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‘THE FORCE’ AS LAW: MYTHOLOGY, IDEOLOGY AND ORDER IN GEORGE LUCAS’S *STAR WARS*

*Timothy D. Peters**

Abstract. Where is the Law in *Star Wars*? Why in films so resonant with our current times, saturated with technology, enmeshed in political turmoil and structured by international—or, rather, intergalactic—commerce has the law been jettisoned like space trash from an Imperial Cruiser? My argument is that despite the lack of any *overt* references to law and legality, the *Star Wars* franchise in its mythological creation, as well as its capitalist construction, is in fact *saturated* with law. This law can be found in both the mythology *and* legality of ‘the Force’—that mystical energy field that supposedly binds the galaxy together, desires a sense of universal order and balance and seeks to regulate destiny itself. This is not simply to read ‘the Force’ in its mythical trappings as a form of natural law that seeks to provide balance to the universe, but, rather, as a representation of modern law and its concern with the defence and preservation of order. As such, this article seeks to ‘read’ *Star Wars* and ‘the Force’ as a ‘telling instance’ of both popular culture *and* law: a law that is preoccupied with maintaining peace in a civilisation that is always precarious and under threat. It is this law that, as Obi-Wan Kenobi might say, becomes ‘more powerful than you can possibly imagine’ through its very suspension in what Giorgio Agamben has termed the ‘state of exception’. What *Star Wars* shows us, however, is that it is the restoring of balance or order—the very reason for the declaration of the ‘state of exception’—that is of far greater concern. For ‘the Force’ and the law’s desire for order underlie both the ‘good’ Jedi and the ‘evil’ Sith—the liberal-democratic Republic and the totalitarian Galactic Empire!

1.0 INTRODUCTION

Where is the law in *Star Wars*? Why in films so resonant with our current age and touted as a mythology of our time,¹ saturated with technology (droids, starships, blasters), enmeshed in political turmoil (the manoeuvring in the Galactic Senate, the Emperor’s totalitarian rule of the Galaxy, the resistance and political struggle of the Rebels) and permeated with international—or, rather, intergalactic—commerce (trade federations, commerce guilds and wars over trade routes), has the law been jettisoned like space trash from an Imperial Cruiser? Law breakers (Jabba the Hut, Han Solo) and even law enforcers (Storm Troopers, Bounty Hunters) abound, but no court

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¹ See Gordon Andrew ‘Star Wars: A Myth for Our Time’ (1978) 6.4 *Literature / Film Quarterly* 314

scenes are dramatised in the *Star Wars* universe and no lawyers are figured. Despite *some* mention of slow and bureaucratic courts and the need for a treaty to make the Trade Federation's invasion of the planet of Naboo legal in *Episode I: The Phantom Menace*, there is almost no reference to law or legality at all in these films that, despite their mythological structuring and space opera setting, are otherwise so reflective of modern times. At least, that is to say, there is no *overt* reference to law. For my argument is that the *Star Wars* franchise in its mythological creation, as well as its capitalist construction, is in fact *saturated* with law. Where, in films that would appear to demonstrate law's *absentia*, do we find law? It is in none other than the mythology and, I argue, legality of 'the Force'—that mystical energy field created by all living things that supposedly binds the galaxy together, desires a sense of universal order and balance and seeks to regulate destiny itself.

Such a perspective on the mythology of 'the Force'—the focal point and source of power for both the 'good' religious order of the Jedi and their 'evil' counterpart the Sith—certainly aligns itself to a form of natural law or of law's natural order. However, drawing on Lucas's creation of a mythology of modernity, my argument is that 'the Force' is in fact a representation of what Peter Fitzpatrick has identified as the mythological structuring of *modern law*—that grand ability of the law to stand in a form of irresolution between transcendence, certainty and determination on one hand and social construction, contingency and responsiveness on the other.² However, *Star Wars* does not just provide a representation of this form of modern law. Rather, I argue, it is a critique of modernity which separates the law from faith, belief, ethics and morality—that is, the way in which the law 'let go' of its groundings beyond itself, while at the same time trying to maintain its claims of certainty, universality and its authorised form of violent control.

To explicate this connection of 'the Force' to law I will explore the two *Star Wars* film trilogies³ (as the most prolific and promulgated components of the *Star Wars* universe) as a 'telling instance' of popular culture, and of modern law. In so doing I will draw on two methodological influences in the realms of law and popular culture. The first is a form of 'reading popular culture jurisprudentially' in order to provide a new understanding and a re-framing or re-forming of how jurisprudence or law can be read otherwise.⁴ The second influence is to take this reading, at one level, a step further and to read popular culture not just as a representation or allegory of law but as a form of law itself—as a process of establishing a relationship to law and

² Fitzpatrick Peter *The Mythology of Modern Law* Routledge London & New York 1992

³ In this article I will distinguish between the two *Star Wars* trilogies by referring to *Star Wars Episode IV: A New Hope* (directed and written by Lucas George Lucasfilm 1977), *Star Wars Episode V: The Empire Strikes Back* (directed by Kreshner Irvin written by Brackett Leigh and Kasdan Lawrence story by Lucas George Lucasfilm 1980) and *Star Wars Episode VI: The Return of the Jedi* (directed by Marquand Richard written by Lucas George and Kasdan Lawrence Lucasfilm 1983) as 'the original trilogy' and *Star Wars Episode I: The Phantom Menace* (directed and written by Lucas George Lucasfilm 1999), *Star Wars Episode II: Attack of the Clones* (directed by Lucas George written by Lucas George and Hales Jonathan Lucasfilm 2002) and *Star Wars Episode III: Revenge of the Sith* (directed and written by Lucas George Lucasfilm 2005) as 'the prequel trilogy' or 'prequels'

⁴ See MacNeil William P *Lex Populi: The Jurisprudence of Popular Culture* Stanford University Press Stanford 2007

legality, a form of myth.⁵ That is, I will be reading *Star Wars*, and 'the Force' in particular, as both an allegory of law as well as a form of law.

To facilitate this explication, I will be progressing a number of interconnected readings of 'the Force'. In section two of this article I will explore 'the Force' and *Star Wars* as mythological by analysing the way in which Lucas draws upon the works of mythologist Joseph Campbell in the intentional construction of a modern mythology. However, what we see in *Star Wars* is not simply one of the clearest connections of popular culture to mythology, but in fact a demonstration of the way mythology shifts to, or becomes, ideology—that is, *Star Wars* embeds a particular form of politics in its mythology, one that both reflects and refracts the very politics and ideology of today's global, post-modern capitalism. As such, section three will read 'the Force' ideologically as a form of what Slavoj Žižek has referred to as 'Western Buddhism'—the perfect ideological supplement to global capitalism. This is not to dismiss popular culture as merely a tool of ideological pacification, but rather to identify how the fantasy in popular culture explicates the functions of ideology itself. What this exploration leads to, however, is the conclusion that the underlying operation of 'the Force' (in its desire for balance and order) is in fact nomological or legal—that it is a form of law. This claim for the connection between 'the Force' and law is expounded in section four, identifying 'the Force' as not simply a form of natural law that seeks to provide balance to the universe, but rather a representation of modern law and its myth. Drawing on Fitzpatrick, this form of modern law is identified as being still very much concerned with order and of establishing and maintaining peace in a civilisation that is always precarious and under threat. This theme is then furthered in section five by the exploration of what Giorgio Agamben would call the 'state of exception' in relation to Lucas's depiction of the transition from the Galactic Republic to the Galactic Empire. Such a depiction identifies that while the 'state of exception' is designated to restore peace and order, that it is the very form of this restoration of order that is of greater concern. As such, I will be reading and taking popular culture—*Star Wars*—seriously as a text that not only demonstrates but critically explicates our understanding of law and its relation to society, taking that intersection elsewhere, indeed to a juridical galaxy 'far, far away...'

2.0 'I'VE GOT A BAD FEELING ABOUT THIS': FROM MYTHOLOGY TO IDEOLOGY

Star Wars as a series of films (not to mention the extended universe of books, television series, comics and video games) has been read culturally in a number of different ways. It has been explored for its philosophical and ethical insights,⁶ as an explication of environmental ethics,⁷ as a

⁵ See Manderson Desmond 'From Hunger to Love: Myths of the Source, Interpretation, and Constitution of Law in Children's Literature' (2003) 15 *Law & Literature* 87

⁶ See the essays in Decker Kevin S and Eberl Jadon T (eds) *Star Wars and Philosophy: More Powerful Than You Can Possibly Imagine* Open Court Publishing Company Chicago 2009

commentary on the American experience and perceptions of war,⁸ as a form of imperial myth,⁹ as a representation of human rights¹⁰ and as a way of understanding or exploring spirituality or religion,¹¹ to name just a few. In addition, it has been critiqued and condemned as part of the arrival (and longevity) of the corporatised, special-effects orientated, big budget blockbuster of the so called 'New Hollywood' (a point to which I will return shortly).¹² Acknowledged as having had a dramatic impact culturally and, with the release of the so-called prequel films (*Episodes I-III*) in 1998-2005, across multiple generations, *Star Wars* is a mainstay and touchstone of both science-fiction and fantasy in popular culture. Now with the release of 'The Complete Saga' on Blu-Ray and the re-release of *Episode I: The Phantom Menace* in cinemas in 3D, one gets the feeling that *Star Wars* is enacting an eternal recurrence of the same. Which is not that far from the truth. For the starting point, in discussing *Star Wars*, has, from the very beginning been to read it as mythological.

Following Andrew Gordon's description of the original film, *Star Wars* (now referred to as *Episode IV: A New Hope*) as 'a myth for our time',¹³ there has been a wealth of scholarly and popular exploration of the connections between *Star Wars* and mythology—particularly the understanding and description of mythology put forward by Joseph Campbell.¹⁴ Such a connection is not simply imposed boilerplate-style without regard to the text or its creators. Far from it, because here Lucas has consistently acknowledged Campbell as a source¹⁵ and, vice-

⁷ Cooke Elizabeth F 'Be Mindful of the *Living Force*: Environmental Ethics in *Star Wars*' in Decker Kevin S. and Eberl Jadon T (eds) *Star Wars and Philosophy: More Powerful Than You Can Possibly Imagine* Open Court Publishing Company Chicago 2009 p 80

⁸ McVeigh Stephan P 'The Galactic Way of Warfare' in Kapell Matthew Wilhelm and Lawrence John Shelton (eds) *Finding the Force of the Star Wars Franchise: Fans, Merchandise & Critics* Peter Lang Publishing Inc New York 2006 p35

⁹ Kuiper Koenraad 'Star Wars: An Imperial Myth' (1988) 21.4 *Journal of Popular Culture* 77

¹⁰ Lovell Julie 'A Great Disturbance in the Force: Jurisprudence and *Star Wars*' (2002) 11 *Griffith Law Review* 223

¹¹ Bortolin Matthew *The Dharma of Star Wars* Wisdom Publications Boston 2005; Porter John M *The Tao of Star Wars* Humanities Publishing Co Atlanta 2003; Jones Timothy Paul *Finding God in a Galaxy Far, Far Away: A Spiritual Exploration of the Star Wars Saga* Multnomah Publishers Sisters Oregon 2005; Grimes Caleb *Star Wars Jesus: A Spiritual Commentary on the Reality of the Force* WinePress Publishing Group Enumclaw WA 2007

¹² See Biskind Peter *Easy Riders, Raging Bulls: How the Sex-Drugs-and-Rock 'n' Roll Generation Saved Hollywood* Simon & Schuster New York 1998 p 310; Lewis Jon 'The Perfect Money Machine(s): George Lucas, Steven Spielberg and Auteurism in the New Hollywood' (2003) 1 *Film International* 12; See also Decker Mark T 'They Want Unfreedom and one-Dimensional thought? I'll give them unfreedom and one-Dimensional Thought: George Lucas, THX-1138, and the persistence of Marcusean Social Critique in *American Graffiti* and the *Star Wars* films' (2009) 50 *Extrapolation* 417

¹³ Gordon above note 1 at 319

¹⁴ See for example Gordon above note 1 at 319; Gordon Andrew 'The Empire Strikes Back: Monsters from the Id' (1980) 7 *Science Fiction Studies* 313; Gordon Andrew 'Return of the Jedi: The End of the Myth' (1984) 8 *Film Criticism* 45; Wood Dennis 'Growing Up Among the Stars' (1978) 6 *Literature/Film Quarterly* 327; Collins Robert G 'Star Wars: The Pastiche of Myth and the Yearning for a Past Future' (1977) 11 *Journal of Popular Culture* 1; Lehrer Eli 'Lucas Weaves New Mythology' *Insight on the News* 7 June 1999 p 46; Lancashire Anne 'Return of the Jedi: Once More With Feeling' (1984) 8 *Film Criticism* 55; Lancashire Anne 'The Phantom Menace: Repetition, Variation, Integration' Spring (2000) 24 *Film Criticism* 23; Lancashire Anne 'Attack of the Clones and the Politics of *Star Wars*' (2002) 82 *The Dalhousie Review* 235

¹⁵ See Moyers Bill 'Cinema: Of Myth and Men' 153(16) 26 April 1999 *Time* 48. See also Larsen Stephen and Larsen Robin *Joseph Campbell: A Fire in the Mind* Inner Traditions International Portland 2002 quoted by Shelton Lawrence 'Joseph Campbell, George Lucas, and the Monomyth' in Kapell Matthew Wilhelm and Lawrence John Shelton (eds) *Finding the Force of the Star Wars Franchise: Fans, Merchandise & Critics* Peter Lang Publishing Inc New York 2006 p 21

versa, Campbell has praised *Star Wars* portrayal of the mythological hero's quest.¹⁶ The focus of this analysis and discussion has centred on the way in which *Star Wars* conforms to Joseph Campbell's 'monomyth' and the description of the adventure of the hero in *The Hero With a Thousand Faces*.¹⁷ According to Campbell, the goal of myth is to effect a reconciliation of the individual consciousness with the universal will, leaving behind the life of ignorance. This is effected through a 'realization of the true relationships of the passing phenomena of time to the imperishable life that lives and dies in all.'¹⁸ The adventure of the hero, along with the continuous retelling of the story in its various forms, is what achieves this reconciliation to the universal will and it is where the cycle of the hero forms part of the second element of the monomyth, the 'Cosmogonic Cycle'. The Cosmogonic Cycle involves the harmonisation of opposites and a totality of the universe, submitting it to the Law and Image of the nature of being.¹⁹ As such, there arrives a balance of opposites—between mercy and justice, good and evil, right and wrong—behind which is an energy that is one and the same. In *Star Wars* this energy that balances opposites is of course 'the Force' itself. Thus we find the teaching of symbiotic relationships and harmony, points particularly well elucidated and demonstrated by Jedi Knight Qui-Gon Jinn (Liam Neeson) and his apprentice Obi-Wan Kenobi (Ewan McGregor) in *Episode I: The Phantom Menace*.

While the connection of *Star Wars* to mythology is quite clear, what is of even more over-riding significance is the way in which Campbell (and Lucas) view the need for mythology today. A view which runs, seemingly, against the grain of our so-called modern, mechanised world, where mythology is seen as part of the realm of the primitive and as essentially false. Campbell argues, however, that such a positioning and dismissing of mythology creates a number of problems.²⁰ For while the cosmological (and to some degree mystical) function of mythology is now supposedly provided/explained by science, the sociological and psychological functions of myth have tended to be dismissed—or at least some of the other realms for which they function, the law included, seem to have lost symbolic efficiency. Campbell argues that part of this relates to the fact that, while the main motifs of myths are always the same, every mythology has grown

¹⁶ Campbell Joseph with Moyers Bill *The Power of Myth* Anchor Books New York 1988 p xiii, 23–24

¹⁷ Campbell Joseph *The Hero With a Thousand Faces* Princeton University Press Princeton 1973. The trajectories of Luke Skywalker in the original trilogy of films have been mapped to this adventure of the hero both for each film individually and for the trilogy as a whole: see Gordon above note 1; Voytilla Stuart *Myth and the Movies: Discovering the Mythic Structure of 50 Unforgettable Films* Michael Wiese Productions Study City CA 1999 pp 273–291; Galipeau Steven A *The Journey of Luke Skywalker: An Analysis of Modern Myth and Symbol* Carus Publishing Company Peru IL 2001. While it has been argued that Lucas drifts further from Campbell's hero quest in the prequels (Shelton above note 15), at least *Episode I: The Phantom Menace* and the prequel trilogy as a whole also conform to this form of the monomyth: Lancashire 'The Phantom Menace' above note 14

¹⁸ Campbell above note 17 at 238

¹⁹ Campbell above note 17 at 114

²⁰ He argues that it is the loss of mythology that results in some of the destructive and violent acts by young people who 'don't know how to behave in civilized society': Campbell above note 16 at 8. Elsewhere he argues that because 'our old mythologically founded taboos unsettled by our own modern sciences, there is everywhere in the civilized world a rapidly rising incidence of vice and crime, mental disorders, suicides and dope addictions, shattered homes, impudent children, violence, murder, and despair': Campbell Joseph *Myths to Live By* Arkana New York 1993 p 11

up in a certain society in a *bounded* field.²¹ Today with the so-called ‘clash of civilisations’ and notions of ‘globalisation’ such boundaries appear to be fading away. As such, Campbell argues that the only mythology that could be valid today is one for the planet as a whole—one which, for him, we did not as yet have.²²

In our present age, however, popular culture itself has been identified as having the potential to serve some of these Campbell-esque functions of mythology.²³ This perspective is specifically acknowledged by Lucas in reference to *Star Wars* where he believes he is providing a myth not just localised to a particular bounded space, but localised globally for the planet:

I’m telling an old myth in a new way. Each society takes that myth and retells it in a different way, which relates to the particular environment they live in. The motif is the same. It’s just that it gets localised. As it turns out, I’m localizing it for the planet. I guess I’m localizing it for the end of the millennium more than I am for any particular place.²⁴

While it is clear that popular culture has a central role and place in the development of modern mythology, what is the form of such a potentially globalised myth taking *and* is it really global? For, while Lucas has been praised as creating a myth for our times, at the same time he has been criticised as one of the progenitors, along with Steven Spielberg, of so-called ‘New Hollywood’ with its ‘corporate control, emphasis on special effects and spin-off products, and preference for tried-and-true spectacles over more modest productions with real scripts.’²⁵ Spielberg’s release of *Jaws* in 1975 was the highest grossing motion picture in Hollywood history. It lost that title two years later when Lucas released *Star Wars*.²⁶ These were two of the first ‘summer blockbuster’ films which are often criticised by film critics and historians alike who favoured the stronger scripts, acting and character development of the traditional ‘auteur directors’ such as Coppola or Scorsese. However, this type of blockbuster changed Hollywood, brought in hundreds of millions of dollars in box office revenues and reached millions of people not just within the USA but worldwide.²⁷ When Lucas stated that he was localising the myth of *Star Wars* for the planet there is some merit to this claim,²⁸ at least in terms of the globality of Hollywood’s reach. However, it is often the very mythic elements (archetypal characters, formulaically structured plots, trite narratives) that are criticised as being of diminished quality in Hollywood Cinema. What is interesting here is that the very films that are designated at one point as part of the modern, capitalist, financially driven era of blockbuster film-making (not to mention the tie-in marketing and merchandising for which Lucas is well-known) are films that appear to promote the very

²¹ Campbell above note 16 at 27

²² Campbell above note 16 at 28

²³ See Voytilla above note 17 at 1; Ferrell William K *Literature and Film as Modern Mythology* Praeger Westport CT 2000 p 19; Hirschman Elizabeth C ‘Legends in our own time: How Motion Pictures and Television Shows Fulfill the Functions of Myth’ Fall (2001) 17.3 *The American Journal of Semiotics* 7

²⁴ Moyers above note 15

²⁵ Sharrett Christopher ‘The Ongoing Fascination of “Star Wars”’ 126(2634) Mar 1998 *USA Today* 59

²⁶ Lewis above note 12 at 14

²⁷ Lewis above note 12 at 14 and 16-17

²⁸ Moyers above note 15

antithesis of modernity—that is, that they draw specifically on, and mobilise, mythology. Such a connection of these two elements—the mythological proficiency of *Star Wars*, along with its capitalist efficiency—call into question the simple claims of both Lucas and Campbell in regards to the need for, and functioning of, mythology today.

That is to say, that while 'the Force' and *Star Wars* are clearly drawing on Campbell's mythological framework, they also seem to function as a form of ideology—or more precisely, as an ideological supplement for the very capitalist framework that produced them. How is it that mythology, in this sense, can become ideology? The answer can be found through a process of 'making strange' whereby we 'out' the political core that lies at the very heart of *Star Wars* and the Jedi-master narrative of 'the Force' that underlies it. As such, my focus here is on the way in which *Star Wars* reveals a politics that comes along with the mythology. We can begin this 'outing' through exploring a notion that is central to both the *Star Wars* films and to 'the Force' itself: that is, of 'letting go'.

3.0 'LEARN TO LET GO OF EVERYTHING YOU FEAR TO LOSE': FROM IDEOLOGY TO LAW

To begin this discussion of 'letting go', let us look at one of the most exciting scenes from the first of the *Star Wars* films, *Episode IV: A New Hope* (originally released in 1977 simply as *Star Wars*). In this film we are introduced to that terror of the galaxy Darth Vader who is attempting to crush the last of a Rebel Alliance (including Princess Leia Organa (Carrie Fisher), Luke Skywalker (Mark Hamill) and, reluctantly, Han Solo (Harrison Ford)) in order to ensure the dominance of the 'evil' Galactic Empire. At the end and climax of the film, the Rebel Alliance mounts an attack on the Empire's Death Star—the space station the size of a moon with the capabilities of destroying an entire planet—based on the technical data stolen by Princess Leia. In the attack, squadron after squadron of fighters criss-cross, bob and weave and zig-zag over the textured, corrugated and crenulated cavities of the Empire's 'technological terror' attempting to fire their proton torpedoes into a small exhaust vent which, if hit, will just happen to set-off a chain reaction that will destroy the Death Star. But failure meets every pilot. Except, that is, for our hero Luke Skywalker. This is because, when flying his X-Wing fighter through the trench of the Death Star, he is encouraged to 'let go' and trust his feelings by the voice of his (presumed dead) mentor Obi-Wan Kenobi (Alex Guinness)—which he does. Unlike the previous fighter pilots, who relied solely upon the targeting computer, and thereby failed to hit the target, Luke turns off his computer and uses 'the Force' instead. The result: a direct hit, with the Death Star exploding spectacularly into millions of pieces.

This scene highlights this thematic of 'letting go' that is referenced throughout the trilogies. 'Letting go' is also one of the first things that Obi-Wan instructs Luke regarding his initial training with the lightsabre: 'let go of your conscious self and act on instinct'.²⁹ It is the same advice that

²⁹ Above note 3 *Episode IV: A New Hope*

Yoda, that powerful, lovable and green Jedi Master, provides Anakin Skywalker (Luke's father, played by Hayden Christensen, whose story and transition to Darth Vader is a central focus of the prequel films) in relation to his respective fears of losing his mother or Amidala (his girlfriend, played by Natalie Portman): 'let go of all that you fear to lose'.³⁰ Yet this frame of letting go—of your conscious self, of your physical self, of those you fear to lose—is not a complete letting go. Rather it is a letting go *physically* in order to hold on *psychically*. While this process is presented, given its mythical framing, as a form of abolishment or annihilation of the ego (its reconciliation to the universal will or 'the Force'), at the same time, it actually involves a particular form of holding on to the ego. For, while the Jedi teach so-called compassion and love for all, acknowledging the symbiotic relationship between all living things, at the same time this does not present a universal respect for all beings as unique, free and autonomous. For the Jedi are in fact quite open to the use of manipulation—deception, mind control tricks, etc—in order to achieve their desired outcome. As such, this very form of letting go is a way of gaining *increased control*, though this amplification is presented with a façade of peace, compassion and non-intervention.

This is clearly seen in *Episode I: The Phantom Menace* when Jedi Knight Qui-Gon Jinn frees the young Anakin Skywalker (Jake Lloyd) and yet will not free Anakin's mother because their owner (the junk dealer, Watto) 'would not have it.' While this seems very noble and non-interventionist—Qui-Gon will adhere to the formality of the freedom to contract and Watto's refusal to release both Anakin and his mother—what it does not acknowledge is that when betting on which slave to free, Qui-Gon, using 'the Force', fixes the dice role so that it will turn up on Anakin. So Qui-Gon is actually *very* willing to intervene when it suits his purposes, while using the non-interventionist stance as a reason *not* to intervene when it does not (even if that means taking Anakin from his mother and allowing her enslavement to continue when he could have done something about it).

Thus, the focus on 'letting go' is not a dissolving of the self or ego in a pure love or compassion for others. In fact it is the very holding on to the ego itself—of the individual's ability to take whatever actions they believe appropriate in order to achieve their own ends in disregard for their actual effect on others. This process is seen with greater amplification in *Episodes II* and *III* with Anakin's turn to the dark side. For Lucas describes the reasons for Anakin's turn to the dark side as his inability to let go—he is too attached to his mother and to Amidala.³¹ Yet, what we see is *not* Anakin's holding on so much to his mother or Amidala but to himself—for he in fact attempts to obey Obi Wan and Yoda's advice to 'let go of all that you fear to lose'. Yet such advice promotes an indifference to the plight of the individuals involved (advice that Obi-Wan and Yoda *also* give to Luke Skywalker in *Episode V: The Empire Strikes Back*—which Luke ignores)—the very suffering of Anakin's mother and Amidala.

What such advice focuses on is in fact the self or the ego. The release from attachment, the 'letting go', in fact encourages Anakin to ignore those around him in order to increase his focus on himself and his own power. Which, in effect, is what sets him up to be seduced by Chancellor Palpatine's (who is later revealed to be the evil Darth Sidious) offer of more power as well.

³⁰ Above note 3 *Episode III: The Revenge of the Sith*

³¹ Corliss Richard and Cagle Jess 'Dark Victory' 159(17) 29 April 2002 *Time* 44

Anakin's goal is not really to save Amidala for her sake, but for his own. Thus the internal focus of the Jedi, dismissing the worth of the materiality of others' existence, in fact aligns directly with the seeking of power of the Sith. The result is that this form and focus on letting go in effect creates the conditions whereby the mind becomes all consuming and all powerful, seeking to control not just machines but the entirety of organic life around this machinic order—in short, the galaxy itself! The logic of this form of letting go makes the subject the absolute sovereign of the solar system, controlling and manipulating everything to his own ends. The inescapable conclusion, here, is that the Jedi's letting go is the foundation of the Emperor's rule and the source of his power. The path by which the transmogrification—from good Jedi to bad Sith, but both 'letting go'—takes place is complex, involving as it does a process which does not so much control as disregard the Other, so that this paradox comes clearly into view: the ultimate control comes through a process of *not* intervening in, or engaging with, the material.

This is where *Star Wars* dramatises the shift from the mythological to the ideological. For the disengagement and distancing of one-self from the materiality of the world—this attitude of non-intervention, of 'letting go'—is characteristic of Capital in its current, globalised phase of development. For 'classic capitalism'—that of 19th century modernity—was about controlling productive forces, owning or seizing the mode of production, surplus value and so forth. Capitalism in its current, globalised state, however is about letting go of the productive forces—with the 'decentralisation and global dispersal of productive processes and sites'—to increase the control over production itself.³² While capitalism was traditionally about the 'thing' and was an economy of objects, our ultra or global capitalist form has moved away from the focus on the 'thing' to an economy of signs and ciphers—that is, of information.³³ So the movement here is from the material to the mind, with the psyche 'letting go' of the physical. However, as we saw in *Star Wars*, the letting go of the physical does not mean that you lose control. Instead you displace it from the old economy, now failing, of industry, to the economy of information, of a symbolic universe of textuality, the semiosis of which is mapped digitally.³⁴

As a result, this means that Capital can 'let go' of its historic ideology—the key being, the Protestant work ethic³⁵—and embrace, paradoxically, an ideology that 'lets go' at its very source and centre. That ideology comes, as did Weber's Protestant ethic, tricked out in theological fancy dress: namely, Western Buddhism. This connection—between capital and karma—is not new, Slavoj Žižek having made it repeatedly and emphatically.³⁶ Žižek's point is that behind all of the focus on inner peace and ascetic detachment, Western Buddhism functions in a way that is precisely political, even ideological because as a faith with a central tenant of 'letting go' at its

³² Hardt Michael and Negri Antonio *Empire* Harvard University Press Cambridge MA 2000 p 297

³³ As above at 284-389

³⁴ As above at 290-292

³⁵ Weber Max *The Protestant Ethic and the Spirit of Capitalism* Routledge London 2001

³⁶ See Žižek Slavoj 'From Western Marxism to Western Buddhism' (2001) 2 *Cabinet* <http://www.cabinetmagazine.org/issues/2/western.php> (accessed 18 June 2012); Žižek Slavoj *On Belief* Routledge London 2001 pp 11-15; Žižek Slavoj *The Parallax View* The MIT Press Cambridge MA 2006 pp 382-385; Žižek Slavoj *First as Tragedy then as Farce* Verso London 2009 pp 65-67

doctrinal heart, this confession is *the* perfect ideological prop for a global capital, now free itself of materiality having ‘let go’ of *‘the thing’*—the economy of objects.

But even more *radical* here is the insight that this ‘letting go’ does not yield more chaos; in fact, quite the reverse, it delivers far more order—restoring, in the idiom of *Star Wars*, balance to the galaxy. Which is why ‘the Force’ can be so easily equated with Western Buddhism, because both function as ideological support mechanisms for their respective socio-economic systems. Which turn out to be one and the same: that is, Capital in its imperialist and/or global phase of development.³⁷ Significant here with each, and very much in opposition to earlier forms of Capital (or feudalism, slave societies) is that for the two ideological props on display—Western Buddhism and ‘the Force’—no sense of *the divine* can be intuited. God is neither dead (like Nietzsche said), nor unconscious (like Lacan said), nor even demented (like Philip Pullman dramatises) because, in both *Star Wars* and global Capital, God does not exist.³⁸ All of which has consequences for *the law* which holds these two systems together, driving their imperatives, suturing splits, cohering the organism. Because, in each, *law* occupies a space that has let go of transcendence (God) as much as immanence (materiality).

Peter Fitzpatrick identifies law’s ability to stand in this gap of the ‘letting go’ when he outlines modern law’s mythic ability to cohere its internal oppositions:

Law is autonomous yet socially contingent. It is identified with stability and order yet it changes and is historically responsive. Law is a sovereign imperative yet the expression of a popular spirit. Its quasi-religious transcendence stands in opposition to its mundane temporality. It incorporates the ideal yet it is a mode of present existence.³⁹

Is not this description of modern law one that could be applied with equal accuracy to ‘the Force’? Of a *law* that is disconnected but very much in control. Which is exactly what ‘the Force’ is—a *law*—despite all of its theological mysticism. Like Western Buddhism, ‘the Force’ *seems* like a religion; but if you drill down past its theological layers (of meditative detachment, of symbiotic balance, of ‘letting go’), past even its political substrata (as the prop holding the Republic and later the Empire together), then you reach a nomological centre, which is, itself, conflicted and riven. Because it proclaims order, within disorder, as a law unanchored, as natural law was, to either God or man, but which nonetheless in its disconnection, connects and controls us all. This, as such, is the perverse nomological core of ‘the Force’.

³⁷ For Žižek’s specific connection of Western Buddhism to *Star Wars* see Žižek Slavoj ‘Revenge of Global Finance’ *In These Times* 20 May 2005 <http://www.inthesetimes.com/article/2122/> (accessed 18 June 2012); See also Žižek *The Parallax View* above note 36 at 100-103

³⁸ I owe this point to discussions with Professor William MacNeil regarding his unpublished paper on Philip Pullman’s *His Dark Materials* trilogy. See Pullman Philip *Northern Lights* Scholastic London 1995; Pullman Philip *The Subtle Knife* Scholastic London 1997; Pullman Philip *The Amber Spyglass* Scholastic London 2000

³⁹ Fitzpatrick above note 2 at x

4.0 'IT SURROUNDS US, IT PENETRATES US, IT BINDS THE GALAXY TOGETHER': LAW, CIVILISATION AND SAVAGERY

If the perverse core of 'the Force' is nomological—that is legal, with its focus on order and balance—then what kind of law is it? Given its religio-mythical dressings, the initial connection between 'the Force' and law suggests the natural law tradition. However, such a connection is not so much based on the religious identification of a divine lawgiver—the God who commands and determines the *lex divina*—as it is a form of natural law that has 'let go' of this divine source of law. Such a position does, of course, have its heritage in the natural law tradition, but it is in the secularised development of natural law that, following Grotius, determined that there was not a need for God in order to determine the existence and operation of nature and nature's law.⁴⁰ The focus there is on law that is determined with recourse to reason, itself prefigured in both Greek and Roman thought, Cicero's 'law of reason' that is 'eternal and unchangeable' being a case in point.⁴¹ However, as Fitzpatrick points out, when the Enlightenment attempted to displace God as the central lawgiver, order becomes the first law of nature.⁴² With this substitution, law as a species of divine orders (e.g. the 'no' of Mosaic commandment) becomes simply order itself. Orders return to the law in the subsequent 19th century with legal positivism's 'command theory of the law', the command or order being that posited by the sovereign.⁴³ However, modern law, despite this positivist progression, retains certain deific characteristics both in the centrality of the command of the sovereign (taking the place of the command of God, the supreme lawgiver) as well as in the equation of law with order (Kelsen's description of law as an order being a clear example).⁴⁴

When we turn to *Star Wars*, we find that 'the Force' itself, despite being tricked out as a religion or mythology, is in fact strongly centred on such a nomological alignment to order—a desire for balance. While there is some reference to 'the Force' having a 'will', what we actually find is that 'the Force' is not so much an external, divine being 'out there' but is in fact seen as something that is created by all living things. Obi-Wan describes 'the Force' as 'an energy field created by all living things. It surrounds us, it penetrates us, it binds the galaxy together.'⁴⁵ Yoda notes that 'life creates it, makes it grow, its energy surrounds us, and binds us.'⁴⁶ This, in fact, identifies 'the Force' as having 'let go' of the external divinity, and focusing much more on the balance or order of the universe—a position that reflects the moment of natural law that does not need God but is focused on reason and order. While Yoda's identification of 'the Force' as that which 'binds us' and holds us together also reflects the way in which law is seen as that which

⁴⁰ Grotius *De Jure Belli ac Pacis* Prolegomena para 11 referred to in Freeman MDA Lloyd's *Introduction to Jurisprudence* Sweet & Maxwell 2008 p 105

⁴¹ Cicero, *Republic*, Oxford University Press Oxford 1998 III at 22 quoted by Lovell above note 10 at 230

⁴² Fitzpatrick above note 2 at 51

⁴³ The most famous promulgator of this theory being John Austin: see Austin John *The Province of Jurisprudence Determined* Dartmouth Publishers Aldershot 1998

⁴⁴ Fitzpatrick above note 2 at 58; Kelsen Hans *The Pure Theory of Law*, University of California Press Berkeley 1967 p192

⁴⁵ Obi-Wan Kenobi describing 'the force' to Luke Skywalker in above note 3 *Episode IV: A New Hope*

⁴⁶ Yoda instructing Luke in above note 3 *Episode V: The Empire Strikes Back*

binds us together—enabling and regulating social relations and preventing the ‘war of all against all’⁴⁷—‘the Force’ is actually positioned as the regulator of destiny. Luke is told quite specifically by Obi-Wan that he ‘cannot escape his destiny’.⁴⁸ However, where this regulation of destiny is most strongly emphasised is in the prequel trilogy where we hear Qui-Gon Jinn identifying the finding of Anakin as ‘the will of the Force’.⁴⁹ Anakin is then described as the ‘chosen one’ destined to fulfil the prophecy and ‘bring balance to the Force’.⁵⁰ Such a nomological focus on the alignment of destiny, despite its religious overtones, reflects this form of natural law’s desire for order.

Yet, the point here is not simply that ‘the Force’ is a form of natural law. Rather, what we find in the way that Lucas has created a ‘myth of our times’ is that this form of ‘the Force’ stands in the place of *modern* law—it is a representation not of a form of natural law caught between the pre-modern and modern, but of modern law that retains its focus on, and equation with, order. By identifying the way ‘the Force’ stands in the place of law and legality in the *Star Wars* universe, Lucas explicates and uncovers particular aspects of modern law that draw on its mythic origins and framings—in particular, the connection of law with order, its inherent relationship with violence, and its founding (and defence) of ‘civilisation’, society or the social order.

This connection of ‘the Force’ to the realms of order and balance can be demonstrated by exploring modern law’s perceived role in both instituting and defending ‘civilisation’ or the social order. As Fitzpatrick identifies, civilisation itself is something that is always under attack—disorder is always seeking to threaten order. However, the attack is not so much external to civilisation as it is internal to it. This can be explored in relation to the connection between civilisation and savagery—the way that, as Fitzpatrick identifies, civilisation is something which is opposed to, or defined in negation against, a savage other.⁵¹ In *Modernism and the Grounds of Law* Fitzpatrick explicates this notion of savagery through his exploration of Freud’s myth of the primal parricide (as a modern myth of origin which demonstrates the shift from the ‘primal horde’, dominated by the rule of the father, to the need and development of society through the introduction of the law).⁵² This depiction of the transition from primal horde to society is representative of the movement from a ‘savage pre-creation’ to a civilised society. However, the very focus of this move is on the shift *from* savagery—that is, civilisation is what is not savage, what is not the ‘primitive other’ from which society has ‘developed’.⁵³ Nonetheless, what Fitzpatrick identifies through Freud’s myth of the primal parricide is that the very precariousness of civilisation is not so much the attack of a potential savage other from outside, but rather the internal savagery that persists within civilisation itself—that is, the individual is split between a persistent, recalcitrant savagery and the demands of an imperious civilisation.⁵⁴

⁴⁷ Fitzpatrick Peter *Modernism and the Grounds of Law* Cambridge University Press Cambridge 2001 at 1 and 28

⁴⁸ Above note 3 *Episode V: The Empire Strikes Back*

⁴⁹ Above note 3 *Episode I: The Phantom Menace*

⁵⁰ Above note 3 *Episodes I-III*

⁵¹ Fitzpatrick above note 47 at 16 and 61; see also Fitzpatrick above note 2 at 63-86

⁵² Fitzpatrick above note 47 at 21

⁵³ Fitzpatrick above note 2 at 72-86

⁵⁴ Fitzpatrick above note 47 at 21 and 26

The result of this inherent savagery within society creates the very space and need for law. Law's relation to civilisation is in part its ability to control and deal with savagery. However, at the same time it draws on savagery for its very position: 'It is precisely as a societal container of savage violence that law comes to be set against savagery and identified with civilization.'⁵⁵ Thus, for Freud, the first requisite of civilisation is legality. Law has to constantly be 'made applicable, not because of its irresolution but as a defence against savagery's constant challenge to civilisation—a savagery which persists in society and the individual alike.'⁵⁶ Whilst 'savagery may provoke a civilizing law into being, it is law which delineates that savagery by separating civilization from it.'⁵⁷

If we turn to *Star Wars*, we find from the very beginning (or at least one beginning) that 'the Force' itself is associated with civilisation, in the same way that modern law is part of the civilising element, distinguishing the modern from that which is imagined to go before it.⁵⁸ In *Episode IV: A New Hope*, the first encounter between Luke Skywalker and Ben (Obi-Wan) Kenobi is also the first reference or encounter with 'the Force'. When giving Luke his father's lightsabre, Obi-Wan says the following:

This is the weapon of a Jedi Knight. Not as clumsy or random as a blaster. An elegant weapon, of a more civilised age. For over a thousand generations the Jedi Knights were the guardians of peace and justice of the old Republic. Before the dark times. Before the Empire.⁵⁹

Here we find that the Jedi and his weapon are associated with 'a more civilised time' when the Jedi Knights were the guardians of peace and justice. What is important to note here is not just the hearkening back to the period of the Old Republic, but that the discussion of a 'civilised age' is specifically connected with the handing on of a weapon. While the emphasis is on the Jedi's role as guardians of peace and justice, what this associating of a weapon of violence with an age of civilisation reinforces is the very connection between a law that institutes peace and the need for violence to ensure that peace. The general conception of the Old Republic that we get from the original trilogy, is that it is associated with civilisation, peace, order and justice (unlike the 'present times', dominated by the rule and tyranny of the Empire). In this perspective, violence and disorder would be opposed to 'the Force' itself in the same way that the discussion of civilisation opposes violence and disorder to the law—the law being that which brings order and controls violence. Thus, the only justified violence is then that which preserves the order of law. What the connection of civilisation to the Jedi's weapon references, however, is the way the law must be both violent (i.e. legitimised violence that is used to restore order) and yet at the same time be 'intrinsically associated with non-violence.'⁶⁰

⁵⁵ Fitzpatrick above note 47 at 36 referring to Freud Sigmund 'Why War?' trans. James Strachey in Freud Sigmund *Civilization, Society and Religion* The Pelican Freud Library Volume 12 Penguin London 1985 at 351

⁵⁶ Fitzpatrick above note 47 at 36

⁵⁷ Fitzpatrick above note 47 at 36

⁵⁸ Fitzpatrick above note 2 at 108

⁵⁹ Above note 3 *Episode IV: A New Hope* 1977

⁶⁰ Fitzpatrick above note 47 at 77

And is this not how the Jedi are presented? For Yoda instructs Luke that ‘A Jedi uses the Force for knowledge and defence, never for attack.’⁶¹ As noted above, the Jedi are associated with a form of letting go and disengagement, which is connected with peace and passiveness. Yet, at the same time, they, as the defenders of peace and justice need to engage in violence to ensure order—the order of ‘the Force’. When we actually look at the prequel films, and the presentation of the Old Republic there, what we find is that the Republic (civilisation) is forever under attack! The civilised times that Obi-Wan is referring to are in fact full of trade disputes, wars, manipulation, assassinations, divisions in the Senate, etc. While one could argue that such events are a corruption of the ‘ideal’ Republic (corruptions that eventually leads to the Empire), as we see in the prequels, they are Obi-Wan’s experiences of the Republic itself. The civilisation of the Republic is set precariously *against* ‘a savage violence [that] ever seeks to destroy it from without.’⁶²

However, as Fitzpatrick (and Freud) points out, it is not so much that civilisation is under attack from the savage that is outside it. Rather, it is the fact that savagery is something that cannot be eliminated from *inside* civilisation that results in its precarious state—individuals and society are always potentially being at risk of reverting to savagery.⁶³ This is also represented in *Star Wars* in the very internal struggle that is presented between the good and the dark side of ‘the Force’. Yoda instructs Luke that anger, fear and aggression are part of the dark side of ‘the Force’ and are to be avoided. Again, Yoda seems to be ever cautious regarding the dark side of ‘the Force’ in the prequels, in particular noting the connections of fear and jealousy that lead one there. However, what the Jedi do not acknowledge is the fact that the good and the dark side of ‘the Force’ are essentially two sides of the same entity. While they present these stark contrasts (good vs evil, compassion vs anger, peace vs aggression) what they miss is that their position is actually incredibly close to that of the Sith—because they are part of, and draw their power from, the very same entity: ‘the Force’. When the Jedi focus on the prophecy about bringing balance to ‘the Force’, it is at the end of 1,000 years of ‘peace and justice’ in the civilised Republic under the protection of the Jedi (where the Sith are supposedly extinct). If there is a need for balance in this framework, then surely that movement to balance would come from the dark side? The result then, as opposed to Obi-Wan’s dismay in *Episode III: The Revenge of the Sith* that Anakin had left ‘the Force’ in darkness instead of returning it to balance, is that Anakin, by becoming Darth Vader and joining Palpatine/Darth Sidious, in fact *did* fulfil the prophecy and bring balance to ‘the Force’—he actually carried out the transition from the Good Republic to the Evil Empire.⁶⁴

What this reflects is that ‘the Force’ (and we should read this in relation to the law as well, which we will come to in a moment) is neither Good or Evil, or rather that it can be both Good

⁶¹ Above note 3 *Episode V: The Empire Strikes Back* An instruction that doesn’t seem to come through anywhere near as strongly in the prequel films. A point that can also be seen in the change of style of sword fighting used between the two: see Robinson Walter ‘The Fast East of *Star Wars*’ in Decker and Eberl (eds) above note 6

⁶² Fitzpatrick above note 47 at 77

⁶³ Fitzpatrick above note 47 at 29

⁶⁴ It should be noted here that the alternative interpretation of the prophecy—that Anakin was supposed to return ‘the force’ to balance by destroying the Sith—does actually occur in Darth Vader’s killing of the Emperor at the end of *Episode VI: The Return of the Jedi*. What the Jedi miss, however, is that the way for Anakin to destroy the Sith could only be through becoming one.

and Evil at the same time—Good and Evil coincide in the operations of ‘the Force’. This point *is* reflected at one level by Obi-Wan in *Episode VI: The Return of the Jedi* where he tells Luke that ‘many of the truths we cling to depend greatly on our own point of view.’ While the Jedi seem to have some belief in the power of good over evil—and separate them out in the good and the dark side of ‘the Force’—what we find in *Star Wars* is very much that Good and Evil are really only from a certain point of view. For, as we noted, the Good is not presented as a virtuous end to be desired in itself, but that, under the mythological framework from which Lucas is drawing, Good and Evil coincide—they are part of the same unification of opposites under the one All. This connection of Good to Evil in ‘the Force’, as well as ‘the Force’s’ link to the law can be seen with greater clarity if we explore the transition from the Republic to the Empire, the point to which we now turn.

5.0 ‘MORE POWERFUL THAN YOU COULD POSSIBLY IMAGINE’: LAW, ORDER AND THE STATE OF EXCEPTION

Let us return to the conversation between Obi-Wan and Luke at the beginning of *Episode IV: A New Hope*. Here Obi-Wan is referring to a ‘civilised time’ which is contrasted to the current times, ‘the dark times’ and the Empire. What is interesting here is how the above connection of the Old Republic to civilisation seems to break down in regards to imperialism. For normally the role of civilisation is considered to be on the same side as imperialism—imperialism being a way of taking the ‘good’ things about a particular nation and ‘civilising’ its broader environment. But, what we find in *Star Wars* is that the site of imperialism is itself ‘the dark side’. The Old Republic is contrasted with the Evil Empire and its imperialistic desire to rule the galaxy. This is where the historical referencing of Rome comes to its fore in *Star Wars*. For the resolution of this point about imperialism and civilisation is quite clear in the prequels. It is not that the Evil Empire took over the Republic.⁶⁵ Rather, it is that the Republic itself *is* the Empire—that is, the Republic was transformed into the Empire via the apparent need to defend itself from the breakaway, rebellious ‘separatist’ states. Thus, the connection of civilisation to imperialism holds fast. What does not hold is the belief that the ‘civilised’ Republic is substantially different to the ‘totalitarian’ Empire. For, as we saw in relation to the individual, in the same way that the Good and Evil side of ‘the Force’ are in fact one and the same (with Anakin becoming Darth Vader), at the level of the political, ‘the Force’ as a representative of modern law is *also* both Good and Evil. That is, that the Republic and the Empire are in fact the same, and the conditions that give rise for one make way for the other. The implication here is that the law itself is *also* neither Good and Evil, yet both Good and Evil at the same time.

How is it that the law works both for Good and Evil at the same time? The reason for this returns us to the focus on law and order. For, having ‘let go’ of its divine grounds and its

⁶⁵ I.e. that a number of rogue, ‘separatist’ states joined forces against the Republic and its principles, attacked it and overthrew its rule

possibility of being ‘the Good’ itself, modern law is inherently caught up with its focus on order. The restriction on the command of the sovereign is the maintenance of order—that is, the order of law itself.⁶⁶ The benchmark for actions that are taken are whether they will sustain the social/juridical order and preserve peace. Where this becomes particularly apparent is in fact at the limit point of the legal/juridical order itself—that is the point at which the legal order is suspended in what Giorgio Agamben (drawing on Carl Schmitt) would call the ‘state of exception’.⁶⁷ Agamben’s exploration of this state of exception, as the limit point of law, is inherently tied up with the question of law’s relationship to life and to whether the state of exception—the point of law’s suspension—is something brought within law or something inherently beyond it.⁶⁸ Agamben attempts to think the state of exception, through the Roman concept of the *iusitium* as the very point or space without law (this is in contrast to both the traditions that seek to include the state of exception within the legal order and those that consider it something external to it).⁶⁹ However, the relevant point here is that the declaration of the state of exception is always in relation to the potential for disorder—the state of exception is declared in order to *restore order*.⁷⁰

How is this demonstrated in the transition from the Republic to the Empire in *Star Wars*? In watching the original trilogy there appears to be an understanding that the Old Republic was taken over by the Empire—that it was a matter of two rivalling claims to rulership and the Empire overthrew the Republic, claiming control of the galaxy. As such, the Empire would be seen as a separate founding of a new legal order resulting from the lawless violence beyond the law of the Republic—the result of a war in which one legal order displaces the other. What we *actually* see in the prequels, however, is the very opposite. It is that the Empire was founded through the legal use of the state of exception and suspension of the existing legal order. That is, the law is suspended by the declaration of the exception in order to reconstitute the peace needed for law to operate normally. When the suspension of law is then in effect, the decree of the political leader is given the ‘force of law’.⁷¹ Logically, this has serious consequences, some of which are clearly seen in *Star Wars* (with Hitler’s rise to power being an appropriate allusion, given the immediate declaration of the state of exception in the name of national security under the Nazi regime).⁷² While the state of exception is something normally declared by the sovereign (Schmitt defining the sovereign as the one who decides the state of exception⁷³) what we find in *Star Wars* is that the one who proposes the giving of special powers to the Chancellor is not the

⁶⁶ Fitzpatrick above note 2 at 56-58

⁶⁷ Agamben Giorgio *The State of Exception* University of Chicago Press Chicago 2005

⁶⁸ As above at 1 and 86-88

⁶⁹ As above at 22-23 and 50-51

⁷⁰ Agamben’s analysis of the *iusitium* (the declaration of the suspension of the law) connects it specifically to an identification of the *tumulus* that arises in Rome as a result of (amongst other things) external war. What is important to note here, however, is that it is not the external war itself that results in the declaration of the *iusitium* but rather the resulting unrest and tumult in Rome. The law is suspended to deal with the disorder in Rome, not the external threat: as above at 42

⁷¹ As above at 38

⁷² As above at 2 and 13

⁷³ See Schmitt Carl *Political Theology: Four Chapters on the Concept of Sovereignty* The University of Chicago Press Chicago 2005 p 5

Chancellor himself—rather it is (subject to manipulation) Senator Jar Jar Binks—the sovereign power of the democratic Senate thus being sustained. Thus, the power of the representation of the transition from the democratic Republic to totalitarian Empire rings true with Agamben's point—that the state of exception is 'a creation of the democratic-revolutionary tradition and not the absolutist one'.⁷⁴

The way, however, this invocation of the state of exception is presented in *Star Wars* means that the Empire was not formed beyond the law—it is neither a lawless 'other' attacking the Republic from outside, nor is it some lawless act founding a new legal order. Rather, it was the very mechanism within the law that enabled the creation of the 'lawless' space of the Empire, where the Emperor's words have the force of law. What Agamben notes, however, in relation to the technical expression the 'force of law' is that when it is applied to the decrees of the sovereign in the state of exception, it is in fact identifying that the 'force of law' is applied to that which is not law.⁷⁵ It is *not* that the sovereign's decrees are law themselves but rather that the decrees are given the 'force' of law in law's absence. Such was Derrida's real point in his celebrated invocation of this term of art; that the 'force of law' is precisely a force without law, but treated as such.⁷⁶

From Derrida to Agamben and now to Lucas, the chain of associations seems just that, associative, even coincidental. But I would argue that Lucas's force evokes, plays upon and reiterates Derridean and Agambenian 'force' because, in all three, the law is absent, everywhere around us but nowhere to be found. As such, law as 'the Force' is plastic, malleable, open-ended—and it is this indeterminacy (is it Dark or Light?) which suggests that the law itself is both Good and Evil. This is because the framework of the rule of law is not sufficient for protection against potentially Evil acts, for in itself the law can, and quite willingly will, be co-opted to agree to them. While Jar Jar Binks was being manipulated by Palpatine, the following statement by Senator Amidala is a clear reminder that the Senate of the Republic appeared to desire the invoking of the state of exception and giving of greater powers to the Chancellor: 'so this is how liberty dies...to thunderous applause'. Does this not emphasise Žižek's point that the risk with 'the war on terror' is not so much the outside enemy that is being dealt with, but what we become in the process?⁷⁷ Yet, does this reading of *Star Wars* then indicate that Lucas is trying to make clear the potential risks of our current political times in which the law is co-opted into assisting in determining when it will not apply? Or is there another element to this state of exception?

Žižek argues that while the state of emergency is positioned as needed to deal with a particular crisis, when the state does this 'it does so by definition as part of a desperate strategy to *avoid* the true emergency and return to the "normal course of things"'.⁷⁸ That is, that the state of

⁷⁴ Agamben above note 67 at 5

⁷⁵ Agamben above note 67 at 38

⁷⁶ Derrida Jacques 'Force of Law: The "Mystical Foundation of Authority"' (1989-1990) 11 *Cardozo Law Review* 920; see the discussion of this term by Agamben above note 67 at 37-39

⁷⁷ Žižek *The Parallax View* above note 36 at 101; see also Žižek Slavoj 'From *Homo Sucker* to *Homo Sacer*' in *Welcome to the Desert of the Real* Verso London 2002 at 83

⁷⁸ Žižek *Welcome to the Desert of the Real* as above at 107-108

exception itself is used to mask the real crisis. Is this not the way in which Palpatine operates in *Episode III: Revenge of the Sith*? Palpatine generated a crisis so as to distract everyone from the real crisis—that he was taking over the Empire. Yet, such a framework is what presented him with the ability to institute ‘peace and justice’ back into the Republic/Empire. Thus, the goal of the state of exception was explicitly being fulfilled—to return normality, peace and justice. Palpatine’s comment that ‘the Sith and the Jedi are the same in almost every way’ is thus truer than it initially appears.⁷⁹ This coincidence of the Sith and the Jedi—the supposedly Good and Evil—demonstrate the way in which the law itself is used to legitimate the re-establishing of peaceful civilisation—no matter what the consequences. The concern of law is not so much whether its ends are Good or Evil—whether it is serving a liberal, democratic Republic or a tyrannous, totalitarian Empire—but rather with its own desire for order and balance. Thus, it is at the point of suspension of the law that the law becomes, as Obi-Wan tells Darth Vader, ‘more powerful than you could possibly imagine’ in its desire to institute order and peace.

6.0 CONCLUSION: ‘MAY THE FORCE BE WITH YOU’ OR ‘GOOD LUCK YOU’RE GONNA NEED IT!’

As we have seen, while Lucas believes he is creating a global mythology in the *Star Wars* franchise, the focus of the films is in fact more politically ideological than religiously mythological. Such ideology is one that, in the end, embeds and undergirds law’s covering of its own grounds and its ultimate desire for order, peace and justice (as balance). That is, this deific quality of law as order that results from the Enlightenment’s ‘letting go’ of the divine, of law letting go of its grounds, means that the law itself can no longer be seen as a potential Good—the rule of law, despite its claim to civilisation and peace, is in fact grounded on the potentiality of its very exception. The law itself cannot save us from the tyranny of order and peace that it wishes to impose.

Thus, we should be wary of the farewell identified throughout *Star Wars*: ‘may the Force be with you’. For this very valediction acknowledges the omnipresence of the Force—the everywhere-ness of the law—yet ignores the fact that ‘the Force’ and the law are with both what we deem as the Good (Luke Skywalker, Obi-Wan Kenobi, Yoda) and the Bad (Darth Vader, Emperor Palpatine). The continual reinforcing of this saying is effectively needed to reinforce the law. The law, having let go of its ‘divine grounds’ which ‘guarantee’ its universality, has to continually be made applicable—it has to continually be made to invoke order. The result is the challenge to thinking a space outside of law, one that is not locked in to the tyrannous rule of order and peace (or the ‘normal’ functioning of the market, or the state). Such a space is not the logical result of the law, but rather something that requires striving for, *against* the notion of order. Thus, we should be sceptical of the political invocations of the state of exception in order to restore order—for is not the issue very much the existing order itself and the emergency or

⁷⁹ Above note 3 *Episode III: The Revenge of the Sith*

state of exception a distraction from the tyranny of the existing order? As a result, instead of focusing on the Jedi farewell 'may the Force be with you' with its legitimating and 'making applicable' of the existing order, our response should rather be that of Han Solo in relation to Lando Calrissian's leading of the attack on the Empire: 'Good Luck—you're gonna need it!' ●