the act of the *ensor*, a specific act of censorship, *ensura*. In order to find primary evidence of the rhetorical and political effect of the verb, independently from the nouns, Benveniste turns his attention to Roman historian Livy.

In a much-quoted passage, Livy illustrates how *censeo*, the verb, actualises its full speech/authoritative potential in a declaration of war (Livy I, 32, 11-12). It forms part of a verbal ritual, a rhetorical chain that produces the evidence that war must be declared. As recorded by Livy, *censeo* is indeed a process: The “king,” that is the *rex* or “he who di-re-cts, indicates the right way” and embodies the *regio*, the rightful territory (Benveniste 1969, 14), asks each “conscript father,” each senator: *Dic quid censes*, “Tell me what you think of it/ Give your advice/Speak your mind.” If each father of the republic answers *Puro pioque duello quaerendas [res] censeo*, “I believe/I am of the opinion that our due must be sought through a just and holy war,” war is declared. *Censeo*, as a process, activates a complex network of meanings that helps unravel further what is meant by censorship.

The first element belongs to the “father” paradigm. From “founding fathers” to “father of the nation” of all kinds, the expression belongs to our political glossary, and is used for censorial effects. For instance, no South African can realistically, politically, challenge Nelson Mandela when he “speaks his mind.” His acknowledged “fatherhood” of the nation has produced a collapsing of private virtues (the ethical) and public ones (the political), which lends an immediate censorial tone to all his statements (the issue as to whether this rhetorical position pleases him is another matter). In terms of public deliberation and political communication, the censorial presence of this “founding father” has resulted in attributing the South African presidency, as an office, a censorial character, now perceived as a natural function of the executive (Salazar 2004a). Put differently: the presidential office wishes to exercise an authority beyond its power, *auctoritas* in addition to *potestas* (on this point Agamben’s critique of Benveniste, and his development on authority – Agamben 2003, 128; Benveniste 1969, II, 149). As Benveniste notes dryly: “*Censeo* is very often used together with *auctor* and *auctoritas*” (1969, II, 148), in an interlocking of authority, power, “fatherness,” and censorship.

In Roman institutions, the paradigm of “father” functions hand in hand with that of *potestas*, as in *patria potestas*. Philology provides an indication of the compelling logic of “father-ness” in a republic, from father to full execution of an action:

Pater: I) in primitive official language: a religious or social leader, hence: patricius, “patrician,” he who descends from a chief; II) commonly: “father,” hence: 1) patrius, that which belongs to the father; this adjective is without an equivalent for “mother” or “brother”; similarly are only applicable to “father”: patria potestas, “the authority of the father”; patria terra, “the land of the father, the patriotic land”; patrimonium, “the possessions of the father,” patrimony; by contrast matrimonium does not entail ownership or rights; 2) patronus: a) primitively and properly: he who acts as father [...]; hence b) patron as opposed to cliens, client; finally c) advocate as opposed to reus, the accused; 3) patrare: a) primitively: to perform a religious or social action as father; hence b) to swear an oath, to sign a peace, to make a treaty; finally c) commonly: to carry out an action; hence: perpetrare, to perpetrate, to carry out an action to its very end (Martin 1980, 181-182).

The interconnection between political “father-ness,” declaring war, the defence of “patriotic” goods, together with the censorial belief in pursuing actions that can fully perform the first three intentions, is neatly expressed in Latin: “*pater patratus*, being the chief priest on whom rests the rites of declaring war and peace.”⁴

Declaring, on a warship, “war has ended” introduces a dimension of priestly ritual in the rhetorical presidency. It propels the symbolic imagery of the presidency as entitled to “perpetration,” that is, the full accomplishment of the *patria potestas*. Censorial activity reaches its most energetic level in war-like moments and in rituals that surround (or create) them.

The second element relates to a definition of “war.” The innocuous-looking *bellum* is a duel (*duellum*) in disguise, itself closely related, in Latin, to *perduellio* – that is, the “war” waged by a private citizen against his community, “high treason” as some democratic regimes still dare call it. This fundamental *duellum* is defined properly, termed a *crimen majestatis*, when a citizen rejects the common good, the republic, and refuses to acknowledge the latter’s superiority (*majestas*) and those in whom rests the exercise of *majestas*. Foreign war is but the extension of a *duellum*, inasmuch as the superiority of values and the ownership of a common wealth are put to the test. High treason is not a war waged by a citizen against a common material patrimony; it is a war that is perceived as a direct, intimate, attack on core values. Put differently: tyrannies do not experience war as a challenge to their ethos, simply to their power; and they naturally revel in such challenges. Post-Enlightenment republics understand war as an inner challenge to their very principle, a “treason” of standards they see as rational-universal: republics perceive war as a duel in which the opposite party is betraying human nature. By implication, if citizens disagree with this inference, their mere expression of dissent will be presented as treasonable or anti-republican, and censored. A republic’s war can only be about a projected ethical rectitude (regardless of actual motives and agency, see Rosenau and Czempiel 1992).

Indeed, the senatorial *censeo* formulates a reply to that which attacks the *majestas* of the republic, and questions its magnitude and its might as a sign of its rectitude. The question is not to say “I declare war” but to affirm that for war to be, the utterance must refer first and foremost to what is “owed” (*res quaerendas*) and, in the same breath, to the nature of the claim/utterance/advice: *purum piumque*, in other words, “spotless” and “respectful of godly/familial duties.” It is not “war” that is declared in *censeo* but the affirmation that something is owed to the republic. In short: the *res* due to the *respublica*. A republic’s war is, like any other war, about acquisition⁵; but, unlike any other war, it is about showing the republic’s rectitude and not proving it, since the claim is “pure and pious.”

At this juncture, *censeo* activates a third element, the rhetorical register of praise and blame (the “epideictic,” in rhetoric studies jargon). To censor, in the common meaning of the word, carries blame (meted out to the censored) and praise (directed to the censure itself). Benveniste (drawing on Dumézil 1943;⁶ Benveniste 1969, 145) points out that, beneath *censeo*, lies an Indo-European verbal theme, **kens*, “to proclaim solemnly” (the epideictic notion is, in fact, expressed by the Sanskrit derived verb, simply translated as “to praise”) – “praise” or “blame” is inherently linked to the public proclamation of values, as it brings argumentative sustenance to the reality of material well-being. A republic does not prove that it is

“better” by winning a war. It shows that it is. Republics take communicational, rhetorical care in their proclamation, for, by ritualising it, they add evidence to “censoring” the enemy (and the “enemy” within) for lacking rectitude. To declare war is a solemn affair, because it deals with the majesty of values and the superior material “goodness” attached to them, both aspects falling within the compass of *censeo*. By a reverse effect, a *rebel* is qualified as the one who also wishes to “proclaim,” and to distribute praise or blame, in waging a counter-war (*rebellare*). Conscientious objection, a civic form of *rebellare*, functions, rhetorically, by claiming the right to epideictic proclamation, that is, truly, that of “shifting the blame.”

Censorship has its reverse, which is not exactly praise, but another sort of *censura*, the system of rewards. One has to question why, in most republics and increasingly so in a global world based by and large on foisting the so-called democratic model onto the entire planet with the never-ending promise of instantaneous gratifications, civic rewards are so important? Are rewards, like the Nobel Prize and its surrogates (the “Nobel” Prize of economy is an excellent example), forms of *censura*, of accounting and establishing, within this democratic world, a “nation” of better bred, better begotten, better valued? Let us remind ourselves that the two foundational republics did ban public honours, at least for a while, so did the Soviet revolution. Service to all is, in theory, service by all. There is no need to categorise who better embodies values. In a democracy, the practice of censure/censorship implies the correlated one of honours and rewards, simply termed, “timocracy,” or government by rewards. The Greek word for honour is *time*. It belongs to a paradigm that encompasses “to pay” (*tino*) and “to make s.o. pay,” that is “to punish” (*tinumai*) (*tisis* is “vengeance, punishment”). The punishment at issue here is strongly infused with financial reparation, as in “to repay,” and brings to mind Latin *poena*, the payment owed for having committed a crime. The link between “to obtain retribution” and “to honour” (Benveniste, 1969, 43-55) shows how the allocation of honours originally is equivalent to a transfer of privileges from the sacred to the profane, or the attribution to a human being, as a reward, of privileges usually accorded to a God (such as looting). In short, when we reflect on censorship, we should also reflect on reward, and when we question the place of censorship in a democracy, we ought also to question the place of rewards, perhaps bearing in mind Montesquieu’s conceit: “In a republic, presents are odious, because virtue stands in no need of them.”⁷ Honours are a form of retribution for accepting censorship; rhetorically, the granting of rewards to some amounts to apportioning blame to others (a link most evident in the Hollywood system whereby a code of conduct goes hand in hand with a code of awards and a semiotics of stars as social value exemplifiers; deCordova 1990).

Yet, if “to proclaim” (censure, war, values) is an act of authority or power, Benveniste does not put the emphasis on the object (to proclaim *something*) but on the verb itself and on its action: proclaiming. The agent (or agency) who proclaims, in the absolute sense of the verb, acts authoritatively. By implication, “to proclaim” is “to censure,” inasmuch as it will produce praise for those who agree, and blame for those who dissent. To make his point clear, he asks, “who performs the **kens?*” He notes that royal address among Ancient Persians is signified by this verbal theme and expressed in a simple formula, literally translated as: “Says the King.” Interestingly, the name of the dynasty, the “Achaemenides,” is a noun constructed around

this theme, although unrecognisably so. The name for the ruling dynasty is merely the verb that qualifies the right to speak. Put differently, the Latin specialised meaning of the paradigm *censeo-census-censor* reveals another set, at work more largely in other Indo-European languages, that of s-he “who speaks (with) authority.”

To Speak and to Direct

Censeo is often used, indeed, in relation to *auctoritas* (Benveniste 1969, 149-151). What is authority?

Benveniste provides two entries in the matter. Firstly, in Indo-Iranian, the corresponding paradigm is not verbal but nominal and denotes “power/force/strength.” Secondly, germane to *auctoritas*, there is *augur*, with its ensuing paradigm, including “august.” The “force” implied by the root *aug-* is that which enables creation. It is the verb most commonly used by Lucretius to indicate genesis. It is the word recorded by Livy (1909, 27, 29), in archaic prayers. Authority represents what is meant by “to promote,” a force, which creates or translates into reality a project, an idea, a value. It need not be attached to power. In fact, authority and power are philologically and legally distinct (not merely as a trivial difference between “moral” authority and “real” power, whatever it means) (Agamben 2004, 124-148, with a critique of Benveniste, 128) and need not be vested, as political processes, onto the same political institution. The *auctor* is not merely an augmentser, but a promoter, endowed with the right to declare so, and to chastise or blame whomever stands in the way of what is considered, afterwards, a process of augmentation. A word uttered with *auctoritas* effectuates change. To seize that right is fundamental. Censure is simply the expansion of this speech-act.

For instance, a fundamental tension in the South African republic – a regime I believe to be the achieved, terminal form of republican democracy (Salazar 2004b) – was, from 1994 to 1998, the concomitant force of a requirement of reconciliation and of a sovereign act of constitutional invention. This tension is clearly expressed in a text, the Epilogue to the Interim Constitution of 1993, the key *topos* of which is: “to promote.” It lends to the Truth and Reconciliation Commission (TRC), even after its closure (1998), a genetic force of *auctoritas*. It allowed Desmond Tutu, and many of its commissioners, for an ethical censoring of government’s actions when government was seen to invade the domain of “promotion” ensconced in the requirement of reconciliation formulated by the Epilogue; and even after the TRC’s closure. The TRC asserted the “logic of reconciliation” as taking precedence over the “logic of State,” combining the *majestas* of the value of reconciliation with the *auctoritas* of “that which promotes” nationhood, while it retained the duty to censoring “power” (see my commentary and edition, Salazar 2004b). The “enlargement” of the European Union lacks, by contrast, such enticing majesty and enduring authority. The un-elected Commission’s “censorial” reactions to any “rebellion,” such as Cyprus’ rejection of unification with the Turkish zone, signals its intrinsic belief in a natural coalescence of authority and power.⁸ In short: the Commission sees itself as *auctor* of the enlargement.

One way to better understand the implications of *auctoritas* is to consider two other terms, one within its paradigm, *augur*, the other outside of it, *rex*.

Initially, an *augur* is a “promotion” (**augus*) the gods grant a human enterprise, a transfer of divine force that makes real something human (Benveniste 1969, 150);

the sudden materialisation of divine authorship is manifested by a sign, the *augur*. Hence the word *augustus*, which qualifies the agent endowed with **augus*. The rituals of taking the auguries affirm this process of augmentation or promotion vested, originally, in an agent who, otherwise, would not be empowered with **augus*. Presidential in-*augur*-ation addresses capture neatly both, the qualitative change and the ritual form this sort of political agency sees as its given conditions. Inauguration addresses underscore the authority, more than the actual power that will allow for “growth, change, a better life” – political communication commonplaces which hark back to “promotion” and **augus* (Thurow 1996). An inauguration address that would, in a republic, stress power to the detriment of authority, would be perceived as partisan, vindictive, and literally out-of-place. *Auctoritas*, because it ritualises agency, must appear to provide a supplement, a “promotion.” (By contrast, in parliamentary monarchies, the archaism of inherited rituals impose another form of inauguration address, the monarch’s opening speech which is, at once, an effect of authority – a power-less monarch pronounces it – and an effect of power – the prime minister, who has power, writes it.) (On inherited rhetorical rituals, see Gronbeck 1982 and Salazar 2004a). Inauguration addresses function ceremonially as an *augur*, an indication of things to come, and are largely predictive (*inaugurare* also means “to predict,” to seek the signs and reveal them with authority). Presidential inaugurations are, by nature, the promise of a change of the state of affairs; they usually contain signs of change. They are *ensorial* in the sense that they assert, however indirectly, the inherent goodness of their agent, and the latter’s ability to better “augment” the common wealth and defend its values. In most of its derivative forms – like state of the nation addresses, formal press conferences (in France, De Gaulle created the genre, down to the finest details, as a tool of his rhetorical presidency), even New Year messages – the *ensorial* rhetoric comes to the fore, unhindered, recalling the **kens* proclaiming gesture already noted. The obvious comment is that the presidency (or its avatar, the modern prime ministership) is supposed to give direction. Which leads us, with Benveniste, to look into the meaning of *rex*.

The idea of *rex*, with its paradigm *regere* (Benveniste 1969, 9-15), is part of our political consciousness insofar as a leader, whether the democratic *regime* is a realm or a republic, is supposed to give “direction.” In fact, in many republican constitutions, a basic definition of a president is to preserve, defend, uphold the constitution, in short to act as *rex*. The reason why the executive is a better, more righteous (“right” stems from the same root), defender of the Constitution is rhetorically taken for granted. The French first republic vested this power in the Assembly, while the Terror of 1793 relied on “popular insurrection” as, later, the Commune of 1870. Censorial activity belonged, effectively, to the people as “active sovereign” (Guilhaumou 2003). It is a matter of rhetorical wonder that noble terms, at one stage imbued with a sense of political goodness, such as “terror” or “insurrection,” have been recast as destructive of democracy. This referential shift simply accompanies the re-direction of censorial activity from the people to the organs of the state (on people vs. State, Rosanvallon 2000b).

The matter about *rex-regere* is that the paradigm is germane to the definition of “country.” A “region” is that territorial entity within which the *rex* guarantees the functioning of regular institutions. A “region” is the projection of straight lines in augural rituals (hence, *regula*, the straight line). Now, rhetorically-speaking, one of

the most active tropes of censure, when power and not merely authority, is at stake, gives a spin to the notion that whoever makes a bid for power needs to discredit whoever holds it, by projecting a perception of being better suited (at the level of authority), and this is expressed by claiming an inherent ability “to go straight to the point, to talk straight.” The ghost of “rectitude” haunts the exercise of authority and the desire for power. Presidential utterances tend, naturally, to repeat this fantasy of rectitude.

By doing so, they do establish the “region,” sometimes in real terms (the Union with Lincoln who, nonetheless, arbitrarily suspended the *habeas corpus* to ease movement of troops), sometimes in fantastic terms (Free France, after De Gaulle’s refusal to accept admission of defeat by “erratic rulers,” that is directionless rulers), sometimes in a mix of both (the European Union, in the current exercise of drafting a constitutional treaty). The fantasy of the rule (Legendre 1976), joined with the inability to accept popular rectitude, is so pervasive that contemporary democracies prefer to make the exception the common rule of government (Agamben 2004). The “people” are constantly placed under censorial gaze and believe it is a regular state of affairs. The accepted notion that “people” have little, if no, “virtue” in today’s functioning democracies, may be politely couched in terms of their lack of political knowledge; however it stems from a rupture between the two tenets of Montesquieu’s vision of republicanism, whereby virtue is defined as “the love for the laws,” and a “constant preference of public to private interest.”⁹ In today’s dispirited democracies, the “love for the laws” is idolatrous and perverse (Legendre 1976), because private interests and their feudal age derivations, community rights, provide the formula (perhaps not the reality) for an overtly overriding “preference.”

How “To Censor” Defines the People

Who are the “people” in whose name the *censor-auctor-rex* utters his claim? There is a need to revisit the philological notion of *dēmos*. An interesting treatment of the rapport between *dēmos* and rules may be drawn from two papal documents, a pastoral letter addressed by John Paul II to the Austrian episcopacy in 1998 (Canfora 2003) and the 1997 standing rules for censoring doctrinal writers (Sacred Congregation for the Doctrine of the Faith 1997).

In his pastoral letter, John Paul II replies to the Austrian bishops’ request for a *Demokratisierung* of their Church. He goes straight to the philological crucible, the expression *Volk Gottes*, “people of God.” He points out that the “people” referred to by the Scriptures is not a *dēmos* but a *laos*, in the canonical expression *laos to theou*.¹⁰ As a good philologist he knows that, if the Latin of the Vulgate, for lack of another term, says *populus* (as in French *peuple* and English *people*), the inspired meaning has its true linguistic sign in *laos*, not *dēmos*. The claim to more democracy made by the Austrian Church in its reading of the expression is erroneous insofar as it reads “democracy” in an expression that does not refer to it.

As mentioned earlier, Benveniste (1969, II, 90-92) pays attention to the pair *laos/dēmos*. *Laos* refers to a politically organised group, which may wage war and defend its territory under the guidance of a chief. Initially, *dēmos* qualifies a group that shares the same social conditions (different from *ethnos*, a confusion which Aristotle, in the opening paragraphs of *Politics*¹¹, tries to dispel: he explains that an

ethos-based grouping or *ethnos* is “organised,” but not in the same sense as a *dēmos* group is, or *politeia* – our “democracy” – a confusion that has regained political prominence). Significantly, Augustin¹² attacks Cicero for formalising a concept of the republic that was already active in the demotic notion, based upon a strict definition of *populus* as a group that, having “filled up” (etymologically “people” and the idea of filling are welded together: Indo-European **pel-/ple*, Greek *plēthos*, Latin *plenus*, English “plenary”) the territory of the *civitas*, must, in order not to be merely a mass that settles down, be bound together by *juris consensu et utilitati communiōne*.¹³ Augustin – although he uses *populus* for lack of another word – has in mind the laotic and Christian notion of an *ekklesia*, a community “fighting” for its values and under the pastoral care of a leader, who “knows better.” The pope delivers, in pastoral terms, the Augustinian critique of republicanism.

My contention is that censorship, or censoring, in terms of its justification by secular leaders, moves surreptitiously between *laos* and *dēmos*. If we owe the Pope to have clarified this matter, we owe to the Sacred Congregation for the Doctrine of the Faith to have also clarified the relationship between a laotic people and censorship. The *Regulations for Doctrinal Examination* provide the standing rules to censor the “teachings and writings” of Church doctrinaires. The primary function of the Congregation aims at “promoting and safeguarding doctrine on faith and morals throughout the Catholic world...In accomplishing this purpose, it renders a service to the truth, by protecting the right of the People of God to receive the Gospel message in its purity and entirety. Therefore, in order that faith and morals not be harmed by errors however disseminated, it also has the duty of examining writings and opinions which appear contrary to correct faith or dangerous” (Sacred Congregation 1997, art. 1). Indeed, in such a system of censorship, the censored belongs organically to a group, a *laos*, and agrees to argue the case within the rules prescribed, inclusive of disciplinary measures (art. 28). The moment a writer or teacher from within the Church puts pen to paper, or places his hands on a pulpit, the rules of censorship are activated, for instance, the formal criteria used in a potential examination: “The criteria [for this decision] are the potential errors [which have been noted], taking into consideration their prominence, seriousness, dissemination, influence and the danger of harm to the faithful” (art. 6). Clearly, in a laotic censorship, the censure is embedded in its potential object. One writes, knowing one can be censored and for what reason and how and by whom. Awareness of error is the guiding hand.¹⁴

Both papal injunctions have the singular merit, if one steps outside their dogmatic “rhetoric” and back into democratic deliberation, to highlight the unflinching inclination of republics to instrument laotic organisations and behaviours which produce censorship as a naturally perceived way of civic life, from speech hate regulations to the manipulations of electoral processes, down to the anaemic inflation of “the private” through communication and information technologies. The return of “the religious” in politics, with the correlative claim that democracy lacks true ethics, because it makes the citizen measure of all things (Christianity and Islam agree on this point), is an extension of the laotic censoring of the democratic mind. A sustained meditation on the philology of our democratic glossary opens different routes for investigation and new avenues for reading correlations between censorship and other modes of public deliberation.

Notes:

1. I refer to the original edition and two foreign translations. No English translation at the time of writing. Hereafter, reference will only be made to the 2004 French edition.
2. Legal historian, public administration theorist, and psycho-analyst, Pierre Legendre's work is little known outside France (see also his 1974. *L'amour du censeur*).
3. I refer to the French edition. The title of the original Italian version is, pointedly, "A Critique of Democratic Rhetoric. "
4. Excerpted quote from Martin, F. 1980. *Les mots latins*. Paris: Hachette, 181-182; supported by Ernout and Meillet 1932/1994.
5. In addition, *bellum* is not "war," at least not that sort of war, which since the Germanic invasions we, Europeans, call a war. "*Werra* [from which are derived "guerre, war "] was a seasonal adventure, an enterprise of depredation, a sort of regular and bold harvesting," economics of seizure (Duby 1990, 110). Concomitantly, our duel is not a *duellum*: a duel is originally a judicial ritual that settles a dispute when public deliberation by a *parlement* (this is the functional origin of the institution) has also failed. Questions: can we try and think about current debates on "war" by using the two paradigms, the Roman and the Germanic? Is the Anglo-American camp dealing in *werra* or *bellum*? Or both? What are the implications? How do they dovetail with some Protestant notions of a just war, and relate to Islamic notions of "war?" Why is the expression "civil war" never applied to Northern Ireland, the Basque region, or Corsica (see Goody 2004). Words matter.
6. Dumézil's pioneering structuralism (theory of Tripartition) in the history of religions and in Indo-European philology paved the way to Foucault's formulation of a key notion like "dispositif" and the discursivity of power. Foucault always acknowledged their personal and intellectual relationship (anecdotically, see Macey 1995, 78) including when, against Dumézil's own political and philosophical views, the latter's massively erudite and theoretically seductive oeuvre was used by the New Right, in the late Seventies. English-speaking readers should refer to Littleton 1973. Precise references to non-French sources concerning both theoretical debate and political controversy are to be found in notes 1-2-8-9 of a review article by Briquel 1978.
7. Montesquieu, *op. cit.*, V, 17.
8. For an insider's analysis of the European Commission's "functionarity" see Dewandre 2002.
9. Montesquieu, *op. cit.*, IV, 5: "This virtue may be defined as the love for the laws and of our country. As such love requires a constant preference of public to private interest, it is the source of all private virtues; for they are nothing more than this very preference itself. This love is peculiar to democracies. "
10. The pope does not need to remind his learned audience of chapter and verse, which are, nonetheless: Judges 20.2, 2 Samuel 14.13, Hebrew 4.9, 11.25, 1 Peter 2.10.
11. Aristotle, *Politics*, 1252 19 sq.
12. Saint Augustin, *De civitate Dei*, II, 17-19; XIX, 21-24.
13. Cicero, *De Republica*, I, 25, 39.
14. The essential reference here is Neveu. 1993.

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