

# Neoliberalism's Frankenstein: Authoritarian Freedom in Twenty-First Century "Democracies"

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I want to give France its freedom back. I want to take it out of jail.

— Marine Le Pen, April 2017

I joined UKIP because I believe it is the only party that truly values freedom and aspiration. UKIP is about more than independence from the EU. It is about independence from an Orwellian interventionist nanny state; it is about independence for the individual. It is the only party that believes in personal responsibility and equality of opportunity not of outcome. It is the only party that places trust in people not politicians and the bureaucratic class.

— Alexandra Swann, *The Guardian*<sup>1</sup>

I introduced my twenty-three-year-old law student daughter ... to Milo [Yiannopoulos]'s videos, and she says he makes her feel relieved. And natural. And for me, he is like a loose flowery shirt in an all-plaid environment.

— Name withheld, private correspondence with author

A predominantly white, uneducated and evangelical Christian population, animated by discontent, rage, woundedness, or all three, brought Donald Trump to power.<sup>2</sup> Yes, he also drew support from some educated whites, racial minorities, the ultra-rich, the ultra-Zionist, and the alt-right. But his electoral base was and remains white American voters without a college degree, many of whom forthrightly acknowledged that he was unqualified to be president.<sup>3</sup> He mobilized not simply class resentment but white rancor, especially white male rancor, about lost pride of place (social, economic, cultural, and political) in the context of four decades of neoliberalism and globalization.

In fact, neoliberalism, and post-Fordism before it, have been far more devastating to the Black American working class. In 1970, more than two-thirds of urban Black workers had blue-collar jobs; by 1987, that had dropped to twenty-eight percent.<sup>4</sup> In addition to rising un- and underemployment, poor and working class Black neighborhoods were hard hit by neoliberal defunding of public schools, services, and welfare benefits, and draconian sentencing mandates for non-violent crimes. Together, these resulted in an exploding drug and gang economy, a catastrophic Black incarceration rate, and

a growing chasm between the possibilities for a small Black middle class and the social, economic, and political abandonment of the rest of African America.<sup>5</sup> But this devastation is the stuff of broken promises, not backward-looking rancor about lost supremacy or entitlement, not crushed political and social imagos of the self, the race, and the nation.

Clearly, white backlash against socio-economic dethronement by neoliberal economic policy and what even Marine Le Pen termed “savage globalization” is rampant across the Euro-Atlantic, where white working and middle class inhabitants facing declining access to decent incomes, housing, schools, pensions, and futures have risen up in political rebellion against imagined dark usurpers and also against the cosmopolitans and elites they hold responsible for throwing open the doors of their nations and throwing them away. This much we know. But what is the political form of this anger and its mobilization? The old terms commonly bandied about to describe it—populism, authoritarianism, fascism—inadequately capture the strange brew of bellicosity, disinhibition, and an anti-democratic blend of license and support for statism in current political and social formations. Nor do they identify the specific elements of neoliberal reason—a radically extended reach of the private, mistrust of the political and disavowal of the social, which together normalize inequality and disembowel democracy—that shape and legitimize these angry white right political passions. And they do not capture the deep nihilism making values into playthings, truth inconsequential, and the future a matter of indifference or, worse, an unconscious object of destruction.

In what follows, I will explore this conjuncture from just one angle: what generates the anti-political yet libertarian *and* authoritarian dimensions of popular right-wing reaction today? What novel iterations and expressions of freedom have been wrought from the conjuncture of neoliberal reason, aggrieved white male power, nationalism, and unavowed nihilism? How has freedom become the calling card and the energy of a formation so manifestly unemancipatory, indeed routinely characterized as heralding “illiberal democracy” in its attacks on equal rights, civil liberties, Constitutionalism, and basic norms of tolerance and inclusion, and in its affirmations of white nationalism, strong statism, and authoritarian leaders? How and why have freedom and illiberalism, freedom and authoritarianism, freedom and legitimized social exclusion and social violence, become fused in our time? How has this fusion developed appeal and modest legitimacy in formerly liberal democratic nations? This essay does not provide the genealogy that would answer these questions comprehensively, but offers a first foray. It follows several historical tributaries and builds on the unlikely theoretical trio of Friedrich Hayek, Friedrich Nietzsche, and Herbert Marcuse: Hayek for an account of the political rationality of our time, Nietzsche and Marcuse for accounts of the rancorous, disinhibited, anti-social, and nihilistic aggression exploding within it.

### **The Logics and Effects of Neoliberal Reason**

Neoliberalism is commonly understood as a set of economic policies promoting unrestricted actions, flows, and accumulations of capital by means of low tariffs and taxes, de-regulation of industries, privatization of formerly public goods and services, stripped out welfare states, and the breakup of organized labor. Foucault and others have also taught us to grasp neoliberalism as a governing rationality generating distinctive kinds of subjects, forms of conduct, and orders of social meaning and value.<sup>6</sup> Different from ideology—a distortion or mystification of reality—neoliberal rationality

is productive, world-making: it economizes every sphere and human endeavor, and it replaces a model of society based on the justice-producing social contract with society conceived and organized as markets and with states oriented by market requirements. As neoliberal rationality becomes our ubiquitous common sense, its principles not only govern through the state but suffuse workplaces, schools, hospitals, gyms, air travel, policing, and all manner of human desire and decisions. Higher education, for example, is not only reconfigured by neoliberal rationality as an investment by human capital in the enhancement of its own future value; this transformation makes literally unintelligible the idea and practice of education as a democratic public good. Everything in universities is affected by this—tuition levels and budget priorities, of course, but also curricula, teaching and research practices, hiring and admissions criteria, and administrative concerns and conduct. The coordinates of ostensibly liberal democratic nations are similarly reformatted. For example, soon after his 2017 election, French Prime Minister Emmanuel Macron declared his determination to make France a nation that “thinks and moves like a startup.”<sup>7</sup> Across the ocean, Jared Kushner, leader of the White House Office of American Innovation tasked with “fixing government with business ideas,” proclaimed: “The government should be run like a great American company. Our hope is that we can achieve successes and efficiencies for our customers, who are the citizens.”<sup>8</sup>

What is the specific formulation of freedom carried by neoliberal reason? This varies somewhat across different thinkers and instantiations of neoliberalism, but some generalizations can be made. Most obviously, as freedom is submitted to market meanings, it is stripped of the political valences that attach it to popular sovereignty and thus to democracy. Instead, freedom is equated wholly with the pursuit of private ends, it is appropriately unregulated, and it is largely exercised to enhance the value, competitive positioning, or market share of a person or firm. Its sole political significance is negative—flourishing where politics and especially government are absent. As neoliberal reason reconfigures freedom’s meaning, subjects, and objects in this way, it tarnishes the left with opposition to freedom *tout court*, not just in the economy. A brief turn to the founding neoliberals will allow us to grasp this move more precisely.

Neoliberal thought was born in the shadow of European fascism and Soviet totalitarianism. Whatever their significant epistemological and ontological differences, Ordoliberal, Freiburg, and Chicago School thinkers founding the Mont Pelerin Society shared the conviction that these dark formations were on a continuum with the pervasive social planning and state-managed political economies of their time. Keynesian welfare states, social democracy, and public ownership all appear on the “road to serfdom.” They represent the related dangers of elevating the notion of the social and conceiving nations in terms of society rather than individuals, on the one hand, and of interfering with the spontaneous order of interdependence and need provision generated by giving individual liberty the widest possible berth, on the other.

Why the attack on society and *the social*? For neoliberals, as Margaret Thatcher famously intoned, society does not exist. Thatcher’s intellectual lodestar, Friedrich Hayek, decried “the social” as a term at once mythical, incoherent, and dangerous, falsely anthropomorphizing and drawing on animism, too.<sup>9</sup> What makes belief in the realm of the social so nefarious for Hayek is that it inevitably leads to attempts to emplace justice and order by design there. This in turn entails undermining the dynamic order delivered by the combination of markets and morals, neither of

which emanate from reason or intention; rather, both spontaneously evolve.<sup>10</sup> Moreover, since justice pertains to conduct comporting with universal rules, it is a misnomer when applied to the condition or state of a people, as in the term “social justice.” Social justice, then, is misguided, assaults freedom in spirit and in fact, and assaults traditional morality as it inevitably attempts to replace it with one group’s idea of the Good.

Apart from its role in implementing misguided social policy, why do neoliberals also oppose *the political*? For Milton Friedman, the twin threat of politics to freedom rests in its inherent concentration of power, which markets disperse, and its fundamental instrument of coercion, whether by rule or dictate, while markets feature choice.<sup>11</sup> Although he acknowledges that some measure of political power is indispensable for stable, secure societies and even for the existence and health of markets (property and contract law, monetary policy, and so forth), for Friedman every political act, rule, or mandate is a subtraction from individual freedom. Even direct democracy, whenever it falls short of unanimity, compromises freedom as it imposes the will of the majority on the minority. Markets, by contrast, always allow individual preferences to prevail, the equivalent of always getting what one votes for rather than having to submit to majorities. Friedman writes:

The political principle that underlies the market mechanism is unanimity. In an ideal free market resting on private property, no individual can coerce any other, all cooperation is voluntary, all parties to such cooperation benefit or they need not participate. There are no values, no “social” responsibilities in any sense other than the shared values and responsibilities of individuals. Society is a collection of individuals and of the various groups they voluntarily form. The political principle that underlies the political mechanism is conformity. The individual must serve a more general social interest—whether that be determined by a church or a dictator or a majority. The individual may have a vote and say in what is to be done, but if he is overruled, he must conform.<sup>12</sup>

Friedrich Hayek, too, regarded political life as compromising individual liberty and the spontaneous order and progress it generates when disciplined (hence responsabilized) by competition. This is more than a brief for limited government. Rather, for Hayek, politics as such and democracy in particular limit freedom as they concentrate power, constrain individual action, disrupt spontaneous order, and distort the natural incentives, distributions, and hence health of markets. In *Law, Legislation and Liberty*, Hayek commences with this epigram from Walter Lippmann: “In a free society the state does not administer the affairs of men. It administers justice among men who conduct their own affairs.”<sup>13</sup>

Yet even this way of putting the matter, insofar as it focuses on the state and economy, understates the texture and the venue of neoliberal freedom, in which both deregulation and privatization become broad moral-philosophical principles extending well beyond the economy. As these principles take hold, constraints on freedom in the name of civility, equality, inclusion, or public goods, and above all in the name of what Hayek terms “the dangerous superstition” of social justice, are on a continuum with fascism and totalitarianism.<sup>14</sup> To understand this, we need to consider Hayek’s stipulation of freedom more closely.

For Hayek, liberty prevails where there is no intentional human coercion; it is restricted only by enforced rules, dictates, or threats. Freedom or liberty, which he uses interchangeably, is nothing more than “independence of the arbitrary will of another”; it “refers solely to a relation of men to other men, and the only infringement on it is coercion by men.”<sup>15</sup> Hayek explicitly rejects every other meaning of freedom, and is especially hostile to meanings that flirt with capacity or power to act—“freedom to”—or that equate freedom with popular sovereignty.<sup>16</sup> He considers these not merely wrong but dangerous insofar as they lead to an enlarged sense of entitlement and thus to state control in the form of resource distribution and social planning. Freedom conceived as agency, capacity, or sovereignty yields interventions that both limit true freedom and destroy the spontaneous order it generates. Put sharply, freedom pursued or practiced apart from its liberal market sense (this would include all left emancipation projects) inevitably inverts into freedom’s opposite.

Why, according to Hayek, does a spontaneous order of interdependence and civilizational development emerge only in the absence of political intervention? Why this hostility toward experts, planners, and even complex legal orders? The answer rests with Hayek’s theory of inherent social ignorance, his insistence that there is and can be no master knowledge of society, either on the part of individuals or groups: “The case for individual freedom rests chiefly on the recognition of the inevitable ignorance of all of us concerning a great many of the factors on which the achievement of our ends and welfare depends ... [I]f there were omniscient men ... there would be little case for liberty.”<sup>17</sup> For Hayek, the knowledge on which civilizations have been built is too widely disseminated and too deeply sedimented for it ever to be assembled and processed by anyone or any group, anywhere. Thus, a state indulging in social policy or planning will simultaneously make errors, curtail liberty, stymie the innovation and order that markets generate, and reduce discipline and hence responsibility. State planning or control is thus inherently oppressive, error-ridden, and socially devitalizing.<sup>18</sup> Liberty, by contrast, generates a kind of secular intelligent design *when* it is disciplined by the competition that responsabilizes liberty’s use.

The root principle may be familiar from Adam Smith, but Hayek has significantly modified it and expanded its purview. As Foucault notes, the modification replaces exchange with competition as the engine of spontaneous order and development, and thus requires that competition be installed in every domain and instilled in every subject.<sup>19</sup> The expansion posits market liberty as a comprehensive ontological and normative principle: *all* society is like a market and best organized as a market, and all liberty (personal, political, social, civic) has a market form. This expansion is what builds an economic theory into a cosmological one: the same kind of freedom ought to prevail everywhere and is capable of producing the same positive effects everywhere. Liberty generates responsibility, responsibility generates discipline, and discipline generates social innovations, efficiencies, and order.

The normative dimension of Hayek’s theory animates the neoliberal constructivist project to make its principles ubiquitously governing ones.<sup>20</sup> But how does this normative project take hold? That is, how is freedom expanded to all domains of existence, and, conversely, how are the reach and power of politics confined and reduced? The familiar answer is that this happens by privatizing public goods and responsabilizing subjects—the explicit mission of Thatcherism and Reaganism in the 1980s and 1990s, and of all neoliberal governance since.<sup>21</sup> Important as it is, however, economic privatization only works at one end of the problem that neoliberals aimed to solve, as it eliminates

restrictions on freedom by eliminating government ownership and responsabilizing subjects and families through dismantling public provisions. More crucial for our purposes is Hayek's concern with *expanding* the reach and claim of what he calls "the personal, protected sphere" to curtail the reach of the political and dismantle claims of the social.<sup>22</sup> Here, fostering individual self-care is not the driving aim. Rather, this project of freedom involves designating more and more activity as private, hence appropriately unregulated *and* appropriately shielded from democratic norms. In Hayek's words, "the recognition of property" is "the first step in delimiting the private sphere protecting us against coercion," but "we must not think of this sphere consisting exclusively, or even chiefly, of material things."<sup>23</sup> Rather, this sphere gives us "protection against interference with our actions"; it walls out coercion, especially by that major coercive power, the state, but also by broadly diffused democratic norms such as equality, inclusion, access, and even civility. This is more than a project of privatizing public things; both the zone and objects of the private are expanded to contest the domain and power of liberty's enemies: political power and belief in the social.

In the United States, as neoliberal rationality has widened and deepened its hold, this abstract principle of securing personal freedom against the presumed coerciveness of political life (including but not limited to the state) has unfolded concretely in both legislation and popular discourse. It is widely mobilized by the right to challenge norms of equality, tolerance, and inclusion in the name of freedom and choice. It has been deployed by the Supreme Court majority to enhance the power of corporations to monopolize and manipulate ever larger parts of political life while permitting them to enjoy ever greater protection from political regulation and mandates, thereby converting neoliberal plutonomy into a novel, depoliticized form of plutocracy. It has taken shape in American jurisprudence as individual civil rights (for example to unrestricted speech or religious conscience) are extended to corporations and as justice is privatized in the form of replacing public, appealable court procedures with confidential, rigged-for-the-powerful binding arbitration.<sup>24</sup>

This particular form of privatization, however, does more than challenge principles and practices of equality and anti-discrimination by expanding individual rights for persons and extending them to corporations. Expanding the "personal, protected sphere" is also a means of ushering *family* values, ordinances, and claims into public spaces heretofore organized by democratic law and norms. By this means, the social and the public are not only *economized* but *familialized* by neoliberalism: together these challenge the principles of equality, secularism, pluralism, and inclusion at the heart of modern democratic society, allowing them to be replaced by what Hayek termed the "traditional moral values" of the "personal, protected sphere."<sup>25</sup> Consider, in this regard, the campaign, now three decades old, to replace public funding of education with systems of individual vouchers that permit families to choose schools for their children that comport closely with their moral values and to escape schools that do not. Or consider court rulings permitting businesses to escape federal equality mandates on the basis of religious "belief" as they withhold employee health insurance coverage for forms of contraception deemed abortifacients or refuse custom from LGBT people seeking to marry. Or consider the increasingly open identification of Western nations with Christianity in centrist as well as conservative political discourse, and the compromise of a secular public sphere that this identification entails. In short, expanding the "personal, protected sphere" and curtailing the reach of democracy in the name of freedom develops a new ethos of the nation, one



that replaces a public, pluralistic, secular democratic national imaginary with a private, homogenous, familial one.<sup>26</sup> The former features commitments to modest openness, the rule of law, and cultural and religious pluralism. The latter, especially in its traditional form, is exclusionary, walled, homogenous, unified, and hierarchical. It may even be authoritarian.

Neoliberal *economic* privatization is deeply subversive of democracy; it generates inequality, exclusion, private ownership of the commons, plutocracy, and a profoundly dimmed democratic imaginary.<sup>27</sup> The second order of privatization we have been considering, however, subverts democracy with anti-democratic moral or “family” values rather than anti-democratic capital values.<sup>28</sup> It wages familial rather than market warfare on democratic principles and institutions. It positions exclusion, patriarchalism, tradition, nepotism, and Christianity as legitimate challenges to inclusion, autonomy, equal rights, limits on conflicts of interest, secularism, and the very principle of equality.<sup>29</sup> Moreover, while both kinds of privatization are animated by a concern with freedom, the second is especially important in generating the political formation of an authoritarian freedom today. As the “personal, protected sphere” is empowered against the social and expands to envelop the nation itself, securing and protecting it requires increasingly robust statism in the form of law, policing, and defense.

We must avoid being blinded by the language of rights here. Rights attached to individuals are the flying wedge with which democratic commitments to equality, civility, and inclusion—“social justice”—are challenged by neoliberal reason instantiated as jurisprudence and public policy or wielded by alt-right activists under the banner of “free speech.” The forces behind them, however, which stage incursions into public space and pushes back against the political and the democratic, are the values and claims of the market, on the one hand, and hetero-patriarchal Christian familialism, on the other. In each case, rights are strategically redeployed from their intended attachment to individuals to something else—corporations, property, capital, families, churches, whiteness. Economic and familial privatization of the public, combined with the neoliberal denigration of the social, together build the right-wing attack on “social justice” as tyrannical or fascist. Redress of historical injustices, even basic civil rights for racial and sexual minorities, women, and other subordinate groups are rendered by neoliberalism as contrived and illegitimate dictates that draw on the “mirage of the social” and constitute both attacks on personal freedom and interference in the spontaneous order of markets and morals.<sup>30</sup> The charge is not just that these projects serve egalitarian rather than libertarian ends, a cardinal sin in any neoliberal playbook. It is not just that they impose a political vision of “the good society”—social engineering or social planning—where there should only be liberty, competition, and privatism. It is not just that they are political interventions—regulatory or redistributive—where achievement and reward should be organized by markets. It is not just that they suppress the creative energies of free individuals and the spontaneous order those energies yield. And it is not just that they contravene traditional morality and limit the entitlement of families and churches to influence if not control the civic life and discourse of neighborhoods, towns, and nations. Rather, these wrongs are together sculpted into a figure of the political anti-Christ within a Hayekian formulation of freedom that valorizes and expands the private to retrench the reach of the political and challenge the very existence of the social.<sup>31</sup> Extending the purview of the private and extending the disintegrative force of de-regulation to everything everywhere enables

a novel practice of freedom to quite literally materialize the claim that “there is no such thing as society” as it assaults the values and the practices sustaining social bonds, social inclusion, social cooperation, social provision, and, of course, social equality.

At this point, it is easy to see how sometimes viciously sexist, transphobic, xenophobic, and racist speech and conduct have erupted as expressions of freedom, challenging the dictates of “political correctness.” When the protected, personal sphere is extended, when opposition to restriction and regulation becomes a foundational and universal principle, when the social is demeaned and the political is demonized, individual animus and the historical powers of white male dominance are both unleashed and legitimated. No one owes anything to anyone or has the right to restrict anything in anyone; equality, as Hayek bluntly declared, is but the language of envy.<sup>32</sup> Meanwhile, left opposition to supremacist sentiment is cast as tyrannical policing rooted in the totalitarian mythos of the social and drawing on the coercive powers of the political. The effect is to profoundly reframe, and not just re-ignite, the culture wars, once imagined to have peaked at the end of the twentieth century.<sup>33</sup>

I want to be very clear here. I am not claiming that Hayek or other neoliberals imagined or advocated for the strikingly disinhibited attacks on immigrants, Muslims, Blacks, Jews, queers, and women from an emboldened and growing radical right today. Rather, the point is that these developments are in part effects of neoliberal reason—its expansion of the domain and claim of the private for persons and corporations alike, and its rejection of political and social (as opposed to market) justice. If, as Andrew Lister argues, Hayek’s “critique of social or distributive justice has a very narrow target [economic intervention in market outcomes by the state],” its scope widened as it became part of the political rationality of our time. Moreover, the displacement of the social and attack on the political, along with the broad discrediting of democratic norms fueled and legitimated energies emanating from an entirely different set of concrete neoliberal effects—namely the declining sovereignty and security of men, whites, Christianity, and nation-states. These energies of aggrieved power are expressed variously (in rancorous rage and acting out but also quiet voting for far-right candidates) and target a range of objects (politicians, liberal elites, immigrants, Muslims, Jews, queers, Blacks). But they would not have a legitimate political form in a liberal or social democratic order, which is why they remained on the political fringe until recent years. Neoliberal reason’s assault on egalitarianism, social provision, social justice, politics, and democracy, along with its extension of the “personal, protected sphere,” has given them that legitimate form. We are thus dealing with what Stuart Hall would call a conjuncture or what Foucault would term a contingent genealogical formation.

We will scrutinize these novel energies carefully in a moment. First, however, we are now positioned to comprehend one of the more perplexing features of the current landscape, namely how the right can be the party of both freedom *and* nationalism, freedom *and* protectionism, maximized personal liberty *and* traditional social values. When the twin dimensions of privatization we have been considering discursively capture the nation itself, it ceases to be figured primarily as a democracy but instead is figured as a competitive business needing to make good deals and attract investors, on the one hand, and as an inadequately secured home, besieged by ill-willed or non-belonging outsiders, on the other. Contemporary right-wing nationalism oscillates between the two.



Consider Trump's continuous braying about America's recent history of making bad international deals on everything from trade to NATO to climate accords, but also his depiction of the U.S. as savaged by its unsecured borders, and his campaign promise to build a wall featuring a "great big beautiful door" through which legal entrants from the South may visit or join "our family."<sup>34</sup> Or consider Marine Le Pen's "France for the French" campaign, which combined economic and familial languages to depict the nation: "We are the owners of our country," she declared at a rally in eastern France, and "we must have the keys to open the house of France, to open it halfway, [or] to close the door." "It is our house," the crowd chanted back.<sup>35</sup> Or, as one supporter explained, "She's not against immigrants, only securing justice ... It's like when the refrigerator is full we give to our neighbors, but when the refrigerator is empty we give to our children. The refrigerator of France is empty."<sup>36</sup> Justice is reformatted as the titrated hospitality of a private household.

When the nation itself is economized and familialized in this way, democratic principles of universality, equality, and openness are jettisoned, and the nation becomes legitimately illiberal toward those designated as aversive insiders and invading outsiders. Statism, policing, and authoritarian power also ramify since walling, policing, and securitization of every kind are authorized by the need to secure this vast expanse of personal, de-regulated freedom. Security is not what guarantees or limits freedom; rather, walls, gates, security systems, and no trespassing signs become freedom's signifiers as they demarcate the private from the public, the protected from the open, the familiar from the strange, the owned from the common. Democratic procedure and legitimacy are also displaced by the values of the family and the market: not negotiation, deliberation, or even the rule of law but *diktat* is the basis of household authority, and force is how it legitimately defends itself against invading outsiders. Securing a vast expanse of the private, and of deregulated freedom, thus inaugurates new spaces and valorizations of policing, authority, and securitization, the need for which is intensified by the disinhibited social energies we shall consider shortly.<sup>37</sup> *Et voilà*—twenty-first century authoritarianism in freedom's name!

### The Energies of Right-Wing Freedom and Nationalism

To this point, we have been considering a *logic* of governing reason, but not the affective energies giving shape and content to contemporary rightist political formations and expressions. Neoliberal reason by itself, including its rollout in law and policy, and its interpellation of subjects, does not generate nationalist movements hell-bent on whitening nations, walling out immigrants and refugees, or vilifying feminists, queers, liberals, leftists, intellectuals, and even mainstream journalists. Nor does it incite rancorous rage and other anti-social passions, or pop the lid on the worst of "human nature," masculinity, or whiteness.<sup>38</sup> Here what is important is not the broad shifts occasioned by neoliberal reason outlined above, but neoliberal economic policy effects in specific historical-social contexts, especially those effects trammeling white middle and working class existence in rural and suburban regions of Euro-Atlantic nations. Let us briefly reprise the familiar:

Both right and left political energies today are responses, in part, to the neoliberal dismantling of livable incomes, job security, retirement provisions, and publicly funded education, services, and other social goods. These effects are compounded by neoliberal trade, tax, and tariff policies that both undermine nation-state sovereignty and produce a global race to the bottom in wages and public

revenues. Inchoately, until right wing nationalist party platforms made it choate, many dethroned working- and middle-class whites in Europe and North America sensed a connection between the decline of nation-state sovereignty, their own declining economic well-being, and declining white male supremacy. And they are right: undone by offshored union factory jobs, disappearing affordable housing, and unprecedented global movements of labor and capital, the age of the secure white male provider *and* nation-state sovereignty in the Global North is finished. This condition cannot be reversed but can be politically instrumentalized. Here, the hyperbolized figure of the immigrant is especially potent, where the terrorist fuses with the job-stealer, criminal, and neighborhood malingerer, and where, conversely, false promises of restored economic potency mix with false promises of restored racial and gender supremacy. Porous boundaries of neighborhood and nation, eroded socio-economic status, and new forms of insecurity are braided together in a racialized causal logic *and* economized redress. As the Brexit slogan had it, “we will control our country again.” Or the French again, “it is our house.”

Yet it is a mistake to see *white* working and middle class men as uniquely injured by neoliberal policy and uniquely neglected by neoliberal politicians. This common reproach of the Hillary Clinton campaign by mainstream liberal pundits—that it focused too much on identity politics and gave short shrift to the white working stiff—misses the extent to which the displacement suffered by whites, and especially white men, is not mainly experienced as economic decline but as lost entitlement to politically, socially, and economically reproduced supremacy and why, therefore, right-wing and plutocratic politicians can get away with doing nothing substantive for their constituencies as long as they verbally anoint their wounds with anti-immigrant, anti-Black, and anti-globalization rhetoric, and as long as they realign the figure and voice of the nation with the figure and voice of nativism. Again, whether targeting multiculturalists, political elites, liberal academics, refugees, feminists, or Black Lives Matter activists, right-wing rage against “political correctness” and “social justice” is fueled by the dethronement of whites, especially white men, across class.<sup>39</sup> By themselves, neither neoliberal expansions of the private nor neoliberal devastations of economic and political security generate the ferocious energies of racist nationalism and the freedom cry through which it is born: this third ingredient is necessary. Contemporary right-wing outbursts of misogyny, racism, Islamophobia, and anti-immigrant vigilantism were not simply “there” all along, the seamy underside of civilization suddenly released into the social-political libidosphere, licensed and mobilized by opportunistic politicians and given an easy platform by social media. Rather, these outbursts carry the specific resentments and rage of aggrieved power.

The master philosopher of aggrieved power, of course, is Nietzsche. There is, to begin with, his account of how suffering, especially the suffering of humiliation, when routed through *ressentiment*, becomes moralizing condemnation of the object it holds responsible. In his formulation of what he called slave morality, Nietzsche focused mainly on the pious self-valorization of the meek and weak, and their denunciation of the strong and powerful. Yet he recognized that slave morality was also practiced by bombastic haters, anti-Semites and racists, diagnosing the swagger and slugging of such types as part of the order of “reactive feelings ... grudges and rancor.”<sup>40</sup> Mob-ism, bullying, bellicosity—Nietzsche castigated these grievous, resentful energies as opposites to the self-overcoming, proud, world-making energies of the powerful and creative that he affirmed.

Certainly *ressentiment* is a vital energy of right-wing populism: rancor, grudges, barely concealed victimization, and other affects of *reaction* are the affective heartbeat of internet trolling, tweets, and speeches at right-wing rallies, and a striking feature of Trump's own demeanor. For philosopher Hans Sluga, however, Nietzsche's most important contribution to theorizing the current conjuncture is his treatment of nihilism.<sup>41</sup> Often mischaracterized as a nihilist because he reckoned with the contingent nature of values and Truth, Nietzsche is more properly appreciated as a philosopher of the age of nihilism, which he knew to be unfolding in the centuries after science and reason topple God and shatter the foundations of every moral and ethical truth. As Sluga reminds us, for Nietzsche the age of nihilism does not mean the elimination of values but a world in which "the highest values devalue themselves" as they become unmoored from their foundations.<sup>42</sup> Western Judeo-Christian values, including those securing liberal democracy, lose their depth as they lose their fundaments; accordingly, they do not vanish but become fungible and trivial, easily traded, augmented, instrumentalized, superficialized. These effects further degrade the value of values, inevitably deepening the nihilism of cultures and their subjects.

There is ubiquitous evidence of this phenomenon today. It is quotidian in the instrumentalization of values for commercial and political gain—"branding"—and in the general lack of umbrage at this instrumentalization. It is manifest in a U.S. Supreme Court majority that pretends to "originalism" while stretching the Constitution to sanction everything from torture to corporate personhood.<sup>43</sup> It is evident in a survey of American voters, conducted in October 2011 and repeated five years later: In 2011, during the Obama presidency, only thirty percent of white evangelical Protestants believed that an elected official who commits an immoral act in his or her personal life can still behave ethically in public and professional life; this figure rose to seventy-two percent in October 2016, when Trump was a candidate. Similarly, in 2011, sixty-four percent of white evangelicals considered it very important for a presidential candidate to have strong religious beliefs, a figure that dropped to forty-nine percent during the Trump campaign.<sup>44</sup> These changes were surely the effect less of deep ethical reflection than shifting political tides. This is how nihilism goes—not the death of values but their becoming protean, along with their availability for branding projects and covering purposes that manifestly do not comport with them.

In addition to values, both truth and reason lose their moorings in a nihilistic age.<sup>45</sup> Truth, still hoisted, ceases to require evidence or even reasoning; constant "fake news" charges are effective, and highly sectoralized populations are fed accounts of events aimed at their established convictions. Yet convictions themselves are increasingly detached from faith and are immune to argumentation; they barely conceal their emanation from resentment, impulse, or outrage. Exemplified by the British tabloids whipping up Brexit support, nihilism's most notorious expression in this regard is Trump's manifest indifference to truth, consistency, or affirmative (as opposed to grievance-based) political or moral convictions. That Trump's supporters and most right-wing media largely share this indifference underscores the nihilistic character of the age.

For Sluga, Trumpism embodies another feature of nihilism as Nietzsche depicts it, one crucial to freedom's anti-social qualities today. This is the desublimation of the will to power.<sup>46</sup> Both Freud and Nietzsche understand values and the world built to comport with them as sublimations of what Freud called the instincts or the drives and what Nietzsche termed the will to power. Both

understood the untamed human animal to be freer, in some ways happier in the absence of such sublimation, but also at risk of self- and-other-destruction. Above all, both understood civilization itself to be sublimation's product. With nihilism's devaluation of values, there is, Sluga argues, "a falling back and collapse of the will to power into its own elementary form ... [E]ven religion and the appeal to religious values become cynical instruments for the unrestrained use of power."<sup>47</sup> More is at stake in this collapse than the exercise of power unbridled by ethics or humility. Rather, Sluga writes, "what goes by the way in this unrestrained will to power is any concern for others ... in particular the compact between generations on which our entire social order has rested so far."<sup>48</sup> Sluga thus helps us understand an aspect of right-wing freedom unyoked from conscience, not just because it is contoured by neoliberal selfishness and critiques of the social, but because of nihilism's own radical depression of conscience.<sup>49</sup> Combined with the disparagement and depletion of the social, freedom becomes doing or saying what one likes without regard for its effects, freedom to be genuinely without care for the predicaments, vulnerabilities, or fates of other humans, other species, or the planet. It is freedom, as Nietzsche puts it, to "wreak one's will" for the sheer pleasure of it. And when this will is wounded and rancorous from social castration or humiliation, it is, as Elizabeth Anker formulates it, "ugly freedom."<sup>50</sup> At the same time, however, Nietzsche would remind us of this freedom's "festive quality"—delighting in the pleasures of provocation and piling on, of humiliating others or making them suffer ("as one has suffered"), of dancing at the bonfires of what one is burning down.<sup>51</sup> This glee was manifest in some Brexiters, is ubiquitous in right-wing blogs and trolling, and can be spied in the delight at making liberals squirm when they are defeated by rulings and policies unleashing the raw power of capital, fossil fuels, the right to bear arms, and more.

However, festivals of freedom at the burning down of civilization or the future of the planet are not the worst of the matter. Rather, in this consequential turn, freedom abandons all affinity with political self-determination found in Rousseau, Tocqueville, or Marx; it departs the categorical imperative of Kant; it is untethered from Mill's cultivation of individuality and advancement of civilization; it even leaves behind Bentham's binding of liberty to the calculation of utility maximization. Instead, the nihilistic disintegration of ethical values combined with neoliberalism's assault on the social and the unleashing of the right and the power of the personal generates a freedom that is furious, passionate, and destructive—symptomizing ethical destitution even as it sometimes dresses in conservative righteousness. This freedom is paradoxically expressed as nihilism and against nihilism, attacking and destroying while faulting its objects of derision for the ruin of traditional values and order. It is freedom unbridled and uncultured, freedom to put a stick in the eye of accepted norms, freedom from care of the morrow, joyous in its provocations and animated by aggrieved, vengeful reactions against those it holds responsible for its suffering or displacement. It is the freedom of "I will because I can, and I can because I am nothing, I believe in nothing and the world has become nothing."<sup>52</sup> This is the freedom remaindered by nihilism, in the making for centuries, and embodied in neoliberal reason itself, which posits no value apart from that generated by price and speculative markets.

### **Repressive Desublimation and the Depression of Conscience**

Not quite a century after Nietzsche wrote, Herbert Marcuse considered desublimation from a

different angle to theorize the non-liberatory release of instinctual energies in post-war capitalism. What Marcuse famously termed “repressive desublimation” occurs within an order of capitalist domination, exploitation and “false needs” as technology reduces the demands of necessity and desire is everywhere incorporated into a commodity culture enjoyed by a growing middle class.<sup>53</sup> This order features plenty of pleasure, including that obtained by radically reduced strictures on sexuality (less grueling work requires less sublimation), but not emancipation. Instinctual energies, rather than being directly opposed by the mandates of society and economy, and thus requiring heavy repression and sublimation, are now coopted by and for capitalist production and marketing. As pleasure and especially sexuality are everywhere incorporated into capitalist culture, the Pleasure Principle and the Reality Principle slip their ancient antagonism.<sup>54</sup> Pleasure, instead of being an insurrectionary challenge to the drudgery and exploitation of labor, becomes capital’s tool and generates submission.<sup>55</sup> Far from dangerous or oppositional, no longer sequestered in aesthetics or utopian fantasy, pleasure becomes part of the machinery.

This much is familiar. Marcuse’s next turn in developing the implications of repressive desublimation, however, bears most directly on our problem. According to Marcuse, non-liberatory desublimation facilitates “happy consciousness,” Hegel’s term for resolving the conflict between desire and social requirements by aligning one’s consciousness with the regime. Marcuse draws on Freud and Marx to radicalize Hegel’s formulation: in ordinary cultures of domination, Marcuse argues, “unhappy consciousness” is the effect of conscience—superegoic condemnation of “evil” urges in both self and society.<sup>56</sup> Conscience is thus at once an element in the superego’s arsenal for internal restraint and a source of moral judgment about society. As repressive desublimation offers a reprieve from this strict censorship and gives rise to “happy consciousness” (a less divided self because a less conscientiously repressed one), conscience is the first casualty. Importantly, conscience relaxes not just in relation to the subject’s own conduct but in relation to social wrongs and ills ... *which are no longer registered as such*. In other words, less repression in this context leads to a less demanding superego, which means less conscience, which, in an individualistic, unemancipated society, means less ethical-political concern across the board. In Marcuse’s words, “Loss of conscience due to the satisfactory liberties granted by an unfree society makes for a *happy consciousness* which facilitates acceptance of the misdeeds of this society. [This loss of conscience] is the token of declining autonomy and comprehension.”<sup>57</sup>

That desublimation lessens the force of conscience makes intuitive sense, but why does Marcuse associate this with the subject’s declining autonomy and intellectual comprehension? His complex point here differs from Freud’s argument in *Group Psychology and the Analysis of the Ego* that conscience is reduced when the subject effectively transfers it to an idealized leader or authority. For Marcuse, autonomy declines when comprehension declines (this is the cognitivist, if not the rationalist, in him), and comprehension declines when it is not required for survival *and* when the unemancipated subject is steeped in capitalist commodity pleasures and stimuli. Put the other way around, instinctual repression takes work, including the work of the intellect.<sup>58</sup> Therefore, as late capitalist desublimation relaxes demands against the instincts but does not free the subject for self-direction, demands for intellection are substantially relaxed.<sup>59</sup> Free, stupid, manipulable, absorbed by if not addicted to trivial stimuli and gratifications, the subject of repressive desublimation in advanced

capitalist society is not just libidinally unbound, released to enjoy more pleasure, but released from more general expectations of social conscience and social comprehension. This release is amplified by the neoliberal assault on the social and the depression of conscience fostered by nihilism.

Repressive desublimation, Marcuse argues, is “part and parcel of the society in which it happens but nowhere its negation.”<sup>60</sup> It looks like freedom while shoring up the status quo and submitting to it. Its expressions, Marcuse says, may be bold or vulgar enough even to appear as maverick or dissident—it may be “wild and obscene, virile and tasty, quite immoral.”<sup>61</sup> However, this daring and disinhibition (again, manifest in alt-right tweets, blogs, trolling, and performances) symptomize or iterate rather than counter the order's violence and prejudices, as well as its ordinary values.<sup>62</sup> In Marcuse's view, repressive desublimation twins “freedom and oppression,” transgression and submission in a distinctive way, as is apparent in the wild, raging and even outlaw expressions of patriotism and nationalism frequently erupting from the extreme right today.<sup>63</sup>

Repressive desublimation also unleashes new levels and perhaps even new forms of violence through opening the spigot of that other well of human instinct, Thanatos. Desublimation of Eros is compatible, Marcuse argues, “with the growth of unsublimated as well as sublimated forms of aggressiveness.”<sup>64</sup> Why? Because repressive desublimation doesn't release Eros for freedom *tout court* but instead involves a compression or concentration of erotic energy at the site of sexuality—this is part of what makes it “controlled” or “repressive” desublimation. Desublimated Eros may, therefore, bestir, blend with, and even intensify aggression. Thus Marcuse explains growing accommodation or acquiescence to social and political violence—a “degree of normalization where ... individuals are getting used to the risk of their own dissolution and disintegration.”<sup>65</sup> His own reference was to the mid-twentieth-century Cold War nuclear weapons build-up, but the point is easily adapted for accommodation to world-ending climate change and other existential threats. Most importantly for our purposes, his insight is suggestive for understanding the quantity and intensity of aggression spilling from the right, especially the alt-right, amidst its frenzied affirmation of individual freedom.

Finally, there is Marcuse's account of the role of the market in intensifying the nihilism theorized by Nietzsche. Writing well before the neoliberal revolution, Marcuse argues that the market has become both Reality Principle and moral truth: “The people are led to find in the productive apparatus [the market] the effective agent of thought and action to which their personal thought and action can and must be surrendered ... [I]n this transfer, the apparatus also assumes the role of a moral agent. Conscience is absolved by reification, by the general necessity of things. In this general necessity, guilt has no place.”<sup>66</sup> Already depleted by desublimation yielding happy consciousness, the weak remains of conscience are taken over by market reason and market requirements. The real is both the rational and the moral. At once reality principle, imperative, and moral order, capitalism becomes necessity, authority, and truth rolled into one; suffusing every sphere and immune from criticism despite its manifest devastations, incoherencies, and instabilities. There is no alternative.

## Conclusion

Let us gather these strands into a preliminary understanding of anti-democratic and anti-social authoritarian freedom taking shape today. We began with neoliberal reason's attack on the social



and the political. Neoliberalism indicts the social as a fiction through which equality is pursued at the expense of the spontaneous order generated by markets and morals. It indicts the political as pretending to knowledge and making use of coercion where, in fact, ignorance prevails and freedom should reign. A depoliticized and anti-regulatory state that also provides support for enhanced claims of the personal sphere is forwarded as the antidote to these dangers. However, the effect of this antidote is to de-democratize political culture and to discredit norms and practices of inclusion, pluralism, tolerance, and equality across the board. Advocacy of these norms and practices is cast by neoliberal reason as a wrongheaded effort that spurns freedom, replaces morals with political mandates, and enlists the social engineering that builds totalitarianism. Hence the labeling of “social justice warriors” as “fascists” by the alt-right.

Moreover, as the expansion of markets and morals displaces discourses of society and democracy, the nation itself comes to be figured as owned rather than constituted by democratic citizenship. This ownership has a double face—that of a business aimed solely at making savvy deals and avoiding giveaways, and that of a home in need of securitization in a dangerous world. Together these legitimate internal and external illiberalism, nativist nationalism, even authoritarianism. Freedom becomes a weapon against the needful or historically excluded and paradoxically solicits the growth of statist power in the form of paternal protectionism, both economic and securitarian.

Much of this is the inadvertent rather than intended progeny of the neoliberal intellectuals, who dreamed of nations comprised of free individuals lightly restrained by the rule of law, guided by moral and market rules of conduct, and disciplined by competition. But just as Marxism’s fatal flaw was its neglect of the enduring complexities of political power (dismissed as derivative or superstructural by Marx), the neoliberal dream has inverted into its own nightmare—authoritarian political culture supported by angry, myth-mongering masses. As with Marxism, this is partly because neoliberals ignored the historically specific powers and energies in the realm whose existence it denied, the social. It is partly due to their inadequate theories of political and especially state power that would take shape in the wake of dismantled democratic restraints on the state and in the takeover of political life by corporate titans and finance. It is also partly due to the neoliberals’ failure to understand how anti-democratic, anti-social, and destructive political passions could be nourished by neoliberalism’s own principles, and would not be held back by a moral fabric increasingly thinned by nihilism.

From Nietzsche we drew an appreciation of how this novel iteration of freedom is inflected by humiliation, rancor, and the complex effects of nihilism. Aggrieved by the socio-economic displacements of neoliberalism and globalization, the reactive creature of a nihilistic age, with its desublimated will to power, is spurred to aggressions unfettered by concerns with truth, with society, or with the future. Nihilistic energies intensify the spirit of social disintegration in neoliberalism’s savaging of the social contract as these energies license the feelings, desires, and prejudices emanating from deracination and displacement of historic entitlements of race and gender. “Make America Great Again” and “France for the French” barely bother to code themselves as anything more than masculinist, white supremacist last gasps or grasps. Value-sliding in a nihilistic age, however, is not held to rigorous theological or philosophical standards.

Marcuse’s account of repressive desublimation in “advanced capitalism” adds another aspect to

the formation. Unlike the conservative, authority-oriented subject guided by conscience and closely identified with the rectitude of church and state, the reactionary subject of repressive desublimation is largely indifferent to ethics or justice. Malleable and manipulable, depleted of autonomy, moral self-restraint, and social comprehension, this subject is pleasure-mongering, aggressive, and perversely attached to the destructiveness and domination of its milieu. Radically disinhibited but without intellection or moral compass for itself or toward others, this subject's experience of thinned or ruptured subjectively felt social ties and obligations is affirmed by neoliberal culture itself. Its disinhibition is contoured as aggression by that culture, by its wounds and their imagined source, and by the desublimations incited or invited by nihilism.

Behold the aggrieved, reactive creature fashioned by neoliberal reason and its effects, who embraces freedom without the social contract, authority without democratic legitimacy, and vengeance without values or futurity. Far from the calculating, entrepreneurial, moral, and disciplined being imagined by Hayek and his intellectual kin, this one is angry, amoral, and impetuous, spurred by unavowed humiliation and thirst for revenge. The intensity of this energy is tremendous on its own, and also easily exploited by plutocrats, rightwing politicians, and tabloid media moguls whipping it up and keeping it stupid. It does not need to be addressed by policy producing its concrete betterment because it seeks mainly psychic anointment of its wounds. For this same reason it cannot be easily pacified—it is fueled mainly by rancor and unavowed nihilistic despair. It cannot be appealed to by reason, facts, or sustained argument because it does not want to know, and it is unmotivated by consistency or depth in its values or by belief in truth. Its conscience is weak while its own sense of victimization and persecution runs high. It cannot be wooed by a viable alternative future, where it sees no place for itself, no prospect for restoring its lost supremacy. The freedom it champions has gained credence as the needs, urges, and values of the private have become legitimate forms of public life and public expression. Having nothing to lose, its nihilism does not simply negate but is festive and even apocalyptic, willing to take Britain over a cliff, deny climate change, support manifestly undemocratic powers, or put an unstable know-nothing in the most powerful position on earth, because it has nothing else. It probably cannot be reached or transformed yet also has no endgame. But what to do with it? And might we also need to examine the ways these logics and energies organize aspects of left responses to contemporary predicaments?

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Wendy Brown is Class of 1936 First Professor of Political Science at the University of California, Berkeley, where she is also affiliated with the interdisciplinary graduate program in Critical Theory. A scholar of historical and contemporary political theory, Brown's most recent books include *Walled States, Waning Sovereignty* (MIT Press, 2010), *The Power of Tolerance* (Columbia University Press, 2013) with Rainer Forst, and *Undoing the Demos: Neoliberalism's Stealth Revolution* (Zone Books, 2015). She is currently completing a book provisionally titled *Neoliberalism's Frankenstein: Authoritarian Freedom, White Nationalism, and the Weaponization of Moral Values*.

## Notes

- 1 Swann, "Leaving the Tories."
- 2 Eighty-eight of Trump voters were white in a nation where whites comprise sixty-two percent of the population. He was supported by over half of white female voters; two-thirds of white male voters; and almost two-thirds of white voters over the age of fifty. Tyson and Maniam, "Behind Trump's Victory"; <http://www.cnn.com/election/results/exit-polls>.
- 3 Trump won the support of two-thirds of white voters who had no college degree. Silver, "Education, Not Income." Somewhere between a fifth and a quarter of Trump voters interviewed in exit polls said that they did not think Trump was qualified for the presidency, suggesting that his anointing of their frustrations, anger, prejudice, or rank hatred was decisive. See Roberts, "Why Did So Many."
- 4 Shatz, "Out of Sight."
- 5 Gilligan, "It's the Black Working Class."
- 6 Building on Foucault's lectures in the *Birth of Biopolitics*, I have offered a précis of this rationality in *Undoing the Demos*.
- 7 See Charlton, "Macron Launches 'French Tech Visa' Program."
- 8 Parker and Rucker, "Trump Taps Kushner."
- 9 Hayek, *Fatal Conceit*, 108, 112-13; and Hayek, *Law, Legislation and Liberty*, 75-6.
- 10 Hayek, *Fatal Conceit*, 67, 116-17; and Hayek, *Law, Legislation and Liberty*, 66-8.
- 11 Friedman, *Capitalism and Freedom*, chapter 1.
- 12 Friedman, "Social Responsibility."
- 13 Lippmann, *Inquiry*, 267, quoted in Hayek, *Law, Legislation and Liberty*, v.
- 14 Hayek, *Law, Legislation and Liberty*, 66.
- 15 Hayek, *Constitution*, 59-60.
- 16 *Ibid.*, 61-68.
- 17 *Ibid.*, 80-1.
- 18 See *ibid.*, chapter 2, "The Creative Powers of a Free Civilization," especially 75-90.
- 19 Foucault, *Birth of Biopolitics*, 118.
- 20 It is constructivist in the sense that neoliberals understand economization and marketization of new spheres not as occurring naturally but as a project involving law, incentivization, and new forms of governance.
- 21 A sterling example is President Bill Clinton's 1996 "Personal Responsibility and Work Opportunity Reconciliation Act" (PRWORA), which aimed "to replace public responsibility for the welfare of poor women with a state-enforced system of private family responsibility." For a superb discussion, see Cooper, *Family Values*, 63. There, she reminds us that the Act made biological paternity, no matter how distant from any actual social or legal relation to the mother or child, a lifelong financial responsibility for the "father" so as to relieve the state of this responsibility.
- 22 Hayek, *Constitution*, 207.
- 23 *Ibid.*, 207.
- 24 The project of empowering the private against democracy through the discourse of freedom is patently evident in First Amendment jurisprudence in the United States. In 2015, John C. Coates, IV, a Harvard professor of business law, released a study demonstrating empirically what was obvious to any newspaper-reading citizen: "corporations have increasingly [and with growing speed] displaced individuals as direct beneficiaries of First Amendment rights." Coates, "Corporate Speech and the First Amendment," 223. Other law scholars have offered convergent accounts with different political accent marks. In a recent article in *The New Republic*, Tim Wu writes, "once the patron saint of protesters and the disenfranchised, [it] has become the darling of economic libertarians and corporate lawyers who have recognized its power to immunize private enterprise from legal restraint." Wu, "The Right to Evade Regulation." Burt Neuborne argues that the trend emerged in the 1970s and 1980s because "robust free-speech protection fit neatly into the right's skeptical, deregulatory approach to government generally, and ... encouraged vigorous transmission by powerful speakers of the right's newly energized collection of ideas." Neuborne, *Madison's Music*. In addition to empowering corporations to dominate the electoral process, as the infamous *Citizens United* decision did, the extension of free speech rights to corporations has been especially useful to the most disparaged quarters of big business: the pharmaceuticals, tobacco, coal, industrial meat, and airline industries have all made extensive use of free-speech challenges to advertising restrictions. It has also granted religious freedom to businesses large and small that wish to spurn gay marriage or withhold employee insurance coverage for methods of birth control they believe to be un-Christian. The Trump administration has also moved quickly to expand the right of businesses to evade anti-discrimination and equal protection provisions in the name of religious free expression, and expand the rights of religious institutions (churches) to act politically

- while maintaining their religious non-profit status. The rubric is freedom, the ruse is corporations rendered as persons, and the project is rolling back restrictions and mandates of all kinds.
- 25 “Social justice,” Hayek wrote, generates “destruction of the indispensable environment in which the traditional moral values alone can flourish, namely personal freedom.” *Law, Legislation and Liberty*, 67.
- 26 There is some irony in this as the sequel to the “nanny state” loathed by neoliberals.
- 27 This is the subject of my *Undoing the Demos*.
- 28 Cooper, *Family Values*.
- 29 Sometimes, of course, these are combined: The 1996 PROWA mentioned in note 21 above, is an example.
- 30 Hayek, *Law, Legislation and Liberty*, 67.
- 31 Hayek deemed social justice a “semantic fraud,” a “dangerous superstition,” “that incubus which makes fine sentiments the instruments for the destruction of all values of a free civilization,” and most tellingly as generating “the destruction of the indispensable environment in which the traditional moral values alone can flourish, namely personal freedom.” See *Law, Legislation and Liberty*, 67-70.
- 32 Hayek, *Constitution*, 155-6.
- 33 The left is not immune to this displacement of public with personal values and concerns, manifest in concerns with safe spaces and trigger warnings.
- 34 Johnson, “Trump’s ‘Big, Beautiful Door.’”
- 35 Collins, “Can the Center Hold?” 26.
- 36 A self-proclaimed “moderate” Le Pen supporter, the mayor of a small town, asked about “the well-dressed young immigrant men” in his town, “what are they doing *chez moi*?” *Ibid.*, 24.
- 37 Again, this development moves freedom well beyond the scope and play imagined by the neoliberal intellectuals.
- 38 Even the extraordinarily careful and subtle Jacqueline Rose seems to flirt with the notion that these ugly impulses are just there, deep in the psyche, waiting to be activated or released. Rose, “Donald Trump’s Victory.”
- 39 The mantra, again, is freedom—freedom to do and say what one wants, grab what one can, and keep what one earns, freedom from the perceived requirement to check one’s privilege and share the socio-economic wealth. That entitlement was and is, of course, embodied by Donald Trump’s own—not only his gilded bathtubs and braggadocio about pussy grabbing, his “smart” tax avoidance, but his indignation after assuming office that he could not rule by fiat, fire the press, impose his Muslim ban or in other ways vitiate the checks and balances that are the remains of liberal democracy.
- 40 Nietzsche, *Genealogy*, 75. “The struggle against the Jews has always been a symptom of the worst characters, those more envious and more cowardly. He who participates in it now must have much of the disposition of the mob” Nietzsche, quoted in Santaniello, “Post-Holocaust Re-examination.”
- 41 Hans Sluga drew my attention to this in “Donald Trump,” a paper presented in the UC Berkeley Critical Theory symposium on the election in Spring 2017. The paper is part of his larger work in progress on nihilism.
- 42 Sluga, “Donald Trump,” 16; Nietzsche, *The Will to Power*, 9.
- 43 See Jackson, “Anti-Constitutionalism,” a dissertation filed in the UC Berkeley Department of Political Science, December 2012. The revised dissertation is forthcoming in 2019 as *Law without Future*.
- 44 Charles M. Blow, “Donald Trump: The Gateway Degenerate,” *New York Times*, May 29, 2017, A21.
- 45 Nietzsche, *The Will to Power*, 10.
- 46 Sluga, “Donald Trump,” 16.
- 47 *Ibid.*, 17
- 48 *Ibid.*
- 49 I have argued elsewhere that neoliberalism itself expresses nihilism in its explicit abandonment of human conscience and deliberation as the means of ordering individual conduct and collective life, and as the basis of values and value. See *Undoing the Demos*, chapter 7. I would add that neoliberalism probably could not take hold until an advanced stage of nihilism was reached but that it also abets that nihilism in its capitalization of value.
- 50 Anker, “Ugly Freedoms.”
- 51 Nietzsche, *Genealogy*, 67.
- 52 There are countless variations on this Trump voter’s account of her support for him: “It doesn’t seem like it makes any difference which party gets in there. Whatever they say they’ll do when they get in there, they can’t really do it. ... I just want him to annoy the hell out of everybody, and he’s done that.” Rosenfeld, “Trump’s Support Falling.”
- 53 And, we need to add, when proletarianization shifts to the Global South, benefitting populations in the North with cheap and plentiful goods ranging from food and clothing to cars and electronics.
- 54 Marcuse, *One Dimensional Man*, 76.
- 55 “Deprived of the claims which are irreconcilable with the established society, ... pleasure, thus adjusted, generates submission.” *Ibid.*, 76.

- 56 Ibid.
- 57 Ibid.
- 58 Even as saying a strong “no” to them or sublimating their energies into socially acceptable forms is supported and organized by prevailing social morality and theology and takes place at a largely unconscious level.
- 59 Marcuse describes an “atrophy of the mental organs for grasping the contradictions and the alternatives” and famously claims, “The real is rational ... and the established system delivers the goods.” Ibid., 79.
- 60 Ibid., 77.
- 61 Ibid.
- 62 Ibid., 79.
- 63 Ibid., 78.
- 64 Ibid. Marcuse is departing here from Freud, who would, at least in his later years, have understood aggression to be weakened by a greater outlet for libidinal energies. For Marcuse, however, repressive desublimation involves what he calls a “compression” or concentration of erotic energy.
- 65 Ibid.
- 66 Ibid., 79.

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