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CHAPTER ONE

Introduction: Freedom and the Plastic Cage

The political, ethical, social, philosophical problem of our days is not to try to liberate the individual from the state . . . but to liberate us both from the state and from the type of individualization which is linked to the state.

—Michel Foucault, “The Subject and Power”

If men wish to be free, it is precisely sovereignty they must renounce.

—Hannah Arendt, “What Is Freedom?”

The road to freedom for gays and lesbians is paved with lawsuits.

—Spokesperson, National Center for Lesbian Rights

THESE ESSAYS investigate dimensions of late modern modalities of political power and opposition by engaging, in various combinations, the thinking of Marx, Nietzsche, Weber, Foucault, and selected contemporary feminist and cultural theorists. They serve in part to reflect upon the present-day value of such thinkers, to measure the capacity of their thought to apprehend contemporary formations of power and contribute to strategies for democratizing those formations. But these essays have another purpose as well. Working heuristically from Foucault’s relatively simple insight that political “resistance” is figured by and within rather than externally to the regimes of power it contests, these essays examine ostensibly emancipatory or democratic political projects for the ways they problematically mirror the mechanisms and configurations of power of which they are an effect and which they purport to oppose. The point of such exploration is not the small-minded one of revealing hypocrisy or internal contradictions, nor the strictly practical one of exposing limited political efficacy. While these studies are not exercises in what today traffics under the sign of “normative political theory” and they develop no political or even theoretical program, they make no pretense at being free of normative impulses. Rather, they work in the slightly old-fashioned genre of political theoretical critique, a genre neither directly accountable to political practicalities on the one hand nor bound to a fixed set of political principles on the other. Structured by a set of cares

and passions making up an amorphous but insistent vision of an alternative way of political life, this vision is itself shaped and textured by the activity of criticizing the present; in this regard, the critique and the alternative it figures never feign independence of one another.

The question animating these explorations is bound to a remnant of Hegelian-Marxist historiography almost embarrassing to name, given its tattered ontological, epistemological, and historical premises. Can something of a persistent desire for human freedom be discerned even in the twisted projects of this aim, even in its failure to realize itself, its failure to have the courage, or the knowledge, of its own requisites? Such a question need not assume, with Arendt, that freedom is “the *raison d’être* of politics”¹ nor, with Marx, that “history” is tethered to the project of freedom, that “history” has a project at all, or that “freedom” is the telos of “human” (species) being. Certainly politics, the place where our propensity to traffic in power is most explicit, is saturated with countless aims and motivations other than freedom—from “managing populations,” negotiating conflicting interests, or providing for human welfare, to the expression of open revenge, aggression spurred by injury, pleasure in domination, or the prestige of power.

The question, then, is not whether freedom can be discerned as *the* aim of politics or of history in the political projects of the present but a more modest, albeit still tendentious one, which borrows as much from the devolutionary outlook of Rousseau as from the teleological thinking of Marx: Might the desire for some degree of collective self-legislation, the desire to participate in shaping the conditions and terms of life, remain a vital element—if also an evidently ambivalent and anxious one—of much agitation under the sign of progressive politics? Equally important, might the realization of substantive democracy continue to require a desire for political freedom, a longing to share in power rather than be protected from its excesses, to generate futures together rather than navigate or survive them? And have we, at the close of the twentieth century, lost our way in pursuing this desire? With what consequences?

. . .

In the context of recent “democratizing” developments in the former eastern bloc and Soviet Union, in South Africa, in parts of Latin America, and in the Middle East, it may seem perverse if not decadent to suggest that Western intellectuals and political activists have grown disoriented about the meaning and practice of political freedom. Freedom,

¹ “What Is Freedom?” in *Between Past and Future: Eight Exercises in Political Thought* (New York: Viking, 1954), p. 144.

of course, is an eternally nettlesome political value as well as a matter of endless theoretical dispute, and it is not my purpose to reflect here upon its genealogy or its history as a concept. Rather, freedom's recent predicament might be captured schematically thus: Historically, semiotically, and culturally protean, as well as politically elusive, "freedom" has shown itself to be easily appropriated in liberal regimes for the most cynical and unemancipatory political ends. Philosophically vexing throughout modernity for the formulations of will and agency it appears to invoke, it has been rendered utterly paradoxical by poststructuralist formulations of the subject as not simply oppressed but brought into being by—that is, an effect of—subjection.² Yet despite these assaults on its premises, freedom persists as our most compelling way of marking differences between lives whose terms are *relatively* controlled by their inhabitants and those that are less so, between conditions of coercion and conditions of action, between domination by history and participation in history, between the space for action and its relative absence. If, politically, freedom is a sign—and an effect—of "democracy," where democracy signifies not merely elections, rights, or free enterprise but a way of constituting and thus distributing political power, then to the extent that Western intellectuals have grown disoriented about the project of freedom, we must be equally bewildered about the meaning and tasks of democratic political life.³ Indeed, much of the progressive political agenda in recent years has been concerned not with democratizing power but with distributing goods, and especially with pressuring the state to buttress the rights and increase the entitlements of the socially vulnerable or disadvantaged: people of color, homosexuals, women, endangered animal species, threatened wetlands, ancient forests, the sick, and the homeless. Without disputing the importance of such projects, especially in a political economy fundamentally impervious to human, ecological, and aesthetic life, the dream of democracy—that humans might govern themselves by governing together—is difficult to discern in the proliferation of such claims of rights, protections, regulations, and entitlements.

"[W]hat the Left needs is a postindividualist concept of freedom, for it is still over questions of freedom and equality that the decisive ideological battles are being waged."⁴ So argues Chantal Mouffe in response to two

² See Michel Foucault, *History of Sexuality*, vol. 1, *An Introduction*, trans. R. Hurley (New York: Vintage, 1980); Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1989); and Butler's forthcoming work on "subjection."

³ On democracy as a problem of distribution of power, see Sheldon Wolin, *The Presence of the Past: Essays on the State and the Constitution* (Baltimore: Johns Hopkins University Press, 1989), chaps. 9–11.

⁴ "Hegemony and New Political Subjects: Toward a New Concept of Democracy," in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Chicago: University of Illinois Press, 1988), p. 100.

decades of conservative political and theoretical efforts to define and practice freedom in an individualist, libertarian mode, a phenomenon Stuart Hall calls “the great moving right show.”⁵ Yet as Hall keenly appreciates, “concepts” of freedom, posited independently of specific analyses of contemporary modalities of domination, revisit us with the most troubling kind of idealism insofar as they deflect from the local, historical, and contextual character of freedom. Even for philosopher Jean-Luc Nancy, “freedom is everything except an ‘Idea.’”⁶ Freedom is neither a philosophical absolute nor a tangible entity but a relational and contextual practice that takes shape in opposition to whatever is locally and ideologically conceived as unfreedom. Thus in slaveholding and male dominant fifth-century Athenian “democracy,” Arendt argues, freedom was conceived as escape from an order of “necessity” inhabited by women and by slaves; what was called Athenian freedom thus entailed a metaphysics of domination and a necessary practice of imperialism. Liberal freedom, fitted to an economic order in which property and personhood for some entails poverty and deracination for others, is conveyed by rights against arbitrary state power on one side and against anarchic civil society or property theft on the other. As freedom from encroachment by others and from collective institutions, it entails an atomistic ontology, a metaphysics of separation, an ethos of defensiveness, and an abstract equality. Rendering either the ancient or liberal formations of freedom as “concepts” abstracts them from the historical practices in which they are rooted, the institutions against which they are oriented, the domination they are designed to contest, the privileges they are designed to protect. Treating them as concepts not only prevents appreciation of their local and historical character but preempts perception of what is denied and suppressed by them, of what kinds of domination are enacted by particular practices of freedom.

It would also appear that the effort to develop a new “postindividualist” *concept* of freedom responds less to the antidemocratic forces of our time than to a ghostly philosophical standoff between historically abstracted formulations of Marxism and liberalism. In other words, this effort seeks to resolve a problem in (a certain) history of ideas rather than a problem in history. Like a bat flying around the owl of Minerva at dusk, it would attempt to formulate a philosophy of freedom on the grave of selected philosophical traditions rather than to consider freedom in existing configurations of power—economic, social, psychological, political. This is not to say that the contemporary disorientation about

⁵ Stuart Hall, *The Hard Road to Renewal: Thatcherism and the Crisis of the Left* (London: Verso, 1988).

⁶ *The Experience of Freedom*, trans. B. MacDonald (Stanford: Stanford University Press, 1993), p. 11.

freedom is without theoretical dimensions nor is it to suggest that freedom's philosophical crisis, about which more shortly, is merely consequent to a historical or "material" one. I want only to register the extent to which the problematic of political freedom as it relates to democratizing power, while of profound philosophical interest, cannot be resolved at a purely philosophical level if it is to be responsive to the particular social forces and institutions—the sites and sources of domination—of a particular age.

But this opens rather than settles the problem of how to formulate a discourse of freedom appropriate to contesting contemporary antidemocratic configurations of power. One of the ironies of what Nietzsche boldly termed the "instinct for freedom" lies in its inceptive self-cancellation, its crossing of itself in its very first impulse. Initial figurations of freedom are inevitably reactionary in the sense of emerging in reaction to perceived injuries or constraints of a regime from within its own terms. Ideals of freedom ordinarily emerge to vanquish their imagined immediate enemies, but in this move they frequently recycle and reinstate rather than transform the terms of domination that generated them. Consider exploited workers who dream of a world in which work has been abolished, blacks who imagine a world without whites, feminists who conjure a world either without men or without sex, or teenagers who fantasize a world without parents. Such images of freedom perform mirror reversals of suffering without transforming the *organization of the activity through which the suffering is produced* and without addressing the *subject constitution that domination effects*, that is, the constitution of the social categories, "workers," "blacks," "women," or "teenagers."

It would thus appear that it is freedom's relationship to identity—its promise to address a social injury or marking that is itself constitutive of identity—that yields the paradox in which the first imaginings of freedom are always constrained by and potentially even require the very structure of oppression that freedom emerges to oppose. This, I think, is not only a patently Foucaultian point but is contained as well in Marx's argument that "political emancipation" within liberalism conceived formal political indifference to civil particularity as liberation because political privilege according to civil particularity appeared as the immediate nature of the domination perpetrated by feudal and Christian monarchy. "True human emancipation" was Marx's formula for escaping the inately contextual and historically specific, hence limited, forms of freedom. True human emancipation, achieved at the end of history, conjured for Marx not simply liberation from particular constraints but freedom that was both thoroughgoing and permanent, freedom that was neither partial nor evasive but temporally and spatially absolute. However, since true human emancipation eventually acquired for Marx a negative refer-

ent (capitalism) and positive content (abolition of capitalism), in time it too would reveal its profoundly historicized and thus limited character.

Invoking Marx recalls a second dimension of this paradox in which freedom responds to a particular practice of domination whose terms are then often reinstalled in its practice. When institutionalized, freedom premised upon an already vanquished enemy keeps alive, in the manner of a melancholic logic, a threat that works as domination in the form of an absorbing ghostly battle with the past.⁷ Institutionalized, freedom arrayed against a particular image of unfreedom sustains that image, which dominates political life with its specter long after it has been vanquished and preempts appreciation of new dangers to freedom posed by institutions designed to hold the past in check. Yet the very institutions that are erected to vanquish the historical threat also recuperate it as a form of political anxiety; so, for example, functions the “state of nature” or the “arbitrary sovereign” in the liberal political imagination.

It may be the extent to which freedom institutionalized transmogrifies into its opposite that led Foucault to insist upon understanding liberty as a *practice* rather than a state, as that which can “never [be] assured by . . . institutions and laws” but “must be exercised.”⁸ Sheldon Wolin presses a similar point in his provocation that “a constitution, in setting limits to politics, set limits as well to democracy. . . . Democracy thus seems destined to be a moment rather than a form.”⁹ In Jean-Luc Nancy’s account, “freedom . . . is the very thing that prevents itself from being founded.”¹⁰ And a similar concern can be discerned in Hannah Arendt’s insistence on the perniciousness of equating freedom with sovereignty, along with her counterproposition that freedom as “virtuosity” is defined by the *contingency* of action, as the place where “the I-will and the I-can coincide” as power.¹¹

Recognition of the tension, if not the antinomy, between freedom and institutionalization compounds the difficulties of formulating a politics of freedom in the late twentieth century, the age of institutions. Not only do we require a historically and institutionally specific reading of contemporary modes of domination, but freedom’s “actualization” would appear to be a frustratingly indeterminate matter of ethos, of bearing toward institutions, of the *style* of political practices, rather than a matter

⁷ This logic is drawn from Freud’s *The Ego and the Id*, trans. J. Rivière, ed. J. Strachey (New York: Norton, 1960), pp. 18–19, although transformed as it is allegorized for political purposes unintended by Freud.

⁸ “Space, Knowledge, and Power,” interview by Paul Rabinow, in *The Foucault Reader*, ed. Rabinow (New York: Pantheon, 1984), p. 245.

⁹ “Fugitive Democracy” (paper presented at the Foundations of Political Thought conference Democracy and Difference, New Haven, April 1993), pp. 9, 23.

¹⁰ *Experience of Freedom*, p. 12.

¹¹ “What Is Freedom?” pp. 153–54, 160, 164–65, 168–69.

of policies, laws, procedures, or organization of political orders. This is not to say that freedom becomes aesthetic, but rather that it depends upon a formulation of the political that is richer, more complicated, and also perhaps more fragile than that circumscribed by institutions, procedures, and political representation.

. . .

These reflections on the inherently difficult, paradoxical, even delusional features of freedom frame but do not exhaust freedom's contemporary predicament in North America. Why, today, do we not only confront the limited or paradoxical qualities of freedom but appear disoriented with regard to freedom's very value? Why, as versions of freedom burst out around the globe, are critical theorists and progressive political activists in established liberal regimes disinclined to place freedom on their own political agenda, other than to endorse and extend the type of "freedom" the regime itself proffers?

Certainly this disorientation is partly consequent to the conservative political culture ascendent in the United States in the 1980s, a culture that further narrowed the meaning of freedom within liberalism's already narrow account. Throughout that decade, "freedom" was deployed by the Right to justify thuggish mercenaries in Central America, the expenditure of billions on cold war defense, the deregulation of toxic enterprise, the destruction of unions with "right to work" protection, the importance of saluting—and the blasphemy of burning—the flag. Meanwhile, liberal or radical formulations of freedom were smeared by charges of selfishness and irresponsibility—as in women who put their own desires and ambitions on a par with family obligations—or charges of infantilism and death—as in repudiations of juvenile past involvements with liberation struggles, or narratives of the AIDS epidemic in which the "sexually emancipated" 1970s were placed in a direct causal relation to the plague of death in the 1980s.¹² In the contemporary popular refrain, freedom other than free enterprise was cast as selfish, infantile, or killing, and placed in ignominious counterpoise to commitment, maturity, discipline, sacrifice, and sobriety.¹³ This discourse, in which

¹² See Randy Shilts, *And the Band Played On* (New York: St. Martin's, 1987); and Jon Pareles, "The '60s: Only the Beat Goes On," *New York Times*, February 5, 1989, H-1, 21.

¹³ Of course, freedom as free enterprise also began to emerge as infantile and irresponsible during these years: such were the scandals concerning junk bonds, insider trading, and S&L real estate deals. But the point is that as liberal, let alone radical, commitments to freedom came into severe disrepute, numerous progressive political operations dropped it from their agenda. Even those political identities most recently forged from liberation movements—black, feminist, gay—pursued relatively unremarkable agendas concerned with rights and minimalist economic redistribution during the 1980s. And so also did the

“good freedom” was imperialist, individualist, and entrepreneurial, while “bad freedom” was decadent if not deadly, was not an easy one for the Left to counter. But if it was easier to drop freedom from its own political lexicon, what was the price of such a disavowal?

Contemporary disorientation about freedom also appears consequent to the Right’s programmatic attack on the welfare state since the mid-1970s. This attack incited liberal and left protectiveness toward the state and, for many, rendered critiques of the state tantamount to luxury goods in bad times. This disorientation appears consequent as well to the discredited critique of liberalism contained in the communist ideal; it was abetted too by the stark abandonment of freedom as an element of the communist project long before its 1989 “fall.” The cumulative effect of these tendencies is that as the powers constituting late modern configurations of capitalism and the state have grown more complex, more pervasive, and simultaneously more diffuse and difficult to track, both critical analyses of their power and a politics rooted in such critique have tended to recede. Indeed, Western leftists have largely forsaken analyses of the liberal state and capitalism as sites of *domination* and have focused instead on their implication in political and economic *inequalities*. At the same time, progressives have implicitly assumed the relatively unproblematic instrumental value of the state and capitalism in redressing such inequalities.

Thus, as the Right promulgated an increasingly narrow and predominantly economic formulation of freedom and claimed freedom’s ground as its own, liberals and leftists lined up behind an equally narrow and predominantly economic formulation of equality. In this regard, leftists ceded important ground to liberal doctrine, which generally places equality and freedom on perpendicular axes in inverse relation to each other, casting their relationship as something of political philosophy’s Phillip’s curve. While Marxism promised to escape this trade-off by divesting both freedom and equality of their economic scarcity and reconciling them through collective ownership, and thinkers such as Arendt sought to reformulate the problematic of political freedom on fully non-economic ground, most late-twentieth-century progressives have shied from these alternative formulations of freedom and equality to embrace a vision involving state-administered “economic justice” combined with a

“radical” wings of these movements direct most of their appeals to the state: threats by black organizers in Chicago and Detroit to revive the Black Panther Party including its tactics of violence were based on the failure to get a share of the economic pie; ACT UP largely targeted government (in)attention to AIDS and AIDS research. The other “radical” wing of each of these movements largely eschewed the project of freedom in favor of various kinds of culturalisms and nationalisms—queer, Afrocentric, Islamic, feminist, and so forth.

panoply of private liberties. This would seem to characterize Chantal Mouffe's call for "postindividualist liberalism," or "radical, plural, and libertarian democracy" to "rearticulate ideas of equality and justice," as well as the argument of Samuel Bowles and Herbert Gintis for "post-liberal democracy" in which, oddly, the primary instrument of struggle is "personal rights."¹⁴ Significantly, neither Mouffe nor Bowles and Gintis regard their positions as a retrenchment of their commitment to radical democracy but rather, through renewed appreciation of individual rights and liberties combined with state administered economic redistribution, as the fulfillment of that commitment.¹⁵

Yet for all the admirable effort to blend commitments of economic equality with liberal civil goods, as well as to enfranchise—theoretically and politically—a diverse range of identity-based struggles, what is difficult to discern in the work of those who have appropriated the name "radical democrats" in recent years is precisely where the radicalism lies. What constitutes the ostensible departure from liberal democracy and from the forms of domination liberalism both perpetrates and obscures? Such differentiation is especially faint in their formulation of liberty, which rather faithfully replicates that of the sovereign subject of liberalism whose need for rights is born out of subjection by the state, out of an economy not necessarily bound to human needs or capacities, and out of stratifications within civil society (renamed "social antagonisms" by Ernesto Laclau and Chantal Mouffe), all of which may be attenuated but are at the same time codified by the rights advocated by the "radical democrats."

It is interesting as well that the optimism of the radical (social) democratic vision is fueled by that dimension of liberalism which presumes social and political forms to have relative autonomy from economic ones, to be that which can be tinkered with independently of developments in the forces of capitalism.¹⁶ Indeed, it is here that the radical democrats

¹⁴ "Hegemony and New Political Subjects," pp. 102, 103; Bowles and Gintis, *Democracy and Capitalism: Property, Community, and the Contradictions of Modern Social Thought* (New York: Basic Books, 1986).

¹⁵ Both works seek to address as well the recent proliferation of politicized identities other than class. Mouffe actually measures "democratization" by the extent of acknowledgment and connection between these identity-based struggles: "The longer the chain of equivalences set up between the defense of the rights of one group and those of other groups, the deeper will be the democratization process" ("Hegemony and New Political Subjects," p. 100). Democratization here presumably refers to a nonliberal form of recognition and criteria for participation: "In addition to . . . traditional social subjects [citizens and workers], we must recognize the existence of others and their political characters: women and the various minorities also have a right to equality and to self-determination."

¹⁶ In *Hegemony and Socialist Strategy* (London: Verso, 1985), Ernesto Laclau and Chantal Mouffe do offer a historical reading of "new social antagonisms" rooted in the permeation

become vulnerable to the charge of “idealism,” where idealism marks the promulgation of select political ideals de-linked from historical configurations of social powers and institutions, much as calling for a “politics of meaning” without addressing the sources of meaning’s evisceration from politics is an idealist response to the problem of vacuity.¹⁷ This is not to say, in a fashion that mistakes positivism for historical materialism, that capitalist economies require liberal political orders nor that collective economic ownership is incompatible with individual rights. Rather, it is to ask: When do certain political solutions actually codify and entrench existing social relations, when do they mask such relations, and when do they directly contest or transform them? Against what backdrop of economic and political power, for example, are rights claimed to health care, housing, privacy, or autonomy? What abrogation of these needs is presumed to inhere in the political economy against which such rights are asserted? If rights are, however useful, a paradoxical form of power insofar as they signify something like the permanent presence of an endangering power or violation, if rights thus codify even as they may slightly mitigate certain modalities of subordination or exclusion, it behooves radical democrats not simply to proliferate rights but to explore the historically and culturally specific ground of the demand for them.

This lack of attention to the historical relationship between economic and political formations may be understood somewhat differently by considering the place of capitalism as such in contemporary theoretical discourses, a place that has been diminished both by Foucault and by other post-Marxist tendencies. Foucault’s salutary critique of a model of power as an expropriable and transferable commodity, combined with his concern to confound a materialist/idealist antinomy with the notion of discourse—in sum, his quarrels with Marx—resulted in analytically reducing the importance of capitalism itself, and not only disputing economistic formulations of capital’s power.¹⁸ In fact, by ascribing a for-

of capitalism into both the domain of consumption and into more “subjective” reaches of social life. Yet there is a profound difference between this kind of historical reading and one that emphasizes the relationship between particular political forms and particular “modes of production.” Mouffe, citing C. B. MacPherson, notes that “democracy” was rendered “liberal” not without “struggle” and notes as well, citing Stuart Hall, that the Right struggled through the 1980s to pull liberalism away from democracy. From this she concludes that if the new social antagonisms are rendered as struggles, democracy can be wrested away from liberalism and be made “radical” and “plural.” If democracy can indeed be radicalized without capitalism being substantially augmented, one can only wonder about the significance of democracy in this formulation. See “Hegemony and New Political Subjects,” especially pp. 96, 102.

¹⁷ “Hegemony and New Political Subjects,” p. 104.

¹⁸ Thus, for example, Foucault inclines toward reversals where complex rethinking might have better suited his aims: “In the last analysis, we must produce truth as we must

mulation of power as a commodity to Marxism, Foucault deprives Marxism of its analysis of the diffusion of domination throughout the production process, where it inheres not only in the extraction of surplus value but in the *discourses* enabling commodity fetishism, reification, and ideologies of free and equal exchange. Certainly the notion that labor power is expropriable or that surplus value is extracted from labor casts power in the image of a commodity. Yet it is Marx's appreciation of the very perversity and singularity of this achievement within capitalism that constitutes the basis of his theory of the social activity of labor as power. Indeed, Marx is at pains to explain the process whereby the human activity of labor becomes a commodity wielded over and against its site of generation, how it is both produced and circulated by capitalist relations such that it is transformed into something alien to itself. In other words, for Marx, unlike Foucault perhaps, a commodity is never just a commodity but, as the effect of the complex and dissimulating activity of *commodification*, always remains itself a social force as well as the condensed site of social forces. Interestingly enough, this is precisely the way Foucault himself speaks of individuals—as “an effect of power, and at the same time . . . the element of its articulation,” as both constituted by power and “at the same time its vehicle.”¹⁹

Foucault's de-emphasis on capital as a domain of power and source of domination issues from a substantially different source than that of contemporary post-Marxists, neo-Marxists, and “radical democrats.” While thinkers such as Bowles and Gintis, Laclau and Mouffe, and the analytical Marxism school are certainly critical of capitalism's inequities, they are less concerned with capitalism as a political economy of domination, exploitation, or alienation, precisely those terms by which the problem of freedom is foregrounded as a problem of social and economic power and not only a matter of political or legal statutes. It is as if the terrible unfreedom and indignities attendant upon “actually existing socialisms” of the last half century persuaded such thinkers that free enterprise really is freer than the alternatives, that alienation is inherent in all labor, and that freedom, finally, is a matter of consumption, choice, and expression: an individual good rather than a social and political practice. Ironically, it is this conceptual move—and not the historical practices it claims to describe or decry—that succeeds in finally rendering Marxism as economism. Indeed, such apparent imperviousness to domination by capital—its mode of constructing and organizing social life and its specific form of

produce wealth, indeed we must produce truth in order to produce wealth in the first place” (“Two Lectures,” in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. C. Gordon [New York: Pantheon, 1980], pp. 93–94).

¹⁹ Ibid., p. 98.

subject production, combined with a preoccupation with goods and with private “liberty”—was precisely the nightmare forecast a quarter century ago by Herbert Marcuse in *One-Dimensional Man*. Marcuse’s anxieties, however, were addressed to the consciousness he associated with “mass society”; did he ever imagine that such indifference to freedom would infect left thinking itself?²⁰

In equating the positive dimensions of socialism with a method for distributive economic justice and equating liberalism with a system of individual liberties and satisfactions, socialism is reduced to the status of a (nonpolitical) economic practice while liberalism is treated as a (non-economic) political practice. This rendering, in addition to eclipsing the social power that Marx argued was generated in modes of production and constitutive of a specific political and social architecture, in addition to resuscitating the very division between civil life and political life that he criticized as an ideological split within liberalism, *mirrors rather than criticizes* recent histories of socialism. As Marxism was contorted into bleak and repressive modalities of state ownership and distribution in places such as Eastern Europe, liberalism phantasmically figured the dream of sunny pleasures and liberty, whether conceived as freedom of expression, as consumer choice, or freedom of expression *as* consumer choice.²¹ Yet if Marxism had any analytical value for *political* theory, was it not in the insistence that the problem of freedom was contained in the social relations implicitly declared “unpolitical”—that is, naturalized—in liberal discourse? Was not Marx’s very quarrel with the utopian socialists based on the insight that the problem of *domination* in capitalist relations cannot be solved at the level of distribution, no matter how egalitarian such distribution might be? Is not contemporary elision of this insight, in a “radical, plural democratic” vision, to jettison the dream of freedom in its social and economic—perhaps its most fundamental—dimensions?

Theoretical retreat from the problem of domination within capitalism is related to another noteworthy lost object of critique among those on the Left and among Foucaultians as well: the domination entailed in domestic

²⁰ As Marcuse remarks, “domination has its own aesthetics, and democratic domination has its democratic aesthetics” (*One-Dimensional Man* ([Boston: Beacon, 1964], p. 65). Not only does the domination inherent in capitalism and the state acquire little attention from most contemporary critical political theorists, few of them articulate a concern with the kind of bureaucratic domination first formulated by Max Weber and then developed into radical social theory by the Frankfurt School. Again, it is as if all the lack of freedom attendant upon bureaucratized societies was contained in the former socialist states, this notwithstanding Michel Foucault’s own theorization of disciplinary power—the increasing organization of everything—as the pervasive mode of subjection in our age.

²¹ On freedom of expression *as* consumer choice, see Slavenka Drakulic, *How We Survived Communism and Even Laughed* (New York: Norton, 1992).

state power.²² As the Right attacked the state for sustaining welfare chislers and being larded with bureaucratic fat, liberals and leftists jettisoned two decades of “Marxist theories of the state” for a defense of the state as that which affords individuals “protection against the worst abuses of the market” and other structures of social inequality. In a 1987 essay, Frances Fox Piven and Richard Cloward argued that the welfare state empowers individuals by reducing their vulnerability to the impersonal social forces of capitalism and male dominance.²³ In the course of this defense, they decline to consider the state as a vehicle of domination or to reflect on “protection” as a technique of domination. This omission is equally striking in (former Marxist) Fred Block’s discovery of the “caretaking state,” as well as in many contemporary appeals to the state for protection from injuries ranging from poverty to pornography to “hate speech.”²⁴ But this response to the Right’s attack on the state is perhaps nowhere more stark than in *The Mean Season: The Attack on the Welfare State*, authored by “democratic socialists” Fred Block, Richard Cloward, Barbara Ehrenreich, and Frances Fox Piven. According to the back cover blurb, “our boldest social thinkers . . . argue for [the welfare state’s] real, hard-won accomplishments. More than a defense of the welfare state’s economic efficiency and fairness, *The Mean Season* is a reaffirmation of those decent, humane values so much under attack in Reagan’s America.”²⁵ Such bold thinking hardly recalls the critical analyses of state paternalism and state management of capitalism’s inequities authored by these same thinkers in an earlier era.

If the state has ceased to be a substantial object of criticism among left sociologists and political activists, so also has it been largely ignored by critical theorists as an object of study in the last decade.²⁶ Impugned by

²² My characterization of Foucault as analytically eschewing the state and capital should be qualified by mention of his lectures on “governmentality” (in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller [Chicago: University of Chicago Press, 1991]). Yet these lectures are also often used to mark Foucault’s “liberal turn.” It is noteworthy as well that notwithstanding the fine essays by Giovanna Procacci and Jacques Donzelot (in the volume cited above) that make use of these lectures, most contemporary appropriations of Foucault for political analysis continue to elide this work. See, for example, the volume *Foucault and the Critique of Institutions*, ed. John Caputo and Mark Yount (University Park: Pennsylvania State University Press, 1993), in which—the title notwithstanding—the state and capital barely make appearances.

²³ “The Contemporary Relief Debate,” in Fred Block et al., *The Mean Season: The Attack on the Welfare State* (New York: Pantheon, 1987), especially pp. 95–98.

²⁴ *Revising State Theory: Essays in Politics and Postindustrialism* (Philadelphia: Temple University Press, 1987).

²⁵ *Mean Season*, back cover.

²⁶ There are obvious exceptions to this claim, including cultural theorists focusing on race in Britain and the United States, such as Wahneema Lubiano, Stuart Hall, and Paul Gilroy; and theorists analyzing conflicting state discourses of race, gender, religion, caste, and class in postcolonial states, such as M. Jacqui Alexander and Zakia Pathak.

poststructuralist critique for its tendency to reify and universalize rather than deconstruct and historically specify the state, the 1960s cottage industry in Marxist state theory was also derailed by Michel Foucault's historical-political argument that the distinctive feature of the post-monarchical nation-state is the decentered and decentralized character of political power.

We should direct our researches on the nature of power not towards the juridical edifice of sovereignty, the State apparatuses and the ideologies which accompany them, but towards domination and the material operators of power, towards forms of subjection and the inflections and utilizations of their localized systems, and towards strategic apparatuses. We must eschew the model of Leviathan in the study of power. We must escape from the limited field of juridical sovereignty and State institutions, and instead base our analysis of power on the study of the techniques and tactics of domination.²⁷

As with his summary dismissal of psychoanalysis and of the significance of capital in history, performed so that he might open a different kind of inquiry into sexuality and power, Foucault appears to steer hard away from the state in order to disrupt and displace an intellectual preoccupation with the state as *the* center or source of the power producing subjects. A formulation of power as productive rather than repressive, as discursive rather than commodity-like, as *irrigating* social life in a “capillary” mode rather than residing in particular sites or objects—all of these require a certain analytical diminution of the state in order to come into focus. However, as with his dismissal of psychoanalysis, Foucault is ultimately ensnared by this instrument of theoretical ground clearing: it triumphs over him as it transmogrifies from methodological strategy to political truth. The consequence is that two of the most significant contemporary domains of disciplinary power—the bureaucratic state and the organization of the social order by capital—are neither scrutinized by Foucault nor treated as significant sites of power by many of his disciples.

Foucault's injunction to “cut off the king's head in political theory” actually betrays an attachment to a formulation of political theory confined by liberalism's open preoccupation with sovereignty and its tendency to reduce the problem of the state to one of legitimacy.²⁸ But conceiving the state—and individual—as problems of sovereignty and legitimacy is quite a different matter from conceiving them as sites of convergence or “dense transfer points” of relations of power, conceiving them simultaneously as critical vehicle, effect, and legitimate administrators of power. Indeed, it is finally Foucault who, *by demanding its execu-*

²⁷ “Two Lectures,” p. 102.

²⁸ “Truth and Power,” in *Power/Knowledge*, p. 121.

tion, identifies king, state, and law: “I believe that the King remains the central personage in the whole legal edifice of the West.”²⁹ This identification precludes Foucault from including the state as a critical site in the nonsovereign, nonrepressive or “productive,” microphysical, and capillary workings of power to which he directs our attention. It is precisely when we set aside the problem of sovereignty that the state comes into view as a complex problem of power, as part of the “study of the techniques and tactics of domination” that Foucault defines as more crucial than the state for those interested in power.³⁰

In the study of “governmentality” he undertook near the end of his life, this dichotomy between state and social power—including bio-power, disciplinary power, and regulatory power of other sorts—appeared to loosen in Foucault’s thought.³¹ Indeed, here he seemed to be in at least partial accord with the argument that while the liberal state is necessarily *legitimated* through the language of sovereignty, its primary function has never been sovereignty—its own or that of the people. Rather, the state rises in importance with liberalism precisely through its provision of essential social repairs, economic problem solving, and the management of a mass population: in short, through those very functions that standard ideologies of liberalism and capitalism cast as self-generating in civil society and thus obscure as crucial state activities. As the social body is stressed and torn by the secularizing and atomizing effects of capitalism and its attendant political culture of individuating rights and liberties, economic, administrative, and legislative forms of repair are required. Through a variety of agencies and regulations, the liberal state provides webbing for the social body dismembered by liberal individualism and also administers the increasing number of subjects disenfranchised and deracinated by capital’s destruction of social and geographic bonds.³² If this kind of administration and regulation is not innocent of particular state interests, neither is it to one side of “techniques and tactics of domination.”

From this perspective, the recent anti-statism of the Right appears as a late-breaking and dissimulating development as well as a departure from conservative precedents with regard to the state. Traditionally it has been left liberals, following in the tradition of Mill and Thoreau, who viewed the state as a danger to freedom (conceived as popular sovereignty); con-

²⁹ “Two Lectures,” p. 94.

³⁰ *Ibid.*, p. 102.

³¹ See *Foucault Effect*.

³² Although the Keynesianism of the 1930s moved this state function onto a more open stage as it became evident that neither a “hidden hand” nor “moral sentiments” could provide such social webbing, regulation, and economic problem solving, ideologies of the state preoccupied with sovereignty continue to obscure this function.

servative liberals such as Samuel Huntington or Henry Kissinger, following Hobbes and Hegel, tended to cast the state as a fount of freedom, protector against danger from without and domestic manager of our problematic particularity and atomistic energies. When freedom is equated with stability and order in this way, what is required is the containment rather than the enlargement of citizen powers, as the infamous 1973 Trilateral Commission Report decrying an “excess of democracy” made explicit. In this vein, Sheldon Wolin argues that the Right’s 1980s rhetoric about “getting government off our backs” actually masked the steady expansion of state powers and retrenchment of citizen rights achieved through both foreign and domestic policy.³³ Stuart Hall reads Thatcherism in a similar way, citing the resuscitation of empire manifest in the Falklands War combined with the (heavily racialized) emphasis on law and order as evidence of expanded state domination shrouded in a discourse of anti-statism.³⁴

If Wolin and Hall are right, it makes all the more troubling the phenomenon of recent progressive theoretical and political indifference to state domination, appeals to expand state benefits, and ever-increasing reliance on the state for adjudication of social injury. It means that critical theory turned its gaze away from the state at the moment when a distinctly late modern form of state domination was being consolidated: when expansion and extension of state power transpired not through centralization but through deregulation and privatization, through localizing and “contracting out” its activities—in short, through what some have identified as characteristically “postmodern” techniques of power.

. . .

Thus far, I have suggested that the retreat from a progressive politics of freedom responds to the Right’s monopoly on positive discourses of freedom and to the consequent scorn recent decades have heaped upon the notion that freedom is a credible element of a socialist project. But I have hinted as well that developments in philosophy and in feminist, postcolonial, and cultural theory have eroded freedom’s ground. For many toiling in these domains, “freedom” has been swept onto the dust-heap of anachronistic, humanistic, androcentric, subject-centered, and “Western” shibboleths. Challenged politically as a token of the bourgeois-individualist modern West, freedom’s valorization has been

³³ “Democracy and the Welfare State: The Political and Theoretical Connections between *Staatsräson* and *Wohlfahrtsstaatsräson*,” in *Presence of the Past*, pp. 171–74.

³⁴ *Hard Road to Renewal*, chap. 4.

marked as ethnocentric and its pursuit as implicitly imperialistic. Challenged philosophically as a conceit of Enlightenment humanism, freedom has been cast by some as predicated upon a subject that does not exist, upon a fictional “will” that presumes such a subject, and upon a space emptied of power that turns out to be thoroughly cluttered. Moreover, Foucault’s critique of the “repressive hypothesis”—the transcendent self and the world it hypostasizes—would appear to vitiate our capacity to mark either individuals or political orders as “free” or “un-free.” The death of the essential subject appears to eliminate the possibility of the free subject, as the death of the essential world eliminates the possibility of a free world.

Recent political thought has also confounded a political theory and practice of freedom in its discovery of disciplinary power, which Foucault takes to be modernity’s most pervasive mode of social power. The disciplinary institutions and discourses generative of obedient, disciplined subjects confound the premise of most emancipatory narratives: when discipline becomes the stuff of our desire, we cease to desire freedom. (And when psychoanalytic accounts are added to the picture, we may be seen not simply as lacking the desire for freedom, but as desiring our very subjection.) Moreover, Foucault and, under a different rubric, Weber and Marcuse have demonstrated that disciplinary power is extraordinarily effective in “colonizing” allegedly free subjects, for example, those highly individuated, self-interested subjects produced by liberal cultures and capitalist political economies. These turn out to be the subjects quintessentially susceptible to disciplinary power: their individuation and false autonomy is also their vulnerability. The proof lies in Bentham, who simultaneously and consistently developed a political theory of the self-interested liberal subject on the one hand, and techniques for administering the social whole through discipline and surveillance on the other.

In addition to generic posthumanist assaults upon a coherent politics of freedom, recent political thought has spawned several specifically feminist theoretical anxieties about such a politics. Most familiar is the claim that freedom of the bourgeois variety is male—premised upon and advancing the interests of an autonomous, self-interested, excessively individuated subject, a subject easily panicked by intimacy, averse to relationality, and obsessed with independence. According to objects relations theorists (Nancy Chodorow), feminist developmental psychologists (Carol Gilligan), feminist economists (Julie Nelson), some French feminists (Luce Irigaray), and some North American cultural feminists, women inhabit a different moral, psychological, cultural, or nascently political universe than men, with different sensibilities and concerns. Generally, the normative analogue of these accounts is that women seek

an intimate, connected, relational, nurturant human order, not necessarily an order suffused with freedom.³⁵ Feminist charges against the masculinism of bourgeois freedom include its premise of a starkly autonomous subject, its abstract and alienated application, and its atomistic social ontology.³⁶ Albeit issuing from a different epistemological and ontological site than the generic posthumanist critique of freedom, these charges of masculinism achieve a convergent disintegration of the “universalist” ground and context of Enlightenment formulations of freedom.

A second feminist hesitation about a politics of freedom queries what kind of freedom is possible or meaningful for women under conditions of gender inequality, that is, under social relations of male dominance. A liberal formulation of freedom, proffering liberty as individual license, appears to aggravate the vulnerability of the socially weak to the socially privileged, and thereby to facilitate as well as legitimize the exploitation of wage labor by capital, the racially subordinate by the racially dominant, and the sexually vulnerable by the sexually exploitative. So, according to Catharine MacKinnon, “anyone with an ounce of political analysis should know that freedom before equality, freedom before justice, will only further liberate the power of the powerful and will never free what is most in need of expression.”³⁷ It is in this vein she disdains as “sexual liberals” those feminists who argue for expanding the domain of sexual freedom in their defense of pornography, sadomasochism, and other culturally stigmatized sexualities and sexual practices.

Albeit from concern with social inequality rather than regulatory subjection, MacKinnon thus joins Foucault in disputing the premises of conventional discourses of liberation: if, she argues, women are systematically and structurally positioned for exploitation by men, then the more formally free the setting, the deeper this vulnerability *and* the more that

³⁵ Listen to Jessica Benjamin as she pejoratively contrasts freedom as autonomy to security, safety, and intimacy: “Both the assertion of women’s absolute autonomy and the shame at disclosing dependency . . . deny the initial thing that makes life worth living: that sense of safety, of bodily intimacy and security, of familial and community cohesion which many have experienced as the price of revolution” (“Shame and Sexual Politics,” cited in Pauline Johnson, “Feminism and Images of Autonomy,” *Radical Philosophy*, Summer 1988, p. 26).

³⁶ Certainly the essentialism, cultural narrowness, and reified femininity in this variant of feminism has annoyed as many women as it has captured, but only a very few feminist theorists have struggled to recast rather than sustain or reject the masculinist binary between intimacy and autonomy, relationality and independence. Joan Tronto’s *Moral Boundaries* (New York: Routledge, 1993), and Kathy Ferguson’s *The Feminist Case against Bureaucracy* (Philadelphia: Temple University Press, 1984) are efforts at such recasting.

³⁷ *Feminism Unmodified: Discourses on Life and Law* (Cambridge: Harvard University Press, 1987), p. 15.

male social power is masked. Here MacKinnon implies, and many feminists tacitly agree, that women are in greater need of social equality and political protection than of freedom. A similar critique of liberalism is implicit in other identity-based political arguments against freedom and for protection, such as those seeking legal or policy sanctions against “harassment” or “hate speech” targeted at socially marked groups—people of color, Jews, homosexuals, and women.³⁸ While the effort to replace liberalism’s abstract formulation of equality with legal recognition of injurious social stratifications is understandable, what such arguments do not query is whether legal “protection” for a certain injury-forming identity discursively entrenches the injury-identity connection it denounces. Might such protection codify within the law the very powerlessness it aims to redress? Might it discursively collude with the conversion of attribute into identity, of a historical effect of power into a presumed cause of victimization?

. . . .

For some, fueled by opprobrium toward regulatory norms or other modalities of domination, the language of “resistance” has taken up the ground vacated by a more expansive practice of freedom. For others, it is the discourse of “empowerment” that carries the ghost of freedom’s val-

³⁸ Despite her avowed kinship with Marxism in proffering such an argument, MacKinnon’s wariness about freedom struggles waged by structurally subordinate classes contrasts sharply with Marx’s belief that such struggles almost always open progressive possibility. Marx speculated that the achievement of formal freedom and equality under substantively unfree and inequalitarian conditions can expose the inequities of such conditions, highlighting contradictions between ideas and practices, and thereby providing material for revolutionary consciousness. For Marx, every struggle for freedom generates human power and possibility, and thus releases a certain *force* into the social realm.

It is easy enough to criticize this perspective today. Marx bore little appreciation of the environmental limits of development, the psychological consequences of living in high-technology societies, or the colonizing power of extracapital forces. Still, Marx’s insight into the relationship between power and even the most limited, contradictory forms of freedom retains a useful dimension for contemporary political thinking. Particularly for those whose identities have been shaped, *inter alia*, through dependence, shame, submissiveness, violation, helplessness, or inferiority, breaking these containing codes can spring loose latent capacities and generate powerful resistance to domination. In this formulation, *contra* Foucault, sometimes power really is repressed. Or, more subtly, perhaps Marx here offers a reminder that even the most limited freedom struggles can enhance the scarce political space needed by subordinated subjects seeking to alter their conditions. The early days of the Civil Rights movement and the Women’s movement revealed that even partially unleashing subjects from subordinating codes of behavior and inciting them to action create a taste, space, and discourse for a politics of freedom. More recent history suggests that legally and politically codifying justice as matters of protection, prosecution, and regulation tends to turn us away from “practicing” freedom.

ence. Yet as many have noted, insofar as resistance is an effect of the regime it opposes on the one hand, and insofar as its practitioners often seek to void it of normativity to differentiate it from the (regulatory) nature of what it opposes on the other, it is at best politically rebellious; at worst, politically amorphous. Resistance stands against, not for; it is reaction to domination, rarely willing to admit to a desire for it, and it is neutral with regard to possible political direction. Resistance is in no way constrained to a radical or emancipatory aim, a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and unapologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance marks the presence of power and expands our understanding of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority to power. . . . [T]he strictly relational character of power relationships . . . depends upon a multiplicity of points of resistance: these play the role of *adversary, target, support, or handle* in power relations."³⁹ This appreciation of the extent to which resistance is by no means inherently subversive of power also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination.

If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—"empowerment"—would seem to correspond more closely to a tradition of idealist reconciliation. The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime; "empowerment," in contrast, registers the possibility of generating one's capacities, one's "self-esteem," one's life course, without capitulating to constraints by particular regimes of power. But in so doing, contemporary discourses of empowerment too often signal an oddly adaptive and harmonious relationship with domination insofar as they locate an individual's sense of worth and capacity in the register of individual feelings, a register implicitly located on something of an otherworldly plane vis-à-vis social and political power. In this regard, despite its apparent locution of resistance to subjection, contemporary discourses of empowerment partake strongly of liberal solipsism—the radical decontextualization of the subject characteristic of

³⁹ *History of Sexuality*, p. 95; emphasis added.

liberal discourse that is key to the fictional sovereign individualism of liberalism. Moreover, in its almost exclusive focus on subjects' emotional bearing and self-regard, empowerment is a formulation that converges with a regime's own legitimacy needs in masking the power of the regime.

This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and economic democracy, contemporary deployments of that notion also draw so heavily on an undeconstructed subjectivity that they risk establishing a wide chasm between the (experience of) empowerment and an actual capacity to shape the terms of political, social, or economic life. Indeed, the possibility that one can "feel empowered" without being so forms an important element of legitimacy for the antidemocratic dimensions of liberalism.

. . .

Liberal institutions cease to be liberal as soon as they are attained: later on, there are no worse and no more thorough injurers of freedom than liberal institutions. Their effects are known well enough: they undermine the will to power; . . . they make men small, cowardly, and hedonistic.

—Friedrich Nietzsche, *Twilight of the Idols*

In addition to the immediate political and philosophical reasons for which freedom has been jettisoned from contemporary progressive discourse, several persistent paradoxes appear to converge at the site of its evisceration. The first was confronted stoically by Weber as he traced how the desire for mastery animating instrumental rationality results in an iron cage of rationalization and enslavement to bureaucratic soullessness.⁴⁰ In this transmutation, freedom is simultaneously achieved and undone by the powers it fabricates and deploys to realize itself. Weber's "specialist without spirit" and "sensualist without heart" are not simply tragic figures of modern disenchantment but the unintended yet inevitable products of the quest for freedom conceived as mastery, or more precisely, conceived as maximizing predictability and rationality. These two figures are thus reminders that the will to institutionalize freedom, to resolve its contingent character and render it permanent, meta-

⁴⁰ See the final three pages of *The Protestant Ethic and the Spirit of Capitalism*, trans. T. Parsons (New York: Charles Scribner's Sons, 1958), and "Politics as a Vocation," in *From Max Weber: Essays in Sociology*, trans. and ed. H. H. Gerth and C. W. Mills (New York: Oxford University Press, 1946).

morphoses freedom into its opposite, into a system of constraints by norms of routinization and calculability, into unfreedom at the pinnacle of the project of rationality. For Gianni Vattimo, this constitutes “the discovery that the rationalization of the world turns against reason and its ends of perfection and emancipation, and does so not by error, accident, or a chance distortion, but precisely to the extent that it is more and more perfectly accomplished.”⁴¹ If this paradox confronts us especially sharply today, it is because the unprecedented “rationalization of the world” patently generates so little in the way of “perfection or emancipation.” And we are haunted too by failed experiments in socialism in which the “rational” ordering of economy and society became a nightmare of bureaucratic dehumanization and soullessness.

A second paradox of freedom, about which Rousseau may have been most candid while Marx glossed it with dialectics and history, pertains to the dilemma that liberation from masters—god, king, history, or man—constrains us to an extraordinary responsibility for ourselves and for others. As we are emancipated from the tethers of history, we take up the weight of the future; “popular sovereignty” and “individual liberty” bequeath us the task to make something not only of ourselves but of the world whose making now lies in no hands but our own. Countless theorists and practitioners of freedom, of course, have sought to escape its paradoxical weight by defining freedom as license. But Plato’s account of the seeds of tyranny inherent in licentious regimes, classical liberal descriptions of life as unhappy (“nasty, brutish, and short”) in the politically free “state of nature,” the Frankfurt School’s theorization of liberal “choice” as an instrument of capitalist domination, and, more recently, Foucault’s argument that sexual “liberation” transpires within rather than against regulatory discourses of sex—all of these serve as reminders that if liberty as license is ever freedom, it invariably transmutes into a form of domination.⁴² This paradox, too, has a unique force in our time: as social mores become ever more obvious in their contingency, sovereignty and responsibility become increasingly difficult to inhabit, collectively and individually. Indeed, rarely have social “permissiveness” and social powerlessness coincided with the poignancy suggested by the current ungovernability of American cities.

These paradoxes incite a certain *ambivalence* and *anxiety* about freedom in which we dwell especially uncomfortably today. The pursuit of politi-

⁴¹ *The Transparent Society*, trans. D. Webb (Baltimore: Johns Hopkins University Press, 1992), p. 78.

⁴² Plato, *Republic* 564a; Hobbes, *Leviathan*, chap. 13; Marcuse, *One-Dimensional Man*, pp. 7–8. In Marcuse’s account, domination refers not merely to overt subordination in a hierarchical relationship, but to that permeation of the social and individual body by the hegemonic powers—the needs and requirements—of a regime.

cal freedom is necessarily ambivalent because it is at odds with security, stability, protection, and irresponsibility; because it requires that we surrender the conservative pleasures of familiarity, insularity, and routine for investment in a more open horizon of possibility and sustained willingness to risk identity, both collective and individual. Freedom thus conceived is precisely at odds with the adolescent pleasures held out by liberal formulations of liberty as license. Indeed, the admonition to adolescents that “with freedom comes responsibilities” misses the point of this investment insofar as it isolates freedom from responsibility. The notion that there is a debt to pay for spending, a price to pay for indulgence, a weight to counter lightness already casts freedom as a matter of lightness, spending, indulgence—just the thing for adolescents or the relentlessly self-interested subject of liberalism. Freedom of the kind that seeks to set the terms of social existence requires inventive and careful use of power rather than rebellion against authority; it is sober, exhausting, and without parents. “For what is freedom,” Nietzsche queries in *Twilight of the Idols*, but “that one has the will to assume responsibility for oneself.”⁴³

Freedom is a project suffused not just with ambivalence but with anxiety, because it is flanked by the problem of power on all sides: the powers against which it arrays itself as well as the power it must claim to enact itself. Against the liberal presumption that freedom transpires where power leaves off, I want to insist that freedom neither overcomes nor eludes power; rather, it requires for its sustenance that we take the full measure of power’s range and appearances—the powers that situate, constrain, and produce subjects as well as the will to power entailed in practicing freedom. Here again, freedom emerges as that which is never achieved; instead, it is a permanent struggle against what will otherwise be done to and for us. “How is freedom measured in individuals and peoples?” Nietzsche asks, and answers, “according to the resistance which must be overcome, according to the exertion required, to remain on top . . . The free man is a warrior.”⁴⁴

If freedom is invariably accompanied by ambivalence and anxiety, these concomitants are magnified today both because of the kind of subjects we are and because of the particular figure of freedom required to counter contemporary forms of domination and regulation. The dimensions of responsibility for oneself and one’s world that freedom demands often appear overwhelming and hopelessly unrealizable. They are overwhelming because history has become so fully secularized: there is

⁴³ *Twilight of the Idols*, in *The Portable Nietzsche*, ed. W. Kaufmann (New York: Viking, 1954), p. 542.

⁴⁴ *Ibid.*

nobody here but us—no “structures,” no supervening agent, no cosmic force, no telos upon which we may count for assistance in realizing our aims or to which we may assign blame for failing to do so. Yet they are hopelessly unrealizable for an apparently opposite reason: the powers and histories by which the social, political, and economic world are knit together are so intricately globalized that it is difficult for defeatism not to preempt the desire to act. Moreover, bereft of the notion that history “progresses,” or even that humans learn from history’s most nightmarish episodes, we suffer a contemporary “disenchantment of the world” more vivid than Weber let alone Marx ever imagined. This is not so much nihilism—the oxymoronic belief in meaninglessness—as barely masked despair about the meanings and events that humans *have* generated. It is as if, notwithstanding the pervasiveness of nonteleological discourses of contingency, arbitrariness, and intervention, we were steeped in a consciousness of antiprogess. “What a ghastly century we have lived in,” Cornel West ruminates, “there are misanthropic skeletons hanging in our closet. . . . [W]e have given up on the capacity of human beings to do *anything* right[,] . . . of human communities to solve any problem.”⁴⁵

If generic anxieties and ambivalence about freedom have intensified for reasons sketched in this chapter, they make still more understandable the tendency of late-twentieth-century “progressives” to turn back from substantive ambitions of a politics of freedom. But the consequences of such a retreat are traumatic for democratic thinking and projects, and they are not limited to the uncritical statism and attachments to redistributive justice characteristic of social democrats who call themselves radical. Rather, as chapters 2 and 3 of this work argue, the “instinct for freedom turned back on itself” surfaces in the form of a cultural ethos and politics of reproach, rancor, moralism, and guilt—the constellation detailed by Nietzsche’s account of *ressentiment*. Nietzsche regarded our fundamental ambivalence about freedom—its demanding invocation of power and action—as capable of producing entire social formations, entire complexes of moral and political discourses, that denigrate the project of freedom rather than attempt it. For Nietzsche, when the negative moment in our ambivalence about freedom is ascendent, the will to power is redirected as a project of antifreedom; it takes the form of re-crimination against action and power, and against those who affirm or embody the possibilities of action and power.

There is a second and related reason for taking up with Nietzsche in the ensuing reflections on contemporary forms of political life. His thought is useful in understanding the source and consequences of a contempo-

⁴⁵ *Prophetic Thought in Postmodern Times: Beyond Eurocentrism and Multiculturalism*, vol. 1 (Monroe, Maine: Common Courage Press, 1993), p. 6.

rary tendency to moralize in the place of political argument, and to understand the codification of injury and powerlessness—the marked turn away from freedom’s pursuit—that this kind of moralizing politics entails. Examples of this tendency abound, but it is perhaps nowhere more evident than in the contemporary proliferation of efforts to pursue legal redress for injuries related to social subordination by marked attributes or behaviors: race, sexuality, and so forth.⁴⁶ This effort, which strives to establish racism, sexism, and homophobia as morally heinous in the law, and to prosecute its individual perpetrators there, has many of the attributes of what Nietzsche named the politics of *ressentiment*: Developing a righteous critique of power from the perspective of the injured, it delimits a specific site of blame for suffering by constituting sovereign subjects and events as responsible for the “injury” of social subordination. It fixes the identities of the injured and the injuring as social positions, and codifies as well the meanings of their actions against all possibilities of indeterminacy, ambiguity, and struggle for resignification or repositioning. This effort also casts the law in particular and the state more generally as neutral arbiters of injury rather than as themselves invested with the power to injure. Thus, the effort to “outlaw” social injury powerfully legitimizes law and the state as appropriate protectors against injury and casts injured individuals as needing such protection by such protectors. Finally, in its economy of perpetrator and victim, this project seeks not power or emancipation for the injured or the subordinated, but the revenge of punishment, making the perpetrator hurt as the sufferer does.

It is important to be clear here. I am not impugning antidiscrimination law concerned with eliminating barriers to equal access to education, employment, and so forth. Nor am I suggesting that what currently travels under the sign of “harassment” is not hurtful, that “hate speech” is not hateful, or that harassment and hate speech are inappropriate for political contestation. Rather, precisely because they are hurtful, hateful, and political, because these phenomena are complex sites of political and historical deposits of discursive power, attempts to address them litigiously are worrisome. When social “hurt” is conveyed to the law for resolution, political ground is ceded to moral and juridical ground. Social injury such as that conveyed through derogatory speech becomes that which is “unacceptable” and “individually culpable” rather than that which symptomizes deep political distress in a culture; injury is thereby rendered intentional and individual, politics is reduced to punishment, and justice

⁴⁶ For the remarks that follow, I am indebted to Judith Butler’s analysis of “hate speech” in “Burning Acts: On Injurious Speech,” in *Performativity and Performance*, ed. Andrew Parker and Eve Sedgwick (New York: Routledge, 1994), and to conversations with her about that essay.

is equated with such punishment on the one hand and with protection by the courts on the other. It is in this vein that, throughout the ensuing chapters, I question the political *meaning* and *implications* of the turn toward law and other elements of the state for resolution of antidemocratic injury. In the course of such questioning, I worry about the transformation of the instrumental function of law into a political end, and about bartering political freedom for legal protection. I worry, too, about the recuperation of an anachronistic discourse of universal and particular that this turn seems to entail: if the range of political possibility today traffics between proliferating highly specified (identity-based) rights and entitlements and protecting general or universal rights, it is little wonder that tiresome debates about censorship, and about “identity politics” versus “universal justice,” so preoccupy North American progressives in the late twentieth century.

When contemporary anxieties about the difficult imperatives of freedom are installed in the regulatory forces of the state in the form of increasingly specified codes of injury and protection, do we unwittingly increase the power of the state and its various regulatory discourses at the expense of political freedom? Are we fabricating something like a plastic cage that reproduces and further regulates the injured subjects it would protect? Unlike the “iron cage” of Weber’s ascetics under capitalism, this cage would be quite transparent to the ordinary eye.⁴⁷ Yet it would be distressingly durable on the face of the earth: law and other state institutions are not known for their capacity to historicize themselves nor for their adaptation to cultural particulars. Nor is this cage fabricated only by those invested in social justice: Foucault’s characterization of contemporary state power as a “tricky combination in the same political structures of individualization techniques, and of totalization procedures” suggests that progressive efforts to pursue justice along lines of legal recognition of identity corroborate and abet rather than contest the “political shape” of domination in our time.⁴⁸

The danger here is that in the name of equality or justice for those historically excluded even from liberal forms of these goods, we may be erecting intricate ensembles of definitions and procedures that cast in the antihistorical rhetoric of the law and the positivist rhetoric of bureaucratic discourse highly specified identities and the injuries contingently constitutive of them. In this effort, notwithstanding its good intentions, will we not, as Foucault puts the matter, further “tie the individual to [it]self”? Is it not precisely this form of power that “applies itself to immediate everyday life [to] categorize the individual, mark him by his own

⁴⁷ *Protestant Ethic and the Spirit of Capitalism*, p. 181.

⁴⁸ “The Subject and Power,” in Michel Foucault: *Beyond Structuralism and Hermeneutics*, ed. Herbert Dreyfus and Paul Rabinow (Chicago: University of Chicago Press, 1982), p. 213.

individuality, attach him to his own identity, impose a law of truth on him which he must recognize and which others have to recognize in him”?⁴⁹ Even as we seek to redress the pain and humiliation consequent to historical deprivation of freedom in a putatively “free” political order, might we thus sustain the psychic residues of these histories as the animus of political institutions constitutive of our future? It is against this grave possibility, and for alternatives, that these essays are written.

⁴⁹ Ibid., p. 212.

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