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## Empire of Liberty

Anthony Bogues

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 EMPIRE OF LIBERTY

 Desire, Power, and the States  
of Exception

And we Americans are the peculiar, chosen people—the Israel of  
Our time; we bear the ark of the liberties of the world . . .  
God has predestined. Mankind expects, great things from our race  
. . . indeed the political messiah has come. But he has come in us.

—HERMAN MELVILLE

The empire and the garden. We are to speak of them the same way. They belong to the  
same person. They both belong to God.

—GEORGE LAMMING

We go on creating what mankind calls an empire while we continue to believe quite  
sincerely that it is not an empire because it does not feel to us the way we imagine an  
empire ought to feel.

—WALTER LIPPMANN

OVER THE PAST few years there has been a vigorous debate about  
the character of America as an imperial power and empire.<sup>1</sup> The  
parameters of this debate center on questions about the kind of  
imperial power that the current configuration of American power  
represents. Does American imperial power follow the models of  
European colonial empires? Or is American imperial power primar-  
ily military, engaging in actions of an unprecedented character in an  
age of asymmetrical warfare? Or is American power the only super-  
power in a unipolar world? Central to this debate are definitional  
issues. For example, does American power meet the definitional re-  
quirements of empire?<sup>2</sup> Of course, in addition to these questions,

there is the perennial one in American political thought: can a republic be an imperial power? Are the political logics of a republic commensurate with empire?<sup>3</sup> I wish to begin probing these issues by recalling three earlier meanings of empire. I begin with a reminder that the Latin root of empire is *imperium*, meaning rule and command. It is an important reminder, since in much of the current definitional debate about empire, rule and command, and therefore a certain conception of power, tend to be neglected. Instead, the debate about empire focuses on issues of territorial acquisition, military strength, and force. On the other hand, some thinkers, including Michael Hardt and Antonio Negri, have argued that empire now means a “logic and structure of rule.”<sup>4</sup> For them this structure and form is about a “new notion of right, or rather, a new inscription of authority.”<sup>5</sup> Although one never clearly grasps the precise nature of this new right, the authors accurately point us to thinking about the novel ways in which power operates today. One definition of empire that has become popular is given by the historian Dominic Lieven. He notes that empire is:

First and foremost a very great power that has left its mark on the international relations of the era . . . a polity that rules over wide territories and many peoples . . . an empire is by definition not a polity [that] rules with the explicit consent of its peoples.<sup>6</sup>

This definition has been accepted by commentators and scholars in various attempts to slot modern American power into a definitional box. This search for a conventional definition, while useful, may play tricks with one’s thinking. For instance, what happens when the form of imperial rule does not require territories as we have come to understand them, when power constructs rule primarily through self-regulation? Does that make power imperial or not?

My second observation about empire draws upon Pierre Manent’s comment that the central political problem in European political history after the dissolution of the Roman Empire was “what were the political forms at men’s disposal after this event?”<sup>7</sup> Observing

that the Holy Roman Empire officially ended in 1806, Manent suggests that the consistent content of the idea of empire was “the bringing together of all the known world, of the *orbis terrarum*, under a unique power. . . . It corresponds instead to men’s unity, to the universality of human nature, which wants to be recognized and addressed by a unique power.”<sup>8</sup> This conception of a “unique power” and its universal dispositions commensurate with human nature has been at the core of all major imperial powers.<sup>9</sup> As such, some critical questions we face are: What are the languages and practices of empire today? And how does empire represent its unique power?

The third meaning of empire I wish to recall is closely allied to the first, but it is a more precise definition of “unique power.” The Roman philosopher and statesman Cicero noted that, while Roman roads and architecture were integral to the success of the Roman Empire, *pax Romana* was constructed on *ways of living* that were based on “our wise grasp of a single truth.”<sup>10</sup> This “single truth” was embodied in the phrase *civis Romanus sum* (I am a Roman citizen). The imperial political formulation of *civis Romanus sum* was, in Cicero’s phrase, “a single joint community of gods and men.”<sup>11</sup> Here we come to an aspect of empire not often examined. Cicero’s phrase should give us pause. It suggests that imperial power is also about establishing ways of life that rest on a single truth determined by power as common to human nature. Cicero’s conception of empire has been central to different forms of imperial power that typically operate under the language of “civilizing missions.” In this regard American imperial power, with its practices of representative democracy and free markets, which are then deployed as “freedom,” is no different. However, there are differences between various forms of imperial power. American power, while based on military power and violence, draws extensively from two other things. The first is a notion of representative democracy and liberal freedom as the single truth that must be grasped by all humanity. Second, at the level of language, American imperial power takes seriously the deployment of a form of power by which self-regulated, individual subjectivity

meshes with the drives of the imperium.<sup>12</sup> At this point I am not referring simply to ideological hegemony. Rather, I am pointing to ways in which American imperial power in its present configuration seeks to capture desire and imagination, to consolidate its single truth as the *only* way of life, thereby confirming to itself and us that we are indeed at the end of history. Winston Churchill, whose political career coincided with the demise of the British colonial empire, remarked at a lecture at Harvard University in 1943, a few years before the political independence of India, that “the empires of the future are the empires of the mind.”<sup>13</sup> It was a telling comment because, reflecting on the demise of Britain’s colonial empire, Churchill saw clearly that the political sustainability of empire as a form of rule was only possible with the self-regulation of subjectivity through processes of interpellation.

To tell a story of America as an imperial power, of its desire for a unique kind of domination, requires us not only to tell a different narrative of American power but to think about the question: What are we as humans? It also requires us to ask the question: how shall we live together? Michel Foucault notes that when Kant asked the question, “What is the Enlightenment?” he really was asking: What is happening at a specific historical moment? In the twentieth century, perhaps four issues have shaped our long-term political understandings: colonial power, various forms of racial domination, fascism, and liberalism in its various guises. Three of the four have been historical hinges, that is, they have been events in which we have had to ask ourselves: what kind of life is possible after colonial domination, racial domination, and fascism? What I am suggesting is that our contemporary moment is one such historical hinge, at which the question about what is happening to us is a global one. This is the importance of grappling with the “empire of liberty” as a modality of power today. I now wish to place a caveat on the table before we proceed. I do not intend to present an entire theory, nor do I wish to engage in formal theory-building in these lectures.

## Empire of Liberty

Rather I hope to point to a set of directions that may facilitate an understanding of the present. So with that let us move on to the “empire of liberty.”

### *Empire of Liberty*

How might one think about empire today? I have already indicated that my focus will be on ways of life, about how power constructs subjectivities. As a precursor to this, I turn to a set of historical discourses and material practices that shaped the emergence of the American “empire of liberty.”

In American intellectual and political history, liberty quickly came to mean self-government. In 1776 Richard Price noted that liberty rested upon “the idea of self-direction or self-government.”<sup>14</sup> In this regard Lockean ideas of natural liberty and the civic republicanism of this period operated on similar grounds, even though they emerged out of two distinct intellectual traditions. To have an imperium based on notions of self-government at first seemed improbable. However, the answer to this apparent difficulty resides in our capacity to think about the precise practices of liberty as self-government and to find the language that will allow for that understanding.

For this purpose, Thomas Jefferson’s phrase “empire of liberty” is apt. Writing about the nature of America’s westward ambition, Jefferson redeployed Edmund Burke’s phrase and attributed to American power the historic role of creating an empire of liberty. At the level of political language, this designation signaled certain forms of power. While conventional imperial rule usually meant violence that originated in founding violence, for Jefferson an empire of liberty was possible because a state could “conquer without war.” In a letter to Thomas Pinckney, Jefferson noted that war was “not the best engine for us to resort to.”<sup>15</sup> Thus, at the level of political language and affect, an empire of liberty conjured up a different project of imperial power than the conventional colonial one. Julian

Boyd describes Jefferson's conception of an empire of liberty in some detail:

Though he called [it] an Empire of Liberty . . . it was to be neither an isolated political entity nor an imperialistic force for compulsory extension of ideals of liberty. Its domain and compulsions would be in the realm of the mind and spirit of man . . . incapable of being restrained, and holding imperial sway not by arms or political power but by the sheer majesty of ideas and ideals.<sup>16</sup>

Thus for Jefferson force was still necessary for rule within the empire of liberty, but the sustainability of its political power resided in the realm of the mind and in bending consciousness to conform to what was seen as the natural spirit of being human. An empire of liberty as imperial power therefore recognized the natural unfolding of human destiny as embodied in ways of life that were founded on conceptions of American liberty. At the level of political discourse, coercive force is perceived to be absent from this unfolding, and, when perchance force is deployed, it is with regret. However, this is a paradox, because conquest is a consequence of war. Jefferson's empire of liberty implied that American power needed to wage a different kind of war, not military battles but wars in which humankind would come to recognize that America was "the sole depository of the sacred fire of freedom and self-government, from hence it is to be lighted up in other regions of the earth."<sup>17</sup> This was a war to construct ways of life. In this regard the American empire of liberty distinguishes itself from imperial Rome, where citizenship was seen as the essential ingredient of *pax Romana*. Instead, *pax Americana* requires acceptance of the single truth expressed most aptly during the period of neoconservatism by Roger Kaplan:

the purpose of power is not power itself; it is a fundamentally liberal purpose of sustaining the key characteristics of an orderly world. Those characteristics include basic political stability, the idea of liberty . . . respect for property, economic freedom and representative government.<sup>18</sup>

Critical to such a project is the representation of America. We are aware today that the modern can be staged as representation. I would argue that, depending on the force of the representation and its embeddings in a set of historical events, representation has a capacity to incorporate a self-narrative, which creates a material life that enters into the social architecture of the lived experience of the world, thereby creating a distinctive imagination of the real. Central to this is language. When the discourse of a specific representation becomes all-powerful, we do not become bewitched by the language games of grammar, but rather a word, a discourse, takes on a life in which we invest desire. Raymond Williams has suggested that some words are “strong words.” Such words have conceptual values; they invoke and define. I suggest that liberty is one such word and that when it becomes the single organizing truth it provides the ground for one series of political practices.

Historically, America’s westward push was conducted at the expense of the Native American population. In the nineteenth century, this push involved a war with Mexico and the military defeat of many Native American groups. The symbolic code that organized this push was embodied in the phrase “manifest destiny,” the idea that America’s expansion was part of its providential design. This design was at the core of the formation of the American Republic. At the inauguration of the republic, even the most radical of thinkers believed in this design. Thomas Paine, for example, invested the new republic with the power to create an entire new world when he remarked in 1776, “We have it in our power to begin the world all over again.”<sup>19</sup> Others like Joel Barlow compared the birth of the republic to that of a savior of global proportions. This idea of America as the force for regeneration of the world was expressed at the beginning of the twentieth century by Albert Beveridge who remarked that “God had made us the master organizers of the world. He has marked the American people as his chosen nation to finally lead in the regeneration of the world. This is the divine mission of America.”<sup>20</sup> There has been since its inauguration the idea

of American power as the ultimate power on the planet. One of my arguments is that the discourse that has surrounded this power has been constructed around the idea of liberty.

One may summarize the emergence and consolidation of America as an imperial power in three phases. In the first, there is the process of internal territorial conquest of Native American land and the social and political defeat of this population. In the second, there is an external push through which a few territories are acquired. In this second phase, there are also numerous interventions in Latin America and the Caribbean, primarily focused on bolstering American economic strength.<sup>21</sup> In these two phases the system of racial slavery and racial domination are of course central elements. In the third and current phase, while economics is important (as it is quite frankly central in all phases), the key objectives are attempts of American power to create ways of life.

The historian William Appleman Williams has already argued for this conception of American empire.<sup>22</sup> However, his deployment of the phrase *ways of life* speaks mostly to historical continuities within American history. I want to use this phrase with a different tone and meaning. Ways of life are forms of human living, they are thoughts and practices that define and create our human world as well as modes of belonging to a society. Hannah Arendt once observed that the singular fact that creates politics is that “. . . men, not Man, live on the earth and inhabit the world.”<sup>23</sup> From this stance, Michel Foucault poses a critical question: how are human beings made subjects? This question, I wish to suggest, is the central political question of our time. Thus the contemporary political problem is not about how we are ruled, about sovereignty in the conventional sense of thinking about political obligation. Instead I pose other questions: What kind of human beings are we? And how therefore shall we live? This is a difficult point to grasp for two reasons. The first is that, for many places around the world, “necropolitics” is the order of the day, making death and violence everyday political norms. Very often in our response to this, we turn our

eyes away from the spectacle of violence and seek refuge in forms of liberalism. When we do this, we transpose our preoccupation with order into a preoccupation with security, and fear drives our short-term political sentiments. Second, at the sites where liberalism has split the public and the private, the dominant argument is that there are no major political problems that cannot be solved by contemporary mechanisms of rule. In both these instances, the political is nested within questions of how we are ruled, and as a consequence we study the various technologies of power centering on forms of what is called democracy. My argument is simply that this question of rule is no longer structured around questions of political obligation but rather around creating subjectivities.

The question of rule, who should rule and how it should be done, as well as issues of legitimacy, were the historic, central questions for the nation-state. In the contemporary period, these questions are not unimportant, because, as Foucault reminds us, a new technology of power does not exclude the former one but “modif[ies] it to some extent . . . makes use of very different instruments.”<sup>24</sup> However, if one feature of our modernity in its colonial incarnation was how to conquer and control bodies (slaves and natives), then today the political field is global, and, in addition to conquest by force, there is an emphasis on the creation of political and social subjectivities. This does not negate the drive for violence, but it does point to an important dialectic between coercion and hegemony and to power’s rearrangement of its modalities of domination.

Today liberal power (a dominant form of power) has shifted its focus and seeks to move beyond its historic bio-political moment. To put this another way, if Foucault is right that biopolitics deals with the population “as a problem that is at once scientific and political . . . as a biological problem and as power’s problem” and that the nub of governmentality is now directed to “man-as-species,” then, I would argue, the drive for power, while still directed at “man-as-species,” wishes to regularize power through the construction of ways of life and modes of self-regulation.<sup>25</sup> To my mind this makes

the moment a *bios-political* one, that is, one in which both subjectivities and the imagination carry tremendous weight in the operations of power. Thus I would argue that one critical element of the repertoire of power today is a drive to capture desire. There are two genealogical tracks that I will now follow to illustrate this point. The first one tracks power in the conventional way, in the emergence of liberal power through sovereignty. The second track follows the emergence of power through coloniality. These are analytically distinct, but I want to draw out a set of relationships between them.

### *The Tracking of Power*

As discussed earlier, when sovereignty emerges in Western thought, it concerns itself with the questions of political obligation and rule. Issues having to do with nationality and territory are attached to the emergence of sovereignty. One account of the emergence of sovereignty claims that rights operate in a double way. First, there are natural rights, and second, some of these rights are given up so that governance can occur. There is disagreement, as we know, in the case of Hobbes. For Hobbes, sovereign power is about security, for Locke and others, it is about creating the context for the maintenance of natural rights. This is more or less the conventional story in political theory about the emergence of sovereign power and natural rights theory. However, Foucault leaves that story behind. In a remarkable essay titled "Subject and Power," he provides a genealogy of power in which he pays attention to what he calls the "tricky combination in the same political structures of individualization techniques and of totalization procedures."<sup>26</sup> Foucault identifies the origins of this form of power in Christian institutions and calls it "pastoral power." He tells us that pastoral power is a form of power "whose ultimate aim is to assure individual salvation in the next world."<sup>27</sup>

For Foucault, and in accordance with the argument that I am making, the most important feature of pastoral power was its con-

figuration as a form of power which could not be exercised “without knowing the inside of people’s minds, without exploring their souls, without making them reveal their innermost secrets. It implies a knowledge of the conscience and an ability to direct it.”<sup>28</sup> This ecclesiastical mode of power spread beyond its original location and in time became a major feature of power. In this shift, knowledge of conscience was replaced by a drive to capture desire and reshape it. Two historic events made this possible.

The first event was the abolition of racial slavery in the Atlantic world and the subsequent debates in both colonial British and American circles about what the ex-slave should become. (I will return to these debates later.) The second event occurred with the economic and accompanying discursive transformations in America in the late nineteenth and early twentieth centuries. Regarding the latter, William Leach makes the point that, by the 1880s, attempts were made to transform the dominant discourse about American society from “land of comfort” to “land of desire.”<sup>29</sup> He further argues that by 1912 American culture had become preoccupied with “consumption as a means to reach happiness, the cult of the new, the democratization of desire.”<sup>30</sup> This is an important plank of my argument. A review of the debates about how to produce consumer consciousness in the late nineteenth and twentieth centuries reveals a great deal. With the emergence of mass production, the dominant social classes needed to tap into the imagination of other sections of the American populace. In an article on advertising published in 1901, Fogg Mead noted that the successful creation of a mass consumer required creating within an individual the “ability to want and choose” and therefore “opening up imagination and emotion to desire.”<sup>31</sup> Leach points us to Katherine Fisher, another advertising expert, who in 1899 wrote “*Without imagination, no wants*” (emphasis mine).<sup>32</sup> As American capitalism transformed itself in the twentieth century, the United States became a society in which the world of consumption was synonymous with the meaning of freedom. A form of rule that required the self-regulation of subjects

accompanied this shift. It was at this point that the technologies of rule developed inside coloniality began to find resonance in the ways power now had to operate. So let us for a brief moment track this second incarnation of power, colonial power.

Sovereign colonial power, as Achille Mbembe makes clear, operates on command and violence. It converts its “foundational violence into an authorizing authority.”<sup>33</sup> The defining feature of colonial sovereignty was “might is right,” the right of the sword. But colonial sovereignty had other facets of rule. In constructing rule, it also had to make fundamental attempts to shape the consciousness of the so-called native. All the European colonial powers had this drive. However, I wish to use French colonial power as an example, because there are unusual parallels with some issues seen today, particularly those concerning the relationship between a republic and an empire. As Raymond Williams tells us in *Keywords*, when the word *civilization* was used in the eighteenth century, it was in opposition to barbarity.<sup>34</sup> In France, the colonial civilizing mission called *mission civilisatrice* rested upon, as Alice Conklin tells us, “the fundamental assumptions about the superiority of French Culture and the perfectibility of humankind.”<sup>35</sup> By the late nineteenth century, French politicians were arguing that “We must believe that if Providence deigned to confer upon us a mission by making us masters of earth, this mission consists not of attempting an impossible fusion of the races but of simply spreading or awakening among other races, the superior notions of which we are the guardians.”<sup>36</sup> The question that divided French politics at the time was not over the ethics of colonialism but over *how* to implement the best form of colonial power with its civilizing mission.

In other words, could there be conquest without war?<sup>37</sup> For liberal power, I would argue, whenever this dilemma about the possibility of conquest without war occurred, it was typically resolved in such a manner that war and the civilizing mission went hand in hand. Historically, therefore, this supposed dilemma has never stopped the forward march of colonial power and conquest. However, as stated

earlier, there were other aspects to colonial power. Frantz Fanon made it clear that colonial power “reformed” the “native’s mind.” Writing in 1952’s *Black Skin, White Masks*, Fanon notes that “To speak means to be in a position to use a certain syntax, to grasp the morphology of this or that language, but it means above all to assume a culture, to support the weight of a civilization.”<sup>38</sup> To create the new subjectivities of the colonized, colonial power insisted on colonial language and used that language to transform desire and therefore imagination. What is the nub of my argument here? It is this: the technologies of colonial power were not only central to twentieth-century fascism, as Arendt, Césaire, and others have reminded us, but they continue to shape power’s deployment. While ruling colonies with force, colonial power also had to manage subjectivities. I suggest that today this management of subjectivities has become a basic political requirement of liberal power.

If, during the period of colonial modernity, the political economy of exploitation was the central feature of the colonial project, alongside missions of civilization, then by the nineteenth century, liberalism moved to locate the civilizing mission and thereby subject formation and ways of life to the center of the colonial project. One of the most important events signaling this shift was the abolition of racial slavery in the Caribbean.<sup>39</sup> It is significant that many theorists concerned with a genealogy of liberal power, including Foucault, do not mention or examine this event. Yet one cannot read some of the writings of John Stuart Mill, one of the most important nineteenth-century liberal theorists, without thinking about the specters of slavery and the colonial project.<sup>40</sup> American imperial power, in its current phase and with all its complexities, allows us to examine how liberal power deepens this element of the construction of ways of life as central to the current repertoire of imperial power. The conditions for the performances of American imperial power in the contemporary geopolitical space are new today. One feature of this space since the end of the Cold War is the idea that, for the first time since the beginning of the twentieth century, a single truth can now

be imposed upon all human populations. Listen to sections of President Bush's national security speech from 2003. The president proclaims that "the advance of freedom is the calling of our time; it is the calling of our country. . . . we believe that liberty is the design of nature; we believe that liberty is the direction of history."<sup>41</sup> Is it not clear that the drive of American imperial power is to trap human life within this framework of a single truth, of liberty, in order to achieve America's destiny? Some time ago, Sacvan Bercovitch noted how biblical history had been incorporated into American thought and experiences. Bercovitch observed that this incorporation "consecrated the American present as a movement from promise to fulfillment, and translated fulfillment from its meaning within the closed system of sacred history into a metaphor for limitless secular improvement."<sup>42</sup> Over time, American liberty has become the metaphor not only for human improvement but for the definitive way in which humankind is to construct ways of living.

In political terms, this American liberty, this unique, single truth, can be expressed within liberalism. Here I wish to move away from the common American party-political use of the term. Liberalism in different guises is America's governing political code and political language. As a political theory of modernity, liberalism posits tenets about the moral primacy of the individual within the foundations of a market economy. As John Gray notes, liberalism in its discourses on toleration requires that "liberal institutions are seen as applications of universal principles."<sup>43</sup> The revival of earlier conceptions of liberalism in the present period, sometimes in opposition to elements of liberalism that developed in the twentieth century, has not transformed liberal political theory into something else. Neoliberalism intersects with liberalism. There is a way in which the "tricky ground of liberalism as a *final* way of life creates the conditions for a conception of imperial power which calls itself 'imperial liberalism.'" Robert Cooper, a key advocate of this view, notes that:

## Empire of Liberty

We have chosen to do good rather than to be powerful. Torture is unacceptable not just because it is ineffective, but because our system is based on respect for individual people. Europeans talk of human rights and the rule of law while Americans talk of freedom and democracy, but they mean the same thing. For America, the way to be good in a world of power used to be to isolate itself. That is no longer possible. Instead it seeks to remake the world in its image. This is the European project also. . . . There are many ways we can assist short of employing force—using military power to provide security is one of them—but in the end it is the force of the idea and the power of its practice that conquers. Liberal imperialism may be an oxymoron, but *imperial liberalism* may be the reality of today<sup>44</sup> (emphasis mine).

This “imperial liberalism” can be understood as an “empire of liberty.” So far I have characterized American imperial power as an empire of liberty, an empire in which conceptions of American liberty are the single truth. I wish to do two things now. First, I want to make a set of arguments about this empire of liberty as a phenomenon that goes beyond our common understanding of ideology. Second, I want to describe more precisely what the characteristics of this American liberty are.

### *Ideology and American Power*

Louis Althusser tells us that there is a materiality to ideology, not only in its rituals but also in the effect of its practices. Although Althusser develops a rigid schema when discussing the relationship between the subject and ideology, he is correct to point out that “the category of the subject is only constitutive of all ideology insofar as all ideology has the function (which defines it) of ‘constituting’ concrete individuals as subjects.”<sup>45</sup> For Althusser, ideology interpellates individuals as subjects. Stuart Hall and others have critiqued this notion of ideology and its place in reproductive articulations of

society as too integrative and functionalist. I agree with this criticism but think that Althusser's point about St. Paul should be kept in mind. Althusser writes, "As St. Paul admirably put it, it is in the 'Logos,' meaning ideology, that we 'live, move and have our being.'"<sup>46</sup> How we "live, move and have our being" constitutes our ways of life. Following this approach, we could say that American liberty is a dominant ideology that has us in thrall, and that what is needed in radical politics is a counterideology. And in one sense this is accurate. But we face a difficulty going down that path. What is the language of the counterideology when liberty is in many ways already captured? Can we deploy liberty or freedom as a general counterclaim? And if we do, then what might it mean? The real conundrum here is that liberty has become central to the signification system of liberalism and as a word performs political action. It is a speech-act that, in its language performances, is not a distortion, nor does it operate as a metaphoric trope. It has become a master key in the language of liberal political discourse. Thus we have to ask, what work does this word do? How does it shape subjectivity? Human subjectivity is of course one part of a large network of discursive formations and practices, but, before proceeding any further, I turn to one of the most important essays written by Raymond Williams, "The Analysis of Culture." Grappling with the problem of how to characterize culture neither as pattern nor as character but as part of an actual experience through which humans live and have experience, Williams argues that culture is really a "structure of feeling."<sup>47</sup> Since 1961, when Williams promulgated this idea, there has been much debate. However, in this lecture I want to think about how a word such as liberty can generate a "structure of feeling," not as an act of culture, but as a word that represents so much about ourselves and how we may wish to live, or at least presents the possibilities of how we might live, that the word itself takes on a life in which it becomes a feeling rooted in desire. It is in this sense that I wish to posit liberty, or freedom, as

one node in the formation of subjectivity. Liberty as a word becomes a container, which we may fill with different things.

From the point of view of American power, President Bush recently described American liberty in the 2002 document *National Security Strategy of the United States*. The opening sentences of this document sum up the idea of a single truth, proclaiming “The great struggles of the twentieth century between liberty and totalitarianism ended with a decisive victory for the forces of freedom—and a single sustainable model for national success: Freedom, democracy, and free enterprise.”<sup>48</sup>

In the general geopolitical moment we inhabit, American power feels specifically that the global political field is open for the construction of its empire of liberty. In order to achieve this outcome, it is critical to implement power so as to capture desire and imagination. It is this exercise of a modality of power that seeks to go beyond ideology as we know it that I wish to draw your attention to. This is not simply a question of “soft power,” as Joseph Nye and others have argued. This is about creating power of a certain type. If Lacan is correct that there is a diachronic aspect to everyday desire and that this desire can be articulated through demand,<sup>49</sup> then the next logical step in power’s ability to create subjects would be to capture desire and in turn to create a certain kind of subject who is a particular human being. In this regard, I think Sylvia Wynter is correct in pointing us to the ways in which bourgeois society has created *homo oeconomicus*.<sup>50</sup>

This activity of power, which attempts to capture desire and imagination, has two dimensions that I want to point out. In the first, capitalism and market economics have created a way of life that Zygmunt Bauman has called “consuming life.”<sup>51</sup> This way of life can be summed up in an advertising slogan I saw in a London department store in 2004. The sign read: *I shop therefore I am*.

In the second dimension, power in performing hegemony seeks to close all the possible gaps through which the imagination of

alternatives is desired. In this drive, power attempts to shut out all possibly different futures, which is why I suggest that it seeks to go beyond hegemony. I argue this because we should recall that hegemony is flexible; it is always contested, always trying to appropriate new elements in order to construct its dominance. In contrast, contemporary forms of imperial power seek to construct closure.

There are of course many other arguments about American power, and some say it is more accurate to describe American imperial power as imperialism. This argument turns on J. A. Hobson's *Imperialism*. Writing at the beginning of the twentieth century, Hobson noted that imperialism meant the conquest of territory and in particular the "method of wholesale partition which assigned to us great tracts of African land." For Hobson, imperialism was marked by "new colonial policy in France and Germany," and the heart of this policy in the case of the British Empire was that no colony established during the late nineteenth century was to be "endowed with responsible self-government."<sup>52</sup> Following this line of argument, some have argued that the American case is one of "imperialism without colonies"<sup>53</sup> or have suggested that America represents a new imperialism. Clearly, the historic trajectory of American power has constructed a language of power in which a form of self-government appears as *the* form of sovereignty.<sup>54</sup> As such, the American imperium is deeply connected to and expresses itself in the political language of liberty and rights. Since the mission of empire is to unfold American liberty, the construction of domination is an important element of American power's repertoire. One important dimension of this process concerns the relationship of American liberalism to power and the intimate connections between political language and its symbolic capacity to do the work of domination. We need to discern as well that imperial power is not simply about either the external deployment of power or foreign policy but is deeply connected to the internal dynamics of power. Imperial power is not only "over there," it is also "over here."

*Liberalism and American Empire*

Louis Hartz's *The Liberal Tradition in America* stands as one framing mid-twentieth-century political theory text that attempts to tell the success story of American liberalism. Hartz, inspired by Alexis de Tocqueville's *Democracy in America*, seeks to demonstrate the twentieth-century significance of Tocqueville's nineteenth-century statement about America's uniqueness, by which human beings are born equal "instead of becoming so." For Hartz the consequence of this natural equality was the creation of the liberal mind. In part, Hartz's project found in the uniqueness of America an explanation of why left-wing or socialist movements and ideas could not succeed in America. The historic effect of Hartz's text was to add another component to the success story of American liberalism. Rogers Smith, in his remarkable book *Civic Ideals*, makes the point that in working on American political thought he concluded that neither the Lockean liberalism of Hartz nor the civic republicanism of J. P. Pocock and others adequately explains inequality, race, or American civic identity. Focusing on the meanings of American citizenship, Smith advances a position of "multiple traditions. . . . American political actors have always promoted [these.] [C]ivic ideologies . . . blend liberal, democratic republican and inegalitarian ascriptive elements in various combinations."<sup>55</sup>

Although Smith tries to unearth another tradition which speaks to issues of inequality in America and that demolishes Tocqueville's myth of innate equality, Smith's text does not engage the ways in which liberalism as a set of historic practices might itself be implicated in inequities. Instead, and in a manner typical of conventional, normative, political theory, Smith perceives inequities as alien practices outside of liberalism's frame of reference. These inequities are then explained as gaps between norms and ideals. The political theorist Judith Shklar notes that the emergence over time of a "liberalism of rights" was integral to American liberalism. Observing that the history of American political thought focuses on the

idea of rights, she demonstrates that “rights are not this open door that allows us to reach our goals . . . but they allow us to realize our goals *against* others.”<sup>56</sup> In other words, liberal practices were simultaneously founded upon a privileging of the individual and the creation of a series of exclusions. It means that *liberalism has a double structure*. When this double structure operates within the crucible of a religious or teleological fate of human destiny, liberalism takes on the mantle of a single truth. One cannot therefore think of American liberalism in purely secular terms. It has to be concretely located within all the discursive frameworks of American thought.

The genealogy of American liberalism is not separate from the founding narratives of the American colonies. For not only did the white settlers flee England either to find a land of religious toleration or to make names for themselves, but they did so as groups that embodied the “rights of Englishmen.” These rights were anchored in the rights of conquest and the capacity of the settlers to put aside the rights of the indigenous American population. Richard Hakluyt, in his 1585 text *Pamphlet for the Virginia Enterprise*, describes the situation well when he writes, “We may, if we will proceed with extremity, conquer, fortify, and plant in soils most sweet, most pleasant, most strong, and most fertile, and in the end bring them all in subjection and to civility.”<sup>57</sup>

In American thought, readings of liberalism are sometimes connected to the fantasy of virgin lands. This is a fantasy that is deeply embedded in the idea of *res nullius*. William Crashaw, when justifying the Virginia settlement in 1610, preached the doctrine of *res nullius* and urged the settlers forward in a mission to give the “Savages what they needed most, civility for their bodies and Christianity for their souls.”<sup>58</sup> The imaginary of virgin lands was one symbolic requirement for the story of American liberalism as the natural unfolding of human destiny. While Donald Pease has made a compelling argument that the rupturing events of September 11, 2001, created a historical turning point in America’s entire symbolic ap-

paratus and inaugurated the “Homeland Security State,”<sup>59</sup> the double structure of American liberalism allows us to grasp Pease’s apt formulation of the “Homeland Security State” not as an aberration but as one possible, politically logical consequence of the historic practices of liberalism that were operative through an empire of liberty.

In this regard, Sheldon Wolin observed that “the superimposition of empire upon democracy . . . suggests that the traditional categories of citizen, democracy, state, and power desperately need reformulation,” and he attempts to do this by positing the idea of the “imperial citizen.”<sup>60</sup> It seems to me that the founding moment of America created this citizen, that these qualities were reinscribed by the legalities and materialities of racial slavery, internal territorial expansion, and external interventions, while constructing a version of liberty that would be rooted in the empire of liberty. Today, it is this form of liberty that has become the spectacular embodiment of American imperial power.

### *The Empire of Liberty and States of Exception*

Recent theorization of this moment and of imperial power has been influenced by the writings of Giorgio Agamben and his formulation of “the state of exception.”<sup>61</sup> I wish to turn briefly to the ways that political theorists have used Agamben’s work. In doing this I critically review the concept of “state of exception” and its applicability to our understanding of American power. American liberalism emerged and developed within and alongside a system of racial slavery, and it is to that system that we now turn in order to review its shaping of American power and the operation of that power. In doing this review, I touch on topics that will be fully developed in the other lectures, but I make a few gestures here to some of these issues, in part to deepen the coherence of the lecture series.<sup>62</sup>

Racial slavery constructed modes of being. As a system of domination and historic injustice, racial slavery and its legacies should

force us to think about Theodor Adorno's musings on the possibilities of thinking after Auschwitz. How are we to think after a historical catastrophe? Racial slavery in the United States was based upon what the Caribbean historian Elsa Goveia has called "a special kind of property—that is property in persons."<sup>63</sup> U.S. Supreme Court Chief Justice Roger Taney's opinion in the *Dred Scott* case, which stated that blacks were forms of property, confirms Goveia's analysis. In an astute essay, Colin Dayan notes that "the legal slave [was an] artificial person who [existed] as both human and property." She further argues that "in juxtaposing these two conditions of being . . . the potent image of the servile body can be perpetually invented."<sup>64</sup> The slave codes were illustrative of Goveia and Dayan's view. For example, the slave codes of South Carolina drafted by John Locke stated, "Every Freeman of Carolina shall have absolute power and authority over Negro slaves, of what opinion or religion soever[sic]."<sup>65</sup> Racial slavery meant, in the words of a 1680 Virginia statute, that "if any Negro lift up his hand against any Christian he shall receive thirty lashes, and if he absent himself or lie out from his master's service and resist lawful apprehension he may be killed."<sup>66</sup> So racial slavery created a situation of *civil death*, not just social death as Orlando Patterson argues. It created a legal, ontological, site of the outside, a zone in which the treatment of bodies with violence rested upon laws, customs, and statutes. But this was a problematic outside status, because, although the slave was property, he or she could and did speak. The Cuban poet Nicolás Guillén captures this paradox in his extraordinary poem "I Came on a Slaveship," where we read the following:

I see Menendez stretched out.  
 Immobile, tense  
 The open lung bubbles.  
 The chest burns.  
 His eyes see, are seeing.  
 The corpse lives.<sup>67</sup>

This is the paradox: a body that experiences both civil and social deaths, a double death—speaks! It is within this speech that we begin to see the first contours of alternative languages of liberty, now called by the enslaved *freedom*, thereby establishing a series of distinctions that are still in need of explication today.<sup>68</sup>

If, as Michel Foucault notes, the key act of “Sovereign power’s effect on life is exercised only when the sovereign can kill. . . . it is essentially the right of the sword,”<sup>69</sup> then it is important to understand how, in racial slavery, the sword of the slaveowner could be wielded. Part of the answer lies in the ways bodies were excluded, and in how these exclusions created the boundaries of the system. The legal exclusion of the slave’s black body, the fact that the slave was *property-in-person*, meant that there was an originary, ontological lack of black bodies in the body politic. This created *sites of exceptions* within the polity that were simultaneously intimate with liberal power. It is this intimacy that I think opens another set of doors for analysis.

Within the liberal paradigm, power is supposed to be exercised over “free” individuals, that is, bodies who have a clear field of possible conduct. However, within the *sites of exceptions* (systems of racial slavery and colonialism), there are no free individuals. Power therefore works through violence both as a first and a last resort. But the matter is more complicated than this. Giorgio Agamben, in an analysis of the logic of sovereign power, notes that the exception is outside and what is “outside is included not simply by means of an interdiction or an internment. . . . the exception does not subtract itself from rule; rather the rule, suspending itself, gives rise to the exception and . . . [maintains] itself in relation to the exception.”<sup>70</sup> In the systems of racial slavery and colonialism, the exceptions *are the rule*. There is no suspension of any rule to create a new condition of exception. In other words, the close relationship between slavery and the juridical customs and statutes that governed society did not create a figure who can be called *homo sacer*. So in contra-distinction to even critical narratives about liberalism,

we find that the regimes of racial and colonial domination mean that liberal practice has a double structure by which it operates. Consequently, there is no gap between norms and ideals, and, contrary to Agamben's position that "the state of exception appears as a threshold of indeterminacy between democracy and absolutism," sites of exceptions as I have described them are themselves constitutive of both historical and contemporary rule.<sup>71</sup> Then there is the matter of how race turns the black body itself into a constituted site of exception. Therefore, even when the black body was legally free (a non-slave), this body could be recaptured and enslaved during slavery. To get a better sense of this, we turn to another aspect of current debate, the discussion about torture and its relation to the notion of cruel and unusual punishment. Again here, we are opening up spaces that we will discuss fully in another lecture.

Abu Ghraib not only opened the door to further criticism of the war in Iraq but punctured the narrative that liberal power does not engage in torture. In addition, the torture of prisoners, detainee abuse at the Guantánamo Bay naval base, and the deployment of certain interrogation procedures force us to reflect upon the practices of liberal power and its double structure. Colin Dayan has pointed out that the history of the notion of "cruel and unusual" has "been coupled in lasting intimacy in our legal language and courts, yet they have been vexed by a persistent rhetorical ambiguity that has been used alternately to protect and to legitimize violence."<sup>72</sup> This ambiguity is embedded in the history of American juridical thought, which had to come to grips with racial slavery and its consequences. For instance, in the 1844 appellate case *Turnipseed v. State*, the chief justice of the Alabama Supreme Court, when overturning the conviction of a slaveowner for beating a slave, noted, "Cruel as indicting the infliction of pain of either mind or body, is a word of most extensive application; yet every cruel punishment is not perhaps unusual; nor perhaps can it be assumed that every common infliction is cruel."<sup>73</sup> But what separates the two? And under what circumstances do "cruel" and "unusual" comeingle?

For “cruel” and “unusual” to come together and operate in tandem, a certain kind of body is required. The slave body was both black and “outside,” yet inside the body politic. A similar outside status holds for the prisoners at Abu Ghraib and the “ghost detainees” at Guantánamo Bay. American imperial power has decided that these prisoners and detainees do not fall under the Geneva conventions pertaining to war. Their bodies are not the norm, as any review of the policy debate within the Bush administration reveals. A draft memorandum from the U.S. Justice Department on the application of treaties and laws to detainees argues that the “Taliban militia was more akin to a non-governmental organization that used military force to pursue its religious and political ideology.”<sup>74</sup> The document further argues that the Geneva conventions do not apply to what it calls “failed states,” since these states are not recognized by international law.<sup>75</sup> The criteria for a failed state are what matter to us here. These include:

- The collapse or near-collapse of state authority
- The prevalence of violence that destabilizes civil society and the economy
- The inability to have normal relationships with other governments<sup>76</sup>

Clearly, these practices represent not just an exception to the norm, not just the suspension of rights, but the use of earlier historical practices in which the following procedures are carried out:

- Construct hierarchical conceptions of the human
- Locate the undeserving outside the body politic
- Render the undeserving civilly dead bodies
- Inflict punishment upon these “dead” bodies

When this is accomplished, torture and cruel punishment are no longer viewed as cruelty, but as techniques of intelligence-gathering.

Judith Shklar has written that “cruelty is a wrong done to another creature.” Once liberal power excludes and acts against the

human being cruelly, such actions become the painful material assertion of the sovereign and of power.

A second form of exclusion appears in the language of those U.S. Supreme Court cases called the Insular Cases. The cases, tried between 1901 and 1922, laid the discursive framework for the territorial acquisition by the United States of Puerto Rico, Guam, the U.S. Virgin Islands, and American Samoa. In these cases, the language of Justice Edward White extended a series of legal arguments that had emerged during the previous century. Justice White argued that “Puerto Rico was not a foreign country, since it was owned by the United States, it was foreign in a domestic sense.”<sup>77</sup> In the 1831 case of *Cherokee Nation v. State of Georgia*, the justices rendered the Cherokees members of “domestic dependent nations.”<sup>78</sup> All these exquisite legal formulations of exclusion form, I would argue, an integral part of liberal political practices and thought and are therefore very much part of the liberal archive. And one must remember that these exclusions were also racially organized, making Charles Mills’s felicitous phrase *the racial contract* quite apropos.<sup>79</sup> I now turn to the final aspect of the double structure of America’s liberalism, the way in which that double structure creates the conditions which transform liberty into a form of domination.

### *Empire of Liberty, Freedom and Domination*

In attempting to describe American liberty, Tocqueville noted that such a liberty “defies analysis . . . it is something that one must feel, and logic has no part in it.”<sup>80</sup> In this framework, American liberty was a set of lived experiences whose meanings could only be culled from the experiences themselves. While we are able to glean meanings from our experiences and actions, we can also discern logics. As a speech-act, American liberty functions as a synecdoche for the possibilities and meanings of freedom.

Speech-acts are fundamental to the political. In political practice they can be performative utterances that may function as action it-

self. In political practice speech-acts not only designate positions but through language create positions, in many instances consolidating themselves both as practice and discourse. However, key social and political ideas are not somehow free-floating and therefore available to be snatched out of the air and made to land wherever one wants. Thus, if we begin to think about how key political terms function in metonymic ways, then we will see that American liberty is not a false ideology but rather one whereby one element of liberty (primarily individual, political liberty) now stands in for liberty itself. Second, and this is important, we need to understand how this form of liberty over time becomes the matrices for political subjectivities.

In the American historical process, as American liberty stood in for liberty in general and became integral to political language, it came to define the entire political field itself. Liberty as speech-act and utterances became constructive of and integral to the creation of legitimacy. I am thinking particularly of how American liberty becomes the idea of America. In this way American liberty as *pax Americana* sets out to achieve what Cicero desired—a “joint community of gods and men,” under a single truth.

American liberty has the capacity to act as symbolic power. Pierre Bourdieu makes the cogent argument that “to understand the nature of symbolic power, it is . . . crucial to see that it presupposes a kind of active complicity on the part of those subjected to it.”<sup>81</sup> Bourdieu eloquently underscores this observation by noting that “dominated individuals are not passive bodies to which symbolic power is applied, as it were, like a scalpel to a corpse.”<sup>82</sup> Since symbolic power acts with consent, the question regarding American liberty is not how consent is manufactured but what are the desires that power seeks to touch and then create. When thinking about the transition from disciplinary power to the new technology of power in the late-eighteenth-century West, Foucault observes that power is directed to “man-as-species,” and that “it is therefore not a matter of taking the individual at the level of individuality but, on the

contrary, of using overall mechanisms and acting in such a way as to achieve over all states of equilibration or regularity.”<sup>83</sup> *Regularity* is the key word here. What American liberty wants to achieve is to become the *regular* and thus normalized political field on which human polity occurs. The political and discursive form by which to do this is the empire of liberty. Such an attempt means that liberty becomes a code for domination, not a metaphor for freedom.

This is perhaps one of the most difficult things for us to grasp: a word that generates feelings of creative human possibilities, that suggests the absence of oppression, now stands as a sign of domination. To work our way through this riddle, we should understand that thought is always embodied. We should also consider that thought has both frames and boundaries and that language and metaphor institute these. Making the case that human life-forms are autoinstituted, Sylvia Wynter argues that human cognition does not represent “an external reality, but rather specif[ies] one.” In the realm of the political, this specification was rooted in the problem posed by modern Western theorists of natural liberty. The question was not, what form of government should we have, but how should we be ruled? The shift from absolute sovereign power to representative sovereign power consolidated liberty as the main form of the political. Liberty became linked to naked existence. It was required for security, and, as Graham Burchell observes, by “the end of the eighteenth century, the terms liberty and security have become almost synonymous.”<sup>84</sup> Thus, over time liberty as political language and speech-act became embodied in a set of historical practices, not only as a dominant ideology of the powerful, but as what Antonio Gramsci calls the “common sense” of our times, the organizing principle of our ways of life. It is a name that specifies our way of life and has done so for a long time. And today it is the ground from which power seeks to act. As an empire of liberty, power exhibits a drive to flatten all spaces with the smooth language of liberty. It is no wonder that those who are currently enslaved by liberty have mourned its appearance. Perhaps if we begin to think about freedom

not as synonymous with liberty but as having a different historical trajectory, as different from Roman liberty and natural liberty, as having emerged from the underside of colonial modernity, we may be able to give a different answer to the new political question, what kind of human beings are we?

My argument here is a simple one. There is a dialectic of freedom that emerges not from the liberal tradition and its double structure but out of the interstices of domination. This practice of freedom disrupts normalized imperial liberty. It is a form of freedom in which there is a poiesis of life with no foreclosures. Such a practice of freedom requires invention and is predicated upon the radical imagination. I will return to the discussion of this form of freedom in the last lecture. For now I wish to leave the last moments of this lecture to the poetry of the African American poet Langston Hughes. He writes:

There are words like *Freedom*  
Sweet and wonderful to say  
On my heartstrings freedom sings  
All day everyday  
There are words like *Liberty*  
That almost make me cry  
If you had known what I know  
You would know why.<sup>85</sup>