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**“El hombre no es libre en la naturaleza”:
Justo Sierra and the Persistence of Sovereign Power**

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*“Thank god I can still kill”
—Porfirio Díaz after suppressing the
Rio Blanco strike, 1906 (Gonzales 65)*

In *Posdata*, Octavio Paz attempts to develop an explanation for the 1968 massacre of students and movement activists at Tlatelolco. After passing through a series of mediations on the geopolitical situation of ‘68, Paz, in his concluding chapter “Critique of the Pyramid,” explicitly draws a connection between the move to a one-party (PRI) state and his idea of what might be called, in a contemporary parlance, an Aztec governmentality based on a tradition of sacrifice. For Paz, the killings or “violence” at Tlatelolco were an irruption of a hidden historical tradition into the present: the massacre reveals “a past we believed buried was in fact alive” (236). Paz’s account renders the killings both as universal (a part of “Mexico,” its dark side, its racialized, indigenous, non-modern past) and, curiously, as a type of violence which is not referenced to the law. But why describe the killings as “sacrifice” as opposed to “murder” or with any other

legal category? In Paz, the vague category of violence is simultaneously called upon to name an illegitimate use of state power and to explain it. As a result, the category becomes transcendental: “Tlatelolco” becomes not a specific historical conjunction of state-led institutions and practices of war, but rather a disease, a hereditary defect hidden deep inside the social body. Paz did not invent this potent and obfuscatory mixture of ersatz social theory and what Foucault would call “philosophical-juridical discourse.” However, I take Paz’s account and conceptual apparatus as paradigmatic of attempts to justify abuses of state power in Mexico and of failed liberal attempts to analyze the specifics of these abuses. Paz’s account points us to something peculiar, difficult, and hypnotic about state power in Mexico. In this essay, I examine one early site of conceptualizing state power in Mexico, namely the works of the late nineteenth and early twentieth Mexican state and social theorist and “Maestro de América,” Justo Sierra. I do so in order to examine what I will call the “persistence of sovereign power” in Mexico, which is typified by the epigraph to this essay, Díaz’s reported comments after his bloody suppression of the Rio Blanco strike.¹

Justo Sierra (1848-1912) was a Mexican political thinker, essayist, literary writer, and historian, who is probably most well-known today for his *Evolución política del pueblo mexicano* (first published 1902). He was an important theorist of the second stage of Mexican liberalism, of the moment of liberalism’s *rapprochement* with the authoritarianism of the reign of Porfirio Díaz (although in some of his later writings Sierra was critical in limited ways of Díaz [see *Justo Sierra* 111-2]). In this article, I read Sierra as a theorist of the particular form of state power created during the Porfiriato, one marked by a liberalism, which fails to limit sovereign power. This article, then, is not a history of political events or political ideas but an attempt to join together political theory and philosophic critique. My use of the term “persistence of sovereign power” is an attempt explain what Charles Hale has flagged as Sierra’s “ambivalent” attitude “towards liberalism” (*Mexican Liberalism* 3) and then, more generally, as “the historic supremacy of central power in Hispanic countries” (70).

¹ Thanks to Gareth Williams for his comments on an earlier version of this essay.

In my approach to describing the specificities of state power in Sierra, which I take as foundational for twentieth century work such as Paz's, I take a comparative approach starting with Michel Foucault's work on liberalism. I follow Foucault's distinction between sovereign power and biopower, which he traces throughout his late work, but most clearly in the final section of the first volume of *The History of Sexuality*. Here, Foucault outlines a shift between two types of power: a sovereign power characterized by "the power of life and death" and a biopower based on "a power to foster life or disallow it to the point of death" (138). However, as Roberto Esposito has noted there is a "biopolitical enigma" in Foucault's account: on the one hand, Foucault argues that the regime of discipline and the management of life has replaced the earlier regime of sovereignty; and on the other, Foucault argues that such a disciplinary form of power is overlaid upon a sovereign power that continues to exist (*Bios* 13 *passim*). This ambiguity in Foucault's account, Esposito argues, is why Foucault cannot help us to explain the manner in which "the sovereignty dispositif" has expanded and intensified in the last decade (via war on terror, new American empire, etc.). Thus, I will be using Foucault's distinction between the two regimes of power (and restricting the meaning of sovereign power to a power over life and death), but looking at how sovereign power or something resembling it "persists" in Mexico and is foundational for any description of Mexican state power after Díaz.

In the first section of this essay, I offer a reading of Sierra's notion of *libertad* by contrasting it with Foucault's account of the emergence of biopower out of medieval sovereign power. I argue that instead of marking a new regime of truth determined by the market (as liberalism does in Foucault), Sierra's work is an ideological apologetic and his version of liberalism is concerned, not with new forms of self-regulating, "internal limits" as in Foucault, but rather with having the sovereign externally limit democracy. In the second part, I turn to Foucault's discussion of state racism and his contention that "politics is war by other means." Again proceeding by the *via negativa*, I read Sierra's analysis of the relation between the state and the social body as a becoming unlimited of sovereign power. As much concerned with historical definitions of the political as

with specific configurations of state power, this essay attempts to return to two once promising trends in critical Latin American and Hispanic studies which seem to have lately fallen by the wayside: to trace the history of reactionary modes of thinking (Moreiras, 2005a) and to develop a concept of the political beyond the Schmitt friend/enemy distinction (Moreiras, 2005b; Williams, 2005).

“Las condiciones para lo más apto”: The Mexican State and the Production of Liberty

In *The Birth of Biopolitics*, Foucault traces a series of historical shifts between medieval sovereign power, the *raison d'état*, and the subsequent emergence of the biopolitical liberal state. The crux of the shift between the *raison d'état* and the liberal state is the creation of a principle of governmental regulation that is internal to government: whereas in the sixteenth and seventeenth centuries law was used to control and limit the sovereign, the problem of liberal governance, or what Foucault calls this new “governmental rationality,” was “governing too much.” It is a shift from external limitations, from rights and a government based on right and wrong, to internal limitations and government based on success and failure.

Foucault’s argument is that political economy is the instrument that allowed liberalism to become self-governing. Political economy was formed within liberalism and its effect was to “discover natural mechanisms” (instead of natural rights) for limiting governmental power. The referencing of governance to natural mechanisms results in utility (success or failure) becoming the criterion of governmental action. The following is Foucault’s formulation of the logic of liberalism:

Am I governing with sufficient intensity, depth, and attention to detail so as to bring the state to the point fixed by what it should be, to bring it to its maximum strength? (...) Am I governing at the border between the too much and too little, between the maximum and minimum fixed for me by the nature of things—I mean, by the necessities intrinsic to the operations of government? (19)

Thus, a “new regime of truth is established.” Governance is no longer a question of the exercise of sovereign rights (and their limitation), but rather

political economy enables the judgment of governmental action in terms of truth (i.e., did a given action act upon false premises regarding the understanding of intelligible economic mechanisms or not). The dual emergence of this new regime of truth and new mode of governance, with their attendant focus on governing too little or too much is what Foucault wants to analyze as biopolitics.

In his second lecture, Foucault spells out more clearly the connection between the practice of governing between the maximum and minimum and the new regime of truth ushered in by political economy. Foucault argues that the “principle of connection” between these two was the market (30). Foucault makes a historical argument that in the middle of the eighteenth century a shift occurred and the market stopped being a site only of jurisdiction and became a site of veridiction. The market’s transformation into a site of veridiction has three steps: the creation of “natural” or “spontaneous” mechanisms; the idea that prices are now “natural,” good, normal, or true; and the conversion of natural price into a criterion for judging the correctness of governmental action. On Foucault’s account, the logic of natural prices, the idea that in a well-functioning market price levels will always be “naturally” or “spontaneously” set to their correct level, becomes inserted into the very heart of government, enabling the verification of which governmental practices are correct and which are erroneous.

I want to add one more feature to Foucault’s analysis which I think is especially useful with regards to Sierra and nineteenth century and early twentieth century Mexico: liberalism’s production of freedom. In the third lecture, after discussing the importance of Europe’s “unlimited” relation to the world market, Foucault turns to the problem of freedom. He writes, “I did not want to say that there was a quantitative increase of freedom between the start of the eighteenth century and, let’s say, the nineteenth century. I have not said this for two reasons. One is factual and the other is a reason of method and principle” (61). The reason of method is given by Foucault’s nominalism; namely, that we shouldn’t think of freedom as a universal which is gradually realized over time, or which “undergoes quantitative variations, greater or lesser drastic reduction, or more or less

important periods of eclipse” (62). Freedom, then, is not something that can be counted. The “new art of government” is not concerned with the “realization” or “increase” of freedom, rather its concern “appears as the management of freedom, not in the sense of the imperative: ‘be free’... The formula of liberalism is not ‘be free.’ Liberalism formulates simply the following: I am going to produce what you need to be free. I am going to see to it that you are free to be free” (63). The new art of government has a productive relationship to freedom. Liberalism then, on Foucault’s perhaps idiosyncratic understanding of it, is the art of government formed in the eighteenth century that entails at its heart a “productive/destructive relationship” with freedom (64). Liberalism is not concerned with ensuring enduring freedoms but rather, paradoxically, liberalism must produce freedom, and it is this very act that “entails the establishment of limitations, controls, forms of coercion, and obligations relying on threats, etcetera” (64).

The four essential features of this new art of government that Foucault sketches in *Birth of Biopolitics* are veridication of the market, limitation by the calculation of governmental utility, the position of Europe as a region of unlimited economic development in relation to the world market, and the production of freedom. All four form a part of the transition from a sovereign power over life and death to a biopolitical power, or a “power to foster life or disallow it to the point of death” (*History of Sexuality*, 138).

My aim here is not merely to apply Foucault’s work on the transition to liberalism as if it were gospel, but rather to use this framework to allow us to trace, primarily through contrast, the form of the sovereign-friendly liberalism that Sierra develops, particular after 1879 (when Sierra and the Científicos enter the political fray in force). Indeed the most cursory of glances demonstrates that the Mexican case significantly complicates Foucault’s reading of the transition from sovereign to biopolitical power. As we noted in the introduction with Paz, it seems as if sovereign power persists in the Mexican state or that it is not “fully” or only a biopolitical regime of power. The issue of limitations is, as well, very different as the task of the Porfiriato, and of Díaz’s finance minister José

Limantour, was not to exploit an “unlimited” world market, but rather to be on the other side of that relationship and to regulate, manage, and cultivate flows of foreign direct investment and then play businesses and nations off one another. Thus, the relation of Mexican liberalism to limits was very different.

Another essential difference relates to what Foucault called the market’s emergence as a site of veridiction which creates a new regime of truth. In Foucault’s account the market is the natural order to which governmental actions can be referred: it is here that one can determine if one is governing **“with sufficient intensity, depth, and attention to detail” and “at the border between the too much and too little, between the maximum and minimum fixed for me by the nature of things.”** We know that an important part of the Científico program was a shift from what they called “politics” to “administration”—that is, they were, Sierra included, proponents of “objective” forms of governing and they encouraged the collection of statistics as a means to this end. However, as we can see in Charles Hale’s *The Transformation of Liberalism in Late Nineteenth-Century Mexico*, debates over the rise and shift to an administrative bureaucracy were very frequently also debates over the limits to sovereign power (74 *passim*). As such, whereas *Birth of Biopolitics* presents us with a transition between two modes of governance—the sovereign and biopolitical—in Mexico the emergence of an early (and limited) form of biopolitics occurs as a means for or in the context of a conversation over limiting sovereign power. Moreover, and perhaps most importantly, in the Mexican case, it is not the market or political economy that serves as an emerging site of veridiction—because in Mexico the market (whether internal or external) was always never seen as “just” or “natural” but was always, and very accurately, seen as a potential vector of (be it, Spanish, French, U.S.) domination. In late nineteenth century Mexico, the emerging site of veridiction of governance was not the market, but rather a nebulous natural order. I turn now to an examination of this order, through readings of Gabino Barreda and Justo Sierra, and its connection to Mexican liberalism and the Porfiriato.

In 1867, with the victory of Benito Juárez over Emperor Maximilian, the Mexican state entered a new phase, a liberal one that was increasingly conditioned by positivist thought, which began to arrive from Europe during the 1860s. As Charles Hale notes, Gabino Barreda, whose *Oración cívica* is a central document of Mexican liberal thought and is very influenced by the work of Herbert Spencer, laid the foundation for the positivism of Justo Sierra’s generation (*Transformation* 5-6). Barreda was uniquely positioned to do this, given his role as an ideologue of the new Mexican state under Juárez and his role in setting up the Mexican educational system (the Escuela Nacional Preparatoria). In his “De la educación moral,” Barreda writes:

Representátese comúnmente la libertad, como una facultad de hacer o querer cualquiera cosa sin sujeción a la ley o a fuerza alguna que la dirija; si semejante libertad pudiera haber, ella sería tan inmoral como absurda, porque haría imposible toda disciplina y por consiguiente, todo orden. Lejos de ser incompatible con el orden, la libertad consiste en todos los fenómenos, tanto orgánicos como inorgánicos, en someterse con entera plenitud a las leyes que los determinan. (113)

Thus, in Barreda, liberty and order are intimately linked. Liberty is not the “freedom to do anything,” rather liberty is the full submission to the laws determining order. In some ways, here, at the height of the first period of Mexican liberal thought, we are faced with the opposite problem of Foucault. Instead of having to explain why “freedom” is uncountable and why democracy can’t make the world “more free,” with Barreda we need to explain how freedom is not quantitative *and* why submission and order can’t create more of it. We can see in Barreda then an intimate connection between liberty and order that will carry over into Sierra.

Barreda continues:

Cuando dejo caer un cuerpo sin sujetarlo ni estorbarle de otro modo su marcha, baja directamente hacia el centro de la tierra con una velocidad proporcional al tiempo; es decir, que se sujeta a la ley de gravedad y entonces decimos que baja libremente. Cuando pongo frente a frente y libres el oxígeno y el potasio, ambos manifiestan su libertad combinándose inevitable e inmediatamente; es decir, obedeciendo a la ley de las afinidades. (“De la educación moral,” 113)

Something is free when it follows the laws that determine it, but this “law” emerges from within the nature of whatever object is under discussion. The key to Barreda’s notion of *libertad* is that liberty is a “free” expression of inherent laws. In Barreda, we have an account of liberty that naturalizes the source of liberty in *orden*, or natural law. It is an account that resonates with Foucault’s description of liberalism as having a productive or destructive relationship with freedom, but with a twist in that in Barreda it is not the logic of self-regulating prices in the market that is the central referent, but rather the obedience of a natural order, of natural philosophy. *Libertad* as an obedience to a nebulous internal law of nature is the idea that Barreda passes to Sierra. Sierra’s innovation will be to foreground the state as the actor charged with realizing the conditions for this supposedly free expression of inherent laws to take place.

A key text in the *oeuvre* of Justo Sierra is the 1879 “El programa de *La Libertad*.” In it we get an early formulation of Sierra’s account of Mexican history before Díaz as anarchy, which receives a longer treatment in *Evolución política del pueblo mexicano* (1902). The new form of liberalism, Sierra argues for in this document, is similar to Barreda’s in that it is concerned with *orden*, but in Sierra the connection between state institutions and preserving “el orden público” is much more foregrounded: “Hemos demostrado que nuestras instituciones carecen de la virtud que se requiere, no ya para hacer la felicidad de México, sino para preservar el orden público, sin lo cual es imposible la solución de nuestros problemas, solución identificada con la paz del país y la seguridad de todos” (“Programa” 70). However, if in Barreda freedom is primarily the expression of an internal law, in Sierra the institutional form of preserving *orden* and securing freedom requires hollowing out a space for sovereign power in the heart of the Constitution. What we see in Sierra is a liberalism that has not received an already limited sovereign, but rather a liberalism that is itself limited by sovereign power:

Queremos simplemente crear en el seno de la Constitución un centro de unidad para un país que se disuelve, un centro de cohesión para una Federación que se desmiembra, o un centro de estabilidad enérgica para un pueblo sujeto a las oscilaciones mortales de la revuelta, amenazado por el despotismo un día y, al día siguiente, por la anarquía espontánea. (70-1)

Sierra’s hollow liberalism is aimed as a counter against “demócratas radicales” who think they can cure the anarchy of Mexico with “la causa de la enfermedad,” that is with “democracia incondicional” (71). For Sierra, saving order from anarchy requires not limiting the sovereign but rather limiting democracy itself; the sovereign must produce the conditions for stability and freedom.

Both these elements are foregrounded in Sierra’s presentation of the kind of executive power his ideal government would have. It would be a government

cuya fuerza proviene de una ley amoldada en lo posible a las necesidades de orden y de conservación de un pueblo, que pueda practicarse y que a un tiempo resguarde el pasado, base de la estabilidad social, y que, por llevar en sí misma el germen de su transformación, prepare el porvenir. (73)

The executive power—or the sovereign—becomes the bearer of the future and the conserver of the past as tradition. The state here is the producer of liberty, but the arrival of that liberty is constantly displaced to a future moment. As Sierra says elsewhere, “El hombre no es libre en la naturaleza” (*Evolución política*, 171). That is, citizens must be made free and in Sierra the sovereign prepares a future of freedom, but one that we can imagine might never arrive.

One way of reading this use of the sovereign to limit democracy is as a fascinating and terrible new technology of power, as the state is now responsible for the production of the conditions of the possibility for freedom but those conditions do not have to be produced in the present. This is clearly not a matter of governing too much or too little; that is, governmental decisions in Sierra are not judged as being correct or not against an economic model. Rather the sovereign is being handed a blank check to produce the conditions for freedom that, while emerging from a nebulous natural order, can actually never be judged (as correct or not, or against any other criteria) because their realization will only occur at a continually deferred, unspecified future moment. This is a form of power in which the state as the producer of freedom, or as Sierra writes, “las condiciones para lo más apto,” has a defining, expanded role (*Evolución política*, 247). Sierra’s hollowing out of the Constitution to insert sovereign

power at its center is one way in which sovereign power re-enters Mexican liberalism and is one origin point of what I am calling in this essay “the persistence of sovereign power.”

I want to return briefly to an argument of Foucault’s discussed at the outset. Foucault argues that the shift between the *raison d’état* and the liberal state was marked by the creation of a principle of governmental regulation that was internal to government: whereas in the sixteenth and seventeenth centuries law was used to control and limit the sovereign, the problem of liberal governance or what Foucault calls this new “governmental rationality” was “governing too much.” It was a shift from external limitations, from rights and a government based on right and wrong to internal limitations and government based on success and failure. I have argued here that the “limit” played a much different role in the thinking of Justo Sierra and in the functioning of the Mexican state during the Porfiriato. Externally, the Mexican state was concerned with fomenting foreign direct investment and playing world powers and banking interests off one another as a solution to an on-going debt crisis and thus was not an exploiter of an “unlimited world market.” Moreover, internally, the state’s policies, as we have seen in Sierra, were not subject to the kind of “correct or not,” “too much or too little” logic that Foucault describes as being at the heart of the rationality of European liberal states. The Mexican state as Sierra envisions it is both concerned with securing the conditions for freedom (as *orden* or as freedom from anarchy) *and* with overcoming the limits set against sovereign power by “unconditional democracy.” The moment between “El programa de *La Libertad*” (1879) and *Evolución política del pueblo mexicano* (1902) marks the height of the Porfiriato. By the publication of *Evolución política* the form of liberalism hollowed out by sovereign power found in “El programa” has expanded its reach and aims: the state, in Sierra’s writing, is envisioned, as we will see, as a rapacious and at times rapturous machine of accumulation that quests after not just limiting liberalism but also being potentially unlimited. To trace this aspect of Sierra’s political thought, however, we have to leave the relatively safe haven of *libertad* behind and turn to Sierra’s thinking of the relationship between the social body and the state.

“Everything is Possible”: The Mexican State and the Persistence of Sovereign Power

Foucault’s *Society Must be Defended* opens with a discussion of the need for a non-juridical, non-disciplinary thinking of sovereignty. In the third lecture, Foucault sketches a genealogy for class struggle and nineteenth century racial discourse, in an account of the formation of discourse on social war—this is the occasion of his famous inversion of Clausewitz: “politics is *war* by other means” (90). What Foucault traces in these lectures is both the formation of the modern state with its monopoly on “war” and the subsequent replacement of war by struggles particularly around race.

Foucault opens by arguing “schematically and somewhat crudely” that in the Middle Ages, the practices of war undergo a marked change:

The practices and institutions of war were initially concentrated in the hand of a central power; it gradually transpired that in both de facto and de jure terms, only State powers could wage wars and manipulate the instruments of war. The State acquired a monopoly on war. The immediate effect of this State monopoly was that what might be called day-to-day warfare, and what was actually called “private warfare,” was eradicated from the social body, and from relations among men and relations among groups. (48)

What happens precisely at this moment of the slow consolidation of the apparatus and legal right to war in the hands of states and the relocation of wars outside the body of the state to its edges (to great wars between “States”) is the appearance of a new discourse concerning the source of sovereign power and the law. This is the discourse that, as Foucault wittily puts it, Clausewitz will himself invert: that the law is not the end of war, but rather war is what gives rise to the law, the state. As the state gains control of the war machine, a new discourse emerges: one in which we are at war “with one another” and where a “battlefront runs through the whole of society...and it is a battlefront that puts us on one side or another” (51). What results from this is that modern racial domination slowly replaces a discourse of social war as the form of conceiving relations internal to the state. Societies are seen as internally divided, and notions of biological race become central to thinking this internal scission. As Stuart Elden writes: “What becomes important is the division, the reasons for the division”

(132).

Here enters the title of these Foucault lectures: the dominant race does not say “we must defend ourselves against society,” but “we must defend society against all the biological perils of this other race, this sub-race, this contra-race which we are in the process of, in spite of ourselves, constituting” (53). This, then, is yet another cartography in Foucault’s work of the transition from sovereign to biopolitical power, this time in the form of the emergence of state racism.

Foucault’s tracing of the gradual concentration of the practices and institutions of war in the hands of a single state maps well onto our period in Mexican history. For example, it is unclear even to what extent it makes sense to speak of a complete Mexican nation-state under Juárez. This consolidation would be the project of the Díaz administration and once again Justo Sierra would provide one of the key ideological frameworks from within which this gradual process of state formation, capture of the war machine, and articulation of a specific type of racialized internal division would take place. The unofficial slogans of the Díaz regime “pan y palo” and “honorable tyranny” announce a project that will mix early forms of biopolitical control (as state racism) with authoritarian power. In the following, I want to focus on a single site where much of this ideological framing of the nascent Mexican state takes place in Sierra: the link between the state and the social body.

Sierra was heavily influenced by Herbert Spencer’s biological vision of society; however, Sierra broke with Spencer’s individualism, preserving always an important role for the state (*Transformation*, 217 *passim*). Spencer’s theorization of society via biological analogy can be seen in his *First Principles*, where he defines evolution as the integration “of matter and concomitant dissipation of motion, during which the matter passes from an indefinite incoherent homogeneity to a definite coherent heterogeneity” (145). For Spencer, societies are subjected as well to this curious movement from an incoherent homogeneity to coherent heterogeneity. Sierra imports this distinction into his own work to describe progress and the creation of the conditions for the proper evolution of society in his programmatic manifesto for *La Libertad*:

Es para mí fuera de duda que la sociedad es un organismo, que aunque distintos de los demás, por lo que Spencer le llama un superorganismo, tiene sus analogías innegables con todos los órganos vivos. Yo encuentro, por ende, que el sistema de Spencer, que equipara la industria, el comercio y el gobierno, a los órganos de nutrición, de circulación y de relación en los animales superiores, es verdadero... Es que la sociedad, como todo organismo, está sujeta a las leyes necesarias de la evolución; que éstas en su parte esencial consisten en un doble movimiento de integración y de diferenciación, en una marcha de lo homogéneo a lo heterogéneo, de lo incoherente a lo coherente, de lo indefinido a lo definido. Es decir, que en todo cuerpo, que en todo organismo, a medida que se unifica o se integra más, sus partes más se diferencian, más se especializan, y en este doble movimiento consiste el perfeccionamiento del organismo, lo que en las sociedades se llama progreso. (3)

Progress, for Sierra, consists in creating the conditions in which the social organism can freely follow this paradoxical double movement: to become both more “unified” and more “specialized.” If we connect this passage with our reading of “El programa” above we can begin to see how it is the sovereign for Sierra who is entrusted with creating these conditions in which “las leyes necesarias de la evolución” can follow their natural paths. It is worth noting how far we are from both traditional and Foucauldian notions of liberty. It is not a matter of realizing a more just, more free society or of the production of liberty through internal limits—in the work of Sierra society contains within itself internal laws, and the work of the state is the preparation of the proper conditions for their realization. The state—or sovereign—is not limited as in Foucault’s account, rather the role of the state is to create conditions that would make the movement of evolution possible. This is a result of the way Sierra employs Spencer while conserving a role for the state: evolution or progress has no preconditions but, for Sierra, this process requires the presence of the state or its intervention. This abstract biological evolutionism is the most common lens through which Sierra analyzes Mexican society and, as we will see, leads to his version of state racism as the necessary dissolution of the intractable groups on the edges of the social body.

The second key to this relationship between the state and social body in Sierra concerns the capture of the war machine by the state. Again, examples of this abound throughout Sierra’s work, but some of the most

revealing occur in *Evolución política del pueblo mexicano*. For example, in this volume Juárez is painted as reinforcing “el poder central dentro del respeto a las formas constitucionales...sin llevar esa devoción hasta el fetichismo” (344). Indeed, as Hale notes, Sierra was always explicit in his calls for a strong government, even if his appeals for authoritarian government were more “muted” than his fellow Científicos (*Transformation* 34). Sierra in *Evolución política* advocates against allowing the sovereign to be unduly limited by the constitution (at times Sierra invokes the threat of the United States as a justification) and, in the figure of Díaz, Sierra sees both the intensity and refusal of limits necessary for completing the takeover of the practices and institutions of war by the state:

Con él perdió su escudo de acero la resistencia a la acción niveladora del Gobierno, y la transformación fue rápida: el ejército normal de la República, bravo, disciplinado, leal, nació de allí; el ejército no volvió a pronunciarse; pudo dejar caer en el abismo de las revueltas algunos de sus fragmentos, pudo en horas de desorganización del Gobierno quedar sin brújula y diseminarse, siguiendo pasivamente diversas banderas; pero tomar en masa la iniciativa de la guerra civil como los Echávarri [sic], los Bustamante, los Santa-Anna, los Paredes, los Zuloaga, ya esto no volvió a ser; ino volverá a ser nunca! (266-7)

It is both a grave irony of Sierra’s account and a forceful example of how successful Díaz was in converting violence into the legitimate instrument of only the state that Sierra can write a passage such as this, in reference to Díaz’s own “civil war” against Juárez:

Desde entonces, en su conciencia de republicano y de hombre de gobierno se incrustó con dolorosa y persistente tenacidad esta idea, que podía parecer un delirio entonces, que ahora vemos bien que no lo era: ‘Sólo puedo compensar el deservido inmenso que hago a mi país al arrojarlo a una guerra civil, poniéndolo alguna vez en condiciones que hagan definitivamente imposible la guerra civil’. (273)

Moreover, besides centralizing power in the figure of the sovereign, Sierra’s account of sovereign power fundamentally imbricates it with capital and with the justification of an incipient capitalist regime. Whereas Barreda was a supporter of laissez-faire economics and an opponent of state intervention, what we get in Sierra is a strange melding of the state

and class (or more specifically, as we will see, the sovereign as Díaz and the *burguesía*) wherein the state becomes an instrument for primitive accumulation. *Evolución política* is littered with many passages that touch on this, but I want to quote just one at length:

En este país, ya lo dijimos, propiamente no hay clases cerradas, porque las que así se llaman sólo están separadas entre sí por los móviles aledaños del dinero y la buena educación; aquí no hay más clase en marcha que la burguesía; ella absorbe todos los elementos activos, de los grupos inferiores. En éstos comprendemos lo que podría llamarse una plebe intelectual. Esta plebe, desde el triunfo definitivo de la Reforma, quedó formada: con buen número de descendientes de las antiguas familias criollas, que no se han desamortizado mentalmente, sino que viven en lo pasado y vienen con pasmosa lentitud hacia el mundo actual, y segundo, con los analfabetos.... La división de razas, que parece compilar esta clasificación, en realidad va neutralizando su influencia sobre el retardo de la evolución social, porque se ha formado, entre la raza conquistada y la indígena una zona cada día más amplia de proporciones mezcladas que, como hemos solido afirmar, son la verdadera familia nacional; en ella tiene su centro y sus raíces la burguesía dominante. (283)

The *burguesía*, then, is at the center of the emerging nation and national subject for Sierra. We can see here how Sierra’s work is, at least partially, the inverse of what Foucault discusses in *Society Must be Defended*. That is, instead of producing division or focusing on the “battlefront [that] runs through the whole of society” the vision of Sierra is of a fusing center (“entre la raza conquistada y la indígena una zona cada día más amplia de proporciones mezcladas”) which is attempting to incorporate recalcitrant groups, namely the “antiguas familias criollas” and the analfabetos or marginal indigenous communities. Society does not, then, need to be defended *per se* but rather these recalcitrant edges need to be dissolved, to be “desamortizado mentalmente,” or to be suppressed.

If the state racism expressed in Sierra is that the intractable zones of society must be dissolved, the actor charged with this mission is what Foucault would call sovereign power, but of a very particular kind, one that turns again, not on a division, but on a fusion. Sierra effects and calls for a reduction of the state into the figure of the president, and this reduction creates an opening, a possibility, for the state to become an unlimited power. Sierra narrates that Díaz’s reconstruction of Mexico proceeded

quickly, with enormous foreign capital invested in the country (particularly in the railways) but “exigíase la seguridad plena” that Díaz would be able to see this project through, so the Constitution was amended to allow for the reelection “indefinidamente” of the President. Sierra notes that ironically this indefinite reelection of the President was one of the reasons for Díaz’s original rebellion; however, Sierra quickly follows this up by pointing to the need for “un hombre, una conciencia, una voluntad” capable of unifying “las fuerzas morales”:

...pero esta situación nueva era una transformación: era el advenimiento normal del capital extranjero a la explotación de las riquezas amortizadas del país; y era ésta, no huelga decirlo aquí, la última de las tres grandes desamortizaciones de nuestra historia: la de la Independencia, que dio vida a nuestra personalidad nacional; la de la Reforma, que dio vida a nuestra personalidad social, y la de la Paz, que dio vida a nuestra personalidad internacional; son ellas las tres etapas de nuestra evolución total. Para realizar la última, que dio todo su valor a las anteriores; hubimos de necesitar, lo repetiremos siempre, como todos los pueblos en las horas de las crisis supremas, como los pueblos de Cromwell y Napoleón, es cierto; pero también como los pueblos de Washington y Lincoln y de Bismarck, de Cavour y de Juárez; un hombre, una conciencia, una voluntad que unificase las fuerzas morales y las transmutase en impulso normal; este hombre fue el Presidente Díaz. (288-9)

Sierra describes how Díaz “restored” the Constitution, which rather than constituting a limit on his authority, enabled him to be reelected indefinitely. Moreover, of the three causes that “justified” Díaz’s original uprising against Juárez none had been realized. The only result had been a transformation of the economy: an opening of it to foreign flows of capital investment and the completion of the process of disamortization (removing land from the control of villages and the Church) and the formation of a “national” character. However, note that the conditions for freedom still do not exist. What is lacking is “un hombre, una conciencia, una voluntad” who would be able not only to unify the nation but also to transmute its forces into progress.

The possibility of this full opening posits a particular relationship between the leader of the state and the *burguesía*. I want to return briefly to this relationship that Sierra posits between the *burguesía* and the state

as consolidating around Díaz, which we hinted at earlier but did not fully explicate. Sierra writes:

Esta burguesía que ha absorbido a las antiguas oligarquías, la reformista y la reaccionaria, cuyo génesis hemos estudiado en otra parte, esta burguesía tomó conciencia de su ser, comprendió a dónde debía ir y por qué camino, para llegar a ser dueña de sí misma, el día en que se sintió gobernada por un carácter que lo nivelaría todo para llegar a un resultado: la paz. Ejército, clero, reliquias reaccionarias; liberales, reformistas, sociólogos, jacobinos, y, bajo el aspecto social, capitalistas y obreros, tanto en el orden intelectual como en el económico, formaron el núcleo de un partido que, como era natural, como sucederá siempre, tomó por común denominador un nombre, una personalidad: Porfirio Díaz. (283)

We have seen how in Sierra the role of the state is to prepare the conditions necessary for freedom, to preserve against anarchy. In this passage, both this internal law and he who realizes the conditions necessary for its operation are merged into a single figure: Porfirio Díaz. If Sierra appears at first perhaps a little like Foucault, it is only up to a point. That is, in Sierra it is not that “society must be defended” but that the internal law must be expressed and that the recalcitrant edges must be dissolved. In Sierra, the way this internal law is unleashed is through the fusion of a class (*la burguesía*) with the authoritarian figure of the sovereign. The sovereign both prepares the conditions for society’s evolution and expresses the internal law. What first appears as a turn to biopolitics collapses back into sovereign power. This particular valance of Sierra’s thought is what we have been at pains to trace as the persistence of sovereign power.

Rather than Foucault what feels closest to Sierra here is a distinction that Hannah Arendt makes in *Origins of Totalitarianism*. In attempting to describe why nineteenth century liberal thought is unable to think totalitarianism Arendt develops a distinction between “everything is permitted” and “everything is possible.” Liberal thinking, even in its negative version, operates with the idea of limits, power either being limited (nothing is permitted) or freedom being the absence of limits (the negative version, everything is permitted). However, both still fall under the same logic, both are governed by a type of self-interest (in people and in rulers). Totalitarian states, Arendt argues, have escaped from the logic of self-interest.

What we have in Sierra's account is neither a form of political representation nor something like Bodin's transference of power from the people to the sovereign, rather we have the *transmutation* of the middle class into the body, the figure of Díaz. It is an attempt to move to a state where "everything is possible." Arendt writes:

In the interpretation of totalitarianism, all laws have become laws of movement. When the Nazis talked about the law of nature or when the Bolsheviks talk about the law of history, neither nature nor history is any longer the stabilizing source of authority for the actions of moral men; they are movements in themselves.... Terror as the execution of a law of movement whose ultimate goal is not the welfare of men or the interest of one man but the fabrication of mankind, eliminates individuals for the sake of the species, sacrifices the "parts" for the sake of the "whole." The suprahuman force of Nature or History has its own beginning and its own end, so that it can be hindered only by the new beginning and the individual end which the life of man actually is. (463-5)

It is with caution that I invoke Arendt, as it is not my intent to argue that the Mexican state under Díaz was totalitarian or that Sierra was a theorist of, or even a precursor to, totalitarianism. However, I think it is clear that there are certain parallels that are worth dwelling on. But first, let's make clear what they are not. In Foucauldian terms, totalitarianism draws its special, deadly drive from the mixing of two modes of control: totalitarianism takes apparatuses from the level of the population and applies them on the level of the disciplinary (on the level of the individual or the body). This does not occur during the Porfiriato. There is wide-scale expropriation and slaughter but it is always in the name of sovereign, and not necessarily biopolitical, power. Where Arendt does have something to say I think about Sierra's description of the *burguesía* becoming Díaz is in her characterization of the desire of the totalitarian state not to control or manage the population, but to transcend the laws to *become one* with the population, to channel it, to make the population one with the ultimate law of nature or history. This is, then, the figure of a specifically Mexican authoritarian liberalism: not limits, but their removal; not just internal division, but also specific forms of internal fusion (between classes and the sovereign). In Sierra, we can see many of the elements of a biopolitical regime, but their insertion is into a space determined by sovereign power, a

space in which the “biopolitical enigma” has been resolved in favor of the sovereign, of the power to kill.

We are in a position now to return to the Paz chapter that we discussed at the outset of this essay and to place that discussion in relation to Justo Sierra. In his famous essay “Critique of Violence,” Walter Benjamin distinguishes divine violence from both the violence of the state and mythic violence, as a form of violence that does not seek to establish a new order. Divine violence is outside the law. As we have seen, Paz explains the Tlatelolco massacre via an appeal to a type of violence not referenced to the law, a violence caused by the irruption of an ancient Aztec tradition of sacrifice into the modernity of the contemporary Mexican state. I think we can now identify the misrecognition he commits. Rather than actually being divine violence, the Tlatelolco massacre is the *ne plus ultra* of end-directed state violence (i.e., the elimination of a powerful revolutionary social movement, the cleansing, not just of the edges, but of the internal body of society). However, what Paz does show us (*pace* Arendt) is that the Mexican state quests after becoming unlimited, that is, it desires to have access to a violence unreferenced to the law. This quest, this desire, finds its first serious theorization and apology in Justo Sierra. In Sierra, we get a vision of an incipient biopolitical state power that remits itself to sovereign power via the overcoming of all limits and a fusing of itself with a social class. This is the persistence of sovereign power that one finds in Paz, Alfonso Reyes, even up into the present day through the governments of Calderón and Peña Nieto and the massacre at Ayotzinapa, a persistence which receives its first theoretical figuration in Sierra. In Sierra, we see a Mexican state that wants to have access to the ability to become (even if momentarily) divine, to escape, to break free of, and overcome the limits of the very law which founds it.

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