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Electronic version

URL: <https://journals.openedition.org/ejas/9578>

DOI: 10.4000/ejas.9578

ISSN: 1991-9336

Publisher

European Association for American Studies

Electronic reference

Rob Kroes, "The power of rhetoric and the rhetoric of power: Exploring a tension within the Obama presidency", *European journal of American studies* [Online], 7-2 | 2012, document 14, Online since 26 March 2012, connection on 08 July 2021. URL: <http://journals.openedition.org/ejas/9578> ; DOI: <https://doi.org/10.4000/ejas.9578>

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Rob Kroes

1. The power of rhetoric

- 1 Of Bill Clinton it has been said that he was America's first black president due to his apparent affinity with America's black population. Of Barack Obama it might be said that he is America's first "white president of color." From the first moment he entered public life, none of the templates that Americans use to handle the racial and ethnic diversity of their compatriots seemed to apply to Obama. He seemed equally at ease presenting himself as a person of white origin or as the son of an immigrant from Kenya. His life history and formative experiences allowed him to affiliate with black and white, with poor and rich, with the world of Christianity and Islam. He had spent part of his life growing up in those different worlds. A leading black intellectual in America, Harvard sociologist Orlando Patterson, recognized these qualities in the early days of Obama's rise as a political phenomenon: "Most whites don't feel threatened by him. Even moderate racists – not the hard core, obviously – can say 'I like this guy.' For the first time they feel at ease with a black man: he gives them the feeling that they are not racists."¹ Patterson himself, an immigrant from the Caribbean, like so many black immigrants feels difference from and distance toward America's native black population. Although perceived and treated as just another black person by America's white population, black immigrants elude such profiling. They are more socially mobile than the average American-born blacks and have more often reached positions of leadership, such as Marcus Garvey in the 1920s, Stokeley Carmichael in the 1960s, or Colin Powell in the late 20th century.

- 2 Obama resembles such immigrant blacks in the greater freedom of affiliation he may have felt was open to him. His time as a community developer on Chicago's South Side where he worked for poor whites and blacks helped him give sense and purpose to his life. Yet at the same time he moved in leading intellectual circles at the University of Chicago. His sense of affiliation with America's black population may be reflected in his choice of a marriage partner, Michelle Obama. Unlike her husband she stems from what Dutch historian Jan Willem Schulte Nordholt once called "the people that walk in darkness," the title to his history of America's black population.² It is a fitting image for a population group that in its collective memory of slavery, repression, and the struggle for emancipation and civil rights has indeed come to resemble a nation unto itself. But to the extent that this shared recollection of white racism, of exploitation and discrimination, still feeds a reservoir of hatred and anger among America's blacks, Obama forms no part of it. The test came when in the run-up to the presidential election, at the height of the campaign, Obama's trusted friend and confidant, black preacher Jeremiah Wright, raged against America's sustained racism, domestically and internationally. Obama felt forced to respond in an impressive public address in Philadelphia, reminding all Americans of the high ideals that from its inception had inspired the American republic.³ At the same time Obama reminded Americans of the long history of compromise between these ideals and the practice of slavery. Obama used his oratorical mastery to call on Americans not to use their history as a source of division, inspiring the sort of "incendiary language to express views that have the potential not only to widen the racial divide, but views that denigrate both the greatness and the goodness of our nation; that rightly offend white and black alike." This, like many other of Obama's public addresses, is still accessible on the Internet. It is this use of the Internet as a medium of mass communication that is typical of Obama's political style. He has radically broken with the mindless reduction of political debate to the mere sound and fury of inane "sound bites." He takes his time to develop his thoughts, thus inviting his audience to take its time for reflecting on them.
- 3 An illustrious precursor like President Abraham Lincoln, past master in America's rhetorical tradition, had experienced the problem of slavery as posing the central dilemma in his political life. He famously found the rhetorical language to express this dilemma, as in his "House Divided" speech (a "house," that is to say the Union, the United States, will not stand if it is divided against itself, half slave, and half free). Lincoln, as a statesman who found himself caught on the horns of this dilemma, felt forced to find a compromise solution between two ideals, of emancipating the slave population and of preserving the Union. Tragically torn between the two, he reached the conclusion that preserving the Union, in order to save America's Great Experiment in democratic self-government, must weigh in more heavily than the emancipation of the slaves. As he put it: "If I could save the Union without freeing *any* slave I would do it, and if I could save it by freeing *all* the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that."⁴ Addressing his democratic audience Lincoln offered no easy answers. Rather than use the power of public speech to delude his audience with rousing visions of a beckoning future, he invited it to ponder the complexities of the present. While evoking the inspirational history of American ideals, in the grand manner of the American Jeremiad as Sacvan Bercovitch called it, he publicly shared his inner torment in the face of the ethical dilemmas that confronted him.⁵

- 4 Like Lincoln, Obama has proved a master of public speech. In his relatively short public career, he has used the power of rhetoric to bring messages of hope and new beginnings, inspiring people to follow and support him. But like Lincoln, he also used his rhetorical mastery, during the campaign as well as in his presidency, publicly to account for the dilemmas he confronted and the conscientious choices he saw had to be made. Yet, in politics, as Lincoln was well aware, rhetorical visions in the end always have to face the test of reality, of practical action. Rhetoric at some point must translate into action if it is not to lose its power of persuasion. This clear and present danger became manifest shortly after Obama's accession to the presidency. Soon it appeared that the enthusiasm he had inspired among his followers turned into disillusionment, a sense that he was no more than a "faux liberal." At the time of his Cairo speech, in June 2009, before a student audience but addressed at the larger world of Islam, this was the general response among the audience: the words were fine, but where were the actions?⁶ When Obama first entered the fray of the Israeli-Palestinian conflict, demanding radical change in the way Israel behaved in the occupied Palestinian territories, the general impression prevailed that Israel had quickly called Obama's bluff. Ever since Obama has appeared unable to face up to the entrenched lobbies and veto groups, at home or abroad, preventing even minimal progress toward a future so eloquently evoked in speech. More generally, when held up against the daring visions outlined in speech after speech, in areas of foreign or domestic policy, Obama's actions were deemed wanting. Rather than riding the groundswell of support that carried him into the White House, he has seemed to be leading from behind, leaving it to entrenched power balances in Washington politics or in the international arena to work out compromise solutions for him to endorse. Too rarely, it seemed, did he choose to rise above the din of partisan votes and voices to speak in his own voice, addressing the nation to rekindle the enthusiasms among the larger populace that had carried him into the White House. Too often did he seem to leave the field where public opinion plays itself out to the demolition crews spurred on by right-wing media and an obstructionist opposition, in Congress and in the country.
- 5 There is an enigmatic side to Obama in all this. While patiently riding out storms, he has managed to build a solid record of legislative achievement. If patience is one of Obama's strengths he nonetheless may have neglected to exert his talents in setting the terms of public debate, in constructing a winning narrative to present and explain his achievements. Patience is a quality direly lacking among the larger population whose mood is set by frenzy and urgency better served, it seems, by sloganeering Tea Party populists, promising to "take America back." This rampant anti-intellectualism leaves little room for Obama to keep his Olympian cool. Spurred into rhetorical action by the 2010 mid-term elections his rather lame contribution to public discourse was his call that having worked hard to change the guard, now was the time to guard the change.⁷ It didn't do much to change the terms of public debate.
- 6 Yet when the occasion presents itself, Obama can rise to it and eloquently address the dilemmas of power as he perceives them. An impressive example is his speech in Oslo on his acceptance of the Nobel Peace Prize. The Oslo Nobel Committee's decision had met with widespread cynical glee. Here was a man receiving a peace prize who shortly before had decided in favor of a military surge in Afghanistan. Obama did not share in the cynicism when accepting the prize. In a characteristic, conscientious speech he accounted for the path he had chosen to follow between the goal of peace and

understanding in the world and the rival goal of national security in a world where good and evil are locked in combat. There were those who heard echoes of George W. Bush, who had turned “evil” into a facile sound bite and used it as a sufficient explanation of what moves the terrorists of this world. Obama on the other hand invites further reflection and intellectual struggle with the problem of evil. One may of course beg to differ and not quite see Obama’s strategic decisions as serving America’s security interests in the long run. Yet, simply looking at the time for deliberation Obama had taken for reaching his decision, weighing a great number of policy options against each other, show that he is a different political animal than his predecessor in the latter’s unseemly rush to invade Iraq. It would be hard to see Obama as a pliable puppet in the hands of entrenched power groups in Washington.

- 7 At the top of his rhetorical mastery, in speeches concerning racism as a divisive force in American society, or the use of military power in foreign policy, Obama finds his place in America’s great tradition of the statesman as public orator and master of rhetoric. In that role he explains, renders account, and invites the public to reflect. Obama is keenly aware of this long line of history, using it to place himself squarely in an American political tradition.⁸ Repeatedly he takes his cue from inspiring predecessors. Taking this inspirational role Obama not only addresses his fellow Americans, inciting them to political participation. He also speaks to the world, rekindling an enthusiasm for American leadership after the damage done to it during eight long years of the Bush presidency. When still a candidate vying for the presidency Obama gave a speech in Berlin, on 24 July, 2008, before a crowd of thousands whose lost hopes for America Obama seemed to restore and personify.⁹ In fine rhetorical balance he brought together a reference to the Berlin Wall with Lincoln’s metaphor of the house divided. It brought the audience in mind of Kennedy’s famous “Ich bin ein Berliner” speech delivered during his visit to Berlin in the days of the Cold War. Obama wanted to present himself as the embodiment of an America with which Europeans could once again feel affiliated: “The walls between old allies on either side of the Atlantic cannot stand”. Thus in a city not long before divided by a wall – “divided against itself”- Lincoln’s words assumed a poignant resonance, and called forth an association with his “half slave, half free.” When words like these come from the mouths of Americans, the danger is always of an implied missionary zeal, of interventionist intentions even, particularly today after the cynical misuse of similar language to justify military adventurism by the Bush administration. Obama is too much like Lincoln in his awareness of the tragic tension between politics and ethics, between idealism and realism. When confronting such hard choices he is rather a man of steel, not the weed that waves with the tides. He does not hesitate to speak his mind on matters of great concern to him, whether it is bankers and their obscene remunerations, or the failing security apparatus in America. The Homeland security bureaucracy was in for a hiding, when Obama publicly argued that it is incapable of connecting the dots on a map of imminent threats and simply reproduces the intelligence failures of pre-9/11 days. Bush has never been willing to own up to such failures. His response was simply to pile on new bureaucratic layers, compounding the problem.¹⁰
- 8 Even his most fervent supporters must have felt for Obama when he acceded to the presidency in view of the shambles, domestically and internationally, that the Bush administration had left in its wake. The discomfiture of an economic system, wars without end, the continuing threat of terrorism, an unprecedented level of partisan division, were the dish that was set before the new president. No way he could hope to

start with a clean slate. Probably the greatest paradox that Obama had to face up to was the deeply ingrained anti-statism among Americans. According to opinion polls majorities among them wish for better health care, better education, better infrastructure, yet are opposed to concerted government efforts to tackle such problems, rallying against them with hysterical cries of “socialism.” This intuitive distrust had received official blessing since the Reagan years and its view of government as “not the solution, but part of the problem.” But the paradox goes back farther in time and can be discerned from the early opposition to Roosevelt’s New Deal project. Ever since, the pattern of support for and opposition to a view of government as the collective instrument for pursuing the public interest has hardened into the partisan mould of Democrats versus Republicans. The New Deal, supported by a coalition of forces known as the Roosevelt coalition, constituting the Democratic Party that for decades assumed the role of the natural party of government, gave rise to the slow and contested early formation of a welfare state on American soil. Incrementally, step by step, its further development took place under Democratic Party auspices well into the 1960s. Obama wishes to continue in that tradition, albeit in a political climate more resistant than ever before. The solid Democratic Party majority in both houses of Congress since the 2008 elections may have seemed to open a window of opportunity, yet the hardening of political support and opposition, if not obstruction, along strictly partisan lines, in addition to the loud-mouthed populism in the media and among the population at large never boded well.

- 9 In view of the forbidding pile of problems that Obama has to confront, it was clear he needed time. Yet time has been running out fast. If Obama manages to ride out the storm of populist and right-wing obstruction, he may in the end effect a change in the political climate, if not the political culture of the country, not unlike the late 1930s. Then, the continuing depression had offered Roosevelt the opportunity to bring about a culture that gave central place to a sense of solidarity and collective endeavor. The period might be referred to as a populist moment in American history, in the sense that Lawrence Goodwyn used those words for an earlier period in American history, describing functioning political institutions constructed in terms of an inclusive populist paradigm but only for a historical “moment.”¹¹ The late 1930s, early 1940s, may have been another such moment of inclusiveness, centering on “the people” and “the common man” not only as rhetorical figures of speech, but as central subjects of collective action, brought together around government as the collective body in charge of seeing to the common interest, the “res publica.” In this role government had not only sponsored many employment programs, but also, for the first time in American history, had seen fit to sponsor the arts. Thus it promoted a range of artistic projects that aimed at the common people as its audience. In literature, in music and the theater, in photography and painting, artists went through a vernacular, or folk, period in their careers. They chose to descend from their elitist, ivory towers and opened themselves up to the common American as their public, which, in government-sponsored projects, they set out to serve.
- 10 A prime example of this trend is the work of American composer Aaron Copland. Orienting himself in the 1920s upon the international musical avant-garde, in the late 1930s he turned to the use of American folk repertoire to find his vernacular voice. A typical composition in this vein is his *Fanfare for the Common Man*, an ode to the common man seen as the central support of American democracy. Another composition from this period – the *Lincoln Portrait* of 1944 – is an ode to Lincoln, or rather to his inspired

use of language. At precisely the time that Roosevelt himself powerfully availed himself of America's hallowed rhetorical tradition Copland reconnected to Lincoln's inspirational language. At the dramatic culmination of the piece Lincoln's urgent call, in the concluding words to his *Gettysburg Address*, words spoken on a Civil War battlefield, soar above the music: "... that we here solemnly resolve that the dead shall not have died in vain, that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people shall not perish from the earth." There is a memorable television recording of a performance of the *Lincoln Portrait*, with the composer reciting and his former student Leonard Bernstein conducting. Visually Copland is no Lincoln. He is a shy and slightly awkward man, not the type of a public orator. Yet he manages to rise above himself when in his thin voice he takes the text to its climax. In his modest way he brings an ode to Lincoln, or rather an ode to the high ideals of democracy.

- 11 There are many enlightening studies, by Garry Wills among others, of Lincoln's use of public speech, of his rhetorical mastery.¹² But rarely does this mastery affect us as strongly as in Copland's musical tribute. Something like that same mastery we may recognize in Obama's political appeal. It already is his solid claim to fame. At the time of my writing this, he has been in power for over three years with a solid record of legislative achievement. It is to be hoped that he has many more years to translate his inspired and inspirational visions in speech as well as in action. Perhaps he proves able to revive the broad alliance of enthused voters that like a virtual Internet community carried him to the presidency and to turn it into a lasting support of his political power. To that end he must remain what he had been for so many during the campaign, a man holding high the hopes of a new beginning. Tied up as he is now in the imbroglio of Washington politics, he must at the same time, much like Roosevelt, rise above it and reach out to his nation-wide constituency. He must keep alive a sense of closeness and inclusion among his supporters, rather than leave them mired in alienation. If successful, Obama may well lead Americans on the way to overcoming their internal divisions and once again inspire, as under Roosevelt, a sense of common effort and collective destiny. And who knows, a new Copland may arise to give musical expression to such a new political and cultural climate.

2. The rhetoric of power

- 12 When acceding to the presidency in early 2009 Barack Obama appeared as the anti-Bush that many during the campaign had come to see in him. When he took the oath of office, swearing to defend and uphold the Constitution of the United States, it seemed like the first step in rolling back the relentless encroachment upon the restraints of executive power set by the Constitution and by international law as endorsed by the United States. Obama had all the right credentials for this role. As a senator he had voted against the war in Iraq as an illegal war of aggression. As a candidate he promised to close Guantanamo Bay's detention center, which in the eyes of the world had come to symbolize the illegitimacy of the ways in which America, under President Bush, had chosen to wage its global war on terrorism. Obama appeared like the man who would bring to light the dark and secret world, beyond the reach of law and legal protections, that America had ventured upon, a world of illegal surveillance of its own citizenry, a world of secret renditions of terrorist suspects, and of torture and hi-tech retaliatory

assassination. He appeared to bring a promise of ending all this and to return to a presidency under the law, rather than above it. In words from his inaugural address: "My administration is committed to creating an unprecedented level of openness in government."

- 13 If hopes were pinned so high on the Obama presidency, how would this square with the trends in American presidential leadership that commonly come under the name of the unitary executive? The trend was seen by many observers, in the United States and Europe, as a continued erosion of America's democratic and constitutional order, a continued power grab by the American president who as chief executive officer in charge of the national interest felt unduly hampered by established constitutional constraints, such as the institutional checks-and-balances or constitutional protection of civil rights. Ever more intrusive in the fabric of social relations in the name of anti-terrorist surveillance, ever more scornful of institutional countervailing powers, the Bush presidency subverted the American constitution, although held by oath to protect it. This can be seen as only the latest, most daring, version of what Arthur Schlesinger in his 1968 book, *The Imperial Presidency*, warned Americans against.¹³
- 14 In fact this suspicion of slow democratic erosion goes back farther, to such World War I American pacifists like Jane Addams, who reminded Americans of the connection between a warfare state and dictatorship. Precisely Bush's war on terrorism, a war without an exit option, allowed him to venture ever further on the way to the unitary executive. Thus he rewrote legislation, duly enacted by Congress, with signing statements giving him leeway not to implement laws as enacted. Thus he could create dark zones beyond the reach of American law, such as most ignominiously at Guantanamo Bay. Glaring examples abound. When President Bush signed a new law, sponsored by Senator McCain, restricting the use of torture when interrogating detainees, he also issued a Presidential signing statement. That statement asserted that his power as Commander-in-Chief gives him the authority to bypass the very law he had just signed. This news came fast on the heels of Bush's admission that, since 2002, he had repeatedly authorized the National Security Agency to conduct electronic surveillance without a warrant, in flagrant violation of applicable federal law. And before that, Bush declared he had the unilateral authority to ignore the Geneva Conventions and indefinitely to detain without due process both immigrants and citizens as enemy combatants. The pattern behind all these blatant presidential intrusions on the law and the Constitution led to pointed revisits, in the later years of the Bush Administration, of the phrase "unitary executive" as almost a code word for a doctrine favoring nearly unlimited executive power.¹⁴
- 15 Many of the worries and concerns in Europe about this imperial drift in American politics fed directly into Europe's feelings of anti-Americanism. Hopes were that Obama, taking his oratorical cues from Lincoln, Roosevelt, Kennedy, and Martin Luther King, might indeed take America back to its first high principles (which as Machiavelli reminds us is the central recipe for preserving a republic). This would require a more direct, and intellectually articulate, communication with his American and world audience. Yet, given the pressure on him to exert his leadership as a president who called the war in Afghanistan a "war of necessity," temptations must be great to cut constitutional corners in the manner of his predecessor. Obama may find it hard to give up gains in executive power as they have accrued to the presidency over the last several years. Yet in a democratic spirit, upholding the constitution, while scaling back

some of the legal enormities of the Bush administration, he may develop ways of forceful leadership that Americans and non-Americans alike will see as convincing and legitimate.

- 16 At present, though, things do not bode well. In fact, early signs seemed to point rather in the direction of continuity with Bush administration practices. Thus, in the crucial civil rights area of the treatment of detainees held in the context of the war on terror, the Obama administration took steps and invented arguments to maintain the power to imprison terrorism suspects for extended periods without judicial oversight. The man who as presidential candidate had still spoken of the false choice between fighting terrorism and respecting habeas corpus, and had rejected the Bush administration's attempt at creating a black hole at Guantanamo, now did exactly that by moving detainees to Bagram airbase, beyond the reach of constitutional protections.¹⁵ In the same vein, the man who as presidential candidate reminded his audience that as a former constitutional law professor he would, unlike the current president (i.e. George W. Bush), actually respect the Constitution, acted in contravention of the 1973 War Powers Resolution adopted by Congress when he authorized U.S. military intervention in Libya.¹⁶ In the tortured language of Orwellian newspeak, Obama denied the Libyan intervention was a war at all. Hence, the War Powers Resolution did not apply.¹⁷ Ironically, Obama thus cast aside a congressional resolution whose intention it had been to restore the balance between the powers of congress and the presidency after years of the balance tilting toward the executive.
- 17 As a further point, rather than the government itself living up to its promise of "unprecedented openness," we see a resurgence of leakers of secret government policies – of "whistleblowers" – reminiscent of the days of the leaked Pentagon Papers. The culmination point so far is the flood of Wikileaks foreign policy documents. The Obama administration's response was vindictive and very much in the manner of an insulted sovereign. In the manner of a unitary executive, without due process, it has held an alleged leaker of documents, Bradley Manning, in solitary confinement, it steps into the field of economic transactions, blocking credit card payments to Wikileaks, in addition to pressuring foreign governments in its search for the main culprit, Julian Assange.¹⁸ Even before the Wikileaks furor, though, the *New York Review of Books*, over the names of left-wing luminaries, including Daniel Ellsberg of Pentagon Papers fame, published a paid page-long call "To end the complicity of silence," reminding the readers that "Crimes are Crimes No Matter Who Does Them." Side by side are two portraits of Bush Jr. and Obama linked by this caption: "Crimes under Bush are crimes under Obama and must be resisted by anyone who claims a shred of conscience."¹⁹ High on the list of government abominations is the freedom it takes in composing lists of suspects of terrorism, including U.S. citizens, selected for assassination. The text goes on to indict the Obama administration for expanding the use of drone attacks and for arguing that the U.S. has the authority under international law to use extrajudicial killing in sovereign countries with which it is not at war. Such acts have now been consecrated into "standard operating procedure" by Obama, who claims, as did Bush, executive privilege and state secrecy in defending the crime of aggressive war.
- 18 Like the phrase "unitary executive" the words "executive privilege" are suggestive of constitutional law doctrines justifying the leeway presidents grant themselves in their unilateral choice of means in their defense of the national interest. On several previous occasions, as in the Truman Steel Seizure Case or the Nixon Administration's refusal to

make public the Oval Office secret tapes, the claim of executive privilege was tested by the Supreme Court and found wanting.²⁰ The Obama administration has not yet come up to a similar test. Not surprisingly the president has seen his policies of secrecy given the blessing of conservative commentators. In an op-ed piece in the *Wall Street Journal*, entitled “Barack Obama: Defender of State Secrets,” Gabriel Schoenfeld, a senior fellow at the Hudson Institute, has this to say: “It is not an overstatement to say that secrecy today is one of the most critical tools of national defense. Leaks of counterterrorism secrets to the press, and disclosure of counterterrorism techniques and procedures in courtrooms, can imperil the war effort. We are thus faced squarely with the abiding tension between liberty and security.” What Schoenfeld calls the “carping civil-libertarian critics” may, as he admits, serve a useful purpose in guarding against government excesses. But Schoenfeld goes on to conclude: “the more voluble they become, the more apparent it also becomes that Mr. Obama is doing the right thing.”²¹ Judged by the company he attracts, we would be hard put to recognize in him what so many during the campaign had hopefully anticipated. As president he now finds himself in a role as commander-in-chief, fighting two ground wars and a more general one against the elusive enemy of global terrorism, without a clear exit strategy. They are wars he took over when entering office, and which he pursues by means that make it hard to see a personal touch to distinguish him from his predecessor, let alone to recognize the signs of a transformational presidency. Yet those were the words that Colin Powell, a black Republican, used in his quiet and eloquent television endorsement of Obama during the electoral campaign.²² There is irony today in referring back to this moment. Here we had a man who had given his name to a military doctrine, the Powell doctrine, reminding military planners never to enter a war without a clear exit strategy. A full two years later, President Obama is mired in wars without exit strategies, expanding programs of secret action in the Mideast, without any prospect of the endeavor holding the promise of a new beginning.²³ But more than that, Obama seems mired in the insider ways of Washington while losing the rapport he had with the broad constituency that carried him to the presidency. If his march to the White House testified to the power of rhetoric, Obama has found no way yet, it seems, to use the presidency as a bully pulpit to engage and educate his public in the moral dilemmas of the exercise of power. In other words, he has not yet developed a rhetoric of power.

- 19 Such a demanding form of rhetorical discourse would call for more of course than Bush’s sound bite uttered with a smirk: “I am the decider,”²⁴ or more generally the boastful language accompanying America’s position as “sole remaining superpower,” following the collapse of the Soviet Union. If there was a rhetoric of power discernable at all in those days, it was the language of arms speaking, of the “shock and awe” inspired by America’s arsenal of high-tech weapons. In contrast to this, a rhetoric of power, as I here envision it, would demand Obama once again to rise above himself, above the din of voices in Washington circles and the media, and to address the ethical dilemmas and quandaries of democratic leadership, to address the tension between secrecy and national security, and to become the democratic educator that Lincoln was before him. It would entail more than the rhetorical projection of power in the face of external threats confronting the nation, more than the construction of an enemy image and the demonization of the enemy, as in president Reagan’s rhetoric of power, when he spoke of the Soviet Union as “the evil empire.”²⁵ It would entail rendering a public account of the unintended consequences of the uses of power, as they range from open military confrontation, and its accompanying “collateral damage” of civilians killed by

U.S. fire, to secret programs of assassination, rendition and imprisonment. These are all means of confrontation that may well result in swelling the ranks of enemy forces rather than quelling them. Using public speech to convey such a sense of irony, if not of the tragic quality of democratic leadership, is a tall order and does not necessarily go down well with the larger public. When President Carter tried to wean Americans off the conventional rhetoric of the Cold War, speaking instead of the “inordinate fear of Communism,”²⁶ it was taken as a sign of softness, if not weakness.

- 20 The problem confronting President Obama in this respect is that on a number of occasions he has, in public speeches, reached out toward the Muslim world, trying to take away its inordinate fear of America, and to contribute to mutual understanding through diplomatic means and the power of public speech. Yet, neither in the Middle East nor among the American public, has he managed to reconcile his guiding visions with the actual policies that he pursues or leaves in place.

3. Wars of Necessity and New Beginnings?

- 21 Addressing the Chicago Council of Global Affairs on April 23d, 2007, when still a Democratic Senator and presidential hopeful, Barack Obama said: “I still believe that America is the last, best hope of Earth. We just have to show the world why this is so. This President (i.e. George W. Bush) may occupy the White House, but for the last six years the position of leader of the free world has remained open. And it’s time to fill that role once more. The American moment has not passed. The American moment is here. And like generations before us, we will seize that moment, and begin the world anew.”²⁷ Casting himself as a Promethean pretender to the role of leader of the free world, he could never hope to make a fresh start with a clean slate. While aiming at beginning the world anew, he had to confront a world as it was left to him, like a chess player taking over a game halfway through, confronting all the constraints that it set before him. Entering the Washington corridors of power with a freshly won mandate, must have felt like stepping into an arena ring-fenced by entrenched interests, veto groups, and contending ideological views of the national interest and America’s place as a world power.
- 22 In 2010 it was fifty years since President Eisenhower left office and used the occasion to reflect on the ominous rise of what he called the military-industrial complex, commonly referred to later as the military-industrial-political complex. Eisenhower, at the height of the Cold War, warned against an American foreign policy set on a course of undue militarization, while undermining America’s democratic ways.²⁸ Ironically, it was only after the Cold War and the collapse of the Soviet Union that such militarization proceeded apace. What had been gestating as a neo-conservative project, envisioning a 21st-century America whose military power would be unrivalled and pre-eminent, now became the accepted discourse, touted by right-wing politicians and media pundits alike.
- 23 Currently, the American defense budget approaches the combined defense budgets of all other nations, friends and foes combined. U.S. defense outlays now consume roughly half of all federal discretionary dollars. The U.S. now has between 700 and a 1000 military bases all over the globe. It can project military power in ever new technological ways. Yet if this policy is to be more than a very expensive insurance policy, against what threat, what enemy, is it meant to offer protection?

- 24 Here, I would argue, President Obama has his work cut out for him. Rather than letting himself be co-opted into this militarized view of the world and American foreign policy, he should grasp the moment and start to educate the American people. At a time when deficits at all levels of government threaten America's infrastructure, its education, health and welfare institutions, as well as its over-all prosperity, Obama should address these issues by publicly reflecting on the costs of the current national security state, its financial costs as well as its human costs. As one opinion poll after another makes clear, the American people is stunningly unaware of such things. Given the right-wing control of the parameters of public discourse, here is a challenge for the master of the art of rhetoric that Obama has proven to be. Were he to take it up, it would be a new beginning indeed.
- 25 And yet, for a man with Obama's powers of speech there are strange moments of silence, of speechlessness. Surely, as on the occasion of the January, 2011, point-blank fusillade in Tucson, where a deranged youngster wounded a Congresswoman among a number of others and killed six people, among whom a young girl, Obama finds the words of consolation for grieving parents and a grieving nation. Rising above the vitriolic cesspool of what ranks as public debate and discourse in the U.S. today, he grasps the moment to educate the nation in the ways of civility and civilized debate. Yet, when the child killed is not American, but a Pakistani or Afghan victim of the American way of war, killed on Obama's watch as commander-in-chief, he has not so far addressed the terrible moral dilemma that presents itself.²⁹ There is no echo yet of the 1960s' anti-war chant – "Hey, hey, LBJ, How many kids did you kill today?" – in fact there is no anti-war movement out on the streets at all. Distant wars are being fought at the far-away *limes* of empire, passed over in silence by the American people.
- 26 There is irony, if not tragedy, galore. Now the Middle East is finally going through the birth pangs of democratization – in ways far removed from what then-secretary of state Condoleezza Rice thought she could read in the ongoing war and turmoil in the Middle East, speaking of "the birth pangs of a new Middle East."³⁰ Obama in fact may have been instrumental in getting current developments going with his seminal June, 2009, Cairo speech. But now, rather than appearing to the people in the Middle East as a new Lincoln, speaking words from the Gettysburg address – "Government of the people, by the people, and for the people" – he must seem to them more like one of the distant autarchs that people all over the Middle East are busy ridding themselves of for good.

NOTES

1. In an interview with Gary Younge, *The Guardian Weekly*, 20 August 2007. Patterson's reflections on the lukewarm support for Obama's presidential candidacy among America's black population led him to speak of "black nativism." Cf. Orlando Patterson, "The New Black Nativism," *Time Magazine*, 8 Feb. 2007, 34-5.

2. J.W. Schulte Nordholt, *Het volk dat in duisternis wandelt: De geschiedenis van de negers in Amerika* (Deventer: Van Loghum Slaterus, 1968)
3. Obama speech "A more perfect Union," (Constitution Center, Philadelphia, March 18, 2008)
URL: http://www.huffingtonpost.com/2008/03/18/obama-race-speech-read-th_n_92077.html
4. Letter to Horace Greeley, August 22, 1862.
5. Sacvan Bercovitch, *The American Jeremiad* (Madison: The University of Wisconsin Press, 1978)
6. Obama Cairo speech, video and full text URL: http://www.huffingtonpost.com/2009/06/04/obama-speech-in-cairo-vid_n_211215.html
7. September 19, 2010 URL: <http://www.reuters.com/article/idUSTRE68I03S20100919>
8. James T. Kloppenberg, in his *Reading Obama*, looks at Obama's writing and record of public speech to do for Obama what Obama does for himself: demonstrating the extent to which he as a politician and a statesman is rooted in an American political and intellectual tradition. [James T. Kloppenberg, *Reading Obama: Dreams, Hope, and the American Political Tradition* (Princeton: Princeton University Press, 2010)] See also: Susan Schulten, "Barack Obama, Abraham Lincoln, and John Dewey," *Denver University Law Review* 86 (2009) URL: <http://law.du.edu/documents/denver-university-law-review/schulten.pdf>
9. URL: http://www.huffingtonpost.com/2008/07/24/obama-in-berlin-video-of_n_114771.html
10. URL: <http://www.scribd.com/doc/4107132/Barack-Obama-on-Homeland-Security> This is an electoral campaign document, summarizing Obama's views of the Homeland Security counterterrorism apparatus and strategy. It contains telling policy projects that today, in the eyes of critics, seem to be honored in the breach. Among the promises made we find the following: "Obama also would restore habeas corpus so that those who pose a danger are swiftly tried and brought to justice and those who do not have sufficient due process to ensure that we are not wrongfully denying them their liberty."
11. Lawrence Goodwyn, *The Populist Moment: A Short History of the Agrarian Revolt in America* (New York: Oxford University Press, 1978) xiii.
12. Garry Wills, *Lincoln at Gettysburg: The Words that Remade America* (New York: Touchstone, 1992)
13. Arthur M. Schlesinger, *The Imperial Presidency* (New York: Houghton Mifflin, 1973)
14. Jennifer van Bergen, "The Unitary Executive: Is the Doctrine Behind the Bush Presidency Consistent with a Democratic State?" URL: http://writ.news.findlaw.com/commentary/20060109_bergen.html Jennifer van Bergen, *The Twilight of Democracy: The Bush Plan for America* (Monroe, ME.: Common Courage Press, 2004). One particular occasion for renewed debate on the unitary executive were the congressional hearings of Supreme Court nominee Judge Alito. Advocates differ on the degree of executive authority. Some believe only that Congress cannot create agencies or officers that operate outside the president's direction. Others contend the president has executive powers beyond those granted by Congress or listed in the Constitution. Bush administration lawyers, in confidential memorandums, adopted this broader view after the Sept. 11, 2001, terrorist attacks. They contended that the "unitary" nature of presidential power over national security meant Mr. Bush could not be constrained either by treaties or laws passed by Congress that governed treatment of enemy prisoners. The Justice Department later withdrew that internal legal opinion, but it has not backed away from its theory on presidential power, which also underlies the domestic surveillance program and the detention of U.S. citizens as enemy combatants. In all three instances, the president has asserted an inherent power to take actions that critics say are contrary to specific laws -- respectively, the 1994 Torture Statute, the 1978 Foreign Intelligence Surveillance Act and the 1971 Non-Detention Act. Since 9/11 President Bush's use of the words unitary executive, in combination with signing statements, shot up to a total of 110 at the time of Judge Alito's confirmation hearings. Under his three predecessors the total was 7. Cf. Jess Bravin, "Judge Alito's View Of the Presidency: Expansive Powers," *The Wall Street Journal*, 5 January 2006, A1.

15. Glenn Greenwald, "Obama Wins the Right to Detain People with no Habeas Review," (23 may, 2010) URL: <http://www.informationclearinghouse.info/article25517.htm>
16. This is a point raised by Robert Naiman ("An Open Letter to Liberal Supporters of the Lybia War" URL: http://www.huffingtonpost.com/robert-naiman/an-open-letter-to-liberal_b_841505.html), in his response to Juan Cole's "An Open letter to the Left on Lybia," which is generally supportive of the war (URL: <http://www.juancole.com/2011/03/an-open-letter-to-the-left-on-libya.html>) Naiman uses strong language and speaks of a power grab by the executive.
17. To get to this linguistic stretch President Obama had had to overrule the lawyers in the Justice and Defense Departments and turn to more pliant ones in the White House and State Department. Bruce Ackerman, a professor of law and political science at Yale, said in the *New York Times* that this could open the way for "even more blatant acts of presidential war-making in the decades ahead." ("Legal Acrobatics, Illegal War," URL: <http://www.nytimes.com/2011/06/21/opinion/21Ackerman.html>)
18. Following a sustained public outcry, culminating in a public letter over the signature of over 250 top legal scholars, including Laurence Tribe, a Harvard professor who taught Obama constitutional law, and published in the *New York Review of Books*, LVIII,5 (12-25 May 2011): 62, Bradley Manning was transferred to a more normal detention regime.
19. *The New York Review of Books*, (27 May 2010): 17.
20. Maeva Marcus, *Truman and the Steel Seizure Case: The Limits of Presidential Power* (New York: Columbia University Press, 1977)
21. Gabriel Schoenfeld, "Barack Obama: Defender of State Secrets," *Wall Street Journal*, 30 September 2010, 17.
22. Colin Powell's words of praise and endorsement can still be heard on the Internet: URL: http://www.youtube.com/watch?v=T_NMZv6Vfh8 It is an excerpt from NBC's *Meet the Press*, October 19, 2008.
23. For a critical review of alternative policies, see Juan Cole, *Engaging the Muslim World* (New York: Palgrave MacMillan, 2009)
24. "But I'm the decider, and I decide what is best". Words spoken on the White House Lawn, April 18, 2006.
25. For the text of Reagan's "Evil Empire Speech" see URL: <http://www.nationalcenter.org/ReaganEvilEmpire1983.html>
26. President Jimmy Carter, Commencement Speech given at Notre Dame University, June 1977, URL: <http://teachingamericanhistory.org/library/index.asp?document=727>
27. URL: <http://my.barackobama.com/page/content/fpccga>
28. For an enlightening revisit of Eisenhower's farewell speech, see Andrew J. Bacevich, "The Tyranny of Defense Inc.," *The Atlantic* (January/February 2011) Available online at URL: <http://www.theatlantic.com/magazine/archive/2011/01/the-tyranny-of-defense-inc/8342/>
29. In an online town hall, sponsored by Google, on 30 January 2012, President Obama for the first time publicly addressed the new policy of targeted executions of suspects of terrorism by drones. He called the program "precise" and "judicious." As for collateral damage, he pointed to the high-precision nature of drones and to the fact that those killed were on a list authorized by the president. Shortly after, in a speech at Northwestern University, on March 5th 2012, Attorney General Eric Holder addressed the implied issues of the protection of legal rights, such as due process, arguing in effect that under circumstances of international threats of terrorism the president should be the sole judge and arbiter in selecting targets for execution and ordering them killed. The argument is only further confirmation of the continuing general drift towards a unitary presidency. Cf. Glenn Greenwald, "Attorney General Holder defends execution without charges," URL: http://www.salon.com/writer/glenn_greenwald/

30. Condoleezza Rice in a press conference she had called on the occasion of the Israel-Libanon conflict in July, 2006. Answering a question why she had not got involved in shuttle diplomacy, she had this to say: "What we're seeing here is, in a sense, the growing—the birth pangs of a new Middle East, and whatever we do, we have to be certain that we're pushing forward to the new Middle East, not going back to the old Middle East." (July 21, 2006)

ABSTRACTS

When Barack Obama acceded to the Presidency of the United States he held out the promise of a new beginning. As a master of political rhetoric he had spoken of a new start following the dismal years of the Bush administration. He would take America back to its inspirational creed of freedom and democracy. He augured a break with policies infringing on civil liberties and government under the law. Once in office, though, the power of rhetoric that had carried him into the White House ran into the hard reality of political rule under conditions of ongoing wars in far-away countries and the threat of terrorism, lurking at home and abroad. This chapter will explore how well President Obama managed to preserve democratic freedoms at home while fighting terrorism.

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Keywords: Aaron Copland, Abraham Lincoln, Afghanistan, anti-Americanism, anti-intellectualism, anti-terrorist surveillance, Arthur M. Schlesinger Jr., Barack Obama, Bradley Manning, Civil War, Cold War, Colin Powell, Condoleezza Rice, Daniel Ellsberg, Democratic Party, Dwight D. Eisenhower, executive power, executive privilege, Franklin D. Roosevelt, Gabriel Schoenfeld, Garry Wills, Geneva Conventions, George W. Bush, Gettysburg Address, Guantanamo Bay, Homeland Security, Internet, Islam, Israel, J.W. Schulte Nordholt, Jeremiah Wright, Jimmy Carter, John F. Kennedy, John McCain, Julian Assange, Lawrence Goodwyn, Libya, Machiavelli, Marcus Garvey, Martin L. King Jr., Middle East, Bill Clinton, National Security Agency, New Deal, Nobel Peace prize, Orlando Patterson, Pentagon Papers, Ronald Reagan, Sacvan Bercovitch, signing statement, Soviet Union, Stokeley Carmichael, Truman Steel Seizure Case, unitary executive, War Powers Resolution, welfare state, Wikileaks

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