The affirmative’s priviledged minor reform merely reinforces the social death of the school system. You are the regurgitation of a school system that teaches children to memorize. The school is dead. Anonymous UC Berkeley Student ‘10**[[1]](#footnote--1)**

**Universities** may **serve as** progressive sites **of inquiry** in some cases, yet **this does not detract from the** great deal of military and corporate research, economic planning and, perhaps most importantly, social conditioning occurring within their walls. Furthermore, **they serve as** intense machines for the concentration of privilege; each university is increasingly staffed by overworked professors and adjuncts, poorly treated maintenance and service staff. This remains only the top of the pyramid, since **a** hyper **educated**, stable **society along Western lines** can only exist **by the** intense exploitation **of** labor and resources in **the third world. Students are** taught to be oblivious **to this** fact; liberal **seminars only** serve to obfuscate **the fact that they are** themselves complicit **in the** death and **destruction waged on a** daily basis. They sing the college fight song and wear hooded sweatshirts (in the case of hip liberal arts colleges, flannel serves the same purpose). As the Berkeley rebels observe, “**Social death is our** banal acceptance **of an institution’s meaning for** our own lack of meaning.”[43] Our conception of the social is as the death of everything sociality entails; it is the failure of communication, the refusal of empathy, the abandonment of autonomy. Baudrillard writes that “The cemetery no longer exists because modern cities have entirely taken over their function: they are ghost towns, cities of death. If the great operational metropolis is the final form of an entire culture, then, quite simply, ours is a culture of death.”[44] **By attempting to excel in** a **university** setting, **we are** resigning ourselves to **enrolling in** what Mark Yudoff so proudly calls a cemetery, a necropolis to rival no other. Yet herein lies the punch line. We are studying in the cemeteries of a nation which has a cultural fetish for things that refuse to stay dead; an absolute fixation with zombies. So perhaps the goal should not be to go “Beyond Zombie Politics” at all. Writes Baudrillard: “The event itself is counter-offensive and comes from a strange source: **in every system** at its apex, at its point of perfection, **it** reintroduces negativity and death.”[45] **The University**, by totalizing itself and perfecting its critiques, has spontaneously generated its own antithesis. **Some element** of sociality **refuses to stay within the discourse of the** social, the **dead; it** becomes undead, radically potent. According to Steven Shaviro’s The Cinematic Body, “zombies mark the dead end or zero degree of capitalism’s logic of endless consumption and ever expanding accumulation, precisely because they embody this logic so literally and to such excess.”[46] In that sense, they are almost identical to the mass, the silent majorities that Baudrillard describe as the ideal form of resistance to the social: “they know that there is no liberation, **and** that a system is abolished only by pushing it into hyperlogic, by forcing it into excessive practice which is equivalent to a brutal amortization.”[47] Zombies do not constitute a threat at first, they shamble about their environments in an almost comic manner and are easily dispatched by a shotgun blast to the face. Similarly, students emerge from the university in which they have been buried, engaging in random acts of symbolic hyperconsumption and overproduction; perhaps an overly enthusiastic usage of a classroom or cafeteria here and there, or a particularly moving piece of theatrical composition that is easily suppressed. “Disaster is consumed as cheesy spectacle, complete with incompetent reporting, useless information bulletins, and inane attempts at commentary:”[48] Shaviro is talking about Night of the Living Dead, but he might as well be referring to the press coverage of the first California occupations. **Other students** respond with horror to the encroachment of dissidents: “the living characters are concerned less about the prospect of being killed than they are about being swept away by mimesis – of returning to existence, after death, transformed into zombies themselves.”[49] Liberal student activists fear the incursions the most, as they are in many ways the most invested in the fate of the contemporary university; in many ways their role is similar to that of the survivalists in Night of the Living Dead, or the military officers in Day. Beyond Zombie Politics claims that defenders of the UC system are promoting a “Zombie Politics”; yet this is difficult to fathom. For they are insistent on saving the University, on staying ‘alive’, **even when their version** of life has been stripped of all that makes life worth living, when it is as good as social death. Shaviro notes that in many scenes in zombie films, our conceptions of protagonist and antagonist are reversed; in many scenes, human survivors act so repugnantly that we celebrate their infection or demise.[50] In reality, “Zombie Politics are something to be championed, because they are the politics of a multitude, an inclusive mass of political subjects, seeking to consume brains. Yet brains must be seen as a metaphor for what Marx calls “the General Intellect”; in his Fragment on Machines, he describes it as “the power of knowledge, objectified.”[51] Students and faculty have been alienated from their labor, and, angry and zombie-like, they seek to destroy the means of their alienation. Yet, for Shaviro, “the hardest thing to acknowledge is that the living dead are not radically Other so much as they serve to awaken a passion for otherness and for vertiginous disidentification that is already latent within our own selves.”[52] In other words, we have a widespread problem with aspiring to be this other, this powerless mass. We seek a clear protagonist, we cannot avoid associating with those we perceive as ‘still alive’. Yet for Baudrillard, this constitutes a fundamental flaw: "at the very core of the 'rationality' of our culture, however, is an exclusion that precedes every other, more radical than the exclusion of madmen, children or inferior races, an exclusion preceding all these and serving as their model: the exclusion of the dead and of death."[53] In Forget Foucault, we learn the sad reality about biopower: that power itself is fundamentally based on the separation and alienation of death from the reality of our existence. If we are to continue to use this conception, **we risk failing to see that** our very lives **have been turned into** **a** mechanism for perpetuation of social death: the banal simulation of existence. Whereas socialized death is a starting point for Foucault, in Baudrillard and in recent actions from California, we see a return to a reevaluation of society and of death; a possible return to zombie politics. Baudrillard distinguishes himself as a connoisseur of graffiti; in Forget Foucault, he quotes a piece that said “When Jesus arose from the dead, he became a zombie.”[54] Perhaps the reevaluation of zombie politics will serve as the messianic shift that blasts open the gates of hell, the cemetery-university. According to the Berkeley kids, “when we move without return to their tired meaning, to their tired configurations of the material, we are engaging in war.”[55] Baudrillard’s words about semiotic insurrectionaries might suffice: "They blasted their way otu however, so as to burst into reality like a scream, an interjection, an anti-discourse, as the waste of all syntatic, poetic and political development, as the smallest radical element that cannot be caught by any organized discourse. Invincible due to their own poverty, they resist every interpretation and every connotation, no longer denoting anyone or anything."[56]

Training students to “speak the language of power” teaches mediocrity and complacency, which causes extremely violent decision-making --- use your ballot to defamiliarize legal discourse --- try or die for creativity**. Schlag 9[[2]](#footnote-0)**

In terms of social organization then, there may be something to be said for creating a professional corps (lawyers) whose modes of communication are widely shared and relatively standardized. Notice that if this is the objective, then the only place where that sort of standardized communication can be widely shared is somewhere close to the middle of the bell curve. Both intellectual sloth and intellectual excellence are, by definition, aberrant and thus detract from our efforts at standardization. Thus, training for mediocrity does serve a social function (within limits, of course). Mediocrity is not the only aim here. One would like this mediocrity to be the best it can be. We would like legal professionals to share a language and a mode of thought and, at the same time, for that language and mode of thought to be as perspicuous and intelligent as possible. Given the omnipresence of the bell curve, these desiderata are obviously in tension. The economists would likely talk about achieving "the optimal degree" of intelligence and mediocrity at the margin, but my sense is this will only get us so far. For law professors, the tension is bound to be somewhat frustrating. What many law professors would like--because many of them are intellectually inclined--is to bring intelligence to bear within legal discourse. This is bound to be a somewhat frustrating venture. **Legal discourse is not designed to produce intelligence and**, frankly, **the** materials and the **discourse can only bear so much**. Good judgment, groundedness, **reasonableness**--any of these virtues **is** often **enough to snuff out** real thinking. Indeed, whatever appeal good judgment, groundedness, and reasonableness may have for a judge or a lawyer (and I am prepared to say the appeal is considerable), such virtues are not particularly helpful to intellectual achievement. On the contrary, intellectual achievement requires the abandonment of received understandings. In fact, I would go so far as to say that intellectual vitality (at least in the context of a discipline like law) [\*829] **requires** some degree of defamiliarization, some reach for the exotic. The thing is, those sorts of efforts are not going to get very far if they constantly have to answer to good judgment, groundedness, reasonableness, and the like. And at this point, I would like to flip the argument made earlier in the paper. Here, I would like us to think of **appeals to** good judgment, groundedness, and **reasonableness** in legal thought as **appeals to mediocrity. Making people see things** involves things far **different** from good judgment, groundedness, or reasonableness. It **involves** a kind of artistry--a reorientation of the gaze, a disruption of complacency, a sabotage of habitual forms of thought, a derailing of cognitive defaults. **This is** part of **what** a really good education is about. Constant obeisance to good judgment or groundedness or reasonableness, by contrast, will systematically frustrate **such efforts**. n57 This is all rather vexing. Legal **academics**--with aspirations to intellectual excellence--**are** thus **destined to play out** the myth of **Sisyphus. The** main **difference**, of course, **is that Sisyphus had a** real **rock** to push up a real hill. **The** law **professors'** rock and hill, by contrast **are symbolic**--imaginative **constructions** of their own making. Arguably, **pushing a symbolic rock** up a symbolic hill is substantially easier than doing it for real. At the very least, it is easier to fake it and to claim success. At the same time, though, the symbolic nature of the exercise perhaps makes it more transparently pointless. As between these two points, there is a certain dissonance. On the one hand, we are dealing with pushing rocks up hills--and that is surely hard work. On the other hand, the rocks and hills are of our own imagination--so it should be easy. This is very confusing. n58 My best guess (and I offer this only as a preliminary hypothesis) is that the dissonance here might yield a certain degree of neurosis. n59 Still the question pops up again: "**So what**?" So what--so **you have** maybe **seven thousand**-something law **professors** in the nation and you know, maybe ninety-six percent are **engaged in** a kind of vaguely neurotic **scholarship**. So what? Maybe it's borderline tragic. Maybe, these people could have done so much better. None of this, by the way, is clearly established. But let's just assume, it's true. Who cares? Seven thousand people--that's not a lot of people. Plus, it's hard to feel for them. I know that nearly all of them would be us (but still). It's an extraordinarily privileged life. So why care about this? Here's why. The thing about **legal scholarship** is that it **plays**--through the mediation of the professorial mind--**a**n important **role in shaping the ways**, the [\*830] forms, in which law students think with and about law. n60 **If they** are taught to **think in** essentially mediocre **ways, they** will **reproduce those** ways of thinking as they practice law and politics. If they are incurious, if they are lacking in political and legal imagination, if they are simply repeating the standard moves (even if with impressive virtuosity) they will, as a group, be wielding power in essentially mediocre ways. And the thing is: when mediocrity is endowed with power, it yields violence. And when mediocrity is endowed with great power, it yields massive violence. n61 All of which is to say that in making the negotiation between the imprinting of standard forms of legal thought and the imparting of an imaginative intelligence, we err too much on the side of the former. (Purely my subjective call here--but so is everybody else's.) Another way to put it is that while there is something to be said for the standardization point made earlier, generally, standardization is overdone. n62

1. (“The University, Social Death, and the Inside Joke,” <http://news.infoshop.org/article.php?story=20100220181610620>) [m leap] [↑](#footnote-ref--1)
2. [Pierre, Byron R. White Professor of Law and Former Associate Dean for Research, University of Colorado Law School, “ESSAY AND RESPONSE: Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art),” March, 2009, Georgetown Law Journal, 97 Geo. L.J. 803] [↑](#footnote-ref-0)