2014

Unexpected Insights into Terrorism and National Security Law Through Children’s Literature: Reading The Butter Battle Book as Monstrosity

Nick J. Sciullo

Available at: https://works.bepress.com/nickjsciuollo/19/
UNEXPECTED INSIGHTS INTO TERRORISM AND NATIONAL SECURITY LAW THROUGH CHILDREN’S LITERATURE: READING THE BUTTER BATTLE BOOK AS MONSTROSITY

Nick J. Sciullo*

ABSTRACT
Legal knowledge often comes from unexpected encounters with legal theory. In this Essay, I critically analyze Dr. Seuss’s The Butter Battle Book as a source of international legal knowledge. Although this text was originally written as a criticism of the Cold War, I find modern parallels to the evolution of terrorism and national security law theorizing in the United States. As a result of this investigation, I provide a unique window onto civil society, and our continued fascination with the specter of terrorism.

CONTENTS
INTRODUCTION: BEGINNINGS, OR LAW, CULTURE, AND CHILDREN’S LITERATURE .......................................................................................... 512
I. FIRST INTERVENTION: OTHERIZATION, OR FEAR OF THOSE (UN)LIKE US......................................................................................... 524
II. SECOND INTERVENTION: FEAR OF BUTTERING, OR ABSURDITY IN NATIONAL SECURITY LAW ............................................................... 526
III. THIRD INTERVENTION: DR. SEUSS AND HAUNTINGS, OR THE JURIDICO-POLITICS OF TERROR............................................................. 527
IV. FOURTH INTERVENTION: MONSTERS EVERYWHERE, OR WHY NATIONAL SECURITY LAW NEEDS FEAR ........................................ 529
V. CONCLUSION .................................................................................. 531

* Ph.D. candidate (Rhetoric and Politics), Department of Communication, Georgia State University. M.S., Troy University; J.D., West Virginia University College of Law; B.A., University or Richmond. Part of this work was presented at the 2013 New Voices Conference at Georgia State University. Thanks to the conference organizers and participants. Thanks are as always due to my father Rich Sciullo for his guidance.
INTRODUCTION: BEGINNINGS, OR LAW, CULTURE, AND CHILDREN’S LITERATURE

In this Essay, I explain the ways in which Dr. Seuss’s *The Butter Battle Book* may be read in order to give legal scholars and practitioners insights on terrorism and related ideas of international law and national security law. Indeed, I understand children’s literature as being instructive not only for acculturation, but also for the ways in which we understand law, politics, and people. My argument is not so much that Dr. Seuss radically reconfigures the ways in which lawyers and law scholars “come to the law,” but that children’s literature is often an unexplored avenue for understanding the complexities of law. Dr. Seuss’s *The Butter Battle Book* is exemplary of the power of children’s literature to comment on and critique law and politics. Specifically, *The Butter Battle Book* provides interesting and informative pathways into the critical study of terrorism and national security law.

I read *The Butter Battle Book* as contributing significantly to critical terrorism studies, and as understood through Jean-François Lyotard’s conception of the libidinal economy, and Edward Said’s *Orientalism*, psychoanalytic ideas of embodiment, and the complex politics of monstrosity. Admittedly, in such a

6. Jean-François Lyotard, *Libidinal Economy* (1974) (Continuum 2004) Libidinal economy is a disorder of machines, if you will; but what for ever prevents the hope of producing the systematization and functionally complete description of it, is that, as opposed to dynamics, which is the theory of systems of energy, the thought – but this is still to say too little – the idea of libidinal economy is all the time rendered virtually impossible by the indiscriminability of the two instances. *Id.* at 30).
short essay, this is a tall order. Yet rather than attempt to close the book on studies of law and literature generally or terrorism studies and children’s literature specifically, in this Essay I open up space for continued dialogue into the powerful forces shaping the complexities of terrorism and national security law. In the beginning of this Essay, I discuss Seuss’s work with respect to libidinal economy, ideology, critical theory, and continental philosophy to ground the text in a broader discursive space or critical engagement with law. I then structure this Essay to provide several short interventions into Seuss’s text. These interventions should be considered as significant breaks in the striated spaces of contemporary terror discourse. This is to say, I continually challenge staid readings of national security law that focus on institutional practices at the expense of rhetorical understanding. With each intervention, I hope to illuminate a worthwhile nexus between Dr. Seuss and our current understanding of terrorism in a multi-mediated, legally complex space. My goal is to expand opportunities for discussion of the national security state and broaden our appreciation for literature’s impact on legal knowledge.

This Essay is about a children’s book, which might be monstrous in its own right. Monstrosity, as I discuss below, structures our life and much of our legal knowledge. For how are legal scholars, students, and activists to conceptualize civil society in light of a text meant for children unfamiliar with law, violence, and trauma? What does it mean if law, as an academic discipline, considers the importance of a children’s book? Yet, while many lawyers, law students, and even a few legal scholars may be inclined to think that legal scholarship is somehow more important than or divorced from literature, Dr. Seuss’s oeuvre provides a critical access point to the tremendous potential of literature to reveal significant commentary on our complex world. There is a simple logic to Robert Fulghum’s book, All I Really Need to Know I Learned in Kindergarten. Fulghum’s point is, of course, that our childhood years are some of the most enriching in our acquisition of knowledge as well as the formation of our identities. This is one reason why the turn to Dr. Seuss is appropriate. All of this is not to say that the law and literature movement is non-existent or even that it is un-

---

8 See infra notes 72-90.
11 ROBERT FULGHUM, ALL I REALLY NEED TO KNOW I LEARNED IN KINDERGARTEN (1989).
12 See Benjamin N. Cardozo, Law and Literature, 14 YALE L. J. 699 (1925); Jerome Bruner, The Legal and the Literary, 90 REV. 42 (2002); JEROME BRUNER, MAKING
concerned with children’s literature, but simply to indicate that law and literature falls outside of mainstream legal scholarship. In particular, Dr. Seuss’s lyrical wit serves as a window into complex legal, political and rhetorical relationships and theories.\(^\text{13}\) Of course, law and literature has its critics, most notably Richard Posner.\(^\text{14}\) Yet, even if we approach law and literature with a critical eye, as we should with every theoretical or methodological framework, we ought not abandon law and literature in light of the criticisms against it because law and literature remains helpful in understanding the ways ideology influences legal understanding. It seems popular culture, which includes children’s literature, does much to both mirror and create the realities in which we live, and not just in the sense that we buy whichever jeans Kim Kardashian is wearing\(^\text{15}\) or that we buy the car Blake Griffin tells us to buy.\(^\text{16}\) What I am concerned with is the more profound ways popular culture can help scholars interrogate existential realities of violence, danger, otherization, and progress.\(^\text{17}\) Of course labeling these threats

---


\(^\text{14}\) RICHARD POSNER, LAW AND LITERATURE (3d ed. 2009). Additionally, Jane B. Baron has argued that law and literature has failed for several reasons including its failure to deliver the intellectual enrichment scholars claimed it would as well as the movement’s inability to sustain itself in the face of tremendous factional interests and complex relationship to disciplinary boundaries. Jane B. Baron, Law, Literature, and the Problems of Interdisciplinarity, 108 YALE L. J. 1059 (1999).


\(^\text{16}\) Chris Woodyard, Kia’s New Pitchman is a Slam-Dunk; NBA Rookie Griffin Vaults to New Fame, USA TODAY, June 22, 2011, at 2B; Staff Reporters, Clippers’ Griffin Signs Deal with Kia, THE OKLAHOMAN, June 23, 2011, at 5C; Jonathan Abrams, As Chorus Swells, Griffin Leaps Car to Win Contest, N.Y. TIMES, Feb. 20, 2011, at SP7.

\(^\text{17}\) This approach has been characterized by the rise of popular culture studies and then cultural studies. See ANDREW ROSS, NO RESPECT: INTELLECTUALS AND POPULAR CULTURE (1989); MARSHALL McLuhan, THE MECHANICAL BRIDE: FOLKLORE OF INDUSTRIAL MAN (1951); JIM CULLEN (ED.), POPULAR CULTURE IN AMERICAN HISTORY (2013); LAWRENCE
(suicide bombings, nuclear war, regional conflict, chemical and biological warfare, etc.) as existential realities is problematic, but we think of them as existential threats. They are out there somewhere in the world—really out there. The veracity with which we endow threat discourse demands creative assessments of the very threats we construct. For this reason, the creative ethos of law and literature is appropriate to critique the national security state.

What makes Dr. Seuss so significant to law and politics is that he makes speakable the realm of the unspeakable while at the very same time making the banal seem new. Existing moral and political commentary receives the artful cover of children’s literature in Seuss, making palpable controversial topics. Literature often works this way as it is frequently deeply political.

Without the silly drawings, made-up words, and outlandish plots, Dr. Seuss would have had substantially less luck pushing his poetic and political agenda. The method and message are intertwined. When *The Butter Battle Book* was published in 1984, it was not fashionable to critique the absurdity of the Cold War. Ronald Reagan had labeled the Soviet Union “the evil empire,” words

---


which President George W. Bush would later echo in the State of the Union Address after the terrorist attacks on September 11, 2001 when he proclaimed “the axis of evil.”\(^\text{23}\) Evil was never far from law and certainly never far from national security policy.

This absence, this obsession with the unspeakability of the unspeakable is of course the folly of fear. In the libidinal economy,\(^\text{24}\) fear and violence are the coin of the realm. What manifests itself as existential reality is equivalental chains of fear.\(^\text{25}\) We trade in violence, manufacturing it to power our military-industrial complexes.\(^\text{26}\) This occurs in policy circles when justifications for military action are based on various fear regimes. Just as fear is a motivating factor in how many of us live our lives (fear of car accidents, fear of being fired, fear of not fitting in, fear of being wrong, etc.), it is also a factor in how we engage national security. It occurs in activist circles where there is an abiding fear of the

---


\(^\text{24}\) See LYOTARD, supra note 6, at 102 (“What Marx perceives as failure, suffering (and maybe even lives through as ressentiment) is the mark on his work of a situation which is precisely the same as that of capital, and which gives rise to a strange success as much as to an awful misery: the work cannot form a body, just as capital cannot form a body. And this absence of organic, ‘artistic’ unity gives rise to two divergent movements always associated in a single vertigo: a movement of flight, of plunging into the bodiless, and thus of continual invention, of expansive additions or affirmations of new pieces (statements, but elsewhere musics, techniques, ethics) to the insane patchwork – a movement of tension. And a movement of institution of an organism, of an organization and of organs of totalization and unification – a movement of reason. Both kinds of movement are there, effects as force in the non-finito of the work just as in that of capitalism.” (citations omitted)).


federal government, no matter who might reside at the White House. And it oc-
curs at dinner tables as people grapple with the everyday implications of national 
policies designed to protect them.

Nowhere is this more evident than in the continuing discourse on terror and
terrorism where existential realities become exposed as coin in the libidinal 
economy traded at will, and manufactured at such a rate that inflational pressures 
manifest themselves as an ever increasing complex of biopolitical fear. There is a 
libidinal joy about Dr. Seuss. At some visceral level, Dr. Seuss is about libido. 
The fish, the elephants, the Whos, the Grinches are all manifestations of an in-
vestment in the flesh. Dr. Seuss’s art is, after all, about bodies, furry, on display, 
opened to the imagination, reveling in their imperfections. Dr. Seuss, through 
fanciful art, makes plain the logic of the body as existential terror. The tremen-
dous horror of William Blake’s paintings—marked with the genius of the famed 
British Romantic poet and artist—pale in comparison to Seuss’s work in many 
respects.27 Bodies are on display. Dr. Seuss is invested in the flesh, a flesh that is 
exchangeable at the scales of history. If one has read One Fish Two Fish Red 
Fish Blue Fish,28 one has viewed William Blake’s Los, a horrifically beautiful 
painting depicting the fallen form and the rapture leading to God’s rule on 
earth.29 A reading of Seuss demands a traumatic reckoning with the hidden de-
sires and fears we harbor in our corporeal and psychic lives. The nexus of Seuss 
and civil society is that Seuss makes plain the unspeakable. Law needs this. Law 
needs the shock to action that Seuss delivers.

I want to reconsider the last paragraph. Understanding the ways in which 
terror can be expressed and critiqued is important to legal understanding. Indeed, 
sometimes law may be best understood in the non-black letter law forms it takes. 
The literature on racial coding suggests the importance of unmasking law in in-
conspicuous places. Lawmakers use racially coded rhetoric because it allows 
them to make laws and make statements that express bodily fear in ways that are 
not immediately rendered visible.30 Seuss (re)appropriates the logic of coding to 
offer a counter-code to dominant discourses about fearing the Other. There is 
terror in Seuss because he writes it into the text. His message is carried by that 
terror. Humorists and illustrators have long relied on shock and disturbance to

---

27 William Blake (1757-1827) was a British poet, painter, and printmaker. His paintings, 
etchings, and engravings are haunting images of mystical worlds of evil, desire, and lost. 
There have been many fine biographies of Blake, although relatively few in the last few 
years. See Peter Ackroyd, Blake (1995); Tristanne J. Connolly, William Blake 
and the Body (2002); Michael Davis, William Blake: A New Kind of Man (1977); 

28 See supra note 9.

29 William Blake’s Los is an etching with pen, watercolor, and gold leaf. It was created 
sometime between 1804 and 1820. It may be viewed at http://www.backtoclassics.com/artist/williamblake/.

30 andré douglas pond cummings, Racial Coding and the Financial Market Crisis, 2011 
Utah L. Rev. 141 (2011); Fred Slocum, White Racial Attitudes and Implicit Racial 
Appeals: An Experimental Study of ‘Race Coding’ in Political Discourse, 29 Pol. & 
Pol’y 650 (2001).
advance their points. Sometimes that disturbance is not overt; it requires a second and third reading. Seuss’s story functions in this way by engaging the reader several times before the political message becomes apparent. Once it does, the reader has already engaged with the story in a number of sittings.

The danger of an unchecked libidinal economy is continued violence and fear, which in itself is the enabler of more violence. This is a cycle of violence like those we read about in food unstable and water unstable countries and civil war-torn regions. The parallels between Dr. Seuss and Blake, and Blake and Lyotard, are indeed striking for their unmitigated reliance on the trope of fear in the flesh. Whether it is Seuss’s fear of not knowing, unloving, or unlearning (of the childlike wild) or William Blake’s fear of the soul, the dark corners of the psyche, the evilness within; fear and violence matter intimately to the way our world is constructed and reflected in our interactions. William Butler Yeats said, “[I]t takes more courage to examine the dark corners of your own

---


soul than it does for a soldier to fight on the battlefield.”

If we ask nothing more of participants in civic discourse, we should ask that they “examine the dark corners” of their souls. Seuss’s contribution is so tremendously important we may feel shocked to consider his work in light of civil society because he is almost too contributory. It is Dr. Seuss’s light that casts a warm glow over those dark corners to help us better understand the irrationality of our fears.

Dr. Seuss is the perfect candidate for further analysis. W. J. T. Mitchell wrote, “Blake occupies an often ambiguous borderline between the divine madness of inspiration, and the demonic madness of incapacity and false or fruitless labor, a madness of irrationality, slavery, and compulsive repetition.” What if Mitchell was addressing Seuss? Seuss also seems to have operated in a realm of irrationality, madness, and inspiration. He was subject to the “compulsive repetition” of his maddening dedication to joy and children. His “divine madness of inspiration” made him one of the most prolific children’s authors of the 20th century. Legal scholars may be able to, and indeed should, disrupt these libidinal economic pressures by engaging in innovative scholarship that disrupts the politics of fear and violence. Engaging Dr. Seuss is precisely such an intervention and it results in a task critical to any scholar, practitioner, or activist: the unmasking of legal discourse.

When Dr. Seuss wrote *The Butter Battle Book*, it was intended to be an indictment of Cold War politics, escalatory arms conflicts, irrationality, and the confluence of otherization and complex notions of geopolitical space. In our time, the Cold War often seems like a distant memory. Most of today’s young...

---

39 See *supra* note 9.
41 See *supra* note 1.
43 The “cold” war is an abstraction far removed from many of us born in the 1970s and 1980s. To be sure, we remember, if vaguely, the Berlin Wall coming down. We remember Ronald Reagan and Mikhail Gorbachev, but not much about their political theories. Many of us know there was some fear of someone using nuclear weapons decades before our birth, but in hindsight many of us are unclear about the threat posed during our formative years. Instead we remember Desert Storm and Operation Enduring Freedom, and Operation Iraqi Freedom. No matter what one remembers, what we hear about is these more modern conflicts. Yet, memories of the Cold War persist. Jula Danylow, et al., *The Cold War: History, Memory, and Representation*, 50 BULL. GHI 109 (Spring 2012); David Hoogland Noon, *Cold War Revival: Neconservatives and Historical Memory in the...
lawyers and legal scholars in their 20s and 30s (and there are an increasing number in law schools and the legal academy, not to mention practicing attorneys) have only a vague memory of the Berlin Wall falling.44 Glasnost and perestroika mean little more to us than something Barry Melrose might have uttered on an ESPN broadcast when some Russian-born hockey player scored a goal in a NHL hockey game. In this respect, then, Seuss’s original meaning, this criticism of the Cold War, means relatively little.

Yet, while the Cold War might not resonate with students entering and graduating from law school, not to mention those entering the professoriate or just coming up for partner, this does not render Seuss’s allegory meaningless for contemporary discussion. On the contrary, because Seuss provides such a trenchant critique of existing Cold War irrationality, we might now be able to repurpose his critique to address new concerns. Read in light of terrorism, The Butter Battle Book takes on new depth and can provide a necessary complement to current terror discourse and expanded explorations of terror’s complex relationship to civil society.48 Indeed, some scholars have already suggested the war on terror parallels the Cold War.49 It is then incumbent upon new scholars to consider the ways in which critiques of the Cold War might be repurposed. We need not scrap the tools of yesterday because the political and rhetorical currents of today have changed course.

War on Terror, 48 AM. STUD. 75 (2007); Jon Wiener, How We Forgot the Cold War: A Historical Journey Across America (2012).

44 See William F. Buckley, Jr., The Fall of the Berlin Wall (20th Anniversary ed.) (2009); Jeffrey A. Engel (Ed.), The Fall of the Berlin Wall: The Revolutionary Legacy of 1989 (2011); Derek Chollet & James Goldgeier, America Between the Wars: From 11/9 To 9/11: The Misunderstood Years Between the Fall of the Berlin Wall and the Start of the War on Terror 2009; Peter Schweizer (Ed.), The Fall of the Berlin Wall: Reassessing the Causes and Consequences of the End of the Cold War (2000).

45 A Russian policy instituted by Mikhail Gorbachev in the 1980s, of transparency in government.

46 The term literally translates to “restructuring.” This was a movement in the 1980s by the Communist Party of the Soviet Union to modernize. It involved an increase in individual liberties and eventually led to changing perceptions of Russia around the world.


48 Although the Global War on Terror (GWOT) has officially ended (or at least the use of that phrase has officially ended), terrorism remains in important concern in policy, military, and legal circles.

Dr. Seuss is relevant today because *The Butter Battle Book* reminds us both how the past informs the future and how our inability to grapple with the past leads to disastrous results. Again, civil society is built upon an engagement with the past. Friedrich Nietzsche gives us three types of history: monumental,\(^{50}\) antiquarian,\(^{51}\) and critical.\(^{52}\) While none of these are perfect, it is with an eye to Nietzsche’s critical history through the interpretation of scholars from Fernand Braudel\(^ {53}\) to Michel Foucault\(^ {54}\) to Hayden White,\(^ {55}\) Edward Said\(^ {56}\) to Henry Louis Gates\(^ {57}\) that I consider terror and terrorism. Indeed, a turn toward a critical

\(^{50}\) Friedrich Nietzsche. *On the Advantages and Disadvantages of History for Life* 16-23 (Peter Preuss, trans. 1980) (1874).

\(^{51}\) *Id.* at 17-23.

\(^{52}\) *Id.* at 17-25.


understanding of history is an enabler of expanded civic discourse. The more we know about where we have been the more we know about where we can go. This is one of Seuss’s guiding principles. It is at the center of his work in *The Butter Battle Book*. And, it is the greatest contribution *The Butter Battle Book* makes to our current legal realities. His critical disposition to the political past and present provides significant help as we consider current political problems.

Lest we get lost, it is appropriate to return to the libidinal economy for an example. Television commercials on many television networks now contain advertisements for automobiles with warning systems that warn a driver if a car is in her or his blind spot or if the driver is about to back into an unsuspecting child.58 One might conclude that these warning systems are laudable safety innovations that reduce the likelihood of certain vehicular accidents, yet these safety systems59 are prime examples of the libidinal economy at work. It is a biological fear of death that motivates us to spend more on such safety equipment, confident that our added expenditure will prevent the worst things from happening. Drivers are not concerned with the biological impact their poor decisions have on the driver in their blind spot or the child behind their car, but rather with their own biological finitude. These safety innovations trade upon fear, the fear that drivers might run over a child or that they might change lanes into an oncoming car.60 Drivers are asked to make economic decisions based upon the fear that these incidents will cause biological and psychological harm. In other words, biology drives economic decisions. The driver is afraid that she or he will kill someone, and that someone will kill her or him.

*The Butter Battle Book* provides both a glimpse of monumental history, the importance of an actual monument, depicted by the wall61 that heightens in the text62 separating the Yooks from the Zooks, and the antiquarian history of looking back to an unspoken better time.63 The wall in Seuss’s story represents the Berlin Wall,64 a monument that represented the very worst in irrational geopoliti-
cal divisions. It is never clear exactly what the before was in the book, but Dr. Seuss gives us hints that there was a time before the wall, before the difference. Of course, there was a time when there was no wall in Berlin, no division between East and West Germany. To be sure, there was no Germany as we know it today for much of the region’s history. Prior to unification, there were many German states.\textsuperscript{65} However, to the extent that anyone born after 1980 in the United States knows a Germany history, they know vaguely of a Berlin Wall, but this knowledge fails to have the same resonance it has for people born a mere five to ten years earlier. So, the story of the Yooks and the Zooks is confusing at first, and its original allegorical intent a distant, if existent, memory.

The book is replete with monuments that represent unique ways to memorialize the history of the Yook-Zook conflict. Perhaps it is the uniforms that get fancier as the conflict progresses.\textsuperscript{66} Indeed the libidinal desire for protection from the elements is itself a motivating factor in the increasing tensions in the book. The libidinal desire for clothing unmoors itself from corporeal protection to a desire to be better, to best the other libidinal strategies of those Others over there, across the wall. Or, perhaps it is the weapons that get more outlandish,\textsuperscript{67} suggesting alternately wombs and phalluses, power relations bound up in the libidinal metaphors of eggs, projectiles, missiles, and bombs.\textsuperscript{69} Or, perhaps it is the final scene in which one Zook and one Yook stand on the wall, a return to that very real barrier, each holding a Big-Boy Boomeroo,\textsuperscript{70} the future of two peoples held in the power of an explosive edamame-like superweapon.\textsuperscript{71} Seuss is toying with us. He is engaging psychoanalytic symbols, evoking the deepest or of our psychological trembling. Comparing the Yook-Zook conflict to Israel-Palestine, India-Pakistan, or the war on terror is appropriate. Seuss’s concern with the othering and irrationality of the Cold War mirrors the fears of contemporary policymakers, and more specifically war hawks.

When I wrote an article entitled “The Ghost in the Global War on Terror,”\textsuperscript{72} I drew from the work of Gilbert Ryle, who masterfully criticized René Descartes. They attempt to outdo each other. Their disagreement seems inconsequential—the side of the bread to butter. The wall structures every interaction the two sides have, sometimes as acknowledged barrier and other times as unspoken specter of difference.


\textsuperscript{66} See supra note 1, at 13, 26.

\textsuperscript{67} Id. at 13, 17, 19, 22, 23, 27-29, 32-33.

\textsuperscript{68} See id. Each weapon is built on reproductive imagery. There are increasingly large projectiles. Guns, voids, holes, and caverns are all used to varying degrees Dr. Seuss’s illustrations. Considering these illustrations, it is no wonder that scholars might see phallocentric logic to the story. Things rise, getting higher and bigger like a rising penis. One leaves The Butter Battle Book as if one has just observed an awkward first date.

\textsuperscript{69} Id.

\textsuperscript{70} Id. at 34-35.

\textsuperscript{71} Id. at 42.

\textsuperscript{72} See Sciullo, The Ghost, supra note 5.
cartes’s dualist conception of the mind and body, as well as Jacques Derrida’s work in Giovanna Borradori’s edited volume. That discussion highlighted the irrationality both of discussions of terrorism and national security law. What I did not address was the Cold War. Here I make that corrective. Seuss demonstrates the parallels between the Cold War and the war against terrorism. He makes speakable these connections.

In the remainder of this Essay, I make several short interventions in this notion of terrorism, the libidinal economy, and the monstrous other. What follows, then, are several ways we can conceptualize Dr. Seuss’s critique of the Cold War in light of the war on terrorism and its connection to the libidinal economy, monstrosity, narcissism, otherization, and irrationality.

I. FIRST INTERVENTION: OTHERIZATION, OR FEAR OF THOSE (UN)LIKE US

In The Butter Battle Book, violence occurs as the Yooks and Zooks otherize each other. These two peoples look the same, their land has the same topography, and the only difference the reader is presented is the side on which bread is buttered. If appearance, land, values, religion are the same, then all that is left is how the two peoples butter their bread. Of course, we do the same thing with equally ludicrous results. Otherization resists ontological certainty for epistemological facility. Other Why? The Islamic Other? Skin color? Location?

---

73 Id. at 564-65.
74 GIOVANNA BORRADORI, PHILOSOPHY IN A TIME OF TERROR: DIALOGUES WITH JÜRGEN HABERMAS AND JACQUES DERRIDA (2004).
75 See Sciullo, The Ghost, supra note 5; Sciullo, On the Language, supra note 5; Luca Mavelli, Political Church, Procedural Europe, and the Creation of the Islamic Other, 1 J. RELIGION EUROPE 273 (2008); Mark Featherstone, et al., Discourses of the War on Terror: Constructions of the Islamic Other after 7/7, 6 INT’L J. MEDIA & CULTURAL POL. 169 (2010); Elizabeth Shakman Hurd, Appropriating Islam: The Islamic Other in the Consolidation of Western Modernity, 12 CRITIQUE: CRITICAL MIDDLE EASTERN STUD. 25 (2003).
Unexpected Insights

Clothing? Prophets? Eschatological rewards? It’s all butter.78 We know butter is very powerful; many of us have been to the state fair where butter sculptures take the form of a family sitting at the dinner table or a cow, mimetically standing for the United States, which of course we rarely say because we live in America.79 The point, more simply, is that butter stands in for the banality of the United States, and Seuss, in so mobilizing this rich imagery, gets at the very fundamental essence of debates about U.S. supremacy in a world in conflict. America has become the United States, which makes those other people in America, those in Brazil, Haiti, Canada, others. Others inside us. Others like us. We create monsters in our political corpus. The body politic is fighting a disease; here I have in mind Jacques Derrida’s auto-immunity80 where we fight against ourselves in order to flush out the bad us, so that the good us reigns. In fear, the politics of flesh, and otherization, there are always lurking monsters.

Otherization is a necessary process for violence. If it were not for the idea that terrorists were so radically different from us, there would never have been a war on terror. Keep in mind; terror(ism) existed prior to the events of September 11, 2001, although the acknowledgement of terror and terrorism radically changed. Civil wars are caused by othering. The other group has a different religion, different conceptions of rights, different economic situations, and so on. And it is always the Other that seems monstrous. It is difficult to fear one’s neighbor, but quite easy to fear one’s monster. The Other takes many forms in law: (illegal) immigrants, racial minorities, transgendered peoples, critical legal scholars, conservative legal scholars, terrorists, criminals, etc. Dr. Seuss, in poking fun at this process, makes an important point about the irrationality of irrationality and the way it shapes law and politics. His critique is necessary and appropriate.

What occurs in Dr. Seuss is also visible in modern national security law. Thus, this is my first intervention: the original Cold War commentary and scholarly application of Dr. Seuss’s The Butter Battle Book is relevant to terrorism studies because it directly confronts otherization. Otherization is fundamental to the ways war is waged, therefore any way to better understand this process should be of fundamental importance to scholars.


78 It is all butter in the sense that butter in this story functions to emphasize the ridiculousness of the conflict. Butter, an everyday additive to thousands of receipts, is the perfect vehicle for a story about the irrationality of war. See also Butter (Weinstein 2011) (using butter sculpting to explore the vagaries of interpersonal relationships and democratic politics).


80 See supra note 4, at 85-136.
II. SECOND INTERVENTION: FEAR OF BUTTERING, OR ABSURDITY IN NATIONAL SECURITY LAW

The Yooks are monsters to the Zooks and the Zooks are monsters to the Yooks. They look the same, dress similarly, and live close to each other.81 They do not even hurl insults at each other. There is no hate speech, no slurs, nor any previous violence to shape the relationship between the two groups. The insanity of this opposition mirrors the irrational fear of the Other in modern discussions of terrorism. The Yooks are perceived as evil and bad by the Zooks. The Zooks feel similarly about the Yooks. Yet this difference is not the casual other, e.g., we are different, and your difference frightens me. This is the Other, the ghost, the monster that haunts us, that hides under our beds. It is the Other that is dangerous. Dangerous because Arab is Islam, Islam is radical jihadism, radical jihadism is terrorism, terrorism is threat to national security, threat is monstrous violence, and monstrous violence must be eradicated.

In this intervention, I discuss the importance of the monster in reading Dr. Seuss. The exposing of monsters demands careful consideration. Seuss’s ability to do this within children’s literature is masterful. The biggest fear of any child is the monster under the bed. Seuss’s contribution is to expose these monsters. That is no easy task. Indeed, many of the strongest opponents to the Authorization for Use Military Force82 and the USA PATRIOT Act83 supported these acts on their way to becoming law. This critical work is important because it shapes our participation in society. It informs us and enlightens us. The more questions we ask about those we think are monsters as well as the monstrous repercussions of our laws, the more likely we are to build a robust civil society where monstrosity is less a guiding principle.

Again, Nietzsche is also instructive on this point. He writes, “He who fights monsters should be careful lest he thereby become a monster. And if thou gaze long into an abyss, the abyss will also gaze into thee.”84 Although Nietzsche’s gendered language speaks to an earlier time, his point is clear. There is a danger in looking into the monster’s eyes because in so doing we create the monster we seek to eradicate. The monster becomes more permanent the more we engage it. Nietzsche’s warning suggests that unless those fighting monsters are critical of the process, they risk becoming that which they fear. Thus, even in criticism there is danger. Dr. Seuss provides the opportunity to be critical so that those of us concerned with the impact that terrorism and national security law have on society do not become the monsters we fear. This is a real risk. Legal scholars must reject the temptation to become too enmeshed in the national security state they critique. Seuss demonstrates this critical distance through fanciful art and made-up words. Scholars should embrace this aspect of his methodology—

81 See supra note 1.
84 FRIEDRICH NIETZSCHE, BEYOND GOOD AND EVIL 97 (Helen Zimmern, trans. 1907) (1886).
critical distance—to assure meaningful critiques and guard against the co-optive potential of the national security state’s apparatuses of control. The focus on toast must not go unnoticed, as food has long been used to convey cultural meaning.\textsuperscript{85} The book centers not on competing, but more accurately on complementary conceptions of divine worlds. Both the Yooks and the Zooks have visions of what the right world looks like. They may be theoretically incompatible, but they are practically compatible (butter on both sides of bread). But, beyond all theory this is a breakfast-time squabble. Fantasy author Cassandra Clare, in \textit{Clockwork Angel},\textsuperscript{86} wrote of one of her characters’ reactions to learning just something so trivial. She writes, “Will looked horrified. ‘What kind of monster could possibly hate chocolate?’”\textsuperscript{87} The question is absurd. How could food preference reveal monstrous propensities? That is the kernel of absurdity at the center of the rhetoric of monstrosity that Seuss achieves in his text. One might look at someone askance if he or she ate toast butter-side down, but one would not think this person a monster. Butter-side down may very well be the most delicious or disgusting thing in the world. The point is not chocolate or toast, it is the absurdity of the label, of the psychology of otherization and fear. The story is about butter, but the effect is critical consciousness and the interrogation of our fears. We need to keep this critical energy alive today as we continue to reel from the pain of a protracted war on terror that never seems to end.

\section*{III. Third Intervention: Dr. Seuss and Hauntings, or the Juridico-Politics of Terror}

We are psychologically built to make monsters. French psychoanalyst Jacques Lacan explains our attempts to paper over the lack that structures our life:\textsuperscript{88} Psychoanalysis is well within Seuss’s authorial prerogative as I have indicated. We need to fill the unknown, disguise it. As we try to understand the Real, we get further and further away from it. We do this through psychological mechanisms, Freud’s defense mechanisms\textsuperscript{89} for example, and these, in turn, lead us closer to danger. Indeed, we are monsters, as dangerous as those we seek to battle. This is the danger of battling terrorism. This was the danger of the Cold War. It creates the possibility of and preconditions for danger. As German documentary filmmaker Werner Herzog says, “What would an ocean be without a mon-


\textsuperscript{86} Cassandra Clare, \textit{Clockwork Angel} (2010).

\textsuperscript{87} \textit{Id.} at 83.

\textsuperscript{88} Nick J. Sciullo, Žižek/Questions/Failing, 47 Willamette L. Rev. 287, 295 (2011).

ster lurking in the dark? It would be like sleep without dreams.”

This is an astute Lacanian observation. The only way we can make sense of the world is through the lurking monsters. A world without monsters is quite boring, and that is part of the drive to continue manufacturing them. The Zooks and the Yooks do nothing in this story but create monsters to give them a reason to live. Nothing happens in this story but military build-ups, appropriations, and celebrations. That simplicity allows the reader the opportunity to fully confront Seuss’s call for a more peaceful, rational world. His use of irrationality to critique irrationality is a double move we often see in particularly effective comedic performances. If we out-left the left or out-right the right when engaging in political satire, audiences understand precisely the nature of our hyperbolic rhetoric. The success of Seuss’s Cold War criticism affords us an opportunity to engage in the same hyperbole to critique terrorism and the national security state.

For Seuss, particularly in this text, death and fear shape our lives. This paradoxical relationship makes it potentially dangerous to eradicate monsters. Because if death structures our existence, then eradicating monsters is likely only to place our lives in more danger. German existential philosopher Martin Heidegger told us we are being towards death. Might we also be beings toward monsters? Pablo Neruda writes, “Hay la muerte en los huesos” (Death is in the bones). He then writes, “La muerte está en la escoba” (Death is in the room). What that means is that we are surrounded by death, but monsters represent the challenge of living death, an existential risk ever-present in our psycho-social condition. Death is always there. The monstrosity of the Soviet Union was that they might engage the United States with nuclear weapons at any moment. Death was around the corner precisely because the United States was so convinced that death was—well—right around the corner. The fight against terror operates on a similar logic. Although the United States never knows when the next attack is coming, it remains convinced that the next attack is coming. What we find in Dr. Seuss and in modern discussions of national security law and counter-terrorism policy is that monsters are here, always already. Our quest to eradicate them is wrought with peril. We might reconfigure Neruda in this way, “Monstruos siempre estarás en la vida.” Monsters are always in life. This is true in Seuss where, despite the fanciful illustrations, rhymes, and levity, monsters are always present. Seuss seems to hope that these monsters do not consume us—that we critically consider the logic behind our aggression. National security policymakers and scholars would be wise to mind Seuss’s warning. Dr. Seuss provides us with a story that emphasizes both the haunting of monsters and their imminence.

90 Werner Herzog quoted in Philadelphia Association for Critical Thinking, Monsters, PHACTUM 13 (Feb. 2013).
92 Pablo Neruda, Sólo la Muerte, in PABLO NERUDA, SELECTED POEMS 88 (1972).
93 Id. at 90.
94 “Monsters will always be in life.”
IV. FOURTH INTERVENTION: MONSTERS EVERYWHERE, OR WHY NATIONAL SECURITY LAW NEEDS FEAR

Monsters are everywhere and nowhere. Dr. Seuss highlights how, in each phase of the story, monsters are lurking. Seemingly simple events, like improving military uniforms, belie a larger evil. This is important because if we go looking for monsters in the same way we might stare at one of those block-based abstract pictures in the mall kiosk where space ships are supposed to be hidden in a geometric maze of blocks and colors, we will never find them. The problem is we want to find them, and we do so by way of specific strategies that often blind us to the monsters we ourselves are becoming. In this way, Seuss’s interest in monsters is profound because he highlights the importance of being critically conscious at all opportunities. Here Seuss echoes Slovenian cultural critic Slavoj Žižek who argues that ideology is everywhere; it is in the small things. Seuss makes the point in a cartoon in which militarism exists everywhere. It was a motivating logic during the Cold War, and it is one that remains a motivating factor in the twilight of the war against terrorism.

French poet Charles Baudelaire gives us yet another perspective: “What strange phenomena we find in a great city, all we need do is stroll about with our eyes open. Life swarms with innocent monsters.” There are monsters out there, in the little details. The more we open our eyes, the more we see. Baudelaire’s “innocent monsters” correlate with Seuss’s Yooks and Zooks. Both are innocent of any real aggression, yet beneath the furry loveable exterior there resides a monstrous intent to destroy the other. When we open our eyes, we are bound to see them. They are there, yet not there. We open our eyes to see these monsters as innocent, to repurpose a famous Derridean phrase, as “monsters-to-come.” They are in the ether, the phantasmic terrorists. So the quest to find monsters, others, terrorists, is always a quest of looking for what we cannot find and finding what we cannot see. The phantasmagoric is the psychological terrain on which these battles and quests take place. Because the terrorist or monster is always becoming, there is always a fear of the arrival of just such a monster because its arriving is always in process. The ecstasy of arrival gives way to the fear of arriving. It is that fear of arriving that motivates the war on terror just as it did the Cold War.

---

95 SLAVOJ ŽIŽEK, THE SUBLIME OBJECT OF IDEOLOGY 45 (1989) (“The function of ideology is not to offer us a point of escape from our reality but to offer us the social reality itself as an escape.”).
98 See Sciullo, The Ghost, supra note 5 (discussing the phantasmagorical, terrorism, and national security law).
Jacques Derrida tells us, “Monsters cannot be announced. One cannot say: ‘Here are our monsters,’ without immediately turning the monsters into pets.”

This notion seems to suggest an alternative to the creation model I have laid out, but Derrida’s analysis is more complementary than contradictory. Derrida is suggesting that we cannot simply call a monster into being and have a monster before our eyes. Instead, when we call a monster into being, we also humanize it. It is our pet, albeit a dangerous one. It is that hermit crab that when called forth from its shell is both pet and dangerous finger-snapper. We have made it, of our own creation and in that way it is ours, our pet. This is our pet project, our possession, our charge. Yet that pet is always more dangerous than we might think because the pet becomes more than our little friend, it also our little monster. To segue again, this is the fear and hope of Lady Gaga’s little monsters. She is both vitally devoted to and horribly afraid of her little monsters. They created her and can destroy her. Lady Gaga is on to something profound about the ways in which fear structures reality. Gaga and Seuss both present us with conceptions of the organizing potential of fear. Popular culture opens a window to law and politics that helps scholars understand not only complex areas of law, but also the ways in which legal understandings are formed in the cultural milieu. Cloaked in the language of the pet, the monster seems to be under our control. Yet as we have seen in the blossoming discourse of terror and counter-terrorism, the lines blur and the focal point and locus of our angst loses constraints. Our pets are our monsters. The closeness of those things that are the most frightening renders dangerous the intricacies of life. The dangers of national security policy manifest themselves in these little things, the things that seem safe, normal, and banal.

Popular culture expands our understanding of the embodied politics of being and security. Two of today’s most popular cultural commentators provide significant, yet overlooked, insights, which further suggest popular culture’s insights into the world: Slavoj Žižek’s words, “I am not a human, I am a monster,” and Kanye West’s words, “Everybody knows I’m a motherfucking monster.” The question of where monsters reside and where we create them is the preeminent question in today’s discourse about terror and absurdity. Dr. Seuss exposes these monsters in ways that sneak up on readers. He makes speakable the unspeakable. Monsters are us. The claim to be a monster is emblematic of this tension in a postmodern world. In trying to be monster and non-monster at once, trying to battle monstrosity, we are in a place to freely admit our monstros-

---


ity. When Žižek and West claim to be monsters they are straddling the complexity fence. They are at once challenging the monstrous and complicit in monstrosity. They feed and challenge the libidinal economy, guiding the politics of the monstrous. Legal scholars may rightly see cause for celebration in their monstrous performance, but also must be weary of getting too close to the monster.

V. CONCLUSION

Dr. Seuss is an important window onto civil society. The Butter Battle Book provides a critique of the Cold War that is also applicable to the logic of the war against terrorism. In this Essay, I have made several interventions. These interventions are guided by ideas of the libidinal economy, otherization, and monstrosity. In First Intervention, I discussed otherization and the ways in which Seuss exposes the absurdity of difference. In Second Intervention, I discussed the ways in which butter functions to highlight the absurdities of conflict. Everything is and is not about butter in Seuss’s allegory. In Third Intervention, I concerned myself with hauntings and the psychology of fear. Seuss illustrates the important ways psychology enables militarism and increasing levels of irrationality. This discussion was important during the Cold War and remains important today. Lastly, in Fourth Intervention, I highlighted Seuss’s call to look everywhere for monsters, which I suggest echoes Žižek’s idea that ideology is everywhere. Only when we open ourselves up to unflinching critique can we more thoroughly engage the world as civic-minded participants.

If we take Seuss seriously as a legal and political critic, we expand and enrich a constantly evolving civil society and better challenge the legal regimes that support the national security state and promote misguided policies that complicate terrorism.

---

103 See supra notes 75-80, and accompanying text.
104 See supra notes 81-87, and accompanying text.
105 See supra notes 88-94, and accompanying text.
106 See supra notes 95-102, and accompanying text.