

Torture, Truth and Capital: The Fragmented Body of Liberal Democracy Behind the Corporate Veil

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DON FERNANDO De GUZMAN: El Dorado could be only a few days away. No more rust on the cannon. We shall shoot our enemies with golden bullets. And you, Okello, will serve my food on golden platters.
OKELLO (THE SLAVE): All of us will get something out of this. Governorships, provinces, women. And perhaps I'll even be free.
BROTHER GASPAR DE CARVAJAL: Let us not forget the most important part of our mission: to spread the Word of God to these savages.
GUZMAN: I'm sure you'd like a golden cross encrusted with jewels...instead of the silver one you lost.

Werner Herzog's *Aguirre, Wrath of God*

- ***Introduction***

On February 5th, 2003, United Nations officials temporarily concealed from view the tapestry of Picasso's 'Guernica' which hangs outside the Security Council chamber at the UN headquarters in New York. The occasion was United States Secretary of State Colin Powell's speech in support of launching a pre-emptive war against Iraq. The alleged reason for the cover-up was that the press corps had requested it because the background was too 'broken up' for the cameras panning the scene. Yet as pointed out even by the right-wing *Washington times*, the painting had appeared as a backdrop for press conferences and briefings on numerous occasions, and no one had ever complained. "The drapes were installed...the days the council discussed Iraq - and came down...when the

subjects included Afghanistan and peacekeeping missions...”¹ Other publications cited unnamed UN diplomats claiming there had been pressure from US officials. Peter Goddard at the *Toronto Star* noted one occasion of particular interest when the Picasso tapestry had served as a backdrop – the delivery by UN chief weapons inspector Hans Blix of his interim report, whose conclusions certainly did not bode well for the war camp.² Whatever the official line taken, the implications remain, and in retrospect would appear even more incriminating. A few months later, what we now know was inevitable all along took place, and Donald Rumsfeld eventually made history with this famous statement: “There are known knowns. These are things we know that we know. There are known unknowns. That is to say, there are things that we know we don't know. But there are also unknown unknowns. There are things we don't know we don't know.” Slavoj Žižek pointed out that Rumsfeld was missing the fourth term: the ‘unknown knowns’, or things we don't know we know – “the Freudian unconscious, in other words.” In the photos of torture victims and their torturers at Abu Ghraib, we saw this ‘obscene underside’ of liberal values, the repressed unconscious seeping into the conscious. This, Žižek claims, is where the ‘main dangers’ of the confrontation with Iraq lie.³

What this essay explores are the wider ramifications of this struggle – between the conscious and unconscious, between capitalist liberal democracy and its constructed ‘other’, between ‘public’ and ‘private’ – and its implications for the liberal democratic state, its political values, laws, economies, and the contradictions therein. Private contractors working for the United States government played a key role in the torture at Abu Ghraib and other sites, and this posed serious obstacles to the investigation of

¹ ‘The Picasso Cover-Up’, *The Washington Times*, Monday, February 3, 2003.

² ‘Anti-war art doesn't fly at U.N.’ *Toronto star*, February 6, 2003.

³ Žižek 2004.

abuses, especially at the higher levels of authority.⁴ This corporate veil shielding the abuses should alert us to the general transmission of power from the public state to the corporate shadows that serve as the repository of everything that the liberal collective conscious ‘doesn’t know it knows’: from the outsourcing of torture to despotic regimes alongside the outsourcing of labour to sweatshops; secret trials for terrorist suspects alongside secret or ‘confidential’ international trade tribunals; to the various systemic threats posed to transparent governance by ever more global phenomena such as the wholesale privatization of massive public resources and the disappearance of public spaces. This link is not merely symbolic or incidental. These phenomena produce one another and form part of a continuity of power-knowledge which serves as complement to the ‘carceral archipelago’ described by Michel Foucault as permeating the entire network of institutions of social control and ‘normalization’ from schools to prisons to hospitals. It complements the ‘carceral’ because it enables or facilitates the latter’s unfettered flourishing by shielding its administrative apparatus from the public gaze, and it is no coincidence that many of the institutions of ‘normalization’ Foucault discusses have *since* become the prime targets for ‘privatization’ in many industrialized countries. The present ‘torture debate’ and the ‘war on terror’, by indicating a ‘parallax gap’ between the justification of torture by liberals and the actual practice are only the clearest symptoms so far of a fundamental fault at the core of liberal philosophy.

This problematic of torture leads us to a series of such ‘gaps’ or tectonic faults in liberal political philosophy - between economic liberalism and political liberalism, or liberal humanism; between ‘tyranny of the majority’ and individual rights. Such gaps

⁴ Roberts, Burke, cited below.

trace the contours of the Real of liberal democracy and are the product of a subtle shift from negative to positive conceptions of liberty described by Isaiah Berlin; they can be explained in Lacanian terms as the result of a collective psychic movement from a 'fragmented body' of liberal democracy to a unified, fixed subject alienated from itself or from its fragmented being. Like Berlin, early liberal thinkers were aware of this problematic which has since been repressed in liberal consciousness as the latter has progressed through a collective 'mirror stage' in which Capital, legitimized by democracy and liberal values, has positioned itself as the totalizing, alienating mirror of liberal democracy, in turn subverting the latter and mobilizing it solely for its own ends. In the 'war on terror' and the various 'sham distinctions' of race and territoriality that underpin both the formal rationale and the unconscious logic of torture, this repressed element has resurfaced, revealing the 'minimal difference' between torture as sanctioned by liberals and torture as practiced by despotic regimes; between tyranny of the democratic majority and tyranny pure and simple.

Hence we return to *Guernica* and its meaning. The bombing of Guernica in April 1937 by Fascist forces has monumental symbolism in the history of the 20th century. When in the 1940s Capitalism joined forces with Communism to fight Fascism, it was 'fighting its own excess'; it is today again fighting its own excess in the guise of Islamic fundamentalist terrorism.⁵ The constitution of this excess as an 'other' is a necessary part of the process of generating the alienating liberal democratic subject itself. *Guernica* symbolizes both the extreme political violence of modern, mechanized warfare which has turned civilian populations into strategic targets, and the orientalist myths that historically

⁵ Žižek 2002, p 27.

yield such violence, which is initially directed at a constructed ‘other’ but becomes generalized and turned against the ‘neighbour’ as the distinctions and ‘minimal differences’ break down and the repressed returns to haunt us. The same is true of torture. The power of the collective fantasy of Islam and ‘terror’ – Western modernity’s mythical constructed other – which breaks down liberal aversion to torture, signals the advance of a collective illness that flows from tectonic faults at the heart of liberal democracy, the return of an element repressed in the formation of the liberal democratic subject. *Guernica* with its subtle orientalist imagery also represents this ‘unknown known’ about ‘global terror’: it is symbolic of all the veils that surreptitiously enter the stage from the side and distract our vision like a matador’s *muleta*, unnoticed in their mutual complementarities – the corporate veil, the veil imposed between the public and the apparatus of the state, the Muslim veil (which itself symbolizes in the Western mind the false dichotomy of a ‘clash of civilizations’), the veil between ‘legal’ and ‘illegal’ combatants, between ‘civilization’ and ‘barbarism’, the ‘veil of money’, and so on. Through a series of such totalizing distinctions we are deterred from comprehending the real struggle, which is not between liberal democracy and its external other, but within the fragmented body of liberal democracy itself.

1 Torture as Symptom and the Exploitation of Truth

“No,” said the priest, “it is not necessary to accept everything as true, one must only accept it as necessary.” A melancholy conclusion,” said K. “It turns lying into a universal principle.”

-Franz Kafka, *The Trial*⁶

In a relatively short time since the irruption of the theme in contemporary liberal discourse, a vast literature on torture has already been accumulated in academic circles. The one universally resounding theme on both sides – the vaunted antidote to abuses such as those at Abu Ghraib – is the notion of the rule of law. Only respect for the rule of law, liberal academia tells us, can restore order. What is missed in this debate however is that the rule of law is precisely that, an antidote – a retrospective, reactive mechanism whose operation is still less effective and more problematic when the abuse and exercise of power is privatized, shielded by the corporate veil and only periodically glimpsed when cropping up like mushroom caps from a vast underlying network of mycelium. Laws and even constitutions, Rousseau warned, are useless if they are not in the hearts of men.⁷ The

⁶ Page 220.

⁷ Eckstein, p 264.

rule of law fails completely to address the systemic underlying causes of the symptoms it treats, the underlying sickness. It never asks the question: why? And indeed it cannot allow itself to ask such a question because the answer might lead to its discovery of ‘liberal torture’ as the symptom of a socially produced illness whose source lies at the very foundation of the neoliberal capitalist order it serves.

In his groundbreaking study of the evolution of disciplinary systems in Europe from the 17th century onwards, Foucault notes the disappearance of punishment and torture as spectacle, contemporaneous with the arrival on the scene of the public trial. As the technologies of power shifted their focus from the body to controlling the body (of society as a whole) by means of the ‘soul’ – it brought the adjudication of crimes out into the open and withdrew the enactment of punishment behind institutional walls, reducing its severity. “The prison transformed the punitive procedure into a penitentiary technique; the *carceral archipelago* transported this technique from the penal institution to the entire social body.” This in turn produced a “continuity of the institutions themselves, which were linked to one another (public assistance with the orphanage, the reformatory, the penitentiary, the disciplinary battalion, the prison; the school with the charitable society...”⁸ Within this seamless continuity of the carceral, “the delinquent is not outside the law; he is, from the very outset, in the law, at the very heart of the law...The delinquent is an institutional product.”⁹

DuBois dismisses Foucault’s thesis as ‘Eurocentric’, claiming that while torture as spectacle ‘disappeared’ from the European landscape, the carceral networks of the former colonizers continued to “displace the violence of spectacle elsewhere in the world

⁸ Foucault, p 298-299.

⁹ Foucault, p 301.

without relinquishing it.”¹⁰ Yet Foucault never purports to give a *global* account and nothing in his thesis excludes the possibility of the re-emergence of torture; he claims only that the change of focus in the carceral networks of modern Europe is not the product of a more humane society, but one faced with different needs. This even *suggests* the possibility of a return to torture. We may well appreciate here Foucault’s observation that the delinquent is an ‘institutional product’. The use of or support for torture abroad and the deployment of more ‘humane’ means at home by liberal democracies merely points to the need for a different ‘institutional product’ at home and abroad – or the need for citizens as ‘institutional products’ and the “spectacle of the other tortured for us”¹¹ abroad.

Where the present context becomes unique in the modern age is in the attempts to legalize certain forms of torture and render them acceptable through an emphasis on the ‘new threats’ faced in the ‘war on terror’. No memos were published by the Pinochet regime regarding acceptable forms of interrogation and no attempts made to remain ‘within the general confines’ of the Geneva conventions by redefining tortured (or ‘interrogated’) subjects as ‘illegal combatants’. The only meaningful historical precedent here is the distinction made between slaves and citizens in Ancient Greece. In trial procedure only slaves could be tortured – yet their evidence was of a “higher order of truth” than that of free men citizens who testified under oath by their own willing. Even an accused citizen’s innocent slaves could be tortured in order to determine their master’s guilt or innocence.¹² This ancient conception of torture, DuBois holds, still underpins our collective imagination today. This contradicts Silverman, who holds that the ‘turning

¹⁰ Dubois, p 154.

¹¹ DuBois, p 157.

¹² DuBois, p 47-50.

away' from torture at the end of the 18th century in France was the outcome of a "profound and dramatic paradigm shift" which reflected an entirely new understanding of "truth, pain, and the body." The Greek notion of the tortured body as the site of a 'static truth' that simply awaits discovery by means of torture and regardless of the victim's will, according to Silverman, was displaced by a wholly new understanding of truth as "a human construction dependent upon the will."¹³ It may appear in the context of the 'torture debate' and hypothetical scenarios such as the 'ticking bomb' that DuBois' account is the more correct. The distinction between 'ordinary' criminal and terrorist, soldier and illegal combatant, between democracy and its 'outside' (the uncivilized barbarian world where torture can be deployed), the idea that torture yields authentic 'intelligence' or 'truth', bears similarity to the thinking of the Greeks.

However the practice of torture in the 'war on terror' suggests that the two accounts co-exist, albeit on different planes. They present us with what Žižek calls a 'parallax gap' – "the confrontation of two closely linked perspectives between which no neutral common ground is possible."¹⁴ But this lack of a common ground upon further investigation itself yields the dialectical link between them. The gap itself is inscribed into the object and yields the Real that generates the two perspectives: while our modern torturers may fully subscribe to the notion of 'truth as construct dependent on will', a new mediating factor reinvigorates torture and impregnates it with a new purpose in producing 'truth'. The mediating factor is Capital. As we learned in the wake of Abu Ghraib, a key role in the torture was played by private contractors hired for 'interrogation' and

¹³ Silverman, p 176.

¹⁴ Žižek 2006, p 4.

‘translation’ work, and in many cases translators initiated the torture.¹⁵ Investigations run by the Department of Defence, CIA and other agencies “documented so many incidents of torture that investigators have called the use of torture ‘almost routine’.”¹⁶ Susan Burke, a corporate defence lawyer who began investigative work for Amnesty International in the wake of the Abu Ghraib scandals, noted at a conference:

...[P]eople began to make up "intelligence." Torture makes people say what they think the torturers want to hear. As a result, translators and companies engaged in interrogation record and report this information and create more so-called "intelligence." These reports create more profits for your company because the more of these reports you generate, the more work you're given. There is an entire corporate profit motive in the torture...¹⁷

Thus torture in the hands of private contractors acquires an *autonomous* motive and rationale that is still grounded in a notion of ‘truth’ – but truth as a mere function of the economic logic of ‘necessity’ or ‘higher truth’, pure communicative substance with no necessary relation to material reality (except as ‘added value’) – yet sufficient ‘truth’ to ground the production of exchange value in the service of Capital. What DuBois misses is perhaps the full ambiguity of the term ‘truth as construct’ here – for the modern cynical torturer, even a false confession extracted from the body represents a kind of ‘truth’ and can be a static material of real value. We saw in the events leading up to the Iraq war, for example, how prepared some Western leaders were to sacrifice material truth by fabricating evidence about weapons of mass destruction in the pursuit of what they perhaps saw as a ‘higher truth’.

¹⁵ Roberts, p 154-155.

¹⁶ Ratner and Weiss, p 262.

¹⁷ Burke, p 82-83.

This is not meant to suggest that torture in the present day can only occur through the mediation of Capital – merely that it persists as an avowed and approved institutional practice in liberal societies through the mediation of Capital. In Western liberal societies, where government is ‘transparent’ and truth is a ‘construct dependent on human will’, only the privacy of Capital provides the necessary mask or surface tension that allows torture to persist without compromising liberal values, that is, in spite of the discrepancy between the justification and the actual thing. Torture is permitted “to deny protection to people who do not deserve protection” as Bush administration officials put it.¹⁸ The body of the terrorist suspect is thus not only obscured by the corporate veil but, like the Greek slave, also constituted as fully *outside* the system of Power/Knowledge, having no direct recourse even to its own truth: unlike the home-grown serial killer, mass murderer, rapist, child molester – all of whom remain internal to the system and are accorded that minimum of protection embedded in constitutional principle and trial procedure. It is telling that now US Attorney General Alberto Gonzales advised the US senate that [my italics] “cruel, inhuman, and degrading treatment of detainees is forbidden to interrogators *only* within U.S. territory.”¹⁹ So much for spreading ‘freedom and democracy’ throughout the world, as great constitutional proclamations are reduced to something far less than the universal principles of Enlightenment political thought we believed them to be. Here global liberal capitalism is perhaps attempting to disown its own ‘institutional product’. But nothing in this uneven and arbitrary distribution assures it that the introduction of torture is not just another ‘political tactic’ or ‘complex social

¹⁸ Luban, p 73.

¹⁹ Ibid.

function' of punishment²⁰ *disguised* as a necessary measure of defence against terrorism. As Holmes puts it, "the absence of any metrics of success or failure in the war on terror is by now a commonplace...[torture] may have been embraced by the public because it is widely seen as an appropriate response...[violation of an absolute prohibition] sends a message that there is nothing the United States is not willing to do."²¹ It is not a matter of meeting 'new threats'. What is 'new' is the perception – an old and persistent way of thinking that re-emerges, the repressed which returns. The very character of this *re-*emergence in liberal political consciousness points to the Freudian *uncanny* element which arises when "primitive beliefs that have been surmounted appear to be once again confirmed."²² We no longer believe in these 'superannuated' modes of thought yet "we do not feel entirely secure in these new convictions; the old ones live on in us, on the look-out for confirmation..."²³

The problematic of the 'torture debate' thus centres on the hypocritical notion that the use of torture by liberal regimes is something substantially *new*. Gonzales's insistence on the territorial quality of the prohibition already hints at American foreign policy of past decades. Long before the 'war on terror' Lernoux finds a direct connection between US complicity in the rise of fascism and torture in Latin America in the 1970s and 80s and "religion's marriage to the corporate mammon".²⁴ Many officers who made up the higher echelons of these regimes were in fact trained in explicit methods of torture in the School of the Americas and similar institutions in the United States. O'Shaughnessy notes the extensive participation of international finance in the bringing about and

²⁰ Foucault, p 23.

²¹ Holmes, p 129-130.

²² Freud 2003, p 155.

²³ Freud 2003, p. 154.

²⁴ Lernoux, p 455. Generally, see chapters VI, VIII and X.

maintenance of the Pinochet regime.²⁵ But there are deeper, more wide-ranging precedents here. Taking into account the role of Capital and the logic of ‘necessity’ in the Abu Ghraib scandals, why not extend the idea of ‘torture’ to, for example, the degrading conditions of workers in FTZs (Free Trade Zones) whose labour underpins the global capitalist economy:

the workday is long...The vast majority of the workers are women, always young...The management is military-style, the supervisors often abusive, the wages below subsistence and the work low-skill and tedious²⁶...at some maquiladoras...pregnant women were required to work the night shift...exceptionally long hours of unpaid overtime...physically strenuous tasks...the garbage dumps in the zones are littered with empty packets of contraceptive pills that are reportedly passed out on the factory floor...there have been reports of management forcing workers to have abortions...women are required to prove they are menstruating through such humiliating practices as monthly sanitary-pad checks. Employees are kept on twenty-eight-day contracts – the length of the average menstrual cycle.²⁷

Is this not a form of torture for profit, of extracting value from human bodies through degradation, as we saw above in the ‘war on terror’ – only slightly less extreme? The choice of women as exploited subjects here resonates unmistakably with the treatment of women in Islamic countries that so captures the Western mind. (As one high-ranking US development official in Afghanistan put it in a rare moment of honesty, “We’re not here because of the drought and the famine and the condition of women...”²⁸) And given that

²⁵ O’Shaughnessy, p 136-144.

²⁶ Klein, p 205.

²⁷ Klein, p 222-223.

²⁸ Gregory, p 73.

the main clientele of these *free* trade zones is the ‘free world’ – do we not find here the same ‘territorial’ character that Gonzales hints at in the context of ‘cruel and degrading treatment’ – for surely these techniques could not be deployed so easily at home (except in far milder form) by the corporations that profit from them? As Žižek puts it, “work itself...is more and more becoming the site of obscene indecency to be concealed from the public eye.”²⁹ Here we may appreciate that the self-incriminating statements by the rhetoricians of global capital themselves provide the link between the ‘war on terror’ and the ideology of Capital. Clare Short, then British secretary of state for international development stated in November 2001: “Since September 11, we haven’t heard from the protesters...I’m sure they are reflecting on what their demands were because their demands turned out to be very similar to those of Bin Laden’s network.”³⁰ The irony could not be more poignant – in attempting to ‘strike two birds with one stone’ Short has unmistakably allied herself with precisely the kind of misogynist repression she claims to be against, and in a backfiring twist of pure rhetoric revealed the real target of the ‘war on terror’ – the global anti-capitalist masses. As Milbank puts it, “there is every reason to suspect that this war is not simply a war against terrorism but is also a war against multiple targets, designed to ensure the continued legitimacy of the American state and the global perpetuation of the neocapitalist revolution of the 1980s.”³¹ The rhetoric of ‘freedom and democracy’, the obsession with Islam and women’s rights, is merely meant to disguise or repress the fundamental similarity or ‘minimal difference’ between Islamic fundamentalism and neoliberal capitalism.

²⁹ Žižek 1999.

³⁰ Klein, p 457.

³¹ Milbank, p 166.

The attempts by Western academics to hypothetically justify ‘torture’ within the liberal-democratic enterprise are themselves attempts at ‘saving face’ or preserving, at least on the surface, the appearance of difference. Signalling the presence of a repressed element whose ‘return’ is disguised, the ‘torture debate’ arrives at the tail-end of a process of privatization by which a complex continuity has been erected to shield the exercise of power from the multitude over which it is exercised. Abu Ghraib is “sadly typical of a much broader problem that pervades public procurement...the outsourcing initiative, the acquisition workforce reductions, the new public management...accelerates a predictable race to the bottom...has grown to resemble a self-replicating virus.”³² This process extends into the very spaces of social reproduction through “the privatization of crucial aspects of the social wage including education, child care, health care, public space [and social security]...[which] reinforces uneven relations of power and privilege.”³³ This “pernicious privatization of public landscapes of social reproduction” flows from the trumped-up ‘passion for safety’ which through the modicum of ‘terror talk’ serves as a useful “disciplining strategy for children and women”³⁴ – an interesting echo of the rhetoric deployed in the ‘war on terror’. The institution of secret trials for terrorist suspects, the attempts to circumscribe the usual judicial routes, are techniques already deployed by global capital as a means of evading public oversight in the secretive proceedings before international trade tribunals such as the WTO. This hysterical ‘passion for safety’ permeates all strata of society, as Davis notes in his study of ‘Fortress L.A.’ – militarized ‘post-liberal’ Los Angeles where the obsession with private security has reached new heights – in a proliferation of “architectural policing of social

³² Schooner, p 7.

³³ Katz p 111...118.

³⁴ Katz, p 116.

boundaries...the market provision of security generates its own paranoid demand.”³⁵

Kohn also that the ‘privatization of public space’ erodes the “social structures that inculcate specific values and dispositions.”³⁶ This vacuum of social reproduction is inevitably filled by Capital.

The rule of law does little to hinder this process because of its inability to affect the social and economic processes that constitute and reproduce the system in which it functions. It is not presupposed, but must be socially reproduced, and is therefore fundamentally contingent on the social and economic environment. Žižek here compares liberal intellectuals who accept torture as a valid topic for debate but then reject it on grounds of legal constitutional doctrine to the legalists in Nazi Germany who expressed their absolute contempt for the Jews but “nevertheless insisted that there were no proper legal grounds for the radical measures they were debating.”³⁷ When the social fibre is slowly eroded and the rug of ‘ethical life’ swept from under the feet of society through the privatization of public spaces and institutions, the sequestration of power from public accountability, and the infiltration of every sphere of social and political being by the selfsame ideology of Capital, the rule of law becomes an empty paradigm of false security, like that infamous Maginot Line the French built up in anticipation of a German invasion in WWII. As the public sphere has become more democratic and government more transparent, and as the discourse of ‘rights’ has been expanded gradually to include even social and economic rights, creating the illusion of progress, so this very same public sphere of accountability, social reproduction and political action which grounds rights and provides the conditions for their exercise has narrowed ever further in scope,

³⁵ Davis, p 224.

³⁶ Kohn, p 199.

³⁷ Žižek 2002, p 106.

allowing the exercise of power to continue in its more ancient forms in the corporate shadows, in the unconscious mind of liberal democracy.

Foucault notes that the emergence of modern disciplinary mechanisms was marked by a shift from controlling and coercing the body to disciplining the body by instilling a ‘soul’ in the disciplined subject. Here it is important to bear in mind the distinction of illegal combatants/the rest of humanity which denotes the sphere of torture in liberal societies. As the institutions of normalization that constitute the *carceral archipelago* and generate this ‘soul’ have undergone a process of privatization, their links to the already-existing network of Capital have been strengthened and the ‘soul’ itself has been ‘privatized’. Klein documents the transformation that underlies the rise of global capital in recent decades – the shift from producing ‘things’ or ‘products’ to producing ‘images’ or ‘brands’, which resulted from a realization on the part of corporations that “their real work lay not in manufacturing but in marketing”³⁸ – ergo, outsourcing the process of manufacture to the third world, and together with it, exploitation. This marketing idea, which one ‘legendary’ ad mogul (the son of a preacher) referred to as “helping corporations find their soul”³⁹ – also known as ‘corporate personality’ or ‘brand essence’ – is transmitted to the consumer through the product as an entire system or, in the words of Virgin boss Richard Branson, a ‘set of values’⁴⁰. Are Klein and Foucault not talking about the same thing? Is not this ‘soul’ brought to mass marketing the same ‘soul’ whose ascendancy in modern disciplinary mechanisms marks the transition from physically disciplining the body to creating docile bodies? And is not the modern brand-based corporation then just another element in the ‘carceral archipelago’ which according

³⁸ Klein, p 6.

³⁹ Klein, p 7.

⁴⁰ Klein, p 24.

to Foucault transports the penitentiary technique from the prison to the *entire social body* – another link in the chain of Power/Knowledge that facilitates the creation of ‘docile bodies’ out of consumers, part of the same carceral ‘biopolitics’ of control that substitutes ‘truth’ at the level of the *bios* with the Truth of Capital? The first major targets of the new brand-based mass marketing were schools – the incipient point of the *carceral* network. So on one end we have the ‘docile’ consumer; on the other, the abused sweatshop worker, the tortured/ mutilated/murdered ‘insurgent’, ‘illegal combatant’, or just any ordinary civilian subsumed under the heading of ‘collateral damage’. The boundary between them is certainly fluid – one may at the same time be a ‘docile’ consumer and a torture victim or FTZ worker – yet it is important to illuminate this symbiotic double-pincer movement of Capital by which it subdues the modern human subject and reduces it to an effect of ‘necessity’. Safely insulated behind the corporate veil, a process that began with the alienation of workers from their labour leads inexorably to the alienation of the body from its own truth.

2 The Mirror Stage and the Body Politic: The Birth of the Liberal Democratic Subject

coming of age during the plague
of reagan and bush
watching capitalism gun down democracy
it had this funny effect on me
i guess...

-Ani DiFranco

If the relationship between the liberal justification of torture and the actual practice constitutes a ‘parallax gap’, it can be seen as a subset of a general gap between the humanist values of political liberalism on the one hand and economic liberalism in all its hegemonic glory on the other. The question becomes how exactly this gap is transposed in the ‘mind’ of liberal democracy - how do we ‘reach behind’ this gap to get at the Real of liberal democracy? Actually existing liberal democracy can be seen as a historical remainder of what Lacan calls the ‘fragmented body’ – the subject’s own body as it appears to him at an early stage of development “in the form of disconnected limbs or of

organs exoscopically represented.”⁴¹ The key limbs and organs of our subject should be obvious – liberal values, democratic governance, capitalist economics, free-market ideology. From here the subject enters the ‘mirror stage’, where upon seeing his own mirror image he proceeds [my italics] “from a fragmented image of the body to what I will call an ‘orthopaedic’ form of its totality – and to the finally donned armour of an *alienating identity* that will mark his entire mental development with its rigid structure.”⁴² The liberal democratic subject, in assuming this ‘imago’ that alienates him from his fragmented body, in a sense ‘falls in love’ with his own image – say, the liberal democratic lifestyle as the totalizing ‘mirror image’ of the fragmented mass of ‘limbs and organs’ that underpin it. An easy example here is the Western consumer who may unconsciously or semi-consciously consider his or her ability to own a house or a flat-screen TV and choose between a Lexus and a BMW as a consequence of living in a democracy and having ‘freedoms’; and the equally obvious fact that a Saudi or Singaporean can do the same.

To understand this ‘cognitive dissonance’ we should map it back to the plane of liberal theory. An old and familiar debate in Anglo-American jurisprudence and political theory is over the ‘nature’ of democracy, the question being – is it pure ‘majoritarianism’, or are there positive values essential to its characterization, existing at its very core and without which a democracy cannot be called a democracy? The problem here is not as simple as it may seem - our insistence on the ‘fragmented body’ of our subject in no way leads to the triumph of the former view. Rather the two present us with another ‘parallax gap’ – this one very similar to an example Žižek draws from the writing of Levi-Strauss:

⁴¹ Lacan, p 78.

⁴² Lacan, p 76.

the irreconcilable gap between two versions of the Winnebago North American Indian village as drawn by the two main subgroups of the tribe - ‘those who are from above’ (the upper class) and ‘those who are from below’ (the lower class). Both groups draw the village as a circle, but the former illustrate the division as an inner circle within the circle, while the latter draw a circle split in two. This parallax however:

...should in no way entice us into cultural relativism...the very splitting into the two “relative” perceptions implies a hidden reference to a constant – not the objective, “actual” disposition of buildings but a traumatic kernel, a fundamental antagonism the inhabitants of the village were unable to symbolize...this radical antinomy which seems to preclude our access to the Thing is already the Thing itself – the fundamental feature of today’s society is the irreconcilable antagonism between Totality and the individual...the status of the Real is purely parallaxic...[it]has no substantial density in itself, it is just a gap between two points of perspective, perceptible only in the shift from the one to the other...the hard bone of contention which pulverizes the sameness into the multitude of appearances.⁴³

How can we conceive this ‘traumatic kernel’ or ‘hard bone of contention’ in the case of democracy – the gap between ‘pure majoritarianism’ and ‘value-democracy’? The tension Žižek points to in the Winnebago example – between Totality and the individual – is precisely the tension between ‘tyranny of the majority’ and the Dworkinian insistence on individual rights that even the majority cannot override. If we conceive this kernel as a constant oscillation between the two within the liberal democratic subject, then it must be when our subject oscillates too far in one direction and allows a given limb or organ to outgrow its normal size at the expense of the others, that Democracy becomes Fascism or

⁴³ Žižek 2006, p 25.

‘tyranny of the majority’. In the case of liberal values and individual rights, is this not also the point where they turn into a tyranny of the minority? Or in the case of Capital, is this not precisely how ‘economic freedom’ turns into a tyranny of the bourgeois capitalist oligarchy over the rest of society, as the capitalist free market becomes fully identified with individual liberty? This cancerous overgrowth in turn occurs precisely as a function of the ‘mirror stage’ – when the subject is alienated from the ‘fragmented’ state of its body and thus sees the function of a particular organ as a function of the totality, of the ‘imago’. It cannot be a mere coincidence that the present crisis of Western democracy and liberal values is occurring precisely at the moment when liberal democracy has reached a new level of maturity and when the very notion of democracy is increasingly value-laden and entwined with capitalism and liberalism, both of which derive legitimacy from the democratic idea at that very idea’s expense. It is this process of converting a fragmented body into a totality – the liberal democratic capitalist subject which overrides the true physical ‘individual’ – that produces the alienation that leads from the first meeting of Capital and liberal democracy to Iraq and Abu Ghraib.

This problematic is not unfamiliar in liberal theory, though it may be differently termed. It appears to be precisely this that Isaiah Berlin is getting at in elaborating his notion of ‘negative’ and ‘positive’ liberty, and insisting on their conceptual distinctness, as well as that between freedom and the conditions of its exercise. Žižek’s terminology of parallax can be applied seamlessly to Berlin’s conception of liberty. In order to grasp the thing itself – liberty, as a function of the ‘parallactic Real’ – we must grasp the separate poles between which it resides, the parallax gap that represents the “non-coincidence of the object with itself” and is itself an object but “cannot be grounded in positive

substantial properties.” It is *inscribed into* the object as the space of the ‘subject’s freedom’.⁴⁴ Berlin according to this reading is not insisting on negative liberty as true liberty, but on the proposition that true liberty is only achieved if we attend equally to the distinct poles in a ‘triangulating’ operation, never losing sight of either one. This in a circumscribed way is the very notion of a parallax Real or gap. “[P]ositive’ and ‘negative’ liberty...start at no great logical distance from each other...”⁴⁵ The movement from this earlier dual state to wholly positive conceptions of liberty (elaborated further below) is the movement from Lacan’s ‘fragmented body’ to the ‘fixed’ subject. Just as in the process of pursuing one or another notion of ‘positive’ liberty (one of the two poles) men forget ‘liberty itself’ (which resides in the gap), so a totalized, de-fragmented liberal democratic subject presents the danger that in pursuing a particular drive as a function of the *totality* – a notion of ‘freedom’ governed by economic necessity, for instance – it will compromise the whole, the ‘fragmented body’ by arrogating it to the totality as defined by that particular function or drive.

It becomes clear here that Dworkin’s criticism of Berlin’s conception of liberty as ‘flat’ is self-defeating, and even misses the point – not least because in criticizing negative liberty, he fails to appreciate that Berlin does not locate liberty exactly at either of its poles, but in the gap. According to Dworkin, if no wrong is done when one is prevented from murder or theft, liberty in his own ‘dynamic’ sense is not infringed.⁴⁶ How is ‘wrong’ determined? In answer to a multiplicity of perspectives, rather than leaving as Berlin does a negative buffer zone that represents an absolute limit on any exercise of power, Dworkin’s answer is *law-as-integrity* – a fully positive conception of

⁴⁴ Žižek 2006, p 7-23.

⁴⁵ Berlin, p 35.

⁴⁶ Dworkin 2001.

rights grounded top to bottom in the exercise of power, which only requires ‘justification’ for its exercise: “Law insists that force not be used or withheld, no matter how beneficial or noble these ends, except as licensed or required by individual rights and responsibilities flowing from past political decisions about when collective force is justified.”⁴⁷ Dworkin, by implicitly rejecting Berlin’s positive/negative split, rejects any absolute limit on the exercise of power over an individual. His only requirement is that it be justified. If this is ‘dynamic’ it is only to the extent that it is *hegemonic*. Even if we take into account Dworkin’s ‘interpretive’ dimension, any act of interpretation remains a *positive* act confined within legal precedents generated inside the system as it is, no matter how unjust the fundamental coordinates of the system may be. If we follow Dworkin and replace ‘justified infringement of liberty’ with ‘no infringement of liberty so long as action is justified’, we are merely subsuming ‘liberty’ fully within a positive notion, and it is precisely this movement that allows, in the case of the liberal democratic subject, the arrogation of liberal values and democracy within the body of Capital. As Berlin notes [my italics]:

[H]istorically the notion of ‘positive’ liberty...diverged from that of ‘negative’ liberty...this gulf widened as the notion of the self suffered a metaphysical fission into...a ‘higher’, or a ‘real’ self, set up to rule a ‘lower’, ‘empirical’, ‘psychological’ self or nature...[T]he ‘higher’ self duly became identified with institutions, Churches, nations, races, States, classes, cultures, parties...*the general will, the common good, the enlightened*

⁴⁷ Dworkin 1998, p 93.

forces of society...what had begun as a doctrine of freedom turned into a doctrine of authority and...became the favoured weapon of despotism⁴⁸

Here Berlin has not only anticipated and answered Dworkin, but has also unerringly strayed into Lacanian waters. The ‘higher’ or ‘ideal’ self he identifies as the locus of fully ‘positive’ conceptions of liberty is synonymous with the ‘imago’ – the ‘fixed’, alienated subject flowing from the ‘mirror stage’. The lower or ‘empirical’ self is the ‘fragmented body’. In describing the way the former comes to rule over the latter and identifies itself with institutions, Berlin is clearly getting at Lacan’s ‘Big Other’ – the Freudian substitute. It is this common denominator which allows us to see the fundamental similarity or ‘minimal difference’ between such seemingly diverse phenomena as neoliberal democracy and Islamic fundamentalism – what in one system is called ‘God’ in another is substituted with ‘State’, ‘Free Market’, ‘values’, etc. Early liberal thinkers were well aware of the danger in, for example, confusing ‘liberty’ and ‘democracy’ – providing interesting counter-resonance to the rhetoric of the ‘war on terror’. As Mill put it: “the ‘self-government’ spoken of is not the government of each by himself, but of each by all the rest. The will of the people...means the will of the most numerous or the most active part of the people.”⁴⁹ The ‘tyranny of the majority’ is no less dangerous than tyranny pure and simple: “precautions are as much needed against this as against any other abuse of power.”⁵⁰ Whatever the ruling paradigm – God, state, democracy, free market, or some other substitute that fills the role of a big Other – tyranny is tyranny, and power is power.

⁴⁸ Berlin, p 36-37.

⁴⁹ Mill, I.4.

⁵⁰ Mill, I.4.

It is illuminating here to return to the torture debate and examine one type of argument emanating from the liberal pro-torture camp: “[i]s torture, with just cause and creating far less devastation, morally worse just because it is inflicted in a room looking the victim in the eye rather than from thousands of feet in the air where victims are unseen?”⁵¹ All we need to do here is extend the principle to further equivalences of this type: is the murder of 3,000 New Yorkers morally worse than the murder of 30,000 Iraqis or 2 million Vietnamese simply because the perpetrators in the latter case have the technological ability and rhetorical means to sweep their victims under the rug of ‘collateral damage’? (To extrapolate globally the English criminal law notion of intentionality, if one knows it is virtually certain that thousands of civilians will die as a result of a particular military action, the phrase ‘collateral damage’ cannot be taken seriously). Should the relatives of those killed in American and British bombing raids in Iraq find consolation in the fact that they fell victim to ‘good’ Western-democratic military forces, no matter how unjustly? The rhetoric of the war on terror rather crudely draws a line between ‘our’ and ‘their’ violence. As always, the best clues to this ‘constructed otherness’ can be found in the statements of the rhetoricians themselves: “Now it is far too early to say the *particular terrorist act that killed our forces was an act committed by terrorists* who were backed by any elements of the Iranian regime...”⁵² By what definition of ‘terrorism’ does an attack on what is unambiguously a military target come to be labelled so determinately as ‘terrorism’ (note the redundancy, ‘terrorist act...committed by terrorists’), while the carnage of a carefully planned assault on the

⁵¹ McCarthy, p 108.

⁵² ‘The bloody reality of war’ *The Guardian*, April 6, 2007. The statement is Tony Blair’s, made following the attack on British forces which came on the heels of the crisis over British navy personnel detained by Iran.

Iraqi town of Fallujah by US forces bombing hospitals and residential buildings with phosphorus bombs is passed off as ‘collateral damage’? Are democracies somehow less culpable in causing untold civilian casualties than monarchies or despots?

This false or ‘sham distinction’ (to use Conrad’s term) between ‘civilization’ and ‘barbarism’ so prominent in the rhetoric of some Western politicians today (and so reminiscent of the colonialism that Conrad railed against) by its very insistence ultimately reveals precisely what it is meant to conceal or psychically repress – the fundamental similarity between ‘torture’ by despotic regimes and ‘liberal torture’ in all that the term conveys in the context explored here, all the forms of torture and exploitation that constitute the ‘obscene underside’ of liberal values, underpinning the capitalist neoliberal system; the fundamental similarity, to recall but one example, between women in repressive Islamic regimes, and young women who work in FTZs and are submitted to other just as brutal (or even more brutal at times) and clandestine forms of repression. Capitalism, Deleuze and Guattari argue, “through its process of production, produces an awesome schizophrenic accumulation of energy or charge, against which it brings all its vast powers of repression to bear...it continually seeks to avoid reaching its limit while simultaneously tending toward that limit...That is what makes the ideology of capitalism ‘a motley painting of everything that has ever been believed.’”⁵³ Capital is thus equally amenable to liberal democracy as it is to Islam or Buddhism, equally open to brutal state repression and torture as it is to individual freedom, and equally prepared to turn any belief system into an instrument of itself. Through this minimal difference between ‘really existing’ liberal democracy and its other we may perceive the ‘dark heart’ of

⁵³ Deleuze and Guattari, p 37.

Capital beating in the fragmented body of liberal democracy, whose invisible Real is precisely in its fragmented state, in its contradictions and contradictory impulses – in the parallax gap between its ‘positive’ and ‘negative’ poles, between its ‘obscene underside’ and its official beliefs, between its brutal, ‘pure majoritarianism’ core and the complex set of values it claims for itself, between the state-constructed ‘freedom’ of the market and the negative freedom of the individual. It is the systematic failure to attend to this gap and an insistence on the totality of liberal democracy that most spectacularly lends it to subversion and yields its fascist excesses and brutalities, from the crimes of colonialism and industrial exploitation, to Vietnam, Iraq and Abu Ghraib.

3 Constructing the Other: Guernica, the Veil, Return of the Repressed

...I saw the inconceivable mystery of a soul that knew no restraint, no faith, and no fear, yet struggling blindly with itself.

-Joseph Conrad, *Heart of Darkness*⁵⁴

Guernica almost certainly symbolizes far more than even those who concealed the reproduced tapestry at the UN could imagine – consciously, that is. Its obvious historical significance is a matter of cliché: in the words of former UN Secretary General Kofi Annan, *Guernica* serves as a “moral exemplar, a universal icon warning that unless we studied its lessons, history was doomed to repeat itself.”⁵⁵ Another observer sees it as “synonymous with indiscriminate slaughter in whatever corner of the world such tragedy takes place.”⁵⁶ Granell’s suggestion that its imagery of the nativity myth represents the abandonment of Spanish children in the Civil War⁵⁷ incidentally expands this theme to a more global connotation of ‘abandonment’ and ‘children’, recalling Kurt Vonnegut’s

⁵⁴ Page 108.

⁵⁵ van Hensbergen, p 2.

⁵⁶ van Hensbergen, p 6.

⁵⁷ Granell, p 40.

description of war as a ‘children’s crusade’: “we have imagined that it was being fought by aging men like ourselves. We had forgotten that wars were fought by babies.”⁵⁸ Those more historically minded might be led to recall a kind of *negative* symbolism of the event it commemorates, or what it does not tell us: Guernica the event has become embedded in Western collective memory as the symbolic inception of modern warfare – the first strategic deployment of technology to effect from a distance the targeted, deliberate destruction of civilians as a method of waging war – war as *politics*, or political violence – terrorism, in short.

In this vein, to avoid charges of ‘Euro-centrism’, one should also recall the ‘Guernica before Guernica’ – the bombing in 1925 of Chechaouen, Morocco by a squadron of volunteer American airmen with the French Flying Corps, in which “A number of absolutely defenceless women and children were massacred and many others were maimed and blinded” as *Times* correspondent Walter Harris wrote.⁵⁹ ‘Total war’ had already been deployed by European armies in the colonies, and most significantly (in retrospect) by the British in Iraq, of all places, in the 1920s.⁶⁰ Early on in the development of international law to accommodate the new mechanization of war, we find the same type of territorial/geopolitical demarcation present today in the ‘war on terror’ and the U.S. policy on torture: “Among civilized states, warfare is limited to states and their armies. But the civilized states deem such considerations unnecessary in warfare against the so-called inferior nations. In those cases the entire nation must be punished.”⁶¹ Soon however Europeans realized that the boundaries they drew on their mental landscape did

⁵⁸ Vonnegut, p 91.

⁵⁹ Lindqvist, 119.

⁶⁰ Lindqvist, 102.

⁶¹ Joseph Hornung, quoted by Lindqvist at 48.

not correspond all that well to the world they lived in, and intra-European wars grew to resemble the ‘savage’ wars the colonists had fought in Asia and Africa, most spectacularly in WWII, as Lindqvist notes. The same shift is already taking place in relation to torture, at micro and macro levels:

A U.S. Army interrogator deployed to Afghanistan [explained how] the stress positions that had been prohibited early in the war...were soon adopted by soldiers there as a means of prison discipline...“...when one group of people is given complete control over another...Every impulse tugs downward.”⁶²

Is this not the same trajectory that, within the ‘carceral archipelago’ leads from sweatshops to Abu Ghraib? Once it has become acceptable to brutally exploit young women in FTZs for profit, why should it not become acceptable, as Gonzales advises the Bush administration, to resort to ‘cruel and degrading treatment’ of detainees, so long as they are outside of US territory? What McCarthy and Dershowitz have missed in arguing for the regulation of torture by ‘judicial oversight’ and ‘torture warrants’ is precisely what Foucault illustrates so painstakingly well and what has only been confirmed by events since – that within the carceral archipelago “the prison is not the daughter of laws, codes, or the judicial apparatus...it is the court that is external and subordinate to the prison.”⁶³ Building a politico-legal doctrine based on groundless rhetorical distinctions of civilization/barbarism, terrorist/criminal, is like building a house out of cards.

Guernica, perhaps inadvertently, recalls the ‘orientalism’ involved here, to borrow Edward Said’s term. The painting, according to Granell, in one of many layers of

⁶² Pearlstein, p 254.

⁶³ Foucault, p 307.

symbolism, reproduces the scene of a bullfight – the Spanish *corrida* – which interestingly enough “is a modern invention invested with the historical (though false) quality of being of Arabian origin.”⁶⁴ It depicts the locus of an exotic cultural experience mythically invested with a constructed other whose features are the product of the occidental gaze itself. “Modernity,” Gregory concludes, “produces its other...as a way of at once producing and privileging itself.”⁶⁵ This constitution of a reflective outside is a crucial step in the construction of the alienating subject. The ‘orientalism’ embedded thus in the painting recalls this entire process of identification through the alienating mirror of Capital and the constructed ‘outside’ – the false dichotomy that underpins the ‘war on terror’. There was no ‘torture debate’, no major backlash following the 1995 World Trade Center bombings by Timothy McVeigh. The *mythical* investments at play here enable an elementary differentiation to take place, an exclusion of certain humans from the realm of ‘human rights’ and thus from humanity, like the Greek slaves:

[T]he imaginative geographies of a colonial past reasserted themselves in the colonial present...notions of racial difference...within a differential calculus according to which “some human bodies are more easily and appropriately humiliated, imprisoned, shackled, starved and destroyed...”⁶⁶

“Myths,” Freud tells us, “correspond to the distorted remains of the wishful fantasies of whole nations.”⁶⁷ We should be wary here that “when fantasies proliferate and become over-powerful, the conditions are given for a lapse into neurosis or psychosis.”⁶⁸ The

⁶⁴ Granell, p 79.

⁶⁵ Gregory, p 4.

⁶⁶ Gregory, p 71.

⁶⁷ Freud (2003), p 32.

⁶⁸ Freud (2003), p 29.

mythical rhetoric of a ‘clash of civilizations’ poses a very real danger, to some extent already materialized. Among the clearest signs of the progress of this illness may be the new obsession with ‘security’ at all levels of society or ‘passion for safety’ – a lowered tolerance of danger and insecurity manifested in the racist overreaction to threats that, taken in a broader historical context – compared not only to Nazism and WWII but also the destruction going on today in places such as Iraq – are relatively minor, as Lord Hoffman hints:

Of course the Government has a duty to protect the lives and property of its citizens. But that is a duty which it owes all the time and which it must discharge without destroying our constitutional freedoms... I do not underestimate the ability of fanatical groups of terrorists to kill and destroy, but they do not threaten the life of the nation. Whether we would survive Hitler hung in the balance... [t]errorist violence, serious as it is, does not threaten our institutions of government or our existence as a civil community.⁶⁹

Against the orientalist myths that inflate our perception of the threats faced, we should grasp the simple lesson of Saint Exupéry’s *The Little Prince*, when he laments the fate of a Turkish scientist whose discovery of Asteroid B-612 is not taken seriously because he is in Turkish dress. In a further twist to the story that resonates with actual events, we are told: [my italics]“*Fortunately*, however, for the reputation of Asteroid B-612, a Turkish dictator made a law that his subjects, *under pain of death*, should change to European costume...the astronomer gave his demonstration all over again, dressed with impressive style and elegance. And this time everybody accepted his report.”⁷⁰ This is precisely what Žižek is getting at when he points out how the very multiculturalism that Western

⁶⁹ *A and others v. Secretary of State for the Home Department* [2005] 2 W.L.R. 87, p 95-96.

⁷⁰ Saint-Exupéry, p 9-10.

civilization today prides itself on as a mark of superiority was seen by Europeans visiting tolerant and diverse Turkish cities in the 18th century as a sign of the “degeneracy of Mahommedanism”, as one Italian writer put it. The “two great ethnic crimes imputed to the Turks in the 20th Century,” Žižek continues, “were not executed by traditionalist Muslim political forces, but precisely by the military modernizers” who wished to bring Turkey closer to European modernity as exemplified in the colonialism rampant at the time.⁷¹ The cognitive dissonance illustrated here is very much alive today. At the time of writing, a story in *The Guardian* reported on a four-year prison research project by an anthropologist at the University of Aberdeen which showed that “Muslim prisoners were subject to stricter surveillance than other inmates, especially when they adopted religious symbols such as beards, veils and caps.” Attempts to curb prayers and reading of the Qur’an only provoked radicalization of inmates.⁷² This same bias is already unconsciously deployed in the pro-torture arguments of the current debate: “The struggle against militant *Islamic* terrorism...calls for an across-the-board rethinking of our current system.”⁷³ And the bias is not only between ‘our’ violence and ‘their’ violence, between Islam and the West – it is also between violence ‘here’ and violence ‘elsewhere’. The territoriality that Gonzales hints at above and which was later formally denounced and withdrawn from the official line is in fact inscribed into cultural consciousness. Sontag, comparing two photography exhibitions, in a feat of remarkable self-analysis notes: “if we are Americans, we think that it would be morbid to go out of our way to look at pictures of burnt victims of atomic bombing or the napalmed flesh of the civilian victims of the American war on Vietnam, but that we have a duty to look at the [pictures of

⁷¹ Žižek 2006, p 376-377.

⁷² “Tactics backfiring’ as jails try to curb radical Islam’, *The Guardian*, Friday, April 13, 2007.

⁷³ McCarthy, p 109.

lynching in the American south],” because the former would be regarded as “a most unpatriotic endeavor.”⁷⁴

As part of the process of constructing the liberal democratic subject such forced distinctions attempt to repress the minimal difference between a figure like Bin Laden and Timothy McVeigh whose activities, though equally the product of vast socio-political under-currents, inspired no backlash against right-wing militants on the scale of the ‘war on terror’; between the endorsement of the September 11 atrocities by Islamic clerics, and the equally reprehensible endorsement of the same as ‘god’s judgment’ by the likes of Pat Robertson (who dresses with ‘impressive elegance’ in western costume); between September 11 and the murder of Iraqi civilians by American forces. On both sides there are ‘institutional products’ that neither can truly disown. Another story in *The Guardian*, reported the same day as the one above, described an assault by a white man on an Algerian asylum seeker and her child in Glasgow. He “kicked the woman and pulled off her headscarf before exposing himself and sexually assaulting the victim...then tried to sexually assault the child.”⁷⁵ Is the attacker not the ‘institutional product’ of the carceral archipelago, in this case particularly the Western obsession with Islam and women, a reply to the Islamic veil emanating from the unconscious, the repressed ‘dirty underbelly of liberal values’ as Žižek says of Abu Ghraib? And is this not a perfect illustration of what is implicit in Freud’s thesis in *Civilization and its Discontents*, that the struggle between civilization and barbarism – between the life-instinct (Eros) and the death drive – is internal to civilization itself? One of the clinical phenomena that first led Freud to formulate the ‘death drive’ was *sadism*, which recalls both the incident above and the

⁷⁴ Sontag, p 83-84.

⁷⁵ ‘Sex assault on asylum-seeking mother and baby’, *The Guardian*, Friday, April 13, 2007.

generalized phenomenon of torture as elaborated in this essay. Although the ‘minimal difference’ between the excesses on either side is to some extent perceived by Westerners, it is never fully internalized. Unconsciously it remains a gap, a gaping precipice in a ‘clash of civilizations’. Unconsciously, we “prefer the rule/of our native killers” as Leonard Cohen cynically put it.⁷⁶

What should emerge from the above essay in the way of a conclusion is that the ‘war on terror’ with all its contradictions is not an external aberration or usurpation or temporary mal-function of the constitutional system of liberal democracy, to be corrected merely by a proper application of its laws. Rather, it points to a profound fault in the system itself, a systemic auto-immune disorder inherent in its ‘normal’ functioning that not only penetrates to its depths but emerges from its fundamental coordinates as mapped in liberal political theory: it locates an inherent weakness or inability of the system to socially reproduce its own values, to instil itself ‘in the hearts of men’. The ‘torture debate’ in its blindness to a generalized phenomenon of torture and exploitation as *central* to the functioning of the neoliberal capitalist system, is but a symptom of that illness. But this illness is already visible long before the ‘war on terror’ in the appropriation by liberal democracy of a complex carceral archipelago and its subsequent privatization. Abu Ghraib reflects “a weakness in our traditional thinking...[d]isclosure laws build on a classical conception of the social and political world...which regards one of the main aims of political action as being the defense of the private sphere from

⁷⁶ Cohen, p 176.

incursions by the public sphere.”⁷⁷ There is no antidote for the inverse. Behind the corporate veil supplied by Capital, which exploits the classic liberal boundary between the ‘public’ and ‘private’, the parallaxic Real of liberal democracy is replaced with a totalized, alienated subject (along with its constructed ‘other’) whose main purpose and driving force is the accumulation of capital, often at the expense of real freedom. The ‘obscene underside’ of liberal values that emerges in the ‘war on terror’ is precisely what has been repressed in the formation of the liberal democratic subject – no “fixed subject” can emerge without repression.⁷⁸ American constitutional lawyers, if they are serious about their Enlightenment credentials, should perhaps take more seriously the suggestion by neoconservatives that the US Constitution is an ‘outdated’ document given the new kinds of threats faced in the 21st century. Surely there is some truth in such statements – the only thing the neocons forgot to do was include themselves in the picture. They are an ‘institutional product’ of the system in question, and at the same time clearly the *key* among these new 21st century threats it faces – its ‘delinquents’. Lord Hoffman, again, expressed a similar sentiment regarding the British government and its ‘anti-terror’ measures:

The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these.

That is the true measure of what terrorism may achieve.⁷⁹

What is to be done about this? What may be needed is a “radical revolution of values”, in the words of Martin Luther King, a “shift from a ‘thing-oriented’ society to a ‘person-

⁷⁷ Roberts, p 160.

⁷⁸ Deleuze and Guattari, p 28.

⁷⁹ [2005] 2 W.L.R. 87 (cited above), p 97.

oriented' society. When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, materialism, and militarism are incapable of being conquered."⁸⁰ There is another unexpected symbolism in Picasso's painting that may be helpful here: "The empty table of *Guernica*," Granell tells us, "duplicates a basic element of a Christian episode repeatedly painted by El Greco: the expulsion of the moneylenders from the temple."⁸¹ Here we may extrapolate from this basic lesson acted out by Jesus the core of the argument, an exhortation: to storm the palace, (over)turn the tables and expel the money-changers from the temple – the politician-preachers from the marketing pulpit, private contractors from the functions of government, corporate lobbyists from the halls of parliaments, neoliberals from the helm of global development, and so forth; and work to obliterate the 'sham distinctions' that underpin the global order of Empire. If there is any hope for liberal democracy to live up to its Notion, it is only if we view it not as a 'fixed subject' but as a curious amalgamation of fragments – a cubist painting, perhaps – and insist on the struggle *within*, between (on one hand) radical or direct or social democracy, democracy at every level, workplace democracy, and (on the other hand) the merely representative, merely political Republic. We must view the 'clash of civilizations' as a clash *between* liberal values or versions thereof (i.e. multiculturalism vs assimilation) rather than between liberal democracy and some constructed other or outside; a clash between capitalism and humanism; a clash between democracy and freedom itself.

⁸⁰ 'Beyond Vietnam: A Time to Break Silence', speech delivered on April 4, 1967.
<http://www.hartford-hwp.com/archives/45a/058.html>.

⁸¹ Granell, p 50.

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