

## CHAPTER 17

## Delivering Liberty and Security?

## The Reframing of Freedom When Associated with Security

Didier Bigo

One of the main assumptions in liberal democracies shared both by experts and professionals of security (such as police, intelligence services, customs, immigration services, border guards and the military) after 11 September 2001 has been that security is a core value threatened by 'global terrorism'. Security is about the protection of the individual, but also of the collective self, of the nation state. Security becomes intrinsically intertwined with survival. This was already the case during the Cold War, but in our present times, these assumptions claim that it is even more critical. According to them the world has changed, and a small group of 'terrorists' with weapons of mass destruction might be targeting a city or an entire country. From this first assumption of a radically new era in which the state cannot pretend anymore to have an effective monopoly on violence, a second assumption according which security is first, liberty is second has emerged.<sup>1</sup> In addition, security is about life and death, about survival, and the conditions of life depend of the existence of life itself. Therefore, liberty and democracy as conditions of life are consequential and derivative, as they depend on security for life to exist. Many academics from structural realism have supported these views, which Morgenthau and Raymond Aron had already suggested back into the 1960s. This literature has advocated that after 11 September 2001 we are facing a new

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<sup>1</sup> Bush, George W. "We Will Make a Stand." *Vital Speeches of the Day* 68, no. 23 (2002): 738-41. Buzan, Barry. "New Patterns of Global Security in the Twenty First Century." *International Affairs* 67, no. 3 (1991): 431-51. Coker, Christopher. "Globalisation and Insecurity in the Twenty-First Century: Nato and the Management of Risk." *Adelphi Papers* 345, no. June (2002): 7-103. Etzioni, Amitai. *Security First : For a Muscular, Moral Foreign Policy*. New Haven: Yale University Press, 2007. Gips, Michael A. "When Attendees May Be Terrorists." *Security Management* 47, no. 3 (2003): 16-18. Harris, Shane. "Detecting the Threat." *Government Executive* 34, no. 10 (2002): 51-58. Hoffman, Bruce. "Rethinking Terrorism and Counterterrorism since 9/11." *Studies in Conflict and Terrorism* 25, no. 5 (2002): 303-16; Lamm, Richard D. "Terrorism and Immigration: We Need a Border." *Vital Speeches of the Day* 68, no. 10 (2002): 298-300; Shultz, Richard H, and Andreas Vogt "It's War! Fighting Post-11 September Global Terrorism through a Doctrine of Preemption." *Terrorism and Political Violence* 15, no. Number 1 / Spring 2003 (2003): 1 – 30; Tenet, George J. "Worldwide Threat: Converging Dangers in a Post 9/11 World." *Vital Speeches of the Day* 68, no. 10 (2002): 290-98.

era putting an end to the supremacy of state actors, and giving way to a global world of violence and insecurity; a world that forces states to collaborate among each other and to move beyond purely nationally oriented interests. States have promoted a supranational interest to respond to their local violent contenders globally. This specific combination has diminished the national sovereignty argument in favour of one calling for global security and it has created a certain consensus among the realists, globalists and neo-conservatives. If anyone dares to challenge the discourse of a global insecurity after 11 September, they will be accused to be unconscious about current 'dramatic changes'. Any opponents of the security first argument, coined by Etzioni, will be considered to be 'idealists' or, even worst, accomplices with the new enemy: 'the home-grown terrorist'. Professionals of security are often more direct in their comments. Some professional of politics have often threatened the civil liberties of religious minorities and certain NGOs at times of treating them like allies of 'the terrorists'. This security strategy however creates more insecurity. By choosing who is to be protected and who is to be targeted, this kind of narrative forgets that a small part of those being targeted could mobilize and engage into physical violence, and therefore leading to more insecurity. They also neglect all the lessons learned from the Cold War about escalation and de-escalation.

At times of addressing the discourse according to which 'security goes first', a large group of academics, NGOs and 'enlightened' professionals of security have insisted on the exaggeration inherent to 'the novelty discourse' and of the threat of WMD terrorism after 11 September. They have alluded to the necessity to address the debate from the perspective of democracy and have warned that actually a 'maximum security' argument will succeed to destroy the very democratic principles that are intended to be protected in first instance. These voices have also insisted about the need to consider democracy and individual freedoms as the main objectives and premises of life, and that security measures and practices must not endanger liberal democratic principles in order to avoid falling into a totalitarian or a surveillance state. Instead, one of the predominant arguments that have been more often used is that of the balance between security and liberty. The focus has been put in ascertaining what amount of additional security is necessary to preserve liberty. How far or to what extent can this

‘additional security’ infringe individual freedoms?<sup>2</sup> Does the state have the right to argue about danger, risk and emergency in order to use exceptional measures for ‘exceptional times’ or to develop the idea that a ‘balance’ is necessary between fundamental freedoms and security?<sup>3</sup> What freedoms can be limited and which ones cannot because of their centrality to democracy? Are the rights to life and protection against torture absolute so that no worst-case scenario can infringe them? Do we need an offensive, defensive or preventive strategy in relation to security?<sup>4</sup>

The ways in which this debate has been developed might well illustrate why the international relations (IR) literature has been majorly focused on discussions about security, risk and exception and – marginally – on their consequences on freedom, but not so much on freedom itself. Indeed, the question of what do we mean by freedom – or by liberty – has been left so far unquestioned. This is evidenced by the fact that while

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<sup>2</sup> Vincent M. Cannistraro, 'The Emerging Security Environment: Preemptive War and International Terrorism after Iraq'. *Mediterranean Quarterly* 14, no. 4 (2003): 56-67.

M. Katherine B. Darmer, Stuart E. Rosenbaum, and Robert M. Baird, *Civil Liberties Vs. National Security in a Post-9/11 World* (Amherst, N.Y.: Prometheus Books, 2005).

Monica Den Boer, and Jorg Monar, '11 September and the Challenge of Global Terrorism to the EU as a Security Actor', in *The European Union: Annual Review of the Eu 2001/2002*, Edwards, Geoffrey, & Wiessala, Georg [Eds], Oxford, Uk: Blackwell, 2002(2002), 11-28.

Amitai Etzioni, *How Patriotic Is the Patriot Act? Freedom Versus Security in the Age of Terrorism* (New York, London: Routledge, 2004).

Thomas F. Powers, 'Can We Be Secure and Free?' *The Public Interest* 151, no. spring (2003): 3-24.

<sup>3</sup> Giorgio Agamben, 'L'état D'exception'. *Le Monde*, 11 décembre 2002 ; Claudia Aradau, 'Law Transformed: Guantanamo and The "Other" Exception'. *Third World Quarterly* no. WP1 (2007): 23; Friedrich Balke, 'Political Existence and 'Bare Life.' the Biopolitics of Carl Schmitt'. *Distinktion - skandinavisk tidsskrift for samfundsteori* 2 (2001): 71-80; Michael Byers, 'Letting the Exception Prove the Rule'. *Ethics & International Affairs* 17, no. 1 (2003): 9-16; Michael Dillon, 'Network Society, Network-Centric Warfare and the State of Emergency'. *Theory* 2002, no. 19 (2002): Aug, 71-79 ; Jean-Claude Monod, 'Vers Un Droit International D'exception ?' *Esprit*, no. 327 (2006): 173-93; Alex J. Bellamy, *Security and the War on Terror* (Abingdon, Oxon, England ; New York: Routledge, 2007); Nehal Bhuta, 'A Global State of Exception? The United States and World Order'. *Constellations* 10, no. 3 (2003): 371-91.; Bülent Diken, and Carsten B. Laustsen, *The Culture of Exception : Sociology Facing the Camp* (Abingdon, Oxfordshire ; New York: Routledge, 2005); Jef Huysmans, 'Minding Exceptions. Politics of Insecurity and Liberal Democracy'. *Contemporary Political Theory* 3, no. 3 (2004): 321-41; V. Jabri, 'The Limits of Agency in Times of Emergency', in *The Politics of Protection*, ed. Jef Huysmans et al. (London and New York: Routledge, 2006), pp. 136-53; R. B.J. Walker, 'Lines of Insecurity: International, Imperial, Exceptional'. *Security Dialogue* 37, no. 1 (2006): 65-82.

<sup>4</sup> Thomas S. Mowle, and David H. Sacko, *The Unipolar World: An Unbalanced Future* (New York: Palgrave Macmillan, 2007). Chris Brown, 'Self-Defense in an Imperfect World'. *Ethics & International Affairs* 17, no. 1 (2003): 2-8; Jeffrey Record, 'The Bush Doctrine and War with Iraq'. *Parameters* 33, no. 1 (2003): 4-21; Alan M. Dershowitz, *Preemption: A Knife That Cuts Both Ways*. 1st ed, Issues of Our Time (New York: W.W. Norton, 2006).

there are several security studies, and even critical security studies, there are no ‘liberty studies’.<sup>5</sup>

This chapter aims at overcoming this gap by analyzing the most sophisticated and serious arguments that have been put forward about democracy and freedom. Our assessment leaves aside those academic voices claiming for ‘the security first argument’, which have facilitated the emergence of a sort of paranoid scenario of world politics. The chapter begins by insisting on the importance of the social practices of liberal democracies, which imply that freedom, equality, accountability and transparency are fundamental factors. The ‘real world’ should not be understood as a cynical use of power by the state, but rather in relation to the daily political judgements about democracy, change, order and violence that we are obliged to do everyday as citizen and human beings. The first part of this chapter assesses the use of the terminology of security and liberty and their association through the notion of a balance between the two terms by most of the IR specialists. As we will argue, this ‘balanced’ metaphor nuances a proper understanding of our contemporary times and constitutes a concept as dangerous as ‘the security first argument’ due to the reframing that it creates of the notion of liberty. The implications of the use of the balance metaphor is the fragmentation of liberty and the expansion of the notion of security to many different forms presenting at times contradictory meanings. In a second part, I will demonstrate how the debate about our condition as citizens and human beings, which has predominated most prominently in the Bush administration but also in other venues, has not been so much structured along the lines of terror, fear, risk and exception. On the contrary, it has rather focused on the reframing of the notion of freedom. A critical reflection about this element becomes especially crucial when taking into account how the current Obama administration is criticizing ‘exceptionalism’ but it is continuing with the same argument about freedom. In order to illustrate this reframing of liberty by the different professional actors of security and politics, I will come back to the contemporary debates in the last six years and the different strategies of reframing the understanding and practices of freedom, which often goes beyond a discussion about

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<sup>5</sup> For an approach concerning the tensions between security and liberty see [www.libertysecurity.org](http://www.libertysecurity.org). D. Bigo, S. Carrera, E. Guild and R. B. J. Walker, 'The changing landscape of European liberty and security: the mid-term report of the CHALLENGE project', *ISSJ - journal internationale des sciences sociales UNESCO*, June (2008). Jeremy Waldron, 'Security and Liberty: The Image of Balance'. *The Journal of Political Philosophy* 11, no. 2 (2003): 191-210.

security and insecurity, and their effects. The third part of the chapter takes a different point of departure from the one traditionally driving IR literature and addresses the question of the practices of freedom. By doing so, I will propose an alternative methodology from the eternal philosophical and essentialist view of liberty. This methodology relates to a certain way to practice history and sociology, and is mainly borrowed from Paul Veyne and its analytics of practices.

### **Balancing Liberty and Security?**

This section starts by assessing the way in which those ‘security studies’ sensible to the question of liberty have dealt with the relationship between liberty and security, and argues that a more direct discussion about freedom is needed in IR. In our view, the discussions taking place after 11 September 2001 have been mainly oriented towards the right for governments to strengthen coercive and surveillance security measures both externally and internally. The argument was justified around the necessity to cope with an apparent high level of threat following up the bombings in the USA, and especially the destruction of the twin towers and the anthrax scare (that is ‘hyper-terrorism’). On the 13 of September, the US Congress unanimously accepted to give to the President full power to pass special legislative measures equivalent to wartime. The precise scope and content of that power were only debated later on. Some have considered that the Bush administration went beyond any delegation of power in the name of a state of exception. Others insisted on the emergency dimension or that the Bush administration has just overstretched the legal rules already there, and has minimally used the possibility given by the framing of 11 September 2001, not as bombings but as ‘attacks’, as ‘first strikes by an enemy in a war on terror’. The initial violence of the bombings and the public response taken by the US government, as well as its proportionality and legitimacy, has been also under scrutiny. Some of the voices supporting the government insisted that the exceptionality of the measures was necessary in order to avoid a complete destruction in the future. The image of a suicide bomber with a nuclear device in a backpack announcing the Apocalypse fed this kind of belief inside the administration. If so, security had to trump any other fundamental democratic values, including that of liberty, because collective survival was the one at stake. ‘What is the value of freedom if you are dead’ became a motto for many US civil servants (from the Department of State, the Pentagon, the Department of Justice and the

Department of Homeland Security) interviewed in the context of the research conducted under the CHALLENGE project. A similar argument proliferated at the transatlantic level, but perhaps more as a rhetorical device. Continental Europe, especially France, Italy and Germany, which had already the experience of political violence by clandestine organizations in their national arenas, were less inclined to follow the path of 'the war on terror'.<sup>6</sup> UK and Australia (yet not Canada) were immediately in agreement with this insecurity framing of unprecedented events and a 'new global era'. They accepted that the most appropriate answer to the exceptional times was exceptional rules. The UK asked for derogations concerning articles of the ECHR, while the Australian and the US administrations played out a more Schmittian strategy.

The academic literature addressing these issues has been substantial, even if not much attention has been given to a systematic analysis of the different administrations in charge but too often limited their assessment to the most emblematic or exaggerated phrases given by certain politicians or civil servants.<sup>7</sup> In a more systematic way, and especially for the case of Europe (though not only), the CHALLENGE project has conducted an interdisciplinary study and a mapping of the different discourses from the various administrations, their common sense (or 'doxa'), the distinctive deviations of their senses of priority and the articulation of the main justifications backing up their role and missions.<sup>8</sup> Each bureaucracy has developed specific lines of argumentation and strategic reasoning. The Pentagon for instance insisted on the important role played by foreign states' support, as well as the necessity to remove by 'surgical operations

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<sup>6</sup> Didier Bigo, 'The Military Path to the War on Terror and Its Stakes'. *Cultures et Conflits* 44, no. winter (2001): 5-18; E.P. Guittet, 'Military Activities inside National Territory: The French Case', in *Illiberal Practices in Liberal Regimes*, ed. D and Tsoukala Bigo, A. (Paris: L'Harmattan, 2006), 137-66; Eric Herschberg, and Kevin W. Moore, *Critical Views of September 11: Analyses from around the World* Norton, 2002).

<sup>7</sup> See note 3. See also Friedrich Balke, 'Political Existence and 'Bare Life.' the Biopolitics of Carl Schmitt'. *Distinktion - skandinavisk tidsskrift for samfundsteori* 2 (2001): 71-80.

Bulent Diken, and Carsten Bagge Laustsen, '7-11, 9/11, and Postpolitics'. *Alternatives* 29, no. 1 (2004): 89-113; Gustav Lindstrom, Burkard Schmitt, *One Year On : Lessons from Iraq, Chaillot Papers ; 68* (Paris: European Union Institute for Security Studies., 2004); Fabio Vander, 'Kant and Schmitt on Preemptive War'. *Telos* 125, no. fall (2002): 152-66.

<sup>8</sup> See <http://www.libertysecurity.org> Didier Bigo, *Global (in)Security: The Field of the Professionals of Unease Management and the Ban-Opticon*. Edited by J. Solomon and N. Sakai, *Traces: A Multilingual Series of Cultural Theory : Translation, Philosophy and Colonial Difference* University of Hong Kong Press, 2006); Didier Bigo , Anastassia Tsoukala, Laurent Bonelli, Emmanuel Guittet, and Christian Olsson, *Terror, Insecurity and Liberty: Illiberal Practices of Liberal Regimes after 9/11*. Edited by Routledge, *Liberty and Security* (London, 2008). Philippe Bonditti, 'Antiterrorism in the United States (1946-2006). A Foucauldian Analysis of the Transformation of the U.S. Security State Apparatus and of the Reformulation of the Sites and Modalities of the Exercise of Sovereign Power '. Sciences-Po, 2008.

abroad' the infrastructures supporting clandestine organizations and to have a full range of extraordinary powers to extract information from the enemy in order to block its strategy of disguise. They were not the first supporters of large-scale war, and would have preferred very high-tech actions abroad and the conferral of more power to the military inside the US in order to better coordinate the different civil administrations. They were keen to use their surveillance satellites everywhere, including inside the home territory. NATO and the transatlantic network of Echelon were on their side. CIA and Homeland Security, while in competition to each other, shared the idea about the existence of a 'terrorist network' as an enemy within. Both insisted on the capacity of individual terrorist to infiltrate in flows of foreigners and therefore called for the need to better control mobility across borders, while not blocking the flow of people. They claimed an expansion of their powers inside the territory for improving the surveillance of foreigners and foreign-born groups at home. This included the reinforcement of surveillance of freedom of (hate) speech, of association, of 'cultural', 'religious' and 'minority' groups. Here, transnational cooperation was considered central.

The FBI developed a more traditional detective police and justice line of thought followed also by some Ministries of Interior and Justice across Europe. They insisted on the development of proactive policing, infiltration of terrorist networks and enhanced surveillance of criminal milieu and specific 'minorities'. They refused the high-tech belief of the surveillance industry to catch 'unknown people' through their behavioural patterns and criticized the role of intelligence services and the military to try to take over control in the fight against terrorism. They were instead more interested in the development of specific techniques of police investigation, which could be used against terrorists but also criminals and even irregular migrants, and to be subjected to judicial control and the respect for the rights of defence to a lesser extent in order to interrogate 'the suspect' properly. Another line of thought consisted in the centralization of surveillance in the hands of analysts (both private and public) and the development of mass intelligence for national security purposes. This materialized in massive financial investment on patterns recognition technologies as well as other forms of tracing individuals through high-speed and coordinated exchange of information between

relevant bureaucracies.<sup>9</sup> Captured by the phrase ‘there are also unknown unknowns’ of Donald Rumsfeld, which introduced the theological into the political, this line of thought has been also central for the development of a mentality of policing and suspicion going beyond bureaucracies and asking private companies of surveillance, and even social welfare agencies, to participate in police-related actions. According to this vision, the entire society needs to be under surveillance through an emphasis on local groups and ‘abnormal behaviours’ masked under the normality of good citizen.<sup>10</sup> Here, the freedom of action of an individual is judged by its conformity to a social local norm. Anyone marginally deviant from that norm becomes a suspect and potentially a ‘terrorist’.

From a methodological perspective, these lines of thought are the signs of distinctive deviations (*écarts distinctifs*) that can be better explained by the institutional positions of the people supporting them rather than by their ideology or capacity to do ‘performative acts’.<sup>11</sup> They are the result of the actualization of the making by different agents. These struggles have generated a specific ‘doxa’, but each line of thought has given different priorities and articulations of the relations between terrorism, Islam, migration, asylum and tourism. While they have often articulated them in relation to freedom, it has been around a concept of freedom of the collective self, of protection of the self of the ‘society’, which has been accompanied with a diminution of personal freedom of movement, speech, association and religion of ‘the others’. These different lines of thoughts have considered security as the major value and have pleaded for transnational cooperation in order to achieve a global security against the global insecurity born in the cauldron of Al Qaeda in Afghanistan.<sup>12</sup> As a result, a doxa – more profound than any form of consensus – has structured all the debates between the lines

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<sup>9</sup> Donald Rumsfeld, proclaimed in his US Department of Defense news briefing on February 12, 2002: As we know, there are known knowns. There are things we know we know. We also know there are known unknowns. That is to say we know there are some things we do not know. But there are also unknown unknowns, the ones we don’t know we don’t know”.

<sup>10</sup> M. Foucault, *The Abnormal: Lectures at the College De France, 1974-1975* Picador USA, 2003); Michael Dillon, ‘Governing Terror : The State of Emergency of Biopolitical Emergence’. *International Political Sociology* 1, no. 1 (2007): 7-28. Michael Dillon, and Andrew W. Neal, *Foucault on Politics, Security and War* (New York, N.Y.: Palgrave Macmillan, 2008).

<sup>11</sup> Pierre Bourdieu, *Distinction : A Social Critique of the Judgement of Taste* (Cambridge, Mass.: Harvard University Press, 1984).

<sup>12</sup> On the structuring role of collaboration for an identity and beyond a doxic structuration, see Emmanuel-Pierre Guittet, ‘European Political Identity and Democratic Solidarity after 9/11: The Spanish Case’. *Alternatives. Global, Local, Political. Special English- language issue of Cultures & Conflicts* 29, no. 4 (2004): 441-64.

of justifications of the different agencies and their conflicts about the best techniques to be used, by unquestioning the transformation of the notion of freedom and its relationship with security. This doxa has not versed so much around the necessity of 'the exception' but rather on the reframing of the notion of freedom.

Indeed, the main lines of struggles have not been between the US and Europe, or between the Iraqi coalition of the willing and the ones against the war. In fact, the struggles and oppositions between different transnational professional guilds (for example, internal security agencies, intelligence services, mass surveillance private companies and tribunals) have structured them. These professionals of the management of unease, grouped under different networks and/or transnational guilds, are the brokers at the Western level of a neo-imperial vision of global security constructed on a specific form of freedom 'for us' to be spread abroad. It works through the discourses of supranational cooperation, the interests pursued by some agents for the proliferation of specific investigatory techniques and other issues connected with their institutional position, their personal trajectory and their social and symbolic capitals. These factors might explain why all these agents are somehow interconnected and why they are ready to abandon certain specializations. However, they do not necessarily lead towards the claimed goal of enhancing collaboration, but they might rather exacerbate the struggles between transnational networks of intelligence services working for conflicting 'solutions' when comparing them with those proposed by the transnational networks of military people or by immigration control authorities and border guards. We may nevertheless group some of these key questions and assumptions along the ideas of the role of borders, state sovereignty, individual and collective security, role of exception and the freedom dimension.

The usual critique in IR literature has focused mainly on the first set of questions. While their importance cannot be overestimated, the reframing which has affected the concept of freedom has been even more 'doxique' than any other theme. Governments have centred self-criticism on national egoism and poor transnational cooperation. National sovereignty and individual controls of borders have been the object of critiques by those advocating for a 'global' war on terror. Sovereignty has been transformed into something 'bad' to the great indignation of the traditional IR specialists formed through cynic-realism and principle of self-help, national interests and the like. Borders have

been subject to a call back to their military functions of barriers, while economic capitalism has refused this claim and the 'solution' has been to set up a global policing of filters, sort out, at distance giving the illusions of 'smart borders'. The academic discussion has been also very strong around 'suspicion and exception' and their legitimacy. For instance, Brouwer, Guild, Jabri and Tsoukala have demonstrated in an interdisciplinary way in the framework of the CHALLENGE project the various ways in which the justifications of exception have been set up.<sup>13</sup> These critiques have spoken of an undefined state of exception, of a permanent state of emergency and an increase of discrimination against foreigners and certain categories of citizens. They have insisted on the risks posed to democracy by new security measures derogating basic rules of *habeas corpus*, the presumption of innocence and which lead to a society driven by suspicion and routinization of derogatory and exceptional public measures. They have considered that the *jus cogens*, that is the limited numbers of human rights, which no state can violate, has been under serious peril. They have also highlighted the important role played by international and human rights law. Other IR analysis has focused on torture and prisoner abuse in Abu Ghraib and Guantanamo, as well as the ways in which some lawyers were trying to re-legitimize it through black letter law arguments circumventing the spirit of the absolute prohibition of torture. While Michael Ignatieff tried to justify lesser forms of evil by arguing about the lower limits of coercion acceptable, Dershowitz was discussing the special timing and conditions to use torture.<sup>14</sup>

The deprivation of freedom linked with indefinite detention, with the use of torture and other inhuman treatments was considered as the main fault of the

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<sup>13</sup> Vivienne Jabri, *War and the Transformation of Global Politics* (Houndmills, Basingstoke, Hampshire ; New York: Palgrave Macmillan, 2007). Elspeth Guild, 'Exceptionalism and Transnationalism: UK Judicial Control of the Detention of Foreign "International Terrorists"', *Alternatives* 28, no. 4 (2003): 491-515. E. Brouwer, 'Data Surveillance and Border Control in the Eu: Balancing Efficiency and Legal Protection', in *Security Versus Freedom: A Challenge for Europe's Future*, ed. Thierry Balzacq and Sergio Carrera (Aldershot: Ashgate, 2006), pp. 137-54. Anneliese Baldaccini, Elspeth Guild, and Helen Toner, *Whose Freedom, Security and Justice? : Eu Immigration and Asylum Law and Policy, Essays in European Law* (Oxford: Hart, 2007). Elspeth Guild, and Anneliese Baldaccini, *Terrorism and the Foreigner : A Decade of Tension around the Rule of Law in Europe* (Leiden ; Boston: Martinus Nijhoff, 2007). Anastassia Tsoukala, 'Looking at Migrants as Enemies', in *Controlling Frontiers. Free Movement into and within Europe*, eds. Didier Bigo and Elspeth Guild (Hants (England), Burlington (USA): Ashgate, 2005), 161-92.

<sup>14</sup> Michael Ignatieff, *The Lesser Evil: Political Ethics in an Age of Terror, The Gifford Lectures* (Princeton: Princeton University Press, 2004); Alan M. Dershowitz, *Why Terrorism Works: Understanding the Threat, Responding to the Challenge* (New Haven: Yale University Press, 2002).

administration in charge. When the Democrats arrived at the White House, President Obama considered that its first symbolic measure would be to stop torture and to close Guantanamo. However, as it is well known, this is only the top of the iceberg. The debate about more general forms of deprivation of freedom which, while being less shocking in nature, have nevertheless profoundly affected the lives of more people with regard to freedom of movement, freedom of speech and other forms of freedom that can be derogated under certain circumstances by the Government on the basis of national security (*raison d'Etat*) and/or public order, has also been intense since the beginning. There the argument mostly regarded the need to find 'the right balance between liberty and security' rather than a theory concerning wartime or necessity of a permanent exception and a reframing of the constitution and the rules through exceptional measures.

The way to diminish the value of freedom was to present the situation as if a balance existed with two (and only two) scales of similar values to consider: freedom and security. The balance between liberty and security supposes that liberty and security are 'eternal values', that they are easily differentiable, quasi-quantifiable and homogeneous. The balance metaphor masks the imbalance that exists between the two dimensions and silences the capacity of political judgement. It has been often used as a bureaucratic argument in different historical periods as well as by many academics. As the CHALLENGE project has showed, it has been one of the most powerful discursive tools at times of limiting the discussions around liberty after 11 September 2001.

First, it is clear that some of the authors who have used the balance metaphor had a rhetorical strategy in mind. By using the term freedom – understood as a series of freedoms in competition – instead of the general principle of liberty, they have actually unified the concept of security and fragmented that of freedom. Simultaneously they have referred to the term of security in relation to all the practices of war, coercion and protection, both in their collective and individual meanings and internal/external facets. Their reasoning leads to the fragmentation of liberty, considered mainly at the individual level, and the reunification of security, aggregated to safety, protection and survival and considered 'global'. The consequence of this framing is that it favours according to which security needs to trump liberty because in fact security may become freedom itself, the first freedom, which is the freedom from fear to live.

The second implication of the framing of a unified security and a fragmented liberty is that danger becomes central. The balance metaphor transforms the dual relationship between liberty and security into a triangle where security needs to be enhanced against liberty because of the eventuality of risk, danger and threat. In this triangular setting between danger, liberty and security, liberty becomes the problem. The main political actors have insisted on the need for security to be completed, to become global, to be developed beyond traditional cooperation and to become the marker of identity of 'the civilised values' against 'the barbarian ones'. However, this claim for a global security agenda, a total information awareness that means security without limit, facilitates a conception of security as coercion, surveillance, control and dynamic of violence and exclusion.

If liberty is a goal advanced by any liberal regime, is security a goal too or just a mean to achieve freedom and democracy? This question has not emerged in public debates and discourses. It has been very rare to find any framing of 'the balance' into a triangle between liberty, security and democracy. The reason might have been that from this perspective security becomes the problem not the solution. The balance metaphor has been a way to avoid a discussion between liberty, security and democracy. By choosing freedom (instead of democracy) to frame the discussion, the balance metaphor silences the difficulty to have proper judgement about the most important problem of political violence between adversaries: escalation of violence on both sides.

The CHALLENGE project, especially through the work of Walker, has developed many facets of these dilemmas and has provided a critique on how this framing has actually created a hierarchy favouring control, surveillance, policing and war against social change, nomadism and everyday life. More profoundly, those sustaining the balance metaphor have difficulties in understanding that liberty and security may refer to the very same practices depending on the grammar and language used: either a language of social change and opportunity or a language of order and utility.

The metaphor of the balance between security and liberty has been, from a pure quantitative perspective, more used than 'the argument of exception' in order to justify (both in the US and Europe) the development of a global counter terrorist regime, specific forms of surveillance, new laws on telecommunication and internet, new regulations and administrative laws concerning entry, detention and removal of

migrants or denied refugees, tougher controls of anyone travelling through the country and so on. In contrast, the 'war on terror' argument has appeared as often, especially in courts cases, but it has rather materialized in the emergence of a multiplicity of different regulations, administrative laws and foreigner's laws which have been applied in order to escape from *habeas corpus* or to reduce the agency of the individual. These laws and administrative norms have been used to limit the defence of the individual and to grant to coercive agencies a larger 'freedom' to act against suspects. This situation was characterized by the existence of too many regulations and norms, rather than their absence. In this respect, the problem was less for the individual to be subject of limited rights in light of too many (even contradictory) bodies of laws and to be prisoner of the arbitrariness of the face-to-face relations. While still moving within the democratic framework, we have certainly witnessed sterner illiberal practices by liberal regimes at many levels, in many domains, which have invaded everyday routines. Therefore, liberty was undervalued, diminished and, perhaps more importantly, reframed by a redefinition of what freedom means and what are the practices of freedom. The main questions for the present stemming from this discussion are what form of self-discipline and obedience is valued as form of freedom? How does freedom change? Do we have a reframing of a specific episteme? Further, what are the daily practices that are enacted as freedom of speech, freedom of movement, freedom of action? Who is entitled to freedom and who is not? How do the practices defining freedom work?

These practices of freedom generate different boundaries for autonomy and for reflexivity of the government of the others and of the self. They vary and construct different subjectivities and have an impact on (or shape) governmentality of individuals. It is not an easy task to analyze under what conditions freedom is then transformed into a 'will to serve'? Under what conditions 'obedience' in everyday life is celebrated as enjoying 'freedom'? How are the capacities of action by population of a certain type recognized as forms of freedom, and what is their relationship with governing this category of persons differentially from others? What are the ways by which certain practices are encapsulated under the label of 'freedom'?

One of the main arguments put forward by this Chapter is that the only way to address and understand satisfactorily these questions would be through the development of liberty studies within international political sociology. Otherwise, we will continue to

be prisoners of the traditional obsessions of IR and political science that have focused on the question of order and the meaning of freedom, without engaging into the question of 'freedom as practice'.

### **Can Freedom be Re-written? The Social Construction of (Un)Freedom in Liberal Democracies Today**

For a political sociologist, it is always important to begin with a study of our present practices, even if they might be banal or obvious, and not so much with sacred texts of great thinkers. The social practices often constitute richer, heterogeneous and more valuable elements than any ex post rationalization of great academics. As Rose (1999) has put it, 'many of these texts which have later become canonical are, in fact, retrospective attempts to codify such minor shifts'.<sup>15</sup> Therefore, in our search for the meaning of freedom it may be actually more accurate to look at these minor sociological shifts instead of looking for the new philosophers and IR academics attempting to rationalize them into innovative theories. This sociology entails the task of looking at the ways in which professional of politics and professional of management of (in)security re-write freedom in accordance to a certain context presented as a war, or as a dangerous moment where security is presented as the first freedom.

Lakoff belongs to those few public intellectuals in the US who has actually seen and addressed the importance of the question of freedom under the Bush administration. He has portrayed in his popular book: *Whose Freedom?* the political landscape of the war on terror and the battle for the use of (the word) freedom between what he calls 'the conservatives' and 'the progressives'.<sup>16</sup> Apart from a certain style, Lakoff rightly argues that the main strategy of the radical right in the US was not to develop an 'exceptionalist agenda' or a security-based discourse justifying its practices of military involvement abroad 'in answer to' terrorist attacks, or even in order to prevent new ones. In his view, it has not been under the argument of security and necessary emergency, or even risk management, that the US government justified its practices of surveillance and control of any individual passing through the US and of many minorities living in the country. It was rather through the reframing of the notion of

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<sup>15</sup> N. Rose, *Powers of Freedom : reframing political thought* (Cambridge: Cambridge University Press, 1999), 321 p. (quote p 11)

<sup>16</sup> G. Lakoff, *Whose freedom? : the battle over America's most important idea* (New York: Farrar, Straus and Giroux, Picador 2006), 277 p.

freedom that these measures had such a success. By doing so, he has contradicted many critical thinkers insisting on the importance of exception and emergency.<sup>17</sup> For Lakoff, the main strategy has been to reframe the notion of freedom by eradicating its linkages with equality, solidarity and social justice, and by emphasizing its links with human rights, civilization, protection of values, security in and a fight for freedom. Then, if for the progressive actors, freedom means ‘to be able to do what you want to do’, and is situated at the individual level, it is not exactly the case in relation to what he calls ‘conservative freedom’. They do not abandon the notion, but they reframe it with different ‘qualities’ and speak of freedom as a group characteristic. In our view, it is certainly better to avoid the use of ‘conservative’ and ‘progressive’ adjectives at times of denominating these two accounts of freedom. The move from the conservative to the neo-conservative account on freedom has been to take it more seriously and to propose a merging between a global imperialist account and a national sovereignty one around the theme of US leadership for all those who possess freedom. This merging has changed the traditional opposition around citizen and foreigner and has permitted some categorization as ‘enemy aliens’ who are neither combatants nor criminals. It has mixed Carl Schmitt’s exceptionalism with a global cooperative Kelsenian agenda. On the other side, the ‘progressive’ account of freedom have been in fact rather conservative as it has tried to maintain an individualist notion of freedom coupled in discourses but decoupled in logic from the call of the same ‘progressives’ for human interventionism and a justification through cosmopolitan modernism to civilize ‘the others’ who are considered to be ‘non moderns’.

Therefore, for all of them (conservative and progressives), freedom ends up as ‘the marker’ of a civilized group fighting to preserve its values and principles against Islam which is seen to be characterized by unfreedom, violence, religion and passion. Freedom in this neo-conservative vision is a quality possessed by advanced liberal democracies. In this cosmopolitan account, freedom exists naturally but it needs to be enacted by education. This conception legitimates the engagement into fights and even

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<sup>17</sup> Giorgio Agamben, *Etat d'Exception. Homo Sacer* (Paris: Les Editions du Seuil, 2003), p. 152. C. Aradau, 'Law Transformed: Guantanamo and the "Other" Exception', *Third World Quarterly* (2007), p. 23. F. Balke, 'Political Existence and 'Bare Life.' The Biopolitics of Carl Schmitt', *Distinktion - skandinavisk tidsskrift for samfundsteori*, 2 (2001), pp. 71-80. M. Dillon, 'Network Society, Network-Centric Warfare and the State of Emergency', *Theory Culture & Society*, 19 (2002), pp. 71-79. P. Pasquino, 'Urgence et Etat de Droit : le gouvernement d'exception dans la théorie constitutionnelle', *Cahiers de la Sécurité Intérieure*, 51 (2003), pp. 9-29.

war 'for freedom', or to engage into global policing in the name of freedom. In the two versions, or lines of thoughts, the Western governments have to promote this freedom abroad in order to complement freedom with peace and stability at the world level. Following this logic, the real freedom is the freedom from threat, which is in fact real security. Therefore, while freedom can only expand if stability, security and order are ensured, this very freedom actually functions as the condition for order. It is then central to generate, even by force, a positive dynamic. This convergence through global freedom instead of nationalist versus individual freedom explains the promotion of freedom abroad. The individual can be free only in a free/democratic state, and a free state supposes to rally existent democracies, which are the core of the promised heaven of global democracy with one civil society and one transparent hyper-federal government. There is therefore a duty to 'promote freedom'. The promotion of freedom calls for pedagogy and education, which for the neo-conservative even justifies education through strong coercive elements pushing 'the unfree men' to learn what freedom really is all about.

As one US captain coming back from Iraq and Afghanistan said quite crudely in a soft voice, but which certainly is far more accurate than many books and academic articles on the subject, 'we have to win heart and minds as you, in the UK, know. So we have to inoculate them with freedom ...'. The perpetual peace foreseen by Kant is possible only if we succeed the contamination of the 'virus of democracy and its propagation into authoritarian regimes and failed states... If we don't succeed, they will succeed with religious fanaticism, and they have already activated this virus inside us'.<sup>18</sup>

In a less biopolitical metaphor, but having the same idea in mind, many governments and international organizations as well as academics have insisted that it is important to develop 'education', 'training', 'communication' and 'universalization' of freedom in order to accelerate the pace, especially when radical clandestine organizations try to reverse the trend and propose cultural enclosures. Freedom(ization) is a competition (against obscurantism). It is a process by which people (of other cultures) become free. Human beings are not free in general, but they can learn to be free. The emphasis on training is central, as NATO, the Organization for Economic Cooperation and Development (OECD) and the European Commission keep on

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<sup>18</sup> Conference under Chatham House Rules at Cumberland lodge on 4 October 2007.

repeating *ad nauseam*. To understand the present conditions, this narrative argues that we need to remember that this competition is harsh and may be lost. Training supposes good will, but what happens if the obscurantist refuses to learn? Freedom and peace for every individual (including those living in liberal democracies) will depend finally on the individuals themselves but also, and mainly, from the collaboration of the interstate system. It is the responsibility of all ‘the free and democratic’ states to perfect the international system with the growth of democratic regimes and their common fight against the evil-doers of mass violence, as now the borders of the state are not strong enough to prevent the irruption of catastrophic violence. So, collaboration between ‘free states’ is seen as absolutely necessary against the potential Armageddon which might be under preparation by a small handful of radical others. The lesson is that we have to fight in the name of freedom and human rights in order to achieve a world order ensuring our own specific security, because if we do not succeed in training ‘the others’, the constitutive free men that we are will be overcome and disappear.<sup>19</sup>

For these kinds of discourses, the word freedom bears different connotations, and encompasses different practices that are far from what we were usually told to associate freedom with twenty years ago. As Douzinas explains, freedom has been enrolled into an imperial enterprise.<sup>20</sup> Freedom and human rights are in this way presented as gifts for all human beings that those who are free have to spread. As Blair has put it: ‘We could have chosen security as the battlegrounds? But we didn’t. We chose values ... values of freedom, of democracies that we represent’.<sup>21</sup> Liberty is a possession, a property of a specific group – us – that the others do not have. This line of thought refuses any constitutive theory of ethics, and promotes that we judge ourselves and the others only through the prism of our criteria and standards. We can always ask ourselves the level of obedience and participation necessary for creating the possibility of such a version of

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<sup>19</sup> Is it necessary to say that, as a form of eschatology simplifying the world into two groups, this discourse of neo conservative freedom is not far from the Christian right biblical tradition of punishment of the non believers (criticized by the New Testament and its salvation for all), but is also not far from the Stalinist version of Marxist freedom, where freedom is the goal to be achieved in the future, for the sake of our children and grand children, as our sacrifices are not really important in comparison to the shining path leading to a new humanity, retranslated by the neo conservative as the choice which reveals on what side you are (good or evil) before Armageddon arrives.

<sup>20</sup> Costas Douzinas, *Human Rights and Empire : The Political Philosophy of Cosmopolitanism* (New York, NY: Routledge-Cavendish, 2007)

<sup>21</sup> Blair quoted in Peter Wilby Tony Blair and his values The Guardian 04/08/06.

freedom to be developed and become not only an official policy but also a shared belief amongst participants and many international institutions.

Hardt and Negri have suggested that Kosovo constituted a key moment for the enactment of this definition of freedom as a specific attribute of a 'civilized empire' that has no more enemies to engage into war but which still presents many internal criminals and unwanted people showing bad behaviours to be disciplined.<sup>22</sup> Dal Lago (2005) has argued that this move took place a bit earlier with the first Iraq war and the first Bush administration.<sup>23</sup> Indeed, a neo-Kantian argument tainted by a missionary discourse, which reminds us of the Spanish argument for the *Conquista* of the Americas, has been back to the fore since the 1990s. Governments appear to have forgotten the sixteenth-century's Valladolid controversy, and see themselves as 'freedom fighters' rather than 'new tutors'.<sup>24</sup> The tension between freedom working both as friend-enemy and as civilized-barbarian with the latter account of freedom has not disappeared.<sup>25</sup> Therefore, the Attorney General Ashcroft has certainly not been the first and only to present freedom as a value possessed by representative democracies whatever they do.<sup>26</sup> He has followed similar patterns as the ones argued by Blair, Clinton and, in some way, Habermas. The originality of Ashcroft has been to connect the idea of freedom as the quality of a group with the right for this group to act preventively in order to block the attacks of 'the non-free men', and not just to react against them. The originality of the Bush period was the association between prevention as necessity to act before the adversary and the notion of freedom as a quality of a group of nations. At the 2004 Republican national Convention Bush constantly invoked the words 'freedom', 'free'

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<sup>22</sup> Michael Hardt, and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2001); Toni Negri, 'Ruptures within Empire, the Power of Exodus: Interview with Toni Negri'. *Theory* 2002, no. 19 (2002): Aug, 187-194.

<sup>23</sup> Alessandro Dal Lago, 'La Guerra-Mondo'. *Conflitti globali*, no. 1 (2005): 11-31; Dal Lago Alessandro, *Polizia Globale. Guerra E Conflitti Dopo L'11 Settembre, Cartographie* (Verona: Ombre Corte, 2003): 134.

<sup>24</sup> The Valladolid debate (1550 – 1551) concerned the treatment of natives of the New World. Held in the Spanish city of Valladolid, it opposed two main attitudes towards the conquests of the Americas. Dominican friar and Bishop of Chiapas Bartolomé de las Casas argued that the Amerindians were free men in the natural order and deserved the same treatment as others, according to Catholic theology. Opposing him was fellow Dominican Juan Ginés de Sepúlveda, who insisted the Indians were natural slaves, and therefore reducing them to slavery or serfdom was in accordance with Catholic theology and natural law. Las Casas and Sepúlveda each later claimed to have won the debate, but no record supporting either claim exists, and the debate had no clear effect on the treatment of the natives.

<sup>25</sup> Rob Walker, *Out of Lines* (Routledge, 2009)

<sup>26</sup> Cynthia Brown (ed.), *Lost Liberties. Ashcroft and the Assault on Personal Freedom* (New York, London: The New Press, 2003), 324 p.

and 'liberty'. As Lakoff has highlighted, Bush used the word 'freedom' 49 times in his speech, and every 43 words, in order to justify Iraq, Guantanamo and the Patriot Act.<sup>27</sup> Skinner has also noticed the peculiar definition of liberty given by President Bush as 'heaven in earth' and the implications of its definition of freedom in the 2005 Inaugural Address where 'freedom is the Almighty's gift to every man and woman in this world and as the greatest power on earth, we have an obligation to spread freedom'.<sup>28</sup> The Former Spanish President Aznar delivered a same kind of speech, evoking freedom as an alliance of civilized countries in order to justify NATO operations in Afghanistan. The UK former Prime Minister Blair can also be quoted as one of those leaders who have developed a discourse on freedom as a value opposed to hatred and fear, and as a marker between 'us' and 'them'. He insisted in several occasions on the intrinsic qualities of a global alliance for global values and the necessity for all of the 'non-democratic countries' to learn about freedom in order to join 'the advanced liberal democracies'. Therefore, Blair distanced himself from Rumsfeld's 'war on terror', and reframed it as a 'crusade for freedom'. In his own words:

We should do all we can to spread the values of freedom, democracy, the rule of law, religious tolerance and justice for the oppressed, however painful for some nations that may be; but that at the same time, we wage war relentlessly on those who would exploit racial and religious division to bring catastrophe to the world'.<sup>29</sup>

To enrol freedom and human rights under the banner of war may be considered as propaganda and be dismissed by shrugging shoulders. Folks will not believe their politicians and have a better sense of what is freedom. Further along this line of thought, some people certainly think that 'freedom is freedom' in order to reassure themselves. They consider that only one meaning of freedom is possible, because it is a natural behaviour and a value that cannot be destroyed by propaganda.<sup>30</sup> It is the point of this apparently trivial discussion, which is central for our understanding of the making of liberty. The language used by the Bush administration to reframe the situation has been

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<sup>27</sup> Georges Lakoff, op. cit. p 8. See also Bernard Porter *Empire and Superempire* (New haven, CT, Yale University Press, 2006), 70.

<sup>28</sup> Quoted in its Lansdowe lecture on genealogy of liberty at Victoria 28/10/08.

<sup>29</sup> Tony Blair *The Threat of Global Terrorism: Why Sept. 11 made Iraq's liberation necessary*. March 5, 2004. <http://www.gees.org/documentos/Documen-050.pdf> Tony Blair *Global alliance for global values*-Foreign Policy Centre. 2006 - <http://fpc.org.uk/fsblob/798.pdf>. See also M. Thatcher, 'Europe: The Obligations of Liberty'. *Atlantic Community Quart* 18, no. 2 (1980): 131-36. For a critical view Jens Meierhenrich *Analogies at War* *Journal of Conflict Security Law*.2006; 11: 1-40

<sup>30</sup> Georges Lakoff speaking of Elaine Kamarck echoing Gertrude Stein's : a rose is a rose is a rose. op. cit. p.9.

more powerful than imagined by its critics (both at the political and academic levels). This is why they have centred their critiques on security and exception, and not so much on a discussion about freedom. The absence of critical assessment around the concept and sociology of freedom by IR specialists has favoured an uncontested continuation of this narrative and doxa of liberty as quality of a group and education. The debate is not anymore centred around ‘the war on terror’, and its coercive tone, but rather on the version of a multi-polar understanding of the world and the necessity of cooperation and education, in relation with pacification, along with an essentialist view of liberty as an attribute of a specific group of population. The two versions are two narratives playing the same game of defining freedom inside a biopolitical way of thinking and differentiating ‘the free men’ from others not considered as such.<sup>31</sup>

Therefore, critics may be happy with the new USA administration restraining from using such a level of arbitrariness regarding the rule of law, the role of constitution and judicial principles, but remain silence about its continuation of the quasi-unchanged vision of freedom to spread.<sup>32</sup> The fact that the EU will join even more easily this view will give even more credibility to this reframing of freedom.

The liberal practices of freedom can certainly harm violently and develop into illiberal practices including torture and extraordinary renditions in the name of the radical otherness of the others. They can also be more temperate and nevertheless harm by framing freedom into a learning process, a necessity to participate and to integrate to the movement to the global. The biopolitics of (un)freedom are still operative in both cases.

### **The Biopolitical Practices of (Un)Freedom**

The social constructivist position cannot hide itself into the belief of a ‘return’ to normality once essentialism of a natural common understanding of liberty is thrown away and it is no longer possible to believe that liberty has a fixed core of understanding which will resist any reformulation by the political power. So, from a

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<sup>31</sup> N. Rose, *Powers of Freedom: reframing political thought* (Cambridge: Cambridge University Press, 1999), 321p. B. Diken, 'From Refugee Camps to Gated Communities: Biopolitics and the End of the City', *Citizenship Studies*, 8 (2004), pp. 83-106. M. Dillon and L. Lobo-Guerrero, 'The Biopolitical Imaginary of Species Being and the Freedom to Underwrite in the Molecular Age', in *Mapping the Bioeconomy: The Knowledge Based Economy and the Biosciences* (Lancaster: 2006). M. Lazzarato, 'From biopower to biopolitics', *The Warwick Journal of Philosophy*, 13 (2004), pp. 100–111.

<sup>32</sup> In 2007 President Obama, still candidate, declared: Freedom must mean freedom from fear, not the freedom of anarchy. I will never shrug my shoulders and say - as Secretary Rumsfeld did - "Freedom is untidy." [http://www.barackobama.com/2007/08/01/the\\_war\\_we\\_need\\_to\\_win.php](http://www.barackobama.com/2007/08/01/the_war_we_need_to_win.php).)

social constructivist point of view, which we prefer to call an international political sociology perspective, liberty studies need to address the following questions: who are the bearers and promoters of ‘the truth’ around a specific understanding of freedom as a form of classification of specific human behaviours and practices? Further, who succeeds to monopolize the authoritative discourses on freedom? Do this group form a social field of professionals or amateurs, or are they scattered across different sectors of society? Is ‘truth’ about freedom natural, or is it related to a truth regime and thus to specific forms of knowledge? In contrast with (in)security practices, (un)freedom practices are not the result of the micro-competitions between academic specialists of philosophy – even if they play a role as demonstrated by Quentin Skinner – or of a successful rhetoric by professionals of politics. Instead, they form part of a multiplicity of sovereign, disciplinary and biopolitical practices that are transversal to institutions, societies and states.

*Practices of Education and Freedom*

As we have argued above, a liberal political imagination continues using a concept of freedom that includes forms of obedience and coercion through ‘education’. This understanding of freedom entails a form of parental family model where discipline and obedience to the oldest (and supposedly the most powerful) is the condition to freedom. Those who benefit from freedom need to teach those who are not free what freedom actually means. This is why discourses around protection and education (related for instance to training, the duty to protect, education and development) appear so often in political discourses. That notwithstanding, and as etymology teaches us, to protect is actually to organize a tutelage over other individuals or groups of individuals considered to be minors.<sup>33</sup> To train and educate them involves their reduction and treatment as minors too. Only adults surrounded by minors realize freedom. Freedom is then a mark of superiority and a boundary signifier between two groups (adults and minors or two ‘civilizations’: the West and the rest). Freedom therefore does not relate to equality and works against it.

Beyond their obvious geopolitical connotations which aim at privileging the interests of the US and other ‘Western’ countries, this strategy also constitutes an

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<sup>33</sup> A. Dobson, J. Huysmans, and R. Prokhovnik (eds). *The Politics of Protection. Sites of Insecurity and Political Agency* (London: Routledge, 2006).

effective way to send ‘the others’ back to the past, to a state of pre-freedom, and this is so even when they migrate and live among us. They have to learn the values of freedom, to integrate into the civilization before to move and have access to security of residence and participation. The European Commission has used this language in the scope of its neighbourhood policy by developing also an educational metaphor in relation to the situation of those states who wished to become EU members.<sup>34</sup>

Hindess has explained this liberal governmentality of what he calls ‘unfreedom’.

In his view

liberal political reason has been as much concerned with paternalistic rule over minors and adults judged to be incompetent, as it has been with the government of autonomous individuals ...Western colonial rules has long since be displaced, but its paternalistic perspective remains influential both in the programs of economic and political development promoted by international agencies and in the governmental practices adopted by independent, post colonial states.<sup>35</sup>

Paternalism, education and training are transformed into key technologies of liberal freedom expressing the possibility of gender and colonial domination through freedom when brutal practices are not possible any more.

The war on terror may move to ‘the education of freedom’ once international organizations and post-colonial states have decided to embark into the journey of global freedom that is now proposed. It is the dream of so many liberals from conservative and progressive backgrounds to see their good pupils learning to become proper civilized free men.

Nevertheless, this government through freedom will differ only marginally from the present period of more disciplinary and coercive methods used by the US and their allies in their international police operations. This margin is certainly important for many human beings submitted to massive coercion, but education is also a very strong way of framing choices, as all academics know. How far have we reflected on freedom, symbolic violence and education? For example, critical views are not exempted from a valorisation of education as truth for freedom. Zizeck has developed at length the example of the ‘choice’ given by the Amish to their teenagers, who are encouraged to travel and experience for some time ‘the American way of life’, and who are then proud to say that 90 % of them come back to their ‘Amish way of life’ and criticizes the

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<sup>34</sup> Julien Jeandesboz, 'Labelling the Neighbourhood: Towards a Genesis of the European Neighbourhood Policy'. *Journal of International Relations and Development* 10, no. 4 (2007): p.387-416.

<sup>35</sup> B. Hindess, 'The liberal government of unfreedom', *Alternatives*, 26 (2001), pp. 93-108.

Amish for not giving their youngest a truly free choice.<sup>36</sup> Costas Douzinas agrees with him when saying that ‘These teenagers are offered a formal choice but they are not informed or educated about their options....both ways of preparing people to exercise freedom, lead to forced choices. To be free is to choose freely in principle but inescapably in practice what has conditioned you’.<sup>37</sup> While there might be some degree of truth in these arguments, we can raise the question as to whether education is a way of ‘conditioning’. Is it the ‘conduct of conduct’ by excellence? Does our education restrain us? How far do the habitus and the heterogeneous registers of complex societies work to create uncertainty, indetermination and hazard and destabilize the educational process? Is freedom associated only with complexity and is the ‘not determined’? Finally, when freedom ends up as hazard, as uncertainty or as unknown, is it not an ironic reversal of Rumsfeld definition of evil as the unknown of the unknown?

*Practice to Move as Freedom*

A second element of our present series of practices is rooted into a dominant view lining liberty with mobility or movement. Of course, freedom for the individual, against its own state, is certainly the capacity not to be detained and imprisoned without proper justifications and rule of law standards. Freedom has been a struggle against the police state and absolutism. Liberty of movement, as the opposite of confinement, is one of the central rights of the individual. It is in all the core international and regional human rights treaties and forms one of the central planks of national constitutions in current liberal democracies. The rejection of arbitrary detention and the obligation of the state to respect and safeguard the freedom of movement of its citizens is a heartland issue. The ECHR considers in its article 5 that freedom of movement of the person is the first central right followed by the security of individuals against arbitrariness. The freedom to move is the freedom not to be a slave attached to a property. It is this practice of movement of the body, of the mind with freedom of thought, opinion and speech, which is the actualization of what we may call the libertarian element of the liberal modern societies. It is what distinguishes the contemporary forms of national governments in Western societies from other forms of national governments. The liberal reasoning argues that individuals have to be cautious towards their own government. They have to

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<sup>36</sup> Slavoj Žižek, *The Parallax View, Short Circuits* (Cambridge, Mass.: MIT Press, 2006): ix, 433 p.

<sup>37</sup> Costas Douzinas, *Human Rights and Empire : The Political Philosophy of Cosmopolitanism* (New York, NY: Routledge-Cavendish, 2007) p 129

fear the lions of the state but also the wolves that command them. Freedom is seen as opposed to government by the state, but enacts a specific form of governmentality which works not only by coercion but also by 'conduct of conduct', and which supposes mobility.<sup>38</sup> It is a very strong communality to see freedom associated with movement. Skinner has insisted on the fact that even if Hobbes, Locke, Bentham and Hegel had very different views about positive and negative liberty, they nevertheless shared this view of liberty as movement.<sup>39</sup> Henceforth the association of mobility and liberty begun before the capitalist market and the political economy developed the motto of '*laissez faire, laissez passer*' that was popularized by Jean Baptiste Say. The liberal way of using freedom, in opposition with the Middle Age and pre-renaissance period, relates to the notion of access, non-interference and non-blockade. Freedom relates with 'motion' towards a location, an object or a space in order to perform an action without the interference of another actor. Liberty is then framed as an absence of opposition and that is the reason why it has been considered to be limited by 'the liberty of others' and why it supposes to express itself in an area, a space of order and stability, in order to have the capacity to move. Liberty then assumes 'boundaries' and limits of defined spaces. Liberty of movement is then difficult to reconcile with protectionism, but not against borders and security as long as they do not block the flows of people, but filter them or channel them in a certain manner. All liberal economists are uncomfortable with immobility. For them if security means blocking or stopping mobility, then security has to be combated. However, if security does not imply slowing down too much flows then it is possible to join freedom of movement with security. Border guards have often a less complex view consisting of the conception of security as stopping or checking mobility, and liberty as the capacity to move freely. However, now the doxa seems to be based on the integration of these two lines of thought. Freedom is so centrally associated with movement that it is often confused with movement itself, something that makes difficult decoupling freedom from movement. Speed in movement is however not a guarantee of freedom, even if it is presented as such. The relationship between fast or facilitated movement and freedom might be one

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<sup>38</sup> Nikolas Rose, *Powers of Freedom : Reframing Political Thought* (Cambridge: Cambridge University Press, 1999): 321. especially p 62-63.

<sup>39</sup> Quentin Skinner, 'Classical Liberty and the Coming of the English Civil War', in *Republicanism: A Shared European Heritage Volume Ii: The Values of Republicanism in Early Modern Europe*, Van Gelderen, Martin, & Skinner, Quentin [Eds], Cambridge, Uk: Cambridge U Press, 2002(2002), 9-28.

of the reasons behind the widely acceptance by many travellers about security measures over their mobility, and who complain only about waiting time and hurdles. Then travellers accept any forms of controls if they can accelerate their journey because they perceive these controls as providing better comfort and associate them with a better life.

Mobility is in this way seen to be consubstantial of liberal economy. The world is a world of passage, of circulation of capital, goods, services, information and persons. This form of freedom as accelerated movement works through the computerization permitting gathering, storage and exchange of data concerning individuals at a higher speed for their information (or data double) than for their physical bodies, circulating in 'roads' mapped at local, regional and transnational levels. It works because more and more managers believe in specific bodies of knowledge supposedly capable to derive from non-linear information concerning an individual image about its present and of its future behaviour.<sup>40</sup> All these elements determine a mode of subjectification concerning 'who we are when we are governed in such a way' and what freedoms we are asked to exercise. The imperative of freedom of movement is overwhelming and penetrates now even places of detention as it is the case in airport waiting zones where the government insists that individuals are free to leave where you don't want to go and then, you are not detained, you are just retained under your own will to stay there.<sup>41</sup> Mobility and speed in a society of control are therefore considered freedom.

Freedom is transformed then into a series of practices framing biopolitics as a form of governmentality.<sup>42</sup> It is then not possible to analyze freedom without looking at police and disciplinary practices generating obedience and self-compliance. It is equally impossible to study freedom without an examination of the existence of a class of

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<sup>40</sup> Philippe Bonditti, 'Biométrie Et Maîtrise Des Flux: Vers Une Géo-Technopolis Du Vivant En Mobilité'. *Cultures & Conflits*, no. 58 (2005): pp.131-154. Didier Bigo, 'Speed as Freedom, Speed as Control', in *Contesting borderzones* (Open University: 2009).

<sup>41</sup> Didier Bigo, 'Detention of Foreigners, States of Exception, and the Social Practices of Control of the Banopticon', in *Borderscapes: Hidden Geographies and Politics at Territory's Edge*, ed. Prem Kumar & Grundy-Warr Rajaram, Carl (Minneapolis: University of Minnesota, 2007).

<sup>42</sup> A. Farge, M. Foucault and Archives de la Bastille., *Le Désordre des familles : lettres de cachet des Archives de la Bastille au XVIIIe siècle* ([Paris]: Gallimard Julliard, 1982), pp. 362. M. Foucault, L. H. Martin, H. Gutman and P. H. Hutton, *Technologies of the self : a seminar with Michel Foucault* (Amherst: University of Massachusetts Press, 1988), p. 166. M. Foucault, *Il faut défendre la société. Cours au Collège de France 1976* (Paris: Gallimard/Seuil, 1997). M. Foucault, M. Bertani, A. Fontana, F. Ewald and D. Macey, *Society must be defended : lectures at the Collège de France, 1975-76* (New York: Picador, 2003), M. Foucault, *Sécurité, Territoire, Population : Cours au Collège de France - 1977-1978* (Paris: Gallimard, 2004). M. Foucault, M. Senellart and A. I. Davidson, *Security, territory, population : lectures at the Collège de France, 1977-1978* (Houndmills, Basingstoke, Hampshire ; New York: Palgrave Macmillan, 2007).

professionals of politics and of law and norms who are framing the right of the state to arrest and punish an individual. This right of the state is itself in tension with the claim of the individual to have non-derogatory rights: such as the rights to life and the protection against torture. It is also impossible to analyze freedom without a proper investigation of ways in which people are registered and categorized, and the ways in which these categories are used as units for carrying out calculations. For instance, it is important to look at how certain categories of the population are considered as non-responsible (independent) and cannot not be free (such as for instance those suffering mental illness, ‘madness’, compulsive recidivist criminals, ‘natives’ or ‘indigenous’ populations and so on), or at how different legal categories of populations bear different rights and freedoms (citizens, foreigners, immigrants, tourists and so on). It is also necessary to investigate how development and economic growth are seen as dependent from motion, movement and mobility of capital and population and the uncertainty they create. It is also crucial to look at the way in which the government considers that people’s life is the object of its government and that freedom is good for life.

Liberty is ever present, but rarely discussed, in the academic literature. On the contrary, security has been discussed obsessively, but with a little understanding of one of the most crucial conditions under which security has become so problematic. Indeed, critical security studies present as well their own limits. They often introduce a bias by looking firstly at the meanings of security or insecurity or ‘desecuritization’, but they often neglect to ask if it is possible for security to exist as such when liberty of individuals is not the engine and the goal of the government. Security is not discipline. It is neither sovereignty, nor biopolitics. So what it is then? Some answers to this central question might well be to change the way we assess security, to look at the social practices of freedom and then to develop (not only critical security studies) but also critical liberty studies.

### **Beyond Critical Security Studies: Developing Liberty Studies**

Liberty studies are an area completely underdeveloped in IR. It is true that from time to time some philosophers and political scientists have reassured the lines of thought and debates inside the liberal tradition and have updated them by considering doing studies on liberty. Huge classical textbooks have been re-printed. At their best, they do an anthology of philosophy presenting in ‘good order’ the most important texts on negative

and positive freedom<sup>43</sup> and the relation of freedom with necessity, morality, coercion, equality, mobility, autonomy and truth.<sup>44</sup> None of these books has discussed seriously the present practices of freedom and their reframing by different authorities and different ways of life of citizen, foreigners and travellers, or even the genealogy of freedom beyond the Anglo-American world. This absence of interest for social practices on freedom is in coherence with a certain approach to freedom as a political thought and as a concept.

Rose and Dean, following Foucault and Veyne, have already discussed the difficulty for a large majority of philosophers to understand freedom and liberalism as a form of governmentality and the reasons why the understanding of freedom only as a concept constitutes in itself a fundamental problem.<sup>45</sup> Freedom is not opposed to government. Freedom is a way to govern by framing some actions as freedom and by letting people act in order to avoid too much weight on policing and coercion. Freedom needs to be seen as another form of governmentality of the liberal capitalist subject. Freedom is then a question of practices being labelled as such, and not so much a question of human nature that has been always there and will be there forever. This tension constitutes the main reason why sociologists have had hard times when discussing with traditional philosophers about these issues, especially because the problem of naturalization of freedom is not exclusively in the discipline of philosophy. Unsurprisingly, political science and IR have ended up reproducing in their own writings the naturalist ‘dogma’ of traditional political philosophy (and theology). Yet, they have applied and extended it here to a realm ‘beyond the state’, a realm of struggles and survival, where either the term liberty becomes the semantic equivalent of representative democracy regimes and the quality of a specific group who possess liberty, or the term liberty is used as a semantic equivalent to human rights, democracy and sometimes global cosmopolitanism.<sup>46</sup> For a majority of IR specialists (liberals or

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<sup>43</sup> Such as Hobbes, Bentham, Rousseau, Locke, Kant, Constant, Hegel, Marx, Berlin, Hayek, Nozick, Rawls and Skinner.

<sup>44</sup> I. Carter, M. H. Kramer and H. Steiner, *Freedom, a philosophical anthology* (Blackwell, 2007), p. 506.

<sup>45</sup> M. Dean, *Governmentality. Power and Rule in Modern Society* (London: Sage, 1999), p. 229.

<sup>46</sup> Just to quote different ways to frame freedom as value, see : D. Cornell, *Moral images of freedom : a future for critical theory* (Lanham, Md.: Rowman & Littlefield Publishers, 2007). A. Etzioni, *How Patriotic is the Patriot Act? Freedom Versus Security in the Age of Terrorism* (New York, London: Routledge, 2004), p. 196. I. F. Zakaria, *The future of freedom : illiberal democracy at home and abroad* (New York: W.W. Norton & Co., 2004), p. 295 . Leone Richeard C.; Anrig Greg Jr. (ed.), *The War on Our Freedoms. Civil Liberties in an Age of Terrorism* (New York: Public Affairs, 2003), p. 317. P. B.

realists, rationalists or culturalists) freedom is then a value and many add that freedom has to be analyzed as the driving element of history of humanity that is, at the very end, a history of freedomization and a process towards more freedom. Nevertheless, many of these debates share that freedom is an eternal concept that is just embodied differently in different phases of history, and they do with the terminology of freedom as they do with the concepts of state or sovereignty. They substantialize diverse and heterogeneous practices as if they were variations around the same core idea. In that sense, political realism is not in IR a critical discourse concerning freedom and its idealization. On the contrary, political realists are the first to be philosophically idealist and they join their so-called idealist opponents by introducing ethics for the cold state monster, under a very essential way of discussing liberty, sovereignty or power as ‘anahistoric transcendentals’. The key question is then, less their internal debates than their common way to have specific narratives that naturalize the terminology that they discuss. This is why we have a desperate need for more serious attention to liberty as the condition of existence of any account of security that claims scholarly pretension.

Veyne may be the author to begin with. For him, it is a common problem of historians and philosophers to naturalize their concepts and to be driven by this illusion of an essence, of a ‘natural object’ (and it is especially the case of the ones doing history of philosophical thought or/and of doing political sciences and IR). That is why, he explains, Foucault has revolutionized history, philosophy and political science, and opened bridges with anthropology and sociology. For him, and in accordance with Foucault, doing history (or sociology) critically is above all to be attentive to the heterogeneity of the practices and the scarcity of the possible assemblages of practices in each society, as well as their profound originality that cannot be read through a linear vision of time. Ruptures of episteme exist. Practices and institutions may continue but in very different forms and shapes. In his own words, ‘The illusion of a natural object (the governed throughout history [or the notion of freedom]) conceals the heterogeneous nature of practices (coddling children is not managing flows)’. Here is the source of all dualist muddles. For ‘the governed’ is neither a unity nor a multiplicity, any more than

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Heymann, *Terrorism, Freedom and security* (Cambridge (Mass.): MIT Press., 2003). D. Goldberg, V. Goldberg and R. Greenwald (eds.), *It's a Free Country. Personal Freedom in America after September 11* (New York: RDV Books, Akashic Books, 2002), p. 362. R. Espejo, *Civil liberties* (Detroit: Greenhaven Press, 2009). P. Anand, P. K. Pattanaik and C. Puppe, *The Handbook of rational and social choice* (New York: Oxford University Press, 2009).

repression (or its diverse forms) is, for the simple reason that there is not such a thing as ‘the governed’. There are only multiple objectivizations (population, fauna and subjects of rights) correlative of heterogeneous practices’.<sup>47</sup> A relation between this multiplicity of practices and unity becomes an issue only if one attempts to ascribe to the practices a non-existent unity. Everything hinges on a paradox at the heart of Foucault’s explanation of this teleological illusion of the philosophers: what is made, the object, is explained by what went into its making at each moment of history, which is the doing or practice. So, in Veyne’s view

We are wrong to imagine that the making, the practice is explained on the basis of what is made. Things, objects, are simply the correlate of practices... We too often mistake the end result for a goal, we take the place where a projectile happens to land as its intentionally chosen target. Instead of grasping the problem as its true center, which is the practice, we start from the periphery which is the object.<sup>48</sup>

We have to learn from this methodological posture. The ‘object’ liberty is only the periphery. The practices and the making of freedom are more central. What a society calls freedom is then only for a certain period the result of the multiple objectivizations of action, movement, education, speech, association, consumption and life that are associated with freedom but that are correlatives to heterogeneous practices. In different societies and times, these practices were actually forms of slavery (obedience to a spoke person of a collective body), forms of major sins (pride, arrogance, false pretence, lack of self-discipline, lust and so on) and even forms of abjection. The ‘object’ called freedom in liberal society then simply correlates with these practices of the self, of commercial activities, of morality and of set of interlocked institutions. They are the ones valued for a certain type of ‘lite’ governmentality trying to avoid playing only with the power to deliver death, or to put individuals under permanent police surveillance, and developing self-discipline, and attitudes where power is related with conduct of conduct, with ‘auto-discipline’, with restrained violence as explained by Rose.<sup>49</sup>

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<sup>47</sup> P. Veyne, *Comment on écrit l'histoire ; suivi de Foucault révolutionnaire l'histoire* (Paris: Éditions du Seuil, 1979), p. 242. (quotation: p 99). Veyne has been translated in P. Veyne, *Writing history ; essay on epistemology* (Middletown, Conn.: Wesleyan University Press, 1984), pp. 342. and the last chapter in A. I. Davidson, *Foucault and his interlocutors* (Chicago, London: University press of Chicago, 1997), p. 160. I have changed slightly the translation.

<sup>48</sup> P. Veyne, op.cit. p 162

<sup>49</sup> Nikolas Rose, *Powers of Freedom : Reframing Political Thought* (Cambridge: Cambridge University Press, 1999): 321.

Against a vision of an essence of liberty of mankind deployed through history, or a purely nominalist belief of freedom at the level of the words, liberty studies grounded in political sociology (and not political science) and following this methodology indicated by Veyne, would then ask for a genealogy of practices considered in different spaces and time as liberty. Why is movement considered as freedom? Why is education considered as liberation? Why does our society want to extend life at any cost and consider it is better than to die with honour? How does freedom work and set up boundaries about unfreedom and ideas about slavery, obedience but also obligations and duties? As long as we have already a critical discussion about state and sovereignty, we also need to develop a similar critical discussion of (un)freedom, based on a philosophy of relations instead of a philosophy of object taken as ends or as cause. We need to understand the practices of (un)freedomization that draw the boundaries of what is lived as freedom and what is lived as obedience, and to discuss the boundary itself.<sup>50</sup>

To study liberty in IR has to do with a discussion about the present obedience to surveillance and/or to consumerism and/or to rights, and with a research as to the ways by which practices of freedom may be simultaneously practices of active or passive obedience. Then the question of the 'voluntary servitude' should be regarded as a second central element for liberty studies.

### **Resistance to the Liberal Ways of (Un)Freedomization ?**

The liberal process of (un)freedomization articulating liberty and obedience is at present mainly structured by the Anglo-American tradition of liberty and its reproduction through a main narrative of positive and negative freedom, independently of the social practices that are at stake globally. As we have briefly explained in this chapter, a certain history of freedom tries to build a linear representation of the idea of liberty instead of insisting on its heterogeneities.<sup>51</sup>

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<sup>50</sup> J. Bartelson, *A Genealogy of Sovereignty*. (Cambridge: Cambridge University Press, 1995), p. 317. J. Bartelson, *The Critique of the State* (Cambridge: Cambridge University Press, 2001), p. 212. R. K. Ashley and R. B. J. Walker, 'Reading dissidence/ writing the discipline: crisis and the question of sovereignty in international studies', *International Studies Quarterly*, 34 (1991), pp. 367-416. R. B. J. Walker, 'Sovereignty, Identity, Community: Reflections on the Horizons of Contemporary Political Practice', in R. B. J. Walker, Saul H. (ed.) *Contending Sovereignities: Redefining Political Community* (Boulder: Lynne Rienner Publishers, 1990), pp. 159-185. R. B. J. Walker, 'Recontextualizing Relations Between Liberty and Security', *Security Dialogue*, 37 (2006), p. 5.

<sup>51</sup> Isaiah Berlin, Henry Hardy, and Ian Harris, *Liberty : Incorporating Four Essays on Liberty* (Oxford: Oxford University Press, 2002): xxxiv, 382 p. George Crowder, *Isaiah Berlin : Liberty and Pluralism* (Cambridge, UK ; Malden, MA: Polity, 2004): x, 229 p. Jean Leca, 'Liberalisme, Pluralisme Et

This history is seen as the history of freedom under necessity. It has a totemic origin in Hobbes, who was one of the first to challenge the old republicanism and to propose this model. Such a model has been then so much naturalized that we now face major difficulties at times of imagining an alternative one: freedom as freedom(s) in competition, and freedom under the existence of an order supposing the emergence of an authority regulating these freedoms. This line of thought is quite hegemonic in its pretension to define ‘the truth’ of what liberty means. Even if, by doing so, as Skinner reminds us, all these liberal philosophers miss the key question of the distinction between the free man and the unfree where the unfree is aware of its servitude, but not (always) the free man.<sup>52</sup>

In that sense, post-colonial studies, critical political theory and liberty studies have a strong point of convergence. They unpack the conditions of obedience, which structure the discourses and practices of freedom of contemporary Western societies. They join the dots with an underground tradition, which disrupts this authoritative model of liberalism of liberty as movement and education, resurfacing in specific periods of ‘troubled’ order, to both ask for more coercion and for extension to others of this freedom. This alternative posture certainly does not have the linearity and the coherence attributed to the liberal framing of freedom. It is more a destructive irony emerging from individuals resisting the state doxa of freedom under necessity.

La Boétie and Montaigne have anticipated and disrupted the Hobbesian argument of the Leviathan as condition of freedom and equality.<sup>53</sup> Stirner, Proudhon, Kropotkine and the anarchists have revived this discussion later on by insisting more on property.<sup>54</sup> Sala Molens, Deleuze and Castoriadis have, in a more contemporary way, inscribed desire and power into freedom.<sup>55</sup> While these authors are not well known, especially in

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Communautarisme: Actualité d'Isaiah Berlin (Liberalism, Pluralism and Communitarianism: The Relevance of Isaiah Berlin)'. *Commentaire* 70 (1995): 369-382.

<sup>52</sup> Quentin Skinner, *Hobbes and Republican Liberty* (Cambridge, UK ; New York: Cambridge University Press, 2008): xxiii, 245 p.

<sup>53</sup> Etienne de La Boétie, *Discours De La Servitude Volontaire*. Editions Payot ed (Paris: Petite Bibliothèque Payot, 1976): 335. Estienne de La Boétie, *The Politics of Obedience : The Discourse of Voluntary Servitude* (New York: Free Life Editions, 1975): 88 p.

<sup>54</sup> Max Stirner, 2002. L'unique Et Sa Propriété, J.-M. Tremblay, <http://dx.doi.org/doi:10.1522/cla.stm.uni>. John F. Welsh, *After Multiculturalism : The Politics of Race and the Dialectics of Liberty* (Lanham, MD: Lexington Books, 2008): ix, 211 p.

<sup>55</sup> Louis Sala-Molins, *La Loi, De Quel Droit?* (Paris: Flammarion, 1977): 165 p. Gilles Deleuze, *La Philosophie Critique De Kant; Doctrine Des Facultés*. [3e éd] ed (Paris.: Presses Universitaires de France, 1971): [111]p. Gilles Deleuze *Le Pli : Leibniz Et Le Baroque, Collection Critique* (Paris: Éditions de Minuit, 1988): 191 p. Cornélius Castoriadis, *L'institution Imaginaire De La Société*. Edited by Point

the US and in political science and IR, they have contributed towards the displacement of the question of (un)freedom and facilitated the emergence of a different political imagination of the present. All these authors have questioned the idea that for liberty to exist there must be a division between an organic form of power creating a specific area of motion and assuring order in this area – power represented minimally by one member – and the other members of this area, all equals except one. They all challenge the limits and boundaries of freedom with the political, religion, secular belief, sciences and knowledge, and they all insist on ‘practices’ and on their ‘*dispositif*’ or ‘*assemblages*’. They discuss freedom as a form of governmentality that enacts specific obedience – called freedom – but enacts also specific resistance called obedience. They then displace ‘necessity’, and by doing so, they dare to question sovereignty as necessity and the limits to liberty.

For many of them the central question is the one posed by La Boetie about the ‘*servitude volontaire*’ (voluntary servitude):

how it happens that so many men, so many villages, so many cities, so many nations, sometimes suffer under a single tyrant who has no other power than the power they give him; who is able to harm them only to the extent to which they have the willingness to bear with him, who could do them absolutely no injury unless they preferred to put up with him rather than contradict him?<sup>56</sup>

And, as Clastres explains, the strength of the short text of la Boétie lies on asking repeatedly the question, not on the will to answer.

The ‘*servitude volontaire*’ is not just obedience by habits, or a natural will to serve, it is an accident, the malencontre which transforms freedom into will to serve, into wrong calculation of interests, into a self forging of the chains, into the illusion to be free men and equal when they obey to the one or to the name of the one that they have instituted as different and nevertheless representative of them. We can understand the consequences of the loss of liberty but not why it happened.<sup>57</sup>

The genealogy of freedom and the genealogy of state and sovereignty are at the crossroads. The Amerindian societies have certainly something to say to the so-called civilized free men as they embody societies against the state by structuring their rules of

essais. Editions du Seuil ed (Paris, 1975): 538. Cornelius Castoriadis, *Crossroads in the Labyrinth*. 1st MIT Press ed (Cambridge, Mass.: MIT Press, 1984): xxxi, 345 p.

<sup>56</sup> Estienne de La Boétie, *The Discourse of Voluntary Servitude; The Politics of Obedience and Etienne De La Boétie*. Edited by Murray Rothbard (New York: Black Rose Books, 2007): 152p, Harry Kurz translation p 112.

<sup>57</sup> Pierre Clastres, 'Liberté, Malencontre, Inommable', in *Le Discours De La Servitude Volontaire D' Etienne De La Boétie, Suivi De La Boétie Et La Question Du Politique*, eds. Miguel Abensour and Marcel Gauchet (Paris: Payot, 1978), 312, quote Clastres p 231. See also Pierre Clastres, *Society against the State: The Leader as Servant and the Humane Uses of Power among the Indians of the Americas*. 1st American ed (New York: Urizen Books, 1977): 186 p.

power to avoid such a Malencontre. And they howl: 'what you call freedom is obedience. We prefer to die than to live in your world of freedom by state, property, work, speed of movement and consumerist desire'.