Epilogue

The Conflations of Freedom

Of the making of words there is no end. Since independence the keywords of political talk had risen and receded in crises and cycles. None of them had been the work of particularly profound invention. In the making of grand political theory the Americans had played only a minor role. Rather, in the teeth of crisis the talkers had reached into the ample, preexisting vocabulary of politics to seize a word and press it into new service. From the declaration writers' overhauling of the rhetoric of natural law to the Jacksonians' reemployment of one of the key radical slogans of the seventeenth-century English revolution to the efforts of the late nineteenth-century middle class to take shelter in that still older word, the State, the investment of an ancient phrase with powerfully new meaning had been a central, recurrent event in political debate. Novelty counted for little in these matters; the crucial contest was over meaning. For every effort to alter the root metaphors of politics inaugurated a furiously intense struggle over the control of words. In the crisis the talkers rushed to lay claim to phrases grown suddenly slippery and indeterminate: to expand their meaning, to make them carriers of radically new demands, to puncture or to co-opt them. It is this recurrent struggle over a relatively small number of words that has shaped political talk in America, disguised its powerful conflicts under a misleading veneer of sameness, and propelled it forward.

Even talk of Interests met its challenge. As the nation slipped once more into war in the 1940s—this time not merely into a single, cataclysmic contest but (as it turned out) a future of war, quasi-war, and unbroken war readiness—the rhetoric of interest group pluralism temporarily gave way before an urgent need for new abstractions. We live within the continuing reverberations of that event still, our political vocabulary stocked beyond our ken with the verbal products of the 1940s. Even now on the trailing edge of the Reagan years, the outcome of the war and Cold War reconstitution of the language of politics remains uncertain—too much so for more than a rough and tentative epilogue. But clearly the keyword of the moment was Freedom, and the conflicts over the term's possession as deep as any of the contests that had come before. Pushed to the front of the American political vocabulary for deeply conservative ends—a war word, a unifying cry—Freedom turned out to be a tool capable of powerfully divergent purposes, unstable in meaning, open to radical redefinition from below: a word (like so many abstract words before it) to fight over.

War framed this last cycle of word making. Free of the tightening vise of international events, the hard-boiled, piecemeal humanitarianism of New Dealers like Arnold might have found room to flourish. But war strains language to the utmost, pitches it sharply toward the dualistic and abstract slogans with which loyalty is most readily bought. In this the Second World War was no exception. The New Deal realists had scarcely found their marketplace metaphor when the collapse of Europe sent Americans of all sorts scrambling once again for grander phrases. The first sign of the demands the war would place on language was a rush for restatements of political fundamentals. Amidst angry debate over the moral bankruptcy of a merely pragmatic politics, 1940s political scientists began suddenly to rummage hard through their discipline's back drawers for a nobler heritage to defend than skeptical, pluralist realism. The most prominent case in point was Charles Beard. By the middle of the war, he had come round full circle from his muckraking past to celebrate the Constitution and its framers in a book whose subtitle, *Conversations on Fundamentals,* caught the widely shared mood. Many of the same forces drew Walter Lippmann into an awkward but serious flirtation with a natural law philosophy he could neither fully believe nor, in the war crisis, fully do without.

In a world careening toward dictatorship, blitzkrieg, and terror, the mere looseness of American politics was no longer comfort enough. The hard coin of political responsibility once again was principle.[1]

The sharply altered tone of the political science journals was mirrored, with much greater effect, in the New Deal vocabulary. By 1939 the abstractions were multiplying rapidly in Roosevelt's speeches as he hunted for rhetorical tools capable of cementing a new, interventionist coalition together. Despite the New Dealers' determination not to repeat the propaganda excesses of 1917–18, they could not resist the need for principles to bring the urgencies of the moment home. This time the keyword in the clash of forces was not to be "civilization" (a term shattered beyond repair in 1919) nor the defense of "democracy"—though Roosevelt's speeches of 1939 and early 1940 tended strongly in that direction. This time the rallying cry of the war was to be Freedom. Pulled shrewdly out of the core vocabulary of the New Deal's domestic opponents, stretched (with convenient elasticity) over the deep fissures within the antifascist alliance, the word swelled with new power in the 1940s. It resounded through Roosevelt's "four freedoms" rhetoric, through the claims of a dozen exile committees to speak for what remained of "free Europe," through talk of the wartime alliance of the "freedom-loving nations," through Roosevelt's promise of a postwar "free world."[2]

At the grass roots, too, talk of Freedom in 1940s America found a powerful response. Two years after the close of the war when a group of business and political leaders hit on the idea of packing the nation's core documents into a "Freedom Train" for a solemn processional tour through the land, the exhibit was swamped with deeply affected visitors. Some three million people visited the Freedom Train between 1947 and 1949, standing patiently in line for a glimpse at the pieces of paper on which the meaning of their freedom was putatively inscribed: Jefferson's first draft of the Declaration of Independence, the Constitution annotated in Washington's own hand, Hamilton's reports on the American economy, Lincoln's scrawled Gettysburg Address, all joined (in a symbolic union no one could miss) to a car carrying the final documents of the German and Japanese surrender.[3] Freedom bundled them all together: Jefferson and Hamilton, General Dwight Eisenhower and Admiral William

Halsey. Freedom had won the war. However differently an economic or geopolitical realist might have put it, that formulation of the war's meaning, sweat, and sacrifice worked its way deep into the patterns of everyday speech.

Thus when the rivalries in the wartime alliance gave way to a new kind of quasi-war in Europe between the United States and the Soviet Union, it was not surprising that the policy makers should have tried to transfer the antifascist rhetoric of Freedom wholesale into the new cause. Or that the rapid switch of labels should have succeeded so brilliantly. By the end of the 1940s the incorporation was complete. Roosevelt's 1941 image of a world rent down the middle—"divided between human slavery and human freedom"—had been slipped unchanged into place as the controlling metaphor of the Cold War. The words defined the unnerving events of the late 1940s in the clarifying language of the past; they threw over the nation's new quasi-war posture and its nervous armament drive the legitimating mantle of the war just won. The cause of the United States was once more the cause of freedom, threatened by yet another malignant form of "slavery." Once more its armies defended no mere sphere of influence against a rival power, but the "free world." Through the cold war declarations of a Harry Truman, a John Foster Dulles, a John F. Kennedy, or a Ronald Reagan, the phrases have rumbled into our own political age with extraordinary continuity and effect.[4]

Powerful words, capable of holding the chaos of experience in a massive, reassuring lock, they nonetheless obscured a lot. For in postwar America, the rhetoric of Freedom drew its primary power not from its specificity but its all-pervasiveness, its ability to bind together the confusions and discordancies of American life with a single, powerfully flexible noun. Freedom in mainstream postwar talk was not this or that list of rights. It was bigger and vaguer. It was the obverse of the twentieth century's new totalitarianisms; it was, in a word, everything that fascism and communism were not.

The spokesmen of the political center quickly learned to employ it to bundle together every facet of postwar life. One learned to talk of the United States' leadership of the "free world," of free and "captive" Europe, of Free and Red China, and of the alliance of "freedom-loving nations"—some of which parceled out freedom to

their citizens with what in other circumstances might have seemed a conspicuously stingy hand. Cold War intellectuals gathered in government-sponsored congresses for the defense of "cultural freedom." At home one learned to talk of economic relations in terms of the "free market" and the bounties of the "free enterprise system." The latter term, put into currency toward the end of the 1930s by anti-New Deal businessmen who sensed the defects of their earlier (though more honest) talk of "private" enterprise, and still uncertainly used during the war years, had become a fixture of both parties' platform rhetoric by the early 1950s.[5] Free world, free enterprise: the word Freedom cut across all boundaries. In its conflations no mere political system but what the talkers now increasingly called the American way of life was evoked, defended, legitimized.

Every abstraction conflates; that is the essence of open, accordion-like phrases. But none of the earlier metaphors of politics had been employed so deliberately to bundle in a word the institutions of the status quo—or so fully efface the boundary between economic and political life. One of the strengths of American political talk had been a sense that the keywords of politics must somehow be different from those which undergirded the mere "expediencies" of economic relations. Even the realist political scientists of the 1930s had felt the need to hedge their marketplace metaphors. But now, under the rubric of Freedom, capitalism and democracy were finally, confidently folded into a common entity.

The trick turned in large part on the very abstractness of the new terms of cold war debate. Certainly the "free enterprise" system was free in the sense that it was not state run or (for most purposes) publicly planned. Still it was no easy matter to equate the postwar economy, dominated by a score or two of giant corporations, with the town meeting ideal which still passed for freedom in the sphere of politics. The term "freedom of choice" with which the jugglery was done was accordingly fuzzy and indistinct. It bound in a phrase the consumer benefits of postwar prosperity with the political fact of choice in open, reasonably contested elections. It did so, however, at the expense of what everyone knew, once the words moved closer to the grain of experience: that private choices of economic opportunities and public choices of policy were not really the same thing at all, that the heaping of one's shopping cart to overflowing in the

supermarkets of postwar America and the collective strain and furor of democratic decision making (whether the issue be the weight of next year's school tax or the paving of the county's roads or the relative worth of social security and aircraft carriers) were hardly subsumable under a single word, even as big a word as Freedom. But under the pressures of foreign events, amidst the Americans' new willingness to define themselves in the reflex of other nation's systems, amidst an urgent need for words large enough to justify their rise to world dominance, the word Freedom took shape as a synonym for everything the Americans already had—for the way of life (however many compromises of freedom it might contain) that they were prepared to defend.

Rights Without Retrospection

Freedom was America: its refrigerators, its elections, its alliances, its swelling patriotism. No word as heavy with multiple meanings as this, however, could be easily contained. Let the mission and destiny of the United States be defined as freedom, and there were bound to be Americans, possessed of sharper, dissident notions of what freedom might mean, eager to claim the word and, with it, force open the contradictions between the Cold War slogans and the postwar way of life. The transformation of the term Freedom from a unifying cry to a protest slogan required the unbundling of the word into the hard, specific language of rights. That happened quickly and, as so often before, not in the centers of power but on its margins. Within twenty years after the war's end, Americans found themselves in an era of rights making more vigorous than ever before in their history. The rhetoric of Freedom had slipped its moorings to be returned, like so many abstract words before it, radically transformed from below.

Even in the 1940s the radical potential in the wartime talk of Freedom had not been lost on the New Deal left. In 1944 Roosevelt himself had translated his generalized "four freedoms" rhetoric into the startling specificity of a new "economic bill of rights": the right

to a useful and remunerative job, to a decent home and adequate income, to medical care, and to security from the economic terrors of unemployment and old age. Four years later Henry Wallace's Progressive party and the labor unions were still playing hard on those promises, despite the scuttling of the political centrists toward safer ground. Other New Deal liberals, Eleanor Roosevelt conspicuous among them, turned their energies to the drafting of a Universal Declaration of Human Rights: a bold, new international bill of rights and freedoms (complete with a controversial section on economic security) which they steered through the new United Nations in 1947–48.

But it was where talk of Freedom ran up against the post-Reconstruction mores of race that the slogans of patriotic assurance turned sharply and momentously unstable. The effort to turn the antitotalitarian rhetoric of the war into a vehicle for the grievances of black Americans had begun well before the war was over. By 1948, black leaders had forced the phrase "civil rights" from the margins of political argument, to which it had been shunted (like most radical forms of rights talk) with the collapse of Reconstruction, into the eye of presidential election politics, where it was to stay, to the acute discomfort of party leaders, for a generation. Even the Freedom Train in that year found itself embroiled in the erupting, postwar debate over racism when city officials in Memphis and Birmingham demanded Jim Crow lines and separate visiting hours for blacks and whites, in keeping with what most Americans had long been accustomed to call freedom. The organizers refused; and where the Freedom Train's integrated lines were permitted in the South, observers commented on the quiet, intent seriousness of the exhibit's black visitors.

All this was carried home with profound, submerged effect. Within a decade, talk of rights and Freedom—spinning off the war and Cold War sloganeering, running with new intensity through the black South and the segregated ghettoes of the urban North, fused with the humiliations of segregation and with a Freedom talk deep in black experience, forced with new readiness into the courts where (thanks to the justices' own absorption of the war's demand for fundamentals) it began to get an increasingly sympathetic hearing —exploded in a rights crusade on a scale the nation had never seen

before. From the beginning the civil rights campaign was a movement of several tongues. But politically its most telling rhetoric worked by exploiting the massive, barely veiled contradiction between the official postwar rhetoric of Freedom and customary practice. It contrived to turn the newly professed faith of the nation back upon itself, with glaring literalness. Segregation, fixed in the southern law codes at the end of the nineteenth century, had promised order. The war's encounter with the horrors of Nazi racism and the extravagant postwar rhetoric of free world leadership, however, put the system of black subcitizenship to a much sharper test. It could not but make the customary arrangements of American-style apartheid problematic and, if the tactics of protest were skillfully designed, acutely embarrassing. The civil rights movement swept up rights and Freedom into a common cry of protest and threw it back at mainstream America in a score of nervy, ingenious ways: in freedom rides, freedom schools, freedom songs, a counter Freedom Democratic party. "The peoples wants freedom," Stokely Carmichael began a workshop in Mississippi in the wake of what civil rights workers had pointedly called the "freedom summer" of 1964.[6] Here was no strange political tongue, no language easily turned aside as alien to American politics, as politicians and presidents noted with visible confusion. This was the core rhetoric of the Cold War translated into black vernacular, specified, sharpened into radically destabilizing demands, appropriated by the most marginal of Americans.

The practical test of Freedom was rights. Not since the antislavery crusade had a movement so saturated with popular rights claims pushed so hard against power and custom. But the potency of the civil rights movement's blend of language and tactics was not solely to be found in what historians soon began to call the "second Reconstruction" of the mid-1960s. Still more remarkable was the tidal wave of rights invention it set in motion. By the mid-1970s, though the civil rights movement itself had shattered into fragments, Americans all over the social landscape were pressing their grievances into a revived language of rights: women's rights, gay rights, children's rights, the rights of control over one's body, the rights of the unborn, ethnic rights, Native American rights, welfare rights, consumers' rights, human rights, rights of privacy and rights

of expression, criminal defendants' rights, prisoners' rights, the rights of the ill, the right to die.[7]

Nothing in the eighteenth- or nineteenth-century past matched this avalanche of multiplying rights claims. Out of the extraordinarily contagious effects of the civil rights movement, out of a new, militant sense of the potential diversity of American life, out of resentment at the concentration of private and public power in ever more distant, bureaucratic forms, out of a new sense of the social power of litigation (and of language shaped for legal action), out of a myriad divergent grievances and desires the new rights revival flowed. The Declaration of Independence reappeared as a protest anthem; in the late 1960s you could hear it on your car radio, the words now electric with revolutionary meaning. A decade later moral conservatives angry at the Supreme Court's abortion decision and libertarians somewhere to the right of the Republican party, radical feminists, and American Civil Liberties-style liberals were all talking heatedly, at a score of cross purposes, of rights. In the last quarter of the twentieth century, the language of rights has proved to be the most volatile, flexible language of protest we have.

But unlike eighteenth- and nineteenth-century Americans almost no one now talks of Natural Rights. The eccentricity of a John Rawls in the early 1970s, reimagining the principles that should have ruled the formation of the social contract, had men been lucky enough ever to have made one, is proof enough of the distance rights talk had traveled.[8] We hammer home our rights and freedoms without pause for retrospection or much puzzlement (like Channing's) about the essence of human nature. The common coin of rights claims now seems simpler. Rights claims channel an extraordinary variety of desires and grievances into a language prickly (as always) with implicit individualism and justiciable in the law—for the judges to do with them what they can.

Even the keenest defenders of the postwar courts readily admit that the judges, burdened with sorting out this mounting cacophony of rights talk, have not found consistency easy. Imaginative, quicksilver rights inventors like William O. Douglas have appealed to the logical "penumbras" and "emanations" surrounding the Constitution's formally enumerated rights—though the evanescent phrases betrayed a nervousness that might well have made the

manifesto writers of the eighteenth and early nineteenth centuries, with their tangible sense of dispossession, wince. Others like Hugo Black tried with much simpler literalism to inject the entire federal Bill of Rights into the corpus of state law, though they never carried the full court with them. The majority of the justices on the Warren and Burger courts chose instead to carve out piecemeal a new list of "basic" and "fundamental" rights, creating case by case what amounted to a second, common law bill of rights. Out of the twists and turns of the judges and the shifting pressures from below came new fundamental rights of suffrage (in the poll tax and reapportionment cases), of privacy (in the contraception and abortion cases), of education (in the school desegregation cases), and of protection against the prosecutory powers of the state. Not noticeably strong in the logical relations between its parts, its freedoms couched in language heavy with the marks of compromise, this second, postwar bill of rights has nonetheless proved in fits and moments to be a tool of profound political effects.[9]

But by the middle of the 1980s no one could miss the accumulating strain on the words, fraying out under the wear of so many divergent uses. The rights revival, as it spread through the vastly more diverse America of the late twentieth century, resulted finally in a certain blurring of the line between rights and desires. Mainstream political scientists, who had begun to move back in force to the old terrain of "realism" in the 1950s, were more than ever inclined to call them both simple statements of interest. Vastly more rights and an extraordinary proliferation of rights talk, together with an increasing inability on the part of judges, plaintiffs, and professional political scientists to restate the new logic of rights for a people no longer as certain as before about the intentions of the Creator—all this added up to no simple picture. But amidst the growing confusion in rights talk, one increasingly heard the old, nervous voices of outright repudiation. If self-professed conservatives still tried their hand at rights invention, the conservative justices on the Supreme Court seemed more wary than ever of that sort of volatile, destabilizing talk. A straw in the wind was the announcement of the Supreme Court's conservative majority in a sodomy case in 1986 that in a controversial matter like sexuality it was dead set against allowing any new basic rights to be smuggled into

the Constitution under the cover of "fundamental" human rights or the "penumbras" of privacy.[10] Two decades after the rights explosion began, the counterforce of resistance was once more running hard and, apparently, successfully.

From a centrist cry to a tool of radical social reconstruction to the butt of nervous compromise and repudiations, the rhetoric of Freedom, transmuted into rights, seems once more on the track of a familiar arc. Over and over again a keyword—Natural Rights, the People, and now Freedom—had slipped its established place. Appropriated by Americans far outside the corridors of power, it had been thrust back into political talk, outwardly unchanged, as the tool of radically transformed purposes—only to be blunted and spent at last. This sort of political debate in a hall of abstract mirrors has its share of deceptions and confusions. It has repeatedly misled those who have mistaken the outer noise of talk for inner consensus. Samuel Huntington's term, "the politics of creedal passion," however, is surely the more accurate one.[11] Freedom was an open abstraction: its ambiguities and its power inextricable from one another. A word which rose on the crest of its historic moment, wrenched from purpose to purpose, fillable and refillable with meaning, tugged at by ever more sets of hands, it reiterated in its career the central dynamics of our political talk. Ask not what Freedom is, for if it is worth much it is never static. Ask what the word is being used to do.

Public Talk

But Freedom cannot be the whole of public talk. Nor Interests—the tough, residual, lowbrow talk that in the erosion of the rhetoric of Freedom once again fills the legislative corridors and the pages of the centrist journals. A democracy must also have strong and generous words for its common life and common wants.

If there had been a distinctive pattern to the vocabulary of political argument in America, however, it had been the distance between its collective words, pitched so far above the affairs of daily life, and

its liberating words, so close to the skin of the individual self. Along this rift, the keywords of American politics had for a long time been starkly divided. Many of the most potent and volatile of its words had been employed for vigorously, subversively individualistic ends. Natural Rights, Freedom, even the People—each was used at the crest of its historical moment to thrust back the claims of other people's power, to break the injustices of custom, to whittle down the scope of government, and to expand the possessions and possibilities of the self. The ineradicability of rights talk, despite the repeated efforts to root it out, endowed American speech with a powerfully individualistic set of tools. No other political culture has had a vocabulary of individual liberation quite like it.

But what Americans had found much harder to come by were clear ways in which to talk about the common bonds and responsibilities of public life. Not that American political talk had showed any shortage of integrative words; those, too, had risen and fallen in spectacular arcs since independence. But the biggest of them, carriers of so many desires and intentions, had worked on a plane strikingly remote from common experience. The partisans of early nineteenth-century majoritarian democracy, with their notion of possessive sovereignty, had had a surprisingly difficult time putting the purposes of the People's collective power into words. Those who pushed the counterclaims of Government, their eyes bent on the sovereignty of God, rarely talked very specifically about political relationships among human beings. The late nineteenth-century seers of the State, propelled by the metaphysics of their Protestantism and the anxieties of their class, soared Icarus-like into still more extravagant levels of abstraction. Even the nation-obsessed rhetoricians of the Cold War rarely had a much clearer sense—beyond military readiness and individual prosperity—of what the common threads in the American way of life entailed. We have used our words for public life most easily when the phenomena—nation, State, the Free World—are farthest away from us. The result has been a public talk at once shrill and shallow: top-heavy with abstract terms for the nation and the political whole but skeletally thin in everyday, middle-level phrases for common, collective action. That, too, has endured, etched in our keywords.

To say as much is to put once more the complaint that has run

so hard, and ineffectually, through insurgent political science since the 1960s.[12] That decade, in addition to its revival of rights talk, also reinvented language for common life: community, neighborhood, participational democracy, the public interest group, the "beloved community" of Martin Luther King. But none in the end endured well. When the civil rights crusade moved beyond issues of rights to issues of power, it could not sustain the bonds that had held it in tense, effective relationship to mainstream political talk. The term "community," to be sure, is everywhere now, in entities we casually refer to as the business community, the black community, the real estate community, or the medical community—but no one doubts that they are interest groups under another name. Talk of power once more spirals down on Interests. Interest group pluralism, revived in the 1950s, reigns in the political science textbooks as never before. "Our concern must be for a special interest group that has been too long neglected," Ronald Reagan promised in his first inaugural, groping for a synonym for the People.[13] Savvy above power and rhetoric, we know the source of his difficulty.

But a public life without a strong, deeply rooted repertoire of public words carries consequences. When the metaphors fail, legitimacy erodes. As Robert Bellah and his co-observers of contemporary America note, we have an embarrassingly hard time finding words to explain even to ourselves our enduring sense of common responsibility. Our "first language," they write, is individualistic; our "second language," reflective of our actual public commitments, is weakly connected to ourselves—though the brass bands of patriotism will bring it out powerfully.[14]

The richness and the poverty of our keywords is not fixed. Political talk might be an arena in which we talk seriously about public goods, about the resources and needs we possess not individually but in common, about what we want from the policemen, schoolteachers, garbage collectors, drivers' license examiners, pothole fixers, highway planners, missile launchers, and lawmakers who compose our governments. We might talk specifically about what we want our collective life to be, what we desire in common, and the common consequences of our getting it. That was what Bentham meant in the best of his antimetaphysical moods. That was what the turn-of-the-century British socializers of utilitarianism

had in mind. That, still more so, was what Dewey meant by the "Great Community." But the old, heated quarrel with Bentham's language of consequences is not over. The words for common happiness still elude us. Open as the language of American politics has been to so many uses, swept as it has been with so much energy, so much liberating force, so many anxious desires for coherence, so many contested truths, that sort of public talk has not come easily.