

UNIVERSITY OF WINCHESTER

FACULTY OF ARTS

'THE REIGN OF FREEDOM'

**The Discourse of Freedom under the Administration of President
George W. Bush (2001–2009)**

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ABSTRACT

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'THE REIGN OF FREEDOM'

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This thesis examines a paradox: namely, how the administration of President George W. Bush, which placed freedom at the core of its political ideology, developed and implemented policies that ran counter to the tradition of liberty to which, in the discourse of freedom that it constructed, it constantly appealed.

The thesis suggests that the explanation for this paradox lay not so much in the conventional political sphere as in the administration's understanding and interpretation of the meaning of freedom itself. This interpretation, the thesis argues, reflects the deep influence upon the administration of neoconservative ideology as well as that of the Christian right. Using Isaiah Berlin's ideas about freedom as an analytical tool, the thesis firstly considers the interpretative paradigms of the American liberty tradition and the nature of freedom embedded within it together with the contribution made to that tradition by early theorists. It then explores the philosophical roots of neoconservatism and draws conclusions about the interpretation of freedom embedded within that political ideology.

It is argued that the American tradition of liberty is grounded in an ideal of freedom which, using Berlin's terminology, is essentially 'negative' in character, whilst neoconservatism adheres to a concept of freedom that is 'positive', and, accordingly, liable to perversion to something akin to its opposite. The thesis demonstrates neoconservative influence upon the administration and its interpretation of the meaning of freedom by exploring a number of key policy areas. In foreign affairs it considers the background of neoconservative foreign policy objectives and how these were manifested in the administration's conduct of the 'war on terror' and the Iraq war following the events of 9/11. In domestic terms the thesis makes reference to the exercise of presidential power, the suppression of dissent and the manipulation of science.

Through the consideration of these examples the thesis concludes that the Bush administration amply demonstrated the perversion to which positive liberty is prone.

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CHAPTER ONE: INTRODUCTION

We will do whatever it takes to make the homeland secure and to make freedom reign across the world.¹

We all declare for liberty; but in using the same *word* we do not all mean the same *thing*.²

¹ President George W. Bush. 'Remarks at the National Republican Senatorial Committee Dinner.' 25 September 2002, in *Public Papers of the Presidents* <<http://www.presidency.ucsb.edu/ws/>>[accessed 30 September 2007].

² Abraham Lincoln cited in Roy P. Basler, *The Complete Works of Abraham Lincoln* (New Brunswick, N.J.: Rutgers University Press, 1953), Vol. VII, p. 301.

I THESIS DESCRIPTION

On 28 June 2004, during a conference being held at the Hilton Istanbul, Turkey, Condoleezza Rice, then National Security Adviser to President George W. Bush, handed him a note. The note confirmed that at 10.26 a.m., Iraqi time, Iraq was sovereign. The President read the note and scribbled a reply: 'Let freedom reign!' The subject of this thesis is the 'reign of freedom' instituted by an American president for whom freedom was the centrepiece of his policy objectives, and whose ambition was to spread freedom throughout the world. It is not an analysis of the policies of the Bush administration, except where relevant, but an analysis of the administration's interpretation of freedom and the mobilization of a discourse.

The thesis has a number of interlinked objectives. Its principal task is to explore a paradox: how the administration of George W. Bush (2001-2009), infused with the ideas of neoconservatism, implicitly made the 'Freedom Agenda' its core theme, yet constructed a discourse in which 'freedom' as a rhetoric, a value, an ontology, threatened to undermine the very ideal of freedom that had for so long been integral to the American tradition.³ The American people, as this thesis will show, were confronted with measures at home and abroad that both curtailed individual freedom and weakened its protection. Using the language and rhetoric of freedom, and frequently appealing to the tradition of liberty referred to above, the administration changed the nature of the value which the American people have long held to be the central focus of their self-consciousness.

What is the explanation for this paradox? How did the rhetoric of freedom become the *leitmotif* that was woven into a series of policies that embraced its

³ The thesis is concerned principally with civil liberty or freedom, i.e. the relationship between the state and the individual and it is in that sense, except where clearly stated, that the term 'freedom' is used throughout. The words 'freedom' and 'liberty' are used interchangeably throughout and their meaning is considered synonymous.

antithesis, not only in the pursuance of foreign wars of dubious legality such as the Iraq war, but in the torture of 'enemy combatants' and suspected terrorists, in the denial of civil rights and habeas corpus to those suspects held prisoner at Guantanamo Bay,⁴ in programmes of domestic spying and in the abrogation of the rule of law? How, in symbolic terms, did the Statue of Liberty become replaced by the image of Abu Ghraib? The conventional explanations for these policies and events are usually couched, as evidenced by a stream of memoirs and accounts of the Bush presidency, in political terms.⁵ The need of the President to appear strong in the face of terrorist threats, particularly after the events of 11 September 2001 (9/11) when the twin towers of the World Trade Centre in New York were destroyed by al-Qaeda, the desire of the administration to implement a radical conservative or neoconservative agenda, the need to keep appealing to the Republican electoral base, or indeed the manifestation and implementation of long-held political beliefs by key administration figures, are frequently cited. In these accounts, policies and actions have a political explanation; poor political judgement, 'group think' or 'short termism' took over, or conflicts of political interest took place. All of these political scenarios doubtless have some claim upon explaining the central paradox of the Bush administration. It is the burden of this thesis however, that the hitherto overlooked explanation lies, in significant part at least, within the realm of philosophy rather than in politics: namely, in the way in which the Bush administration, predominantly under the influence of neoconservative thought, but also that of the Christian right, interpreted the meaning of freedom, an interpretation that was underpinned by a Hegelian view of the nature of history. The thesis seeks to demonstrate that this interpretation of freedom ran counter to the American ideal of freedom as it had developed in the early life of the

⁴ Over the entrance to which, inadvertently emphasising the paradox this thesis explores, are written the words: 'Honour Bound To Defend Freedom'.

⁵ See Section III below.

Republic in the late eighteenth and early nineteenth centuries, and upon which its tradition of liberty was built and developed.

In pursuing this core argument, a number of areas are explored which underpin its validity. Consideration is given to the historical and philosophical framework of American ideas of freedom in the late eighteenth century and during the founding of the Republic. This acts as a site of comparison against which the discourse of freedom under the Bush administration is analysed. Philosophical notions of freedom are explored in some detail, particularly in terms of 'positive' and 'negative' concepts, and the character of freedom implicit in neoconservative thought. Consideration is given to why an idea like freedom, which served so long, in historical terms, as a rhetorical instrument, was ensconced at the heart of the Bush administration with such thematic intensity, and how the administration's interpretation of the nature of freedom was reflected in policy goals and objectives at home and abroad. Finally, consideration is given to how the administration constructed and shaped this discourse in order to dominate a political space and how the media assisted this process.

II BACKGROUND AND SETTING

i) The power of a word

It is a commonplace to observe that freedom lies at the heart of American identity. In the biography of America, no other idea or concept plays such a central structural role. To use the notion developed by Benedict Anderson of America as an 'imagined community',⁶ freedom represents, in the minds of most Americans, the focal point of their communion with each other and an essential

⁶ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 2003), p. 6.

element of the nation's mythology. Myth, as Roland Barthes has argued, is a type of speech, and the ideal of freedom, a concept which grounds itself in myth, provides Americans with a unique form of self-identification in a simple and uncomplicated way. It offers Americans their own likeness, elevated into a type, and all Americans can participate in the mythology in which freedom is rooted; the historic past can be seen to live in the present. This is why freedom is such a potent word and why, in political terms, the control of the freedom discourse is so crucial. As Barthes suggests:

In passing from history to nature, myth acts economically: it abolishes the complexity of human acts, it gives them the simplicity of essences, it does away with all dialectics, with any going back beyond what is immediately visible, it organises a world which is without contradictions because it is without depth, a world wide open and wallowing in the evident, it establishes a blissful clarity: things appear to mean something by themselves.⁷

Thus for many Americans freedom has been, and still is, the apotheosis of American achievement. Others have believed that freedom is America's unique contribution to the world, and a sign that America is a nation favoured by God. Indeed, it has frequently been thought of as 'the gift of Heaven'⁸ and as President Bush, in an unsettling echo of that eighteenth-century quotation put it: 'I do believe there is an Almighty, and I believe a gift of that Almighty to all is freedom.'⁹

The potency of freedom in American political history is well-documented. Eric Foner and Daniel T. Rodgers, for example, have recounted how in the twentieth century, freedom became the rallying cry of World War II and how the word 'swelled with new power in the 1940s' as President Roosevelt made his

⁷ Roland Barthes, *Mythologies* (St Albans: Paladin, 1973), p. 143.

⁸ See epigraph to Chapter Two.

⁹ Cited in Dan Froomkin, 'Bush's Middle Eastern Folly,' *Washington Post*, 17 July 2007 <http://busharchive.froomkin.com/BL2007071700706_pf.htm> [accessed 4 August 2008].

'four freedoms' part of the vocabulary of the New Deal.¹⁰ In the 1940s the nation's core documents, including those written by such luminaries as Jefferson, Hamilton, Washington, and Lincoln, as well as documents relating to the German and Japanese surrender, were packed into a 'Freedom Train' which toured the country and was visited by some three million people. As Rodgers writes, 'Freedom had won the war. However differently an economic or geopolitical realist might have put it, that formulation of the war's meaning, sweat and sacrifice, worked its way deep into the patterns of everyday speech'.¹¹ When the Cold War developed, the threat posed by the Soviet Union was once again cast in the rhetoric of freedom that had previously been developed in the Second World War. Freedom was the value that countered the ideology of communism and the slavery it implied.

And yet freedom, as Lincoln so acutely observed, means different things to different people, and its meaning is shaped by traditions, struggles, revolutions, wars and mythologies. It is a terrain of conflict, an essentially contested concept. Nor has its progress through American history been smooth. The notion of civil liberties, that is rights that can be held by an individual against the state, have a chequered history as evidenced by Eric Foner in *The Story of American Freedom* (1998), and attempts to limit the application of freedom along racial, gender, or class lines have clearly been a persistent thread in American history.

It is also the case that there have been occasions in America's history when the State has placed civil liberties in peril in a more general way. The suppression of abolitionist meetings in the 1830s, the 'red scare' after World War I and the grave impact of McCarthyism during the early period of the Cold War serve as pertinent examples. Indeed, it could be argued that America's mood since 9/11 and the Bush administration's attitude towards freedom and civil

¹⁰ See Eric Foner, *The Story of American Freedom* (London: Picador, 1999), pp. 249 – 252, and Daniel T. Rodgers, *Contested Truths: Keywords in American Politics Since Independence* (London: Harvard University Press, 1987), p. 214.

¹¹ Rodgers, *Contested Truths*, p. 214.

liberties conform to something of a tradition in which the freedoms guaranteed by the Constitution become vulnerable when the State becomes convinced of the existence of internal enemies. However, it is not the objective of this thesis to argue that traditional concepts of freedom have not been undermined in the past or individual freedoms transgressed, because that clearly is the case.

In foreign affairs, too, the American tradition of liberty has often been perverted. William Appleman Williams, for example, has noted the destructive consequences of inversions of freedom into modes of repression and exploitation in his critique of US foreign policy from the 1890s to the 1960s.¹² Indeed, any review of American post-war foreign policy will locate numerous examples – the Vietnam War, the promotion of the illegal military coup in Chile in 1973, the support for the ‘Contras’ in Nicaragua in the mid-1980s – to cite but a few – in which ‘freedom’ has been used as a political cover for actions that have led to its opposite. Such transgressions have been driven by various factors, including competing visions of America’s role in the world by different presidents, but they were not obviously underpinned by the same kind of ideological radicalism so characteristic of the neoconservatism that began to develop its influence in the 1990s and which departed so significantly from ‘traditional’ conservatism. What this thesis seeks to demonstrate is that neoconservatism has no precedent, and neither does the extent of its influence as a political ideology. The Bush administration, as a result of the absorption of this particular strand of political and philosophical thought transformed the idea of freedom into a concept that betokened its antithesis. America may not have been made considerably less free than at other stressful periods of its history as a result, nor pursued a more significantly belligerent foreign policy, but the reasons for the violation of its freedom tradition were without easy parallel.

¹² See William Appleman Williams, *The Tragedy of American Diplomacy* (New York: Dell Publishing Co., Inc., 1972).

Since the tradition of liberty helps to define what it is to be American, changes to the shape and boundaries of the concept are of considerable importance. The cultural theorist Raymond Williams has suggested that certain words, especially those that involve ideas and values, are 'keywords' in that they are charged with an additional level of significance beyond their everyday usage. Such words 'are significant binding words in certain activities and their interpretation; they are significant, indicative words in certain forms of thought'.¹³ In similar vein, Daniel Rodgers has suggested that some political words

can do more than mystify, they can inspire, enrage, energise. With words our minds are changed, votes acquired. Enemies labelled, alliances secured, unpopular programmes made palatable. Words make mass actions possible. With words ringing in their heads, masses of men have made revolutions and crusades, flung themselves into war. Through words some of the most potent forces of modern politics are released.¹⁴

'Freedom' is clearly one of those words, and in American political vocabulary it not only describes but is value-laden with the speech-act potential to commend or condemn, approve or disapprove. Quentin Skinner has pointed out that any political vocabulary will contain a number of such terms and that it is 'essentially by manipulating this set of terms that any society succeeds in establishing and altering its moral identity'.¹⁵ Thus by manipulating meaning the State or government can create a new norm; previously illegitimate acts or measures, detention without trial say, or the use of torture can be sanctioned in this process. Key to this process of manipulation is what Skinner refers to as

changing the conventions of the governing sense, reference or speech act potential of some of these normative terms. The alteration of the sense, reference or evaluative force of the terms of an ideology will then serve to re-characterize or re-evaluate the political situation

¹³ Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (London: Fontana Press, 1988), p. 15.

¹⁴ Rodgers, *Contested Truths*, p. 4.

¹⁵ Quentin Skinner cited in *Meaning and Context: Quentin Skinner and his Critics*, ed. by James Tulley, (Oxford: Polity Press, 1988), p. 13.

it represents; legitimizing a new range of activity or beliefs, de-legitimizing or reinforcing the status quo, and so on.¹⁶

Skinner further points out that attempts to stretch ideological conventions usually take the form of grounding the change in terms of that which is already accepted and taken for granted. Thus the discourse of freedom can be manipulated to mean something different to its traditional meaning by grounding it in that very tradition. As Daniel Rodgers argues, political words 'take their meaning from the tasks to which their masters bend them. They are instruments, rallying cries, tools of persuasion'.¹⁷ A successful modification of a term like freedom can, therefore, be disseminated through a compliant media to the extent that the change becomes orthodox; practices hitherto regarded as unlawful or unconstitutional are legitimized, and statements denying that such activities represent an undermining of the traditional ideal of American freedom assume an authoritative status.

This process of manipulation has been made easier by the tenor of the times. The early part of the twenty-first century has been notable as an age of image politics, in which appearance is more important than substance, and the real ever more difficult to distinguish from artifice. Political argument elides into shorter and shorter sound bites, and the fragmentation of issues, the promiscuous trivialization of values, symbols, and images, is all-pervasive. The news itself is not an account of the events of the day but 'the news', a programme mediated and orchestrated by the networks and the media.¹⁸ The apparent compliance and lack of serious analysis by the media during a large period of the Bush administration, facilitated, this thesis suggests, a recasting or a perversion, of the meaning of freedom that lay at the heart of the American tradition. If it is indeed the case that the story of freedom in America, is, as Eric Foner suggests, 'a record

¹⁶ Ibid.

¹⁷ Rodgers, *Contested Truths*. p. 10.

¹⁸ For a detailed account of how this process works, see for example Thomas de Zengotita, *Mediated: How the Media Shapes Your World and the Way You Live in It* (London: Bloomsbury, 2005).

of a people forever contending about the crucial ideas of their political culture',¹⁹ this thesis seeks to reveal how at a particular time this ideal was subverted and betrayed.

ii) The 'Freedom Agenda'

The discourse of freedom pervaded almost every policy area during the Bush administration's period in office. In speech after speech, in nearly every formal public utterance, the President made a reference to freedom. Although references to freedom are virtually obligatory in American presidential rhetoric, seldom, if ever, has the word been deployed so vociferously or with such fervour. From his inaugural address in 2001 when all Americans were told they, and America, were part of a 'long continuing story [...] of a slave owning society that became a servant of freedom' and that freedom 'is now a seed upon a wind, taking root in many nations',²⁰ the President hardly faltered in his emphasis to the end of his period of office. In some periods the rhetoric of freedom was stronger than in others but the 'discourse of freedom' became more pronounced following the attacks of 9/11 and it was freedom rhetoric, above all, that framed America's response to those attacks and the 'war on terror', to use President Bush's words, that followed. America's enemies were not simply enemies of America, but instantly transformed into the 'enemies of freedom' who 'hate our freedoms – our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other'.²¹

The nature of freedom, according to the President was universalist: 'freedom is the right of every person and is the future of every nation' and is

¹⁹ Foner, *The Story of American Freedom* p. xxii.

²⁰ President George W. Bush, 'Inaugural Address', 20 January 2001 <<http://www.whitehouse.gov/news/inaugural-address.html>> [accessed 7 July 2008].

²¹ President George W. Bush, 'Address to a Joint Session of Congress and the American People', 20 September 2001 <<http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>> [accessed 21 August 2008].

'God's gift to humanity'.²² Perhaps the most remarkable paean to the ideal of freedom was Bush's second inaugural speech of January 2005. In this address, crafted by the conservative evangelical Michael Gerson, in which the word 'freedom', or variants of it, was mentioned no less than forty-four times, nine of which were in the last two paragraphs,²³ the survival of freedom in America was equated with the success of freedom and liberty elsewhere: 'The survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world.'²⁴ Crucially, too, from the perspective of this thesis, the rhetoric deployed in this same speech referred back to the past, to the period of the founding. Bush clearly wanted the American people to think of his administration as part of a continuum that defended the same ideals of freedom that formed part of the founding doctrine:

When the Declaration of Independence was first read in public and the Liberty Bell was sounded in celebration, a witness said, "It rang as if it meant something." In our time it means something still. America, in this young century, proclaims liberty throughout the world, and to all the inhabitants thereof. Renewed in our strength - tested, but not weary - we are ready for the greatest achievements in the history of freedom.²⁵

This was not the first time that President Bush expressed the view the ideal of freedom he felt to be under threat was the same as that located in the founding doctrine. In a sense he appealed to freedom's tradition in order to justify the actions of the present, as demonstrated in his State of the Union Address of 29 January 2002. Referring to the events of 9/11 he said:

In a single instant, we realized that this will be a decisive decade in the history of liberty, that we've been called to a unique role in human events. Rarely has the world faced a choice more clear or consequential.

²² President George W. Bush, 'State of the Union address,' 28 January, 2003.

<<http://www.whitehouse.gov/news/releases/2003/01/20030128-19.html>> [accessed 13 November, 2008].

²³ Bob Woodward, *State of Denial: Bush at War Part III* (London: Simon and Schuster, 2006), p. 378.

²⁴ 'President George W. Bush, 'Inaugural Address', 20 January, 2005.

<<http://www.whitehouse.gov/news/releases/2005/01/20050120-1.html>> [accessed 13 November, 2008].

²⁵ *Ibid.*

Our enemies send other people's children on missions of suicide and murder. They embrace tyranny and death as a cause and a creed. We stand for a different choice, made long ago, on the day of our founding. We affirm it again today. We choose freedom and the dignity of every life.

Steadfast in our purpose, we now press on. We have known freedom's price. We have shown freedom's power. And in this great conflict, my fellow Americans, we will see freedom's victory.²⁶

What the administration termed the 'Freedom Agenda' was a development of the initial response to the events of 9/11 in which the President articulated his vision of the shape and direction not just of American foreign policy, but also a strategy to guard existing freedoms. The 'Freedom Agenda' was first outlined in the President's West Point speech of 1 June 2002 and later crystallized in the National Security Strategy of September 2002. In the West Point speech, the President again harked back to the past, suggesting that the challenges faced by America were part of a continuum, going back perhaps even as far as the end of the Thirty Years War: 'We have our best chance since the rise of the nation state in the 17th century to build a world where great powers compete in peace instead of prepare for war.'²⁷ The National Security Strategy (NSS) itself made clear what role the administration saw for itself at that moment of opportunity, which was 'to extend the benefits of freedom across the globe'.²⁸

The strategy outlined in the NSS was developed around the concept of freedom; freedom comprised its central framework and *raison d'être*. Above all perhaps, freedom was transformed into a deeply significant emblem, used almost in the manner of a cross upon a medieval crusader's shield, the force of light versus the forces of darkness²⁹

²⁶ President George W. Bush, 'State of the Union address,' 29 January 2002
<<http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>> [accessed 21 August, 2008].

²⁷ President George W. Bush, 'Graduation Speech at West Point', 1 June 2002
<<http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html>> [accessed 13 August, 2008].

²⁸ The National Security Strategy of the United States, September, 2002.

<<http://www.whitehouse.gov/nsc/nssp.pdf>> [accessed 21 October, 2007], (p. ii).

²⁹ President Bush, speaking a few days after 9/11 without the aid of advisers did use the word 'crusade'; 'This crusade, this war on terrorism.' See James Carroll, 'The Bush Crusade', *The Nation*, 20 September, 2004. Carroll wrote: 'That the President used the word inadvertently suggests how it expressed his exact truth, an unmasking of his most deeply felt purpose. Crusade, he said. Later, his embarrassed aides

Freedom is the non-negotiable demand of human dignity; the birthright of every person – in every civilization. Throughout history, freedom has been threatened by war and terror; it has been challenged by the clashing wills of powerful states and the evil designs of tyrants; and it has been tested by widespread poverty and disease. Today, humanity holds in its hands the opportunity to further freedom's triumph over all these foes. The United States welcomes our responsibility to lead in this great mission.³⁰

This language, this rhetoric, this developing discourse of freedom, thenceforward permeated almost all policy areas. In foreign policy it was perhaps more prominent; in foreign wars freedom became a kind of shorthand label: the war in Iraq became 'Operation Iraqi Freedom' and the war in Afghanistan 'Operation Enduring Freedom'. But the rhetoric of freedom was also a feature of domestic policy, especially where it concerned security issues. Comments or speeches relating to the Patriot Act or the Department of Homeland Security (website motto : 'Preserving our Freedoms'),³¹ were laced with similar references to freedom.³² Even the initiative introduced by President Bush in January 2002 to coordinate and encourage the work of volunteers and volunteer bodies did not escape the freedom rhetoric and was accordingly dubbed the USA Freedom Corps, linked to homeland security and constituted as part of freedom's armoury against external threats.³³ In fact the fighting of foreign wars to secure freedom abroad was directly conflated with securing freedom in the 'homeland'. At a fundraiser in August 2002, Bush declared "We're fighting the first war of the 21st century. I say "the first war" – there's no telling how many wars it will take to secure freedom in the homeland." ³⁴

suggested that that he had meant to use the word only as a synonym for struggle, but Bush's own syntax belied that. He defined crusade as war. Even offhandedly, he had said exactly what he meant.'

<<http://www.commondreams.org/views04/0902-06.htm>> [accessed 17 August 2010].

³⁰ The National Security Strategy of the United States, September, 2002. p. iii.

³¹ Department of Homeland Security < <http://www.dhs.gov/index.shtm>> [accessed 17 August 2010].

³² See for example: 'Bush Speaks About Homeland Security in Port Elizabeth, New Jersey', 24 June 2002 < <http://transcripts.cnn.com/TRANSCRIPTS/0206/24/se.02.html> > and

'Remarks by the President in a Conversation on the USA Patriot Act, Buffalo, New York, 20 April 2004' <<http://.whitehouse.gov/news/releases/2004/0420040420-2.html>> [accessed 14 March 2007].

³³ President George W. Bush, 'State of the Union address', 29 January 2002.

³⁴ James Bovard, 'Moral highground not won on battlefield', *USA Today*, 10 August 2002

This all-pervading discourse of freedom constructed by the President and his advisers is, then, part of the background that frames the core argument of this thesis.

iii) The neoconservative influence

Another aspect of the context of this thesis is the importance of neoconservative ideas, which, as subsequent chapters explain, meshed with those of the Christian right. Chapter Four of this thesis is concerned with the background and history of neoconservatism and an analysis of its political philosophy, particularly in terms of its implicit interpretation of freedom.

As Section I of this chapter foregrounds, it is a key premise of this thesis that a cadre of political thinkers and activists exerted a significant influence over the Bush administration in terms both of setting the political agenda and providing a philosophical narrative. A linked premise is that within the ideas of the progenitors of neoconservatism there existed a concept of freedom that ran counter to the American tradition, and that these ideas were, in turn, absorbed by the administration through the successors to the early neoconservatives and reflected in policy formulation. In terms of the background against which the argument of this thesis is set, it is important to emphasise the reality of this influence upon the Bush administration.

The neoconservatives were ideologues, of a kind without parallel in American political history. Instead of disdaining ideology in favour of pragmatism – the traditional conservative position – they openly embraced it and believed that ‘politics is a kind of warfare in which ideology is an essential weapon’.³⁵ Initially, their influence over the Bush administration was negligible. When the administration was formed there were few acknowledged

<<http://www.usatoday.com/news/opinions/editorials/2002-10-08-oplede x.htm>> [accessed 15 March 2008].

³⁵ John Gray, *Black Mass: Apocalyptic Religion and the Death of Utopia* (London: Allen Lane, 2007), p. 122.

neoconservatives in prominent positions, only John Bolton as under secretary of state for arms control, Paul Wolfowitz as deputy secretary of defence, and Douglas Feith as assistant secretary of defence, plus a smattering of lower-level posts. Even so, there was a number of appointments of members of the 'Project for the New American Century' (PNAC), a neoconservative think tank founded in 1998. These included the Vice President Dick Cheney, the Defence Secretary Donald Rumsfeld, I. Lewis Libby (also at Defence), Elliott Abrams on the National Security Council, and Richard Perle, Chairman of the Defence Policy Board Advisory Committee. Whilst not all of this group can perhaps be described as being full neoconservative 'believers', they were clearly sympathetic to the overall neoconservative agenda.

Initially, this agenda found little favour within the administration, but this all changed after the events of 9/11. Feeling that they had been right about the demise of the Soviet Union (many neoconservatives developed their ideas during the Reagan administration, (1981-89)) the neoconservatives 'now [after 9/11] felt like vindicated prophets. Now they would be inside the government, helping to shape U.S. policy'.³⁶ In the days following 9/11 the neoconservatives were ready with a 'detailed, plausible blueprint for the nation's response. They were not troubled that their plan [...] did not in any way represent a direct response to events themselves. They were motivated only to ensure its adoption.'³⁷ Now that the neoconservatives' hour had come, Bush 'moved further and further into the web that the neoconservatives had woven for him [...] ultimately [becoming] more enamoured of, or hostage to, the neoconservative vision, than many neoconservatives'.³⁸ As Richard Perle noted, the neoconservatives enjoyed an advantage over those who wished to reflect upon various policy options, as 'we have offered concrete recommendations'. As

³⁶ Jacob Heilbrunn, *They Knew They Were Right: The Rise of the Neocons* (New York: Doubleday, 2008), p. 245.

³⁷ Stefan Halper and Jonathan Clarke, *America Alone: The Neo-Conservatives and the Global Order* (Cambridge: Cambridge University Press, 2004), p. 138.

³⁸ Heilbrunn, *They Knew They Were Right*, p. 235.

time went by, the neoconservatives became more certain of their influence, and Perle was able to confirm that 'the President of the United States, on issue after issue, has reflected the thinking of the neoconservatives'.³⁹

This thesis will demonstrate that it was not only in the field of foreign policy that the neoconservatives exerted their influence over the Bush administration, although it was in this area that early ascendancy was established. The influence of neoconservative thought, including its interpretation of freedom, may be clearly detected in a number of domestic policy areas, including security, the administration of justice, science and climate change, the privileging of religion in education, and 'faith based' initiatives. Neoconservative influence was exerted not merely through policymakers within the administration itself, but through an interlocking network of think-tanks, magazines, periodicals, and news channels, which, in Noam Chomsky's illuminating phrase, helped to 'manufacture consent'.⁴⁰ The extent and character of these networks is summed up well in an article in the *New York Observer* by Joe Hagan in which he refers to the New York origins and influence of neoconservatism:

Now, after eight painful years, the neoconservative network is on a high, determined never to lose power again so easily, to make sure that its ideas are well-distributed and that the distributors are well compensated, and that the current President of the United States and his aides – from Vice President Richard Cheney to National Security Advisor Condoleezza Rice – are inspired, cajoled, supported and, when memoir-time comes, well paid.

Referring to the prominent influence of William Kristol, editor of the neoconservative '*Weekly Standard*' the article goes on:

³⁹ Cited in 'In their Own Words,' *Christian Science Monitor*, 3 September 2003 <www.csmonitor.com.> [accessed 15 April, 2008].

⁴⁰ Edward S. Herman and Noam Chomsky, *Manufacturing Consent: the political economy of the mass media* (New York: Pantheon Books, 1988).

Mr. Kristol couldn't have done it [exerted influence over the administration] without the New York firmament from which the movement came – from the right-wing think tank the Manhattan Institute for Policy Research, to the op-ed pages of 'The Wall Street Journal,' to the elemental neoconservative journal 'Commentary', founded by neocon patriarch and matriarch, Norman Podhoretz and his wife, Midge Decter. Their son, John Podhoretz, is a columnist and former editorial-page editor for the 'New York Post.'

At the top of the neoconservative network, of course, is Rupert Murdoch's News Corp., home of the Fox News Network and the 'Post,' both based on Sixth Avenue. Mr. Murdoch also owns 'The Weekly Standard.'⁴¹

Apart from PNAC and the Manhattan Institute for Policy Research, another favoured neoconservative think-tank was the American Enterprise Institute (AEI). The AEI was the venue that President Bush chose to explain his intentions towards Iraq on 26 February 2003. Making a joke about being admitted by Irving Kristol (father of William) the President congratulated the AEI on being the home of 'some of the finest minds in our nation', and said that they had done 'such good work that my administration has borrowed twenty such minds'.⁴² Fellows of the Institute included Lynne Cheney, wife of Dick Cheney the Vice President, and Richard Perle.

The neoconservatives during the Bush administration, formed a sophisticated intellectual, political, and financial complex, and were in no sense a tangential influence upon the administration. Their ideas and influence were central, and reached to the administration's heart. Even members of the administration who were not neoconservatives, like the President himself, or the secretaries of state and defence, came under their influence. They created the political climate, particularly after the events of 9/11, and it was their ideas that dominated and shaped policy. Most importantly, they created the intellectual energy that constructed the discourse of freedom as a policy tool. In effect, they won the battle of ideas. As Mark Gerson, editor of *The Essential Neoconservative*

⁴¹ Joe Hagan, 'President Bush's Neoconservatives Were Spawned Right Here in N.Y.C., New Home of the Right-Wing Gloat', *New York Observer*, 27 April 2003 <<http://www.observer.com/node/47455>> [accessed 14 July, 2007].

⁴² President George W. Bush, 'President Discusses Future of Iraq' 26 February 2003 <<http://www.whitehouse.gov/news/releases/2003/02/20030226-11.html>> [accessed 17 July, 2007].

Reader (1996), remarked when referring to this battle, perhaps consciously echoing Voltaire: 'The neocons so overwhelmingly won. The neocons more or less stayed true to their beliefs. Ideas rule the world, not marginal tax rates. And not politics.'⁴³

iv) Summary

The above, then, is the background against which this thesis is developed and argued, namely: a political, historical and cultural landscape in which freedom is a central feature and operates as a potent 'keyword'; an administration which adopted freedom as its overarching rhetorical theme; and an influential ideological group that imposed its ideas upon that administration and played a key role in constructing a particular discourse of freedom which ran counter to the American tradition of liberty.

III LITERATURE REVIEW

The philosophical and political literature relating to both freedom and neoconservatism is vast. Studies of the administration of President George W. Bush are perhaps almost equally numerous, although none appears to have focused on the discourse of freedom in their analyses of how the administration developed its policies. Equally, there is a wide range of work relating to the thought of Isaiah Berlin, whose ideas concerning freedom provide the analytical framework used to consider the discourse of freedom under the Bush administration. This thesis therefore both draws and builds upon a range of works in discrete subject areas, some of the most important of which are discussed below.

⁴³ Cited in Hagan, 'President Bush's Neoconservatives'.

Eric Foner's *The Story of American Freedom* (1999) has been a useful source in terms of providing a history of freedom in America, although he makes little attempt – that not being his task – to locate or identify the philosophical character of that freedom, either within the founding doctrine itself, or as expressed within the political beliefs of specific administrations. This is what the present thesis sets out to do; it focuses a philosophical lens, as it were, upon the concept of freedom that can be located within the American tradition of liberty, i.e. that which developed following the founding, and compares it with that adopted by the Bush administration. No attempt is made at any kind of narrative of American freedom across the centuries.

This thesis aims to relate the history of an idea to a contemporary reality and it is by considering the history of the idea of freedom that it becomes possible to interpret its contemporary manifestations. To that end the thesis considers briefly the contributions made to the foundations of American freedom by some major early theorists, namely John Locke, Richard Price, Joseph Priestley, Tom Paine and Edmund Burke. In considering the ideas of these theorists the thesis draws upon a number of works including *A Companion to the American Revolution*, edited by Jack P. Greene and J. R. Pole, (2000),⁴⁴ John Dunn's *Locke* (1984),⁴⁵ Bernard Peach's *Richard Price and the Ethical Foundation of the American Revolution* (1979)⁴⁶ and Jenny Graham's essay 'Evolutionary Philosopher: The Political Ideas of Joseph Priestley (1773-1804)' (1989).⁴⁷ Whilst Burke's influence upon American concepts of freedom at the time of the founding is not perhaps as evident as, say, that of Locke (whose influence is discussed in some detail) or Paine, his thought was nevertheless important at the time and has resonated with conservatives ever since, including

⁴⁴ Jack P. Greene and J. R. Pole, eds., *A Companion to the American Revolution* (Oxford: Blackwell Publishers Ltd., 2000).

⁴⁵ John Dunn, *Locke*, (Oxford: Oxford University Press, 1984).

⁴⁶ Bernard Peach, ed. with the research assistance of John Erik Larson, *Richard Price and the Ethical Foundations of the American Revolution* (Durham, North Carolina: Duke University Press, 1979).

⁴⁷ Jenny Graham 'Evolutionary Philosopher: The Political Ideas of Joseph Priestley (1733–1804): Part One', *Enlightenment and Dissent*, No 8, 1989, pp. 43–63.

neoconservatives. For insight into Burke's ideas about the nature of freedom the thesis refers in particular to Michael Freeman's *Edmund Burke and the Critique of Radicalism* (1980)⁴⁸ and Frank O'Gorman's *Edmund Burke: His Political Philosophy* (1973).⁴⁹ Tom Paine's ideas of freedom, which appear to bridge both the republican virtue tradition and Lockean liberalism, are illuminated for this thesis by reference in particular to Eric Foner's *Tom Paine and Revolutionary America* (2005)⁵⁰ and A. Owen Aldridge's *Thomas Paine's American Ideology* (1984).⁵¹ Whilst the principal focus of these works has not been freedom, they have nevertheless helped to identify some of the strands of thought that contributed towards the American liberty tradition.

The nature of freedom that can be located in the founding doctrine acts as a site of comparison in this thesis, and Bernard Bailyn's *The Ideological Origins of the American Revolution* (1992) provides invaluable insights into the thought and history of the spokesmen of the Revolution, the 'pamphleteers, essayists, and miscellaneous commentators'⁵² who, drawing upon the ideas of the English seventeenth-century 'Commonwealthmen,' helped to establish the republican virtue tradition as an important influence within the founding doctrine. During the 1980s and early 1990s, this was the dominant interpretative paradigm of the founding doctrine, undermining and replacing 'Lockean' liberalism which had hitherto prevailed, and represented in particular by Louis Hartz's *The Liberal Tradition in America: An Interpretation of American Thought Since the Revolution* (1955).⁵³ However, amongst others, Joyce Appleby in *Liberalism and Republicanism*

⁴⁸ Michael Freeman, *Edmund Burke and the Critique of Political Radicalism* (Oxford: Basil Blackwell, 1980).

⁴⁹ Frank O'Gorman, *Edmund Burke: His Political Philosophy* (London: George Allen and Unwin Ltd., 1973).

⁵⁰ Eric Foner, *Tom Paine and Revolutionary America* (Oxford: Oxford University Press, 2005).

⁵¹ A.Owen Aldridge, *Thomas Paine's American Ideology* (London: Associated University Presses, 1984).

⁵² Bernard Bailyn, *The Ideological Origins of the American Revolution* (London: The Belknap Press of the Harvard University Press, 1992), p. vi.

⁵³ Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Thought Since the Revolution* (New York: Harcourt, Brace, 1955).

in *the Historical Imagination* (1992)⁵⁴ and Steven M. Dworetz in *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution* (1990)⁵⁵, argue convincingly that the hitherto dominant 'revisionist' position is misplaced. These works have placed these competing influences in historical perspective, and have informed the findings of this thesis concerning the dominant interpretative paradigm in which the American tradition of liberty is grounded. They have provided the background against which the philosophical analysis of the character of freedom within each interpretative paradigm has been undertaken.

As previously mentioned, neoconservative thought is an essential part of the conceptual framework of this thesis, and in this area a number of works have provided important perspectives. Leo Strauss was perhaps the most dominant figure in neoconservative thought and Steven B. Smith's *Reading Leo Strauss: Politics, Philosophy, Judaism* (2006)⁵⁶ provided key insights into Strauss's views about western decline and his devotion to Plato, whilst Anne Norton in *Leo Strauss and the Politics of American Empire* (2004)⁵⁷ has emphasised the influence of Strauss upon contemporary neoconservative thought. This is echoed by Mark Lilla, who, in his article 'The Closing of the Straussian Mind' (2004), highlighted 'the genuine connection that seems to exist in the United States between Strauss's self-proclaimed disciples and a highly partisan faction [the neoconservatives] in American public life.'⁵⁸ These works and articles, amongst others, have facilitated one of the key findings of this thesis, i.e., that many aspects of Straussian (and neoconservative) thought are consistent with aspects of the republican virtue tradition.

⁵⁴ Joyce Appleby, *Liberalism and Republicanism in the Historical Imagination* (London: Harvard University Press, 1992).

⁵⁵ Steven M. Dworetz, *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution* (London: Duke University Press, 1990).

⁵⁶ Steven B. Smith, *Reading Leo Strauss: Politics, Philosophy, Judaism* (London: The University of Chicago Press, 2006).

⁵⁷ Anne Norton, *Leo Strauss and the Politics of American Empire* (London: Yale University Press, 2004).

⁵⁸ Mark Lilla, 'The Closing of the Straussian Mind,' *New York Review of Books*, 4 November 2004 <<http://www.nybooks.com/articles/17523>> [accessed 7 May, 2008].

As already indicated, a related and equally important aspect of the conceptual framework concerns the influence neoconservatism had upon the Bush administration, and in this area two works have provided the most specific recent research into the way in which that influence developed. Jacob Heilbrunn, in *They Knew They Were Right: The Rise of the Neocons* (2008) has traced the origins of neoconservatism from the City College of New York in the 1950s, where the neoconservatives were practically a Marxist vanguard, through to the trauma (for them) of the 1960s, in which they developed their critique of President Lyndon Johnson's 'Great Society'. He traces the influence of Leo Strauss on such key figures as Irving Kristol and Allan Bloom amongst others, and, importantly, establishes the complex network of relationships between key neoconservatives who occupied important positions in various think tanks, the media, and, eventually, the Bush administration. Heilbrunn considers neoconservatism to be a 'mind-set'⁵⁹ but, as this thesis makes clear, it is much closer to being a radical ideology than perhaps he concedes. Stefan Halper and Jonathan Clarke survey similar terrain in *America Alone: The Neo-Conservatives and the Global Order* (2004) but focus in particular on how the neoconservatives secured their foreign policy agenda after the events of 9/11, the way in which Edward Said's concept of 'Orientalism' had a role in neoconservative discourse, and the manner in which neoconservatives influenced media outlets.

Works relating to the Bush administration inevitably vary in focus. Some have attempted to cover a wide spectrum of the administration's policy decisions as well as its performance in office; others have adopted a more specialised approach. Of the former, Sidney Blumenthal's *How Bush Rules: Chronicles of a Radical Regime* (2006)⁶⁰ offers comprehensive comment on the Bush administration's position on a range of issues from torture to climate change. James Bovard's *Terrorism and Tyranny: Trampling Freedom, Justice, and Peace to Rid*

⁵⁹ Heilbrunn, *They Knew They Were Right*, p. 10.

⁶⁰ Sidney Blumenthal, *How Bush Rules: Chronicles of a Radical Regime* (Princeton: Princeton University Press, 2006).

the World of Evil (2003)⁶¹ and *The Bush Betrayal* (2004)⁶² provide a fairly broad focus upon foreign and domestic affairs respectively, the latter work including research on how the administration suppressed dissent. More specialised works to which this thesis has referred in particular include James P. Pfiffner's *Power Play: The Bush Presidency and the Constitution* (2008),⁶³ which highlights the ways in which the administration adhered to the Unitary Executive Theory, which led, inter alia, to domestic surveillance programmes of dubious legality. Also in this specialised category is Jane Mayer's *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (2008),⁶⁴ which establishes how the Bush administration underpinned the 'Freedom Agenda' by evading its legal responsibilities in respect of the mistreatment of prisoners, the outsourcing of torture, and the practice of 'extraordinary rendition'. Whilst many of these works do indeed reflect upon the rhetoric of freedom used by the Bush administration – Bovard for example highlights what he calls the 'freedom verbiage' deployed in relation to the Iraq war⁶⁵ – these works do not focus on the discourse of freedom in any significant way. In referring to these and many other works relating to the Bush administration, therefore, this thesis has sought to identify those policy and decision elements that reflect and manifest the administration's implicit interpretation of freedom, and to subject them to the analysis previously described.

The analytical framework described in the following chapter rests principally upon the thought of Isaiah Berlin. For interpretations of Berlin's ideas the thesis relies mainly upon John Gray's *Berlin* (1995),⁶⁶ and George Crowder's

⁶¹ James Bovard, *Terrorism and Tyranny: Trampling Freedom, Justice, and Peace to Rid the World of Evil* (Basingstoke: Palgrave Macmillan, 2003).

⁶² James Bovard, *The Bush Betrayal* (Basingstoke: Palgrave Macmillan, 2004).

⁶³ James P. Pfiffner, *Power Play: The Bush Presidency and the Constitution* (Washington DC: Brookings Institution Press, 2008).

⁶⁴ Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals* (London: Doubleday, 2008).

⁶⁵ Bovard, *The Bush Betrayal*, p. 254.

⁶⁶ John Gray, *Berlin* (Glasgow, Fontana Press, 1995).

Isaiah Berlin: Liberty and Pluralism (2004).⁶⁷ These works are important in terms of placing Berlin's ideas in a contemporary context, as well as providing insights into the way in which his ideas of liberty interact with liberalism and pluralism. Nevertheless, in applying this analytical framework it has been necessary to interpret Berlin's thought in an unmediated sense by direct reference to his work. The most relevant and important source was *Liberty* (2005),⁶⁸ which includes Berlin's famous 1958 essay 'Two Concepts of Liberty', in which he posits the notions of 'positive' and 'negative' liberty. It is these concepts that form a crucial element of the critical analysis the thesis undertakes.

Quentin Skinner's ideas concerning the nature of freedom are also considered principally through reference to his *Liberty Before Liberalism* (1998)⁶⁹ and *Visions of Politics: Volume II: Renaissance Virtues* (2002).⁷⁰ These works discuss, inter alia, aspects of neo-Roman thought and how this helped to frame republican ideas about the nature of freedom. Skinner's ideas in this area run counter, in some crucial respects, to those of Berlin and this tension forms an important part of the thesis's analysis.

The term 'discourse', is used in this thesis in its Foucauldian sense, i.e. 'practices that systematically form the objects of which they speak'⁷¹ and are highly regulated groupings of utterances or statements. Foucault's ideas about discourse also forms part of the analytical framework set out in the following chapter where the relevance of his ideas to the freedom discourse is explained in more detail (see Chapter Two, Section V). For interpretations of Foucault's ideas in this area, the thesis refers in particular to the works of Sara Mills, *Michel*

⁶⁷ George Crowder, *Isaiah Berlin: Liberty and Pluralism* (Cambridge: Polity Press, 2004).

⁶⁸ Isaiah Berlin, *Liberty* ed. by Henry Hardy (Oxford: Oxford University Press, 2005).

⁶⁹ Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998).

⁷⁰ Quentin Skinner, *Visions of Politics: Volume II: Renaissance Virtues* (Cambridge, Cambridge University Press, 2002).

⁷¹ Michel Foucault quoted in Sara Mills, *Michel Foucault* (London: Routledge, 2004).

Foucault (2004) and *Discourse* (1997),⁷² together with *The Philosophy of Foucault* (2006)⁷³ by Todd May.

IV METHODOLOGY OF RESEARCH

The research has utilised both primary and secondary sources. The primary material is derived principally from three sources. First, the speeches and public remarks of President George W. Bush, including inaugural addresses, State of the Union addresses, as well as press conferences and other set-piece speeches to different organisations and heads of state, were invaluable in eliciting the characteristics of the discourse of freedom. A second primary source was of course the quotations of key figures in the Bush administration, including, for example, Vice President Cheney, Attorney General John Ashcroft, Deputy Secretary of Defence Paul Wolfowitz and John Yoo of the Office of Legal Counsel. A third primary source was memoranda written by various members of the administration, particularly in the Department of Justice, administration documents such as the 'National Security Strategy of the United States' published in September 2002, and documents published by various think-tanks such as PNAC's 'Rebuilding America's Defenses: Strategies, Forces, and Resources for a New Century', (September 2000).⁷⁴ The research makes extensive use of Internet resources to access presidential speeches and other documents, and frequent use was made of national newspaper websites such as those of the Washington Post and the New York Times, as well as magazine web sites, including those of Foreign Affairs and the Nation. Where appropriate, the thesis has also drawn upon notes taken at a conference on neoconservatism held at

⁷² Sata Mills, *Discourse* (London: Routledge, 1997).

⁷³ Todd May, *The Philosophy of Foucault* (Trowbridge: McGill-Queen's University Press, 2006).

⁷⁴ Project for the New American Century, 'Rebuilding America's Defenses', September, 2000 <http://www.newamericancentury.org/RebuildingAmericasDefenses.pdf> [accessed 14 March 2009].

Birkbeck College, London in May 2006,⁷⁵ and at a lecture given by Quentin Skinner at the British Library in February 2009.⁷⁶

As explained, the analytical framework of this thesis rests in large part upon the thought of Isaiah Berlin, and many of his published works have been used by the thesis as a primary source, particularly as they relate to his ideas concerning liberty and pluralism. Quotations from these works have been used where appropriate to underpin the core arguments of the thesis, in particular from his 1958 essay 'Two Concepts of Liberty' and also from his essay on Hegel published in *Freedom and Its Betrayal: Six Enemies of Human Liberty* (2003)⁷⁷. Similarly, Research into the ideas of Leo Strauss was conducted at primary level, e.g. through the texts of *Natural Right and History* (1952)⁷⁸ and *Thoughts on Machiavelli* (1957)⁷⁹ and supported by secondary sources including for example, Shadia Drury's *The Political Ideas of Leo Strauss* (2005).⁸⁰ Neoconservative thought and its implications for the interpretation of freedom were also researched at both primary and secondary level, with Irving Kristol's *Neoconservatism: The Autobiography of an Idea* (1995)⁸¹ and Allan Bloom's *The Closing of the American Mind* (1988)⁸² being notable examples of the former.

The primary source material is illuminated by the use of secondary material, including books and academic journals and articles relating, inter alia, to the American founding doctrine, philosophical and historical concepts of freedom, neoconservatism, and the policy decisions of the Bush administration in the arenas of both domestic issues and foreign affairs. The research was therefore grounded in a diverse range of academic specialisms. The *New York Review of*

⁷⁵ 'Libertarian Hawks or Cultural Communitarians? Neoconservatism and the Legacy of the New York Intellectuals.' conference at Birkbeck College, London, 24 – 25 May, 2006.

⁷⁶ Quentin Skinner, 'The Lost Liberty of the English Revolution'. Lecture at the British Library, 18 February, 2009.

⁷⁷ Isaiah Berlin, *Freedom and Its Betrayal: Six Enemies of Human Liberty* (London: Pimlico, 2003).

⁷⁸ Leo Strauss, *Natural Right and History* (London: Cambridge University Press, 1952).

⁷⁹ Leo Strauss, *Thoughts on Machiavelli* (London: University of Chicago Press, 1958).

⁸⁰ Shadia Drury, *The Political Ideas of Leo Strauss*, (Basingstoke: Palgrave Macmillan, 2005).

⁸¹ Irving Kristol, *Neoconservatism: The Autobiography of an Idea* (London: The Free Press, 1995).

⁸² Allan Bloom, *The Closing of the American Mind* (Simon and Schuster Inc., 1987).

Books was of particular assistance in this respect, providing expert contemporary commentary on a number of the issues with which this thesis engages, including amongst many others, 'the war on terror', the legal issues surrounding the use of torture, and the manipulation of science.

These primary and secondary sources were used to develop a historical, philosophical, and conceptual framework and to support the core argument of the thesis. All works specifically referred to are set out in the bibliography at the end of the thesis.

V PRESENTATION OF THESIS

The thesis comprises seven chapters. Each chapter, apart from the first and the last, includes an introduction and a conclusion.

Chapter Two sets out the analytical framework to be applied throughout the thesis by considering various aspects of the Bush administration's policies and practices. The chapter explores in some detail Berlin's thinking about the nature of freedom, its place amongst other social goods, its grounding in pluralism and its susceptibility to perversion. It also briefly considers the critique of these ideas offered by Quentin Skinner and Philip Pettit. The chapter also includes a short section on how the term 'discourse' is applied in its Foucauldian sense throughout the thesis as the unconscious structuring which sets the boundaries for discussion and debate.

Chapter Three fulfils two principal functions. First it considers some of the philosophical influences that inspired the American revolutionaries and the founders of the republic. The ideas of some these theorists are important because they helped to form the foundation of the American liberty tradition. Second, the chapter considers the competing interpretative paradigms of the founding doctrine, i.e. the 'Lockean' liberal interpretation and that of the 'republican virtue' tradition. The chapter then draws conclusions as to which paradigm

succeeded in becoming dominant, and, using the analytical framework established in Chapter Two, identifies the character of freedom embedded within it. These findings form the background and site of comparison against which the thesis considers the discourse of freedom under the Bush administration.

Chapter Four provides background information on the roots of neoconservatism, and explores the ideas of three of the movement's most influential early theorists, namely Leo Strauss, Irving Kristol, and Allan Bloom, whose ideas were inherited to a large extent by the neoconservative political and media nexus that was so prominent during the Bush administration's period of office. In considering the nature of neoconservative thought and the influences that shaped it, the chapter also identifies and reflects upon its implicit interpretation of freedom and its philosophical links to the republican virtue tradition.

The principal purpose of Chapter Five is to demonstrate how the neoconservative ideas and its interpretation of freedom were absorbed by the Bush administration and reflected in aspects of its foreign policy. The chapter considers the early neoconservative foreign policy influences that later formed the framework of the 'Freedom Agenda.' It also considers the extent to which neoconservative thought was influenced by a Hegelian view of history and the 'Orientalism' characterized by Edward Said. Both influences, this thesis argues, were reflected in the foreign policy decisions and rhetoric deployed by the Bush administration, and both undermined, in different ways, the 'freedom' the administration claimed as the heart of its policy agenda. The chapter also traces how the discourse of freedom began to take shape in response to the events of 9/11 and developed during the subsequent 'war on terror' and the Iraq war. Also explored is the legal advice that facilitated one of the administration's central paradoxes: the torture and the abuse of prisoners in defence of freedom.

Chapter Six focuses upon aspects of domestic policy that also evidence the administration's absorption of neoconservative ideas and its interpretation of

freedom. The chapter explores the connections of the Christian right with neoconservatism and the influence of the former upon the Bush administration, and the way this influence was manifested in specific policy areas. These include the administration's attitude towards science, and its approach to climate change, stem cell research, and sex education. The chapter considers aspects of the presidency itself, including the manner in which presidential power was exercised. The administration's view of the scope of presidential power led to a number of abuses, including unlawful wiretapping, extensive domestic surveillance, and the suppression of dissent, exposing the strands of authoritarianism and paternalism which ran through the domestic agenda. All of these aspects of domestic policy undermine, it is argued, the negative concept of liberty implicit within the American tradition of liberty. The chapter also explores the way in which the media reflected and disseminated the discourse of freedom on the administration's behalf.

Chapter Seven summarises the policy evidence that supports the core argument of the thesis and concludes that the Bush administration wore a 'mask of liberty' and interpreted freedom in a way that ran counter to the American tradition.

CHAPTER TWO: THE ANALYTICAL FRAMEWORK

The essence of liberty has always lain in the ability to choose as you wish to choose, because you wish so to choose, uncoerced, unbullied, not swallowed up in some vast system; and in the right to resist, to be unpopular, to stand up for your convictions merely because they are your convictions. That is true freedom, and without it there is neither freedom of any kind, nor even the illusion of it.¹

¹ Isaiah Berlin, 'Hegel' in *Freedom and its Betrayal*, pp. 74 – 104 (pp. 103 – 4).

I INTRODUCTION

This chapter sets out the analytical structure or framework upon which the thesis will rely to underpin the objectives outlined in the previous chapter. The broad aim is to construct an analytical framework concerning the nature of freedom, capable of being applied to different historical dimensions. The first dimension relates to the period discussed in the next chapter, i.e. the development of the founding doctrine and the formation of the American tradition of liberty. The framework will be used to attempt to define, in philosophical terms, the character of freedom or liberty that developed at the time of the founding and the early years of the republic. The second dimension to which the framework will be applied is the philosophical nature of freedom that can be detected within neoconservative political thought, bearing in mind the influence of neoconservatism upon the Bush administration as discussed in Chapter One. In succeeding chapters the framework will be used to analyse aspects of policy and the discourse of freedom that developed under the Bush administration. A subsidiary aim of this chapter is to establish the meaning of the term 'discourse' as it is used throughout and how its particular meaning bears on the thesis content.

The analytical framework is grounded principally upon the thought of Isaiah Berlin, and in particular his ideas about the nature of freedom. Isaiah Berlin (1909–1997), was, and is, something of a contentious figure. His critics on the left found his ruthless criticism of communist totalitarianism during the Cold War uncomfortable. Similarly, the right, (including neoconservatives) were unhappy with his equally adamant attack on their idea that the good – in politics and morals – was non-contradictory and could be 'proclaimed, *ex-cathedra* from the pulpits of the University of Chicago.'²

Notwithstanding the reservations held about Berlin in some quarters both during his lifetime and today, it is clear that no other twentieth-century thinker or

² Michael Ignatieff, *Isaiah Berlin: A Life* (London: Chatto and Windus, 1998), p. 230.

philosopher has addressed the concept of freedom with the same degree of originality, energy and focus as Berlin. Noel Annan, for example has argued that in 'Two Concepts of Liberty' (discussed below), Berlin set the framework for serious discussion of freedom ever since it was delivered as a lecture at Oxford University in 1958, and that Berlin developed a doctrine of freedom that is both profound and original.³ Berlin's seminal formulation of the distinction between 'negative' and 'positive' conceptions of liberty remains what George Crowder calls 'a standard point of departure for analyses of political freedom in contemporary theory'.⁴ It was part of a single dominant project that dominated Berlin's life and work: the defence of liberal democracy against the dangers of totalitarianism and authoritarianism. He was an acknowledged liberal with a huge international reputation who, as his biographer Michael Ignatieff points out, 'was the only liberal thinker of real consequence to take the trouble to enter the mental worlds of liberalism's sworn enemies.'⁵

No other contemporary figure, therefore, has the stature of Berlin in the field of the philosophy of freedom and it is principally for this reason that his body of thought has been selected to provide the analytical framework described above. In addition, in the interests of objectivity, it is clearly important that the philosopher whose ideas provide the tools with which to analyse the discourse of freedom in the way intended, should not in any sense be by disposition antipathetic to the interests of the United States. This charge cannot be levelled at Berlin.⁶ His defence of the priority that freedom should be accorded in politics chimes to a considerable extent with the utterances of many presidents of the United States, in particular since World War II. Berlin was a firm friend of the United States, particularly during the Cold War, and indeed it was to a large extent the conflict

³ Roger Hausheer, 'Introduction', in *The Proper Study of Mankind: An Anthology of Essays*, by Isaiah Berlin (London: Chatto and Windus, 1997), pp. xxiii – xxxvi (p. xxxii).

⁴ Crowder, *Isaiah Berlin*, p.65.

⁵ Ignatieff, *Isaiah Berlin: A Life*, p. 249.

⁶ In a letter to the American historian Arthur J. Schlesinger Jr. dated 21 October, 1949, Berlin describes himself as 'Overflowing as you know me to be with pro-American sentiment....'. Berlin, *Enlightening: Letters 1946–1960*, ed. by Henry Hardy and Jennifer Holmes (London: Chatto & Windus, 2009), p.133.

of ideas this struggle represented that inspired much of his work. Furthermore, it has been argued by Michael Kenny, for example, that it is Berlin's sensitivity to cultural pluralism and the incommensurability of human values that makes his thought especially pertinent to 'liberal states in which conflicts associated with cultural, ethnic, and linguistic difference have moved to the centre of the political stage'.⁷ There are therefore strong reasons for arguing that Berlin's thought has an important relevance to the undertaking of an analysis of the discourse of freedom in contemporary America. As mentioned in Chapter One, America experienced, during the Bush administration, an arguably unprecedented reliance upon the rhetoric of freedom in order to justify foreign policy options, and at the same time an ever-increasing curtailment of individual freedoms in domestic terms. Berlin's concept of 'negative liberty', discussed below, appears as an important precondition for the kind of society in which, as Mark Lilla put it, 'individuals are protected from the dangers of political visionaries ready to sacrifice others on the altar of an intellectual fetish like "historical inevitability"'.⁸

There is one further reason for selecting Berlin's thinking about freedom to act as the analytic framework in the way described. Namely, that his analysis of freedom acts as a warning. For Berlin, totalitarian and authoritarian regimes may have emerged from economic factors or historical circumstances and from the personality of their leaders, but most importantly their origins lie in ideas. Ideas can be perverted to promote political ends that can be the antithesis of those very ideas. What Berlin demonstrates so forcefully is how liberty, often elevated to the supreme value among social goods, can be twisted to mean something very close to its opposite. Berlin teaches that freedom is a value that is perhaps uniquely vulnerable to misinterpretation of this kind, and that those who constantly appeal to it need to understand what he perceives to be its true meaning.

⁷ Michael Kenny 'Isaiah Berlin's Contribution to Modern Political Theory,' *Political Studies*, 48 (2000), p.1034.

⁸ Mark Lilla, 'Very much like a fox', *The Times Literary Supplement*, 27 March 1998, (pp.6 – 7) p. 7.

II ISAIAH BERLIN'S CONCEPTS OF FREEDOM

Berlin's analysis of the nature of freedom needs to be set in the broader context of the tenor of his thought in order to be properly understood. The following consideration of Berlin's ideas is not intended to be an exhaustive review, merely a highlighting of relevant elements sufficient to construct the analytical framework referred to, and act as a point of reference.

The influence of the Enlightenment upon Berlin's thought cannot be overlooked. Indeed, it is arguably the case that Berlin's ideas about the nature of freedom may not appear wholly coherent unless understood within the context, initially at least, of his views concerning the Enlightenment. For Berlin, as for many others, the Enlightenment was not without serious consequences in the way in which mankind came to view himself and his place in history. In *Three Critics of the Enlightenment* (2000),⁹ Berlin crystallized these views with particular clarity. He suggests that leading figures of the Enlightenment were deeply divided amongst themselves as to how the progress of man could be attained. Despite these disagreements, there were a number of shared core beliefs that makes it possible to consider the Enlightenment in terms of a movement. These were in effect

the conviction that the world, or nature, was a single whole, subject to a single set of laws, in principle discoverable by the intelligence of man; that the laws which governed inanimate nature were in principle the same as those that governed plants, animals and sentient beings; that man was capable of improvement; that there existed certain recognisable human goals which all men, rightly so described, sought after, namely happiness, knowledge, justice, liberty, and [...] virtue; that these goals were common to all men as such, were not unattainable, were not incompatible, and that human vice, misery and folly were mainly due to ignorance either of what these goals consisted in or of the means of attaining them – ignorance due to insufficient knowledge of the laws of nature.¹⁰

⁹ Isaiah Berlin, *Three Critics of the Enlightenment: Vico, Hermann, Herder* (London: Pimlico, 2000).

¹⁰ *Ibid.*, p. 277.

In addition, the Enlightenment assumed that human nature was a constant; local and historical variations mattered little and human beings, in essence, could be described as a species rather in the same way as birds or animals. The new approach to knowledge would replace a world guided largely by superstition and guesswork, prejudice and dogma. A new world would thus arise in which happy societies were guided by reason. This, essentially, Berlin claims, is the noble, optimistic, rational doctrine of the great tradition of the Enlightenment from the French Revolution to the present. It rests upon faith in reason, the possibility of universal human goals, and the possibility of ensuring physical and spiritual harmony and progress by the use of empirically guided intellect.¹¹

Berlin found that this tradition contained within it the seeds of universalism and, in the context of the twentieth century, totalitarianism. The interpreters of the Enlightenment whom he discusses in *Three Critics* - Vico, Haman and Herder – can be viewed as harbingers of the Counter-Enlightenment or the Romantic movement. Whilst not rejecting the more noble aspirations of the Enlightenment, (which, after all, inspired Newtonian science and, *inter alia* liberated humanity from the received authority of religion, custom, and tradition), Berlin has considerable sympathy with their ideas which dispute this notion of a uniform human nature and a universality of outlook. As Berlin interprets Herder, for example, whilst men and women have traits in common, it is their differences which matter most. It is their differences that make men what they are, and through them that the individual genius of men and cultures is expressed. The goals and values of individuals and cultures may not only differ, but such differences may be intrinsic to man generally. If that is the case then

the simple, harmonious, ideal way of life to which, whether we know it or not, all men aspire – (the notion which underlies the central current of the notion of a single unchanging, objective code of universal precepts – Western thought) – may turn out to be incoherent; for there appear to be many visions, many ways of living and thinking and feeling, each with its own centre of gravity, self-

¹¹ Ibid.

validating, uncombinable, still less capable of being integrated into a seamless whole.¹²

Berlin was among the first to connect the confidence of the Enlightenment mentality – the belief in immutable universal human nature and the utopian prospect of endless rational improvement – with the totalitarian consequences that blighted the twentieth century. What Berlin saw in the writings of those such as Vico and Herder was a stress upon the limitations of scientific method for understanding human conduct, and a celebration of the differences within a range of cultures and values. These two in particular opposed what they saw as an Enlightenment view that whole cultures could be regarded as ‘merely imperfections to be transcended’.¹³ Like them, as George Crowder points out, Berlin believed that each culture had its own distinctive strengths as well as weaknesses, both of which should be acknowledged. This is because, in the pluralist view (discussed below), ‘there are many more goods and virtues, and legitimate interpretations of these, than can be expressed within the life of any one human society’.¹⁴

Notwithstanding the salutary correction to Enlightenment scientism that thinkers like Vico and Herder articulated, this Romantic reaction to rationalism also brought its own problems, not least of which was the Romantic conception of freedom that grew from it. Berlin claimed, according to Crowder’s analysis of his work, something which is crucial to one of the key planks of this thesis: that the Romantic conception of liberty is dangerous ‘because it is susceptible to being twisted into the very opposite of what freedom ordinarily means. The ‘positive’ liberty of the romantics, however noble or innocent its inspiration, provides a model by which the dictators of the twentieth century can justify their oppressive rule in the language of freedom itself’.¹⁵ Whilst in no sense can the Bush

¹² Ibid., p.15.

¹³ Ibid., p.93.

¹⁴ Crowder, *Isaiah Berlin: Liberty and Pluralism*, p. 122.

¹⁵ Ibid., p.57.

administration be equated with any form of dictatorship, it is the extent to which it may have inverted the language of freedom into something different to 'what freedom ordinarily means' that will be explored in subsequent chapters.

Berlin therefore sees dangers to freedom both in the Enlightenment itself and in the Romantic reaction to it. The threat to freedom from the Enlightenment is manifested by a strand of thinking characterised by scientism according to which human behaviour and conduct can be reduced to a set of universally applied laws formulated by managerialists and experts. It gave rise to a faith in the possibility of human utopias underpinned by technocratic solutions to the problems of mankind. It is this strain of thinking that gave rise to the historical determinism of Marx, for example, and which, ultimately, led to the excesses of the Stalinist Soviet Union. On the other hand, those who reacted against the rationalism of the Enlightenment, such as Rousseau, Fichte, and Hegel, tended to twist the meaning of freedom to the point where it could only be achieved through obedience to the State.¹⁶ What became the inheritance of the Counter-Enlightenment and the romantics was an aggressive form of nationalism, and a commitment to irrationalism which, to some extent, is a characteristic of neoconservative thought as discussed in the next chapter. Berlin has argued that irrationalism is the distinctive characteristic of twentieth-century political thought and is to be found within both communist and fascist regimes. A similar trend can be located within Western societies in recent years and what has been called 'the assault on reason' within America,¹⁷ particularly the Bush administration's attack upon science, is explored in Chapter Six. Notwithstanding these deep flaws that flowed from their ideas, the Enlightenment's critics, Berlin believed, bequeathed what Crowder calls 'the intellectual antidote to totalitarianism in all its forms',¹⁸ which is the notion of value pluralism.

¹⁶ See Isaiah Berlin, *Freedom and its Betrayal*, in which he discusses the ideas of these three thinkers together with others.

¹⁷ See for example Al Gore, *The Assault on Reason* (New York: Penguin, 2007).

¹⁸ Crowder, *Isaiah Berlin: Liberty and Pluralism*, p. 124.

Mark Lilla, *et al.*, suggest that Berlin's idea of value pluralism grew out of a distinction he saw in intellectual history, 'between the "hedgehogs" who develop all-encompassing, unified theories of human action, historical experience, and political value, and the "foxes" who see multiplicity everywhere and who fear zealots who would sacrifice human nature on the altar of an idea.'¹⁹ It is the idea of value pluralism, described by the philosopher John Gray as 'one of enormous subversive force',²⁰ that above all animates the whole of Berlin's work, and in which his ideas of positive and negative freedom are grounded. What Berlin means by this term is that human values are not only multiple but sometimes irreconcilable. They are frequently conflicting and often uncombinable. Goals conflict, not merely in the sense that one man's aims may interfere with another's, but in the sense, as Alan Ryan puts it, 'that there is no one true answer to the question of what the right goals are for a given individual'.²¹ This applies at the level of whole cultures – systems of value – as well between the values of a particular culture or individual.

It is one of Berlin's central claims that what he calls 'moral monism' lies at the heart of modern authoritarianism, and infects the foundations of mainstream Western thought as a whole, within which it is a dominant view.²² Moral monism, at its broadest, is the idea that all ethical questions have a single correct answer, at least in principle, that can be derived from a single universally valid, moral law. Berlin claims that it is an essential characteristic of the great monistic religions and political ideologies to claim that there is only one way to salvation, one true value structure.²³ If there is a single, universally valid moral law, providing correct

¹⁹ Mark Lilla, Ronald Dworkin, Robert Silvers, *The Legacy of Isaiah Berlin*, (New York: New York Review of Books, 2001), p. xi.

²⁰ John Gray, *Berlin*, p. 4.

²¹ Alan Ryan, *The Idea of Freedom: Essays in Honour of Isaiah Berlin*, ed. by Alan Ryan (Oxford: Oxford University Press, 1979), pp.4 – 5.

²² Isaiah Berlin, *The Crooked Timber of Humanity: Essays in the History of Ideas*, ed. by Henry Hardy (London: John Murray, 1990), p. 7.

²³ Henry Hardy, 'The Editor's Tale', in *Liberty*, by Isaiah Berlin (Oxford: Oxford University Press, 2005), pp. ix – xxxiii (p. x).

answers to all ethical problems, then there is a universally valid conception of the good, some kind of uniquely superior good life:

The notion that there must exist final objective answers to normative questions, truths that can be demonstrated or directly intuited, that it is in principle possible to discover a harmonious pattern in which all values are reconciled, and that it is towards this unique goal that we must make; that we can uncover some single central principle that shapes this vision, a principle which, once found, will govern our lives – this ancient and almost universal belief, on which so much traditional thought and action and philosophical doctrine rests, seems to me invalid, and at times to have led (and still to lead) to absurdities in theory and barbarous consequences in practice.²⁴

Berlin argues that moral monism is false, and that what defends us against its fanatical expression, which leads to fundamentalism, persecution, and intolerance, is the understanding that values are plural and often compete. By contrast with 'the conviction that all positive values in which men have believed must in the end be compatible, and perhaps even entail one another',²⁵ Berlin suggests 'that not all good things are compatible, still less the ideals of mankind.'²⁶ More strongly, he states that 'it seems to me that the belief that some single formula can in principle be found whereby all diverse ends of men can be harmoniously realized is demonstrably false'.²⁷ His view was that we are 'faced with choices between ends equally ultimate, and claims equally absolute, the realization of some of which must inevitably involve the sacrifice of others', that 'the ends of men are many, and not all of them are compatible with each other,' so that 'the possibility of conflict – and of tragedy – can never be wholly eliminated from human life, either personal or social', and 'the necessity of choosing between absolute claims is then an inescapable characteristic of the human condition'.²⁸ Some values have therefore to be sacrificed for others. Goods such as liberty,

²⁴ Berlin, 'Five Essays on Liberty: Introduction,' in *Liberty*, pp. 3 – 54 (p. 47).

²⁵ Berlin, 'Two Concepts of Liberty', in *Liberty*, pp 166 – 217 (p. 212).

²⁶ *Ibid.*, p. 213.

²⁷ *Ibid.*, p. 214.

²⁸ Berlin, quoted in Lilla et al., *The Legacy of Isaiah Berlin*, p. 52.

equality, and justice do not fit together in perfect harmony or hierarchy. Pluralism recognised that 'human goals are many, not all of them commensurable, and [are] in perpetual rivalry with one another.'²⁹ By 'incommensurability' Berlin means that when these values conflict or collide 'there is no common measure by which they can be weighed against each other'.³⁰

The inevitable outcome of the collision between values and their frequent incommensurability is that we are faced with a number of testing choices, some of which are extremely difficult, even tragic, because all choice involves significant loss. Over large areas of the public sphere, trade-offs between values take place in which competing goods are weighed against one another, and which involve a number of moral dilemmas. Choice as an integral part of the human condition moves centre stage, 'becoming a meta-value that must be accommodated'.³¹ Berlin maintains that there is a minimum level of opportunity for choice – not of rational or virtuous choice alone, below which human activity ceases to be free in any meaningful sense.³²

It is in the context of these ideas about the pitfalls of both the Enlightenment and the Counter-Enlightenment into which man has frequently stumbled, together with his belief in value pluralism, the frequent incommensurability of values, the falseness of monism and the centrality of choice in human affairs, that Berlin grounds his influential thinking about the nature of freedom and the distinctions he draws between 'negative' and 'positive' freedom. The core point of Berlin's argument about the distinctions between these two definitions of freedom is that negative freedom, in accepting the idea that human values are diverse and that there is no single answer to the question of what the right goals are for a given individual, is less liable to perversion than the concept of positive freedom,

²⁹ Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 216.

³⁰ Crowder, *Isaiah Berlin: Liberty and Pluralism*, p. 74.

³¹ *Ibid.*, p. 75.

³² Berlin, 'Five Essays on Liberty: Introduction', in *Liberty*, p. 44.

which embraces the idea that the human self is divided, and that freedom consists in our behaviour being under the control of our 'true' or 'higher' selves.

For Berlin, freedom is not instrumental, a means to an end; it is a good in itself. When he asks what the value of freedom is, he finds it difficult to locate man's desire for freedom in empirical foundations, but suggests that it is perhaps sufficient to say that for those who value it for its own sake believe it is

an inalienable ingredient in what makes human beings human; and that this underlies both the positive demand to have a voice in the laws and practices of the society in which one lives, and to be accorded an area [...] in which one is one's own master, a 'negative' area in which a man is not obliged to account for his activities to any man as far as this is compatible with an organised society.³³

This is the classical liberal view of what constitutes freedom, that there is a private sphere in which, provided the rights of others are not interfered with, or order undermined, a person can do, think, live and believe as they like. It is also the view, Berlin suggests, that finds expression, wholly or in part, in various declarations of the rights of man in America and France and in the writings of Locke, Voltaire, Paine, Mill, and Constant.³⁴

It is this basic liberal understanding of liberty with which Berlin associates his negative interpretation. He defines negative freedom further:

I am normally said to be free to the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others. If I am prevented by others from doing what I could otherwise do, I am to that degree unfree; and if this area is contracted by other men beyond a certain minimum, I can be described as being coerced, or, it may be, enslaved.³⁵

A person lacks political freedom if he or she is prevented from attaining a goal by other human beings, and the wider the area of non-interference, the

³³ Ibid., p.52.

³⁴ Berlin, 'Liberty', in *Liberty*, p. 284.

³⁵ Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 169.

greater a person's freedom. The standard obstacle to freedom in this sense is coercion. Mere incapacity to do something which involves no human act or omission cannot be an obstacle to negative freedom. This, Berlin points out, was what the classical English philosophers meant when they used the word freedom. There was recognition that freedom could not be unlimited, that order and security were important, and that the weak must be protected from the strong. Even so, thinkers such as Locke and Mill understood that there was a certain area of minimum freedom which could not be violated if the individual was to develop and flourish. If that freedom is invaded the result would be despotism.³⁶ As is demonstrated in the next chapter, there were competing views as to what constituted individual liberties, and Burke, Paine, Jefferson and Mill, for example, all had different notions about the relative importance of freedom of religion, freedom of expression and opinion, guarantees about property, and so on. But, as Berlin makes clear, the argument for keeping authority at bay is always the same. We must preserve a minimum area of personal freedom if we are not to 'degrade or deny our nature'.³⁷

The defence of freedom consists of the 'negative' goal of warding off interference. It is in this sense freedom *from*; freedom from coercion, from interference with certain minimum areas of personal liberty. It is non-interference with whatever an agent may wish to do, whatever people may think of it, non-intrusion into a space in which a person may go to the good or bad in his or her own way. To block a man's choices before every door except the ones chosen for him, no matter how noble the prospects before him or how benevolent the motives of those who do the blocking, is

to sin against the truth that he is a man with his own life to live. This is liberty as it has been conceived from the days of Erasmus [...] to our own. Every plea for civil liberties, every protest against exploitation and humiliation, against the encroachment of public authority, or the mass hypnosis of custom or organised

³⁶ Ibid., p. 173.

³⁷ Benjamin Constant, cited in *ibid.*

propaganda, springs from this individualistic, and much disputed, conception of man.³⁸

The human capacity for choice, as John Gray points out, supports Berlin's conception of freedom in that he designates as 'basic freedom' the capacity for choice itself. Negative freedom, understood as non-interference by others when acting in accordance with one's desires, presupposes the capacity for choice among alternatives. Negative liberty then, is the availability of choice among alternatives or options that is unimpeded by others.³⁹

Berlin contrasts negative liberty with positive liberty, which is the idea not of the absence of interference but of the individual having control over his own life. It derives 'from the wish on the part of the individual to be his own master', to be genuinely the author of his own actions, to be in rational control. Berlin does not deny the value of positive liberty; indeed he suggests that in some sense positive liberty is 'essential to a decent existence'. Although these two kinds of freedom – the one concerned with a space in which I am free of interference, and the other in which I wish my life and decisions to depend on myself, not upon external forces – may seem no great distance from one another, these negative and positive notions of freedom have, Berlin asserts, historically developed in divergent directions until they came into direct conflict with one another.⁴⁰

Berlin's case against positive liberty is that the conception allows liberty to be inverted into its very opposite. It contains a feature not found in the negative concept that lays it open to authoritarian corruption. This is the notion mentioned earlier, that the human personality is divided into two selves: on the one hand, the higher self, or nature, my 'true' or authentic self, (usually identified with reason); on the other, the lower self which is usually associated with passions, emotions, desires, and irrational impulses. This is the part of the human personality needing to be disciplined if ever it is to fulfil its 'true' potential.

³⁸ Berlin, 'Two Concepts of Liberty', in *Liberty*, pp. 174 – 5.

³⁹ Gray, *Berlin*, p. 15.

⁴⁰ Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 178.

Once this distinction is drawn, the way is open to advocating the suppression of people's actual desires and wishes in the name of their 'true' or 'real' selves. Berlin advances the view that it then becomes plausible to coerce people in their own best interests; to push them in certain directions which they would adopt if they were enlightened, but do not because of ignorance or blindness. It is then easy for the idea to take hold that men can be coerced in their own interests, because I, or a race, a tribe, church or a state can lay claim to know what they truly need better than they know themselves. This idea entails the notion that men would not resist this coercion if they were rational and fully understood their own interests as the coercer does. Even more than this may be claimed. The coercer may declare that what those that are being coerced are aiming at in their benighted state they consciously resist, because 'there exists within them an occult entity – their latent rational will, or their "true" purpose – and that this entity, although it is belied by all they overtly feel and do and say, is their "real" self, of which the poor empirical self in space or time may know little or nothing; and that this inner spirit is the only self that deserves to have its wishes taken into account'.⁴¹

The slide towards authoritarianism, which the positive interpretation of freedom facilitates, is helped, as George Crowder interprets it, if not only authoritarian rulers claim to know the requirements of the true self better than the individual concerned, but if the true self is also identified with a collective self, the nation for example, or some universal entity in which the individual merely participates as an integral part. Berlin insists that the very idea of the 'true' self, distinguishable from merely empirical or contingent desires, is what opens the door to freedom's betrayal. Unlike negative freedom, it 'raises the logical possibility that a person's actual desires may be mistaken, and, if so, ought to be suppressed'.⁴² Such suppression can ignore the actual wishes of men or societies;

⁴¹ Ibid., pp.179 – 80.

⁴² Crowder, *Berlin: Liberty and Pluralism*, p. 69.

they may be bullied or tortured in the name of their 'real' selves; the oppressors are secure in the knowledge 'that whatever is the true goal of man (happiness, performance of duty, wisdom, a just society, self fulfilment) must be identical with his freedom – the free choice of his "true", albeit often submerged self'. This, then, is Berlin's 'monstrous impersonation', which consists in 'equating what "X" would choose if he were something he is not, or at least not yet, with what he actually seeks and chooses'.⁴³

Positive freedom, unlike negative freedom, which is manifested through the presence of uncoerced choice, consists in obedience to rational will. According to Berlin, this was the idea that was shared by thinkers such as Montesquieu, Kant, and Burke. For them, obedience to the law and the common good assists in providing the individual with true liberty. As with Rousseau, freedom resides not in doing what is irrational or wrong, but in complying with the dictates of our rational selves, which, for Rousseau, was embodied in the 'general will'.⁴⁴ Hence political freedom is obedience to the will of the sovereign body which acts for the common good. The State, in this sense, knows your true will and wishes better than you do, and in forcing you to comply with its laws (which are for the common good) it merely liberates your authentic moral will from your appetites. To force the empirical self into the right pattern is no tyranny, but liberation. Whereas choice implies genuine rivalry amongst competing goods, rational will points to only one course of action for the individual, one form of life. This directly conflicts with Berlin's value pluralism. Berlin highlights Kant's remark that when 'the individual has entirely abandoned his wild lawless freedom, to find it again, unimpaired, in a state of dependence according to law', that alone is true freedom, 'for this dependence is the work of my own will acting as a lawgiver'.⁴⁵ Liberty thus becomes not incompatible with authority, but virtually identical with it. It is this line of thought, made manifest above all by Rousseau in

⁴³ Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 179.

⁴⁴ See, for example, Berlin, 'Rousseau', in *Freedom and its Betrayal*, pp. 27 – 49 (pp. 27 – 49).

⁴⁵ Cited in Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 194.

his famous dictum that man can be 'forced to be free', that Berlin claims has been held in common by dictators from the Jacobins to Hitler and the communists. All claim that men 'do not know what they truly want – and therefore by wanting it for them, by wanting it on their behalf, we are giving them what in some occult sense, without knowing it themselves, they "really" want'.⁴⁶

The problem of positive freedom then for Berlin, is that it presupposes moral monism. Instead of the conflicting goals and the rivalries between cherished goods and values that face the empirical selves of men, freedom for man is conceived as being the pursuit of what is rational and right. This in turn presupposes the notion of a single moral order which mandates the pattern, and diagnoses conflict as inherently pathological. This runs contrary to Berlin's concept of human nature, which is not something within all men that awaits discovery and realization, but is manifested and invented through the exercise of choice. It is inherently plural and diverse, not common or universal.

As George Crowder emphasises, the basic claim of pluralism, and the measure of negative liberty that it entails, implies the impossibility of political perfection; hence it implies also the need for a form of politics (which for Berlin was liberal) that accommodates and manages the imperfectability of human life rather than a politics that strives impossibly to transcend it.⁴⁷ Within pluralism, and the concept of negative liberty that is grounded within it, there can be no final conception of the good life that will realise all human values. Positive liberty, by contrast, is facilitated by moral monism, the idea that there must exist some final objective answers to moral dilemmas. One of Berlin's favourite quotations was a remark of Kant's to the effect that 'out of the crooked timber of humanity, no straight thing was ever made'.⁴⁸ Berlin's concept of negative freedom, rooted in value pluralism and the incommensurability of values, most easily accommodates this 'crooked timber'. By contrast, moral monism and the concept of positive

⁴⁶ Berlin, 'Rousseau', in *Freedom and its Betrayal*, p. 47.

⁴⁷ Crowder, *Berlin: Liberty and Pluralism*, p. 144.

⁴⁸ Cited in Berlin, 'Political Ideas in the Twentieth Century', in *Liberty*, p. 92.

freedom that it often entails seek to 'straighten' it against its will and nature, and bring about the perversion to which positive liberty is prone.

Berlin was not of course without his critics, and Joseph Raz, Charles Taylor, and Gerald MacCallum in particular have suggested what they perceive to be shortcomings in his analysis.⁴⁹ The thesis does not survey exhaustively the arguments that have been mounted against Berlin's concepts of liberty, although some mention of the concerns of two critics is appropriate, namely Quentin Skinner and Philip Pettit.

Both Skinner and Pettit have argued that Berlin's concept of negative liberty does not go far enough and fails to recognise an important element of neo-Roman, or republican, thought. Skinner argues that the neo-Roman concept of liberty rested to a large extent upon the 'Digest' of Roman law, which contrasted liberty with the condition of slavery. The predicament of the slave is defined as that of someone who, contrary to nature, is made into the property of someone else. Skinner explains that the essence of slavery in Roman thought is not coercion, but being within the power of another person. The term began to be used more widely to describe the predicament of anyone who depends on the (good) will of someone else.⁵⁰ It was this understanding of political liberty that came to be deployed by some parliamentary spokesmen against the English Crown in the seventeenth century. The core of their argument, suggests Skinner, was that in times of necessity the Crown possesses the discretionary power to override civil rights. Therefore the people held their property and personal liberty not 'of right' but merely 'of grace'. For liberties to be held at the discretion of the king was a state of dependency that reduced the people to servitude.⁵¹ The neo-Roman thinkers were insisting that freedom is restricted not only by actual interference or

⁴⁹ For these critiques see in particular: Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986); Charles Taylor, 'What's Wrong with Negative Liberty', in *The Idea of Freedom: Essays in Honour of Isaiah Berlin*, ed. by Alan Ryan, pp. 175 – 193, and Gerald C. MacCullum Jr., 'Negative and Positive Freedom', *Philosophical Review*, 76, (1967), pp. 312 – 334.

⁵⁰ Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998), pp.39 – 42.

⁵¹ Quentin Skinner, 'A Third Concept of Liberty,' *London Review of Books*, 24. No.7, (2002) pp.16 – 18 (pp. 17 – 18).

the threat of it but also by the mere knowledge of living upon the goodwill of others. Such dependency equalled slavery.

Skinner argues that the Declaration of Independence reflects the view that negative liberty consists not merely in the absence of coercion, but also the absence of dependence. It is a document that, obviously enough, stresses independence from the arbitrary power of the British Crown. What made Congress believe that this justified revolution, was, according to Skinner, their acceptance of the classical contention that 'if you depend upon the goodwill of anyone else for the upholding of your rights, it follows that – even if your rights are in fact upheld – you will be living in servitude'.⁵²

Similarly, Philip Pettit argues that the neo-Roman definitions of freedom deserve further consideration, and that avoidance of interference or coercion is insufficient to qualify as freedom.

Being unfree does not consist in being constrained: on the contrary, the restraint of a fair system of law – a non-arbitrary regime – does not make you unfree. Being unfree consists rather in being subject to arbitrary sway: being subject to the potentially capricious will or the potentially idiosyncratic judgement of another. Freedom involves emancipation from any such subordination, liberation from any such dependency.⁵³

Both Skinner and Pettit present the neo-Roman concept of non-dependence as potentially a rival theory of negative liberty to that of Berlin's concept of non-coercion. Berlin himself insisted that no such third concept of liberty could be coherently entertained, and maintained that if we are to speak of constraints on our liberty, we must be able to point to some visible act of hindrance, the objective or consequence of which is to prevent us doing what we otherwise would. The neo-Roman theorists whom Skinner and Pettit defend, however, reject this assumption and make the distinctive claim that a mere awareness of living in

⁵² *Ibid.*, p. 18.

⁵³ Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 1997), p. 5.

dependence on the goodwill of others serves in itself to restrict our options and thereby our liberty.⁵⁴

These ideas are linked to the view held by Skinner, Pettit, and others that, as discussed in the following chapter, the animating ideals of liberty expressed within the founding doctrine were republican in nature. Whilst Skinner broadly accepts the definition and critique of positive liberty formulated by Berlin, he has also argued that the republican or neo-Roman concept of freedom is a negative one and his views in this area are discussed briefly in the next chapter.

What Skinner seems to be arguing, therefore, is not that Berlin's definition of negative liberty is wrong, but that it suffers from a limitation in scope. On the face of it, it is clear that the 'dependency' argument made by Skinner, Pettit, and others carries a good deal of force. However, despite his unwillingness to consider a third concept of liberty, Berlin does not rule out the possibility of freedom as non-domination. Indeed, as Crowder points out,⁵⁵ it could be argued that Berlin acknowledges the validity of freedom as non-dependence when he argues that 'the extent of my social or political freedom consists in the absence of obstacles not merely to my actual, but to my potential choices'.⁵⁶ This is an important feature of negative liberty, and is particularly relevant in terms of the Bush administration's attitude towards science – see Section IV of Chapter Six. Berlin does not hold up negative liberty as an absolute and overriding ideal; it is at most the safer political option in comparison with the positive version, which has been historically prone to distortion and perversion.

Despite these criticisms, Berlin's distinction between positive and negative forms of freedom remains relevant, and his case against adopting the positive version, namely the error of supposing that values cohere in a harmonious whole, remains, if not entirely uncontested, original and illuminating in the present age. The distinctions he draws between different types of freedom and the important

⁵⁴ Skinner, 'A Third Concept of Liberty'. p. 18.

⁵⁵ Crowder, *Isaiah Berlin: Liberty and Pluralism*, p. 88.

⁵⁶ Berlin, 'Five Essays On Liberty: Introduction', in *Liberty*, p. 32.

background elements of his thought, particularly in relation to value pluralism, therefore form the principal analytical framework that this thesis adopts for considering both the character of freedom embedded within the American tradition, and the discourse of freedom developed under the administration of President George W. Bush.

III DISCOURSE

The term 'discourse' has become common currency in a variety of disciplines: critical theory, sociology, linguistics, philosophy, and many other fields, so much so that it is frequently left undefined. Foucault himself uses the term in his discussions of power, knowledge and truth, and talks of discourse as 'practices that systematically form the objects of which they speak'.⁵⁷ Discourse, in the Foucauldian sense should be seen as an overall term to refer to groups of statements that deal with the same topic, as well as those that seem to produce a similar effect, grouped together because they have a similar function. These are groupings that are often associated with particular institutions and sites of power, and lead to the reproduction of other statements that are compatible with their suppositions.⁵⁸

For Foucault, there are certain regularities that govern what can and cannot be legitimately said in particular circumstances and in certain conditions. It is not, as the philosopher Todd May points out, that certain things cannot be said for physical or legal reasons. 'It is, rather, epistemic; that is, it has to do with knowledge. If certain unacceptable things are said, or if things are said that might be acceptable by the right authorities but not by this particular person, they will simply not be recognized.'⁵⁹ These are not, however, conscious rules that determine what may or may not be said, and may not even be recognized by

⁵⁷ Cited in Sara Mills, *Discourse*, p. 17.

⁵⁸ Sara Mills, *Michel Foucault*, p. 64.

⁵⁹ Todd May, *The Philosophy of Foucault*, p. 38.

speakers who may wish to contradict prevailing wisdom or debate a particular issue. Instead, in what Foucault refers to as 'the positive unconscious of knowledge', they are unconscious structurings, setting the boundaries of, and opportunities for, debate and discussion.⁶⁰ They are the framework, the perspective, unimposed from either outside or within, in which 'the participants in discussion recognize one another in their proper role as participants and [...]the statements of those participants are recognized as contributions to a particular discussion, or as establishing certain points'.⁶¹

Although Foucault uses the term discourse in his discussions of power, knowledge, and truth, the notion of truth is not self-evident in Foucault's thought, nor is it an ideal abstract quality to which humans aspire.⁶² He sees the truth as far more worldly and negative, supported by a whole range of practices and institutions that work to exclude statements that they characterise as false and keep in circulation those statements that they characterise as true.⁶³

Truth is of the world; it is produced there only by virtue of multiple constraints [...] Each society has its regime of truth, its "general politics" of truth: that is the types of discourse it harbours and causes to function as true: the mechanisms and instances which enable one to distinguish true from false statements, the way in which each is sanctioned; the techniques and procedures which are valorised for obtaining the truth; the status of those who are charged with saying what counts as true.⁶⁴

It is through this Foucauldian lens, as it were, that the discourse of freedom constructed by the Bush administration is considered. Thus the thesis seeks to demonstrate, *inter alia*, how this discourse succeeded in narrowing the field of vision of the American people; how it was used to suppress and extinguish

⁶⁰ Ibid., p. 39.

⁶¹ Ibid.

⁶² Mills, *Discourse*, p. 18.

⁶³ Mills, *Michel Foucault*, p. 58.

⁶⁴ Cited in Mills, *Discourse*, p. 18.

dissent; how it was used by the administration to isolate its policies from criticism and underpin their legitimacy.

IV CONCLUSION

This chapter has established the analytical framework that will be used to support the core aspects of the thesis. Berlin's ideas about the nature of freedom, and the perversion to which the notion of positive freedom is prone, is a central component of that analytical structure and will be applied to the American tradition of freedom discussed in the next chapter, the character of freedom embedded within neoconservative thought discussed in Chapter Four, and the Bush administration's interpretation of freedom as manifested through aspects of foreign and domestic policy discussed in Chapters Five and Six respectively. The term 'discourse' is used throughout in the light of the characteristics that Foucault attributes to it.

CHAPTER THREE: 'THE GIFT OF HEAVEN'

May the bright example be fairly transcribed on the hearts and reduced into practice by every *Virginian*, by every *American*. May our hearts be open to receive, and our arms strong to defend, that liberty and freedom, the gift of Heaven, now banishing from its last retreat in *Europe*. Here let it be hospitably entertained in every breast; here let it take deep root, flourish in everlasting bloom; that, under its benign influence, the virtuously free may enjoy secure repose, and stand forth the scourge and terror of tyranny and tyrants of every order and denomination, till time shall be no more. ¹

¹ 'Address of the Freeholders of Augusta County to Virginia's Continental Congress Delegates, February, 1775', *American Archives: Documents of the American Revolution 1774–1776*. <http://lincoln.lib.niu.edu/cgi-bin/philologic/contextualize.pl?> [accessed 3 April 2010].

I INTRODUCTION

America's understanding of one of the core elements of its founding doctrine is an integral part of its self-consciousness and the ultimate source of its sense of purpose and normative vision. The characteristics of freedom at the time of America's founding provide the benchmark by which it is possible to evaluate contemporary interpretations of freedom as manifested through events, practices, and policies. The dominant understanding of what freedom means reveals something not only about America's values but, more crucially, about the values of its leaders and government. For the administration of President George W. Bush, which placed the 'Freedom Agenda' at its core, the founding paradigm of freedom constitutes an essential source of legitimacy. As previously mentioned, the administration made repeated references to the ideal of freedom that animated the founders; there was a continual reaching back into America's past in order to demonstrate that the then current commitment of the administration to 'freedom' chimed with those of the past.

The purpose of this chapter, therefore, is to consider the philosophical influences that animated and inspired the American Revolutionaries and the founders of the Republic as they sought to define an ideal of freedom suitable to their circumstances. The success of those endeavours is evidenced by the power of that ideal ('the gift of Heaven'), which stretches from the late-eighteenth century until the present. The ideas of the theorists that are discussed in Section II below are important because they helped to form the bedrock upon which the defining idea of freedom at the time of the founding was constructed

This chapter also considers two competing interpretative paradigms of the founding doctrine itself, that is, what might be termed the Lockean 'liberal' interpretation and that of the 'republican virtue' tradition. Each of these paradigms carries within it an implicit philosophy of freedom which is considered below in the light of the analytical framework established in the

preceding chapter. Conclusions are then drawn as to which paradigm eventually prevailed and dominated, becoming the foundation of the American tradition of liberty, and the nature of the freedom that is embedded within that tradition. It is against these conclusions about the character of the American tradition of liberty that the thesis considers the discourse of freedom that was such a distinctive feature of the Bush administration.

It is difficult to disentangle the American concept of freedom from the ideology of the Revolution itself and the founding of the Republic. The historiography of the Revolution is a crowded and much contested field, and the task of isolating 'freedom' in this context is made more difficult by the fact that, whilst in many senses it was the core element of the ideology of the Revolution and beyond, it has seldom been treated as such by historians. Until quite recently, the dominant focus of debate within historical explanation has been between the two competing interpretative paradigms referred to above. In both forms of explanation, freedom, as an abstract or philosophical concept which may of itself have crucially different meanings and roots, is something of a neglected area of study compared to interpretations of the political and economic influences that underpinned the founding doctrine itself.²

This chapter makes no attempt to provide an abbreviated ideological history of the American Revolution or the founding of the Republic and nor does it consider how the founders grappled with the exercise and distribution of power and representation, except in so far as those issues bore upon the ideas of political and civic freedom. Neither – except where there are obvious overlaps – does this chapter dwell in any detail upon the always important narrative of religious freedom. It is well known that the history of liberty, in the seventeenth

² Recent histories, for example, have tended to focus upon the crucial role of slavery in the American Revolution and the making of the Constitution. See for example Lawrence Goldstone, *Dark Bargain: Slavery, Profits, and the Struggle for the Constitution* (New York: Walker and Co., 2007), and Robin L. Einhorn, *American Taxation, American Slavery* (London: University of Chicago Press, 2007). It may be argued that it was because the Revolution placed such emphasis on freedom that slavery became such a problem for the founders. See Gordon S. Wood, 'Reading the Founders' Minds,' *New York Review of Books*, 28 June 2007, p. 63.

century at least, was one in which the issues of civil and religious liberties were intimately entwined. Indeed, it was Milton who, in 1659, allegedly first wrote and had printed any of the phrases that, in the centuries ahead, would be used to bracket civil with religious liberty.³ The drive for religious freedom was a major element of the Puritan Revolution and inspired many of the first pilgrims to America. Any discussion of liberty in the seventeenth century, either in England or America, would therefore need to treat civil and religious liberty as inseparable. It is possible to argue that in the later part of the eighteenth and early nineteenth centuries however, some Enlightenment values had taken root, man was credited with reason and free will, and God was something of a lighter presence, no longer the 'despot' of the seventeenth century. Whilst freedom of religion was an essential plank of the founding doctrine, it is clear that neither the founders nor their immediate successors felt that the State had the right or authority to enforce the claims of an absolute metaphysical or religious truth. Liberty therefore had become more of a political and civil issue.

Notwithstanding the fact that this chapter is principally concerned with the secular aspects of the American tradition of liberty, freedom of religion as embodied in the founding doctrine is nevertheless important for certain aspects of this thesis. In their belief that the State should keep out of the business of propagating faith, the founders paved the way for a religious pluralism in which state power has no place in determining religious truth. The founding doctrine, in this respect, provided for what Simon Schama called 'the coexistence of conflicting versions of the best way to redemption' and, by not choosing any faith, encouraged them all; faith and freedom were thus mutually nourishing.⁴ The extent to which the Bush administration attempted to circumvent this tradition is discussed in Chapter Six.

³ Blair Warden, 'Milton and Liberty', paper presented at Yale University, *Civil and Religious Liberty: Ideas of Rights and Tolerance in England c 1640–1800*, 25–26 July 2008, p. 1.

⁴ Simon Schama, *The American Future: A History* (London: The Bodley Head, 2008), p. 148.

This chapter is primarily concerned, however, with attempting to locate and define the origins of a particular political and social good: the American idea of freedom as it was expressed and felt by the leading figures of the time, the pamphleteers, the theorists, writers, and activists who made up American political society. The relationship between Britain and America prior to the American Revolution means that it will principally be the ideas of major English and American theorists whose ideas of freedom will be considered in terms of historical influence. Due to obvious constraints of space and focus, there are inevitable gaps; too much may be made of one theorist and not enough of another, and some important contributions overlooked altogether. Nevertheless, it is possible to identify a flavour, an essence, a number of basic tenets, which comprised the American concept of freedom at the end of the eighteenth century and which fed into the competing interpretative paradigms referred to.

Section II below focuses upon the ideas of a few early prominent theorists. These have been selected not only for their undoubted contribution to the debate about the nature of freedom in the late-seventeenth and eighteenth centuries, but also for their considerable influence upon American political thought, namely: John Locke, Richard Price, Edmund Burke, Joseph Priestley, and Tom Paine. This is of course by no means an exhaustive list, but the purpose here is to identify strands of thought about freedom as articulated by the most prominent and influential theorists, rather than an attempt to describe the contributions of all those who participated in the debate about what, ideally, it meant to be free at the time of the American Revolution and beyond.

Section III refers to the ideas of freedom embodied in the republican virtue tradition, especially those of the seventeenth century Commonwealthmen such as Algernon Sidney as well as later theorists such as John Trenchard and Thomas Gordon. This republican, or civic humanist, interpretation of Revolutionary ideology is the subject of considerable controversy in the historiography of the Revolution and the founding. The main elements of that controversy are

considered and evaluated in Section IV. Section V summarises the conclusions that can be reached about interpretative paradigms of the founding doctrine, and the nature of freedom embedded within them.

II THE FOUNDATIONS OF AMERICAN FREEDOM – EARLY MAJOR THEORISTS

As mentioned earlier, the theorists discussed in this section are by no means an exhaustive list of those whose ideas concerning freedom influenced the founders of the Republic. No consideration for example has been given to the ideas of William Godwin or his wife Mary Wollstonecraft (whose *A Vindication of the Rights of Woman: with Strictures on Political and Moral Subjects* (1792) sold widely in America), John Wilkes or James Burgh, or, perhaps most notably, Adam Smith. This is not because their ideas were not important or influential, but because they do not bear so directly upon the American ideal of freedom as some other theorists. Each of the theorists considered in this section contributed ideas concerning freedom that fed into the two main interpretative paradigms of the founding discussed in Section IV.

America had long had its allure even before the struggle for independence. ‘In the beginning, all the world was America’ claimed John Locke (1632–1704).⁵ Sometimes thought of as the ‘father’ of the Enlightenment, Locke’s long term influence upon American political thought was immense. Jefferson, for example, repeatedly declared his philosophic allegiance to Locke, from whom he derived not only some of his political theory but all the beginnings of his theory of knowledge.⁶ The language of what is now called Lockean liberalism was

⁵ Cited in Roy Porter, *Enlightenment: Britain and the Creation of the Modern World*, (London: Allen Lane, 2000), p. 402.

⁶ Henry F. May, *The Enlightenment in America* (New York: Oxford University Press, 1976), p. 293.

especially evident in the rhetoric of the revolutionary period. James Otis's *The Rights of the British Colonies Asserted and Proved* (1764), Richard Bland's *An Inquiry into the Rights of the British Colonies* (1772), and, of course, Thomas Jefferson's *Declaration of Independence* (1776) are all grounded in the writings of Locke.⁷ Locke was an early propagator of empiricism, an advocate of the superiority of reason and experience over innate ideas and moral absolutes. In terms of his political ideas, his most important work was *Two Treatises of Government*, published in 1689 but written previously largely in response to Charles II's ruthless purge of the Whigs and the Exclusion Crisis which sought to exclude James, Duke of York, from inheriting the throne. The *Two Treatises* attacks the monarchical absolutism that had hitherto prevailed, and maintains that man is by nature free and equal. This is his condition in the 'state of nature' prior to his entry, by means of contract, into political society. Locke, a natural law theorist, believed that there was a body of laws and rights that transcended human regimes that came from God and were discernible through reason – a gift from God. That the natural law tradition was a key influence upon American thought is apparent in the American Declaration of Independence, which asserts that certain truths about man's fundamental status are 'self evident'.

For Locke, man's civil liberty constitutes part of his moral liberty. He constantly counterpoises the life of the autonomous being with the almost less-than-human life of someone who is a mere instrument of another; the political relation of ruler-citizen is contrasted with the sub-political relation of master-slave. Locke continually uses the word 'arbitrary' to characterise the irrational, coercive nature of masters and tyrants.⁸ Liberty consists in being free of the arbitrary will of another. In legitimately based civil society we obey only

⁷ Isaac Kramnick, 'Ideological Background', in *A Companion to the American Revolution*, ed. by Jack P. Greene and J. R. Pole (Oxford: Blackwell Publishers Ltd., 2000), pp. 88–93 (p. 89). The Declaration, in its form and phraseology, follows closely certain sentences in Locke's *Second Treatise*. Some of Locke's phrases appear in Jefferson's own writing. See Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Alfred A. Knopf, 1966), p. 37.

⁸ 'Introduction', in *Two Treatises of Government* by John Locke, ed. by Mark Goldie (London, Orion Publishing Group, 1998), pp. xv–xliii (p. xxxi).

ourselves because we have consented to the laws that, if they are good laws, are not restrictions but enlargements of freedom.⁹ In this regard at least – although there are many differences in their respective ideas about freedom – Locke was almost at one with Thomas Hobbes (1588–1679), who claimed that to demand complete freedom in the sense of exemption from laws was absurd. For this, according to Hobbes, is to demand a return to the state of nature and a call for what is effectively slavery, since it is to ask for that form of liberty ‘by which all other men may be masters’ of our lives.¹⁰

Arbitrary power and the nature of tyranny are two strands of concern that are constantly evidenced in the work of early theorists of freedom. These concerns were very much at the forefront of American thinkers during the eighteenth century and Locke is an early exemplar of influential thinking in these areas. One of the most controversial features of the *Two Treatises* at the time was the right which Locke suggests a free people have to rebel against their rulers if the latter break the trust placed in them and lapse into tyranny. As political legitimacy rests upon consent, if the ruler betrays that trust then the ruled had a right to rebel.¹¹ A tyrant has no authority and it is tyrants who are the true rebels.¹² The freedom of the people to withdraw their consent to the way in which they are governed and to act against tyranny therefore underpins Locke’s ideas of political freedom.

A parallel theme within Locke’s defence of freedom rested upon his theory of property. Locke believed that man has a property in his own person (given to him by God) and to this person no body has any right but himself. Likewise, the individual is entitled to the product of his labour and in so far as he mixes his labour with a natural resource – the land for example – then he is entitled to

⁹ Locke, *Two Treatises of Government*, pp. 125–26, 142.

¹⁰ Quentin Skinner, ‘Thomas Hobbes on the Proper Signification of Liberty’ *Transactions of the Royal Historical Society*, 40, (1990), pp. 121–151 (p. 147).

¹¹ Locke, *Two Treatises of Government*, pp. 226–27, 239.

¹² Dunn, *Locke*, p. 55.

regard the results as his own property.¹³ The reliance many Revolutionary theorists and pamphleteers placed upon Locke's theory of property (section V of the *Second Treatise*) in developing concepts of individual freedom, and the impact of Lockean thought generally upon the Revolutionaries, forms a continuing controversy in terms of the historiography of the founding doctrine, and indeed attracted the ire of Leo Strauss, the philosopher who exerted the greatest influence upon neoconservative thought. Strauss's view of Locke's theory of property and its impact are discussed in Chapter Four.

Louis Hartz argues that Locke's ideas about the nature of freedom and property and the rights of the citizen gave rise to a Lockean liberal ideology in America that persists to the present. Hartz suggests that America has an 'absolute and irrational' attachment to Locke that is the secret root of many of America's puzzling phenomena, including an isolationist distrust of the wider world.¹⁴ Hartz argues that the compulsive power of Lockean liberalism is so great that it has posed, ironically, a threat to liberty itself. Whatever the truth of this claim, Locke's enormous influence upon American political thought is undeniable. It is over his ideas, perhaps more than those of any other theorist, that the interpretative battle lines of the founding doctrine, between liberalism and the potentially more authoritarian ideology of republican virtue, have been drawn.

Linked closely with Locke's ideas, and indeed someone who claimed that his principles were 'the same with those taught by Mr Locke',¹⁵ was Dr Richard Price (1723–91), a dissenting radical and divine and, alongside Joseph Priestley, one of the best known British dissenting friends of the American Revolution. Producing a Lockean defence of American independence, he hailed the Revolution with 'heart-felt satisfaction. I see the revolution in favour of universal

¹³ Locke, *Two Treatises of Government*, p. 128.

¹⁴ Hartz, *The Liberal Tradition in America*, p. 9.

¹⁵ Ian Hampsher-Monk, 'British Radicalism and the anti-Jacobins', in *The Cambridge History of Eighteenth-Century Political Thought*, ed. by Mark Goldie and Robert Wokler (Cambridge: Cambridge University Press), pp.660–683 (p. 671).

liberty which has taken place in America; a revolution which opens a new prospect in human affairs, and begins a new era in the history of mankind'.¹⁶ Price had the ear of, and was in lengthy and detailed correspondence with, Washington, Jefferson and John Winthrop.¹⁷ He wrote three successful pamphlets on the American Revolution; the first, entitled *Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America*, written in 1776, sold over sixty thousand copies in six months.¹⁸ Freedom for Price was sacred: 'It is the foundation of all honour and the chief privilege and glory of our nature'.¹⁹

In *Observations*, Price suggests that the nature of freedom can be considered under four heads – physical, moral, religious and civil – and running through each is his conception of freedom as self-direction, or self-government. Extraneous power over self directed action amounted to slavery, but moral liberty was freedom to pursue a higher self, identified with our rational natures, and in this respect Price suggests that freedom falls within Berlin's 'positive' definition of the term. It is noteworthy too that Price's concept of freedom chimes closely with that of Rousseau (1712–1778), whose work entitled *The Social Contract*, published in 1762, was often credited with being the intellectual mainspring of the French Revolution.

What Price emphasised was that civil freedom is the highest value of a civil society in a similar way to which moral freedom is for the individual. Individual freedom is the power to do as one pleases when not bound or restricted by ignorance or any of the base desires. To be free is to fulfil the potential of one's higher nature; and to be able to act in accordance with knowledge of right and

¹⁶ Quoted in Porter, *Enlightenment*, p. 402.

¹⁷ Bernard Peach, *Richard Price and the Ethical Foundations of the American Revolution*, p. 11.

¹⁸ *Ibid.*, p. 9.

¹⁹ Cited in *Ibid.*, p. 69.

wrong. Knowledge and autonomy are the equally essential components of freedom.²⁰

In his thinking about the justice of the American cause, Price maintained his belief in the value of ethical considerations and the fundamental role played by reason. The colonists were 'fighting on their own ground, within sight of their houses and their families, and for that sacred blessing of liberty without which man is a beast and government a curse'.²¹ In accordance with his ideas about individual freedom comprising self-direction and self-government, Price identified civil freedom as the capacity of members of communities to govern and make laws for themselves. The appropriate body for fulfilling civil freedom through popular self-government was, naturally enough, the elective body of legislative representatives, provided it 'fairly and adequately represented the community it served'.²² Agreeing with Locke, however, Price rejected the idea of 'the omnipotence of parliament', all government was 'in the very nature of it, a trust', subordinate to the powers the community delegated to them and if that trust was contradicted they (the government) 'betray their constituents and dissolve themselves'.²³

Importantly, too, Price identified and supported a basic suspicion of the nature of government that chimed with American political thought at the time of the Revolution and persists today. He identified the British government with corruption, intrigue and privilege, and therefore, like most radicals of the day, advocated a minimal role for it. Properly considered, it was 'nothing but an institution for guarding against the invasion of properties and lives'; its function was to ensure the security in which freedom could flourish.²⁴

²⁰ Peach, *Richard Price*, p. 11.

²¹ Cited in *ibid.*, p. 24.

²² Cited in David Lieberman, 'The Mixed Constitution and the Common Law', in *The Cambridge History of Eighteenth-Century Political Thought*, pp.317–340 (p. 339).

²³ Cited in *ibid.*, p. 324.

²⁴ Ian Hampsher-Monk, 'British Radicalism and the anti-Jacobins', p. 660.

In 1789, at the meeting of the Revolution Society (named in honour of the 1688 Glorious Revolution), Price preached a sermon that was to prove incendiary. Welcoming the French Revolution, Price insisted that the true meaning of 1688 was not only religious liberty but the right to dismiss one's governors. America had been set free and France had now turned upon its despotic regime. Britain needed to complete the task begun by the men of 1688. This sermon inspired Edmund Burke's great anti-Revolutionary polemic *Reflections on the Revolution in France* (1790), which in turn provoked a memorable response from Tom Paine, amongst others, as discussed below.

A friend of Richard Price and a fellow radical Dissenter was the scientist and Presbyterian minister, Joseph Priestley (1733–1804). An active political theorist, Priestley, like other Dissenters, openly supported the American rebellion and was severely critical of his government's policies. Standing firmly in the natural law tradition of utilitarianism, Priestley, in his way, represented the plain man's Enlightenment. Truth was simple and accessible, open to all. He took for granted the existence of a natural divinely inspired moral order, and believed that moral laws had been designed by a benevolent creator to promote the happiness of man.²⁵ Unlike Burke, with whom he profoundly disagreed, Priestley endorsed new institutions, and fought against the mystification of power. Materialism and the new sciences would deliver happiness to society. Enlightenment would abet mankind and liberty would deliver enlightenment. Priestley saw an intimate connection between the practice and culture of science as redemptive agents of a transformed political life, achieved through the progress of the intellect. (This view is in marked contrast to the neoconservative attitude towards science which prevailed under the Bush administration – see Chapter Six).

²⁵ Margaret Canovan, 'The Un-Benthamite Utilitarianism of Joseph Priestley', *Journal of the History of Ideas*, 45 (1984), pp. 435 – 450 (p. 437).

The paramount values for Priestley were mental autonomy and happiness. In a strand of thought that found a strong echo in the Declaration of Independence, Priestley claimed 'Happiness is in truth the only object of legislation of intrinsic value, and what is called political liberty is only one of the means of obtaining this end'.²⁶ He thus anticipated Jeremy Bentham (1748–1832) in his view that the proper subject of government was to promote the happiness of the greatest number of its subjects, and no prescriptive rights or *a priori* limits should obscure that end.

What underpinned Priestley's belief in the value of freedom was a form of utilitarianism. He perceived it as not only a natural right – no element of which could be ceded without conditions – but also as the most efficient medium through which the greatest happiness of the greatest number could be delivered. Free thought and religious toleration must promote the greatest happiness because they were necessary for human perfection.²⁷ Priestley's belief in freedom was therefore grounded in his view that it was a precondition for moral and general progress. Freedom could be justified on instrumental grounds.²⁸

Priestley, it can be argued, established himself as a seminal influence upon the political thinking of his time. His belief in a republican form of government and individual freedom chimed closely with that of Price, and indeed Paine. His belief in limited government, and his wariness concerning government 'meddling' in the private lives of individuals – governments should only act in any affair when it is clear it can do so effectively – found a ready American audience as well as appealing to radical English dissent.²⁹ Price, for example, stated that in politics 'he [Priestley] and I are perfectly at one' and Benjamin Franklin, in 1782, continued to express his respect for Priestley and 'all the honest Souls that meet in the London Coffee-House. I only wonder how it happened,' he

²⁶ Quoted in Porter, *Enlightenment*, p. 204.

²⁷ Canovan, 'The Un-Benthamite Utilitarianism of Joseph Priestley', p. 446.

²⁸ Hampsher-Monk, 'British Radicalism and the anti-Jacobins', p. 671.

²⁹ Canovan, 'The Un-Benthamite Utilitarianism of Joseph Priestley', p. 446.

wrote, 'that they and my other Friends in England came to be such good Creatures in the midst of so perverse a Generation'.³⁰

Burke's influence upon American political thought and the nature of freedom are perhaps more difficult to define than that of Locke, Price, Paine or Priestley, whose ideas are more easily evident. American anti-Jacobinism developed a few years later than its English equivalent, but by the end of the eighteenth century, many Americans had moved away from any admiration of the French Revolution that, due to its overthrow of tyranny, had initially been felt. Although Burke's views on the French Revolution began, eventually, to find some favour with Revolutionary Americans, his attachment to the monarchy and other institutions of State made him initially somewhat unsympathetic to American sensibilities, despite his qualified support for their cause. Anti-Jacobinism, to be really effective, had to be built on impeccably republican credentials, and Burke, in this respect at least, was no exemplar. And yet Burke is important in the development of ideas about the nature of freedom in America in two senses. Firstly, by the end of the eighteenth century, Burke was being quoted and admired by conservative Americans who saw Britain as the sole hope for the survival of freedom,³¹ and his ideas about the role of institutions as guardians of liberty began to find an audience. Secondly, Burke put forward a view of human nature and society on which conservatives have drawn and to which they have appealed ever since.³² Not only did the political right recruit Burke for their purposes during the Cold War, but, it may be argued, Burke's political ideas are reflected to a significant degree in some strands of neoconservative thought, as discussed in Chapter Four.

Burke, in contrast to many other supporters of the American Revolution, repudiated some of the Enlightenment's most cherished tenets. He rejected the

³⁰ Jenny Graham, 'Revolutionary Philosopher', p. 63.

³¹ May, *The Enlightenment in America*, p. 253.

³² Ian Hampsher-Monk, 'Edmund Burke', in *A History of Modern Political Thought: Major Political Thinkers from Hobbes to Marx* (Oxford: Blackwell Publishers Ltd., 1998), pp. 261–304 (p. 261).

idea of progress, and was pessimistic about man's ability to organise society through progressive reform. What he devoted his efforts towards was the defence of the social purpose of the State, that he believed was underpinned by its institutions of property, monarchy, the aristocracy, and the church establishment. Rather like Hegel, he viewed the State itself as sacred, something to be regarded with pious awe. God willed the state in order to perfect man's virtue.³³ There was, in one sense, no progress, simply a process of restoration, a revival of ancient principles to new situations.³⁴ He also rejected the notion of natural rights, which could only be realised through the utter destruction of society, which in turn rested upon what Ian Hampsher-Monk terms 'painfully acquired conventions',³⁵ a kind of continuing social contract 'between those who are living, those who are dead, and those who are to be born'.³⁶

But freedom was contingent upon order. If he was admiring of America's struggle Burke was withering in his attacks on the French Revolution. The French version of liberty was 'liberty without property, without honour, without government, without morals, without order, without security of life'.³⁷ In order to gain liberty the French had forfeited order and had thus lost what they set out to gain. Burke understood liberty to be a consequence of civil order and personal restraint; in no sense was it to be taken as the theoretical foundation of government. Unrestricted liberty spelt disaster. 'But what is liberty without wisdom, and without virtue? It is the greatest of all possible evils; for it is folly, vice, and madness, without tuition or restraint'.³⁸

Although Burke maintained that liberty was a birthright and that all who desire liberty deserve it, this too was a qualified right. To have the right to liberty men must submit to the rational. 'Men are qualified for civil liberty in exact

³³ Michael Freeman, *Edmund Burke and the Critique of Political Radicalism*, p. 132.

³⁴ Frank O'Gorman, *Edmund Burke: His Political Philosophy*, p. 146.

³⁵ Ian Hampsher-Monk, 'British Radicalism and the anti-Jacobins', p. 674.

³⁶ Cited in *Ibid.*, p. 674.

³⁷ Cited in O'Gorman, *Edmund Burke: His Political Philosophy*, p. 134.

³⁸ Cited in *ibid.*

proportion to their disposition to put moral chains upon their own appetites [...] Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there may be without. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters.³⁹

The problem of freedom, for Burke, lay in the fact that it entailed the power to do good or evil; its essence, (as discussed in the previous chapter) presupposed choice. Such a choice could only be available to the rational – the irrational may well make the ‘wrong’ choice, leading to misrule and excess. Freedom must therefore be combined with government, public force, morality, and religion. Civil and social manners must prevail, combined with the solidity of property and inequality.⁴⁰ Freedom must therefore always be balanced by order (a notion that appealed strongly to President Bush’s first Attorney General, John Ashcroft – see Chapter Six).

Where Burke appears to resonate particularly with neoconservative thought, is in his attitude towards the sublime. In discussing our responses to the sublime and the beautiful, Burke suggests that the qualities which arouse our sense of the beautiful are excited by the small, the polished, the light, the delicate, all of which, in terms of Lockean philosophy, are capable of being known since they can give rise to ‘clear and determinate’ ideas.⁴¹ More powerful responses are produced by the sublime, induced by the vast, the great, the gloomy, and the massive. The effect of the sublime is astonishment, admiration, reverence, and respect.⁴² Burke translates these feelings to the political realm. It is the huge power that emanates from monarchs and the institutions of State that inspire the same kind of awe that man feels before the power of God. Thus it is on the effects of the sublime, the awesome and the powerful that political society depends.

³⁹ Freeman, *Edmund Burke and the Critique of Political Radicalism*, p. 138.

⁴⁰ *Ibid.*, p. 139.

⁴¹ Hampsher-Monk, ‘Edmund Burke’, p. 303.

⁴² *Ibid.*

Mere rationalism fails to motivate the populace; it needs to be inspired, and kept in awe. Reason needs to be overwhelmed, and the simplistic rationalisations of the individual mind overcome in the interests of freedom, order, and society. Clear echoes of these aspects of Burke's political thought can be detected in, for example, the ideas of Irving Kristol and Allan Bloom, which are discussed in Chapter Four.

If Burke had Richard Price in his sights when he wrote *Reflections*, Tom Paine (1737–1809) was most certainly responding to Burke in perhaps his most famous work *Rights of Man* (1791–2). Paine was a great influence upon late-eighteenth-century American political thought and was by far the most effective prophet of what Henry May calls the 'Revolutionary Enlightenment'.⁴³ At the encouragement of Franklin, whom he met in London, Paine emigrated to America in 1774, where he began his career as a revolutionary writer and pamphleteer. His greatest contribution, according to Eric Foner, lay in his role as the pioneer of a new political language and the expansion of the 'public sphere'.⁴⁴ Paine's strength lay in his ability to appeal to ordinary readers, to the mass of common people. This was evidenced by the phenomenal sales of his pamphlet *Common Sense* (1776), in which he articulated his Revolutionary ideology. Running to twenty-five editions in a year, its influence impressed even George Washington, who wrote to a friend: 'I find that *Common Sense* is working a powerful change here in the minds of many men'.⁴⁵

The intellectual core of Paine's ideology as expressed in *Common Sense* was that the traditional concept that a 'balanced' constitution was a prerequisite for liberty was a fallacy. The complex constitution of England, claimed Paine, was based upon tyranny: that of the King combined with the aristocracy. The freedom of England depended upon the virtue of the commons. What liberty

⁴³ May, *The Enlightenment in America*, p. 173.

⁴⁴ Eric Foner, *Tom Paine and Revolutionary America*, p. xiii.

⁴⁵ 'Introduction', in *Rights of Man* by Thomas Paine, ed. by Henry Collins (Harmondsworth: Penguin Books, 1969), pp. 9–47 (p. 20).

there was in England was 'wholly owing to the constitution of the people and not to the constitution of the government'.⁴⁶ Crucially, *Common Sense* not only advocated independence for the American colonies, but it also advocated a republican form of government as the best means of securing liberty. In America, Paine argued, institutions should be devised that conform to the true principles of liberty, not to inherited privileges and accidents of history. What Paine had grasped was that for the first time the people had entered politics as a force, and that their participation was not a temporary aberration, but constituted a permanent change in the political process.⁴⁷

Paine's political ideas revolved around the best means of securing and maintaining freedom for the individual both in terms of conscience and membership of civil and political society. Eric Foner has pointed out that Paine's ideas about the nature of freedom were highly reminiscent of the Leveller idea of freedom, characterised as 'possessive individualism'.⁴⁸ Freedom was equated with rights. 'I consider freedom as personal property', Paine declared, insisting that 'whenever I use the term *freedom* or *rights*, I desire to be understood to mean a perfect equality of them'.⁴⁹

Paine's concept of freedom is frequently invoked through the use of metaphor. In *Common Sense* he portrays freedom as being hunted round the globe, and finally finding refuge in America. Freedom belongs to the common man, not only to the ruling elite:

Freedom is the associate of innocence not the companion of suspicion. She only requires to be cherished, not to be caged, and to be beloved is to her to be protected. Her residence is in the undistinguished multitude of rich and poor, and a partisan to neither is the patroness of all. She connects herself with man as God made him, not as fortune altered him, and continues with him while he continues to be just and civil.⁵⁰

⁴⁶ Quoted in Bailyn, *The Ideological Origins of the American Revolution*, p. 285.

⁴⁷ Paine, *Rights of Man*, p. 47.

⁴⁸ Foner, *Tom Paine and Revolutionary America*, p. 143.

⁴⁹ Cited in *ibid.*

⁵⁰ Cited in A. Owen Aldridge, *Thomas Paine's American Ideology*, p. 259.

Freedom, then, is not in the gift of government, it is the natural right of all men. When discussing freedom of conscience, for example, Paine observes that in America, unlike England, such freedom is not granted as a favour, but confirmed as a right.

Through *Rights of Man* Paine attacked Burke's claim that natural and civil rights were incompatible. Alongside Mary Wollstonecraft, whose *Vindications of the Rights of Men* was published in 1790, Paine claimed that far from being antithetical 'every civil right has for its foundation some natural right pre-existing in the individual', the enjoyment of which requires protection. As Wollstonecraft herself pointed out, natural right was 'such a degree of liberty, civil and religious, as is compatible with the liberty of every other individual [...] and the continued existence of the social compact'.⁵¹ Together they also mounted their belief in progress as a counter to Burke's claims for precedent, attempting a generalised deconstruction of the reverence he urged for inherited institutions. Precedent for Paine was that 'vain presumption of governing from beyond the grave', epitomising a further constraint upon freedom.⁵²

Influential though *Rights of Man* was, Paine himself was perhaps proudest of *Common Sense*. It was a pamphlet debated and discussed for years after American independence was proclaimed, and in the words of Richard Carlile, one of Paine's nineteenth-century admirers, it '[made] clear to the humblest perceptions the rational road to freedom [...] and happiness'.⁵³ Whilst Paine foresaw some of the flaws of the democratic system of government, including what he described as 'the despotism of numbers', he succeeded, in language that could appeal to the common man, in dismantling the traditional justifications for monarchy and aristocracy.⁵⁴ He advocated strong effective government, but also government that was limited in scope and strictly accountable to its citizens. He

⁵¹ Cited in Hampsher-Monk, 'British Radicalism and the anti-Jacobins', p. 678.

⁵² *Ibid.*

⁵³ Aldridge, *Thomas Paine's American Ideology*, p. 25.

⁵⁴ Cited in *ibid.*, p. 282.

was in favour of property, for a free and prosperous society required the widest possible spread of private ownership. He supported unbridled freedom of assembly and speech but not its licentious abuse.⁵⁵

When the American Revolution ended, Paine affirmed that it had 'contributed more to enlighten the world and diffuse a spirit of freedom and liberality among mankind, than any human event'.⁵⁶ Paine's legacy is considerable. Henry Collins suggests that although the Declaration of Independence was written by Thomas Jefferson, it conveyed, in thought and style, the indelible imprint of *Common Sense*.⁵⁷ Even today Paine is laid claim to by both the political left and right, and his ideas and rhetoric remain influential.⁵⁸

III THE COMMONWEALTHMEN

Whilst each of the theorists discussed above made significant contributions to the foundations of American notions of freedom, there was another tradition of thought that American revolutionaries also drew upon, which also influenced men like Paine. What brought together a number of disparate strands of thought that ran through the hundreds of pamphlets, journals and articles extant in Revolutionary America was a group of writers whose ideas overlapped with some of those mentioned above, but which were nevertheless distinctive. These were known as the Commonwealthmen, so named because the origins of their thinking lay in the English Commonwealth period of the seventeenth century. A more permanent form of these ideas found expression in the early eighteenth century, in the writings of the Real Whigs and opposition theorists. This grouping claimed kinship with the luminaries of republican thought of the

⁵⁵ John Keane, *Tom Paine: A Political Life* (London: Bloomsbury, 1996), p. xiii.

⁵⁶ Cited in Aldridge, *Thomas Paine's American Ideology*, p. 282.

⁵⁷ Collins, 'Introduction' *Rights of Man*, p. 20.

⁵⁸ E.g. President Reagan, beginning with his Republican nomination acceptance speech in 1980, was given to quoting Paine's words about the possibility of change in human affairs: 'we have it in our power to begin the world over again'. See Foner, *Tom Paine and Revolutionary America*, p. xiv.

seventeenth century like Milton, Harrington, Sidney, and others. Whilst the colonists identified themselves with these seventeenth-century heroes, they felt closer to their successors of the early-eighteenth century, and although, as later discussed, this is not an uncontested claim, it was this grouping of writers, according to Bernard Bailyn, that shaped the mind of the American Revolutionary generation.⁵⁹ From the writings of the English Commonwealthmen, Bailyn suggests, colonial pamphleteers had put together a social theory 'that stressed the eternal opposition of liberty and authority, the aggressive nature of power, and the dependence of the common good upon a delicate constitutional balance of the one, the few and the many'.⁶⁰

These English radicals, men like Robert Molesworth, John Trenchard, Thomas Gordon, Henry Neville, and John Toland, continued to study government in the spirit of their seventeenth-century forebears. The sacred canon revered by them retained enormous revolutionary potential, and included the works of Harrington, Nedham, and Milton. The American constitution, as Caroline Robbins emphasises, employs many of the devices that the Real Whigs vainly besought Englishmen to adopt, including, for example, a demand for increased liberty of conscience and an extended franchise.⁶¹

To the colonists, the most popular of this grouping, the promoters of extreme libertarianism, were John Trenchard (1662–1723), and Thomas Gordon (1692–1750). Together they wrote *Cato's Letters*, published between 1720 and 1723. This indictment of eighteenth-century politics and society which, in America was repeatedly published whole or in part, was thought to be held in half of all private libraries of colonial America. Referred to frequently in the pamphlet literature, the writings of Trenchard and Gordon ranked with the

⁵⁹ Bailyn, *The Ideological Origins of the American Revolution*, p. 35.

⁶⁰ Joyce Appleby, 'Republicanism in Old and New Contexts', *William and Mary Quarterly*, 43 (1986), 20–34 (p. 22).

⁶¹ Caroline Robbins, *The Eighteenth-Century Commonwealthman: Studies in the Transmission, Development, and Circumstance of English Liberal Thought from the Restoration of Charles II Until the War with the Thirteen Colonies* (Indianapolis, IN: Liberty Fund, 2004), pp. 2–3.

treatises of Locke as the most authoritative statements on the nature of political liberty.⁶² What Gordon and Trenchard argued was that in politics, reliance should be placed upon constitutional liberty, freedom of speech, and the virtue of the people.

In both *Cato's Letters* and *The Independent Whig* (the latter also enjoyed a wide circulation), the authors stressed their belief that all men were naturally good and that citizens became restless only when they were oppressed. Echoing Locke, the writers maintained that without the right of resistance men could not protect their liberty. *Cato* paired liberty and equality together and since the greatest danger to liberty, and thus to the equality of the people, came from their leaders, the people must constantly be on their guard against those who came to power and usurped the liberty of the people by stealth.⁶³

It is the claim of Bernard Bailyn and Caroline Robbins, amongst others, that one of the great achievements of the Commonwealthmen was that in maintaining a link between the English struggles against tyranny in one century, and American efforts for independence in another, they helped to facilitate an oppositional politics which provided a harmonising force for other radical and dissenting ideas held by the American Revolutionary generation. They kept alive, for over a century, through constant restatement, concepts of liberty that proved suitable for transplant to the new Republic and which influenced the founders.⁶⁴ It was they who helped to place freedom at the heart of the Revolutionary agenda, turning it from a right granted by power to the granter of power itself. It was the indispensable starting point for a new form of government. As James Madison put it in 1792:

⁶² Bailyn, *The Ideological Origins of the American Revolution* p. 35.

⁶³ Robert E. Shalhope, 'Towards a Republican Synthesis: The Emergence of the Understanding of Republicanism in American Historiography', *William and Mary Quarterly*, 29 (1972), 42–69 (p. 59).

⁶⁴ The founders were influenced by the whole body of this tradition; Harrington and Sidney through Molesworth, Molyneux, Moyle and Trenchard, as well as Hutcheson. Sidney's *Discourse Concerning Government* (1698) became 'a textbook of Revolution' in America. See Bailyn, *The Ideological Origins of the American Revolution*, p. 34, and Robbins, *The Eighteenth-Century Commonwealthman*, p. 376. Whilst Jefferson repeatedly declared his allegiance to the Enlightenment trinity of Bacon, Newton, and Locke, he was strongly affected by the Commonwealth tradition. See May, *The Enlightenment in America*, p. 293.

In Europe, charters of liberty have been granted by power. America has set the example and France has followed it, of charters of power granted by liberty. This revolution in the practice of the world may, with an honest praise, be pronounced the most triumphant epoch of its history and the most consoling presage of its happiness.⁶⁵

Freedom, in the philosophy of the Commonwealthmen, inhered naturally in the people and was their individual possession and interest. Freedom served the interests of the governed. Those who held power did not speak for it, and, importantly, neither did they necessarily serve it. As the English essayist William Hazlitt (1778–1830), phrased it: ‘Their [the Commonwealthmen’s] sympathy was with the oppressed. They cherished in their thoughts and wished to transmit to their posterity those rights and privileges for which their ancestors had died on the scaffold or had pined in dungeons or in foreign climes’.⁶⁶

The ideas of the Commonwealthmen combined strands of thought derived from Aristotle, Cicero and, especially, Machiavelli. Otherwise known as civic humanism, it conceived of man as a political being whose realisation of self occurs only through participation in public life, through active citizenship in a republic. For Revolutionary republicans the public good was the exclusive end of government. Government had no other purpose but the welfare of the people. But because the State was utterly dependent upon the people, and there could be no coercion from above, the laws of a free government had to be obeyed by the people for the sake of conscience. True liberty, said Philip Payson in a sermon preached in Boston in 1778, was ‘natural liberty restrained in such a manner as to render society one great family; where everyone must consult his neighbour’s happiness as well as his own’.⁶⁷ In other words, this form of republicanism rested upon the concept of public virtue. In a monarchy, so the argument ran, each

⁶⁵ Bailyn, *The Ideological Origins of the American Revolution*, p. 55.

⁶⁶ Quoted in Robbins, *The Eighteenth-Century Commonwealthman*, p. 377.

⁶⁷ Cited in Gordon S. Wood, *The Creation of the American Republic 1776–1787* (Chapel Hill: University of North Carolina Press, 1969), p. 60.

man's desire to do what he wished could be restrained by fear or force. In a republic however, each man must somehow be persuaded to submerge his personal wants and desires in order to promote the greater good of all. In a clear echo of Machiavelli, this willingness of the individual to sacrifice his private interests for the good of the community was termed 'public virtue' in the seventeenth century and it was a concept carried forward by the Commonwealthmen and the radical republicans.⁶⁸ For these Revolutionaries, including, for example, Paine, who maintained that public good grew out of the private virtue of individuals: 'the happiness of every individual depended on the happiness of society'. 'Public good', he went on, 'is not a term opposed to the good of individuals; on the contrary it is the good of every individual collected'.⁶⁹

These ideas, together with those of the theorists and pamphleteers who propagated them, harked back to a classical republicanism (the 'republican virtue' tradition) which was, claim some historians, a key influence upon America's founding doctrine. As discussed below, the extent of this influence is a matter of some dispute, but its relevance in terms of defining some key attributes and characteristics of freedom is clear.

IV REPUBLICANISM AND LIBERALISM

As is apparent from the previous two sections, ideas about the nature of freedom were assimilated by the Revolutionaries and the founders from a variety of sources and these ideas bled into aspects of the founding doctrine itself.

⁶⁸ Machiavelli believed that it is only if everyone remains willing to place their talents at the disposal of the community that the *bene commune*, the common good or interest, can be upheld and factional interests controlled. Freedom is a form of service, since devotion to public service is held to be a necessary condition of maintaining personal liberty. For a fuller explanation of Machiavelli's thought on republican virtue, see, for example, Quentin Skinner, *Visions of Politics Vol. II*, p.163. Section V of this chapter also refers.

⁶⁹ Cited in Wood, *The Creation of the American Republic 1776–1787*, p. 68.

Historians have tended to interpret the fundamental shape and character of that doctrine in two ways. These interpretative paradigms are not necessarily mutually exclusive, although there is a tendency by historians to treat them as such. The fact that competing interpretative paradigms exist within the historiography of the Revolution and the founding is important, because each carries within it an implicit philosophy of freedom that can be subjected to the analytical framework established in the previous chapter.

The promotion of one interpretative paradigm at the expense of another has resonances beyond historians. Such interpretations are absorbed by, amongst others, contemporary political theorists who wish to influence party or government policy and need to ground their ideas in America's mythic past. The interpretative dispute itself may be considered secondary to its contemporary significance. The founding doctrine contains a wealth of ideals, values, and norms and the appropriation of those values is a political objective. According to the historian Steve Pincus, for example, republicanism has been used as a means of attacking modern liberal individualism, as well as social democratic and Marxist explanatory traditions.⁷⁰ This is a particularly pertinent point in view of the fact that much of neoconservative thought, the subject of the next chapter, is, according to at least two neoconservative theorists, grounded in the republican virtue tradition.⁷¹

The traditional interpretative paradigm is that the Revolution and the founding embraced a liberal doctrine, reflecting most closely the views of Locke. In 1972, however, Robert Shalhope, in his influential essay 'Towards a Republican Synthesis', referred to above, gave formal analytical and conceptual identity to an idea of 'republicanism' that, given a new historical analysis,

⁷⁰ Steve Pincus, 'Neither Machiavellian Moment nor Possessive Individualism: Commercial Society and the Defenders of the English Commonwealth', *The American Historical Review*, Vol. 103, No. 3, (1998), pp. 705–736 (p. 706).

⁷¹ See for example, Mark Gerson, *The Neoconservative Vision: From the Cold War to the Culture Wars* (Oxford: Madison Books, 1997), p. 11. See also Gary Dorrien, *The Neoconservative Mind. Politics, Culture, and the War of Ideology* (Philadelphia: Temple University Press, 1993), p. 111.

showed itself to be more than merely a form of government as historians had hitherto assumed. This republicanism was revealed to be a dynamic ideology with moral dimensions that embraced a particular interpretation of freedom. Shalhope identified Caroline Robbins' work, mentioned above, alongside, in particular, Bernard Bailyn's *Pamphlets of the American Revolution 1750–76* (1965),⁷² as being seminal in the creation of an emerging republican synthesis. Gordon Wood's *The Creation of the American Republic 1776–1787* (1969) outlines, according to Shalhope, the main characteristics of this synthesis: 'Republicanism meant maintaining public and private virtue, internal unity, social solidarity, and it meant constantly struggling against "threats" to the "republican nature" of the republic'.⁷³

The republican interpretation of the founding assumed a historiographical dominance up until at least 1990, and, some would argue, well beyond. The intellectual historian Daniel Rodgers, in considering the rise of the republican interpretative paradigm, commented:

The concept of republicanism was one of the success stories of the 1980s. A generation ago the term – while not unknown – carried no more freight than scores of others in the historical vocabulary....By 1990 it was everywhere and organising everything, though perceptibly thinning out, like a nova entering its red giant phase.⁷⁴

Rodgers argues that this was a conceptual transformation of a Kuhnian scale in terms of its departure from the previously prevailing Hartzian paradigm

⁷² *Pamphlets of the American Revolution 1750–1776*, ed. by Bernard Bailyn with the assistance of Jane N. Garrett (Cambridge: Belknap University Press of Harvard University Press, 1965).

⁷³ Shalhope, 'Towards a Republican Synthesis', p. 71.

⁷⁴ Daniel T. Rodgers, 'Republicanism: The Career of a Concept', *Journal of American History*, 79 (1992), 11 12–38 (p. 12).

that placed Locke at its centre.⁷⁵ What had been so attractive about Locke for the Hartzians claims Rodgers, was that in a sense American society was 'already Lockean in its social marrow: individualistic, ambitious, protocapitalist, and, in a word, "liberal". Hartz's main argument, which was so influential, was that America, without the history of feudalism characteristic of Europe, had not had to endure a democratic revolution with the potential to end in the excesses of a Robespierre or a Lenin. 'To invoke Locke,' Rodgers says, 'was to invoke a Revolution marked by rationality and moderation'.⁷⁶ The emergence of the republican synthesis, which, claimed its exponents, represented an ideology involving the very character of American society, clearly undermined this Hartzian/Lockean explanatory model.

Joyce Appleby has considered the way historians have interpreted the Revolution and the founding, and has also confirmed that what she terms the ideological approach of Bailyn, Wood, and J. G. A. Pocock in particular has been at the expense of hitherto dominant 'liberal' interpretations; this revision challenges the notion that liberalism was the defining ideology that inspired the founders.⁷⁷ Appleby points out that Bailyn, in his research of the pamphlets produced during the Revolutionary period, concluded that Americans had formed their world view – more particularly, their grasp of political reality – from the republicanism of the English Commonwealthmen discussed in Section IV above. From these writers, colonial pamphleteers had put together a social theory that stressed the eternal opposition of liberty and authority, the

⁷⁵ Ibid. Rodgers here is referring to Thomas Kuhn's concept of 'paradigm shifts' in which scientific progress is not characterized by gradual cumulative or linear progression in a field of study. When an existing paradigm fails to provide adequate explanation when confronted with new problems, change takes place through revolution or a series of revolutions. See Thomas S. Kuhn, *The Structure of Scientific Revolutions* (London: University of Chicago Press, 1996). The term 'Hartzian' refers to Louis Hartz and his seminal work *The Liberal Tradition in America*, previously referred to.

⁷⁶ Ibid., p. 13.

⁷⁷ Joyce Appleby, *Liberalism and Republicanism in the Historical Imagination*, p. 29.

aggressive nature of power, and the dependence of the common good upon a delicate constitutional balance.⁷⁸

In considering Pocock's analysis, Appleby highlighted the fact that he took as his starting point the civic humanism of sixteenth-century Florence, and traced it through the political clash between the Court and County parties in eighteenth-century England to what he considered the replay of that conflict in America in the 1790s.⁷⁹ The Revolutionaries were heir to a Western tradition that started at what Pocock termed the 'Machiavellian moment' in sixteenth-century Florence, where philosophers enunciated the basic principles of a *res publica* or commonweal in which the virtuous man is concerned primarily with public good rather than private or personal ends. The 'Machiavellian moment' is the name Pocock gives to the point where Machiavelli confronted the fragility of the republic, realising that in time republics eventually succumbed to corruption.⁸⁰ According to Pocock the founders were heir to this 'moment' because they too faced a crisis in the relations between personality and society, virtue and corruption. He argues that the Revolution and the Constitution that followed it form the last act of the civic Renaissance and the ideas of the civic humanist tradition, namely a blend of Aristotelian and Machiavellian thought which claims that man is by nature a citizen whose virtue and reason can flourish only in political associations.⁸¹ When the British encroached upon American liberties, the appropriate language with which to denounce them was that of the neo-classical tradition, because the virtue and personal integrity of every American were threatened by corruption emanating from a source formerly thought to be secure.⁸² This civic humanist or classical republican tradition of thought held

⁷⁸ Ibid., p. 322.

⁷⁹ Ibid., p. 293.

⁸⁰ Dorothy Ross, 'The Liberal Tradition Revisited and the Republican Tradition Addressed', in *New Directions in American Intellectual History*, ed. by John Higham and Paul K. Conkin (London: Johns Hopkins University Press, 1979), pp. 117–131 (p. 117).

⁸¹ J. G. A. Pocock, *The Machiavellian Moment. Florentine Political Thought and the Atlantic Republican Tradition* (London: Princeton University Press, 1975), p. 462.

⁸² Ibid., p. 507.

within it a collective ideal of freedom for which citizens would be prepared to sacrifice their lives and in which individual freedom was less important than collective liberty.⁸³

What animated the founders, according to the historians identified by Shalhope, Appleby, and Dorothy Ross amongst others, was this tradition of republicanism, born principally in Renaissance Florence (but with elements from classical antiquity such as Cicero), and carried forward by the seventeenth century radicals such as Milton, Harrington and Sidney in particular, who, under the influence of Machiavelli's thought, adapted it to a specific English context. This significantly English variant of civic humanism became, through the early-eighteenth-century writings of Trenchard and Gordon (*Cato*), the true inspiration of the Revolutionaries and was at the heart of the founding doctrine.

Lance Banning has argued that the centrality of the classical republican model extended through the constitutional period, and beyond. Banning claims that theories of classical republicanism helped to define an American character, and contributed fundamentally to American constitutional thought.⁸⁴

Most of the inherited structure of eighteenth-century political thought persisted in America for years after 1789. And that persistence was not a matter of a shadowy half-life of fragmentary ideas. A structured universe of classical thought continued to serve as the intellectual medium through which Americans perceived the political world, and an inherited political language was the primary vehicle for the expression of their hopes and discontents.⁸⁵

The emphasis of some historians upon the centrality of classical republicanism in interpreting the Revolutionary ideology and the durability of its influence is, as mentioned above, a disputed claim. Joyce Appleby, for example, has countered the republican interpretative paradigm by suggesting

⁸³ Elise Marienstras, 'Liberty', in *A Companion to the American Revolution*, pp. 627–632 (p. 627).

⁸⁴ Lance Banning, 'Republican Ideology and the Triumph of the Constitution, 1789-93', *William and Mary Quarterly*, 31 (1974), 167–188 (p. 172).

⁸⁵ *Ibid.*, p. 173.

that it overlooks the importance of economics and the arrival of a new striving individualism. What the republican revisionists had failed to make allowance for, by insisting upon the hegemony of a political tradition that had the greatest appeal for elites, was a rival mode of thought associated with economic development that had particular appeal for the middle classes. After independence in particular, economic change impelled a fundamental transformation of ideas. The arrival of free markets and the association of trade with natural social order made it possible to democratise liberty. By promoting a universal law of self-interest, American radicals were able, as well as justifying a revolution against an intrusive sovereign, to offer ordinary people an escape from the self-denying virtue of their superiors.⁸⁶ What the rise of a market society and the recognition of self-interest brought about, was the opportunity to dismantle the customary institutions of control. This possibility gave to liberalism the utopian quality that infected men of all ranks, and whilst Alexander Hamilton, for example, expressed reservations about an undirected market, it was John Stevens, scion of a prominent New Jersey family, who expressed the underlying appeal of what Hamilton failed to grasp. In an essay written in 1787, Stevens elucidated the 'important idea' that America would have the honour of teaching mankind, namely that man is actually capable of governing himself.⁸⁷ This statement reflects the fact that the Americans' claim to self-government rested upon both the personal and the political.

According to Appleby, two abstractions – nature and freedom – formed the basis of Americans' conception of government and both of them owed their eighteenth-century reworking to social changes wrought by the market. In this free-market society it is the individual who (apparently) makes choices, takes risks, and enjoys the consequences of these decisions. Commercial expansion increased the number of private transactions; the place of the individual was

⁸⁶ Appleby, *Liberalism and Republicanism in the Historical Imagination*, p. 185.

⁸⁷ *Ibid.*, p. 186.

enhanced through his economic importance; it was the individual who had rights to life, liberty and happiness.⁸⁸ What Appleby is essentially saying is that the revisionist accounts of the centrality of classical republicanism (or the republican virtue tradition) within Revolutionary ideology leave out the celebration of the emerging individual who, because of free-market economics, had become the instrument of progress and freedom.

The de-emphasis of the influence of Locke upon Revolutionary ideology has been strongly refuted by Steven M. Dworetz. Whilst Appleby has emphasised the importance of economics and the free market as the key to the liberal interpretative paradigm, Dworetz argues for the paramount importance of Locke. He argues that the revisionists have wrongly interpreted Locke and his body of ideas, and converted 'the guide and prophet of the Revolution' into the Revolution's ideological enemy. He suggests that with the substitution of republicanism for liberalism in the founding ideology

not only would the one doctrine that authorizes constitutional politics and personal freedom be purged from the founding, but its place would be filled by a doctrine that does not inherently preclude, and may in part be inclined toward, the antithesis of constitutional politics and personal freedom, tyranny.⁸⁹

The core of Dworetz's case against the republican interpretative paradigm is that the revisionist historians simply took Locke at his worst. What had been exaggerated by, for example, Leo Strauss, (see next chapter) was Locke's doctrine of property in the *Second Treatise*. This contained, according to Strauss, the hidden essence of Locke's 'hedonistic' political teaching – the classic doctrine of 'the spirit of capitalism'.⁹⁰ Locke became associated with possessive individualism, bourgeois excess, and what Dworetz calls 'the egoistic commercialisation of American life'. Lockean liberalism, with its emphasis upon

⁸⁸ Ibid., p. 121.

⁸⁹ Steven M. Dworetz, *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution*, p. 5.

⁹⁰ Cited in *ibid.*, p. 11.

individual autonomy, seemed to be the ideological source of a serious modern problem, and the republican interpretation of the founding doctrine began with this view of the nature of Locke's thought.

This, according to Dworetz, is to miss a key theme in Locke's thought that provides its overarching coherence. He argues that Locke's entire body of thought rests upon 'belief in a benevolent, rational (not arbitrary) God who makes nothing in vain, whose workmanship men are, and whose law of nature lays down social and political obligations that are binding upon all individuals'.⁹¹ This includes legislators as well as others.⁹² Human political arrangements are legitimate only in so far as they accommodate the general purposes of God (civil government must, for example, serve the public good and not be arbitrary). Dworetz cites John Dunn in support of this claim, the latter maintaining 'the axiomatic centrality of the purposes of God dominates the entire intellectual construction [of Locke's work]'.⁹³ A secular tradition built up in which this organising principle was ignored, thus constructing the bourgeois Locke so reviled by republican revisionists.

Repudiating the republican interpretive paradigm, Dworetz asserts that Lockean theory supplied the concepts and categories in which the revolutionaries articulated their deepest concerns about liberty and property. In claiming their defence of these essentials, the revolutionaries did not rely upon section 5 of the *Second Treatise* ('Of Property'), but upon section 11 ('Of the Extent of the Legislative Power'). The issue in dispute in the Revolution 'was not the right of the subject to appropriate from nature, but the right of the government to appropriate the subject'.⁹⁴ The 'bourgeois Locke' of secular tradition was not the animating inspiration that the republican revisionists sought to replace by 'taking Locke at his worst'. The Revolutionaries instead 'used Locke's political

⁹¹ Ibid., p. 25.

⁹² Locke, *Two Treatises of Government*. Second Treatise, s. 135, p. 184.

⁹³ Quoted in Dworetz, *The Unvarnished Doctrine*, p. 25.

⁹⁴ Ibid., p. 70.

theory to do what it does best, that is, to define the inherent moral limits of civil authority with respect to liberty and property and to justify resistance and revolution when government exceeds, or threatens to exceed, those limits'.⁹⁵

Dworetz suggests that republicanism and liberalism coexisted at the founding and that American republicanism was distinctly liberal in terms of the Lockean components embedded within it.⁹⁶ With the adoption of the Constitution a tension developed between republicanism and liberalism in which republican ideology was relegated to mere rhetoric. As Marienstras expresses it, 'From then on liberty was generally conceived as the sum of individual rights. And the public good was envisioned as the satisfaction of individual self-interest'.⁹⁷ Shalhope notes that even Bailyn, in his strong arguments for the primacy of the republican explanatory paradigm, does not eliminate Locke's influence but simply places it in a proper context,⁹⁸ and Marienstras holds that the American founders hesitated between these two concepts, as did the American people.⁹⁹ In any event, it would appear, as Dworetz argues, American republicanism in the Revolutionary years was of a distinctly liberal hue because it was embedded in a political and intellectual tradition that included a vital and essential Lockean liberal component. Republicanism and liberalism must have coexisted at the founding, and coexistence must have modified both points of view.¹⁰⁰

Despite this evident synthesis and convergence of ideas within the founding doctrine, it is possible to draw conclusions about which of the explanatory or interpretative paradigms described above eventually achieved dominance and a lasting hegemonic prominence. There can be little doubt that Bailyn, Pocock, et al have amply demonstrated that the neo-Roman or classical republican ideal of

⁹⁵ Ibid.

⁹⁶ Dworetz, *The Unvarnished Doctrine*, p. 191.

⁹⁷ Marienstras, 'Liberty', p. 631.

⁹⁸ Shalhope, 'Towards a Republican Synthesis', p. 66.

⁹⁹ Marienstras, 'Liberty,' p. 627.

¹⁰⁰ Dworetz, *The Unvarnished Doctrine*, p. 191.

freedom was extremely influential during the Revolutionary period and beyond. However, there are, as previously mentioned, countervailing voices which suggest that this influence waned and was overtaken by events.

Joyce Appleby contends that economic upheaval brought about a sea-change in attitudes and opportunities for ordinary Americans in the post-Revolutionary period, to the extent that liberalism became the prevailing ideal with its vision of freedom as non-interference. The generation of Americans born after Independence became what she calls 'self-conscious shapers of a liberal society, even as it was being transformed by the cumulative forces of economic advance'.¹⁰¹ Steven Watts, too, has maintained that there is a preponderance of evidence that suggests that the decades from 1790 to 1820 encompassed 'a massive, multifaceted transformation away from republican traditions'. 'This sea change', he continues, 'involved the consolidation of the market economy and society, a liberal political structure and ideology, and a bourgeois culture of self-controlled individualism'.¹⁰²

A new conception of politics therefore emerged in which a smaller space was reserved for the republican ideals of virtue and public service. Enterprise became appreciated; the independent man reliant upon his own resources who could take advantage of new opportunities in trade and business became the ideal. Appleby notes: 'Commercial advance served as all-purpose evidence of American sagacity, acting as a moral and material handmaiden to the first generation's construction of a democratic and liberal society.'¹⁰³ Instead of a world predicated on what Appleby terms the 'stasis of classical republicanism', which was meant to secure the rule of the virtuous, a world arose in which 'the

¹⁰¹ Joyce Appleby, *Inheriting the Revolution: The First Generation of Americans* (London: The Belknap Press of Harvard University Press, 2000), p. 11.

¹⁰² Steven Watts, *The Republic Reborn: War and the Making of Liberal America 1790-1820* (London: The Johns Hopkins University Press, 1987), p. xvii.

¹⁰³ Appleby, *Inheriting the Revolution*, p. 263.

protection of property rights in an economy of enhanced productivity and greater risk-taking guaranteed the gains of successful market participants'.¹⁰⁴

According to Appleby and others, at a time of dramatic change towards the end of the eighteenth century and immediately beyond, the old polity presumed to exist in classical thought gave way to a new order in which free bargaining, voluntary association, and individual effort became the most important features.¹⁰⁵ As Margaret Canovan has pointed out, with the decline of the neo-Roman ideal, much of the heroic tension within this Machiavelli-inspired tradition was released. There was a new belief in the possibility of progress; a better society could be reached easily, without the need for heroic commitments to public service or virtue.¹⁰⁶ As she emphasises:

There was no longer any need to watch jealously over the morals and manners of the citizens, and to fight constantly against human nature. Opinions and private habits were no longer politically important, and could become part of civil liberty precisely because they had become politically indifferent, things that could neither make nor mar the state.¹⁰⁷

Whilst therefore the tradition of neo-Roman ideas about freedom ran deep, as indeed did the ideals of classical republicanism itself, there was a sense in which this tradition of thought no longer reflected the emerging reality. Faced with these new realities, Appleby suggests, the founders came up with a liberal solution to their classical republican problem of balance. Whilst they accepted the notion of self-interest as a functional equivalent to civic virtue, they severely limited the scope of the government in economic matters. The fear of power promoted by republicanism gave way to an American ideology that was suspicious of the power of government (following, for example, Priestley and Paine in particular), and which placed its faith in a Constitution that protected

¹⁰⁴ Joyce Appleby, *A Restless Past: History and the American Public* (Oxford: Rowman and Littlefield Publishers Inc., 2005), p. 76.

¹⁰⁵ *Ibid.*

¹⁰⁶ Margaret Canovan, 'Two Concepts of Liberty – Eighteenth Century Style', *Price-Priestley Newsletter*, 1978, 27–41 (p. 38).

¹⁰⁷ *Ibid.*

individual freedom *from* the power of government. It is this distinction that perhaps best illustrates the fundamental differences between the two traditions. In the republican virtue or neo-Roman tradition, freedom is seen as something that inheres within the function of government, manifested by its laws; in the liberal tradition freedom of the individual requires protection from the power of the State.

The view that the republican virtue or neo-Roman tradition (and with it the republican ideal of freedom) gave way to the liberal tradition in the post-Revolutionary period is endorsed by Philip Pettit. He argues that the republican notion of freedom was eclipsed at the very moment of its success in the debates surrounding the American Revolution. He claims that it was 'at that moment that the notion of freedom as non-interference took over from that of republicanism as the dominant political philosophy'.¹⁰⁸ Daniel Rodgers interprets Gordon Wood's account of the creation of the republic in a similar way:

out of the Constitution's side stepped liberalism. By the 1780s in Wood's account, the pull and strain of revolutionary politics, the difficulty of holding to the public good as a real tangible essence amidst the clamour of partial interests, had finally overcome the republican faith. Wood's America had 'broken through' to a modern sense of politics by 1787.¹⁰⁹

Wood does indeed acknowledge the influence of classical republicanism in Revolutionary ideology, but argues that this influence was relatively short-lived, and the emphasis upon collective or public freedom gave way, following the creation of the Constitution, to an emphasis upon the personal freedom of the individual.¹¹⁰

In assessing the competing claims of these two interpretative paradigms it is reasonable to conclude that whilst the republican virtue tradition was a

¹⁰⁸ Philip Pettit, *Republicanism: A Theory of Government*, p. 12.

¹⁰⁹ Rodgers, 'Republicanism: The Career of a Concept', p. 19.

¹¹⁰ Wood, *The Creation of the American Republic 1776–1787*, p. 609.

considerable influence upon the founding doctrine and upon the American political class, its influence gave way, in a fairly short period, to a body of thought that ran alongside it in many ways, but seemed more congenial and appropriate to America's unique circumstances, namely Lockean liberalism. Republicanism was perhaps not the hegemonic paradigm that the revisionist historians claimed, neither perhaps was it a tradition, although the term 'republican virtue tradition' is a convenient one. As Daniel Rodgers suggests, its key terms were contested, and '[f]ormulated as an alternative to a flat timeless liberalism, it [republicanism] threatened to end up, by its very parallelisms, reifying and reconfirming the liberalism it had been designed to escape'.¹¹¹

It is the ideal of freedom contained within the liberal paradigm therefore, upon which the American tradition of liberty was mainly constructed and that endured in the years that followed the creation of the republic. The philosophical nature of that ideal of freedom together with that embedded within the republican virtue tradition is considered in the following section.

V APPLYING THE ANALYTICAL FRAMEWORK

As stated above, the purpose of this section is to identify the nature of freedom embedded within the interpretative paradigms previously discussed. The section also considers briefly, and in the same analytical context, the ideas concerning freedom of the several influential theorists discussed in Section II.

In assessing the nature of freedom within republican virtue tradition it is necessary to refer to its European philosophical roots. As a starting point it is useful to examine the philosopher Quentin Skinner's claim that the neo-Roman or republican virtue ideal of freedom can be described, using the distinctions established by Isaiah Berlin set out in Chapter Two, as negative in character. It is worth noting here that Skinner sees republicanism as the dominant explanatory

¹¹¹ Rodgers., 'Republicanism: The Career of a Concept', p. 38.

paradigm in Revolutionary and founding thought and insists that the republican virtue tradition contrasts sharply with modern liberal individualism.¹¹² Much of the weight of Skinner's claim hinges upon his interpretation of the ideas of Machiavelli, who did most to introduce republican ideas to modern Europe.

Machiavelli claimed that in order for citizens to enjoy their freedom and to live without fear or anxiety, communities must be based on free institutions in which all citizens participate. It is only if everyone remains willing to place their talents at the disposal of the community that the common good or public interest can be upheld and factional interests controlled. Only if this happens can individual liberty be secured. Freedom thus becomes a form of public service, since devotion to public service is held to be a necessary condition of maintaining personal liberty.¹¹³

For Machiavelli personal and public liberty can only be maintained if the citizen body as a whole displays the quality of virtue. But most people are not, Machiavelli admits, naturally virtuous. If left to their own devices, most citizens will place private interests above the public good. If the citizen pursues personal ambition, say, he begins to subvert the free institutions of the community, and hence personal liberty. The paradox with which we have to reckon, Machiavelli repeatedly emphasised, is that 'the people, deceived by a false image of the good, very often will their own ruin'.¹¹⁴

Machiavelli believed that it is the law which best prevents the individual from sliding into corruption. According to Skinner, when Machiavelli

contends that the indispensable means of preventing corruption is to invoke the coercive power of the law, he is not merely endorsing the familiar observation that the law can be used to make us respect each other's freedom. He is also suggesting that the law can act to liberate us from our natural but self-destructive tendency to pursue our selfish interests. It can force us to promote the public interest in a genuinely virtuoso style, thereby enabling us to preserve our liberty

¹¹² See Quentin Skinner, *Liberty Before Liberalism*.

¹¹³ Quentin Skinner, *Visions of Politics, Vol. II. Renaissance Virtues*, p. 163.

¹¹⁴ Cited in Skinner, *Visions of Politics*, p. 164.

instead of undermining it. Machiavelli's further claim, in other words, is that the law can and must be used in addition to force us to be free.¹¹⁵

On the face of it, this seems to be a clear concession by Skinner that Machiavelli is advocating a form of positive freedom encapsulated by Rousseau's famous claim that man can be 'forced to be free', containing, as it does, the core assumptions about the nature of freedom that Berlin denounced so forcefully. Skinner, however, argues that this is not the case. Machiavelli, according to Skinner, bases his argument on two key assumptions. One is his generally pessimistic view of human nature, namely that the human tendency to corruption is ineliminable. The other is that since corruption is the antithesis of virtue, while virtue is indispensable for maintaining both private and public liberty, our corruption must somehow be curbed if these liberties are to thrive.¹¹⁶

The law can be used to coerce and direct us in such a way that even if our corrupt desires continue to take precedence, our motivations may be capable of being harnessed for the common good. Skinner denies that this is a process in which our desires are to be bought in line with some notion of the 'higher self' – a key component of the concept of positive liberty according to Berlin. We can maintain our selfish patterns of motivation and our self-destructive proclivities, but the law will channel our behaviour in such a way that the unintended consequences of our selfish actions will promote the public interest.¹¹⁷ As Skinner notes, 'We are thereby enabled, by means of the coercive powers of the law, to attain the freedom we actually desire and to avoid the conditions of domination and servitude that our unconstrained behaviour would otherwise produce'.¹¹⁸

On the strength principally of his ideas about Machiavelli, therefore, Skinner seeks to demonstrate the possibility of constructing a coherent theory of social freedom in which the liberty of the individual is connected to the ideals of

¹¹⁵ Skinner, *Visions of Politics*, p. 177.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*, p. 178.

¹¹⁸ *Ibid.*

virtue and public service. Skinner maintains that in the neo-Roman tradition of thought, the negative idea of freedom as 'mere non-obstruction of individual agents in the pursuit of their chosen ends, was combined with the ideas of virtue and public service'. What Machiavelli's ideas in this context and the neo-Roman interpretation of liberty turn on, according to Skinner, is that 'the performance of public services, and the virtues needed to perform them, both prove upon examination to be instrumentally necessary to the avoidance of coercion and servitude, and thus to be necessary conditions of assuring any degree of personal liberty in the ordinary Hobbesian sense of the term'.¹¹⁹

Skinner claims that the reason Machiavelli gives for citizens cultivating the virtues and serving the common good is not duty, but that these practices 'represent, as it happens, the best and indeed the only means for us "to do well" on our own behalf, and in particular the only means of securing any degree of personal liberty to pursue their own chosen ends'.¹²⁰ Duty and interests thus coincide. Skinner further emphasises Machiavelli's belief, with which he appears to concur, that all men are evil, and can never be expected to do anything good unless they see that it is in their interests to do it: '[U]nless [therefore] the generality of evil men can be given selfish reasons for behaving virtuously, it is unlikely that any of them will perform any virtuous actions at all'.¹²¹

Philip Pettit has, in general, supported Skinner's analysis. He argues that that there was a particular conception of negative liberty that engaged the republicans. This was the equation of liberty with full citizenship in a suitable society: a society that exemplifies the rule of law. 'If liberty', Pettit argues, 'is equivalent to citizenship, and citizenship is constituted by the rule of law,

¹¹⁹ Quentin Skinner, 'The Idea of Negative Liberty', in *Philosophy in History: Essays on the Historiography of Philosophy*, ed. by Richard Rorty, J. B. Schneewind and Quentin Skinner (Cambridge: Cambridge University Press, 1986), pp. 193–221 (p. 217).

¹²⁰ *Ibid.*, p. 219.

¹²¹ *Ibid.*

together perhaps with other cultural conditions, so too is liberty'.¹²² The connection between liberty and citizenship means, suggests Pettit, that instead of law being regarded as a potential intrusion upon liberty, it is more or less the indispensable means by which liberty becomes established. The law is therefore the guarantor of liberty – a view certainly held in the eighteenth century by men like Burke, as mentioned earlier. This represents what Pettit calls a 'resilience-centred' conception of negative liberty rather than one that is centred on the notion of non-interference.¹²³ By this Pettit means a conception in which the law provides the individual with an effective protection against interference. Pettit's case rests upon the notion that an individual protected by the law in this way enjoys a greater degree of non-interference than an unprotected individual. The law therefore protects the idea of negative liberty.

Notwithstanding the obvious force of these arguments, it seems possible to argue that within the heart of the neo-Roman conception of freedom, there in fact lurk a number of characteristics or elements that conform to Berlin's notion of positive liberty. A few contrary observations may therefore be ventured on the conclusions that both Skinner and Pettit have drawn.

To begin with, it is difficult to escape the idea that Machiavelli, as the most prominent of the neo-Roman theorists, was the holder of what Berlin calls (although he does not apply this phrase to Machiavelli) 'a certain, central vision of life, of what it was and what it should be',¹²⁴ and that his concept of freedom is inimical to that, say, held by Locke and Paine. As explained in the previous chapter, and as Berlin clarifies, the substance of their concept of freedom was 'the right to freely shape one's life as one wishes, variously, richly, and if need be, eccentrically'. They accepted, of course, the need to protect other men in respect of the same rights, and the need for common security, 'so that I am in this sense

¹²² Philip Pettit, 'Negative Liberty, Liberal and Republican', *European Journal of Philosophy*, 1 (1999), 15–38 (p. 31).

¹²³ *Ibid.*

¹²⁴ Berlin, 'Introduction', in *Freedom and its Betrayal*, p. 3.

free if no institution or person interferes with me except for its or his own protection'.¹²⁵ This core idea of what might be termed the liberal ideal of negative freedom seems an altogether different concept to the one that places the law, virtue, and public duty at its heart.

Locke and Machiavelli held different views about the character of human nature, and it is this difference that determines their approaches to the law. Locke believed that men were more good than wicked and that they possessed certain inalienable rights against society.¹²⁶ For Locke it was not necessary to draw the boundary too far in favour of authority. The law was not understood to be a coercive force pushing men towards virtue. This contrasts with the view of Machiavelli who, as we have seen, believed that men were naturally corrupt. This leads the latter to give the law a far greater prominence and a different role. The law for Machiavelli is an instrument of coercion: men are being coerced to be virtuous (and thus free, according to Machiavelli) but coercion remains, surely, an inhibitor of choice and thus of freedom in Berlin's negative sense. In the neo-Roman concept, freedom is not, it seems, 'freedom to do what is irrational, or stupid or wrong'.¹²⁷ As Berlin always feared, within the perversion to which positive freedom is always liable, the forcing of the empirical self into the 'right pattern' is liable to be passed off not as tyranny, but liberation.¹²⁸

It is obviously the case, as Pettit claims, that the law can ensure the equal protection of men from interference and can create the conditions of security in which men (and their negative liberty) may thrive, but it always entails a reduction in individual freedom, albeit sometimes a necessary one. As Jeremy Bentham adamantly maintained, the business of laws was not to liberate, but to restrain: 'every law is an infraction of liberty'.¹²⁹ The danger in the neo-Roman account of freedom is, as Berlin emphasises, the idea that liberty becomes

¹²⁵ Ibid., p. 5.

¹²⁶ Berlin, 'Rousseau', in *Freedom and its Betrayal*, p. 30.

¹²⁷ Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 194.

¹²⁸ Ibid.

¹²⁹ Cited in *ibid.*, p. 195.

virtually identical with authority, and that authority can be embodied in the law. This was a view held by all those who looked upon society as a design constructed according to 'the rational laws of the wise lawgiver, or of nature, or history, or of the Supreme Being'.¹³⁰ The law is not of itself, therefore, as indeed Price pointed out (see Section II above), a sufficient condition for liberty. It has to be combined with the notion of consent, something upon which the republican ideal does not appear to dwell. Furthermore, it is by no means clear how citizenship (or 'full' citizenship) can in fact be equated with liberty in the way that Pettit suggests. It is not the same social good. Liberty cannot, it may be argued, be the equivalent of anything except itself.

When Skinner writes of Machiavelli's commitment to virtue and its central role in the maintenance of liberty, the question surely arises: 'Whose virtue?' Who defines or decides what is virtuous and what is not? Why should an individual surrender his or her own notion of what is virtuous to the State or indeed why should an individual be virtuous at all? The idea of a State or community (or, worse, an individual) defining the nature of virtue to which, in the exercise of public service, all must subscribe, seems to presuppose the notion of some kind of harmonious whole, not the vision of a society in which men's values collide or where pluralism and the incommensurability of values are an accepted feature and in which Berlin's concept of negative liberty is grounded. Skinner's interpretation of Machiavelli's thought suggests that it is not impossible for virtue to take on a tyrannical aspect, inimical to the idea, at the core of Berlin's concept of negative freedom, that 'one of the most valuable things in human life is choice, not merely of what is good, but choice itself'.¹³¹

There is also an implicit suggestion here that men can be led or coerced into what they 'really' want, which, although Skinner denies this, seems to admit of the possibility of a divided self, or at least a self that can be coerced to behave

¹³⁰ Ibid.

¹³¹ Ibid., p. 26.

differently to its 'natural' self. Men may be naturally evil, but they can, despite their natures, be led, through public duty, to behave virtuously if they see that it is in their interests (the lower self?) to do so. It is possible to suggest that the virtues that Skinner believes are instrumentally necessary for us 'to do well on our own behalf' are an implicit acknowledgement, within the neo-Roman concept of freedom that there is in fact a 'higher' self which needs to be encouraged towards that end. As previously discussed, the idea of a divided self is a characteristic of Berlin's notion of positive freedom.

The precise nature of the neo-Roman concept of freedom in terms of Berlin's definitions is therefore open to interpretation. At the very least it seems that its negative nature is by no means certain, and that it does indeed exhibit certain positive traits. John Pocock makes the point that in the republican ideal, human personality is 'perfected in citizenship', and that within the Machiavellian doctrine 'the ideal of virtue is highly compulsive'.¹³² Indeed Pocock directly refutes both Skinner and Pettit in their claim that the republican virtue tradition embraces the ideal of negative liberty:

The republican vocabulary employed by the dictators, rhetoricians and humanists articulated the positive conceptions of liberty: it contended that homo, the *animale politicum*, was completed in a *vita activa* practiced in *vivere civile*, and that *libertas* consisted in freedom from constraints upon the practice of such a life.¹³³

The potentially compulsive aspect of the neo-Roman or civic republican ideal is highlighted by, for example, Steven Dworetz who maintains that 'liberalism, whatever its vices, is [...] the only doctrine that instinctively requires political constitutionalism and the freedom associated with it, while civic republicanism, whatever its virtues, lacks internal theoretical constraints upon

¹³² Cited in Dworetz, *The Unvarnished Doctrine*, pp. 52, 190.

¹³³ J. G. A. Pocock, *Virtue, Commerce, and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge: Cambridge University Press, 1985), pp. 40–41.

the use of political power'.¹³⁴ Within the neo-Roman ideal of republicanism (the republican virtue tradition), the enforcement of virtue, it can be argued, becomes the responsibility of the State, and appears to take priority over the freedom of the individual. This is obviously a position which is incompatible with Berlin's notion of negative freedom.

By contrast, what is evident is that in terms of Berlin's distinctions about the nature of freedom, it is liberalism in which negative liberty is embedded. As the analytical framework established in Chapter Two makes clear, negative freedom in the sense of non-interference is firmly located within the liberal paradigm, and can be regarded as an intrinsic element of liberalism itself.

As one of the principal architects of liberalism Locke can easily enough be said to embrace the negative concept of freedom. But what might be said of the other great influences upon the American founding discussed in Section II? Price's thought, with its notions of moral liberty and a 'higher nature', seems to chime most closely with the concept of positive liberty and the republican virtue tradition. Priestley, too, in the general tenor of his thought, seems close to the Commonwealthmen, and hence to the same tradition and concept of freedom. Burke, whose anti-Revolutionary views clearly do not place him within the republican virtue tradition, does nevertheless, with his suspicion of choice and emphasis upon the need for freedom to be tempered by order and virtue, appear to embrace a concept of liberty that is positive in character.

Although almost as influential as those of Locke, Paine's ideas are perhaps not easy to define in the same terms, but arguably sit more comfortably within liberalism than the republican virtue tradition. Daniel Rodgers describes him as 'a man furiously thinking his way through the events around him, but either he had no clear hold on the language or republicanism was not the one he was speaking'.¹³⁵ Interestingly, too, Paine seems to have himself made a distinction

¹³⁴ Dworetz, *The Unvarnished Doctrine*, p. 38.

¹³⁵ Rodgers, 'Republicanism: The Career of a Concept,' p. 27.

between negative and positive influences in terms of the differentiation he makes between the public and private realms. Joyce Appleby has highlighted this differentiation of society and government in Paine's *Common Sense*: 'Society is produced by our wants and government by our wickedness, the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices'.¹³⁶ What Paine is doing here, according to Appleby, is reducing the virtues of republicanism to simple policing while elevating free association to a new moral plane.¹³⁷

Commenting on this Paine quotation and Appleby's observations relating to it, David Wootton suggests that although Paine's choice of the terms 'positive' and 'negative' may be a coincidence, 'we are not misrepresenting him if we describe him as saying that positive liberties are pursued within civil society, negative liberties protected by government'.¹³⁸ He agrees with Appleby that Paine is engaged in a 'stunning deflation' of classical republicanism. Wootton maintains that this aspect of Paine's thought remains invisible to the republican revisionists: '[The revisionists] pay insufficient attention, both to the distinction between society and government, private and public (they assume that virtue is both a private and public quality), and to that between positive and negative liberties (they assume that in a world dominated by ideas of virtue, positive liberties are of primary importance)'.¹³⁹ It can therefore be argued that, like Locke's, Paine's thinking about the character of freedom does not reflect the republican virtue tradition, and aligns more closely to Berlin's concept of negative liberty.

¹³⁶ Cited in Joyce Appleby, 'Republicanism and Ideology', *American Quarterly*, 37, (1985), 461–473 (p. 470).

¹³⁷ *Ibid.*

¹³⁸ David Wootton, (ed.), *Republicanism, Liberty, and Commercial Society 1649–1776* (Stanford, Calif.: Stanford University Press, 1994), p. 17.

¹³⁹ *Ibid.*

VI CONCLUSION

This chapter has demonstrated how, at the time of the founding of the republic, ideas about freedom, its value, proper form, and expression within political society, were drawn from a number of sources and theorists. It has also considered the emergence in the historiography of the founding doctrine two competing interpretative paradigms. On balance, it would appear that whilst the republican virtue tradition was a significant factor in influencing aspects of the founding doctrine, this gave way in the period of economic change that followed, to a dominant liberal ideology from which emerged the American tradition of liberty. The ideas of Price, Priestley, and the Commonwealthmen, became less significant in the longer term than the ideas of Locke in particular, and, in some senses, Paine. The nature of freedom embedded within both liberalism and the republican virtue tradition has been considered in the light of the analytical framework established in the preceding chapter (i.e. elements of Isaiah Berlin's thought about the nature of liberty) and establishes that it is within the ideology of liberalism that Berlin's concept of negative liberty is most accurately reflected and nourished. Furthermore, the analysis demonstrates that the concept of liberty implicit within the republican virtue tradition contains characteristics that may reasonably be said to be consistent with Berlin's notion of positive liberty and liable to the perversion about which he warns.

It is therefore argued that a proper reflection of the American tradition of liberty, which is predominantly grounded in Lockean liberalism, requires an adherence to the negative concept of liberty, the characteristics of which were outlined in the previous chapter. To appeal to that tradition and yet embrace a different philosophical concept of liberty to that which is embedded within it is at best inconsistent, and at worst it may betoken a betrayal of the tradition itself.

Chapter Four which follows, explores the connection between the republican virtue tradition and the ideology of neoconservatism, and in

particular the interpretation of freedom which they hold in common. How this interpretation of freedom is evidenced in areas of policy is the focus of Chapters Five and Six. This enables conclusions to be drawn as to the extent to which the Bush administration embraced a concept of liberty inconsistent with the tradition of liberty to which it so frequently appealed.

CHAPTER FOUR: FREEDOM AND NEOCONSERVATISM

neoconservatism is [...] a re-sanctification in everyday life of the core values of western civilization, and the achievement of human potential through virtuous practice ¹

¹ Melanie Phillips cited in Heilbrunn, *They Knew They Were Right: The Rise of the Neocons*, p. 11.

I INTRODUCTION

The influence of the neoconservatives and neoconservative ideas upon the Bush administration is highlighted in Chapter One. The purpose of this chapter is to consider briefly the roots of neoconservatism, its main characteristics, and, specifically, to identify the philosophical nature of freedom which lies embedded within it and its similarities with the republican virtue tradition discussed in the previous chapter. This task is undertaken by considering some of the relevant ideas of three prominent theorists whose thought can be said to have shaped neoconservatism as it is understood today, namely, the political philosophers Leo Strauss and Irving Kristol, and the academic and philosopher Allan Bloom. Whilst these theorists were not necessarily particularly active in political terms, their ideas were inherited by those who were to become so, and who became prominent in the Bush administration and the political and media networks that surrounded it.

The most prominent early neoconservatives were a small group usually named as Irving Kristol and his wife, the historian Gertrude Himmelfarb; the writer and sociologist Daniel Bell; the politician and scholar Daniel Moynihan; Norman Podhoretz (editor of the neoconservative magazine *Commentary* and later recipient of the Congressional Medal of Freedom from President Bush in 2004); his wife, the journalist and co-founder (with Donald Rumsfeld) of the Committee for the Free World, Midge Decter; plus a few intellectual friends. Some were former left-wing radicals who, during the period of the Cold War and in particular during the 1960s and 1970s, became vehemently anti-communist. What triggered the change appears to have been the cultural upheavals of the 1960s, in which bourgeois values, which Kristol and others cherished as the bulwark of civilisation, came under sustained attack, manifested in particular by the anti-Vietnam war movement. Kristol wrote of being motivated by 'student rebellion and the rise of the counterculture, with its messianic expectations and

its apocalyptic fears'.² Kristol drew close parallels between the student revolution of the 1960s, the forced 'withdrawal' from Vietnam, and developments in the cultural world, whose energies 'were channelled into what is now called "postmodernism"', which he believed to be a kind of academic irrationalism amounting to nihilism.³ As chaos appeared to reign in the universities, the neoconservatives began to identify the previously unacknowledged virtue that they believed existed in values such as stability and continuity. Nathan Glazer for example, a sociologist who taught at Harvard and University of California, Berkeley during this period,⁴ identified, as part of this turn to the authority and the value of ritual and tradition, a 'discovery' of Jewish religious observance amongst some of his fellow neoconservatives.⁵

This cultural conservatism was matched by a hawkish position in terms of foreign policy. Because of their previous left-wing radicalism, early neoconservatives felt they understood communism better than most (and certainly better than protesting students), and understood too the subsequent need for military strength to protect American interests abroad. They therefore expressed a proprietary interest in toughness on communism, and generally reflected an expansionist Wilsonian strand of foreign policy thinking underpinned by unequivocal support for Israeli nationalism. In domestic policy terms, the early neoconservatives were critical of President Johnson's Great Society programmes, especially initiatives such as affirmative action that favoured ethnic minorities who, they felt, should be able to find their way without federal interference. Whilst neoconservative thought was gradually transformed into an ideology that embraced a wider spectrum of issues,

² Irving Kristol, *Neoconservatism: The Autobiography of an Idea*, p. 31.

³ *Ibid.*, p. 118.

⁴ Glazer was a one-time assistant editor of the neoconservative magazine *Commentary* and also one of the 'New York Intellectuals' often credited with 'founding' the neoconservative movement. This group, which included Kristol, Irving Howe, and Daniel Bell, attended the City College in New York together during the 1950s.

⁵ Nathan Glazer, Q and A session at 'Libertarian Hawks or Cultural Communitarians? Neoconservatism and the Legacy of the New York Intellectuals', conference at Birkbeck College, London, 24 – 25 May, 2006.

succeeding generations of neoconservatives shared most, if not all, of these basic tenets. It is also arguable that in terms of foreign policy, the neoconservative network that was so influential upon the Bush administration was a by-product of the Cold War.⁶ It is worth noting, for example, that Richard Perle, later of Bush's Defence Advisory Board, was, from 1969–1979, a top foreign policy adviser to Senator Henry 'Scoop' Jackson, a strong hard-line anti-communist Democrat. Perle is quoted as approving Jackson's enthusiasm for building missile defence, and his scepticism about détente and the Strategic Arms Limitation Talks (SALT).⁷ Such sentiments sit easily with the later unilateralist Bush doctrine of pre-emptive war, which drove much of his foreign policy and is discussed later in the thesis.

Over the birth of neoconservatism, and indeed its later full growth, hovers the pervasive influence of Leo Strauss, who taught at the University of Chicago from 1949 until 1969. He died in 1973. Strauss's influence over many early neoconservatives seems to have been considerable. Both Irving Kristol and Gertrude Himmelfarb have acknowledged his influence, and Allan Bloom, one of his students, introduced Strauss's ideas to a number of students who subsequently went into politics or ended up in Washington. These included, for example, Paul Wolfowitz (Deputy Secretary of State in the Bush administration); Francis Fukuyama (historian and columnist); Abram Shulsky (intelligence analyst in the Office of Special Plans, within the Pentagon under Bush's Secretary of Defence Donald Rumsfeld, a unit that was headed up by fellow neoconservative Douglas Feith); Alan Keyes (prominent Republican and one-time Ambassador to the Economic and Social Council of the United Nations under Ronald Reagan), and the political theorist Kenneth Weinstein. This movement was part of a pattern. As Irving Kristol pointed out in 1995, Strauss's original students had produced another generation of political theorists who left

⁶ John Gray, *Black Mass*, p. 127.

⁷ Perle cited in Kai Bird and Martin J. Sherwin, *American Prometheus: The Triumph and Tragedy of J. Robert Oppenheimer* (London: Atlantic Books, 2008), p. 438.

academe in favour of politics. Dozens of those who followed or were influenced by Strauss in the 1960s and 1970s joined the federal government to initiate a new political outlook.⁸

A number of political associations were established that had their roots, one way or another, in the ideas generated from the University of Chicago and which comprised the neoconservative network during the Bush administration. Many occupied positions of influence both within the administration and in what might be described as the 'commentariat'. Wolfowitz, for example, was professor to Lewis Libby, Chief of Staff and National Security Adviser to Vice President Cheney; Norman Podhoretz's son John was a regular contributor to the neoconservative *Weekly Standard* (founded by William Kristol, son of Irving), became editorial-page editor of the *New York Post* and took over the editorship of *Commentary* in January 2009. Gary Schmitt, also a disciple of Strauss, became an executive director of William Kristol's previously mentioned neoconservative think tank Project for the New American Century (PNAC). (See Chapter One). PNAC was the offspring of the American Enterprise Institute (AEI). This latter organisation, also mentioned in Chapter One, once a fairly conventional conservative think tank, was transformed by Irving Kristol in the late 1970s and early 1980s into an energetic institute for the development of neoconservative doctrine, promoting *laissez faire* economics, the militarisation of foreign policy, and the dismantling of the welfare state. Other luminaries from the University of Chicago included David Brooks, former writer for the *Weekly Standard* who became a columnist for the *New York Times*; Werner Dannhauser, a former protégé of Strauss who left academia to take on the editorship of *Commentary* after the retirement of Norman Podhoretz; and Robert Kagan, also of the *Weekly Standard* and the son of leading Yale University Straussian, Donald Kagan.⁹ Through these last journals in particular, the neoconservatives expressed, from

⁸ Halper and Clarke, *America Alone*, p. 68

⁹ *Ibid.*, p. 67.

the 1980s onwards, a distinctive set of cultural and political beliefs from those of what they perceived to be the 'liberal establishment'. Hostility to individual liberty was among the most prominent of these beliefs, along with support for religion as a guide to morals and an engine of State power.¹⁰

If fears about cultural stability and hawkish anti-communism were amongst the original motivations of many early neoconservatives, those who came under their influence, the next generation as it were, quickly adopted foreign policy as their chosen field of influence. They became entrenched in the Republican party during President Reagan's term of office (1981–1989), and from that time on created a policy establishment, through the journals and institutions mentioned above, that had the 'consistency and coherence of a shadow government'.¹¹ Many of its essential policies – as David Bromwich points out – including 'force projection' in the Middle East, and continued pressure on Russia despite the fall of communism, were already in place in 1996, when Paul Wolfowitz was the leading foreign policy adviser to Republican party presidential nominee, Robert Dole.¹² A more detailed assessment of neoconservative strategies in the areas of foreign affairs and defence is set out in Chapter Five.

II NEOCONSERVATIVE THOUGHT

The above section provides an outline of the origins of neoconservatism and details of some of the main protagonists, together with a brief summary of their ideas. However, in order to place the neoconservative interpretation of freedom in a fuller context, it is necessary to attempt a more detailed analysis of what constitutes neoconservative thought.

¹⁰ David Bromwich, 'The Co-President at Work', *New York Review of Books*, 20 November 2008 <<http://www.nybooks.com/articles/22060>> [accessed 14 April 2009].

¹¹ Ibid.

¹² Ibid.

On the face of it, neoconservatism holds a good many values in common with those of traditional conservatism, notably those articulated by Edmund Burke (see Chapter Three), which include a belief in the value of tradition and strong institutions that help preserve the objective moral order, the privileging of religion in society, and a limited State. In so far as neoconservatives favour corporate power, private enterprise, and the maintenance of market freedoms, as well as holding a general mistrust of democracy, neoconservatism also has a good deal in common with neoliberalism. There are, however, some profound differences between neoconservatism and both traditional conservatism and neoliberalism which are worth highlighting.

Traditional conservatism has tended to reject the idea of the perfectibility of man, believing instead that human nature is unchanging and unalterable, a mix of good and evil, neither of which can be wholly eradicated. Whilst conservative thinkers have acknowledged the essential role of human reason, they believe that in the modern world, reason has been overvalued, leading to failed social programmes and expectations that cannot be fulfilled.¹³ Furthermore, the notion that man knows enough to discard tradition and build some kind of utopia based upon reason is a dangerous fantasy. Russell Kirk, a major twentieth-century theorist of American conservatism, warned, 'Pure arrogant reason, denying the claims of conscience, leads to a wasteland of withered hopes and crying loneliness.'¹⁴

Neoconservatism, however, especially from the 1980s onwards, appears to have adopted something of a utopian stance, rejecting the long-cherished belief of conservatives in the imperfectability of man and opting instead for a militant faith in progress.¹⁵ This is in marked contrast to the ideas of say, Locke, or Paine, or even Burke, each of whom, in casting their influence upon the founders,

¹³ Melvin J. Thorne, *American Conservative Thought Since World War II: The Core Ideas* (Westport: Greenwood Press, Inc., 1990), p. 25.

¹⁴ Kirk, cited in *ibid.*, p. 26.

¹⁵ Gray, *Black Mass*, p. 33.

tended to view government as a means of coping with human imperfection rather than as an instrument for re-creating society or man in general. The philosopher John Gray links this utopianism to the neoconservative alliance with Christian fundamentalism (referred to later in this thesis as the 'Christian right'), which took place during the 1980s. These 'theo-conservatives' believe that evil can be defeated and that the many of the world's conflicts, especially in the biblical lands, are preludes to Armageddon, 'a final battle in which the struggle of light and dark will be concluded'.¹⁶ This obsession with evil is reflected in some of the rhetoric of the Bush administration, in particular by President Bush's remark made three days after 9/11: 'our responsibility to history is already clear: to answer these attacks and rid the world of evil'.¹⁷ To a traditional conservative, or indeed any non-fundamentalist theologian, the idea that it is possible to 'rid the world of evil' is likely to run counter to their beliefs, suggesting that it is indeed possible to perfect man (in this case through the force of American arms). Such a claim also neglects the obvious point that the problem of evil in the world has preoccupied Christian theologians for centuries and evaded simplistic solutions.¹⁸

What Gray terms 'the belligerent optimism' of the neoconservatives, with its strong nationalist implications, also resembles elements of the Romantic movement of the late eighteenth century, and translates into the kind of moral monism of which Berlin was so critical. The belief that animated the neoconservatives above all from the 1980s onwards was that humanity would, or perhaps should, evolve towards a universal civilisation that mirrored the

¹⁶ Ibid., p. 34.

¹⁷ President George W. Bush, 'Remarks at National Day of Prayer and Remembrance', 14 September, 2001 <<http://www.whitehouse.gov/news/releases/2001/09/20010914-2.html>> [accessed 14 May 2009].

¹⁸ St Augustine, for example, saw evil as a defect in human nature, a consequence of the fall of man, linked to the idea of original sin, whilst Irenaean theodicy holds that evil is necessary for human moral and spiritual development and is part of God's plan. Further discussion of this point is outside the scope of this thesis, suffice to say that within Christian theology, the nature and place of evil in the world is subject to continual debate. See, for example, Margaret R. Miles, *The Word Made Flesh: A History of Christian Thought* (Oxford: Blackwell Publishing, 2005), p. 102, and Beth Davies-Stofka, 'Christianity, Suffering and the Problem of Evil', *Patheos* <<http://www.patheos.com/Library/Christianity/Beliefs/Suffering-and-the-Problem-of-Evil.html>> [accessed 5 September 2010].

political and economic systems of the West, preferably that of the United States. As the influential neoconservative Michael Ledeen expressed it, 'We do not wish to be part of the outside world, but we do wish to change it, to democratize it, to make it more like us'.¹⁹ The idea that Western values and institutions would prevail as history, in its Hegelian guise, marched along an inevitable road of progress led by America, became a deeply embedded element of neoconservative thought, and is discussed further in the following chapter.

Neoconservatism veers away from pure neoliberalism in terms of its concern for an overarching morality as a necessary social glue to keep the body politic secure. Neoconservatism holds fears about both the free market itself, and unbridled individualism expressed through the choices that individuals make in lifestyle, sexual orientation, modes of self-expression, and so on. These choices threaten the fabric of society, bonds of solidarity are weakened, and anarchy threatens. Neoconservatism can be understood in some ways as a reaction against moral permissiveness which 'seeks to restore some higher-order values that will form the stable centre of the body politic'.²⁰

The antidote to this threatened chaos of individual interests is an emphasis upon militarisation that acts as a coercive force. The academic David Harvey suggests that for this reason neoconservatives are more likely to highlight threats, real or imagined, both at home and abroad to the integrity and stability of the nation. In this way a sense of moral purpose is restored, a climate of consent is created, and coercion towards a stability based upon cultural nationalism and moral values is achieved. Neoconservatism, like neoliberalism, advocates economic market freedoms, but is uneasy about its effects, as the next section of this chapter elucidates. It therefore favours an authoritarian, hierarchical, and even militaristic means of maintaining law and order.²¹

¹⁹ Michael A. Ledeen, *Freedom Betrayed: How America Led a Global Democratic Revolution, Won the Cold War, and Walked Away* (Washington D.C.: The AEI Press, 1996), p. 3.

²⁰ David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005), p. 83.

²¹ *Ibid.*, pp. 82–83.

Like Irving Kristol, whose ideas are discussed in more detail later in this chapter, the neoconservative theorist Mark Gerson suggests that many of the apparently disparate themes of neoconservatism – concern with order, continuity, the authority and value of tradition – derive from a current of thought not reducible either to conservatism or any variant of liberalism, but are grounded in the republican virtue tradition, the character of which was discussed in the previous chapter. Gerson suggests that

The republican virtue tradition has always stressed that political liberty requires the moral foundation of a virtuous citizenry; that political virtue includes both the capacity for association and an active concern for the common good; and that these virtues in turn are nurtured by participation in a free community.²²

According to Gerson, many of the important themes of neoconservative thought ‘cease to appear inchoate, opportunistic, or merely eclectic, when they are placed in the historical context of the republican virtue tradition’.²³ In embodying that tradition, neoconservatism stakes out its commitment to virtue in the way that Melanie Phillips suggests in the epigraph to this chapter. Gerson reinforces this commitment by emphasising that freedom is to be regarded not as an end in itself, but as a servant of virtue, and that social institutions ‘must work to inculcate virtue and prepare man to live the good life both in private and in the public sphere’.²⁴

Neoconservatism can therefore be seen as a distinctive ideology, sharing some strands of thought with traditional conservatism and neoliberalism, but essentially preoccupied with cultural and political stability and moral values. Rooted in the republican virtue tradition, it has adopted a strand of utopianism that can be located within radical elements of Enlightenment thought. Above all, neoconservatives are ideological determinists; they are truly committed to the

²² Mark Gerson, *The Neoconservative Vision*, p. 9.

²³ *Ibid.*

²⁴ *Ibid.*, p. 24.

notion that ideas rule the world and the crucial role of intellectuals in the shaping of history. The following chapters of this thesis illustrate how that role was fulfilled under the Bush administration.

III NEOCONSERVATISM AND FREEDOM

Within the broad context of neoconservative thought outlined above, this section seeks to illuminate more clearly the neoconservative interpretation of freedom by considering the ideas of three of the movement's most prominent early theorists.

As mentioned previously, the roots of neoconservative political philosophy are usually traced back to the ideas of Leo Strauss (in particular), Irving Kristol, and, to a lesser extent, to Allan Bloom. That Strauss was a clear and pervasive influence upon neoconservative thought is beyond dispute,²⁵ and whilst it may be something of a distortion to claim that Strauss's teachings provided any kind of a blueprint for a neoconservative political agenda, the number of Straussians who achieved prominence in Washington's political circles and who subscribed to the neoconservative cause, is certainly beyond coincidence. As Mark Lilla expressed it, a 'genuine connection seems to exist in the United States between Strauss's self-proclaimed disciples and a highly partisan faction in American public life'.²⁶

The term 'Straussians' describes both Strauss's immediate students and those who were drawn to his ideas. The influence over his students, whom he referred to as 'the young puppies of his race',²⁷ seems to have been considerable. He gave the impression that he had discovered the highest form of knowledge and that his students were part of an elect body that included some of the greatest minds in history. They were separate, superior to their fellow students,

²⁵ See for example *Leo Strauss, the Straussians, and the American Regime*, ed. by Kenneth L. Deutsch and John A. Murley (London: Rowman and Littlefield Publishers Inc., 1999).

²⁶ Mark Lilla, 'The Closing of the Straussian Mind'.

²⁷ *Ibid.*

'impelled', as Strauss put it, 'to turn with passionate interest, with unqualified willingness to learn, toward the political thought of classical antiquity. We are impelled to do so by the crisis of our time, the crisis of the West'.²⁸

The 'crisis of the West' was the foundation of Strauss's thought. He rejected the ideas of progressivism and historicism in which standards of justice and right are considered in terms that are relative to their time and place. Modernism itself was suspect, a project that threatened to undermine the very foundations of the West. Significantly, in terms of the focus of this section, Strauss believed 'that at the root of modernity is the view that there is nothing independent of humanity which is superior in dignity to human artifice; the design of politics is rooted in human freedom and not divine or natural necessity'.²⁹ The West had lost confidence, and this loss of confidence was derived in part from what Strauss called 'the experience of history', that is, the belief that that there are many different cultures each of which must be regarded as the legitimate equal of the other – the West being no different in this respect to any other culture. In this multicultural milieu the West has become 'uncertain of purpose'³⁰ and in the ensuing crisis we are 'forced to turn towards the thought of classical antiquity'.³¹ In contrast to historicism and positivism – the twin forces of decline to which he was so opposed – Strauss taught 'the immutability of moral and social values'.³²

For Strauss, the 'great tradition', i.e. the alliance between ancient Greek philosophy derived from Socrates, and the revealed prophetic religions derived from the Hebrew Bible, which created the West, was threatened in the first instance by Machiavelli, through his anti-idealistic new thinking about political

²⁸ Cited in Heilbrunn, *They Knew They Were Right*, p. 92.

²⁹ Kenneth L. Deutsch, 'Leo Strauss, the Straussians, and the American Regime', in *Leo Strauss, the Straussians, and the American Regime*, pp. 51–58 (p. 51).

³⁰ Cited in Steven B. Smith, *Reading Leo Strauss*, p. 186.

³¹ Cited in Halper and Clarke, *America Alone*, p. 66.

³² Catherine and Michael Zuckert, *The Truth About Leo Strauss: Political Philosophy and American Democracy* (London: The University of Chicago Press, 2006), p. 4.

philosophy.³³ What was both threatening and objectionable about Machiavelli's thought was his affirmation of the supremacy of reason in the affairs of men. Machiavelli asserted the competence of reason to rule if properly regulated by desire for glory.³⁴ The modern claim to the supremacy of reason would, according to Strauss, have been rejected by pre-modern philosophers who always kept in view recalcitrant human nature. Strauss maintained that Machiavelli had no significant impact upon the American founding in that its reliance upon the hereditary Rights of Man and moral theory denied Machiavelli's underlying theme that the good end justifies every means.³⁵

Strauss believed that there is in human history, an enduring conflict between reason and revelation, the latter exemplified by the prophetic religions. This conflict is resolved in modernity by dispensing with revelation, and in the modern project enunciated by Machiavelli, 'philosophy is to fulfil the function of both philosophy and religion'.³⁶ By this he means, according to Strauss, that reason will provide man with his worldly goods and modern philosophy becomes anti-theological by endorsing a rejection of man's traditional aim to somehow transcend the world under guidance from the Hebrew biblical God.

Strauss set out these views in *Thoughts on Machiavelli*, (1957), which explained, *inter alia*, that Machiavelli was essentially a 'teacher of evil' by 'linking the outset of modernity and the manner in which modern forms of thinking undermine civilization'.³⁷ In addition, Machiavelli's texts were defined by 'hidden writing'. The idea that a writer's thoughts were expressed 'between the lines' was an idea that Strauss drew from his study of the writings of Maimonides. Strauss claimed to have recognised that Maimonides concealed his true thoughts behind oblique and hidden references and that the clues to

³³ Kenneth Hart Green, *Jew and Philosopher: The Return to Maimonides in the Jewish Thought of Leo Strauss* (New York State: University of New York Press, 1993), p. 1.

³⁴ *Ibid.*, p. 117.

³⁵ Smith, *Reading Leo Strauss*, pp.175–76.

³⁶ Leo Strauss, *Thoughts on Machiavelli*, p. 297.

³⁷ Halper and Clarke, *America Alone*, p. 66.

uncovering the true meaning of his thought were deliberately planted in the text.³⁸ From this idea Strauss developed the concept of 'esotericism' and applied it to the entire philosophical tradition. He makes the contentious claim that there existed in the past 'a peculiar type of literature in which the truth about all crucial things is presented exclusively between the lines' for fear of the intolerance of revealed religion.³⁹

This idea that the great works of philosophy were all in some way endowed with a hidden teaching which only the initiated can discover may have given rise in the followers of Strauss to the perception that they too are in some way part of an elect, set apart from the rest of society or indeed mankind in general. The students of Strauss seem to have regarded themselves as having 'a privileged knowledge that the people who were not students of Strauss do not have'.⁴⁰ What Strauss terms '*the truth*' may 'be accessible only through certain old books',⁴¹ and the clear implication is that the truth will be inaccessible to those who lack the necessary philosophical skills and a knowledge of the secrets of esotericism. The idea that there is, in principle, something which can be identified as '*the truth*' is of course very much at odds with the tenor of Berlin's thought, especially in relation to pluralism.

At first sight, the idea that there might be any form of linkage between the world of intelligence gathering and Strauss's ideas about hidden meanings in ancient texts appears fanciful. But it may help to explain the Bush administration's attitude towards intelligence and illustrates Strauss's pervading influence. His central contention there was an unbridgeable gap between revelation and reason rendered the latter something of a false god. Realities were revealed rather than discovered through the deployment of empirically based

³⁸ Green, *Jew and Philosopher*, p. 114.

³⁹ M.F. Burnyeat, 'Sphinx Without a Secret', *New York Review of Books*, 30 May 1985 <<http://www.nybooks.com/articles/5444>> [accessed 14 May, 2009].

⁴⁰ Nicholas Xenos, 'Leo Strauss and the Rhetoric of the War on Terror', *Logos*, Spring, 2004 <<http://www.logosjournal.com/xenos.htm>> [accessed 3 June 2009].

⁴¹ Burnyeat, 'Sphinx Without a Secret'.

research which dominated the modern project. As discussed later, at the heart of the Bush administration there was not only a reliance upon 'faith-based intelligence' (intelligence which was produced by 'revelation' and which rejected countervailing information based upon dispassionate research), but, as discussed in Chapter Six, a significant retreat from empiricism itself.

The concept of elites is also integral to the thought of Strauss and his notions about esotericism and the place of the modern philosopher generally. Strauss conceives the city (a term derived from antiquity) as being divided by different types of men: the wise (the philosophers), the gentlemen, and the vulgar. The wise are the lovers of harsh unadulterated truth. The gentlemen are not necessarily wealthy, but have 'had an opportunity to be brought up in the proper manner'.⁴² The vulgar are the many lovers of wealth or pleasure, who are slothful and indolent.⁴³ The philosophers, perceiving this division, and never forgetting the gulf that separated them from the rest, knew that they represented a grave threat to the city because of the damage which can be done to a society in which the non-philosophers begin doubting the city's orthodox or fundamental opinions.⁴⁴ The need to avoid the corruption of the masses justifies both the esotericism through which true meaning is concealed in the writings of philosophers, but also what Strauss terms their 'noble rhetoric' through which their true beliefs are also concealed. Philosophers have a duty not to upset the decent opinion on which society rests. 'A political teaching', writes Strauss 'which addressed itself equally to decent and indecent men would have appeared to them [the ancients] from the outset as unpolitical, that is, as politically or socially irresponsible'.⁴⁵ Strauss claimed that in the ancient world philosophers held it to be a duty to satisfy society that they are not atheists, that they do not undermine or subvert the city. The gentlemen, who are idealistic, are,

⁴² Leo Strauss, cited in *ibid.*

⁴³ Shadia B. Drury, *The Political Ideas of Leo Strauss*, p. xiv.

⁴⁴ Green, *Jew and Philosopher*, p. 124.

⁴⁵ Quoted in Smith, *Reading Leo Strauss*, p. 165.

when properly educated in a liberal manner, ready to be taken by the hand by 'the philosopher' who will teach them about 'the limits of politics'. The basics of this lesson are that the just society is improbable and that the 'gentlemen' should rule conservatively, knowing that 'the apparently just alternative to aristocracy open or disguised, will be permanent revolution, i.e. permanent chaos in which life will not only be poor and short but brutish as well'.⁴⁶

It is not difficult to detect in these aspects of Strauss's thought certain facets which might appeal to those who left academe and became active political neoconservatives – a journey aptly described by Mark Lilla as being 'from Athens to Washington'.⁴⁷ The idea of a somewhat secretive elite who, having been given a glimpse of *the* truth, assume that as 'philosophers' they have a duty to underpin the bonds that bind society together such as religion and the law, whilst not necessarily believing in them themselves, and exercising a covert rule over the 'gentlemen' (those who publicly rule), has a certain resonance in terms of the activities of the neoconservatives who rose to prominence under the administration of President Bush. There is also an important implication for the interpretation of freedom within these aspects of Straussian thought. There is a clear assumption that mass democracy is a bad thing,⁴⁸ that the people cannot be trusted with the truth, and that there is a group of people – the unelected 'philosophers' – who have privileged knowledge about what is best for 'the city' even if the mass of the people do not know it themselves. Beneath the surface seems to lurk the claim that a person's actual desires may be mistaken, that they can be manipulated in the name of their true selves toward what is good for the

⁴⁶ Strauss, quoted in Burnyeat, 'Sphinx Without a Secret'. In a footnote to this quotation which is taken from Strauss's 'What is Political Philosophy?' Burnyeat comments: 'Strauss indicates that when this argument is applied to the present day, it yields his defence of liberal or constitutional democracy – i.e., modern democracy is justified, according to him, if and because it is aristocracy in disguise'.

⁴⁷ Lilla, 'The Closing of the Straussian Mind'.

⁴⁸ Strauss seems to differentiate between 'mass democracy' and 'democracy'. One of his solutions to the 'crisis of the West' is 'liberal' education in its elitist classical form. The liberal education that Strauss favours supposes a hierarchy of talent and intellect as the 'counterpoison to mass culture'. See Smith, *Reading Leo Strauss*, p. 186.

city which is of course what they would really desire if they only knew better, i.e. what the philosophers know.

The suspicion that Strauss's thought embraces a totalitarian strand cannot be entirely dispelled. Shadia Drury, for example – certainly a somewhat fierce critic – has claimed that what Strauss really believed in was 'the covert tyranny of the wise'.⁴⁹ Furthermore, Strauss seemed opposed to the very idea of an open society and nurtured a belief in the possibility of human perfection: 'An open or all-comprehensive society will exist on a lower level of humanity than a closed society which through generations has made a supreme effort toward human perfection'.⁵⁰ This is the very philosophical framework which embraces the possibility that men can be led or coerced toward a perfection (the nature of which is to be decided, presumably, by those who are privileged to know what is best) and that is therefore liable to interpret freedom in its positive sense.

A more revealing clue as to the place and nature of freedom within Strauss's thought can be found in his views concerning Hobbes, and, to a lesser degree, Locke. For Strauss, Hobbes is the key figure in the modern project. Hobbes is represented by Strauss as a rebel against the tradition of Western political thought as expressed in the ideas of Socrates, Plato, Cicero, Aristotle, Seneca, Tacitus, and Plutarch.⁵¹ Hobbes was indeed unique in his belief that political society should be formulated in accordance with what he (Hobbes) believed to be the true nature of human beings, in which the prime driver was the satisfaction of pleasure. This was in contrast to the idea that political society should be constructed around some as yet unrealised, or unrealisable, ideal of human nature. Human nature, as Hobbes perceived it, was no threat to political society and he maintained that the hedonist conception of the good is the natural foundation of politics. As Drury points out, the ancients regarded the community as more than the sum of individuals and, as described earlier in this chapter, the

⁴⁹ Drury, *The Political Ideas of Leo Strauss*, p. xiv.

⁵⁰ Strauss, cited in *ibid.*, p. 189.

⁵¹ *Ibid.*, p. 134.

classical republican ideal required an individual's interests to be sacrificed to the good of the whole.⁵²

Hobbes's belief that good political order can be constructed with flawed human material and that political society can ensure the satisfaction of human appetites represented a significant break with this tradition. For Strauss, the notion that individuals need not be prepared to sacrifice their interests for the community, and that private interests can be advanced by being part of political society, is one of the ideas that will prove to be the ruin of Western civilisation. The second and linked idea, which Strauss also attributes to Hobbes, is the notion that a technological society would provide a successful means to the realisation of the end of modern politics, namely, the maximum satisfaction of desires. This suggestion of a conquest of nature runs directly counter, in Strauss's view, to the wisdom of the ancients, who knew that mastery over nature cannot replace mastery over oneself.⁵³ This view may in part help to explain the neoconservative hostility towards science discussed in Chapter Six.

Strauss acknowledges the centrality of Locke's thought in the founding doctrine, but it gives him no great pleasure to do so. What really interests Strauss about Locke is the latter's ideas concerning property and his justification of the right of property accumulation. For Strauss this shifted the centre of the moral universe away from nature and towards individual creativity as the source of all value. 'Not resigned gratitude and consciously obeying or imitating nature, but hopeful self-reliance and creativity became henceforth the marks of human nobility', Strauss writes of the Lockean revolution.⁵⁴ Instead of being a cause for celebration, this is a cause of contemporary dissatisfactions. Strauss viewed Locke as a 'hedonist' who 'emancipated man from all the bonds set by nature as well as all social and political arrangements that are not the outcome of our free

⁵² Drury, *The Political Ideas of Leo Strauss*, p. 135.

⁵³ *Ibid.*, p. 139.

⁵⁴ Smith, *Reading Leo Strauss*, pp. 171–72.

agreement or consent'.⁵⁵ The result is an aimless search for pleasure; the world is 'disenchanted' and 'life is the joyless quest for joy'.⁵⁶ For Strauss, Locke's ideas in which the end of society is not 'excellence', but 'commodious living' were thoroughly modern. They had the effect of entrenching modernity and making Hobbes's ideas respectable.⁵⁷

These summarised Straussian critiques of Hobbes and Locke reveal a particular attitude towards political society and the nature of freedom within it. It is indeed the case that Hobbes accepted the flawed nature of man, but he did not believe that made political society impossible. It did, however, require a form of social contract in which the sovereign is ceded almost unlimited power by the citizenry. There is a neat fit between Hobbes's two most paradoxical tenets: his belief in the unbounded and various desires of individuals, and his advocacy of political authoritarianism. It was his view that only an all-powerful sovereign could guarantee to control the unpredictable and individualist nature of man. What is revealing in Strauss's view of Hobbes is the notion that the latter's acceptance of the flawed nature of man is mistaken, the start of the doomed modern project. What Strauss appears to suggest is that it is not the role of political society (or 'the city') to accept the nature of man, but to change it. This is redolent of the features of classical or neo-Roman republicanism in which civic virtue is placed at a higher level of importance than individual freedom. In addition, the notion of the 'mastery of the self', which obviously appeals to Strauss, also carries with it the implication that the self is divided; that there is a higher self that needs to master the appetites and desires of the lower self. As discussed above, the self that is master of itself is rarely the actual empirical self, with all its idiosyncrasies, embarrassments, etc. In positive accounts of freedom it is typically an abstract self, an exemplar of rational humanity, indistinguishable from any other. In this view, the root of freedom that lies in the differences

⁵⁵ Smith, pp. 171–72.

⁵⁶ Cited in *ibid.*

⁵⁷ Drury, *The Political Ideas of Leo Strauss*, p. 145.

amongst individuals, and in the conflicts among the goods they pursue, has disappeared. The critique of Locke insofar as he is accused of leading society away from 'excellence' also begs questions about the nature of 'excellence' and whose ideas of what it comprises should prevail and why.

All of these features of Strauss's thought therefore seem to suggest that he favoured the concept of positive freedom as defined by Berlin; that he believed in some form of universalism (*the truth*) and that the role of society, and indeed society's rulers, was to coerce man toward virtue (or excellence), the nature of which is the privileged knowledge of the elites. As Strauss himself expressed it: 'True liberals today have no more pressing duty than to counteract the perverted liberalism' which contends "that just to live, securely and happily, and protected and unregulated, is man's simple and supreme goal" and that 'forgets quality, excellence or virtue'.⁵⁸ The conditions described in the first half of the sentence are clearly those in which Berlin's notion of negative liberty can flourish. It is the attempts by governments to coerce men towards the objectives described in the second half of the sentence that are so liable to produce the perversion of liberty about which Berlin warned.

Unsurprisingly, Strauss was critical of Berlin's essay 'Two Concepts of Liberty', regarding it, according to Kenneth Hart Green, not as enlightening but as 'a characteristic document of the crisis of liberalism'. This crisis of liberalism 'is due to the fact that [it] has abandoned its absolutist basis and is trying to become entirely relativistic'.⁵⁹ Strauss believed that the fatal flaw in Berlin's argument arises in essence from his already compromised aim, which is to establish 'an impossible middle ground between relativism and absolutism'.⁶⁰ It is doubtful that Berlin would have recognised this as his aim, compromised or otherwise, and indeed there is nothing in the text of the essay that suggests he

⁵⁸Cited in Deutsch, 'Leo Strauss, the Straussians, and the American Regime', p. 52.

⁵⁹ Kenneth Hart Green, in 'Introduction: Leo Strauss as a Modern Jewish Thinker', in *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought*, by Leo Strauss, ed. by Kenneth Hart Green (New York: State University of New York Press, 1999), pp. 1–84 (p. 80).

⁶⁰ *Ibid.*

had such an aim at all. His declared objective was to answer, as he put it, 'the central question of politics – the question of obedience and coercion'.⁶¹ In trying to answer the various facets of this question, Berlin constructed an analysis that recognised the imperfectability of man, and refuted the dangerous notion that there exists a set of absolute values or some kind of universal truth that all men must be taught to acknowledge. This does not seem to be a compromising of liberalism but an articulation of its essence.

Berlin disagreed with Strauss's doctrines 'in principle'. He thought that Strauss's theory of esotericism was fanciful and 'wrongheaded', and his (Strauss's) rejection of the post-Renaissance world as hopelessly corrupted by positivism and empiricism 'bordered on the absurd'. Asked about Strauss's critique of modernity Berlin's response was:

I have little sympathy with it. He did try to convert me in many conversations when I was a visitor in Chicago, but he could not get me to believe in eternal, immutable, absolute values, true for all men everywhere at all times, God-given Natural Law and the like. He [and his disciples] appear to me to believe in absolute good and evil, right and wrong, directly perceived by a kind of a priori vision, a metaphysical eye – by the use of a Platonic rational faculty which has not been granted to me. Plato, Aristotle, the Bible, the Talmud, Maimonides, perhaps Aquinas, and the other Scholastics of the Middle Ages, knew what was the best for men. So did he [Strauss], and his disciples claim this today. I am not so privileged.

He went on:

Perhaps there is a world of eternal truths, values, which the magic eye of the true thinker can perceive – surely this can only belong to an elite to which I fear I have never been admitted.⁶²

Many of Strauss's ideas were echoed strongly by Irving Kristol and Allan Bloom. Irving Kristol, who identified Strauss among his chief influences,⁶³ shared

⁶¹ Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 168.

⁶² Cited in Ramin Jahanbegloo, *Conversations with Isaiah Berlin* (London: Phoenix Press, 1993), pp. 31–32.

⁶³ Catherine and Michael Zuckert, *The Truth About Leo Strauss*, p. 230.

the latter's distrust of modernity. He also, following Strauss, blamed Machiavelli for the modern project and the debasement of political virtues,⁶⁴ and claimed that liberalism itself was a mistaken political ideal responsible for the ills of the present, in particular a decline in the importance placed upon the values engendered by religion and tradition. In a revealing essay entitled 'My Cold War' (1995), Kristol wrote:

What is wrong with liberalism is liberalism – a metaphysics and a mythology that is woefully blind to human and political reality. [...] There is no 'after the Cold War' for me. So far from having ended, my cold war has increased in intensity, as sector after sector of American life has been ruthlessly corrupted by the liberal ethos.⁶⁵

What Kristol, and others who helped develop the neoconservative ideology were struggling with as they railed against relativism, the counterculture of the 1960s, postmodernism, and what Kristol called 'the dominance of a form of nihilism',⁶⁶ was the relationship between traditional morality, rooted in the Judeo-Christian tradition, and unrestricted free-market economics. Their anxiety seems to have been, in part at least, induced by the awareness that capitalism undermined the very virtues that had built it in the first place and were required to underpin it. As David Graham and Peter Clarke point out, 'Kristol does not accept that a capitalist system produces the morality needed to sustain it'.⁶⁷ For Kristol and others, on the contrary, the free market had an inbuilt tendency to subvert traditions; free people failed to exercise their freedom in ways that promoted virtue, causing turbulence in terms of both culture and morality. This is something of a disabling paradox: neoconservatives wish to liberate market forces yet lament their effects. Kristol expressed the dilemma thus: 'What if the

⁶⁴ Irving Kristol, 'Machiavelli and the Profanation of Politics', in *Neoconservatism: The Autobiography of an Idea* (London: The Free Press, 1995), pp. 151–164.

⁶⁵ Kristol, 'My Cold War', in *ibid.*, pp. 481–485 (p. 485).

⁶⁶ Kristol, 'The Cultural Revolution and the Capitalist Future', in *ibid.*, pp. 123–135 (p. 134).

⁶⁷ David Graham and Peter Clarke, *The New Enlightenment: The Rebirth of Liberalism* (London: Macmillan, 1986), p. 86.

“self” that is “realised” under the conditions of liberal capitalism is a self that despises liberal capitalism, and uses its liberty to subvert and abolish a free society?’.⁶⁸

Kristol grounded elements of his political thought in the republican virtue tradition, which emphasised the responsibilities of self-government rather than entitlement rights or the fairness of institutional arrangements. For Kristol, certain forms of authoritarianism were superior to degraded democracies – which at times he seemed to believe America was becoming – and he shared the sentiment of his mentor, Leo Strauss, that the state was responsible for shaping and reinforcing the moral virtue of its citizens.⁶⁹ The way in which these ideas were manifested in aspects of the Bush administration’s policies is referred to in particular in Chapter Six.

The value system that Kristol sought to sustain and transmit is manifested within bourgeois society. For this to be achieved, the right kind of person needs to be produced. ‘We are bourgeois’, said Kristol, adding:

It is bourgeois society that produces the kinds of people who make a free market work and who make capitalism acceptable [...] The first job of a civilization is to produce a certain kind of person. What we are looking for is an intellectual way of connecting the free market with an attitude towards life that is not economic but derived from religion, or at least from traditional values....A free market, in and of itself, doesn’t tell you what kind of person to produce. A free market involves only the exercise of self-interest within a limited sphere, namely the economy. But you need an ethos that tells you how to raise your children, whether you should marry or stay married, whether you should be loyal to your friends or to your government.⁷⁰

The free market then, fails to secure the loyalty to religion and traditional values that Kristol regarded as essential, and liberal individualism, he believed, cannot be relied upon to deliver the right kind of bourgeois citizen.

⁶⁸ Irving Kristol, *Two Cheers for Capitalism* (New York: Basic Books, 1978), pp. 67–68.

⁶⁹ Dorrien, *The Neoconservative Mind*. p. 111.

⁷⁰ Cited in Graham and Clarke, *The New Enlightenment*, p. 86.

For [liberal individualism] to work, it needs a certain kind of people, with a certain kind of character, and with a certain cast of mind. Specifically, it needs what David Riesman calls 'inner-directed' people – people of firm moral convictions, a people of self-reliance and self-discipline, a people who do not expect the universe to be offering them something for nothing – in short, a people with a non-utopian character even if their language is shot through with utopian clichés. The kind of person I am describing may be called the bourgeois citizen. He used to exist in large numbers, but now is on the verge of becoming an extinct species. He has been killed off by bourgeois prosperity, which has corrupted his character from that of a citizen to that of a consumer.⁷¹

What becomes apparent in Kristol's ideas is the same belief in traditional values and the virtues of organised religion that underpinned much of Strauss's thought. Without them, freedom is likely to corrupt, evidenced by the changes wrought in the cultural world. What Kristol abhorred was twentieth-century culture's tendency, as he saw it, to embrace the very qualities that tended 'to disestablish the family as the cultural institution of human society, the citadel of orthodoxy', namely alienation, and indignation and outrage at orthodoxy of all kinds.⁷² Man is not seen in the Kantian sense that inspired Berlin, as an end in himself, but merely as a cog in the kind of society that Kristol wants. The right kind of cog/person must be 'produced' to contribute towards a higher end. This is an end which of course men would choose if they were enlightened, but do not, presumably, because of ignorance or blindness.

Kristol implicitly (as does Bloom, see below), makes the claim that he knows what are in men's best interests, a crucial characteristic of the perversion to which positive liberty is prone. The plurality of choice that underpins Berlin's ideal of negative liberty becomes for Kristol part of the problem of modern society. In the light of such views, it is not surprising to note that for Kristol, the legacy of freedom located within the founding doctrine, as discussed in the previous chapter, is viewed as something of a mixed blessing. Referring to Adam Smith and the Founding Fathers, Kristol wrote: 'After two hundred years, their

⁷¹ Kristol, 'Utopianism, Ancient and Modern', in *Neoconservatism*, pp. 184–199 (p. 195).

⁷² Kristol, 'Countercultures', in *ibid*, pp. 136–147 (p. 142).

[the Founding Fathers'] system of natural liberty has, by its very success, reopened fundamental questions as to the good life and the good society, and the meaning of life itself, *which they felt no need to address themselves to*' (my italics).⁷³ That the founders may well have deliberately placed their faith in a non-coercive ideal of freedom in which men could flourish in whichever way they choose appears not to have occurred to Kristol.

Kristol claimed that neoconservatism provided traditional conservatism with an intellectual dimension that went beyond economics and reflected upon on the roots of social and cultural stability. This was the fertile ground cultivated by Allan Bloom, a student of Leo Strauss, in his important work *The Closing of the American Mind* (1987) that arguably can be read as a popularisation of some of the complex positions held by Strauss himself. In the writings of Bloom it is also possible to detect the same unease with the manifestations of the free market as is evident in the thought of Kristol. What Bloom identified as the main source of concern is the tension between the demands of the free market and the culture it produces, what he called the dualism in contemporary American life.⁷⁴ Like Kristol, Bloom was also highly critical of liberalism, seeing it as responsible for encouraging what he believed to be an irresponsible degree of pluralism and a multiplicity of ways of life and values, so preventing the emergence of a 'collective consciousness'.⁷⁵ The central complaint, once again, is the pervasiveness of relativism and the perception that, as with Strauss, a belief in natural rights has given way to what he calls 'openness'. Natural rights, and the historical origins of American society are forgotten in a new culture that is open to all kinds of men, all ideologies, all kinds of life-styles. Bloom argued that in such a culture where there are no shared goals or vision of the public good, the

⁷³ Irving Kristol, *Reflections of a Neoconservative: Looking Back, Looking Ahead* (New York: Basic Books, Inc, 1983), p. 176.

⁷⁴ Allan Bloom, *The Closing of the American Mind*, p. 189.

⁷⁵ Shadia Drury, *Leo Strauss and the American Right* (Basingstoke: Macmillan Press, 1997), p. 114.

possibility of the social contract is undermined.⁷⁶ Openness only teaches that cultural values are relative and destroys 'the West's universal or imperialistic claims, leaving it to be just another culture'.⁷⁷ Sharing Strauss's belief in the crisis of the West, Bloom believed that deprived of this cultural imperative, the West will collapse.

Like Strauss, Bloom lamented the disappearance of an aristocracy⁷⁸ and the decline of family values, the present 'dreariness' of whose spiritual values 'passes belief'.⁷⁹ The family is the transmitter of traditions to which societies must cleave, guided by the right kind of books:

The family requires the most delicate mixture of nature and convention, of human and divine, to subsist and perform its function. It feeds on books, in which the little polity – the family – believes, which tell about right and wrong, good and bad, and explain why they are so.⁸⁰

Perhaps unsurprisingly, Bloom saw the Bible as a unifying force in society, 'as the very model for a vision of the order of the whole of things'. Revealing his commitment to a universal, single version of 'the truth', he goes on: 'With [the Bible's] gradual and inevitable disappearance, the very idea of such a total book and the possibility and necessity of a world explanation is disappearing.'⁸¹

Perhaps an even more obvious clue to the character of Bloom's thought is his attitude towards Rousseau, whom he quotes with apparent approval. Bloom claimed that Rousseau argued that 'a people' will not automatically result from individual men's enlightenment about their self-interest; a political deed is necessary. He cites Rousseau's *The Social Contract* on the role of the legislator who must

⁷⁶ Allan Bloom, *The Closing of the American Mind*, p. 27.

⁷⁷ *Ibid.*, p. 39.

⁷⁸ *Ibid.*, p. 89.

⁷⁹ *Ibid.*, p. 57.

⁸⁰ *Ibid.*, p. 57.

⁸¹ *Ibid.*, p. 58.

so to speak change human nature, transform each individual, who by himself is a perfect and solitary whole, into part of a greater whole from which that individual as it were gets his life and being; weaken man's constitution to strengthen it; substitute partial and moral existence for the physical and independent existence which we have all received from nature. He must, in a word, take man's own forces away from him in order to give him forces which are foreign to him and which he cannot use without the help of others. The more the natural forces are dead and annihilated, the greater and more lasting the acquired ones, thus the founding is solidier and more perfect; such that if each citizen is nothing, can do nothing, except by all others, and the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, one can say that the legislation is at the highest point of perfection it can attain.⁸²

Bloom admitted that changing human nature seems a brutal and nasty thing to do and that Rousseau's ideas therefore faded in popularity, but this retreat signalled a denial, over time, that there was such a thing as human nature. Man becomes not a natural being but a culture being. Rousseau maintains, according to Bloom, the tension between nature and the political order. The role of the legislator is to force the two into a kind of harmony. Bloom suggested that all Rousseau was doing was arguing that Hobbes and Locke fell short in their desire to secure equal natural rights in civil society because 'self-interest is not enough to found political morality on'.⁸³ Universality and a singular culture, characteristic of Rousseau's thought, have given way to *cultures*, respect for which Bloom seemed to see as incompatible with respect for human or natural rights.

This evident empathy with Rousseau's ideas and his interpretation of them are perhaps not surprising. Even so, what Bloom overlooks, perhaps deliberately, is the treacherous undertow in the current of Rousseau's thought, which Berlin highlighted.⁸⁴ Rousseau, according to Berlin, believed that 'everything could be discovered by mere unobstructed observation of nature, of actual three-

⁸² Cited in *Ibid.*, p. 189.

⁸³ *Ibid.*

⁸⁴ For complete understanding of Berlin's views on Rousseau see Berlin, 'Rousseau', in *Freedom and its Betrayal*, pp. 27–49.

dimensional nature, of nature simply in the sense of objects in space – human beings and animals and inanimate objects'.⁸⁵ Rousseau launched the mythology of the real self, in the name of which it is permissible to coerce people. He was responsible for the 'monstrous paradox'

whereby liberty turns out to be a kind of slavery, whereby to want something is not to want it at all unless you want it in a special way, such as that you can say to a man: 'You may think that you are free, you may think that you are happy, you may think that you want this or that, but I know better what you are, what you want, what will liberate you,' and so on.⁸⁶

Whilst this is a criticism of Rousseau, rather than Bloom, nothing could better encapsulate the underlying assumptions about the nature of freedom which can be detected in the latter's thought. Bloom knows which universal values need to be applied, which 'great books' should be read, and which form of ideology should be followed. Those who argue for relativism in culture, pluralism in ideas or fail to see the Bible as relevant to their lives, are simply unaware of what they really need and want. The implication in Bloom's thinking, as Berlin reveals in that of Rousseau, is that if they really knew what they wanted, such people would of course be liberated in some higher, deeper, more rational, more natural sense. This is the route by which, as Berlin pointed out, freedom becomes perverted so as to mean and become its opposite.

IV CONCLUSIONS

Whilst it is not possible to undertake an exhaustive review of neoconservative thought, it is nevertheless reasonable, having considered the ideas of three of its most influential theorists, to draw a number of conclusions about its nature and the interpretation of freedom that is embedded within it. As explained above,

⁸⁵ Ibid., p. 48.

⁸⁶ Ibid.

neoconservatism is a radical ideology. It departs from traditional conservatism in a number of key areas and in recent years appears to have embraced a strand of utopianism that traditional conservatism eschews. Although it embraces the capitalist free market, which encourages bourgeois values, it is at the same time uneasy with the unbridled individualism to which the free market gives rise. As a counterweight to what it perceives as the threat of relativism and nihilism to which unlimited individual choice gives rise, it seeks to encourage a set of values based upon family, cultural nationalism, and religion. Its stance is fundamentally authoritarian, militarist, and redolent of the moral monism that suggests there must exist some final objective answers to human dilemmas. It is mistrustful of mass democracy and believes it is the role of elites to both define what constitutes virtue and encourage society towards its achievement.

Most importantly, in the context of this thesis, neoconservatism is shown to be grounded in, or at least share a great deal of common ground with, the republican virtue tradition. The writings of neoconservative theorists, certainly those discussed in this chapter, are all consistent with this tradition in which the place of virtue is central. As the previous chapter demonstrated, the republican virtue tradition did not achieve any lasting hegemony, despite its influence in the early years of the Republic. The question of whose idea of virtue should prevail, and how men are to be led or coerced towards it, is the unanswered question that perhaps led to the demise of the republican virtue tradition and the rise of Lockean liberalism, as post-Revolutionary Americans became more comfortable with the idea of government of the self. It was also evident from the last chapter that the ideal of freedom embedded within the republican virtue tradition closely mirrored many of the characteristics located within Berlin's concept of positive liberty. The interpretation of freedom embraced by neoconservatism can therefore be similarly defined.

Using the same analytical paradigm in respect of the more detailed ideas of the three prominent neoconservative theorists discussed in Section III reinforces

this general conclusion. Straussian ideas rest upon notions of absolute values and the belief that elites are best placed to lead men towards a virtuous society. There is a strand of elitism and authoritarianism in his thinking, as well as a belief that 'mass democracy' is flawed. For Strauss and for Kristol and Bloom, the ideal political society is not one that treats man as an end in himself, and creates the conditions in which the individual can exercise maximum choice (the conditions of negative liberty), but a society in which men are led, or perhaps even coerced towards eternal and absolute truths, for the sake of their 'true' or 'better' selves.

Much of the thought of Strauss, Kristol, and Bloom therefore, reveals a rejection of many of the values and conditions that Berlin believed enabled negative liberty to flourish. Their disdain for the modern project, of man as he is, rather than as he should be, together with their pronounced unease with free market outcomes, led these founding neoconservatives towards a concept of freedom that Berlin identified as being positive in nature. The underlying common ground amongst them is the notion that genuine freedom is the opportunity to pursue the good, that all true goods are compatible with one another, and are the same for everyone. In such a society there would indeed be little conflict in values, ideals, or interests. There would be a harmony of free rational wills, similar to the way that Rousseau visualized it in his notion of the General Will. The implication of this illiberal vision is that moral, social, or political conflict is a symptom of unreason, immorality, or error. Conflict in these areas is diagnosed as being in some way inherently pathological, a view which for Berlin was always to be detected in totalitarianism.

This is, therefore, a deeply significant divergence from the ideal of freedom that, as demonstrated in Chapter Three, became rooted in the American tradition: one that was negative in character and nature. How the domination of the neoconservative vision of freedom was manifested in policy terms, and how deeply it diverged from the American tradition, are the main focus of the chapters that follow.

CHAPTER FIVE: FREEDOM AS FOREIGN POLICY

I would think it a great misfortune for humanity if liberty had to take the same form in every place.¹

The advance of freedom is the calling of our time; it is the calling of our country. From the Fourteen Points to the Four Freedoms, to the Speech at Westminster, America has put our power at the service of principle. We believe that liberty is the design of nature; we believe that liberty is the direction of history. [...] And as we meet the terror and violence of the world, we can be certain the author of freedom is not indifferent to the fate of freedom.²

¹ Alexis de Tocqueville cited in Hugh Brogan, *Alexis de Tocqueville: The Prophet of Modern Democracy* (London: Profile, 2006), p. 272.

² President George W. Bush, 'President Bush Discusses Freedom in Iraq and the Middle East', Remarks at the 20th Anniversary of the National Endowment for Democracy', United States Chamber of Commerce, Washington D.C., 6 November, 2003.
<<http://www.ned.org/events/anniversary/20thAniv-Bush.html>> [accessed 7 July 2008].

I INTRODUCTION

The objective of this chapter is to demonstrate, using the analytical framework previously referred to, the way in which the foreign policy of the Bush administration revealed the nature of its interpretation of freedom, both in terms of the policy goals themselves and in the way in which it set about achieving them. In order to achieve this objective, the chapter considers the early foreign policy influences that later coalesced into what became known as the 'Freedom Agenda'; the overarching 'war on terror' that translated these policy ideas into an action programme; some aspects of the Iraq war; and lastly, but by no means least, the use of torture as an instrument of State policy. This is, of course, by no means a complete review of the Bush administration's foreign policy in all theatres of activity, but these are important examples that illustrate the nature of the administration's interpretation of freedom.

The foreign policy of the Bush administration may be regarded as the ultimate expression of the neoconservative world view. It was the embodiment of what the theologian Reinhold Niebuhr warned against when writing about the moral dilemmas America faced whilst opposing communism in 1952. With prescient aptness he warned against 'our dreams of managing history' and the temptations of 'preventive war'. 'A democracy', he wrote, 'can not of course engage in explicit preventive war. But military leadership can heighten crises to the point where war becomes unavoidable'.³

Although it cannot be argued that the Bush administration constituted a 'military leadership' as such, the extreme patriotism that it helped to generate, and the apocalyptic tone that enveloped public discourse following the events of 9/11, led to the so-called 'war on terror' and the implementation of long-cherished neoconservative militaristic policies. These policies reflected, to no small extent, the strands of radical, religious, and utopian Enlightenment

³ Reinhold Niebuhr, *The Irony of American History*, (New York: Charles Scribner's Sons, 1954), pp. 3, 146.

thought referred to in Chapter Four. It is the belief that evil can be eradicated, and the notion that human life itself can be altered, and even perfected, in the American image which can most clearly be discerned within various strands of the Bush administration's foreign policy, as well as a Hegelian interpretation of history. Such notions, whilst clearly part of the Western tradition, have, as John Gray points out, always been prone to lead to violence, and the idea of 'taking humanity by force', although hardly new, invariably ends in the catastrophes to which the twentieth century was all too frequently the witness.⁴

Such ideas also reflect a view that freedom in the foreign policy context is something which can, as Anthony Burke expresses it, be 'waged'.⁵ Freedom is not only a value America is bound to deliver to the rest of the world by example – something that Tom Paine clearly believed and which is a notion of historical destiny deeply embedded within the American tradition. It is also a value towards which other nations may be, or, in the neoconservative view, should be, coerced. The Bush administration's interpretation of freedom, as embodied in its foreign policy, was, it may be argued, tainted by power and self-interest. Freedom was conflated with American pre-eminence and hegemony, driven by patriotic self-regard, becoming a kind of 'unfreedom' which sought to destroy its enemies, and which gloried in its power. In short, it was an embodiment of the idea of freedom that is the very antithesis of Berlin's notion of negative liberty which, as Chapter Three demonstrated, is located within the pluralism of the American tradition. President Bush sought to use freedom as a cornerstone of his foreign policy, attempting to use the value embedded within America's past to serve a future that his administration would fashion. To a limited extent this theme could be detected prior to the events of 11 September, 2001 but it was at that point that it became linked to the neoconservative foreign policy agenda and the discourse of freedom began to take shape. In a 2.30 p.m. address at an air

⁴ Gray, *Black Mass*, p. 35.

⁵ Anthony Burke, 'Freedom's Freedom: American Enlightenment and Permanent War', *Social Identities*, Vol. 11, Issue 4, July 2005, pp. 315–340 (p. 316).

force base in Louisiana, where he was taken after the initial attacks, President Bush declared: 'Freedom itself was attacked this morning by a faceless coward. And freedom will be defended'.⁶ In those two sentences the President identifies the State and his presidency with an ideal. Freedom resides within the State of America; in a sense it *is* the state, the state defines it. It is not merely a value capable of different philosophical interpretations, it is an absolute good which is embodied in America and which is America's to defend. How the discourse of freedom was developed within the context of foreign policy and its traditional meaning distorted is the overarching theme of this chapter.

II THE ORIGINS OF THE BUSH ADMINISTRATION'S FOREIGN POLICY

Before considering the development of the freedom discourse in the context of the Bush administration's foreign policy, it is useful to consider, briefly, some of that policy's political, philosophical, and indeed cultural origins, particularly as reflected in neoconservative thought.

Whilst the neoconservative view of America's place in the world did not reject an imperialist stance, and took for granted America's rightful pre-eminence, it is mistaken to see the foreign policy of the Bush administration as simply a continuation of a well-understood 'realist' foreign policy architecture that had been adhered to by most previous administrations, Republican and Democrat. What differentiated the Bush foreign policy, as moulded by the neoconservatives, was not simply a view that foreign policy must, above all, be designed to protect America's strategic interests, or belief in the rightful pre-eminence of American power. Rather, it was a conviction that America had the right, perhaps even the duty, to use American power to change the world into a political, military, and economic configuration which best suited

⁶ President George W. Bush, 'Remarks at Barksdale Air Force Base, Louisiana – 9/11' 11 September 2001 <<http://www.americanrhetoric.com/speeches/gwbush911barksdale.htm>> [accessed 24 September 2010].

its interests. This was not simply a posture of self-defence; it adopted and articulated, perhaps for the first time, the doctrine of pre-emption, which was grounded in the idea of stemming and reversing American decline. Strauss's cultural 'crisis of the West' translated, as it were, into military and foreign policy terms.

The years of President Clinton's presidency (1993–2001) in particular, were seen by the neoconservatives as fostering this declinism and their Washington think tanks, particularly PNAC articulated early versions of the characteristics of what was to become Bush foreign policy. Perhaps the earliest was Paul Wolfowitz's *Defence Planning Guide* (a draft of which was leaked to the press in 1992), which spoke of the US intention to maintain 'full spectrum dominance' over all other countries on earth.⁷ More overt evidence of neoconservative thinking appeared in July 1996, when Robert Kagan and William Kristol published an article in *Foreign Affairs* entitled 'Towards a Neo-Reaganite Foreign Policy'. The neoconservative authors of this article argued for what they termed 'benevolent global hegemony' in which pre-emption was an enabling element. Highlighting the themes of decline and weakness the article stated:

In a world in which peace and American security depend on American power and the will to use it, the main threat the United States faces now and in the future is its own weakness. American hegemony is the only reliable defense against a breakdown of peace and international order. The appropriate goal of American foreign policy, therefore, is to preserve that hegemony as far into the future as possible. To achieve this goal, the United States needs a neo-Reaganite foreign policy of military supremacy and moral confidence.⁸

Arguing for what it termed 'moral clarity' – clearly a reference to the moral relativism which the neoconservatives had long believed to be a cause of American decline and weakness – the article went on:

⁷ Ashley Dawson and Malini Johar Schueller, 'Introduction' in *Exceptional State: Contemporary U.S. Culture and the New Imperialism*, ed. by Ashley Dawson and Malini Johar Schueller (London: Duke University Press, 2007), pp. 1–21 (p. 17).

⁸ Robert Kagan and William Kristol, 'Towards a Neo-Reaganite Foreign Policy', *Foreign Affairs*, July–August 1996, reprinted by the Carnegie Endowment for International Peace, <<http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=276>> [accessed 12 March 2009].

American foreign policy should be informed with a clear moral purpose, based on the understanding that its moral goals and its fundamental national interests are almost always in harmony. The United States achieved its present position of strength not by practicing a foreign policy of live and let live, nor by passively waiting for threats to arise, but by actively promoting American principles of governance abroad – democracy, free markets, respect for liberty.⁹

Instead of an acceptance of the natural rivalries between values and cultures – the basis of pluralism – this paragraph illustrates clearly the desire for a single moral order, defined as a harmony between ‘moral goals’ and American national interest.

The idea of pre-emption was raised again in January 1998 in a letter from the PNAC to President Clinton. This letter argued that the then current method of monitoring Iraq was inadequate and failed to deal with the probable manufacture and possible use by Saddam Hussein of weapons of mass destruction. The only strategy that should be pursued was the removal of Saddam Hussein’s regime, by any possible means including military action, and this should be the principal aim of American foreign policy. The letter suggested: ‘If we accept a course of weakness and drift, we put our interests and our future at risk.’ Appealing for unilateral action the letter also warned: ‘American policy cannot continue to be crippled by a misguided insistence on unanimity in the UN Security Council’.¹⁰ The letter was signed by a number of people who later found themselves in a position to influence and shape American foreign policy, including Elliott Abrams, John Bolton, Richard Perle, Donald Rumsfeld, and Paul Wolfowitz.

More general foreign policy and defence sentiments were expounded in a paper produced by the PNAC in September 2000 entitled *Rebuilding America’s Defenses: Strategies, Forces, and Resources for a New Century*, which echoed similar themes. It expressed the view that as the US faced no global rival, America’s grand strategy ‘should aim to preserve and extend this advantageous position as far into the future as possible’. This was a ‘unipolar moment’ in which the opportunity should be seized in the coming century to

⁹ Ibid.

¹⁰ PNAC, ‘Letter to President Clinton on Iraq’, 26 January 1998
<<http://www.newamericancentury.org/iraqclintonletter.htm>> [accessed 2 April 2009].

preserve and enhance an 'American peace' and construct an unchallengeable military dominance. According to the paper there were four core missions for American forces: defence of the homeland; the ability to fight multiple simultaneous wars; the capacity to perform constabulary duties associated with shaping the security environment in critical regions; and the transformation of US forces to exploit the 'revolution in military affairs'.¹¹ Whilst the paper called for an increase in armed forces and the maintenance of nuclear superiority, which again supported the idea of underlying American 'weakness', the emphasis was more upon the opportunity which presented itself to secure an American hegemony – an 'American century' in fact. It is noteworthy that the document appears to recommend an invasion of Iraq:

While the unresolved conflict with Iraq provides the immediate justification, the need for a substantial American force presence in the Gulf transcends the issue of the regime of Saddam Hussein.¹²

The sense of opportunity in neoconservative thinking at this time may well have been a reflection of the influential views expressed by the historian Francis Fukuyama in his celebrated essay entitled 'The End of History?', published in *National Interest* (founded by Irving Kristol), in the summer of 1989.¹³ In this article, which contained an acknowledgement to Allan Bloom (under whom he studied) and over which Fukuyama has since expressed some reservations, he argued that since the collapse of the Soviet Union, liberal democracy has triumphed as the universal ideology that will prevail in the long term. It is the condition to which most, perhaps even all, nations will aspire. The Western idea, as he expressed it, had no viable challengers.¹⁴ In reaching these conclusions, Fukuyama drew to some extent upon Alexandre Kojève, the Russian-born philosopher with whom Leo Strauss had maintained

¹¹ PNAC, 'Rebuilding America's Defenses: Strategies, Forces, and Resources for a New Century' <<http://www.newamericancentury.org/RebuildingAmericasDefenses.pdf>> [accessed 14 March 2009].

¹² *Ibid.*, p. 14.

¹³ Francis Fukuyama, 'The End of History?', in *National Interest*, Summer 1989

<<http://www.wesjones.com/eoh.htm>> [accessed 14 June 2009].

¹⁴ *Ibid.*

a long intellectual engagement and correspondence.¹⁵ Kojève sought, in the 1930s, to restore the reputation of Hegel as the philosopher who proclaimed history to be at an end following Napoleon's defeat of the Prussian army at the Battle of Jena in 1806. This victory is interpreted as signalling the triumph of the ideals of the French Revolution.

Fukuyama seems to have considerable sympathy with Hegel's view of the nature of history. He suggests approvingly that Hegel, unlike 'later historicists whose historical relativism degenerated into relativism tout court, believed that history culminated in an absolute moment – a moment in which a final, rational form of society and state became victorious'.¹⁶ Hegel is, apparently, the philosopher who 'most correctly speaks to our time' and Fukuyama clearly agrees with the notion which he attributes to Hegel, that 'the contradictions that drive history exist first of all in the realm of human consciousness, i.e. on the level of ideas [...] ideas in the sense of large unifying world views that might best be understood under the rubric of ideology'.¹⁷

That Fukuyama should be sympathetic to Hegel's view of history is perhaps unsurprising, as in important ways it echoes elements of neoconservative philosophy, particularly as applied to foreign affairs. Hegel is one of the influential philosophers whom Berlin deemed to be hostile to human liberty and whose ideas have impacted upon modern times. According to Berlin, Hegel's concept of history is that of progress through a series of jumps in which conflicts between nations and institutions are inevitable, each leap leading to a new synthesis. Sometimes individual heroes bring these leaps about – Napoleon, Caesar, Alexander the Great – but unless there is friction and upheaval of the kind these figures caused, there is no progress.¹⁸ History is not a smooth progression. There are crimes and tragedies but those are all part of its objective march; to condemn some parts of it and praise others is merely an indulgence in subjective moods. History is

¹⁵ Nicholas Xenos, *Cloaked in Virtue: Unveiling Leo Strauss and the Rhetoric of American Foreign Policy*, (Abingdon: Routledge, 2008), p. 117.

¹⁶ Fukuyama, 'The End of History?'

¹⁷ Ibid.

¹⁸ Berlin, 'Hegel' in *Freedom and its Betrayal*, pp. 74–104 (p. 84).

what Hegel calls the 'slaughter-bench to which the happiness of peoples, the wisdom of States and the virtue of individuals have been brought as sacrifices'.¹⁹

For Hegel, history is the universe on the march, working to an intelligible pattern, an irresistible force which acknowledges no moral codes or principles; what is right or wrong is what history promotes or rejects. History, for Hegel, makes demands and condemns those who fail it. Hegel, in Berlin's view, uses and admires the imagery of power, the movement of force for its own sake, which Hegel sees as the divine process itself, 'crushing whatever is to be crushed, enthroning those whose hour to dominate has struck'.²⁰ As Joshua Cherniss expresses it in an introduction to Berlin's *Political Ideas in the Romantic Age*, which also perhaps provides a prescient critique of the character of neoconservative foreign policy:

Hegel, in Berlin's mind, was on the side of the victors and dismissed the victims; his thought provided a justification for bullying and a glorification of strength. Hegel's brand of historicism seemed to Berlin to share one of the greatest deficiencies of Enlightenment progressivism: an exultant faith in the march of progress which ignored its costs, and a denial of the reality of suffering and loss which encouraged its callous infliction.²¹

Berlin was as suspicious of the idea that history, in some mysterious way, confers on us 'rights' to do this or that, as he was of the monistic assumption – often noticeable within the freedom discourse of the Bush administration – that all genuine questions are in principle answerable, and that there is one true possible solution. The idea that men should consider themselves a chosen instrument of history, carrying out its behests, and therefore entitled to claim our obedience accordingly (as, arguably, President Bush did) is for Berlin simply a way of avoiding the burden of moral choice.

¹⁹ Cited in *ibid.*, p. 90.

²⁰ *Ibid.*, p. 95.

²¹ Joshua L. Cherniss, 'Isaiah Berlin's Political Ideas: From the Twentieth Century to the Romantic Age' in Isaiah Berlin's *Political Ideas in the Romantic Age: Their Rise and Influence on Modern Thought*, ed. by Henry Hardy (London: Pimlico, 2007) pp. xxi–lx (p. 1).

Historical necessity is false, we cannot know the future, and such a notion undermines the crucial concept of a choice of ends, and hence freedom itself.²²

As the Bush administration's foreign policy played out in the wake of 9/11, echoes of a Hegelian view of history can be detected in the rhetoric deployed to advance the administration's case.²³ In the late 1980s and the 1990s, the neoconservatives clearly believed that it was they who were to be 'enthroned' and America's 'hour to dominate' (see Berlin quotation above) had struck. Flushed perhaps with their perceived success at having 'won' the Cold War through their support of President Reagan's muscular anti-communism, an opportunity to secure a neoconservative foreign policy in the coming decades was keenly awaited.

A further influence upon neoconservatives at this time was Samuel Huntington's *The Clash of Civilizations* (1992)²⁴ and Raphael Patai's *The Arab Mind* (1973).²⁵ Both in their respective ways reinforce the central claims made by Edward Said in his well-known work, *Orientalism* (1978). Said defined Orientalism as the 'corporate institution for dealing with the Orient – dealing with it, teaching it, settling it, ruling over it: in short, Orientalism is a Western style for dominating, restructuring and having authority over the Orient'.²⁶ Orientalism embodies the notion of 'the Other', which is an important element in the way societies construct a self-identity. Each age and society re-creates its 'Others' and continually reinterprets the differences from 'us'. The objection to Orientalism for Said wasn't only that it is

just the antiquarian study of Oriental languages, societies and peoples, but that as a system of thought it approaches a heterogeneous, dynamic, and complex human reality from an uncritically essentialist standpoint; this suggests both an enduring Oriental reality and an opposing but no less enduring Western essence, which observes the Orient from afar and, so to speak, from above.²⁷

²² Berlin, 'A Letter to George Kennan', in *Liberty*, pp. 336–344 (pp. 341–42).

²³ See for example the epigraph to this chapter.

²⁴ Samuel P. Huntington, *The Clash of Civilizations* (Washington, DC: American Enterprise Institute, 1992).

²⁵ Raphael Patai, *The Arab Mind*, revised ed. (New York: Hutherleigh Press, 2002).

²⁶ Edward W. Said, *Orientalism: Western Conceptions of the Orient* (London: Penguin Books, 1995), p. 3.

²⁷ *Ibid.*, p. 333.

In its extreme form, this Orientalism, predicated on power, renders contact between unequal cultures precarious, and no exchange is entirely innocent, containing as it does assumptions about superiority and inferiority. Halper and Clarke point out that neoconservatives draw upon the Orientalist assumption that the domination of the Orient by the West is normative. The delivery of Western political values to a region, (using coercive measures if necessary) that would otherwise not attain them, 'draws on this belief that Western culture [...] and American culture are both superior to non-Western political and cultural systems'.²⁸

In *The Clash of Civilizations*, Huntington argues that, in the new post-Cold War world, the rivalry of the former super powers is replaced by the clash of civilizations. The most dangerous conflicts of the future will be between peoples of different cultural identities.²⁹ He highlights the absolute distinctions to be drawn between the East and the West in terms of culture and traditions, and the overwhelming responsibility of the United States 'to preserve, protect, and renew the unique qualities of Western civilization'.³⁰ A future global war, though improbable, could, he thinks, come from the 'escalation of a fault line war between groups from different civilizations, most likely involving Muslims on the one side and non-Muslims on the other'.³¹ *The Arab Mind*, a work excoriated by Said, focuses principally upon 'traditional components of the Arab personality'.³² Its very title suggests that it is possible and even desirable to reduce a set of cultural ideas and circumstances to a single concept. Although acknowledging differences between various Arab countries, it refers to such apparent constants as 'Muslim fatalism', the importance of 'face' and 'shame' together with notions such as the 'Arab temperament' and 'Arab thought processes'.³³ This work was apparently used by some within the military as a definitive training text

²⁸ Halper and Clarke, *America Alone*, p. 270.

²⁹ Huntington, *The Clash of Civilizations*, p. 28.

³⁰ *Ibid.*, p. 311.

³¹ *Ibid.*, p. 312.

³² Raphael Patai, *The Arab Mind*, p. 328.

³³ *Ibid.*, pp. 328–30.

on 'the Arabs' and is described by the writer and academic Malini Johar Schueller as 'consistent with Orientalist representations of the oversexed, irrational, traditional Arab male'.³⁴ Both of the works referred to above have been credited with influencing the neoconservatives and speak to their vision of American leadership and dominance.

Such influences also emanated from other sources and took the form of expert advisers. Writing in August, 2003, Said lamented the fact that the Iraq war was being fought by the United States on thoroughly ideological grounds, 'but disguised for its true intent, hastened and reasoned for by orientalists who betrayed their calling as scholars'.³⁵ According to Said, the major influences on the Pentagon and the National Security Council 'were men such as Bernard Lewis and Fouad Ajami, experts on the Arab and Islamic world who helped the American hawks to think about such preposterous phenomena as the Arab mind and the centuries-old Islamic decline which only American power could reverse'.³⁶ Bernard Lewis, a friend of Vice President Cheney, is a prominent historian and political commentator on Middle East issues and has been called 'perhaps the most significant intellectual influence behind the invasion of Iraq', a war he supported on the basis that would provide the 'jolt' needed to modernise the Middle East.³⁷ Lewis, who is a winner of the AEI's Irving Kristol Award, argued that the West is now in the last stages of a centuries-old struggle for dominance with Islamic civilization, in which 9/11 was an opening salvo. Ajami, also an academic, and a frequent author of articles on Middle East affairs, is a well-known defender of the Iraq war and was often cited by Vice President Cheney and Paul Wolfowitz (a friend) as an authoritative academic source of support for its policies. Speaking in August 2002, for example, the Vice President, referring to the anticipated invasion of Iraq, said, 'As for the reaction of the

³⁴ Malini Johar Schueller, 'Techno-Dominance and Torturegate: The Making of U.S. Imperialism', in *Exceptional State*, pp. 162–190 (p. 172).

³⁵ Edward W. Said, 'A window on the world', *Guardian*, 2 August 2003
<<http://www.guardian.co.uk/books/2003/aug/02/alqaida.highereducation>> [accessed 14 May 2009].

³⁶ *Ibid.*

³⁷ Jacob Weisberg, 'Party of Defeat: AEI's Weird Celebration', *Slate Magazine*, 14 March 2007
<<http://www.slate.com/id/2161800/>> [accessed 16 May 2009].

Arab 'street', the Middle East expert Professor Fouad Ajami predicts that after liberation, the streets in Basra and Baghdad are "sure to erupt in joy in the same way the throngs in Kabul greeted the Americans".³⁸

Ajami was an advocate of the projection of American power across the Middle East. Writing early in 2003, he suggested that 'Above and beyond toppling the regime of Saddam Hussein and dismantling deadly weapons, the driving motivation of a new American endeavour in Iraq and in neighbouring Arab lands should be to modernize the Arab world'. Iraq was merely a starting point. What was needed was 'a reformist project that seeks to modernize and transform the Arab landscape'.³⁹ Beyond Iraq 'lies an Arab political and economic tradition and a culture whose agonies and failures have been on cruel display'. Ajami, according to Said, was a convert to the far right and had espoused Zionism and American imperialism without reservation. Both Lewis and Ajami are condemned by Said as being 'virulently and ideologically anti-Arab' and were the administration's two major expert advisers.⁴⁰

As shown above, there were a number of key political, philosophical, and cultural influences, many of which were reflected in neoconservative opinion, that helped to shape foreign policy under the Bush administration. Most importantly, the policy hinged upon the notion of an unchallengeable United States dominance to achieve and maintain power over the rest of the world, massive technological supremacy in military hardware, and control of space and cyberspace. The neoconservative advocacy of a global missile defence system to secure a basis for 'US power projection around the world'⁴¹ illustrates a readiness to use power and force as the basic framework of foreign policy strategy. It was designed to bring about a shift from a passive

³⁸ Vice President Dick Cheney, 'Vice President Speaks at VFW 103rd National Convention: Remarks by the Vice President to the Veterans of Foreign Wars 103rd National Convention' <<http://georgewbush-whitehouse.archives.gov/news/releases/2002/08/20020826.html>> [accessed 13 March 2009].

³⁹ Cited in George Packer, *The Assassins' Gate: America in Iraq* (New York: Farrar, Strauss and Giroux, 2005), p. 51.

⁴⁰ Edward W. Said, 'Israel, Iraq, and the US', *ZNet* <<http://www.zmag.org/znet/view Article/11562>> 10 October 2002 [accessed 14 February 2009].

⁴¹ PNAC, 'Rebuilding America's Defenses: Strategies, Forces, and Resources for a New Century'.

hegemony (declinism) to active dominance, from the politics of consent and diplomacy (weakness) to the exercise of forceful coercion. The whole was underpinned by a Hegelian view of history and an incipient Orientalism which viewed the Islamic world as a monolithic entity without any appreciation, in Said's words, of 'the nuance of its plurality, internal dynamics, and historical complexities.'⁴² A narrative was being created in which the notion of a single homogenous enemy began to take shape. For the neoconservatives the events of 9/11 provided an opportunity to impose Western values upon a decaying civilization by, if necessary, the use of overwhelming force. The neoconservatives' assumption that they could forcibly deliver democracy to a region incapable of achieving its own reforms draws precisely upon the belief that Western culture, and American culture in particular, are superior to non-Western political and cultural traditions.

As previously mentioned, once again the neoconservatives would feel as many did at the end of the Cold War: like vindicated prophets. The difference was that on this occasion they would be able to shape foreign policy from inside the government. This time, a view expressed in 1996 by the neoconservative Michael Ledeen (a former holder of the Freedom Scholar chair at the A.E.I. and one time consultant to the National Security Council) became the prevailing orthodoxy within the Bush administration

Our national interests cannot be defined in purely geopolitical terms because we seek to advance ideals. Therefore, our foreign policy must be ideological, designed to advance freedom [...] In these days of multicultural relativism, it is unfashionable to state openly what the rest of the world takes for granted: the superiority of American civilization.⁴³

⁴² Edward W. Said, 'The Clash of Ignorance', *The Nation*, 4 October 2001
<<http://www.thenation.com/doc/20011022/said>> [accessed 5 November 2009].

⁴³ Michael A. Ledeen, *Freedom Betrayed*, p. 146.

III THE 'WAR ON TERROR' AND ASSOCIATED DISCOURSE

The response to the terrorist attacks of 11 September 2001 on the World Trade Centre and the Pentagon became, virtually immediately, a narrative constructed by the Bush administration as a 'war on terror'. This was not simply a physical attempt to bring the perpetrators, al-Qaeda, to justice, but an attempt to enlist America in a metaphysical war against the concept of 'terror' and indeed 'evil' itself. The rallying call, the battle cry as it were, was the idea of freedom. In one of the earliest responses to the attack, the future shape of the discourse that would dominate foreign policy in the years to follow became apparent as President Bush, speaking from the Oval Office on the afternoon of the attacks said 'America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world'.⁴⁴

In his speech to a Joint Session of Congress on 20 September 2001, President Bush expanded on the metaphysical nature of the battle ahead. America was a country 'called to defend freedom', night had fallen on 'a different world [...] where freedom itself is under attack', and 'enemies of freedom committed an act of war against our country'. America's enemies, he proclaimed, 'hate our freedoms' and 'every necessary weapon of war' would be used to defeat 'the global terror network'. Those who were not with us, he said, 'were with the terrorists', thus setting a tone that allowed little room for nuance or shades of grey in the public discourse to follow. In Foucauldian terms such a statement had the effect of an unconscious discursive structuring that set the boundaries of debate. The survival of freedom itself apparently rested upon America's willingness to wage a victorious war, as the President concluded: 'The advance of human freedom – the great achievement of our time and the great hope of every time – now depends on us'.⁴⁵

The discourse is, even at this early stage, being framed in such a way that America's love of freedom is identified as the reason it has been singled

⁴⁴ Cited in James Bovard, *Terrorism and Tyranny*, p. 318.

⁴⁵ President George W. Bush, 'Address to a Joint Session of Congress and the American People', 20 September 2001

out for attack. 'They have attacked America because we are freedom's home and defender', the President said on 14 September 2001.⁴⁶ Later, on 4 March 2002, in a speech at a Minnesota high school, he confirmed the same sentiment: 'when they find a nation that's willing to defend freedom, they try to attack it'.⁴⁷ On 11 July 2002, at a fundraiser in Minneapolis, he said, 'What we stand for is freedom, and they hate freedom. And therefore they hate us'.⁴⁸ No al-Qaeda spokesperson has ever maintained that the 9/11 attacks were anything to do with a hatred of 'freedom', but such an imagined hatred became a key component of the emerging freedom discourse.

By conflating freedom with America, the rhetoric of the President at this time implied that since freedom is its greatest virtue, America was being attacked for being virtuous. This line of thought suggests that because America is being reviled – by those who hate freedom – it is even more virtuous. It is through the discourse of freedom that America can define its enemies and its friends. This theme of a world divided between good and evil became clearer in the months that followed 9/11. 'Either you love freedom or you stand against the United States of America', the President said in June 2002.⁴⁹ And again, perhaps even more starkly: 'Either you're with us or you're with the enemy; either you're with those that love freedom or you're with those that hate innocent life'.⁵⁰

This sense of the war on terror representing an apocalyptic clash of values rather than being simply a range of measures to be adopted to counter a tactic deployed by a fanatical terrorist organisation is reflected vividly in the language used by President Bush in his State of the Union address delivered

⁴⁶ President George W. Bush, 'President's Remarks at National Day of Prayer and Remembrance', 14 September 2001.

⁴⁷ President George W. Bush, 'Remarks at Eden Prairie High School in Eden Prairie, Minnesota', 4 March 2002 < <http://frwebgate3.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=99sBzO/6/1/0&WAISaction=retrieve> > [accessed 14 June 2009].

⁴⁸ Cited in Bovard, *Terrorism and Tyranny*, pp. 318–319.

⁴⁹ President George W. Bush, 'The President's Speech at Kansas City Republican Fundraiser', 11 June 2002, *Public Papers of the Presidents*. <<http://www.gpoaccess.gov/pubpapers/index.html>> [accessed 23 May 2009].

⁵⁰ President George W. Bush, 'The President's Remarks to the Troops at Fort Hood in Killeen, Texas', 3 January, 2003. *Public Papers of the Presidents* < <http://www.gpoaccess.gov/pubpapers/index.html> > [accessed 29 May 2009].

on 29 January 2002. This speech reviewed the progress of the war against al-Qaeda in Afghanistan (Operation Enduring Freedom) and can be regarded as the speech in which the global war on terror was presented to the public as an overarching foreign policy strategy. Reflecting, perhaps unconsciously a Hegelian view of history, the President declared: 'History has called America and our allies to action, and it is both our responsibility and our privilege to fight freedom's fight.'⁵¹ It was in this speech, crafted by David Frum, that North Korea, Iran and Iraq, together with 'their terrorist allies', were described as constituting an 'axis of evil' which threatened the peace of the world.

What this kind of value-laden language did, as the political scientist and terrorism expert Louise Richardson pointed out, was 'to accept al-Qaeda's language of cosmic warfare and respond accordingly, rather than respond to al-Qaeda based on an objective assessment of its resources and capabilities'.⁵² But for neoconservatives such as David Frum and Richard Perle, who helped to shape both the foreign policy itself and the freedom discourse that accompanied it, terrorism did indeed represent an apocalyptic threat. Whilst international terrorism, despite 9/11, constituted a minute threat to US citizens and kills not many more people world-wide than the number of people who drown yearly in bathtubs in America,⁵³ they saw the threat to America and freedom as cosmic, with the lives of millions of Americans at stake. Writing in 2004, they felt able to suggest the ultimate comparison:

For us, terrorism remains the great evil of our time, and the war against this evil, our generation's greatest cause [...] There is no middle way for Americans: It is victory or holocaust.⁵⁴

⁵¹ President George W. Bush, 'The President's State of the Union Address', 29 January 2002.

⁵² Cited in Max Rodenbeck, 'How Terrible Is It?', *New York Review of Books*, 30 November 2006, p. 38.

⁵³ John Mueller, *Overblown. How Politicians and the Terrorism Industry Inflate National Security Threats and Why We Believe Them* (New York: Free Press, 2006), p. 2.

⁵⁴ David Frum and Richard Perle, *An End to Evil: How to Win the War on Terror* (New York: Ballantyne Books, 2004), p. 6.

The Bush administration and the neoconservative elements within it saw that as well as being (in their view) a cosmic danger, the advent of al-Qaeda presented an opportunity to change the political climate along with the foreign policy landscape. When the twin towers fell, political and cultural commentators insisted that it represented something new, a historical marker following which the world would never be the same again. It was also seized upon as an opportunity to condemn what was perceived as - following the Straussian 'decline of the west' trope - a latent decadence in the American way of life. For example, David Brooks, the conservative cultural commentator, noted that even the most casual observer of the pre-9/11 domestic scene, including al-Qaeda, 'could have concluded that America is not a serious country',⁵⁵ and Francis Fukuyama complained that the previous decade's 'peace and prosperity encourage[d] preoccupation with one's own petty affairs'.⁵⁶ Brooks went on to claim that 'the fear that is so prevalent in the country [was] a cleanser, washing away a lot of the self-indulgence of the past decade'. 'Revivifying fear', according to Brooks, 'would now supersede crippling anxiety, replacing a disabling emotion with a bracing passion'.⁵⁷ As Corey Robin suggests, there was, in the cultural commentary of the time, a sense that the events of 9/11 restored moral purpose to America, and that - in a no doubt unconscious echo of the eighteenth-century Scottish philosopher Adam Ferguson - the warrior culture was the true basis of political life.⁵⁸ A culture of peace and prosperity was perhaps, after all, unworthy of American traditions. Whilst President Bush, eagerly proclaimed himself a 'war president', writers, as Robin notes,

repeatedly welcomed the galvanizing moral electricity now coursing through the body politic: an electricity of public resolve and civic commitment, fuelling a more considered gravitas [...] and a culture of patriotism [...]. With its shocking spectacle of

⁵⁵ Cited in Corey Robin, *Fear: The History of a Political Idea* (Oxford: Oxford University Press, 2004), p. 156.

⁵⁶ Cited in *ibid.*

⁵⁷ Cited in *ibid.*, pp.156-57.

⁵⁸ See Adam Ferguson, *An Essay on the History of Civil Society*, ed. by Duncan Forbes (Edinburgh: University Press, 1966), in which he argues that a warrior culture is essential for the advancement and maintenance of civil society.

death and subsequent fear, 9/11 offered a dead or dying culture a chance to live again.⁵⁹

How it was to live again, it became clear as the discourse emerged, was through the re-sacralizing of freedom, a harking back to the nation's founding value.⁶⁰ 'Freedom and fear are at war', said President Bush,⁶¹ and freedom, fear and terror were to be ever linked together in this discourse. Freedom and terror (with the latter's subliminal link to fear) were presented as alternatives, the polar ends of a political spectrum, locked into a titanic struggle in which the very life of the nation, and perhaps 'good' itself, was at risk. To invoke terror was to invoke fear, the antidote to which was freedom, which embodied the good. Thus did the administration reduce the complexities of foreign policy and its response to al-Qaeda to a stark choice between good and evil. 'Either you are with us', said the President, 'or you are with the terrorists'.⁶²

The moral philosopher Peter Singer has noted the tendency of President Bush to see the world in terms of good and evil. Between his inauguration and June 2003, President Bush referred to the existence of evil in no less than 319 speeches, or about 30% of the total. As Singer notes, the President used the word most frequently as a noun rather than an adjective, which suggests that rather than thinking about evil deeds or people, he thought about 'evil as a *thing*, a force, something that has real existence, apart from the cruel, callous, brutal or selfish acts of which human beings are capable'[italics in source].⁶³ In rhetoric deployed by the President, American freedom (good) would defeat terrorism (evil), and he felt himself to be the instrument of that victory. As he told his political adviser Karl Rove after 9/11, 'I'm here for a reason'.⁶⁴

⁵⁹ Corey, *Fear*, p. 157.

⁶⁰ See for example the excerpt from President Bush's speech quoted in Chapter One, p. 11.

⁶¹ President George W. Bush, 'Address to a Joint Session of Congress and the American People', 20 September 2001.

⁶² *Ibid.*

⁶³ Peter Singer, *The President of Good and Evil: The Ethics of George W. Bush* (New York: Dutton, 2004), p. 2.

⁶⁴ *Ibid.*, p. 101

This is the utopianism of which John Gray wrote: a belief that evil can be removed from the world, a conjoining of neoconservative thought with that of the Christian right, in which some kind of Armageddon is foreseen and 'the struggle of light and dark will be concluded'. As Gray points out, in the utterances of President Bush and members of his administration following 9/11 the utopian current in Enlightenment thought, which imagines human progress as a continuum, and the religious traditions of the Christian right, which anticipates imminent catastrophe, were fused. (The conflation of neoconservative values and those of the Christian right is discussed further in the following chapter.) In blending the secular belief in human progress and the triumph of freedom with elements of apocalyptic religion, the war on terror discourse combined several of America's most powerful traditions.⁶⁵ That President Bush spoke to, and indeed shared this apocalyptic vision of the events of 9/11 and the nature of the struggle ahead is born out by his use of biblical references and also his remarks in 2003 to Palestinian Prime Minister Mahmoud Abbas that 'God told me to strike at al-Qaeda and I struck them, and then he instructed me to strike at Saddam, which I did'.⁶⁶ A small but revealing detail of this mind-set is well illustrated by the fact that in 2003, during the Iraq war, assistants to the Secretary of Defence, Donald Rumsfeld, took to sending information folders to the President with a photograph and a biblical text stuck to the front cover, presumably to reinforce the notion of a holy war. For example, above a picture of Saddam Hussein, a quotation was added, 'It is God's will that by doing good you should silence the ignorant talk of foolish men', (I Peter 2. 15), and a picture of US tanks rolling under Saddam's victory arch in Baghdad was accompanied by the caption, 'Open the gates that the righteous nation may enter. The nation that keeps faith.' (Isaiah 26. 2) ⁶⁷

⁶⁵ Gray, *Black Mass*, pp. 115, 120.

⁶⁶ Cited in *ibid.*, p. 115.

⁶⁷ Stephen Moss, 'Rumsfeld said "Let there be Biblical quotes" – and it was so', *Guardian*, Section G2, 21 May 2009 p. 2.

In addition to the task of destroying evil, the 'war on terror' also presented more secular opportunities for the neoconservatives. For the most part they believed, following Fukuyama, that with the end of the Cold War and the discrediting of Marx, global democratic capitalism was the end point of history. Some version of Western institutions would eventually be accepted everywhere and the triumph of free markets was an integral element of the secular ideology of universal human progress which the neoconservatives embraced. A universal economic and political system was coming into being, but it could not be achieved without the exercise of American power. American pre-eminence and the export of Western concepts of market capitalism and democracy upon the troublesome Middle East and elsewhere would become American foreign policy. As neoconservative Joshua Muravachick wrote in *Commentary* in September 2003:

Not only did the neocons have an analysis of what had gone wrong in American policy, they had also stood ready with proposals for what to do now: to wage war on the terror groups and to seek to end or transform governments that supported them, especially those possessing the means to furnish terrorists with the powerful wherewithal to kill even more Americans than on September 11. Neocons also offered a long-term strategy for making the Middle East less of a hotbed of terrorism: implanting democracy in the region and thereby helping to ferment a less violent approach to politics.⁶⁸

The neoconservatives were advocating the notion of pre-emptive war, which was duly adopted by the Bush administration. Nor was this to be a war of limited goals, at least if Richard Perle's attitude was representative of the neoconservatives within the administration. Speaking of the war on terror he commented:

No stages. This is total war. We are fighting a variety of enemies. There are lots of them out there. All this talk about first we are going to do Afghanistan, then we will do Iraq...this is entirely the wrong way to go about it. If we just let our vision of the world go forth, and we embrace it entirely and we don't try to piece together clever

⁶⁸ Cited in Stephen J. Sniegowski, *The Transparent Cabal: The Neoconservative Agenda, War in the Middle East, and the National Interest of Israel* (Norfolk, Virginia: Enigma Editions, 2008), p. 21.

diplomacy, but just wage a total war ... our children will sing great songs about us years from now.⁶⁹

If the war on terror had hitherto occupied something of a metaphysical space in the public consciousness, it now found more tangible expression in policy terms. In his speech to the United States Military Academy, West Point on 1 June 2002, President Bush set out briefly the doctrine of pre-emptive war by the use of such phrases as 'If we wait for threats to fully materialize, we will have waited too long.' And 'the war on terror will not be won on the defensive. We must take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge. In the world we have entered, the only path to safety is the path of action. And this nation will act'. Americans were warned to be forward-looking and resolute, 'to be ready for pre-emptive action when necessary to defend our liberty and to defend our lives'.⁷⁰

The doctrine of pre-emption was fleshed out in a more formal way in the National Security Strategy of September 2002. This document aimed at setting out the goals that the neoconservatives had long advocated: pre-emptive military action against hostile states and terrorist bodies; the maintenance of unchallengeable American military supremacy; the preservation of the right of unilateral action; and the promotion of democracy and human rights. Ostensibly this is a document that sets out the basis of defence within a foreign policy context. But it is clearly more than this. Described by the neoconservatives Lawrence Kaplan and William Kristol as a document which sought to 'minimize the gap between ideals and interests, between morality and power',⁷¹ it launched American power on the world in the name of freedom. Introducing the document, President Bush stated that the United States, in defending America 'will use this moment of opportunity to extend

⁶⁹ Cited in Bette Stockbauer, "'Rebuilding America's Defenses" – A Summary', *Information Clearing House* <<http://www.informationclearinghouse.info/article3249.htm>> [accessed 20 August 2010].

⁷⁰ President George W. Bush, 'President Bush Delivers Graduation Speech at West Point', 1 June 2002.

⁷¹ Lawrence F. Kaplan and William Kristol, *The War Over Iraq: Saddam's Tyranny and America's Mission* (San Francisco: Encounter Books, 2003), p. 75.

the benefits of freedom across the globe', concluding: 'Today, humanity holds in its hands the opportunity to further freedom's triumph over all its foes'.⁷² Freedom now assumed a novel character: it was considered not so much as a shield, but as a sword to defeat the forces of evil; not as the absence of coercion in Berlin's sense of negative liberty, but as coercion, the unbridling of American power. Freedom becomes as Anthony Burke phrased it 'something that America brings to the world, *for* itself and from *within* itself. It is not a space in the world to which it submits, which binds it or presents any limits, moral, political or ethical' [italics in source].⁷³ Couched in the language of fear and warning of 'exponentially more casualties if terrorists acquired and used weapons of mass destruction', the Strategy asserts the doctrine of pre-emption:

The United States has long maintained the option of pre-emptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the threat of inaction – and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act pre-emptively.⁷⁴

In the run-up to the Iraq war, the Bush administration had established the philosophical and strategic grounds upon which it could act. An invasion of Iraq would be a key manifestation of the use of pre-emptive force in the 'war on terror' and help the spread of freedom. As this section has shown, a number of convictions and preconceptions underpinned the administration's approach to the Iraq war. These included a Hegelian conviction that it was working with the 'tide of history' and that a universal economic system was coming into being. The administration held a number of beliefs about the nature of the Arab world and the inherent superiority of Western and American values. Neoconservative commentators stoked the view that war

⁷² President George W. Bush, Introduction to 'The National Security Strategy of the United States', 17 September 2002.

⁷³ Burke, 'Freedom's Freedom: American Enlightenment and Permanent War', p. 327.

⁷⁴ 'The National Security Strategy of the United States', 17 September 2002 p. 15.

was, in some sense, a way of halting American decline and re-energising a soft and decadent culture.

In words written many years before, but which highlight the dangers of the monist cast of thinking adopted by the neoconservatives and the administration in the run up to the Iraq war, Berlin observed:

It is a terrible and dangerous arrogance to believe that you alone are right: have a magical eye which sees *the* truth; and others cannot be right if they disagree. This makes one certain that there is *one* goal & only one for one's nation or church or for the whole of humanity & that it is worth any amount of suffering (particularly on the part of other people) if only the goal is attained [...] nothing is more destructive than a happy sense of one's own – or one's nation's – infallibility which lets you destroy others with a quiet conscience because you are doing God's [...] or the superior race's [...] or History's work.⁷⁵

The Iraq war would illustrate the extent to which the Bush administration did indeed believe it was in possession of a 'magical eye'.

IV 'OPERATION IRAQI FREEDOM'

The first major military act in the war on terror was the war in Afghanistan, designed to pursue and punish al-Qaeda for the events of 9/11. The meaning of an attack on freedom was released from metaphor and translated into tangible military action against the enemies of the United States. Although this war was of course important, it did not depart in any unexpected way from the kind of response that may have been conducted by a less ideological or more 'realist' administration. It can reasonably be argued that the United States had, after all, suffered an attack on its own soil, and was legitimately seeking to defend its interests, at least initially. 'Operation Enduring Freedom,' therefore, whilst couched in the rhetoric of 'terror' and 'freedom' discussed above, is not the most obvious foreign policy enterprise to illustrate the neoconservative agenda, or the freedom discourse with which this thesis is concerned. The Iraq war, however, can be considered the centrepiece of the

⁷⁵ Berlin, 'Notes on Prejudice', in *Liberty*, pp. 345–348 (pp. 345–346).

Bush administration's foreign policy and the war on terror, and illustrates the radical nature of the doctrine of pre-emption and dominance which characterise it.

The Iraq war demonstrated, in a tangible way, the manner in which the Bush administration constructed a discourse of freedom behind which it could conduct its policy of pre-emptive war and unilateral regime change. It also served to demonstrate how, in that process, it adopted an interpretation of the meaning of freedom that ran counter to the American tradition. This section does not provide a detailed analysis of the Iraq war itself; it is only concerned with those aspects that illustrate, or reflect upon, the themes already referred to.

Whilst an invasion of Iraq and the overthrow of Saddam Hussein were neoconservative articles of faith, they had no real traction in policy terms within the administration until the events of 9/11 provided the neoconservatives with the opportunity they had long sought. Within minutes of the attack, Paul Wolfowitz, then deputy secretary of defence, told aides that he suspected Iraqi involvement. Secretary of Defence Donald Rumsfeld, ensconced in the National Military Command Centre, was trying to assess whether in addition to striking at Osama bin Laden, the situation was 'good enough to hit S. H. the same time'.⁷⁶ David Frum, one of President Bush's neoconservative speechwriters, who had taken shelter in the offices of the AEI, contacted Richard Perle who urged that the President makes clear that he holds responsible 'not just terrorists, but whoever who harbours those terrorists'. President Bush himself apparently asked Richard A. Clarke, his counter-terrorism adviser on the NSC to 'see if Saddam was involved. Just look. I want to know any shred'.⁷⁷

Paul Wolfowitz pressed his case for regime change in Iraq so strenuously at a Camp David meeting on 15 September, 2001, that the White House Chief of Staff, Andrew Card had to admonish him.⁷⁸ The network of

⁷⁶ Packer, *The Assassins' Gate*, p. 40

⁷⁷ Ibid.

⁷⁸ Bob Woodward, *Bush at War* (London: Simon and Schuster, 2003), p. 49.

neoconservatives within the administration – which included Richard Perle, Chairman of Donald Rumsfeld’s Defence Advisory Board; I. Lewis ‘Scooter’ Libby (the Vice-President’s chief of staff); Stephen J. Hadley, another protégé of Wolfowitz’s who chaired the NSC’s deputies committee; and Zalmay Khalilzad, also a protégé of Wolfowitz’s and an assistant to National Security Adviser, Condoleezza Rice – were able to generate what has been termed by the writer Colin Campbell ‘unrestrained ideological entrepreneurship’ within the administration urging the invasion of Iraq.⁷⁹ Ideological entrepreneurship becomes ‘unrestrained’, Campbell suggests, when ‘the selection of appointees allows for pockets of officials who share strongly held programmatic commitments and when the administration does not sufficiently test those advocates’ views through countervailing ones’.⁸⁰

The drumbeat for a pre-emptive war against Iraq therefore began almost immediately after the events of 9/11, which would accord with the neoconservatives’ foreign policy vision. Regime change in Iraq now suddenly presented the opportunity for a positive act in the war on terror which could be woven into the discourse, using the fear of weapons of mass destruction (WMD) and America’s traditional commitment to freedom as twin selling points with the public. The defence of freedom and the need to deliver it to a benighted Middle East, together with the search for security combined to provide a wide moral platform from which to launch a pre-emptive attack. Regime change in Iraq, however, was merely part of the wider agenda, discussed above, of transforming the Middle East and extending the reach of American power. This was underscored by the military writer Andrew Bacevich, who observed that Douglas Feith, Under Secretary for Defence Policy (2001 – 2005) had declared that the US couldn’t afford to have Saddam step down peacefully. In Bacevich’s view,

⁷⁹ Colin Campbell, ‘Ideology Meets Reality: Managing Regime Change in Iraq and the Transformation of the Military’, in *The George W. Bush Legacy*, ed. by Colin Campbell, Bert A. Rockman, and Andrew Rudalevige (Washington: CQ Press, 2008) pp. 239–264 (p. 244).

⁸⁰ *Ibid.*

allusions to Saddam as a new Hitler notwithstanding, they [the neoconservatives] did not see Baghdad as Berlin but as Warsaw – a preliminary objective. There is no question that the neoconservatives saw Iraq not as an end in itself but as a means to a much larger end of transforming the whole of the Middle East.⁸¹

This approach became crystallised in the ‘Bush Doctrine’, which was discernible in the President’s West Point speech of 1 June 2002. Commenting on this ‘Doctrine’ and its implications, Kaplan and Kristol wrote:

Nor [...] will America’s duty be discharged when Saddam is toppled, or even when Iraq subsequently has a decent government. The Bush Doctrine has regime change in Iraq as its focal point, but it but it provides guidance and a mission for American foreign policy as a whole.⁸²

The issue of WMD was the chosen means by which this ‘focal point’ of the Bush Doctrine was to be pursued. The extent to which the administration ever truly believed that Saddam Hussein possessed WMD, and that, if he did, their possession constituted a threat to the United States, is a matter of contention which outlasted the duration of the Bush administration itself. But that the issue of WMD acted as a vehicle upon which regime change, which was a key element of ‘America’s mission’, could be conveniently loaded, whilst not proclaimed publicly as the *casus belli*, is clear. As Paul Wolfowitz told an interviewer after the fall of Baghdad, WMD was the lowest common denominator. ‘The truth is that for reasons that have a lot to do with the US government bureaucracy, we settled on the one issue that everyone could agree on, which was weapons of mass destruction.’⁸³

Even so, a case had to be made that the United States was an unwilling party to an inevitable war against Iraq and that it was in no sense a war of choice. On 28 January, 2003, in his State of the Union address, the President made the case for pre-emptive war using the potent mix of terror, fear, and freedom noted above. Iraq had failed to disarm despite UN resolutions; it had accrued WMD; there was an ‘advanced nuclear weapons development program’; and the only possible use Saddam could have for the stockpiled

⁸¹ Cited in Heilbrunn, *They Knew They Were Right*, p. 263.

⁸² Kaplan and Kristol, *The War Over Iraq*, p. 70.

⁸³ Packer, *The Assassins’ Gate*, p. 60.

chemical and biological weapons was to 'dominate, intimidate or attack'. [Saddam] sheltered al-Qaeda, and 'Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own'. Referring to the events of 9/11, the President said, 'Imagine those 19 hijackers with other weapons, and other plans – this time armed by Saddam Hussein. It would take just one vial, one canister, one crate slipped into this country to bring a day of horror'. If Saddam did not fully disarm, 'for the safety of our people, and for the peace of the world' military intervention would follow. But America was still unwilling. 'If war is forced upon us, we will fight in a just cause [...] if war is forced upon us, we will fight with the full force of the United States military'. Even if unwilling, America would 'go forward with confidence, because this call of history has come to the right country'. Freedom is then invoked in an almost quasi-religious way: 'we will bring to the Iraqi people food, and medicines, and supplies and freedom'. And then the final benediction: 'Americans are a free people, who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world, it is God's gift to humanity.'⁸⁴ Liberty might be God's gift but, nevertheless, the United States was its deliverer.

This presidential speech set out the themes which would continually be repeated in similar form throughout the early period of the war by members of the Bush administration, although with different emphases. These were that Saddam Hussein definitely possessed WMD, that possession of these weapons was a threat to the region and to the United States, that there were known links with al-Qaeda (and Saddam was therefore implicated in the events of 9/11), that the United States was drawn into war unwillingly, and that in taking military action the United States was answering history's call and acting in accordance with God's will. Above all, it was delivering freedom to a people who were unable to bring it to themselves.

Much of the administration's case for war hinged, as is well known,

⁸⁴ President George W. Bush, 'State of the Union Address', 28 January 2003.

upon intelligence that was subsequently revealed to be false, even though Iraq's possession of WMD was stated with complete certainty by administration members.⁸⁵ If dogma can properly be defined as the insistence that the unseen is really there, it was dogma, or perhaps more accurately 'faith', that controlled the administration's approach to the search for WMD. One of the reasons why this approach was adopted was undoubtedly mistrust within the administration, and amongst neoconservatives in particular, of empiricism. This mistrust was combined with a need to make the intelligence fit the policy, and to that end wilful distortion often took place.⁸⁶

Hans Blix, for example, the executive director of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), charged with establishing whether or not Iraq still possessed WMD (and whom the administration sought to undermine even before his mission started),⁸⁷ cites Paul Wolfowitz as distorting a UN finding that various chemical and biological agents were 'unaccounted for' in the absence of any credible information about what happened to a given quantity, when he described it as evidence that 'Baghdad *retains* chemical and biological weapons and is producing more' [emphasis added].⁸⁸ Blix makes the same point concerning an article by Stuart A. Cohen, the acting chairman of the National Intelligence Council, when the 2002 National Intelligence Estimate on Iraq's weapons of

⁸⁵ A good example of this certainty and a typical statement of the time, was Vice President Cheney's observation to a Veterans of Foreign Wars Convention in Nashville in late August 2002. 'Simply stated', he said, 'there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, our allies, and against us'. Cited in Scott McClellan, *What Happened: Inside the Bush White House and Washington's Culture of Deception* (New York: Public Affairs, 2008), p. 135. On 8 September 2002, the Vice President stated, 'we do know, with absolute certainty, that he [Saddam Hussein] is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon'. Cited in Frank Rich, *The Greatest Story Ever Sold: The Decline and Fall of Truth in Bush's America* (New York: Penguin Books, 2006), p. 59.

⁸⁶ Confirmation of the facts being fixed around the policy was provided by the famous 'Downing Street Memo', dated 23 July 2002, based upon the British Prime Minister's meeting of that date with his top security advisers. The meeting consisted of a briefing by Richard Dearlove, then Director of MI6, who reported on his recent talks in Washington. 'There was a perceptible shift in attitude. Military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism with WMD. But the intelligence and facts were being fixed around the policy.' 'The Secret Downing Street Memo', *Times Online* <<http://www.timesonline.co.uk/tol/news/uk/article387374.ece>> [accessed 1 October 2010].

⁸⁷ See Sidney Blumenthal, *How Bush Rules*, p. 28.

⁸⁸ Hans Blix, *Disarming Iraq* (London: Bloomsbury, 2005), p. 262.

mass destruction was published. The article, published on 30 November 2003, stated that the estimate 'judged with high confidence that Iraq *had* chemical and biological weapons. These were essentially the same conclusions reached by the United Nations....'[emphasis in original]. In fact, complains Blix, Cohen had assumed that anything 'unaccounted for' existed.⁸⁹ An article in the *International Herald Tribune* (November 19, 2003), quotes an intelligence official, reviewing the handling of intelligence on Iraq as saying 'The absence of evidence that Iraq had destroyed its chemical and biological weapons appeared to have been interpreted by intelligence agencies as evidence that it still possessed them.'⁹⁰

The retreat from empiricism, particularly in the field of intelligence, is linked to the ideas of Leo Strauss discussed in Section III of Chapter Four. An influential article published in 1999 by Abram Shulsk and Gary Schmitt invoked Strauss's ideas about the hidden meaning of texts to attack the traditional methods of US intelligence gathering as naïve. Although recognising that Strauss never wrote about intelligence matters, they argue that some of his insights into the hidden meaning of texts and the way in which different political systems operate demonstrate the limited use of social science in intelligence work. Shulsky, who studied under Strauss, suggested that the latter's notion of the hidden meaning in texts

alerts one to the possibility that political life may be closely linked to deception. Indeed it suggests that deception is the norm in political life, and the hope, to say nothing of the expectation, of establishing a politics that can dispense with it is the exception.⁹¹

As Shulsky interprets Strauss, not only was deception at the heart of politics, but Strauss thoroughly rejected the idea that politics could be understood by 'an empirical method that observed behaviour, tallied it, calculated correlations between particular actions and particular features of

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Gary J. Schmitt and Alan N. Shulsky, 'Leo Strauss and the World of Intelligence (By Which We Do Not Mean Nous)', in *Leo Strauss, the Straussians, and the American Regime*, pp. 407–427 (p. 410).

the context in which they occurred, and so on'.⁹² Whilst this may be true, it does not mean, as John Gray points out, that facts can be dispensed with, or that the way in which evidence is used is unimportant.⁹³ The neoconservative scepticism about empiricism – reflecting Strauss's ideas about the tension between reason and revelation – seem to some degree to have been adopted by those neoconservatives connected to the gathering of intelligence in the run-up to the Iraq war. A further strand of Straussian thought was reflected by the neoconservatives in so far as much of the certainty projected about WMD and impatience with doubters suggested that only they were in a position to know the truth about Iraq. Furthermore, the impression was sometimes given (as in the Wolfowitz quotation above) that if disinformation, or indeed deception, was involved in selling the war to the 'vulgar', this was an inevitable part of political life which might also be justified in virtue of their elite position.

The neoconservatives' approach to intelligence was demonstrated in several ways. One was the establishment in the Pentagon of the Office of Special Plans (OSP) in September 2002. This unit was created by Paul Wolfowitz and Donald Rumsfeld, and led by Douglas Feith, who was brought in by his friend and former boss, Richard Perle. The man charged with directing operations was the author of the essay discussed above, Adam Shulsky, a former Perle aide who had studied under Strauss. For this unit secrecy was not merely necessary but 'metaphysically necessary'.⁹⁴ Rather than rely upon the conventional methods of the established intelligence communities (the CIA and the Defence Intelligence Agency), which it sought to discredit, the OSP, brought Strauss's ideas of hidden meaning and deception into play in the analysis of intelligence and 'stovepiped' its analyses direct to the White House. There it was seized upon by other neoconservative allies, particularly the Vice President's Chief of Staff, I. Lewis 'Scooter' Libby, and Condoleezza Rice's NSC director for the Middle East, Elliot Abrams, as

⁹² Ibid., p. 408.

⁹³ Gray, *Black Mass*, p. 140.

⁹⁴ Packer, *The Assassins' Gate*, p. 105.

well as others dispersed at key points throughout the administration. In effect, the intelligence 'product' with its claims about WMD and Saddam's links to al-Qaeda, circumvented the normal requirements of vetting through the interagency process, in which, as Packer expresses it, 'the unconverted would have been among the participants and might have raised objections'.⁹⁵

The part 'faith' played in intelligence analysis is borne out by the experience of Greg Theilmann, former director of the Strategic, Proliferation and Military Affairs Office at the State Department's Intelligence Bureau who resigned in September 2002, on the grounds that intelligence was being distorted by the administration for political reasons. He claimed in an interview:

The main problem was that senior administration officials have what I call faith-based intelligence. They knew what they wanted the intelligence to show. They were really blind and deaf to any kind of countervailing information the community could produce.⁹⁶

The author and political journalist Ron Suskind reported in an article published in October 2004 on a variation of this approach, which encompassed not just intelligence, but reality itself. Having published an article with which the White House was displeased, he had a meeting with a Bush adviser that told him something which Suskind believed got to the very heart of the Bush presidency:

The aide said that guys like me were 'in what we call the reality-based community,' which he defined as people who 'believe that solutions emerge from your judicious study of discernible reality'. I nodded and murmured something about enlightenment principles and empiricism. He cut me off. 'That's not the way the world really works anymore,' he continued. 'We're an empire now and when we act, we create our own reality. And while you're studying that reality – judiciously, as you will – we'll act again, creating other new realities, which you can study too, and that's how things will sort out. We're history's actors ... and you, all of you, will be left to just study what we do.'⁹⁷

⁹⁵ Ibid., p. 107.

⁹⁶ Greg Theilmann, 'Interview with CBS News', 14 October 2003. <http://www.historycommons.org/entity.jsp?entity=greg_theilmann> [accessed 19 March 2008].

⁹⁷ Ron Suskind, 'Faith, Certainty and the Presidency of George W. Bush', *New York Times Magazine*, 17 October 2004

The road to war, then, was characterised by a determination to implement the neoconservative foreign policy agenda of re-ordering the Middle East by the use of force, and an equal determination to ensure that the intelligence was made to fit the policy, whilst ignoring inconvenient facts. What counted here was faith, the certainty that the administration was right, that it was fulfilling, in a Hegelian sense, history's call. Evidence did not matter; the President and the administration knew *the* truth by means of revelation, and in order to fulfil their objectives they could even create their own reality, perhaps the ultimate expression of Straussian elitism. In a sense it succeeded. In a February 2003 poll, 72% of Americans believed that Saddam Hussein 'was personally involved in the September 11 attacks' whereas less than 10% believed it in the first weeks after the attacks.⁹⁸ Lack of evidence, as the administration realised, was no barrier to belief.

The decision to invade Iraq, therefore, was largely driven by faith and revelation, and characterised by impatience with inconvenient facts and evidence. The discourse of freedom, which enveloped the invasion, was an expression of this mind-set, a belief that an American idea of freedom could be brought to a people, a nation, whose culture and history were all but unknown, by means of coercion and force, and that, crucially, in this deliverance of freedom, the United States was fulfilling a destiny determined by both history and God. In the President's speech to the United Nations of 12 September, 2002, he again linked Iraq to al-Qaeda, (a link for which no evidence was ever found), and said, 'Liberty for the Iraqi people is a great moral cause and a strategic goal'. Freedom is again presented as the antidote to fear; 'We must choose between a world of fear and a world of progress. We cannot stand by and do nothing while dangers gather'.⁹⁹ The day before, on the anniversary of the events of 9/11, in his carefully choreographed speech

<<http://www.nytimes.com/2004/10/17/magazine/17BUSH.html?ei=5090&en=890a961...>> [accessed 14 October 2009].

⁹⁸ Bovard, *Terrorism and Tyranny*, p. 304.

⁹⁹ President George W. Bush, 'George Bush's speech to the UN general assembly', 12 September 2002. <<http://www.guardian.co.uk/world/2002/sep/12iraq.usa3>> [accessed 16 August 2009].

beneath the Statue of Liberty which was illuminated from below by searchlights mounted on floating barges, the President, referring to the 'great struggle' ahead, said, 'Our generation has now heard history's call, and we will answer it'. But history was also subject to divine direction: 'I believe there is a reason that history has matched this nation with this time.' In a world view that seemed to acknowledge a form of determinism, the US had been selected to deliver freedom to Iraq: 'We fight, not to impose our will, but to defend ourselves and extend the blessings of freedom.'¹⁰⁰

Crucially, freedom can also be identified and conflated with American military dominance and power. In a Fourth of July speech in 2002, the President announced, 'Once again history has called America to use its overwhelming power in the defence of freedom. And we'll do just that.'¹⁰¹ Referring to victories that had already been achieved in the war on terror, in his State of the Union address in January 2002, the President said 'We have shown freedom's power. And in this great conflict [...] we will see freedom's victory.'¹⁰²

The war itself began on 20 March 2003. 'Freedom's victory' was to come at a very heavy price, especially for the Iraqi people.¹⁰³ Whether, as predicted by President Bush in July 2003, the Iraqi people ever found out that because of US action 'the word freedom and America are synonymous' seems

¹⁰⁰ President George W. Bush, 'Text of Bush Ellis Island Speech' 11 September, 2002 <<http://news.bbc.co.uk/1/hi/world/americas/2252515.stm>> [accessed 2 October, 2008].

¹⁰¹ President George W. Bush, cited in James Bovard, 'Moral high ground not won on battlefield'.

¹⁰² President George W. Bush, 'The President's State of the Union Address', 29 January, 2002.

¹⁰³ Estimates of total civilian deaths in the Iraq war vary. *The Lancet* estimated that up to the end of June 2006 some 655,000 Iraqis had been killed, or 2.5% of the population. See Gilbert Burnham et al 'Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey' <<http://brusselstribunal.org/pdf/lancet111006.pdf>> [accessed 14 October 2009].

The Iraq Body Count Project, on the other hand, estimates Iraqi deaths as a result of the conflict to be 95,888 – 104,595 as at April 2010 <<http://www.iraqbodycount.org/about/>> [accessed 19 May 2010]. This estimate was updated in October 2010 in the light of the 'Wikileaks' Iraq War Logs to 150,000 Iraqi deaths, 80% of which were civilians. See <<http://vodpod.com/watch/4741429-iraq-body-count-on-wikileaks-iraq-war-logs.>> [accessed 2 November 2010]

A report prepared by the US Congressional Research Service dated 13 February, 2009, entitled 'Iraqi Refugees and Internally Displaced Persons: A Deepening Humanitarian Crisis?', estimated that 2 million Iraqi refugees fled to Syria, Jordan and neighbouring states, and that 2.7 million Iraqis were displaced within Iraq itself. <<http://www.fas.org/sgp/crs/mideast/RL33936.pdf>> [accessed 29 August 2009].

doubtful.¹⁰⁴ But the idea that freedom was being delivered to Iraq had to be maintained, even when what was being delivered seemed almost a form of tyranny, a people being coerced for their own good towards something that they would want if only they knew what the invaders knew, which was what was best for them. It was an apposite expression of Berlin's idea of positive freedom. This entire paradox, in which the US claims to be delivering freedom through the overwhelming force of arms, can perhaps be captured by the remarks of a single US Army officer, one Lt. Colonel Nathan Sassaman. Having commanded a battalion that enclosed an entire Iraqi town with barbed wire he observed: 'With a heavy dose of fear and violence, and a lot of money for projects, I think we can convince these people that we are here to help them'.¹⁰⁵

For freedom to maintain its mythic status in the context of the invasion it needed to be sustained through the careful presentation of potent images, and in this respect the administration was assisted by a compliant media. In the early days of the occupation the administration was keen to maintain in the minds of Americans the notion that freedom was being delivered to a grateful Iraqi people. This was especially apparent when the statue of Saddam Hussein was toppled on 9 April 2003, but even this episode somehow reflected the false prospectus upon which the war was based, since the possibility exists that it was a far from genuine event. Secretary of Defence Donald Rumsfeld likened the toppling, which ultimately needed the help of an American tank, to 'the fall of the Berlin Wall and the collapse of the Iron Curtain'.¹⁰⁶

The networks, eager to show the veracity of the administration's promise that Americans would see liberated Iraqis celebrating in the streets, showed some version of the statue-toppling every 4.4 minutes on average from 11 a.m. to 8 p.m. on Fox News, and every 7.5 minutes on CNN.¹⁰⁷ However, as

¹⁰⁴ President George W. Bush, cited in James Bovary, *The Bush Betrayal*, p. 254.

¹⁰⁵ Cited in *ibid.*, p. 5.

¹⁰⁶ Cited in Rich, *The Greatest Story Ever Sold*, p. 83.

¹⁰⁷ *Ibid.*

Frank Rich revealed, all was not what it seemed. Tom Shales of the *Washington Post* noticed with some scepticism that 'of all the statues of Saddam Hussein scattered throughout the city, the crowds had conveniently picked one located across from the hotel where most of the media were headquartered. This was either splendid luck or brilliant planning on the part of the military'.¹⁰⁸ When the *Journal of Broadcasting and Electronic Media* took a closer look, its researchers found that wide-angle shots showed the square was never more than a quarter full, but that the American network coverage kept to tight shots and during the two-hour toppling process the wider-angle shots began to disappear. A senior producer of Aljazeera TV even suggested that the 'topplers' were not Iraqis but young men brought in by the Americans especially for the purpose.¹⁰⁹

It cannot be known for certain whether or not this was a staged event to support the message of freedom being delivered to a grateful people. It was however, a sufficiently potent image for the President to refer to it in his famous speech delivered on the USS Abraham Lincoln on 1 May 2003, with the misleading words 'Mission Accomplished' used as a banner backdrop. In this speech, which celebrated the victory in Iraq of US military forces and those of its allies, the images of fallen statues became a representation of the American delivery of freedom. Referring to the military, and, by implication, the United States, he said, 'Because of you the tyrant has fallen and Iraq is free.' He went on: 'In the images of fallen statues we have witnessed the arrival of a new era. In the images of celebrating Iraqis we have also seen the ageless appeal of human freedom.' The President sought legitimacy for the war by placing himself alongside other presidents in the tradition of liberty expressed at the founding: 'Our commitment to liberty is America's tradition, declared at our founding, affirmed in Franklin Roosevelt's Four Freedoms, asserted in the Truman Doctrine and in Ronald Reagan's challenge to an evil empire.' In a phrase that conflated American interests with the freedom it was

¹⁰⁸ Cited in *ibid.*, p. 83.

¹⁰⁹ *Ibid.*

delivering, he added, 'American values and American interests lead in the same direction. We stand for human liberty.'¹¹⁰

Another potent image designed to sustain the mythic image of freedom for the American public, but which revealed perhaps more than intended about its coercive nature, was the footage of the capture of Saddam, again endlessly replayed on the TV networks. Malini Johar Schueller has claimed that the neoconservatives envision the body politic as masculine, 'a powerful empire of right undergirded by technical supremacy'. The footage of the capture of Saddam metaphorically encapsulates that dominance by highlighting the dinginess of Saddam's hideout and his meek acquiescence to the doctor who searches him for lice and examines his mouth with latex gloves. US mastery with its masculine technological superiority is complete over an 'incoherent, demasculinized, and bestialized adversary (the footage not released included photos of Saddam being kicked by soldiers)'.¹¹¹ According to Schueller, the footage demonstrated that Saddam

Constituted a metonym for the dictatorial nation that had to be occupied in order to be liberated, bombed in order to be cleansed of weapons [...]. As a forty-four year old Iraqi engineer remarked, 'I hate this man to the core of my bones. Just seeing him sitting there makes the hairs on my arms stand up. And yet, I can't tell you why, I feel sorry for him, to be so humiliated. It is as if he and Iraq have become the same thing.'¹¹²

The capture of Saddam, and the heightened levels of destruction and suppression of the populace, illuminate a concept of absolute dominance, a key part of the neoconservative creed which was reflected in documents such as PNAC's *Rebuilding America's Defenses* and the National Security Strategy, 2002, referred to earlier. An example of these heightened levels of suppression and destruction is provided by the Second Battle of Fallujah in March 2004. In reprisal at the killing of four security contractors, the city was blasted by F-16 jets and by AC-130 Spectre planes which pumped 4000 rounds a minute into

¹¹⁰ President George W. Bush, 'Bush makes historic speech aboard warship', 1 May 2003 <<http://www.cnn.com/2003/US/05/01/bush.transcript/>> [accessed 14 August 2009].

¹¹¹ Schueller, 'Techno-Dominance and Torturegate', p. 163.

¹¹² Ibid.

selected targets. The city's largest hospital was destroyed by bombs, and more than 400 Iraqis were killed.¹¹³ The US military later admitted to using Mark 77 incendiary bombs (the successor to napalm) and white phosphorous. This is the 'techno-dominance' of which Schueller speaks, a supremacy 'which makes for a definition of the national body politic as force, power, precision and control – a hypermodern, punitive empire both causing and dependent on the paralysis and destruction of the Other'.¹¹⁴

The kind of freedom that the US was attempting to deliver to Iraq, as represented by the images mentioned above, and the scale of military suppression of the population, clearly demonstrate its coercive nature. In that sense it was the antithesis of negative liberty. This perception of a powerful nation imposing its will upon another weak one in the name of freedom was further corroborated in the economic field, where the administration sought to impose a free market or neo-liberal model often at variance with Iraqi traditions. Iraq was not simply to be helped to recover; the state the administration sought to build was of a particular kind. A report drafted by the Treasury and the US Agency for International Development (USAID), entitled *Moving the Iraqi Economy from Recovery to Sustainable Growth* (May 2003), set out the steps designed to launch the country as a test case for exporting the neo-liberal economic model to the Middle East. The plan, supported by Paul Wolfowitz, contained key goals such as privatising state-owned assets, including oil, creating a stock exchange and a new Iraqi currency.¹¹⁵

Not all of the proposed reforms came about, but the general direction of intent was established. For example, Paul Bremer, the head of the Coalition Provisional Authority (CPA) from May 2003 until June 2004, when limited Iraqi sovereignty was restored, set about subsidy elimination, a well-established feature of the Iraq economy. The resulting cuts in subsidies to

¹¹³ Bovard, *The Bush Betrayal*, p. 208.

¹¹⁴ Schueller, 'Techno-Dominance and Torturegate', p. 164.

¹¹⁵ Eric Laursen, 'Privatizing Iraq', *In These Times*, 28 May 2003

<http://www.inthesetimes.com/article/325/privatizing_iraq/> [accessed 26 February 2009].

fertilizers and pesticides increased Iraq's dependence upon food imports and aggravated unemployment and poverty.¹¹⁶ In an effort to increase oil revenue, transnational oil companies were contracted to engage in the development, rehabilitation, production and distribution work that would previously have been undertaken by the Iraqi state oil company. One such contract to Kellogg Brown and Root, a Haliburton subsidiary, of which Vice President Cheney was a former Chief Executive, was awarded on a no-bid basis even before the occupation took place.¹¹⁷ The new free market values were to be internalised so as to avoid the impression that policies were being imposed, even though, in effect, they were. In October 2003, Thomas Foley, director of private sector development for the CPA, said the goal was to change Iraq's state-led economy into a 'fully thriving capitalist economy'.¹¹⁸ The internalisation of values seems to have been at least partially successful, at least as far as the oil industry is concerned. At the end of June 2009, Iraq formally auctioned eight contracts for six oil fields and two largely undeveloped gas fields, although even that process was not unopposed by those in the Iraqi parliament who were sceptical about foreign involvement in Iraq's greatest natural resource.¹¹⁹

CPA orders allowed for complete foreign ownership of businesses (with the exception of the natural resource, banking and insurance sectors), and allowed the transfer of all profits abroad. Up to six foreign banks were allowed to operate until the end of 2008, and it was decreed that, in an attempt to bind the hands of a successor sovereign Iraqi government, there should be no limit to the number thereafter.¹²⁰ The neo-liberal economic model was imposed by the CPA without any attempt to consult the Iraqi people as a whole and the only opinion poll conducted (by the International Republican Institute, a US government funded organisation concerned with

¹¹⁶ Eric Herring and Glen Rangwala, *Iraq in Fragments: The Occupation and its Legacy* (London: Hurst and Co., 2006), p. 222.

¹¹⁷ *Ibid.*, p. 225.

¹¹⁸ Cited in *ibid.*, p. 226.

¹¹⁹ Ernesto Londoño and K.I. Ibrahim, 'Iraq Set to Seek Foreign Oil Bids,' *Washington Post*, 28 June 2009. <<http://www.washingtonpost.com/wp-dyn/content/article/2009/06/27/AR20090627022...>> [accessed 12 September 2009].

¹²⁰ Herring and Rangwala, *Iraq in Fragments*, p. 227.

the promotion of 'freedom' throughout the world) found that 65% of Iraqis favoured a larger economic role for the state, and only 5% a smaller role.¹²¹

It is arguable that the Iraq war, with its massive levels of destruction and loss of life, constituted an act of coercion almost without limits. It was the imposition of one nation's will upon another in the name of freedom, which, in the process, just as freedom itself was perverted, destroyed much of which it ostensibly came to save. As mentioned above, even Iraqi culture was not immune to the effects of the occupation. A renowned Iraqi musician, Naseer Shamma, expressed it in a way which sums up what, in cultural terms, the war meant for the Iraqi people.

The U.S. has simply erased whole segments of what the Iraqis hold dearest; libraries have been burnt, and so has culture – the soul. Americans like to do that: to encroach on a people and destroy its identity.¹²²

What was important in the Iraqi war for the Bush administration was not Iraqi identity; it was the identification of the Bush administration with freedom, which was America's 'historic mission'. As Michael A. Ledeen, Freedom Scholar of the AEI, and one time consultant to the National Security Council and the Departments of State and Defence, wrote:

Creative destruction is our middle name, both within our own society and abroad. We tear down the old order every day, from business to science, literature, art, architecture, and cinema to politics and the law. Our enemies have always hated this whirlwind of energy and creativity, which menaces their traditions (whatever they may be) and shames them for their inability to keep pace. Seeing America undo traditional societies, they fear us for they do not wish to be undone. They cannot feel secure for as long as we are there, for our very existence – our existence, not our politics – threatens their legitimacy. They must attack us in order to survive, just as we must destroy them to advance our historic mission.¹²³

The imposition of freedom through destruction (thus ensuring its perversion) was part of the neoconservative ideology with which, as has been shown, the Bush administration found common cause.

¹²¹ Ibid., pp. 228, 223.

¹²² Haifa Zangana, 'Songs of Iraqi Resistance' in *War With No End*, Phyllis Bennis et al. (London: Verso, 2007), pp. 61–75 (p. 65).

¹²³ Michael A. Ledeen, *The War Against the Terror Masters* (New York: St Martin's Press, 2002), pp. 212–13.

V TORTURE AS AN 'ENGINE OF STATE'

The phrase 'torture as an engine of state' was first used by William Blackstone in his *Commentaries* on the laws of England in the sixteenth century, by which he meant the use of torture by the state as an extra-legal tool.¹²⁴ This section considers what lay behind the use of torture by the State, as an extra-legal instrument of the Bush administration's war on terror. The thesis is not concerned with the numerous and well-documented individual examples of torture and abuse inflicted upon detainees by U.S. Forces, agencies, or foreign surrogates that have been recounted at length elsewhere.¹²⁵ Many aspects of the torture policy are therefore well known and not in dispute. It is generally accepted to be the case, except by the architects of the policy, that, in the words of Eric Holder, the Attorney General appointed by President Obama in 2009:

Our government authorized the use of torture, approved of secret surveillance against American citizens without due process of law, denied the writ of habeas corpus to hundreds of accused enemy combatants and authorized the procedures that violate both international law and the United States Constitution.¹²⁶

The principal focus of this section is therefore not upon the practical outcomes of these policies, but upon the mind-set, indeed the ideology, that underpinned them. In short, how the defence of freedom came to rely upon measures more usually associated with tyranny.

It is worth outlining briefly the means by which the Bush administration sought to unpick or evade the legal constraints on the use of torture by US

¹²⁴ Cited in Stephen Holmes, 'Is Defiance of the Law a Proof of Success? Magical Thinking in the War on Terror' in *The Torture Debate in America*, ed. by Karen J. Greenberg (New York: Cambridge University Press, 2006) pp. 118–135 (p. 126).

¹²⁵ See, for example, Philippe Sands, *Torture Team: Rumsfeld's Memo and the Betrayal of American Values*, (Basingstoke: Palgrave Macmillan, 2008) and Mark Danner, *Torture and Truth: Abu Ghraib and the War on Terror*, (London, Granta, 2005). See also the International Red Cross Committee, 'Report on the Treatment of Fourteen "High Value Detainees" in CIA Custody', February 2007 <<http://www.nybooks.com/irc-report.pdf>> [accessed 15 April, 2009].

¹²⁶ Cited in David Cole, 'What to Do About the Torturers?', *New York Review of Books*, 15 January 2009 <<http://www.nybooks.com/articles/22232>> [accessed 19 March 2009] An internal CIA report into unauthorized interrogation methods written in 2004, but heavily redacted, was released by the Attorney General in August 2009. Further investigations were, at that time, pending.

Forces which had hitherto prevailed. As is well documented, following 9/11 there were a large number of memoranda flowing between the Justice Department, the State Department, the Defence Department, and the White House that pertained to the interrogation of detainees. The most famous of these was the so-called 'torture memo' dated August 1, 2002, from Jay Bybee of the Office of Legal Counsel (OLC) in the Justice Department to then White House Counsel Alberto Gonzales.¹²⁷ This memo, which was subsequently withdrawn in December 2004, redefined torture so as to make it all but impossible to commit, and is often regarded as the point at which the administration's deliberate deployment of torture as a tool in the war on terror began. In this memo it was argued that that torture required the intent to inflict suffering 'equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.' Mental suffering had to 'result in significant psychological harm' and 'be of significant duration, e.g. lasting months or years'.¹²⁸ Additionally, the memo argued, the President, as Commander-in-Chief had inherent powers to order any interrogation technique he chose. The President, in this interpretation, could not be fettered by any laws or treaties, including the Convention Against Torture ratified by the US in 1994; he was, to all intents and purposes, above the law.

However, previous legal advice given to the President paved the way for this defining 'torture memo'. Internal memoranda written in early 2002 by John Yoo in the OLC and David Addington, the Vice President's legal counsel, concluded that the Geneva Conventions did not apply to al-Qaeda or Taliban suspects or persons suspected of links with them. Douglas Feith, the neoconservative Under Secretary of Defence, argued in a memo to Secretary of Defence Donald Rumsfeld, later shared with the President, that terrorists did not deserve the protection of the Geneva Conventions and it would defile

¹²⁷ Memo from U.S. Department of Justice, Office of Legal Counsel, for Alberto R. Gonzales, Counsel To The President, 'Standards of Conduct for Interrogation Under 18 U.S.C ss 2340-2340A'. <<http://www.washingtonpost.com/wp-dyn/articles/A62516-2004Jun22.html>> [accessed 1 October 2009].

¹²⁸ Ibid.

those Conventions to extend its rights to such disreputable warriors.¹²⁹ The President was accordingly advised by his legal counsel, Alberto Gonzales (although the real author was later revealed to be Addington), on 25 January 2002, that he did not have to comply with the Geneva Conventions or other customary international laws in handling 'illegal enemy combatants'. Indeed, the relevant prohibitions on coercive interrogation techniques and the use of torture were dismissed as 'obsolete'. One of the 'positives' of determining that the Conventions did not apply, argued Gonzales, was that it 'substantially reduce[d] the threat of domestic criminal prosecution under the War Crimes Act'.¹³⁰ The President formally decided on 7 February, 2002 that the U.S. would abandon its commitment to abide by the Geneva Conventions in the war on terror 'as a matter of policy'— not law. 'The U.S. Armed Forces', declared the President, 'shall continue to treat detainees humanely' so long as it was consistent with 'military necessity'.¹³¹ 'Military necessity' did not apply to the CIA, which enabled it to argue that it had full legal cover to treat prisoners in inhumane ways provided such treatment stopped short of torture.¹³²

A sense of unlawful purpose appears to underpin much of the legal advice sought by the administration regarding the treatment of prisoners, and, as David Cole argues, the OLC lawyers 'contorted the law to authorize precisely what it was designed to forbid'.¹³³ The memo from John Yoo at the OLC dated December 28 2001 to William J. Haynes at the Department of Defence, together with his memo dated 13 March 2002 to the same addressee, determined, *inter alia*, that the jurisdiction of the US courts did not apply to prisoners held outside the United States, e.g. Guantánamo Bay or Afghanistan, that the President as Commander-in-Chief had the power and

¹²⁹ Jane Mayer, *The Dark Side*, p. 122.

¹³⁰ 'Memorandum for the President from Alberto Gonzales' 25 January 2002 <http://www.hereinreality.com/alberto_gonzales_torture_memo.html> [accessed 17 May 2009].

¹³¹ Cited in Mayer, *The Dark Side*, p. 124.

¹³² *Ibid.*, p. 125.

¹³³ David Cole, 'The Torture Memos: The Case Against the Lawyers', *New York Review of Books*, 8 October, 2009, p. 14.

authority to transfer prisoners of war to other nations, and that the Torture Convention cannot apply to prisoners held outside the United States.¹³⁴

The result of this legal advice, which in effect cast prisoners taken in the 'war on terror' outside the law, was to create a climate of lawlessness which stretched from prisons in Afghanistan to Iraq, from Guantánamo Bay to secret CIA prisons around the world, the so-called 'black sites'. And yet the administration was reluctant to give any impression of having dispensed with the law or indeed that it condoned the use of torture. Time and again the President hung on to the notion of the country's virtue, inseparable from its love of freedom. On 26 June 2003, on the International Day in Support of Victims of Torture, the President claimed 'The U.S. is committed to the worldwide elimination of torture, and we are leading this fight by example'. Dismissing Amnesty International's Report of 25 May 2005 on the human rights abuses at Guantánamo Bay (the report described the facility as 'the gulag of our times'), the President said 'I'm aware of the Amnesty International Report, and it's absurd. It's an absurd allegation. The United States is a country that [...] promotes freedom around the world.'¹³⁵ On 5 October 2007, responding to a *New York Times* report that the Justice Department had secretly authorised harsh interrogation techniques for terror suspects as late as 2005, the President stated 'This government does not torture people. We stick to US law and our international obligations.'¹³⁶ Even more emphatically, in a speech in December 2005, the Secretary of State, Condoleezza Rice asserted:

The United States does not permit, tolerate or condone torture under any circumstances. Moreover, in accordance with the policy of this administration, the United States has respected – and will continue to respect – the sovereignty of other countries. The U.S. does not transport, and has not transported, detainees from one country to another for the purpose of interrogation using torture. The U.S. does not

¹³⁴ 'Memorandum from the OLC for William J. Haynes II, General Counsel, Department of Defense', 13 March 2002 <<http://www.usdoj.gov/opa/documents/memorandum03132002.pdf>> [accessed 4 January 2009].

¹³⁵ Cited in Blumenthal, *How Bush Rules*, p. 61.

¹³⁶ 'Bush Denies U.S. Torture Claims', 5 October 2007 <<http://news.bbc.co.uk/1/hi/world/americas/7030383.stm>> [accessed 17 April 2009].

use the air space or the airports of any country for the purpose of transporting a detainee to a country where he or she will be tortured.¹³⁷

Rice was able to make such a statement by sheltering behind the legal advice that had been provided. Waterboarding was not defined as torture under the Bybee memo of 1 August 2002, and indeed that advice, as previously mentioned, made torture virtually impossible to commit. It was important to her, as it was to the President, that all US treatment of detainees was perceived as lawful, even the CIA activities which included 'extraordinary rendition' whereby detainees were transported for interrogation to sites in countries such as Poland, Romania, and Afghanistan.¹³⁸ In his speech of 6 September 2006, in which he acknowledged the existence of a separate CIA programme through which the US had been holding and questioning without charge large numbers of prisoners for years, the President admitted that the interrogation procedures had been 'tough and they were safe and they were lawful'. He repeated: 'The United States does not torture. It's against our laws, and it's against our values'. Again, he appealed to America's virtue, its love of freedom: 'Like the struggles of the last century, today's war on terror is, above all, a struggle for freedom and liberty. The adversaries are different, but the stakes in this war are the same. We're fighting for our way of life and our ability to live in freedom.'¹³⁹

The President and the administration as a whole stuck to the position, in public, that the treatment of prisoners remained lawful and American values remained intact. It was, after all, impossible to admit that in the war on terror the superior claims of the moral opposite of evil, namely American freedom, rested upon the widespread use of torture and the abuse of prisoners. The tradition of liberty to which the administration appealed could not support such a position. But, crucially, the neoconservative interpretation of freedom

¹³⁷ Cited in Blumenthal, *How Bush Rules*, p. 312.

¹³⁸ Due to the secret nature of the programme, figures for renditions are difficult to confirm. The Director of the CIA testified that 70 renditions took place. Other estimates range from hundreds to low thousands. See Mayer, *The Dark Side*, p. 108.

¹³⁹ 'President Bush's Speech on Terrorism', *New York Times*, 6 September, 2006.
<http://www.nytimes.com/2006/09/06/washington/06bush_transcript.html> [accessed 27 April 2009].

could indeed accommodate a culture of torture and abuse, if only at an unacknowledged level. The fact that this culture was unacknowledged is also consistent with a further key component of Straussian thought. Strauss, as previously noted, did not believe that the people could be trusted with the truth ¹⁴⁰and was opposed to the very idea of an open society. In his political landscape it is 'the philosophers' who have privileged knowledge about what is best for 'the city', even if the mass of the people do not know it themselves. A significant number of neoconservatives in key positions within the Bush administration seemed to have reflected, albeit unconsciously, this Straussian strand of thought in which elites know best what is good for the state, thus contributing to the culture of denial surrounding the nature of interrogation methods used on detainees.

The paradox that lay between the administration's claims to be defending freedom and the methodology used to pursue this objective was clearly exposed by the photographs of abused prisoners at Abu Ghraib prison in Baghdad, which came into the public realm in April 2004. As is well known, there were photographs of a female guard holding a kneeling, naked Iraqi man by a dog leash, and naked prisoners piled on top of one another, behind which smiling military personnel look on. A guard is shown to be forcing a hooded prisoner to simulate oral sex with another prisoner, and, most iconic of all, an Iraqi prisoner is shown precariously perched on a box with a sandbag over his head, electrical wires attached to his hands.

These scenes of coercion and abuse were a microcosm of what was occurring in the string of prisons that the US had created in its war on terror. As well as the territorial war being waged to assert American hegemony, a war was being waged on the more metaphysical territory of the bodies suspected of terrorism or insurgency. Scenes like these, as well as acts of torture such as waterboarding, represented the ultimate assertion of American power. Pain and humiliation are being inflicted in order to bend the victim to the will of the representatives of the US. In the Abu Ghraib

¹⁴⁰ Neither, in fact, did Irving Kristol. See p. 230.

photographs the victims were being represented as images of persons whose lives were not worth living in relation to those whose lives must be defended. The photograph of the 'Man on the Box' was appropriated by Western commentators in order to condemn torture, perhaps because the hooded figure closely resembled the tortured Christ in Christian iconography. But it was perhaps an Iraqi who saw a truer meaning. An Iraqi street artist placed the photograph of the 'Man on the Box' next to his sketch of the Statue of Liberty caught in the act of pulling a lever that would send a fatal electric charge through the hooded figure. The caption read: 'That Freedom for Bush' [sic].¹⁴¹ American freedom had become indistinguishable from American oppression.

The senior commander of US forces in Iraq, Lieutenant General Ricardo Sanchez, who was advised by a team sent by Secretary of Defence Rumsfeld in order to get better intelligence from Abu Ghraib and elsewhere, later charged the Bush Administration with 'gross negligence' and 'dereliction of duty' for sweeping away the Geneva Conventions and providing no guidance to the armed forces in their place. By doing so, he claimed, 'the civilian leaders at the highest levels of our government [...] unleashed the hounds of Hell, and no one seemed to have the moral courage to get the animals back in their cage'.¹⁴² Susan Sontag in her essay about Abu Ghraib entitled 'Regarding the Torture of Others', has made the point that Americans are as capable of inflicting rape and pain upon prisoners as any other people. They do so, she says, when

they are told, or made to feel, that those over whom they have absolute power deserve to be humiliated, tormented. They do them when they are led to believe that the people they are torturing belong to an inferior race or religion. For the meaning of these pictures [of the Abu Ghraib prisoners] is not just that these acts were performed, but that their perpetrators apparently had no sense that there was anything wrong in what the pictures show.¹⁴³

¹⁴¹ Donald E. Pease, 'Between the Homeland and Abu Ghraib: Dwelling in Bush's Biopolitical Settlement', in *Exceptional State*, pp. 60–87 (p. 80).

¹⁴² Cited in Mayer, *The Dark Side*, p. 241.

¹⁴³ Susan Sontag, 'Regarding the Torture of Others', *Southern Cross Review*, May 2004 <<http://southerncrossreview.org/35/sontag.htm>> [accessed 23 May 2009].

The metaphorical architects of the torture dungeons at Abu Ghraib and similar facilities elsewhere were, it can be argued, not the US armed forces, but the President and senior figures of his administration under the influence of neoconservative ideology. They were assisted by lawyers,¹⁴⁴ the military commanders and so on, but the message they designed and promulgated concerning an endless war on terror was theirs. Torture emphasised, in a grotesque way, the unbridled nature of American power since the very act of torture is designed to demonstrate the end of the normative world for the victim and express the complete domination of the State which the torturer represents. Torture mirrors terrorism, since it is meant to terrorize, and it has a symbolic value. As the political writer William Pfaff observed:

It is hard to avoid the conclusion that the Bush administration is not torturing prisoners because it is useful but because of its symbolism. It originally was intended to be a form of what later, in the attack on Iraq, came to be called 'shock and awe'. It was meant as intimidation. We will do these terrible things to demonstrate that nothing will stop us from conquering our enemies. We are indifferent to world opinion. We will stop at nothing.¹⁴⁵

The use of torture can therefore be interpreted as a tangible example of the neoconservative belief that the rightness of the American cause rendered conventions, legalities, or the opinion of other nations obsolete. Although, as argued above, unlawfulness was always denied by the administration, the rhetoric it deployed following the events of 9/11 and which continued thereafter often hinted at a strategy that would not rule it out. As President Bush stated in October, 2001, in its war against the 'evil doers' and the 'evil ones', America was engaged in a 'different type of war', one in which 'we've

¹⁴⁴ In an investigation into the legal advice offered by John Yoo and Jay Bybee, the Department of Justice's office of professional responsibility concluded that Yoo 'put his desire to accommodate the client above his obligation to provide thorough, objective, and candid legal advice ... and therefore committed professional misconduct'. It found that Bybee had acted in 'reckless disregard' of his professional obligations[...]. Associate deputy general counsel concluded that Yoo's 'loyalty to his own ideology and convictions clouded his view of his obligation to his client'. Cited in Philippe Sands, 'Bogus advice and a dismal moment for democracy', *Guardian*, 10 November, 2010, p.14

¹⁴⁵ William Pfaff, 'The Truth About Torture', *The American Conservative*, 14 February 2005 <<http://www.amconmag.com/article/2005/feb/14/00026/>> [accessed 16 June 2009].

got to fight on all fronts'. And again: 'This is a different kind of war that requires a different type of approach and a different kind of mentality.'¹⁴⁶ As the Vice President put it shortly after 9/11:

We'll have to work sort of on the dark side, if you will. We've got to spend time in the shadows in the intelligence world. A lot of what needs to be done here needs to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies – if we are going to be successful. That's the world these folks operate in. And, uh, so it's going to be vital for us to use any means at our disposal basically, to achieve our objectives.¹⁴⁷

However, whilst rhetoric played its part in the constructing a culture in which torture became almost acceptable, it is the underlying philosophy of neoconservatism, that, arguably, played a larger role. It is worth first of all setting out briefly why torture is so abhorrent to the liberal individualist view of human nature. Berlin for example, following Kant, sees man not as a means to an end, but as an end in himself. In this view, there is no value higher than the individual, which is why for Berlin

All forms of tampering with human beings, getting at them, shaping them against their will to your own pattern, all thought-control and conditioning, is, therefore, a denial of that in men which makes them men and their values ultimate.¹⁴⁸

Liberalism, which, for Berlin, nourishes his concept of negative liberty, intrinsically incorporates a vision of human beings possessed of an inherent dignity, which torture and abuse aim to strip away, reducing the victim to an isolated and terrified object who is less than human. This is the embodiment of the liberal's worst nightmare as it represents, in microcosm, the idea of political tyranny, whereby the weak and powerless are the victims of the strong. What is unacceptable in Berlin's liberalism

is the use of human beings as mere means – the doctoring of them until they are made to do what they do, not for the sake of the purposes which are their purposes [...] but for reasons which only we, the manipulators, who freely twist them for our purposes, can understand [...]. [W]hat turns one inside out, and is indescribable, is

¹⁴⁶ 'President George W. Bush's Press Conference on 11 October 2001' <<http://www.johnstonsarchive.net/terrorism/bush911e.html>> [accessed 23, October 2009].

¹⁴⁷ Cited in Mayer, *The Dark Side*, p. 9.

¹⁴⁸ Berlin, 'Two Concepts of Liberty' in *Liberty*, p. 184.

the spectacle of one set of persons who so tamper and 'get at' others that the others do their will without knowing what they are doing; and in this lose their status as free human beings, indeed as human beings at all.¹⁴⁹

Neoconservatism, which regards liberalism as a mistaken political ideal responsible for many of the ills of the present, does not, by contrast, see man as an end in himself. As argued in Chapter Four, for neoconservatives the ideal society is not one in which conditions of maximum choice are created for the individual, but one in which men are led, or perhaps even coerced, towards certain eternal truths for the sake of their 'true' selves. This view of human nature, that man can be sacrificed in the name of values higher than himself, sits easily with the neoconservative vision of a pre-eminent America at war with evil, unconstrained by law or treaties, whose actions are justified by abstractions such as the war on terror.

The philosophy of neoconservatism, with its belligerent optimism that the US was acting to defend freedom against evil, that there is but one true set of values that can be universally applied across cultures, and that laid claim to possessing *the* truth, (Berlin's 'magical eye'), would not, and did not, balk at the sacrifice of individuals on Hegel's 'slaughter-bench of history' provided that the interests of the US and the administration were served. Susan Sontag, in the extract from her essay quoted above, touched upon a truth that for the Abu Ghraib guards, as for the CIA torturers elsewhere, there *was* nothing wrong in their behaviour. There was nothing wrong because the US administration became the only arbiter of right and wrong that mattered. This was possibly the true meaning of the Bush aide's remarks in which he boasted that now the U.S. was an empire it 'create[s] its own reality'.

A foreign policy that focused upon the unbridled use of American military power and incorporated a neoconservative vision in which democracy and freedom could be imposed from without was bound to entail excesses. The idea of such an imposition of values by force on people who are deemed to be in no condition to know what is good for them has been

¹⁴⁹ Berlin, 'Letter To George Kennan', in *Liberty*, p. 339

mounted, as Berlin put it, 'by every dictator, inquisitor and bully who seeks some moral, or even aesthetic, justification for his conduct'.¹⁵⁰ The use of torture was a toxic ingredient in the perversion of freedom that such an imposition entails.

VI CONCLUSION

This chapter has sought to demonstrate, using a range of examples, the way in which the foreign policy of the Bush administration revealed the nature of its interpretation of freedom, and the way in which the discourse of freedom was used to underpin these policy goals and the methods used to achieve them.

The origins of the neoconservative influence upon the emerging foreign policy and the strands of thought that contributed to it were discussed in section II. Section III explained how these influences coalesced after the events of 9/11 to form a distinctive foreign policy strategy which was embodied in the National Security Strategy of 2002. The main features of this strategy were that American military power would need to be used aggressively, not passively, proactively rather than simply reactively. Though the ultimate goal was the defence of freedom, enemies of the United States may be struck first before they can cause harm to America or its interests. Implicit within this strategy was the use of American power throughout the world to impose a global order conducive to its interests, both economic and political.

Section III also discussed the overarching theme of the Bush foreign policy, namely the war on terror. This phrase refers to what is, in essence, an abstraction. Terror is, after all, not a tangible or identifiable enemy; it is a concept and a methodology adopted by fanatics. But for the Bush administration it was a convenient term, a peg upon which to hang some of the ideological baggage associated with neoconservatism, part of which was a belief in the desirability of increased presidential and state power, which is

¹⁵⁰ Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 197.

discussed further in the next chapter. As the journalist and writer Mark Danner summarized, 'serving as it has as a handy and near-inexhaustible rationale for accruing centralized power, the War on Terror has approached as close as we have yet come to Orwell's imagined perpetual war, accruing to those in control the increased power that comes with war but without the endless costs'.¹⁵¹

It is arguably the idealistic nature of the administration's defence of the war, the very abstraction inherent in its title, revealing as it does a simplistic, reductionist view of the world, that is most revealing of the danger it posed to the tradition of liberty to which it constantly appealed. Considering the war on terror in terms of the analytical framework, it is worth highlighting how in particular this concept appears to run counter to two significant strands of Berlin's thought. First, the war on terror was an abstract concept that demanded the sacrifice of others, most of whom had never been asked whether they were prepared to make such a sacrifice. Secondly, in pursuing the war, the administration appeared to be adopting a Hegelian attitude to history which Berlin deplored.

Berlin was sceptical of the idea that human beings should be sacrificed on the altar of abstract ideas, not least because so often the ideas themselves turned out to be of a dubious nature. As previously mentioned, he opposed the notion that there existed some single great truth, some great historical ideal, some achievable final solution that demanded the sacrifice of individuals.¹⁵² He was particularly sceptical of what he termed (whilst referring to Herzen) 'the despotism of formulas – the submission of human beings to arrangements arrived at by deduction from some kind of *a priori* principles which had no foundation in real experience'.¹⁵³ The abstractions to which individuals were so often sacrificed were largely illusory, but

¹⁵¹ Cited in Susan Neiman, *Moral Clarity: A Guide for Grown-Up Idealists* (London, The Bodley Head, 2009), p. 55.

¹⁵² Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 212.

¹⁵³ Berlin, 'Alexander Herzen', in *Russian Thinkers*, ed. by Henry Hardy and Aileen Kelly (New York: Penguin Books, 1978), pp. 212–239 (pp. 228–229).

The one thing that we may be sure of is the reality of the sacrifice, the dying and the dead. But the ideal for the sake of which they die remains unrealised. The eggs are broken and the habit of breaking them grows, but the omelette remains invisible. Sacrifices for short-term goals, coercion, if men's plight is desperate enough and truly requires such measures, may be justified. But holocausts for the sake of distant goals, that is a cruel mockery of all that men hold dear, now and at all times.¹⁵⁴

In words that seem particularly apt when applied to the war on terror and the rhetoric surrounding both it and the Iraq war, Berlin perceived this faith in abstract ideals, which demands the sacrifice of the lives of others, as intellectually flawed, almost a retreat from reason:

a confusion of words with facts, the construction of theories employing abstract terms which are not founded on discovered real needs [...]. These formulae grow into terrible weapons in the hands of fanatical doctrinaires who seek to bind them upon human beings, if need be, by violent vivisection, for the sake of some absolute ideal, for which the sanction lies in some uncriticised and uncriticisable vision [...].¹⁵⁵

As has been demonstrated above, the war on terror embraced a discourse which did indeed promulgate abstract notions such as ridding the world of evil and delivering freedom. The sacrifice of others, however, principally Afghans and Iraqis, and indeed US military personnel, was justified in the name of these abstractions, although the extent of the sacrifice was never dwelt upon. The number of Iraqis killed in the war was never officially tallied, and the media were forbidden to film the returning coffins of the US military who lost their lives.¹⁵⁶ The President did not attend the funeral of a single US soldier.¹⁵⁷ In this discourse of freedom there were to be no negatives, only the certainty of being, in the Hegelian sense, 'on the right side of history's flow', which rendered regret at the sacrifice of individuals 'a mere indulgence in subjective moods'.¹⁵⁸ As the President said in January 2005, 'history has a visible direction, set by liberty and the Author of

¹⁵⁴ Berlin, 'The Pursuit of the Ideal', in *The Crooked Timber of Humanity: Chapters in the History of Ideas*, ed. by Henry Hardy (London: Fontana Press, 1991) pp. 1–19 (p. 16).

¹⁵⁵ Berlin, 'Herzen and Bakunin on Individual Liberty', in *Russian Thinkers*, pp. 93–129 (p. 101).

¹⁵⁶ 'Pentagon Defends Photo Ban', *CBS News*, 23 April 2004

<<http://www.cbsnews.com/stories/2004/04/23/iraq/main613365.shtml>> [accessed 5 October 2010].

¹⁵⁷ Maureen Dowd, 'Death Be Not Loud', *New York Times*, 6 November, 2003.

<<http://www.nytimes.com/2003/11/06/opinion/06DOWD.html>> [accessed 4 October 2010].

¹⁵⁸ Berlin, 'Hegel', in *Freedom and its Betrayal*, p. 92.

Liberty.¹⁵⁹ Those called upon to die in the sanctified name of 'freedom' need not be dwelt upon; they are simply what history demands.

Freedom, however, remained undefined. There was, nevertheless, a belief often explicitly expressed, by the President and others, that the American ideal of freedom was what all peoples craved, that it was sanctified by the Almighty, and the same for all cultures.¹⁶⁰ This is a claim that has been disputed by, for example, the philosopher John Dewey, who believed that what determined the need for freedom, its importance as a social and political objective, and indeed its meaning, was determined by cultural factors.¹⁶¹ It was not a default position common to all mankind, a universal constituent of human nature in the way President Bush in particular suggested, and indeed many figures of the Enlightenment also claimed. Seen in this light, the idea that an ideal rooted in the American tradition (irrespective of how the Bush administration interpreted it), and thus culturally contingent, could be exported to other nations like Iraq and Afghanistan, was flawed. The paradox exposed by the Iraq war was that the monist vision of freedom as a paramount value to all men everywhere could only be imposed by the use of overwhelming force, the projection of fear, and the sacrifice of large numbers of Iraqi lives, all of which constituted the denial of their freedom.

It is of course the case that the use of torture is not a foreign policy goal, but it has been argued in this chapter that it was an inevitable adjunct to the overall direction of foreign policy and the ideas that underpinned it. The absorption of neoconservative ideas by the administration enabled it to embrace the concept of unbridled American power, itself likely to undermine moral restraint in the treatment of detainees. Furthermore, as discussed in Section II above, neoconservatism clove in no small measure to the Orientalist assumption that Western and American culture are superior to non-Western political and cultural systems. The idea of an inherent superiority easily

¹⁵⁹ 'President George W. Bush's Inaugural Address,' 20 January 2001.

¹⁶⁰ See for example the extract of President Bush's State of the Union address on January 28 2003, cited on p. 158. See also his remarks aboard USS Abraham Lincoln on 1 May, 2003, when he said, 'Men and women in every culture need liberty like they need food, and water, and air.'

¹⁶¹ John Dewey, *Freedom and Culture* (London: George Allen and Unwin Ltd. 1940), p. 7.

translates not only to pre-emptive war upon an 'inferior' culture (Afghanistan, Iraq), but also to a belief that the peoples who belong to such a culture are in no sense equal – as human beings – to those members of the 'superior' culture. When such beliefs take hold, as Susan Sontag made clear in her essay quoted in Section V above, the outcome is unsurprising. It may be argued that the use of torture is one of the most revealing manifestation of the administration's interpretation of the meaning of freedom. As discussed above, the key differences between the liberal and neoconservative visions of what constitutes a self, a person, lead to an acceptance of the use of torture on the one hand, and an almost absolute rejection – except in extreme circumstances – on the other. As Berlin emphasises: 'Enough manipulation of the definition of a man, and freedom can be made to mean whatever the manipulator wishes'.¹⁶² If man is simply perceived as a means to an end, even the ideal of freedom and the use of torture may be reconcilable.

As already demonstrated, much of the freedom discourse as well as that associated with the war on terror expressed ideas which ran counter to several significant strands of Berlin's thought that nourished his ideal of negative liberty. In constructing the discourse of freedom in the field of foreign policy, President Bush took up the implicit challenge of the neoconservatives that liberalism had so weakened America it no longer had the will to defend itself: the Straussian idea of the crisis of the West. The vision of freedom expressed by the President and his administration was not a vision of freedom that embraced pluralism and choice, a vision that encompassed a world of competing, often incommensurable values in which freedom competes with others. This was, by contrast, a monist vision in which American hegemony and its ideal of freedom must prevail. Using the certainty of the rightness of his cause, underwritten as he believed it to be by both God and the tide of history, the President attempted to combat the relativism which, the neoconservatives had claimed, had been America's major weakness for many years. This was a discourse that embraced a truth

¹⁶² Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 181.

the neoconservatives believed no one else had the courage to see or articulate. It was a declaration of war not only upon terror but also upon what they perceived to be an exhausted liberal establishment. In this vision, American freedom became, as Anthony Burke expressed it, 'instrumental, strategic and divine, all at once'.¹⁶³ In its confident assertion that all men must rightfully want what the United States government says they want, even though they may not know it, this discourse adopted – contrary to the character of freedom located within the American tradition – elements of Berlin's idea of positive liberty. The launching of a permanent war on terror, a pre-emptive war on Iraq, and an implicit acceptance of torture, clearly demonstrated the perversion to which this interpretation of freedom is so easily prone. How that perversion was manifested in domestic policy is the subject of the next chapter.

¹⁶³ Burke, 'Freedom's Freedom', p. 329.

CHAPTER SIX: FREEDOM AT HOME

As we defend liberty and justice abroad, we must always honor those values here at home.¹

In America, the Republic is not a dictatorship enforced in the name of liberty, it is liberty itself.²

¹ President George W. Bush, 'Remarks at the Iftaar Dinner', 28 October 2003 *Public Papers of the Presidents* <<http://frwebgate3.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=66311526519+7+1+0&WAISaction=retrieve>> [accessed 10 January 2009].

² Alexis de Tocqueville cited in Hugh Brogan, *Alexis de Tocqueville*, p. 436.

I INTRODUCTION

To a significant extent, as in the arena of foreign policy, the domestic policies of the Bush administration were in a number of areas a reflection of its underlying ideology which was largely shaped by the influence of neoconservatism. As has been noted, this was an influence rooted in some ways in the republican virtue tradition and one that embraced an interpretation of freedom which, this thesis maintains, ran counter to the American tradition. It is plausible to argue that, just as 9/11 presented the neoconservatives with an opportunity for long-planned military adventurism, it also provided them with an opportunity to influence the domestic policy agenda to reflect their ideals and values. Indeed, well before 9/11, William Kristol and Robert Kagan, in their influential article published in *Foreign Affairs* in August 1996 (previously referred to at page 136), made a key connection between foreign and domestic policy. In calling for 'moral clarity' in foreign policy, they argued that 'the remoralization of America at home ultimately requires the remoralization of foreign policy'.³ Referring to this passage in the article, Nicholas Xenos suggests:

The Straussian element in the neoconservative agenda thus contributed to a political project that aimed at exploiting America's unrivalled military power to reverse its cultural decline. The regime it sought to change was the American regime.⁴

The nature of the changes they had in mind was in many respects unprecedented and revolutionary. In a work entitled *The Great Unravelling: Losing Our Way in the New Century* (2003), Paul Krugman, a former economics professor and writer for the *New York Times*, relates how an alarm was set off for him whilst reading Henry Kissinger's reflections on the French Revolution in his 1957 doctoral thesis on the age of Metternich and Castlereagh. What 'sent chills down my spine', he recalls, was how Kissinger 'describes the

³ Robert Kagan and William Kristol, 'Towards a Neo-Reaganite Foreign Policy'.

⁴ Nicholas Xenos, 'The Neocon Con Game', in *Confronting the New Conservatism: The Rise of the Right in America* ed. by Michael J. Thompson, (New York: New York University Press, 2007), pp. 225–246 (p. 243).

problems confronting a heretofore stable diplomatic system when it is faced with a “revolutionary power” – a power that does not accept that system’s legitimacy’. He goes on:

The revolutionary power he had in mind was the France of Robespierre and Napoleon, though he clearly if implicitly drew parallels with the failure of diplomacy to effectively confront totalitarian regimes in the 1930s [...]. It seems clear to me that one should regard America’s right-wing movement – which now in effect controls the administration, both houses of Congress, much of the judiciary, and a good slice of the media – as a revolutionary power in Kissinger’s sense. That is, it is a movement that does not accept the legitimacy of our current political system.⁵

Krugman apparently saw President Bush as ‘a stealth revolutionary, a Robespierre in George Bush clothing, relentlessly pushing a revolutionary right-wing agenda, a true radical bent on dismantling America’s *ancien regime* [...]’.⁶

The domestic agenda offered an even greater potential for the radical nature of neoconservative ideology (and its concomitant interpretation of freedom discussed in sections II and III of Chapter Four), to express itself than did the arena of foreign policy. It was an unprecedented opportunity for the neoconservatives to attack and reverse the ‘liberal’ cultural relativism that they believed had debased America – see for example the views of Allan Bloom discussed in Chapter Four. This chapter therefore considers, using the same analytical framework as used in the previous chapter, several key domestic policy areas that illustrate the extent of the radical attempt to reverse America’s perceived cultural demise. The policy areas touched upon range from the consolidation of presidential power and the measures taken to protect ‘homeland security’, through to issues such as science, climate change, and sexual health. What links them for the purposes of this thesis is not merely that they are examples of a radical approach to government and an attempt to bring cultural values into the heart of politics, but that they each

⁵ Cited in Russell Baker, ‘The Awful Truth’ *New York Review of Books*, 6 November 2003 <<http://www.nybooks.com/articles/16730>> [accessed 15 February 2009].

⁶ *Ibid.*

manifest, in slightly different ways, the extent to which the administration reflected aspects of the neoconservative interpretation of freedom.

One of those manifestations relates to a strand of the authoritarianism and paternalism that can be discerned in the administration's domestic policy, in which, as in the republican virtue tradition, the State is assumed to have a role in shaping and reinforcing the moral virtue of its citizens. It would, of course, be an exaggeration to suggest, contrary to Tocqueville's claim, that America, under the Bush administration, was a dictatorship enforced in the name of liberty. Nevertheless, the extent to which authoritarian methods were adopted domestically by the administration in the name of freedom, whilst in effect reducing its reach and changing its meaning, is this chapter's main theme.

In the domestic sphere, neoconservative influence upon the administration was conflated with the influence of the Christian right. The alliance of the Christian right with parts of the Republican party is of long standing, but, as Esther Kaplan argues, the events of 9/11 galvanised not only the neoconservatives, but the Christian right as well, which took the opportunity to launch an almost unprecedented attack upon both secularism and Islam.⁷ In a sense, both sides felt vindicated: extremists on the Christian right saw the attacks as a judgement upon America for its secular and liberal ways,⁸ and the neoconservatives believed that their previously expressed concerns relating to America's military weakness were thoroughly justified. The combination of these two spheres of influence had a marked impact in the policy areas discussed in this chapter. Whilst the importance of religion in neoconservative thought has been already been referred to, it is worth emphasising its role as a backdrop to a number of domestic policies,

⁷ Esther Kaplan, *With God On Their Side: George W. Bush and the Christian Right* (London: The New Press, 2004), p. 13.

⁸ In a joint telecast interview on 13 September 2001, prominent evangelicals Pat Robertson and Jerry Falwell appeared to blame the attacks on gays, lesbians, abortionists, the ACLU, and all those who 'try to secularize America'. See 'Robertson-Falwell and Terrorism' <<http://www.truthorfiction.com/rumors/f/falwell-robertson-wtc.htm>> [accessed 12 July 2010].

especially those involving science. The American Catholic neoconservative philosopher Michael Novak has commented:

One characteristic of neoconservative thought that is understated – because people interpret it politically – is the degree to which it is fundamentally an ethical and religious movement. It is characteristic of all the neoconservatives that they have regained a religious sensibility and think religion terribly important.⁹

Neoconservatives hold that the strict separation of Church and State and the exclusion of religious symbols from the public sphere damaged the moral environment and facilitated cultural relativism.¹⁰ Attempts were therefore made by the administration to blur this distinction – see Section IV below. Although most neoconservatives support the tenets and values of Judeo-Christianity for their own sake, religion also has a utilitarian function in that it provides a ground upon which to align against the cultural left. If public debate is robbed of religious references, they believe, it gives ground to relativism and damages the polity.¹¹ Religion, for neoconservatives and the Christian right, must never be separated from politics and it is in the area of science and associated subjects, e.g. sex education and stem cell research, that this belief was most clearly manifested in the policies of the Bush administration, and where the state made attempts to coerce people towards moral virtue.

In reflecting upon the themes outlined above, this chapter focuses on four principal areas. Section II is concerned with aspects of the presidency itself: how presidential power was exercised and the administration's view of its scope and limitations. It considers in particular the development of what has been called 'the Imperial Presidency',¹² as well as the administration's

⁹ Cited in Mark Gerson, *The Neoconservative Vision*, p. 272.

¹⁰ *Ibid.*, p. 289.

¹¹ *Ibid.*

¹² See Arthur M. Schlesinger, Jr, *The Imperial Presidency* (Boston: Houghton Mifflin, 1973). Schlesinger argued that 'imperial power' invested in the presidency in the first decades of the Cold War was an anomaly that first gained traction under the Truman presidency, reaching its zenith under President Nixon (1969-1974). Both Vice-President Cheney and Secretary of Defence Rumsfeld served in the Nixon administration.

adherence to the 'unitary executive theory', the presidential practice of 'signing statements', and attitudes towards Congress and the law.

Section III is concerned with the ramifications of the various pieces of legislation passed in the wake of the events of 9/11, e.g. the USA Patriot Act of 2001 and the Homeland Security Act of 2002, the provisions of which were frequently consecrated by the rhetoric of freedom with which President Bush introduced them. Much of the way this legislation was implemented, the number of persons detained and deported, the extent of domestic surveillance and wiretapping, and intrusions of privacy (which included book-borrowing habits, for example), was the responsibility of the Attorney General, John Ashcroft, whose interpretation of the meaning of freedom is subjected to analysis.

Section IV illustrates how the administration adopted an anti-science stance, which was manifested, in particular, in its approach to climate change, stem cell research, and sex education. This stance reflected opinion on the Christian right and was a discernible trend within the Republican party that, according to writer Chris Mooney, first became evident during Senator Barry Goldwater's presidential campaign of 1964, receiving further impetus during President Reagan's period of office (1981–1989).¹³ An anti-science stance is not therefore exclusive to neoconservatism, but it is an outlook which neoconservatives undoubtedly shared, and which was given an unprecedented emphasis under the Bush administration in its retreat from empiricism towards policies based upon notions of faith and virtue. One reason for this distrust of science, as the section illustrates, was that the very dynamism of science, its constant onslaught upon old orthodoxies and its rapid generation of new technological possibilities, represented one of the most threatening aspects of modernism.

Section V makes reference to Foucault's ideas concerning discourse and is concerned principally with how the discourse of freedom was disseminated

¹³ Chris Mooney, interview with mother jones, 3 October 2005
<<http://motherjones.com/politics/2005/10/republican-war-science>> [accessed 20 July, 2010].

through a compliant media. Section VI draws conclusions from the evidential examples presented in the body of the chapter.

II PRESIDENTIAL POWER

One of the features of neoconservatism that distinguishes it from other political philosophies, according to Stanley Aronowitz, is its willingness to replace the doctrine of compromise, the very stuff of practical politics, with one of an 'absolute truth'. 'Neoconservatism', he writes, 'is the sworn opponent of one of the sacred cows of pluralism: compromise with one's opponents'.¹⁴ In this sense, neoconservatism is, as Krugman suggests above, a kind of right-wing Jacobinism, willing both to wage permanent war on its critics and to seek, for the presidency and the administration, a concentration of power hitherto deemed by many theorists to be incompatible with constitutional checks and balances. As the political philosopher Stephen Bronner noted, '[Neoconservatives] are revolutionaries or, better, counter-revolutionaries intent on remaking America'.¹⁵

One of the clearest manifestations of these revolutionary, or counter-revolutionary, tendencies that characterised the Bush administration, was the way in which it interpreted and exercised presidential power. This is well illustrated by the development and implementation of the 'unitary executive theory'. The radical expansion of this theory, which had been upheld to a greater or lesser degree by past presidents,¹⁶ is often attributed to Vice President Cheney who, during a television interview in January 2002, talked about his commitment to reverse the restraints placed on the powers of the presidency after the Watergate scandal which, he complained, had led to

¹⁴ Stanley Aronowitz, 'Considerations on the Origins of Neoconservatism' in *Confronting the New Conservatism*, ed. by Thompson pp. 56–70 (p. 69).

¹⁵ Stephen Bronner cited in R. Claire Snyder 'Paradox or Contradiction', in *ibid.*, pp. 144–163 (p. 145).

¹⁶ See Steven G. Calabresi, *The Unitary Executive: Presidential Power from Washington to Bush* (New Haven: Yale University Press, 2008).

'unwise compromises' that weakened the presidency.¹⁷ The theory embraced by Cheney was that the president, as head of the executive branch of government and commander in chief of the armed forces, is endowed with vast 'inherent' powers and that all executive power, whatever its source, falls within presidential control.¹⁸ In the wake of the events of 9/11, the Bush legal team expanded the reach of this theory. Within two weeks, John Yoo, deputy assistant attorney general in the Office of Legal Counsel (author of the so-called 'torture memo') had prepared a memo for the White House which asserted:

[t]he centralization of authority in the president alone is particularly crucial in matters of national defence, war, and foreign policy, where a unitary executive can evaluate threats, consider policy choices, and mobilize resources with a speed and energy that is far superior to any other branch.¹⁹

The advocates of this enhanced unitary executive theory were relying, at least in part, upon Alexander Hamilton's words in Federalist No. 70. The founders had put a single president in charge of the executive branch in order to give it a 'unity' so it could act with 'decision, activity, secrecy and despatch'. This is important in time of war when 'energy in the executive is [...] essential to the protection of the community against foreign attacks'.²⁰ Thus, the Bush administration lawyers argued, statutes and treaties that restrict what the military and other security forces can do are unconstitutional, as only the president could decide how the executive branch could best defend America. In effect, this doctrine claimed an exclusive power for the president unregulated in any way by Congress.

Proponents of the unitary executive theory also leant heavily on the notion of presidential prerogative and relied upon a broad interpretation of the vesting clause of Article II of the Constitution, claiming for the president what Thomas S. Langston and Michel E. Lind have called 'a near monarchical

¹⁷ Charlie Savage, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy* (New York: Little, Brown and Co., 2007), p. 75.

¹⁸ Calabresi, *The Unitary Executive*, p. 429.

¹⁹ Thomas M. Keck, 'The Neoconservative Assault on the Courts' in *Confronting the New Conservatism*, ed. by Thompson, pp. 164–193 (p. 176).

²⁰ Cited in Savage, *Takeover*, p. 124.

power' as a result.²¹ Frequently citing Locke, who, as has been previously emphasised, had considerable influence upon the founders, they point in particular to the prerogative power that Locke provides the executive to act in cases of emergency, even, if necessary, outside the law. In such cases, Locke wrote, 'tis fit that the laws themselves should in some cases give way to the executive power, or rather to this fundamental law of nature and government, viz. that as much as may be, all the members are to be preserved'.²² He goes on to describe 'this power to act according to discretion, for the public good, and without the prescription of the law, and sometimes even against it, is that which is called prerogative', which is to be used in unforeseen circumstances.²³ But Locke does make clear in the introductory paragraph to this chapter that the ability for the executive to act beyond or outside the law rests with the executive 'till the legislative can conveniently be assembled to provide for it'.²⁴

It is also argued, by James Pfiffner for example, that Locke's intent was that the prerogative power could be legitimately exercised only 'for the good of the people' and is not a discretion to ignore the law, but an authority to act in the public good in times of emergency in ways that may not accord with the law. The executive is still subject to legislative control except in special circumstances.²⁵ Similarly, Langston and Lind, in their study of whether notions of presidential prerogative can indeed be grounded in Locke, argue that a correct reading of the *Second Treatise* leads to the conclusion 'that the president possesses limited discretionary powers and that any purely executive power is "subordinate and ministerial" to the legislative power of the Congress [...] [A]ny prerogative power of the president to act in silence of the laws, or against the laws, exists only in sufferance of Congress'.²⁶ Therefore, the 'presidentialists', as Langston and Lind refer to them, cannot

²¹ Thomas S. Langston and Michael E. Lind, 'John Locke and the Limits of Presidential Prerogative', *Polity*, Vol. 24, No. 1 (1991), pp. 49–68 (p. 49).

²² Locke, *Two Treatises of Government*, p. 197.

²³ *Ibid.*, p. 198.

²⁴ *Ibid.*, p. 197.

²⁵ James P. Pfiffner, *Power Play*, p. 27.

²⁶ Langston and Lind, 'John Locke and the Limits of Presidential Prerogative', p. 68.

properly cite Locke as a source for arguing that the president has a residuum of extra-legal discretion in virtue of being invested with the 'executive power' alone.²⁷

The impetus for justifying the accumulation of extraordinary executive powers to the presidency, notably advocated by, for example, John Yoo and David Addington (the latter was Vice President Cheney's legal counsel and later chief of staff), but with the support of key administration figures such as Vice President Cheney, was the conviction, after 9/11, that America was a country at war. Addington, in particular, was a fervent advocate of unfettered presidential power because in his view the situation demanded it. In a memo on torture policy, reported by the *Washington Post* on 11 October, 2004, Addington wrote:

In light of the president's complete authority over the conduct of war, without a clear statement otherwise, criminal statutes are not read as infringing on the president's ultimate authority in these areas. [Prohibitions] must be construed as inapplicable to interrogations undertaken pursuant to his commander-in-chief authority. [...] Congress may no more regulate the president's ability to detain and interrogate enemy combatants than it may regulate his ability to direct troop movements on the battlefield.²⁸

The cornerstone of the Bush administration's interpretation of the unitary executive theory was, therefore, that the president, as commander-in-chief, was the sole judge of the law, unbound by the Geneva Conventions or Congressional oversight. This was a radical development which went considerably beyond the practice of other administrations. As Bruce Fein, a Republican legal activist who served as deputy attorney general under President Reagan, put it, the presidential legal advisers had

staked out powers that are a universe away beyond any other Administration. This President has made claims that are really quite alarming. He's said that that there are no restraints on his ability, as he sees it, to collect intelligence, to open mail, to commit

²⁷ Ibid.

²⁸ Dana Milbank, 'In Cheney's Shadow, Counsel Pushes the Conservative Cause', *Washington Post*, 11 October 2004 <<http://www.washingtonpost.com/ac2/wp-dyn/A22665-2004Oct10?language=printer>> [accessed 5 July 2010].

torture and to use electronic surveillance [...]. His war powers enable him to declare anyone an illegal combatant. It's got the sense of Louis XIV: 'I am the state'.²⁹

The political scientist Robert Spitzer summarised the Bush administration's view as affirming that 'Presidents have sole and complete control of the executive branch and other branches of government may not interfere with presidential actions arising from these executive powers'.³⁰ Spitzer argues that the unitary executive theory is corrosive to the constitutional separation of powers, and, as James Pfiffner points out, in asserting that, despite the lawmaking powers granted by the Constitution to Congress, presidential executive authority and the commander-in-chief clause can overcome virtually any constraint upon the executive, the executive is claiming unilateral control of the laws and is essentially claiming the power to say what the law is.³¹

The unaccountable nature of the administration's concept of executive power is further evidenced by the deployment of presidential 'signing statements'. Presidential signing statements are

pronouncements issued by the president at the time a congressional enactment is signed that, in addition to providing general commentary on bills, identify provisions of the legislation with which the president has concerns and (1) provide the president's interpretation of the language of the law, (2) announce constitutional limits on some of its provisions, or (3) indicate directions to executive branch officials as to how to administer the new law in an acceptable manner.³²

The use of signing statements was by no means a new phenomenon and prior to the presidency of George W. Bush it was most frequently used by President Reagan, whose attorney general, Edwin Meese III, was largely responsible for its development as commonly used instrument of executive action.³³ What was significant, however, about President Bush's use of this

²⁹ Cited in Jane Mayer, 'The Hidden Power', *The New Yorker*, 3 July 2006 p. 2

<http://www.newyorker.com/archive/2006/07/o3/060703fa_factl?curent> [accessed 21 June 2010].

³⁰ Cited in Pfiffner, *Power Play*, p. 220.

³¹ *Ibid.*, p. 227.

³² Phillip J. Cooper, 'George W. Bush, Edgar Allan Poe, and the Use and Abuse of Presidential Signing Statements', *Presidential Studies Quarterly*, 35, No. 3 (2005), pp. 515–532 (pp. 516–7).

³³ *Ibid.*, p. 517.

device was the extent to which it was used, its scope, and the underlying rationale behind its use.

By February 2008, President Bush had issued signing statements regarding 159 laws. This is fewer than President Clinton (391) but most of them (127) made constitutional claims as against 105 by President Clinton. More importantly, in those 159 signing statements, President Bush objected to more than 1167 law provisions. This is almost twice as many as all previous presidents combined, who had issued fewer than 600 constitutional challenges to laws in total.³⁴ The main aim of the signing statement strategy adopted by the Bush administration was 'not only to address specific provisions of legislation that the White House wishe[d] to nullify but also to reposition and strengthen the presidency in relation to Congress'.³⁵

Maintaining executive independence from Congress is a running theme throughout the President's use of signing statements. Amongst the challenges to laws passed by Congress, there were frequent refusals to provide information, objections to laws relating to rules and regulations for the military, and objections to foreign policy restrictions. President Bush instructed his subordinates that the laws to which he objected were unconstitutional constraints on his own inherent power as commander-in-chief and head of the unitary executive branch, and thus did not need to be obeyed as written.³⁶

When Congress reauthorised the USA Patriot Act in March 2006, for example, it required that Congress be informed at regular intervals about the use of the Federal Bureau of Investigation's (FBI) expanded search and seizure authority. The President announced his intention to construe these provisions 'in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to withhold information disclosure which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the

³⁴ Pfiffner, *Power Play*, p. 203.

³⁵ Cooper, 'George W. Bush, Edgar Allan Poe, and the Use and Abuse of Signing Statements'. p.515.

³⁶ Savage, *Takeover*, p. 237.

Executive's constitutional duties'.³⁷ Legal specialists pointed out that the President was, in effect, claiming that only the parts of the bill that expanded his power were constitutional, those parts designed to constrain his power were nullified.³⁸ Similar signing statement caveats were issued when Congress passed laws in 2004 and 2005 forbidding the military from using information that was not 'lawfully collected',³⁹ and, significantly, a signing statement using similar wording as that set out above was issued in respect of the Detainee Treatment Act of 2005, which was designed to outlaw inhuman or degrading treatment of detainees.⁴⁰

President Bush and his administration therefore used signing statements as a means of bypassing Congressional oversight and consolidating presidential power in a process that many regarded as unconstitutional. In June 2006, the American Bar Association considered the question of whether the President had the constitutional authority, as he claimed, to ignore the law. The Association concluded that it was 'a violation of the Constitution for a president to sign a bill and then issue a signing statement declaring that some of its provisions are unconstitutional and need not be enforced (or obeyed) as written'. The Association concluded that the founders had given only two options to presidents: veto a bill or sign it and enforce all of it. The Association went on: 'The President's constitutional duty is to enforce the laws he has signed into being, unless and until they are held unconstitutional by the Supreme Court. The Constitution isn't what the President says it is.'⁴¹

A remark on the use of signing statements by President Bush by Marvin Edwards, a former Oklahoma congressman and founding trustee of the American Conservative Union, illustrates the extent to which the radical nature of the Bush administration differed from traditional conservatism. He said:

³⁷ Cited in Keck, 'The Neoconservative Assault on the Courts', p.181.

³⁸ Savage, *Takeover*, p. 229.

³⁹ *Ibid.*, p. 237.

⁴⁰ Keck, 'The Neoconservative Assault on the Courts', p. 181.

⁴¹ Cited in Savage, *Takeover*, p. 247.

It's not about Bush. It's about what should be the responsibility of the president. We are saying that the president of the United States has an obligation to follow the Constitution and exercise only the authority that the Constitution gives him. That's a central tenet of American conservatism – to constrain the centralization of power.⁴²

What neoconservative ideology, under the influence of Strauss, pointed towards was not of course the constraint of power, but the very opposite, the enhancement of centralized power in the hands of an elite – the executive branch.

This radical approach, and the administration's implicit belief that it had the right to determine what the law was and what laws should apply, is well illustrated by the denial of habeas corpus to the detainees brought into United States custody following the events of 9/11. In 2003 and 2004 the administration incarcerated hundreds of people suspected of cooperating with the Taliban or Al Qaeda in Afghanistan or of fighting U.S. troops. The administration argued, that those detainees captured and held at Guantánamo Bay (around 600), were to be defined as 'enemy combatants' with no right of appeal to the U.S. courts for writs of habeas corpus, and that the courts had no jurisdiction to judge these executive branch actions.⁴³ As President Bush remarked – as though his moral view was sufficient to settle any legal issues – 'The only thing I know for certain is that these are bad people.'⁴⁴ However, the denial of habeas corpus to the Guantánamo Bay detainees gave rise to several Supreme Court cases. In *Hamdi v. Rumsfeld*, in 2004, the Supreme Court held that an American citizen (Hamdi), designated an enemy combatant, had a right, under the Constitution's due process clause, to 'notice of the factual basis for his classification, and a fair opportunity to rebut the Government's assertions before a neutral decision-maker'.⁴⁵ Appropriately constituted military tribunals might satisfy this requirement. Justice O'Connor specifically rejected the administration's claim

⁴² Cited in *ibid*.

⁴³ Pfiffner, *Power Play*, p. 82.

⁴⁴ President George W. Bush, 'Press Conference 17 July, 2003' <<http://www.david-morrison.org.uk/iraq/iraq-uranium-from-africa-etc.htm>> [accessed 13 May 2009].

⁴⁵ Cited in Ronald Dworkin, 'Why It Was a Great Victory', *New York Review of Books*, 14 August 2008 <<http://www.nybooks.com/articles/21711>> [accessed 30 May 2009].

that the courts do not have jurisdiction over cases concerning detainees, declaring:

We necessarily reject the Government's assertion that the separation of powers principles mandate a heavily circumscribed role for the courts in such circumstances [...]. We have long since made clear that a state of war is not a blank check for the President when it comes to the right of the Nation's citizens [...]. Unless Congress acts to suspend it, the Great Writ of habeas corpus allows the Judicial Branch to play a necessary role in maintaining this delicate balance of governance, serving as an important judicial discretion in the realm of detentions.⁴⁶

On the same day, the Supreme Court held, in *Rasul v. Bush*, that the Guantánamo detainees were entitled to bring a challenge of habeas corpus, even though the administration had argued that they were held outside sovereign territory of the United States. With the Detainee Treatment Act of 2005, and the Military Commissions Act of 2006, the Republican-dominated Congress sought to overthrow this judgement and remove the possibility of habeas corpus protection for the Guantánamo detainees. In *Boumediene v. Bush* (2008), the Supreme Court ruled that Congress cannot overrule the Constitution, the 'suspension clause' can only be invoked at a time of invasion or rebellion, and, accordingly, the protection of habeas corpus applied to the Guantánamo detainees. In the preamble to the Supreme Court's judgement, Justice Kennedy, having pointed out that the framers viewed freedom from unlawful restraint as a fundamental precept of liberty, quoted Alexander Hamilton in Federalist No. 84 on the dangers of arbitrary imprisonment:

[T]he practice of arbitrary imprisonments have been, in all ages, the favourite and most formidable instruments of tyranny. The observations of the judicious Blackstone are worthy of recital : "To bereave a man of life [...] or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole nation; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a *more dangerous engine of arbitrary government*."⁴⁷ (Italics in original.)

⁴⁶ Cited in Pfiffner, *Power Play*, p.103.

⁴⁷ Cited in *Boumediene, et al v. George W. Bush*, Supreme Court of the United States. 553 __ (2008) 12 June 2008. p. 14. <<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=06-1195>>[accessed 14 June 2009].

Justice Kennedy then went on to emphasise that the Suspension Clause is designed to protect against the cyclical abuses of habeas corpus witnessed in England even up until World War I. The Clause ensures that, except during periods of formal suspension, the judiciary will have a time-tested device, the writ, to maintain 'the delicate balance of governance' that is itself the surest safeguard of liberty. He goes on: 'The Clause protects the rights of the detained by affirming the duty and authority of the Judiciary to call the jailor to account.'⁴⁸

As evidenced above, by its expansion of the unitary executive theory, the use of signing statements, and its attitude towards habeas corpus, being held to account was exactly what the Bush administration went out of its way to avoid, either by Congress, the law, or the Constitution. The attitude towards accountability by the administration reflected the Straussian and neoconservative view of government and democracy discussed in section IV of Chapter Four. It accords specifically with Strauss's ideas about elites, his assumption that mass democracy is a bad thing, that the people cannot be trusted with the truth and that 'the philosophers' (the executive branch in this case) have privileged knowledge about what is best for 'the city' (the State).

This thesis claims that this approach was underwritten and motivated by an interpretation of freedom that ran counter to the American tradition. The attitude of the administration towards accountability, power, and the law was in sharp contrast to the ideals of those theorists discussed in Section II of Chapter Three, particularly, for example, Locke, Price, Priestley, and Paine, who, in formulating their ideas concerning the nature of liberty, which fed into the American tradition, were motivated in large part by their concerns about the dangers of arbitrary power and the nature of tyranny. By undermining the extent of the executive's accountability to the people, the Bush administration compromised the people's freedom. Further evidence of the administration's attitude toward the law and individual freedom is explored in the next section.

⁴⁸ Ibid., p. 15.

III FREEDOM AND HOMELAND SECURITY

The authoritarian nature of the Bush administration is manifested in some of the measures that it took to improve domestic security following the events of 9/11. These frequently had the effect of subverting individual freedoms, including the expression of dissent. Isaiah Berlin accepted, in 'Two Concepts of Liberty', that it was frequently the case that in political society one value might have to give way to another as circumstances directed, and that in order to achieve higher levels of justice or equality, for example, a diminution in the scope of freedom may sometimes be necessary. As he wrote, 'Everything is what it is, liberty is liberty, not equality or fairness, or justice or culture'.⁴⁹ Neither, he might have added, is it security. The important thing was to recognise the 'trade-off' and not pretend that a loss of absolute liberty had not occurred. Such adjustments between values, which are sometimes incommensurable, are part of the pluralism that he advocated and in which his concept of negative freedom is grounded. So whilst Berlin may well have recognised that in the post 9/11 circumstances some curtailment of the freedom of American citizens may have been justified, he would have wanted that curtailment to have been acknowledged. There were, however, dangers to be recognised, as even democracies can still 'crush individuals' and a universal consent to loss of liberty does not 'somehow miraculously preserve it merely by being universal, or by being by consent'.⁵⁰ The infringements of individual liberty with which this section is concerned may well therefore be considered to run counter to key aspects of Berlin's thought.

This is particularly the case if the analytical framework of Berlin's ideas is used to consider the vision of freedom expressed by President Bush's first Attorney General, John Ashcroft. His vision serves as a useful backdrop against which to examine some of the activities and measures relating to homeland security that the Bush administration introduced following the

⁴⁹ Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 172.

⁵⁰ *Ibid.*, p. 209.

events of 9/11. In a speech delivered in Belgium on 16 September 2002, Ashcroft made a defence of what he termed 'ordered liberty'. Unlike Berlin, who saw 'everything is what it is', Ashcroft saw security and liberty as 'symbiotic and reinforcing principles'. Citing Edmund Burke, who claimed that liberty cannot exist without both order and virtue, Ashcroft went on to express the view that 'Ordered liberty is the structure that, by directing and constraining the actions of individuals, allows us each *the freedom to achieve the potential that is within us*' [my italics].⁵¹ Thus does Ashcroft tacitly accept the notion that true freedom is only achieved through the expression of some inner potential, an inner self which, in Berlin's critique of positive liberty, can be identified with a 'real' or 'autonomous' self, the self 'at its best'. Ashcroft's view of the nature of freedom can be closely compared to the view expressed by T. H. Green of which Berlin was emphatically critical.⁵² As previously discussed, for Berlin, this idea that there exists in men 'an occult entity – their latent rational will, or their 'true' purpose,' can give rise to the view that it is only this inner spirit which deserves to have its wishes taken into account.⁵³ Once this view is taken, suggests Berlin, the actual wishes of men or societies can be ignored, men can be bullied or oppressed

in the name, or on behalf of their 'real' selves 'in the secure knowledge that whatever is the true goal of man (happiness, performance of duty, wisdom, a just society, self-fulfilment) must be identical with his freedom – 'the free choice of his 'true', albeit often submerged and inarticulate self'.⁵⁴

In the quest for 'ordered liberty', the administration embarked on a series of measures that resulted in a radical abridgement of civil rights. Arguably, the spectacle of State power that was unleashed in 'the war on terror'

⁵¹ 'Remarks of Attorney General John Ashcroft, Meeting in Belgium', 16 September 2002 <<http://www.usdoj.gov/archive/ag/speeches/2002/091602agremarksbelgium.htm>> [accessed 3 August 2009].

⁵² The philosopher T. H. Green, (1836–1882) believed that the ideal of freedom is the maximum power for all members of society to make the best of themselves. Berlin was critical of the view that if a person chose not to 'make the best of himself' (in whose view?) he was not exercising 'true' freedom. See 'Two Concepts of Liberty', in *Liberty* p.180

⁵³ Ibid.

⁵⁴ Ibid.

encouraged the public's belief that it shared in that power, even though the people themselves were one of its targets, especially in the realm of surveillance. The word 'homeland' appeared in the public lexicon with the Homeland Security Act of 2002, establishing the Department of Homeland Security which combined several government agencies. 'Homeland' became something of a metaphor; this was the space in which a vulnerable citizenry, violently dislocated and disturbed by the events of 9/11, could shelter under the protection of the State which acquired an ever greater range of powers.

The Attorney General's first legislative attempt after 9/11 was his Mobilization Against Terrorism Act (MATA), which sought an array of executive powers that included the imprisonment of aliens in perpetuity without charges, sweeping rights of surveillance, and the removal of judicial oversight. A compromise bill, the Patriot Act, was passed in October 2001, with provisions that enabled law enforcement agencies to search telephone and electronic communications, medical and financial records, and eased restrictions on foreign intelligence gathering. Law enforcement agencies were given greater powers to detain and deport immigrants. They also had powers to enter any library or bookstore and demand a list of what people had borrowed or bought and to conduct secret searches of private homes, in some circumstances without a warrant. These new powers gave rise to immediate concerns over civil liberties, particularly in relation to the Fourth Amendment to the Constitution, which guards against unreasonable searches and seizures, and the removal of judicial oversight in a number of areas. The American Civil Liberties Union, for example, warned that the Patriot Act 'misunderstands the role of the judicial branch of government; it treats the courts as an inconvenient obstacle to executive action rather than an essential instrument of accountability'.⁵⁵

Under the Act an alien could be locked up for up to seven days without charges, and this could be extended indefinitely at the Attorney General's discretion. The post 9/11 initial arrests totalled over 1,200 Muslims, Arabs

⁵⁵ Bovard, *Terrorism and Tyranny*, p. 79.

and others, and these arrests gave rise to numerous complaints about an erosion of civil rights and abuses. At a press conference held on 27 November 2001, Ashcroft denied that 'detainees are not able to be represented by an attorney or to contact their families'.⁵⁶ Before the Senate, in April 2003, Ashcroft claimed that 'there have been 478 deportations linked to the September 11 investigation',⁵⁷ although why anyone so 'linked' should be deported was not made clear. Contrary to Ashcroft's denial, the Justice Department Inspector General reported in June 2003 that many detainees were held incommunicado for weeks after their arrest and prevented from contacting lawyers or family members. Some had been subject to physical and mental abuse.⁵⁸

A significant feature of the Act was the easing of standards by which FBI agents could seize telephone, banking and credit card records without a warrant. The changes heralded a dramatic rise in the use of seizures without a warrant: from 8,500 occasions in 2000 to 45,000 occasions in the year following the passage of the Act.⁵⁹ In March 2007, an audit by the Justice Department's Inspector General found that the FBI had made improper and illegal use of its new tools on numerous occasions, including collecting information not permitted by law, collecting information from those who were not proper subjects of an FBI investigation, failing to report such errors, and undercounting its use of warrantless powers by as much as twenty per cent.⁶⁰

None of these infringements of civil liberties, foreseen or otherwise, appeared to impact upon Ashcroft's enthusiasm for the 'ordered liberty' which he clearly believed to be embodied in the Patriot Act. In August 2003, Ashcroft was dispatched by the administration on a nationwide tour to

⁵⁶ Bovard, *The Bush Betrayal*, p. 187.

⁵⁷ Bovard, *Terrorism and Tyranny*, p. 130.

⁵⁸ See, Office of the Inspector General, Department of Justice, 'The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks', June 2003 <<http://www.justice.gov/oig/special/0306/chapter10.htm>> [accessed 16 July 2009].

⁵⁹ Savage, *Takeover*, p. 114.

⁶⁰ See, Office of the Inspector General, Department of Justice, 'A Review of the Federal Bureau of Investigation's Use of National Security Letters', March 2007 <<http://www.usdoj.gov/org/special/s0703b/final.pdf>> [accessed 16 July, 2009].

promote the Patriot Act. At the launch of the tour on 19 August 2003, he told a Washington think tank: 'We have built a new system of justice.' In Philadelphia he told a meeting of police officers that without the Patriot Act, 'America will pay the price in lost liberty', and to another meeting of police officers in Minneapolis he claimed Americans are 'freer today than at any time in the history of human freedom [...]'. The lives and liberties of all Americans are protected by the Patriot Act'.⁶¹ The Justice Department and the Secret Service tightly controlled the media at the various cities that Ashcroft visited on the tour, protesters were kept away, and public admission, according to the Society for Professional Journalists, was conditional upon agreement with Ashcroft's position on the Act.⁶² Referring to those who warned of the loss of civil liberties or were concerned with the rights of suspects, he told the Senate in December 2001, 'to those who scare peace-loving people with phantoms of lost liberty, my message is this: your tactics aid terrorists, for they erode our national unity and diminish our resolve. They give ammunition to America's enemies and pause to America's friends'.⁶³

In this domestic 'homeland security' context, therefore, freedom for Ashcroft, and indeed the Bush administration as a whole, meant the freedom to agree, to consent to government actions, rather than the freedom to disagree, to dissent. Freedom meant to be at one with the direction of public discourse and the national mood; to share, as it were in the mythic dimensions of American freedom, rather than participate in the reality of its meaning. The place of dissent within the discourse of freedom that Ashcroft helped to promote became almost treasonous.

The distrust of potential dissent and free speech was also manifested by President Bush, perhaps most obviously when he asserted in his address to Congress on 20 September 2001 that 'Either you are with us, or you are with

⁶¹ Bovard, *The Bush Betrayal*, p. 193.

⁶² *Ibid.*

⁶³ Cited in David L. Altheide, *Terrorism and the Politics of Fear* (Lanham, MD: AltaMira Press, 2006), p. 105.

the terrorists.⁶⁴ In such a landscape it is arguable that free speech and dissent have no meaning; it had – as Section VI below argues – the effect of silencing critics and helping to create a climate in which dissent went unheard. Private dissent by ordinary citizens was further stifled by the President’s practice of designating ‘free speech zones’ in every city he visited – cordoned-off areas in which protestors could gather outside his field of vision and away from the main event itself. White House officials routinely despatched the Secret Service to set up these zones to quarantine protesters wherever the President went. Several cases ended up in court where protesters were arrested for refusing to move to the zones, notably at Pittsburgh in 2002,⁶⁵ and also at Columbia, South Carolina, where one Brett Bursey was arrested for a similar offence. It was on this occasion that President Bush remarked in his speech to Republican congressional candidates: ‘There’s an enemy out there that hates America because of what we love. We love freedom. We love the fact that people can worship freely in America. We love our free press. We love every aspect of our freedom and we’re not changing.’⁶⁶ The Bursey case prompted several members of Congress to write to the President pointing out that as far as they were concerned, the First Amendment meant that the whole of the United States was a ‘free speech zone’, but this is not known to have had any impact on the practice.⁶⁷

Perhaps the most significant example of the tension between civil liberties and the authoritarian leanings of the administration was evidenced in the field of surveillance. The ‘war on terror’ promoted massive federal, state, and local surveillance policies, most of which were promoted and enabled by the Patriot Act. Surveillance itself has, as Michel Foucault pointed out, certain social ramifications and is a powerful element in the process of self-discipline and power relations. In *Discipline and Punish* (1977), Foucault

⁶⁴ President George W. Bush, ‘Address to a Joint Session of Congress and the American People’, 20 September 2001.

⁶⁵ Jim Hightower, ‘Bush Zones Go National’, *The Nation*, 29 July 2004
<<http://www.thenation.com/doc/20040816/hightower>> [accessed 28 June 2008].

⁶⁶ Cited in Bovard, *The Bush Betrayal*, p. 35.

⁶⁷ Bovard, *The Bush Betrayal*, p. 38.

describes the power of the idea behind Jeremy Bentham's 'Panopticon', a 1791 design for a model prison.⁶⁸ With an inner core and an outer ring, the Panopticon was designed so that the guards could see the prisoners but not the other way round. As Todd May interprets Foucault, 'panopticism' is our modern condition; we act as though we are constantly under observation, and even though we may not be being watched at all, the mere possibility is sufficient to ensure that to a large extent we discipline ourselves. We are like Bentham's prisoners; we guard ourselves as we adopt internalised disciplinary practices.⁶⁹ Surveillance by the state then, in Foucauldian terms, has implications for power relations and behaviours, but it also has other impacts.

David Altheide, for example, suggests that surveillance is linked to the politics of fear, and in that sense it serves to increase the authority of the State. He points out that a key aspect of surveillance is that 'it focuses on the "body" as an object rather than a subject, with feelings, emotions, rights, and, in short, humanity[...]. Surveillance becomes institutionalized and promotes, often subtly, the notion that all of us are under attack and need protection'.⁷⁰ The intensive surveillance programmes put in place by the Bush administration, under which, for example, the Homeland Security Department warned local law enforcement agencies to keep an eye on anyone who 'expressed dislike of attitudes and decisions of the US government'; where protest groups were infiltrated by the FBI;⁷¹ where those with suspect or anti-Bush views were placed on 'no fly' lists,⁷² and where the secret Counter Intelligence Field Activity (CIFA) agency of the Department of Defense gathered information about domestic organisations engaged in peaceful activities,⁷³ were coercive in nature and insidiously corrosive of individual freedom. Lawrence Tribe, a

⁶⁸ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Allen Lane, 1977), pp. 200–204.

⁶⁹ May, *The Philosophy of Foucault*, p. 77.

⁷⁰ Altheide, *Terrorism and the Politics of Fear*, p. 21.

⁷¹ Bovard, *The Bush Betrayal*, p. 40.

⁷² Robin, *Fear*, p. 189.

⁷³ Naomi Wolf, 'Fascist America, in 10 easy steps', *Guardian*, 24 April 2007 section G2, p. 7.

Harvard professor of international law, described the dangers of the Bush administration's domestic surveillance policy thus:

The more people become accustomed to a listening environment in which the ear of Big Brother is assumed to be behind every wall, behind every e-mail, and invisibly present in every electronic communication [...] that is the kind of society, as people grow accustomed to it, in which you can end up being boiled to death without ever noticing that the water is getting hotter, degree by degree. The background assumptions of privacy will gradually be eroded to the point where we'll wake up one day, or our children will, and it will seem quite quaint that people at one time, long ago, thought they could speak in candour.⁷⁴

As is well known, the framers of the Constitution believed that the citizen needed to be protected from the dangers of government intrusion into personal privacy and, accordingly, the Fourth Amendment to the Constitution provides that (with certain exceptions) the executive must obtain a warrant from a judge before it can search the home, papers or communications of a suspect. The Foreign Intelligence Surveillance Act (FISA) was passed by Congress in 1978 in response to the Supreme Court's rejection of President Richard Nixon's illegal domestic wiretapping activities. The FISA law set up a secret court that could grant the government permission to wiretap American citizens after showing probable cause. Following the events of 9/11, President Bush authorised the National Security Agency (NSA) to conduct electronic surveillance of thousands of Americans without employing the traditional warrant process or the congressionally created foreign intelligence warrant mechanism codified by FISA.⁷⁵ This was not, however, something he admitted to. On 24 April 2004, he said: 'Now, by the way, any time you hear the United States government talking about wiretap, it requires – a wiretap requires a court order. Nothing has changed by the way. When

⁷⁴ Cited in Colleen Elizabeth Kelley, *Post-9/11 American Presidential Rhetoric: A Study of Protofascist Discourse* (Plymouth: Lexington Books, 2007), p. 228.

⁷⁵ Robert M. Bloom and William J. Dunn, 'The Constitutional Infirmity of Warrantless NSA Surveillance: The Abuse of Presidential Power and the Injury to the Fourth Amendment', *Digital Commons at Boston College Law School*, February 2007 NELLCO Legal Scholarship Repository, p. 150 <http://lsr.nelco.org/bc_lsf/163> [accessed 4 September 2009].

we're talking about chasing down terrorists, we're talking about getting a court order before we do.'⁷⁶

The extensive nature of this surveillance programme became public in an article published in the *New York Times* on 16 December 2005. At a news conference on 19 December 2005, President Bush claimed that his authority to order the surveillance programme rested (yet again) in his role as commander-in-chief and Article II of the Constitution. He also claimed that the authority which Congress had vested in him following the events of 9/11 to use military force against al-Qaeda gave him additional powers. Whilst deprecating the leaks that made the details of the programme public – 'a shameful act' – even discussing it was 'helping the enemy' – the programme had been 'effective in disrupting the enemy while safeguarding our civil liberties'.⁷⁷

Liberty was again being invoked to defend actions that undermined it. The safeguarding of civil liberties was the very reason that the FISA court was established. In fact, the NSA surveillance programme (characteristically named the 'terrorist surveillance' programme) permitted wiretapping without either of the safeguards presumptively required by the Fourth Amendment (individualised probable cause and a warrant from a judge or a magistrate) or the FISA requirement of a warrant issued by a federal judge upon an individualized showing of probable cause that the subject is an 'agent of a foreign power'.⁷⁸ At a press conference held on 19 January, 2006, Alberto Gonzales, the (new) Attorney General, emphasised that 'one party to the communication has to be outside the United States' and insisted that there had to be 'a reasonable basis' for concluding that one party had an al-Qaeda

⁷⁶ Cited in Pfiffner, *Power Play*, p. 168.

⁷⁷ President George W. Bush, 'The President's News Conference, 19 December, 2005', *The Public Papers of the Presidents*, <<http://www.presidency.ucsb.edu/ws/index.php?pid=65077>> [accessed 16 August 2008].

⁷⁸ Curtis Bradley, et al, 'On NSA Spying: A Letter to Congress', *New York Review of Books*, 9 February 2006 <<http://www.nybooks.com/articles/18650>> [accessed 4 September, 2009]. This open letter to Congress signed by 14 constitutional lawyers sets out the complex legal arguments as to why the NSA surveillance programme ran counter to the Fourth Amendment and the Foreign Intelligence Surveillance Act, 1978.

connection.⁷⁹ But these were decisions and assessments made by the administration, not the FISA court. Asked why the administration did not ask Congress for authorization to wiretap domestic calls in terrorism cases without a warrant, Gonzales thought that it would have been 'difficult if not impossible'.⁸⁰ But the administration, claiming the privilege of executive powers, did it anyway. The unconstitutional nature of the NSA surveillance programme and the poor legal nature of the justifications offered in its defence were highlighted by many constitutional lawyers, notably Curtis Bradley et al who claimed in their open letter to Congress (referred to in the above footnote) that the Department of Justice 'failed to make a plausible legal defence of the NSA domestic spying programme'. They concluded their letter by saying that in a democracy it was always open to the president to seek a change in the law '[b]ut it is also beyond dispute that, in such a democracy, the president cannot simply violate criminal laws because he deems them obsolete or impractical'.⁸¹

In May 2006, it came to light that the NSA surveillance programme included an aspect hitherto unacknowledged by the White House. In an article published in *USA Today*, Leslie Cauley reported that the NSA had been secretly collecting the phone call records of tens of millions of Americans using data provided by the major telephone companies. Instead of one end of the communication having to be outside the US (the President's previous claim), it now became apparent that this was not the case. As the article states: 'With access to records of millions of domestic calls, the NSA has gained a secret window into the communications habits of millions of Americans'.⁸² This practice, known as 'data mining', did not, strictly speaking, require the consent of the FISA court provided that 'personal identifiers', such as names, Social Security numbers and street addresses, were not included as part of the

⁷⁹ Elizabeth Drew, 'Power Grab' *New York Review of Books*, 22 June 2006
<<http://www.nybooks.com/articles/19092>> [accessed 9 July 2009].

⁸⁰ *Ibid.*

⁸¹ Curtis Bradley et al 'On NSA Spying: A Letter to Congress'.

⁸² Lesley Cauley, 'NSA has massive database of Americans' phone calls', *USA Today*, 11 May 2006
<http://www.usatoday.com/news/washington/2006-05-10-nsa_x.htm> [accessed 27 July, 2009].

search. However, the article claimed that such information could easily be obtained by cross-checking with other databases. Needless to say, the White House denied that there was any domestic surveillance without court approval, although one major company, Quest, declined to take part because it had qualms about the legality of the programme, requesting evidence of the approval of either FISA or the Attorney General. The NSA declined to provide either.⁸³ Eventually, the Bush administration's covert surveillance programme was brought within the law when, on 10 July, 2008, Congress amended FISA.

Measures adopted in the cause of homeland security by the Bush administration were therefore less than compatible with both traditional individual liberties guaranteed by the Constitution and indeed with the law itself. The 'ordered liberty' of John Ashcroft bore down upon freedom of speech, dissent and rights of privacy. The measures taken to increase homeland security were attempts to curtail freedom for Americans, not to expand it. Instead of freedom from state surveillance or from interference with free speech and dissent, the citizen, secretly and without consultation, was expected to surrender these freedoms in exchange for greater security. As discussed above, such trade-offs might sometimes be necessary, but security cannot be called freedom or confused with it. But the way in which these security measures were introduced and implemented, either in secret or outside the law, or both, implicitly manifested a distrust of the people and the freedoms that the Constitution guarantees. Since the people, through their institutions, could not apparently be trusted to choose rationally themselves, the administration saw no need to consult with them or even reveal these curtailments of their freedoms. These behaviours accorded, it might well be argued, with the 'covert tyranny of the wise' in which Shadia Drury claimed Strauss believed,⁸⁴ and were consistent with neoconservative views about elites and the dangers of an open society.

⁸³ Ibid.

⁸⁴ Drury, *The Political Ideas of Leo Strauss*, p. xiv.

These policies and behaviours also encapsulate a denial of an important element of Berlin's thought and his view of human nature – the importance of choice. It can be argued that in spying on the population in secret, collecting data on private habits like library use, amassing telephone records, and in suppressing dissent, the administration was not only acting in a coercive way, antipathetic to the concept of negative liberty; it was also seeking to rob individuals of their capacity to choose, to invade their area of private choice, a choice not to give private information to the state, not to have telephone calls tapped, and to use the right of free expression. As previously discussed, being able to choose, is for Berlin, a fundamental human value and any violation of it undermines one of the necessities of human life and runs counter to the theme of pluralism which runs through his thought:

it is sufficient, perhaps, to say that those who have ever valued liberty for its own sake believed that to be free to choose, and not to be chosen for, is an inalienable ingredient in what makes human beings human; and that this underlies both the positive demand to have a voice in the laws and practices of the society in which one lives, and to be accorded an area artificially carved out, if need be, in which one is one's own master, a 'negative' area in which a man is not obliged to account for his activities to any man so far as this is compatible with the existence of organised society.⁸⁵

Thus in bypassing their constitutional safeguards, the Bush administration, in effect, 'chose for' the people and, in so doing, undermined their freedom.

IV. THE RETREAT FROM EMPIRICISM

As mentioned in Chapter Three, the separation of religion and the State was a fundamental principle of the founding doctrine. It recognised that the State had no proper role in the propagation of faith, and in adopting this position the founding doctrine secured an important element of pluralism in which negative liberty was able to flourish. The Bush administration, however, made unprecedented attempts to undermine this separation and used religion

⁸⁵ Berlin, 'Five Essays on Liberty: Introduction', in *Liberty*, p. 52.

as part of its political armoury. In the culture war that the neoconservatives wished to wage, Judeo-Christian values were central, and in this respect, as in many others, the interests of the administration and its influential neoconservative constituency coincided. As Richard John Neuhaus, the author of *The Naked Public Square: Religion and Democracy in America* (1984)⁸⁶ and also unofficial adviser to President Bush on bioethical issues, wrote, 'politics is chiefly a function of culture, at the heart of culture is morality, and at the heart of morality is religion'.⁸⁷

It has been argued that neoconservatives, traditional Jews, and traditional Christians could painlessly align themselves politically because they essentially shared the same values.⁸⁸ Neoconservatism also appealed to an influential fringe of the Roman Catholic Church. These so-called 'theocons' included previously mentioned AEI scholar and philosopher Michael Novak, George Weigel, Senior Fellow of the conservative think tank the Ethics and Public Policy Centre, and Robert Bork, another AEI scholar who was once a rejected nominee to the U.S. Supreme Court. Referring to the Catholic neoconservatives, although his comments can be more universally applied, Frank Coccozzelli, a director of the Institute for Progressive Christianity, wrote:

Many believe that neoconservatism is nothing more than a unilateral approach to United States foreign policy. But this is a dangerous misconception. Lost in the focus on a clique of Washington, D.C. militarists (as important as they are) is the role of the highly theocratic brand of neoconservatism. These 'theocons' see their philosophy as a mechanism to transform the whole of society into one based upon a highly orthodox, traditionalist form of Roman Catholic morality, a fringe form resoundingly rejected by the vast majority of the Church's American flock.⁸⁹

Perhaps one of the best examples, in this context, of the way in which Christian right and neoconservative values coalesced was over creationism

⁸⁶ Richard John Neuhaus, *The Naked Public Square: Religion and Democracy in America*, (Grand Rapids, Mich: William B. Eerdmans, 1984).

⁸⁷ Cited in Mark Gerson, *The Neoconservative Vision*, p. 284.

⁸⁸ *Ibid.*, p. 287.

⁸⁹ Frank L Coccozzelli, 'Saving Monsignor Ryan. Refuting the Myths of Neoconservative Roman Catholic Economics', *The Public Eye Magazine*, Vol. 23, No.4. (2008)
<http://www.publiceye.org/magazine/v23n4/saving_monsignor_ryan.html> [accessed 13 May 2009].

and the rejection of evolutionary theory. For the neoconservatives, anything that might undermine an ordered society, irrespective of scientific veracity, was regarded as a threat. As Irving Kristol wrote in 1991, 'if there is one indisputable fact about the human condition it is that no community can survive if it is persuaded – or even if it suspects – that its members are leading meaningless lives in a meaningless universe'.⁹⁰ Darwinism, for Kristol and the neoconservatives was a materialist ideology which threatened to unravel religious belief and they were determined to discredit it accordingly. 'All I want to do', he told an AEI audience in 1997, 'is to break the bonds of Darwinian materialism which at the moment restrict our imagination. For the moment that's enough'.⁹¹ Another neoconservative, and Fellow of the AEI, Dr Leon Kass, later appointed as Chairman of President Bush's Council on Bioethics – see below – expressed similar views. Kass, a prominent scientist, and professor at the University of Chicago where he founded a course with Allan Bloom, said to the same audience:

[T]he creationists and their fundamentalist patrons [...] sense that orthodox evolutionary theory cannot support any notions we might have regarding human dignity or man's special place in the whole. And they see that Western moral teaching, so closely tied to Scripture, is also in peril if any major part of Scripture can be shown to be false.⁹²

This distrust of science, is not, as made clear in Section I of this chapter, exclusive to neoconservatism; it is a stance shared with large parts of the Republican party. Nevertheless, scepticism towards science is a feature of neoconservatism, and can be considered one of its basic tenets, drawing as it does upon Strauss's belief in the supremacy of revelation over reason. It was a stance shared notably by Kristol, Kass, and others at think tanks such as

⁹⁰ Cited in Ronald Bailey, 'Origin of the specious: Why do neoconservatives doubt Darwin?' *Reason*, 1, 1997, < <http://www.thefreelibrary.com/Origin+of+the+specious:Why+do+neconservatives...>> [accessed, 1 June 2009].

⁹¹ Cited in *ibid.*

⁹² Cited in *ibid.*

the AEI and the Heritage Foundation.⁹³ Importantly, too, it accords with a strand of neoconservative thought that is similar to that found within the Romantic movement or the Counter-Enlightenment discussed briefly in Chapter Two, namely, a rejection of rationalism.

In some key areas, neoconservative ideology and the values of the Christian right become mutually reinforcing, e.g. the importance of 'family values,' the place of tradition, anti-relativism, and the distrust of science referred to. Other values which the Christian right held dear, relating to sex outside marriage, abortion, gay marriage, feminism and so on, were easily accommodated under the neoconservative philosophical umbrella, since they not only resonated with the President's personal beliefs and those of large parts of the Republican party, but were key value issues in the war against cultural relativism which the neoconservatives wished to wage.

What the journalist Ron Suskind called a 'faith-based presidency'⁹⁴ thus reflected a belief in revelation and a mistrust of reason characteristic of both the Christian right and neoconservatism. It was also a further example of the administration's no doubt unconscious rejection of a key tenet of Locke's thought. Locke insisted that reason could not be overridden by faith, for reason, he argued, was God-given. 'Faith', he said, 'can never convince us of anything that contradicts our knowledge'.⁹⁵ As will be shown, the contradiction of knowledge through considerations of religious faith and politics, which mirrored its attitude towards military intelligence described in the previous chapter, was precisely how the Bush administration conducted policies towards science and the scientific community.

⁹³ The Heritage Foundation, a conservative think tank involved in promoting sexual abstinence and scepticism concerning global warming, included John Lehman of PNAC and L. Paul Bremer first head of the Coalition Provisional Authority in Iraq, as members during periods of the Bush administration. The Foundation also included amongst its members two of the most prominent and influential (on the right) climate change sceptics: Fred Singer and Fred Seitz, who have spent almost two decades dismissing the reality of global warming. See Naomi Oreskes and Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming* (London: Bloomsbury Press, 2010), pp. 6–7.

⁹⁴ Ron Suskind, 'Faith, Certainty and the Presidency of George W. Bush'.

⁹⁵ Cited in Porter, *Enlightenment*, p. 62.

Perhaps the most obvious sign of this general policy characteristic was the 'faith-based initiative' itself. Soon after taking office in 2001, the President established the Office of Faith Based and Community Initiatives (referred to subsequently as 'the Office'), the first federal office of its kind intended to promote the integration of religious groups into federally funded social services. The Office was created by executive order and faith-based centres were created in five cabinet-level departments, all charged with ensuring that any obstacles to the participation of faith-based organisations in the delivery of social services were overcome. Hitherto, these groups had been legally precluded from competing for government contracts on the grounds that such participation violates the distinction between religion, as represented by the churches, and the State. The Office attracted some opposition and criticism from Congressmen and others, including the American Civil Liberties Union, on the basis that the activities of the Office would inappropriately entangle religion in the political affairs of the State and thus violated the Establishment Clause to the First Amendment to the Constitution, which forbids the establishment of a state religion.⁹⁶

That religion and politics had become an unhappy mix in the operation of the Office was a charge levied by David Kuo, its first Deputy Director, who resigned in December 2003. In a *60 Minutes* interview with CBS News, Kuo maintained that taxpayer funds were used to hold religious events for Republicans in tight electoral races in order to 'energise religious voters'.⁹⁷ Disillusioned, Kuo went on to claim that in the Office's work, 'God and politics had become very much fused together into a sort of single entity. Where, in a way, politics was the fourth part of the trinity. God the father, God the son, God the holy spirit, God the politician'.⁹⁸ He continued,

⁹⁶ Diana M. Judd 'Tearing Down the Wall', in *Confronting the New Conservatism*, ed. by Thompson, p. 135.

⁹⁷ Cited in David Schorn, 'A Loss of Faith', CBS News, *60 Minutes*, 15 October 2006 <<http://www.cbsnews.com/stories/2006/10/14/60minutes/main2089778.shtml>> [accessed 28 September 2009].

⁹⁸ *Ibid.*

This message that has been sent out to Christians for a long time now: that Jesus came primarily for a political agenda, and recently primarily a right-wing political agenda – as if this culture war is a war for God. And it's not a war for God, it's a war for politics. And that's a huge difference.⁹⁹

In the context of this thesis, the central importance of the Office lies not so much, as Kuo's complaints suggests, in the fact that it was a vehicle for an implicit attack on the Establishment clause, important and revealing though that is, but in the message that the establishment and high profile of the Office sent to a large part of the President's political base. For the Bush administration, the message was that religion was at the heart of politics, especially on the shared value issues that were so important to the Christian right and the neoconservatives. Reflecting its authoritarian tendencies, the administration thus signalled its attempts to coerce the populace towards virtue in areas hitherto largely regarded as areas of private individual choice and freedom, such as reproductive health.

Disinformation, and the distortion of scientific evidence, were characteristics of the Bush administration's approach to reproductive health issues. By contrast to the funding stance on sex education programmes, which were virtually discontinued,¹⁰⁰ sexual abstinence programmes were heavily funded (\$170 million in 2005, for example), with year on year increases from January 2001.¹⁰¹ These abstinence programmes seriously misinformed the public in a number of areas. In 2004, Congressman Harry Waxman's office released a report that revealed that of the thirteen most popular federally funded abstinence programmes, eleven included false or distorted information about reproductive health.¹⁰² The report, which evaluated the programmes, found that the vast majority exaggerated the failure rate of condoms, spread false claims about the health risks associated with abortion (including mental health problems), and, in one case, even claimed that sweat

⁹⁹ Ibid.

¹⁰⁰ Seth Shulman, *Undermining Science: Suppression and Distortion in the Bush Administration* (London: University of California Press Ltd., 2008), p. 54.

¹⁰¹ Edward Ashbee, *The Bush Administration, Sex and the Moral Agenda* (Manchester: Manchester University Press, 2007), p. 112.

¹⁰² Ibid., p. 125.

and tears could transfer the HIV virus.¹⁰³ Both the Centre for Disease Control and Prevention and the State Department's Agency for International Development altered information on condoms in order to undermine the reported levels of effectiveness, and scientifically false information was posted to foster doubt about the effectiveness of condoms in preventing HIV/AIDS.¹⁰⁴ In the case of the former organisation, a fact sheet was edited that showed that education about condoms does not increase sexual activity, and information about correct condom use was removed.¹⁰⁵

The value-driven opposition to contraception is illustrated by the controversy over 'Plan B', an emergency 'morning-after' pill which its makers, Barr Pharmaceuticals, wanted to make available over the counter rather than on a prescription-only basis. It was estimated by the Guttmacher Institute, an independent non-profit making organisation working in the field of reproductive health, that Plan B had prevented about one hundred thousand unwanted pregnancies in 2000.¹⁰⁶ The Institute believed that the availability of Plan B over the counter would significantly reduce the annual abortion rate of 1.3 million out of an annual total of 3.1 million unintended pregnancies.¹⁰⁷ The application by Barr Pharmaceuticals to the Food and Drug Administration (FDA) for permission to sell the drug over the counter was, however, denied in May 2004. This was despite the fact that in December 2003 the FDA's own advisory panel voted 28-0 that it was 'safe for use in a non-prescriptive setting' and a 23-4 vote by the panel in favour of granting the application. It transpired that Dr David W. Hager, a Christian conservative member of the FDA's Reproductive Health Drugs Advisory Committee, appointed by President Bush, had reservations. He expressed the fear that widespread use of the drug would increase sexual promiscuity amongst teenagers. This was not supported by large-scale studies, and both the

¹⁰³ Chris Mooney, *The Republican War on Science* (New York: Basic Books, 2007), p. 213.

¹⁰⁴ Blumenthal, *How Bush Rules*, p. 13.

¹⁰⁵ Mooney, *The Republican War on Science*, p. 214.

¹⁰⁶ *Ibid.*, p. 217.

¹⁰⁷ Russell Shorto, 'Contra-Contraception', *New York Times*, 7 May 2006
<<http://www.nytimes.com/2006/05/07/magazine/07contraception.html>> [accessed 24 August 2010].

American Academy of Paediatrics and the Society for Adolescent Medicine endorsed the application.¹⁰⁸ Hager admitted to his central role in persuading the FDA to withhold approval although he granted some credit to God. Describing his input to the minority report, which the FDA ultimately accepted, he said, 'I argued from a scientific perspective, and God took that information, and he used it through this minority report to influence this decision'.¹⁰⁹

This decision prompted the resignation of Susan Wood, the director of the agency's Office of Women's Health together with that of Dr Frank Davidoff, a member of the FDA's Non-prescription Drugs Advisory Committee. Dr Davidoff said 'I can no longer associate myself with an organization that is capable of making such an important decision so flagrantly on the basis of political influence rather than scientific and clinical evidence'.¹¹⁰

There were other manifestations of what might be termed 'behavioural coercion'. The administration's Healthy Marriage Initiative (HMI), administered by the US Department of Health and Human Services, used federal funding to publicise the importance of marriage to a wide array of people, including high-school students. The same Department also sponsored a Fatherhood Initiative because, a spokesman said, 'the President is determined to make responsible fatherhood a national priority'.¹¹¹ The definition of what constituted 'responsible fatherhood' had apparently become a matter for an agency of the State. According to R Claire Snyder, Associate Professor of Political Theory at George Mason University, the Bush administration even secretly hired an anti-gay activist, Maggie Gallagher, the president of the Institute for Marriage and Public Policy, 'to help advance its moral agenda in the mass media and the web'.¹¹²

¹⁰⁸ Ibid.

¹⁰⁹ Cited in Mooney, *The Republican War on Science*, p. 218.

¹¹⁰ Cited in Shulman, *Undermining Science*, p. 53

¹¹¹ Cited in R. Claire Snyder, 'Paradox or Contradiction?', in *Confronting the New Conservatism*, ed. by Thompson, p. 155.

¹¹² Ibid.

What all this distortion and suppression of information and interference in reproductive health issues amounted to was not only an attack upon empiricism, but an attempt by the Bush administration to impose the moral value system of neoconservatism and the Christian right upon sexual and other private behaviour. In particular, these measures spoke to the cultural rage experienced by neoconservatives and the Christian right at the decline of patriarchy, the rise of feminism and the diminution of the role of traditional religion as an authoritative organising and governing influence upon the private lives of Americans.¹¹³

These practices also crystallised the neoconservative belief, espoused in particular by Irving Kristol following his mentor Leo Strauss, that certain forms of authoritarianism were superior to degraded democracies. Kristol thought that the state was responsible for shaping and reinforcing the moral virtue of its citizens.¹¹⁴ The path to virtue was not to be decided as a matter of individual choice; the choice was to be made by those who claimed to know better. The freedom that the Bush administration constantly espoused did not, apparently, include the freedom of the individual to make choices about their reproductive health without encountering obstacles placed there by agencies of the State. The administration presumed to know what was best for the individual even if the individual did not know it him- or herself, and it is in this sense, again, that the Bush administration manifested its tacit belief, contrary to the ideas of Berlin, that the end for which freedom is a means is virtue.

The distrust and distortion of science and the desire to placate the Christian right were further illustrated by the administration's attitude towards stem cell research. Indeed, neoconservative attitudes towards biotechnology reflected their distrust of science and technology in general. In an article by Jonathan Moreno and Sam Berger of the Centre for American Progress, published in the *American Journal of Bioethics*, the authors claim that

¹¹³ Philip Green, 'Cultural Rage and the Right-Wing Intellectuals', in *Confronting the New Conservatism*, ed. by Thompson, pp. 31–55 (p. 39).

¹¹⁴ Garry Dorrien, *The Neoconservative Mind*, p. 111.

neoconservatives regarded biotechnology as typifying their concern about the 'corrosive effects of technology on human society, twisting Marx's arguments against capitalism into critiques of technology [...]. They fear that technology commodifies and alienates man from himself and worry that the technological outlook obscures more important values'.¹¹⁵ Whereas Marx saw the influence of capitalism as the source of alienation, neoconservatives blame technology rather than economic systems.¹¹⁶ The authors cite William Kristol and Eric Cohen, former editor of the neoconservative journal *The New Atlantic*, who thought that supporters of biotechnology 'are making the same mistakes as communists did 50 years ago in thinking they can create a better society'.¹¹⁷ Kristol and Cohen argue that supporters of biotechnology exhibit

altogether an odd mixture of the hubris of the medical researcher seeking to lead his fellow men beyond nature, and the sentimentality of the post-Communist romantic, who seeks in genetic science man's new hope for building a kind, just and liberated heaven on earth.¹¹⁸

In the light of these concerns, the administration's attitude towards stem cell research becomes more comprehensible. In August 2001, President Bush declared that the federal government would only support stem cell research where the life and death decision had already been made.¹¹⁹ His reason for doing so was ostensibly because, as he said, 'I worry about a culture that devalues life, and believe that as your president I have an important obligation to foster and encourage respect for life in America and throughout the world'.¹²⁰ Stem cell research, apparently, was 'at the leading edge of a series of moral hazards'.¹²¹ He stated that some sixty cell lines already existed which 'allows us to explore the promise and potential of stem cell research

¹¹⁵ Jonathan D. Moreno and Sam Berger, 'Biotechnology and the New Right: Neoconservatism's Red Menace.' *American Journal of Bioethics*, 7 October 2007 pp. 7–13 (p. 8).

¹¹⁶ *Ibid.*, p. 9.

¹¹⁷ *Ibid.*, p. 8.

¹¹⁸ Cited in *ibid.*

¹¹⁹ President George W. Bush, 'President Discusses Stem Cell Research', 9 August 2001 <<http://georgewbush-whitehouse.archives.gov/news/releases/2001/0820010809-2.html>> [accessed 1 March 2010].

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

without crossing a fundamental line'.¹²² The President had exaggerated the number of viable embryonic stem cell lines by a considerable margin. A year after the address, *USA Today* reported that many stem cell lines were not viable and some had not even been developed.¹²³ In the end the number came down to eleven, but researchers were only permitted to work on lines developed before the President's speech. Even so, the President's decision enabled him to placate the Christian right, whilst not appearing to attack the science too openly.

In a more subtle way, however, the neoconservative/Christian right agenda was still being served. At the same time as his August 2001 speech, the President established a Council on Bioethics to monitor stem cell research, and appointed the neoconservative Dr Leon Kass as Chairman. Kass was noted for strongly conservative views on embryonic stem cell research and therapeutic cloning. Indeed, Kass, like many neoconservatives, seems to have harboured grave doubts about modernity and the ability of human values to resist the march of technology. Discussing the lives of his grandchildren, he once remarked 'I hope they will find pockets where they can enjoy what modernity has to offer without becoming its slave. But I wouldn't trade my life for theirs'.¹²⁴ In a prominent report issued in July 2002, the Council recommended a moratorium on cloned embryo research or therapeutic cloning. A member of the Council who opposed these conclusions, Elizabeth Blackburn, was dismissed in February 2004. She later said that 'at Council meetings I consistently sensed reluctance to present human embryonic stem cell research in a way that would acknowledge the scientific, experimentally verified realities'.¹²⁵ She also correctly identified the malaise inherent in the administration's attitude towards scientists: 'When prominent scientists must

¹²² Ibid.

¹²³ David Corn, *The Lies of George W. Bush: Mastering the Politics of Deception* (New York: Crown Publishers, 2003), p. 119.

¹²⁴ Cited in Moreno and Berger, 'Biotechnology and the New Right', p. 9.

¹²⁵ Cited in Mooney, *The Republican War on Science*, p. 200.

fear that descriptions of their research will be misrepresented and misused by their government to advance political ends, something is deeply wrong'.¹²⁶

People such as Blackburn were replaced by those more sympathetic to the President's views, including Dr Benjamin Carson, a neurosurgeon from Johns Hopkins University. Dr Carson, a Seventh-Day Adventist who also rejects Darwinian evolution, described therapeutic cloning as 'morally offensive'.¹²⁷ A further replacement was the political scientist Diana Schaub of Loyola College in Maryland, who once compared the harvesting of stem cells to 'slavery' and said in one speech that 'Every embryo used for purposes of research is someone's blood relative'.¹²⁸

Interfering with the objectivity of science by appointing to advisory boards those with a religious or political agenda sympathetic to the administration was a common practice under the Bush administration.¹²⁹ Commenting on this trend in March 2006, together with other aspects of the Bush administration's attitude towards science, Alan Leshner, the chief executive officer of the American Association for the Advancement of Science said:

What we are seeing is the empowerment of ideologues who have the ability to influence the course of science far more than ever before. They [the ideologues] say 'I don't like the science, I don't like what it is showing,' and therefore they ignore it. And we are at a place in this country today where that can work. The basic integrity of science is under siege.¹³⁰

The sense of science being 'under siege' was perhaps most apparent in the field of climate change. Climate change for the Bush administration represented a particular challenge bearing in mind the influence of the Christian right and the neoconservatives. To have accepted the science of climate change would have appeared to be supportive of science itself; empiricism at the expense of faith or revelation. Furthermore, as emphasised

¹²⁶ Cited in Shulman, *Undermining Science*, p. 127.

¹²⁷ Mooney, *The Republican War on Science*, p. 203.

¹²⁸ Cited in Michael Specter, 'The Bush Administration's war on the laboratory', originally published in the *New Yorker*, 13 March 2006 <<http://www.michaelspecter.com/2006/03/a-reporter-at-large-political-science/#more-257>> [accessed 13 February 2010].

¹²⁹ Mooney, *The Republican War on Science*, p. 18.

¹³⁰ Cited in Specter, 'The Bush Administration's war on the laboratory'.

in the previous chapter, the neoconservative view of the nature of American power was that it was unlimited; whereas treaties, protocols, and international obligations – the necessary machinery for the world to combat climate change – implied the application of limits to that power. America's untrammelled right to exert its hegemony upon the world stage would thus be undermined. Indeed, 'environmentalism' itself, in which climate change concerns play a large part, was suspect, linked as it was in the minds of neoconservatives and others on the right wing of the Republican party with the threat of global governance and, as in the case of biotechnology, socialism. The neoconservative journalist Charles Krauthammer probably expressed this view most succinctly. Writing in the *Washington Post* he suggested that environmentalism was socialism by other means, a brazen attempt to transfer wealth from rich to poor:

With socialism dead, the gigantic heist is now proposed as a sacred service of the newest religion: environmentalism[...]. [T]he left was adrift until it struck upon a brilliant gambit: metamorphosis from red to green. [...] Since we operate an overwhelmingly carbon based economy, the EPA [Environmental Protection Agency] will be regulating practically everything [...] Not since the creation of the Internal Revenue Service has a federal agency been given more intrusive power over every aspect of economic life. [...] Big Brother isn't lurking in [a] CIA cloak. He's knocking on your door, smiling under an EPA cap.¹³¹

On 11 June 2001, President Bush stated in the White House Rose Garden 'My administration is committed to a leadership role on the issue of climate change'.¹³² At the same time, he rejected the Kyoto Protocol of 1997, on the grounds that it was too costly for the US, it was 'unrealistic' and 'not based on science'.¹³³ Instead, he presented a 'voluntary' alternative plan that was supported by no other nation.¹³⁴ One of the President's tactics was to continually suggest that the science of climate change was uncertain, and that no firm conclusions could be drawn. A report by the National Academy of

¹³¹ Charles Krauthammer, 'The New Socialism', *Washington Post*, 11 December 2009 <<http://www.washingtonpost.com/wp-dyn/content/article/2009/12/10/AR2009121003163.html>> [accessed 16 February 2010].

¹³² Cited in Corn, *The Lies of George W. Bush*, p. 109.

¹³³ Ibid.

¹³⁴ Blumenthal, *How Bush Rules*, p. 4.

Science produced at the same time as the Rose Garden announcement, entitled *Climate Change Science: An Analysis of Some Key Questions*, whilst acknowledging that uncertainties remained regarding natural climate variation and current climate models, emphasised that 'greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities'.¹³⁵ The President's response to the report was to focus not on this primary emphasis, but upon uncertainties, seeming to suggest that without near-certainty, nothing much could be done. 'We do not know', he said, 'how much our climate could, or will, change in the future. We do not know how fast change will occur, or even how some of our actions could impact it'.¹³⁶

Even the report produced by the EPA, which was submitted to the United Nations in June 2002, was more or less dismissed. This report noted that in the decades ahead the US would experience extensive environmental changes due to global warming. The President's response was 'I read the report put out by the bureaucracy', but it later transpired that in fact he had not.¹³⁷ A subsequent EPA report of spring 2003 was edited so heavily by the White House, which wanted to dilute and eliminate key sections on climate change, that EPA officials decided to drop the entire global warming passages.¹³⁸

When the US Climate Change Science Program produced its draft annual report in 2003, entitled *Our Changing Planet*, over one hundred changes were insisted upon by Philip Cooney, a lawyer with no scientific credentials, who had been appointed as Chief of Staff at the Council on Environmental Quality. In virtually every instance, these changes were designed to add 'an appearance of uncertainty to explanations of what climate scientists were learning about the relationship between the build-up of greenhouse gases,

¹³⁵ 'Climate Change Science: An Analysis of Some Key Questions', June, 2001, National Academy of Science, *American Geological Institute*
<http://www.agiweb.org/gap/legis107/climate_reports.htm#NAS> [accessed 2 March 2010].

¹³⁶ Cited in Corn, *The Lies of George W. Bush*, p. 110.

¹³⁷ *Ibid.*, p. 114.

¹³⁸ *Ibid.*, p. 115.

climate changes, and impacts on the earth's ecosystems'.¹³⁹ Similar problems were encountered in November 2004, when the *Washington Post* reported that the administration had been actively working for months to keep an eight-nation Arctic Impact Assessment report from endorsing policies aimed at reducing global warming. The report stated that Arctic latitudes were facing historic rises in temperature and glacial melting, but the Bush administration had 'repeatedly resisted even mild scientific language that would endorse the report's findings'.¹⁴⁰ One European negotiator said that the administration was trying to 'sidetrack the whole process so it is not confronted with the question, "Do you believe in climate change, or not?"'¹⁴¹

It was not until the G8 summit of July 2008 that the President seemed at last to admit the existence of the problem, when the US agreed to join with other countries to try and halve greenhouse gases by 2050, although many experts and campaigners doubted that the measures agreed were in any way adequate.¹⁴² Significantly, the US blocked proposals on the introduction of interim targets and benchmarks.¹⁴³ Even this tacit acknowledgement that climate change was indeed a threat did not prevent Vice President Cheney from attempting to interfere with evidence that associated climate change with public health issues. In a letter released on 9 July 2008, the former climate adviser to the EPA, Jason Burnett, claimed that Cheney's office pushed to delete 'any discussion of the human health consequence of climate change'.¹⁴⁴ When the EPA made available initial findings in December 2007 that climate change posed public health risks, the White House refused to open the message to avoid acknowledging its existence. The subsequent

¹³⁹ Shulman, *Undermining Science*, p. 19.

¹⁴⁰ Juliet Eilperin, 'U.S. Wants No Warming Proposal', *Washington Post*, 4 November 2004 <<http://www.washingtonpost.com/wp-dyn/articles/A23541-2004Nov3.html>> [accessed 28 March 2010].

¹⁴¹ Cited in *ibid.*

¹⁴² 'Climate campaigners slam "pathetic" G8 statement', *Reuters*, 8 July 2008 <http://www.reuters.com/article/idUST54523._CH_.2400> [accessed 12 March 2010].

¹⁴³ Toni Johnson, 'Climate Change Clouds the G8 Summit', *Council on Foreign Relations*, 9 July 2008 <http://www.cfr.org/publication/16721/climate_change_clouds_and_the_g8_summit.html> [accessed 14 April 2010].

¹⁴⁴ Elanar Schor, 'Cheney tried to alter climate change testimony, says official', *Guardian*, 10 July 2008, p. 20.

deletions in the report (eight pages of evidence submitted by the US Centres for Disease Control) were ordered, according to Burnett, 'to keep options open' for the agency to deny that climate change endangers public health.¹⁴⁵

As has been shown, this attempt to distort scientific evidence in the field of climate change was merely a further manifestation of a policy emphasis that extended right across the spectrum of scientific activity. Even by 2004, this trend had become too pronounced for a significant section of the scientific community. On 14 February 2004, the Union of Concerned Scientists issued a statement signed by over 62 leading scientists and former government officials, among them 20 Nobel laureates, which denounced the Bush administration for misrepresenting and suppressing scientific information and tampering with the process by which scientific advice makes its way to government officials. By 2006, 8,000 US scientists had added their names in support of restoring scientific integrity in policy making.¹⁴⁶ A key passage of the statement read:

When scientific knowledge has been found to be in conflict with its political goals, the administration has often manipulated the process through which science enters into its decisions. This has been done by placing people who are professionally unqualified or who have clear conflicts of interest in official posts and on scientific advisory committees; by disbanding existing advisory committees; by censoring and suppressing reports by the government's own scientists; and by simply not seeking independent scientific advice. Other administrations have, on occasion, engaged in such practices, but not so systematically nor on so wide a front. Furthermore, in advocating policies that are not scientifically sound, the administration has sometimes misrepresented scientific knowledge and misled the public about the implications of its policies.¹⁴⁷

The Bush administration's interference with science and its retreat from empiricism was unprecedented. It reflected the radical nature of neoconservatism and its commitment to remodelling the moral architecture of America and its adherence to the notion that revelation was more important than reason. It also revealed a strand of parochialism and authoritarianism common to neoconservative thought. In the war against cultural relativism,

¹⁴⁵ Ibid.

¹⁴⁶ Shulman, *Undermining Science*, p. xviii.

¹⁴⁷ Ibid.

people were to be encouraged or coerced into certain patterns of behaviour that the administration held to be virtuous. What was denied was access to impartial scientific evidence which would enable individuals to make their own decisions, or inform their own opinions on issues from reproductive health to climate change. Choice, the essential feature of negative liberty, was effectively denied.

Science was seen by the neoconservatives – and the Bush administration over which they wielded such influence – as one of modernity’s corruptors in that it had a potentially corrosive effect upon traditional human values and encouraged, in their view, an impiety towards God and nature. Importantly too, it offered the possibility of unmediated truth. Irving Kristol once remarked in an interview:

There are different kinds of truth for different kinds of people. There are truths appropriate for children; truths that are appropriate for students; truths that are appropriate for educated adults; and truths that are appropriate for highly educated adults, and the notion that that there should be one set of truths available for everyone is a modern democratic fallacy. It doesn’t work.¹⁴⁸

Kristol seemed to express a basic tenet of neoconservatism, namely that the people cannot be trusted, that if given the freedom to know the truth, they might make the ‘wrong’ decisions or come to the ‘wrong’ conclusions, and if they make the wrong choices it is because their ‘true’ self is submerged and can only be realised by being led to enlightenment by those much wiser. It is better, therefore, the implication seems to be, that the State (or its agencies), which is indeed wiser and more rational, decides on what the people can be permitted to know. The idea that men do not know what they ‘truly’ want and the State must therefore want it on their behalf is exactly what Berlin believed to be the real betrayal of freedom.¹⁴⁹ In the discourse of freedom constructed by the Bush administration there was no freedom for scientific truths to be known by all, and science was accordingly mediated and manipulated in order to comply with a political value system.

¹⁴⁸ Cited in Bailey, ‘Origin of the specious: Why do neoconservatives doubt Darwin?’

¹⁴⁹ See, for example, the Berlin quotation at p. 46.

V THE SELLING OF FREEDOM

In the aftermath of 9/11, the Bush administration, embarking on the 'war on terror', apparently decided that America's image abroad needed transforming. It appeared to conceive the US as a kind of brand to be marketed and one of its biggest selling points was thought to be 'American freedom'. Accordingly, Charlotte Beers, who served as chief executive of the J. Walter Thompson advertising agency, was appointed to the new post of under-secretary of state for public diplomacy. In announcing her appointment the Secretary of State, Colin Powell said, 'I wanted one of the world's greatest advertising experts, because what are we doing? We're selling. We're selling a product.'¹⁵⁰

The idea of American freedom as a product to be sold was in a sense integral to the discourse of freedom that the Bush administration constructed and used as an instrument of policy. As has been shown it was through this discourse that many aspects of foreign and domestic policy were explained and justified to the American people. The events of 9/11 were presented as being an attack upon freedom itself, which in turn justified the 'war on terror'. Because freedom, in American public life, is, as noted elsewhere, such a powerful word (and 'product'), its very mention, as Professor of International Relations Andrew Bacevich has remarked, is 'enough to stifle doubt and terminate all debate'.¹⁵¹ By using the discourse of freedom to frame foreign and domestic policy, this 'termination of debate' was an almost inevitable outcome, given the characteristics of discourse itself, and the nature of the power relations between the administration and the mass media.

The main characteristics of Foucault's ideas concerning discourse are set out in Chapter Two, and it is within that context that the way in which the discourse of freedom under the Bush administration was shaped and

¹⁵⁰ Cited in Sue Curry Jansen, 'Foreign Policy, Public Diplomacy, and Public Relations: Selling America to the World', in *Bring 'Em On: Media and Politics in the Iraq War*, ed. by Lee Artz and Yahya R. Kamalipour (Oxford, Rowman and Littlefield Publishers, Inc., 2005), pp. 51–65 (p. 58).

¹⁵¹ Andrew J. Bacevich, *The Limits of Power: The End of American Exceptionalism* (New York: Metropolitan Books, 2008), p. 6.

constructed is considered. Foucault suggested that rather than seeing discourse as simply a set of statements that have some coherence, we should think of discourse as existing because of a complex set of practices which try to fence off some sets of statements from others and keep other statements out of circulation. This thesis contends that because the discourse of freedom kept oppositional tendencies out of circulation so effectively, it assumed the nature of normatively binding authority. As a consequence of the way in which the relationship between the Bush administration and the media operated, the discourse that was constructed had the appearance of 'truth'. As previously mentioned, Foucault believed that 'Each society has its regime of truth, its "general politics" of truth: that is the types of discourse it harbours and causes to function as true'.¹⁵² This section seeks to demonstrate that the discourse of freedom that they created was what the Bush administration and the media caused to 'function as true'.

There are several explanatory strands to the way in which this outcome was achieved. It is helpful in this context to consider briefly the nature and function of the mass media in modern society. It is a commonplace that the mass media are neither neutral nor autonomous, but are linked to the prevailing political and economic system, and closely reflect cultural values. They are also a territory that competes for public opinion, steering it in certain directions and encoding certain mythic values (such as freedom) in ways that ensure that the recipients will decode the content in intended ways. Thus global television news channels for example, which in the U.S. and indeed elsewhere, are controlled by powerful corporate interests, can, as Daya Kisham Thussu, professor of International Communication, suggests,

construct a mythical reality and encourage conformity to the value systems of the dominant groups in society. In this sense the mass media play a crucial ideological role, promoting the values and interests of dominant groups and implanting beliefs and representations that sustain and legitimize their domination.¹⁵³

¹⁵² Cited in Mills, *Discourse*, p. 18.

¹⁵³ Daya Kisham Thussu, 'Televising the "War on Terrorism": The Myths of Morality', in *Media, Terrorism, and Theory*, ed. by Anandam P. Kavoori and Todd Fraley (Oxford: Rowman and Littlefield Publishers Inc., 2006), pp. 3–18 (p. 4).

The view that the mass media serves the interests of dominant groupings is one that is shared by other media experts. Noam Chomsky and Edward Herman, for example, suggest that among other functions the 'media serve, and propagandize on behalf of, the powerful societal interests that control and finance them'.¹⁵⁴ Chomsky and Herman argue that whatever dissent is displayed within the media 'system', these structural factors of control and finance ensure that no dissent is ever significant enough to interfere with the domination of the official agenda. They go on to state:

the societal purpose of the media is to inculcate and defend the economic, social, and political agenda of privileged groups that dominate domestic society and the state. The media serve this purpose in many ways: through selection of topics, distribution of concerns, framing of issues, filtering of information, emphasis and tone, and by keeping the debate within the bounds of acceptable premises.¹⁵⁵

This representation by the media of dominant agendas (which in a Foucauldian sense helped to keep dissenting statements or views out of circulation, except in a limited way) therefore assisted the political agenda of the Bush administration, which had the 'Freedom Agenda' at its core. This process was significantly advanced by the nature of the media itself, and indeed the audience that it addressed. The media critic Thomas de Zengotita contends that the modern media place a barrier between the real and the represented. There is an implicit shift in the focus of attention from the object to the subject, from, as it were, the world to us, a process that he calls 'mediation'. He argues that today's political issues are iconic, in the sense that instead of being an expression of principles rooted in serious thought, they merely invite you to express your own identity.¹⁵⁶ Using this interpretation, each political idea, such as the Bush administration's emphasis on 'freedom,' is merely one of a flattering field of represented options. When presented with the idea of American freedom as opposed to Saddam's tyranny for example, the insulated flattered self, which Zengotita argues, has been

¹⁵⁴ Herman and Chomsky, *Manufacturing Consent*, p. xi.

¹⁵⁵ *Ibid.*, p. 297.

¹⁵⁶ Thomas de Zengotita, *Mediated: How the Media Shapes Your World*, (London: Bloomsbury Publishing Plc., 2005), p. 142.

systematically conditioned by the media to disregard anything that cannot be understood within a minute, has no need for any kind of demanding ethical reflection; he/she simply defaults to their sense of identity as part of a 'freedom-loving people'. 'Yet one more convenience', as he puts it, 'in a convenient world'.¹⁵⁷

That television in particular reflects a world of images that are both beguiling and seductive is well-recognised. Robert Jackall and Janice Hirota, for example, argue that what images can do is to convince without argument and suggest realities that are in a way purely fictive. In the world of media representation, they suggest that experience corresponds with appearance and shapes beliefs in a particular way. Thus does the world of news conferences and photo opportunities at the White House reflect a kind of make-believe world in which any notions of truth as a correspondence between the mind and reality becomes ever harder to achieve. In this world of what they term 'shimmering ephemera' Jackall and Hirota note that

Experts select or invent an image to stand for a person, or organization, or cause, not because of the image's truth-value, but because it is simple to articulate and understand, has emotional resonance with some target audience, an ability to link disparate personal associations, to command belief or the passive assent that follows half-belief, or to elicit the desire for the belief. In this sense emotion replaces reason. The shaping of credibility displaces the search for truth.¹⁵⁸

This passage ably explains the way in which the Bush administration was able to conflate the images of the destruction of the twin towers with an attack upon American freedom, and how it persuaded the nation that the defence of that freedom necessitated a 'war on terror' and the invasion of Iraq. The failure for example, of many Americans to understand that the 9/11 attacks had nothing to do with Iraq together with misunderstandings about WMD, supports the notion that in the world of the mass media 'credibility

¹⁵⁷ Ibid, p. 170.

¹⁵⁸ Robert Jackall and Janice M. Hirota, *Image Makers: Advertising, Public Relations, and the Ethos of Advocacy* (London: University of Chicago Press, 2000), p. 211.

displaces the search for truth'.¹⁵⁹ Thus was the dissemination of the discourse of freedom by the Bush administration a relatively easy matter. The media was a willing partner to the framing and dissemination of this discourse, partly because of the structural factors mentioned, and partly because of the nature of the media itself, particularly television.

Chapter One touched upon the influence of the neoconservative network of news organisations in propagating the administration's policies, and it is worth emphasising this point further. After the events of 9/11, for example, the cable channel Fox News reported the news within the context of a continuous crisis well after life had returned to normal, implying that terror was just around the corner. According to Halper and Clarke, this kind of breathless, doom-laden reporting and the neoconservative values that the channel promoted went hand in hand.¹⁶⁰ As Irving Kristol remarked, 'many people in Fox News have been supportive of Bush's foreign policy. They deserve a bit of a mention. And [Rupert] Murdoch personally'.¹⁶¹ Several Washington thinktanks received funding from conservative foundations such as the Bradley Foundation, the Olin Foundation, and the Smith Richardson Foundation, which in turn helped to finance a print media that served the neoconservatives well. By the end of the 1990s, the neoconservatives had receptive editors at the *New York Post*, the *New Republic*, *Commentary*, the *National Review*, the *New York Sun*, the *American Spectator*, the *Wall Street*

¹⁵⁹ See Rich, *The Greatest Story Ever Sold*, p. 68. Rich points out that two days after 9/11, according to a CBS News/*New York Times* poll, only 6% of Americans thought that Osama bin Laden had collaborated with Saddam Hussein. After Colin Powell's presentation to the UN on 3 February 2003 a CNN/*USA Today*/Gallop poll found that 66% thought that Powell had made a 'strong' case that Iraq had 'ties' to al-Qaeda. A CBS survey showed that 53% believed Saddam Hussein had been 'personally involved' in 9/11 and Knight Ridder found that half the country believed Iraqis were among the 9/11 attackers. This is not the only mismatch between perception and truth to have been identified by opinion polls. In a report entitled 'Misperceptions, The Media and The Iraq War' dated 2 October, 2003, produced by the *Program on International Policy Attitudes (PIPA)/Knowledge Networks*, it was noted (p. 1) that in polls conducted May – September 2003 'a substantial minority of the public said they believed that weapons of mass destruction had been found. A substantial minority even believed that Iraq had used weapons of mass destruction in the war. Polls from other organizations repeated these questions and got similar results'.
<http://www.pipa.org/OnlineReports/Iraq/IraqMedia_Oct03/IraqMedia_Oct03_rpt.pdf> [accessed 12 May 2010].

¹⁶⁰ Halper and Clarke, *America Alone*, p. 186.

¹⁶¹ Cited in *ibid.*, p. 188.

Journal and the *Weekly Standard*. Many contributors to these journals became regulars on the cable talk shows, including Fox News.¹⁶²

These outlets achieved an amplification of the administration's neoconservative agenda, often at the expense of the facts. Fox News, for example, which was consistently among the higher audience ratings, showed, according to the PIPA/KN poll referred to in footnote 159, that in terms of the misperceptions concerning the Iraq war – i.e. that links between al-Qaeda and Iraq had been found, that WMD had been found in Iraq, and that world public opinion approved of the US going to war with Iraq – Fox News viewers had by far the most misperceptions and the PBS-NPR (non-profit-making public service channel) viewers the fewest.¹⁶³

It would be wrong to suggest that Fox News, which faithfully reflected neoconservative views, was alone in acting as a cheerleader for the Iraq war. After the events of 9/11, it is widely acknowledged that a jingoistic spirit infected elements of the media and for a long time they largely abandoned the practice of holding the government to account.¹⁶⁴ A study by the Pew Charitable Trust for example, showed that between September and December 2001, 74% of television coverage about 9/11 and America's response to those events was 'all pro-US' or 'mostly pro-US', with only 7% 'dissenting'.¹⁶⁵ A study of network news stories on Iraq over two weeks in January – February 2003 found that more than half of the 393 sources quoted were U.S. officials, and only 17% of sources expressed any scepticism about government policy.¹⁶⁶ Dissent concerning the 'war on terror' and later concerning the Iraq war itself was being excluded from the dissemination of news by the media. In a Foucauldian sense, a complex set of practices effectively fenced off dissenting views and statements from circulation, with a predictable impact upon the way the news consumer perceived reality. As the Professor of

¹⁶² *Ibid.*, p. 189.

¹⁶³ 'Misperceptions, The Media and the Iraq War', *The Program on International Policy Attitudes/Knowledge Networks*, 2 October 2003 p. 12.

¹⁶⁴ Blumenthal, *How Bush Rules*, p. 110.

¹⁶⁵ Cited in Robin, *Fear*, p. 169.

¹⁶⁶ A. Trevor Thrall and Jane K. Cramer, *American Foreign Policy and the Politics of Fear*, (London: Routledge Taylor and Francis Group, 2009), p. 113.

Communication at the University of Colorado, Stanley Deetz has observed, 'The greatest censorship comes in what is never thought of, and in the forces that make some things unthinkable'.¹⁶⁷

Even if dissent or opposition to administration's policies was privately felt by those in the media, it was seldom expressed due to a prevailing self-censorship. Network executives, for example, have admitted to tailoring their coverage in order to avoid the appearance of criticising US foreign policy because of fear of a conservative backlash. The prominent journalist and television commentator, Michael Kinsley admitted to self-censorship, deciding not to write or publish things for reasons that were sometimes 'simple cowardice'.¹⁶⁸ Fear of standing out, giving time or space to questions that could not somehow be asked, was also mentioned by the CBS news anchor, Dan Rather, who expressed it thus:

It is an obscene comparison – you know I'm not sure I like it – but you know there was a time in South Africa that people would put flaming tyres around people if they dissented. In some ways the fear is that you will be necklaced here, you will have a flaming tyre of lack of patriotism put around your neck. [...] Now it is fear that keeps journalists from asking the toughest of tough questions.¹⁶⁹

Most of the media never effectively, therefore, challenged the White House version of events about WMD, or the Iraq war, or the 'war on terror' generally. Indeed, when the administration's own public relations were weak the media helped out, with the *New York Times* offering a special daily section entitled 'America at War' and Fox News deploying an 'Operation Iraqi Freedom' news logo, complete with martial music.¹⁷⁰ The self-censorship exercised by the media was applauded by the neoconservatives. Michael Novak was annoyed by the independent stance that journalists tried to exercise during the Gulf War of 1991–92. He argued that America's foreign policy correspondents should continually remind themselves: 'My liberty to report the truth comes from the American republic – and from American

¹⁶⁷ Cited in Lee Artz, 'Political Legitimacy, Cultural Leadership, and Public Action,' in *Bring 'Em On*, ed. by Artz and Kamalipour, pp. 7–21 (p. 18).

¹⁶⁸ Cited in Robin, *Fear*, p. 169.

¹⁶⁹ Cited in *Ibid.*

¹⁷⁰ Artz, 'Political Legitimacy, Cultural Leadership, and Public Action', p. 12.

military power. I am not neutral.¹⁷¹ Liberty is thus reduced to reporting what the administration, which wields this military power, decides is true.¹⁷²

The lack of any real critique of the administration by the news media was mirrored elsewhere, especially in respect of dissent expressed against the Iraq war. Flash points developed where opposition to the Iraq war was suspected. Professional athletes not wearing American flags on their uniforms were reprimanded or threatened with job loss;¹⁷³ a remark by the lead singer of the pop group the 'Dixie Chicks', who said she was ashamed that the President came from Texas resulted in a thirty-day ban on Cumulus Media's country music stations.¹⁷⁴ Syndicated radio also took a sharp turn to the right, and Clear Channel's 1200 radio stations organised bans on songs by musicians who had made anti-war remarks. Clear Channel also organised hundreds of 'patriotic rallies' around the country to advocate the pro-war agenda, which they expressed as a response to an attempt by the 'liberal media' to 'marginalize the voices of patriotic Americans'.¹⁷⁵

What contributed towards this virtual elimination of dissent was that the use of the freedom discourse in speech after speech by the President (as demonstrated throughout this thesis) produced, because of its status as a potent signifier, a narrowing of the American public's field of vision; phenomena that did not fit with the discourse were not considered real or worthy of attention. In a manifestation of Foucault's ideas about discourse, 'statements' of opposition or dissent were thus not deemed legitimate, and therefore not considered or aired. What was promoted in this process, aided and abetted by influential neoconservative figures in the media world, was an interpretation of freedom that somehow brooked no argument; freedom as an

¹⁷¹ Cited in Dorrien, *The Neoconservative Mind*, p. 367.

¹⁷² The journalist Michael Massing has written extensively of how the Bush administration and the Christian right set out to disparage and criticise the mainstream media and suppress dissent within those outlets. See, in particular, 'The End of News?', *New York Review of Books*, 1 December 2005 <<http://www.nybooks.com/articles/18516>> [accessed 17 June 2010].

¹⁷³ Artz 'Political Legitimacy, Cultural Leadership, and Public Action', p. 17.

¹⁷⁴ Matthew A. Killmeier, 'Pre-emptive Strikes on the Cultural Front: Big Radio, the Dixie Chicks, and Homeland Security', in *Bring 'Em On*, ed. by Artz and Kamalipour, pp. 175–187 (p. 175).

¹⁷⁵ Adel Iskandar, 'The Great American Bubble : Fox News Channel, the "Mirage" of Objectivity, and the Isolation of American Public Opinion', in *ibid.*, pp. 160–174 (p. 170).

ideal that begrudged or failed to deliver even freedom of speech in the sense of publicly contested viewpoints; freedom as an empty rhetorical device, to be invoked by means of flags, lapel buttons, and martial music. It may have 'functioned as true' but it was a truth without meaning. This was freedom not as a pluralist manifestation of choice, but as a passive, almost mindless assent in which the flattered self was offered effortless self-realisation through identification with the most durable of American myths. For the domestic audience of Americans, the obsession of the Bush administration and a compliant media to narrate events in terms of freedom arguably resulted in something close to what Anthony Burke called an Orwellian paradox: 'freedom in slavery's grey uniform'.¹⁷⁶

The media failed signally in its manipulation and exploitation of the news for political ends to promote the conditions in which it was worth pursuing freedom in the first place: namely, the provision of choice and the recognition that human beings are infinitely diverse and deserve to be treated as such. Instead, the media imposed a conformity of opinion that curtailed and restricted liberty of thought. Referring to John Stuart Mill, whose longstanding desire for individuality and variety he much admired, Berlin wrote of Mill's anxiety, which he shared, 'to preserve variety, to keep the doors open to change, to resist the dangers of social pressure; and above all his hatred of the human pack in full cry against a victim, his desire to protect dissidents and heretics as such'.¹⁷⁷ That the Bush administration's discourse of freedom as transmitted and disseminated by the media had no place for dissent, and encouraged 'the human pack in full cry', is, it may be argued, testament to its betrayal of freedom.

¹⁷⁶ Burke, 'Freedom's Freedom: Enlightenment and Permanent War', p. 316.

¹⁷⁷ Berlin, 'John Stuart Mill and the Ends of Life', in *Liberty*, pp. 218–251 (p. 238).

VI CONCLUSION

This chapter has discussed the way in which the Bush administration's interpretation of freedom was reflected in a number of significant domestic policy areas. It has argued that the domestic agenda offered as great an opportunity to express support for the radical nature of neoconservative ideals and the republican virtue tradition as the area of foreign policy, perhaps even more so. It has shown how the authoritarian instincts that are latent within neoconservative philosophy were given full rein in a number of key areas and has cited relevant examples to support that claim. These examples included aspects of the way in which presidential power was exercised, including application of the unitary executive theory, the use of signing statements, and the denial of habeas corpus to enemy combatants. It has also illustrated how the use of the Patriot Act (2001) and the Homeland Security Act (2002) resulted in infringements of civil liberties and the suppression of dissent.

This chapter considered the way in which the values of neoconservatism and those of the Christian right coalesced to form a potent political force that impacted upon domestic policy and how the administration sought to blur the separation of religion and the state. It has shown how the combined neoconservative/Christian right value system, ill at ease with the concept of individual freedom not in the service of virtue, sought to coerce the population into certain patterns of sexual and reproductive behaviour. The chapter has highlighted how this value system, which the administration absorbed and reflected in its policies, resulted in a retreat from empiricism and an attack upon, and manipulation of, science for political ends, particularly in the fields of stem cell research and climate change. Finally, it has illustrated how the discourse of freedom, which dominated the political narrative during the Bush administration, was transmitted and conveyed by a largely docile and unquestioning media that stifled and suppressed dissent.

It is the burden of this thesis that all of the characteristics of the Bush administration's domestic policy highlighted in this chapter reflect a monist belief system antipathetic towards the pluralism which nourishes the negative concept of freedom, discussed in Chapter Two. These characteristics manifest instead a belief in the idea that the individual can be denied choice, and indeed, potential choice, for his own good, and that the State can legitimately coerce him or her towards virtue, the definition of which was left in the hands of a governing elite. They demonstrate how uncomfortable the administration was with the idea of individual freedom, how it sought to control and suppress information upon which the individual could base his or her choices, and how it sought to impose a political value system that embraced a positive concept of freedom embodied, for example, to a significant extent, in John Ashcroft's concept of 'ordered liberty', which was incompatible with the American tradition of liberty.

CHAPTER SEVEN: THE MASK OF LIBERTY

O Liberté! O Liberté! Que du crimes on commet en ton nom! ¹

¹ Madame Roland on the scaffold of the guillotine, Paris, 1793. Cited in Geoffrey Thomas, *Introduction to Political Philosophy* (London: Gerald Duckworth, 2000), p. 153.

This thesis has not attempted a conventional policy analysis of the Bush administration. It has focused upon freedom, what it meant in the American tradition, what it came to mean, and how interpretations of its meaning by the Bush administration provide a philosophical explanation of the paradox at the heart of its policies: namely, how the very policies that the discourse of freedom constructed by the administration claimed were designed to defend and extend freedom, perverted its meaning. By considering a range of examples in both foreign and domestic policy, together with the way in which the discourse of freedom with its Foucauldian attributes was used by the administration and disseminated by a willing media, the thesis has demonstrated that the administration adopted a definition of the meaning of freedom that ran counter to the American tradition.

The analytical framework that has been applied to the Bush administration's interpretation of freedom rests principally upon the thought of Isaiah Berlin. Although the work of other philosophers has been referred to as appropriate, it is Berlin's ideas relating to pluralism and his insights into the nature of freedom that have been the guiding points of reference throughout.

As previously emphasised, the Bush administration, probably more than any other in the post-war era, grounded its ideas and its political appeal upon the American tradition of liberty. Freedom, once the rallying cry of the dispossessed, was adopted by the administration as a continuous theme to the extent that, in its own eyes, the administration became practically the embodiment of freedom itself. One of the many attractions of choosing freedom as a political leitmotif was that it spoke to the authority of myth, which, as Roland Barthes suggested, 'has the task of giving an historical intention and making contingency appear eternal'.² By appealing to tradition, the Bush administration sought to ratify the present and legitimize its policies.

² Cited in Bruce Lincoln, *Discourse and the Construction of Society Comparative Studies of Myth, Ritual, and Classification* (Oxford: Oxford University Press, 1989), p. 5.

The thesis has considered some of the key early influences upon that tradition, ranging from John Locke and Tom Paine to the Commonwealthmen. Each had a vision of freedom, and each in their different ways fed into the American founding doctrine, as sections II and III of Chapter Three explain. The thesis has shown that within the historiography of the American Revolution and the founding there are two competing interpretative paradigms. The first was the republican 'virtue' model, advanced, in particular, by Bernard Bailyn and J. G. A. Pocock, based upon the classical neo-Roman republican tradition of thought. The second was the 'liberal' doctrine, based to a large extent upon the ideas of John Locke. Despite the undoubted appeal and influence of the republican virtue tradition, it has been argued, following the analyses of Joyce Appleby and Gordon Wood amongst others, that the eventually prevailing influence in the post-Revolutionary period was that of Lockean liberalism, and it was therefore within that paradigm that the American tradition of liberty can be said to be the more solidly grounded.

In applying the analytical framework to these two interpretative paradigms, it was possible to conclude (Section V of Chapter Three) that the republican virtue tradition exhibited certain of the characteristics that can be associated with Berlin's definition of what he termed 'positive' freedom, namely, a belief that the individual can be 'perfected' through citizenship (which implies a belief in the existence of a 'higher self'); an acceptance of the idea that the enforcement of virtue is legitimately a function of the state; and, above all, that virtue and freedom are values that can be conflated. Freedom in this sense is a means to an end, rather than an end in itself, and the end for which it is a means is virtue. Whereas Berlin may well have argued that unless an individual is free to reject virtue, he or she is not free to pursue it, the republican virtue tradition holds that freedom is the ability to do what one 'ought'. Rousseau wanted men to choose absolutely freely only that which was right, and there are echoes of this in Attorney General John Ashcroft's ideal of 'ordered liberty', referred to in the previous chapter. In this concept of

freedom not only are liberty and authority compatible, but they are almost as one. The more men seek to realise themselves through choosing what is right, the freer they are. Thus freedom and virtue coincide. This, for Berlin, was an interpretation of freedom liable to the perversion likely to turn it into its opposite. He believed that it was more important for people to be free rather than happy, because unless they are allowed to choose, they cannot be either happy or unhappy in any sense in which these conditions are worth having.³ Coercion in the name of virtue was thus an abiding danger:

People should not be coerced, even if they are coerced in the name of virtue. It is more important that people be allowed to choose for themselves than that they hold correct opinions. Willing slaves, virtuous slaves, even happy slaves, are still slaves [...].⁴

Whilst the Bush administration's reasons for choosing freedom as its core political discourse were, as suggested, no doubt grounded in its appeal to the past and the authority of myth, the way in which the meaning of freedom was interpreted was a matter of ideological influence. The thesis has argued that the dominant ideological influence upon the Bush administration was that of neoconservatism combined with that of the Christian right. Neoconservatism, through its early thinkers, absorbed and reflected an interpretation of freedom that chimed with the republican virtue tradition and rejected the liberal pluralism in which Berlin's concept of negative freedom is grounded.

The key influence upon the development of neoconservatism was Leo Strauss, although others, notably Irving Kristol and Allan Bloom, also made significant early contributions, as Chapter Four highlights. The philosopher and novelist Iris Murdoch wrote that 'it is always a significant question to ask any philosopher: what is he afraid of?'.⁵ What Leo Strauss and the neoconservatives who followed appeared to be afraid of was modern man, man not subject to or in awe of metaphysical authority, able and willing

³ Berlin, 'A Letter to George Kennan', in *Liberty*, p. 342.

⁴ Berlin, 'Montesquieu', in *Against the Current: Essays in the History of Ideas* (Oxford: Princeton University Press, 2001), pp. 130–161 (pp. 158–9).

⁵ Iris Murdoch, *The Sovereignty of Good* (London: Routledge Classics, 2003), p. 71.

to think for himself, to define his own sense of virtue and morality, non-dependent and uncoerced. In other words, free.

Much of Strauss's unease with modernity stemmed from his beliefs concerning natural law and rights. According to Nicholas Xenos, Strauss viewed classical natural right as 'an orientation towards nature hierarchically structured with virtue at the top'.⁶ Strauss regarded Locke, along with Hobbes, as an originator of modern natural law theory, which was grounded in the way in which men, with their passions and fears, actually behave, rather than the way in which they ought to. This shifted the focus from the duties required by virtue to the rights demanded by self-preservation. Xenos emphasises the point made elsewhere in this thesis, that the 'self-evident truths' of the Declaration of Independence are grounded in a Lockean understanding of natural right, and, in his reading of Locke, Strauss perceives the effects of this modern natural law doctrine leading to 'a political society without purpose other than self-preservation and public happiness'.⁷

The view of human nature held by Strauss demanded an authoritarian political form which found its voice in neoconservatism, as did his beliefs concerning elites and his mistrust of democracy. Neoconservatism sought to restore a sense of moral purpose and the imposition of what neoconservatives perceived to be a range of higher-order values which focused upon cultural nationalism, moral righteousness, the importance of family, and the right to life, amongst others. This complex web of ideals and cultural and political values, formed by the meshing of neoconservative ideology and the faith values of the Christian right, impacted upon and helped define the Bush administration's interpretation of the meaning of freedom.

The neoconservative interpretation of freedom, influenced as it was by the ideas of Leo Strauss, ran in direct contrast to Berlin's concept of negative freedom. This is the concept of freedom that the thesis has shown is embedded within the Lockean liberal interpretative paradigm, and hence is

⁶ Nicholas Xenos, *Cloaked in Virtue*, p. 133.

⁷ *Ibid.*

the dominant influence within the American liberty tradition. It is a concept of freedom resting upon the principle of individual uncoerced choice and rooted in value pluralism, which accommodates and accepts the imperfectability of human life and understands that human goals are many and sometimes incommensurable. By contrast, the 'positive' concept of freedom, resting on the idea of a divided self, is liable to be perverted by what Berlin called the 'monstrous paradox', whereby liberty turns into a kind of slavery because the State (or other authority) claims to know best what the individual 'really' wants and will therefore liberate the individual from his misconceived desires. It is through this paradox, Berlin argued, that freedom coincides with the authority of the liberator. This is a concept of freedom grounded not in the acceptance of pluralism and conflicting values and goals, but in moral monism: the idea that there must exist some final and certain answers to moral dilemmas, a key feature of neoconservative and Christian right thought. Implicit in this thought is the notion, inimical to negative liberty, that people should be led, or possibly coerced, towards virtue (the nature of which was for the leaders to decide); even the truth was to be denied them, because, as Kristol so memorably observed, it is too dangerous to be made universally available.

In the field of foreign policy the tradition of American liberty and its negative character were undermined by the Bush administration's Hegelian interpretation of history, which combined with the notion that America was the chosen instrument of God. When the President said, 'History has an ebb and flow of justice, but history also has a visible direction, set by liberty and the Author of Liberty',⁸ this was an essentially Hegelian understanding of history as inevitable: things cannot happen otherwise than they do; events did not merely happen as they did, but *had* to happen. The President's statement also implied that the 'Author of Liberty' had provided America with an infinitely expandable grant of authority to assert its influence anywhere it chose since, by definition, it acted on freedom's behalf. Thus there is a sense

⁸ President George W. Bush, 'Second Inaugural Address', 20 January 2005.

of a form of determinism at work; history has already mapped out America's destiny, which is to act, in Andrew Bacevich's phrase, as God's 'Agent of Liberty'.⁹

Berlin suggested that Hegel perceived no paradox between determinism and freedom, and in this view, therefore:

To be happy, to be free, is to understand where one is; where one is on the map; and to act accordingly. If you do not act, you are acted upon, you become historical stuff, you become as Seneca said, a slave dragged by the Fates, and not the wise man who is lead by them.¹⁰

This is surely, as suggested in Section II of Chapter Five, the underlying if unconscious theme that runs through Paul Wolfowitz's *Defense Planning Guide*, PNAC's *Rebuilding American Defenses: Strategy, Forces, and Resources for a New Century* and the *National Security Strategy of the United States, 2002*, which underpinned foreign policy and the war on terror. America had the right to attempt to enforce an 'American Century', to assert its dominance in the name of freedom, because history, to say nothing of God, was on its side. The neoconservatives, as Anne Norton has emphasised, literally believed that American power, 'unmatched since Rome', should be used to remake the world.¹¹ History favoured the bold, the proactive, the victorious, those who ran with its tide. To hang back, to falter in this purpose, is to risk being 'dragged by the Fates'. The victims of history's requirements, which in the context of the war on terror include the Iraqi dead, the tortured prisoners of Abu Ghraib and elsewhere, the victims of black sites, or those who might be opposed to the march of American hegemony with its undertow of Said's Orientalism, are merely, according to this Hegelian concept of history, 'feeble flotsam adequately taken care of by history which has swept them away as, being against the current, they *eo ipso* deserve. Only the victors deserve to be heard; the rest [...] all the critics [...] these are historical dust'.¹²

⁹ Bacevich, *The Limits of Power*, p. 74.

¹⁰ Berlin, 'Hegel', in *Freedom and Its Betrayal*, p. 90.

¹¹ Norton, *Leo Strauss and the Politics of American Empire*, p. 189.

¹² Berlin, 'A Letter to George Kennan', in *Liberty*, p. 343.

In the Hegelian view of history it is the resistance to history's flow that makes you unfree, to wish that things were other than they were or are, to fail to understand the objective march of history, the inexorable march of what he (Hegel) calls 'God's march through the universe'.¹³ Indeed, President Bush seemed to see his administration's foreign policy as being in step with this march and, rather as Hegel viewed the State, suggested that the US was indeed the actualization of freedom. Hegel's great crime, according to Berlin, was 'to have created an enormous mythology in which the State is a person, and history is a person, and there is one single pattern which metaphysical insight alone can discern'.¹⁴ It seems no exaggeration to suggest that it was precisely this metaphysical insight that President Bush claimed to have possessed. The Hegelian view of history runs counter to the idea of individual choice which lies at the heart of Berlin's idea of what true liberty consists in, and he highlighted what he calls the 'vast confusion' wrought by Hegel, namely, 'a historically fatal identification of liberty, as we understand it, with security'.¹⁵ This confusion was one in which, this thesis has maintained, the Bush administration shared.

As well as this Hegelian strand of thought, neoconservatism, as it expressed itself in foreign policy, carried with it echoes of the Romantic movement which originated in the late eighteenth century. It was this identification of the nation not only with the freedom but with the right to exert almost unlimited military power that seemed to replicate some of the values of the Romantic movement and its excesses. When writing about this movement, Berlin noted how its nationalist implications invited a heroic view of 'nations that asserted themselves against others and identified their own liberty with the destruction of all that opposed them'.¹⁶ There can be fewer more apt descriptions of President Bush's rhetoric when speaking of the war on terror in which, as the many examples cited in this thesis confirm, liberty

¹³ Cited in Berlin, 'Hegel', in *Freedom and Its Betrayal*, p. 93.

¹⁴ *Ibid.*, p. 103.

¹⁵ *Ibid.*

¹⁶ Berlin, *The Crooked Timber of Humanity*, p. 197.

and American power were frequently conflated. This is not a new phenomenon, as Berlin noted. 'The notion that liberty and power are identical', he wrote, 'that to be free is to make free with whatever stands in your path, is an ancient idea which the romantics seized on and wildly exaggerated'.¹⁷ The neoconservatives incorporated such exaggerations into their foreign policy outlook, as exemplified, for example, by Richard Perle's call for 'total war'. Indeed, the President himself helped to set this trend when he suggested that the proper response to those who 'hate our freedoms' was to 'export death and violence to the four corners of the earth in defence of our great nation'.¹⁸ This sense of exaggeration was further reinforced by the notion, embodied in the freedom discourse, that the war on terror was a war against evil. This had predictable consequences in terms of the means used to wage it as well as implications for the American tradition of liberty. As the author and journalist William Pfaff has pointed out:

If the enemy is Evil (the Evil One?), there can be no quarter given, no negotiation, no pity, no mercy. This marks an advance of American political thought towards the darkness of totalitarian conceptions of discourse, translating human conflict into metaphysical conflict.¹⁹

In the domestic sphere, as the previous chapter has demonstrated, the neoconservative interpretation of the nature of freedom, which was so influential upon the administration, resulted in authoritarian or paternalistic outcomes that undermined individual freedoms. This was manifested in the suppression of dissent, the illegal use of surveillance, and in the unconstitutional consolidation of presidential power. In the field of science, the neoconservative influence was especially evident in the manipulation of scientific information in order to encourage or coerce certain patterns of behaviour. Rather like one of the leading figures of the Counter-Enlightenment, Joseph de Maistre (1753–1821), the neoconservatives and their

¹⁷ Ibid.

¹⁸ Cited in Geoffrey Wheatcroft, 'The Voice of Unconventional Wisdom', *New York Review of Books*, 11 November 2010, p. 51.

¹⁹ William Pfaff, *The Bullet's Song: Romantic Violence and Utopia* (London: Simon and Schuster, 2004), pp. 308–9.

allies on the Christian right appeared to believe that the scientific outlook 'finds fault in authority; it leads to the "disease" of atheism',²⁰ and they therefore sought, echoing the commitment to irrationalism that Berlin associated with much of twentieth-century political thought (see p. 37), to manipulate and distort it in a number of areas.

Berlin's thought is suffused with an antipathy towards the dehumanisation and humiliation caused by paternalism, and the manipulation and exploitation of the individual for political ends, characteristics manifested in key areas of the Bush administration's domestic agenda. For Berlin, paternalism was despotic not because it is the same as unenlightened tyranny, but because it insults the concept of the individual as a human being determined to make his or her own life in accordance with his or her own choices, whether rational or otherwise. The individual is therefore rendered unfree by paternalism in the sense of not being recognised as a self-governing individual human being.²¹ This objection to paternalism extended to the way in which governments justified increasing accumulations of power which, as demonstrated, was a characteristic of the Bush administration.

The doctrine that accumulations of power can never be too great, provided that they are rationally controlled and used, ignores the central reason for pursuing liberty in the first place – that all paternalistic governments however benevolent, cautious, disinterested and rational, have tended, in the end, to treat the majority of men as minors, or as being too often incurably foolish or irresponsible [...]. This is the policy that degrades men, and seems to me to rest on no rational or scientific foundation, but on the contrary, on a profoundly mistaken view of the deepest human needs.²²

The overall conclusion that this thesis draws is that by adopting, through the influences of neoconservatism and the Christian right, an interpretation of freedom that was, seen through the prism of Berlin's thought, positive in nature and therefore contrary to the American liberty tradition, the Bush administration amply demonstrated the perversion to which positive liberty is prone, and succeeded in betraying the very value

²⁰ Ibid., p. 120.

²¹ Berlin, 'Two Concepts of Liberty', in *Liberty*, p. 203.

²² Berlin, 'Introduction to Five Essays on Liberty', in *Liberty*, p. 54.

that it claimed to hold most dear. The administration's apparently Hegelian perception of history, its attitude towards power, the way in which its foreign policy rhetoric frequently echoed the excesses of the Romantic movement, and its commitment to the imposition of a value system at the expense of choice, all combined to underpin and reinforce this betrayal. Thus, despite its relentless appeal to and identification with freedom, the Bush administration arguably became, rather like Berlin's verdict on Rousseau, one of liberty's 'most formidable and sinister enemies'.²³

As mentioned in Chapter One, one of the most important aspects of Berlin's thought is its capacity to act as a warning. He warned that freedom, perhaps more than any other social good, is liable to be twisted to mean something very close to its opposite and that those who constantly appeal to it need to understand what he believed to be its proper interpretation. In the late eighteenth century, the French philosopher Condorcet (1743–94) uttered similar warnings about the dangers of the 'mask of liberty' being worn by the unscrupulous. Tzvetan Todorov paraphrases this warning as follows:

Condorcet in *Cinq Mémoires* unfolds before the readers' eyes a real doomsday scenario. Imagine, he says 'that a troop of audacious hypocrites' manages to get control of the central power of a country and to create relays throughout its regions. It could lay its hands on the main sources of information and consequently be believed by 'a people whose ignorance makes them prey to the phantoms of fear'. Alternating seduction and threats it 'will exercise under the mask of liberty' a tyranny that is in no way less efficient than those that preceded it.²⁴

By considering the policies of the Bush administration and the freedom discourse that it created and disseminated, this thesis has demonstrated how the force and relevance of these warnings endure.

²³ Berlin, 'Rousseau', in *Freedom and Its Betrayal*, p. 49.

²⁴ Tzvetan Todorov, *In Defence of the Enlightenment*, translated by Gila Walker (London: Atlantic Books, 2009), p. 66.