



Caledonia Fellowship

◆ 2023 ◆

2023 Caledonia Fellowship

FACULTY BIOS



MR. BENJAMIN CROCKER

is academic programs manager at UATX in Austin, Texas, and since 2022, has been research fellow in music studies at Common Sense Society. He is from North Queensland, Australia, and most recently taught at the King's School in Sydney. Ben has lectured and guest conducted at the University of Sydney and recorded for nationwide radio broadcast at the Australian Broadcasting Corporation. In 2021, he was appointed as an inaugural Ramsay Centre for Western Civilisation scholar to Washington, D.C. His columns have been published by *The Spectator*, *The Federalist*, and Australia's *Quadrant* magazine.



MR. THEODORE DALRYMPLE

(the pen name of Dr. Anthony Daniels) is a senior fellow at the Manhattan Institute and a contributing editor of *City Journal*. He is a retired physician who, most recently, practiced in a British inner-city hospital and prison. Denis Dutton, editor of *Arts & Letters Daily*, called Dalrymple the "Orwell of our time."



PROF. NIALL FERGUSON

is the Milbank Family Senior Fellow at the Hoover Institution and a senior fellow at Harvard University's Center for European Studies, where he was the Laurence A. Tisch Professor of History. He is also a visiting professor at Tsinghua University, Beijing, and the Diller-von Fustenburg Family Foundation Distinguished Scholar at the Nitze School of Advanced International Studies. Ferguson is the author of twenty-two books, including *Doom: The Politics of Catastrophe*, which gives a historical and theoretical account of disasters, and *Civilization: The West and the Rest*, which traces the development of Eastern and Western culture and shows where they stand today. His 2015 biography of Henry Kissinger, *Kissinger, 1923-1968: The Idealist*, won the Council on Foreign Relations' Arthur Ross Prize. He is also an award-winning filmmaker, having won an international Emmy for his PBS series *The Ascent of Money*. His many other prizes include the Benjamin Franklin Prize for Public Service (2010), the Hayek Prize for Lifetime Achievement (2012), and the Ludwig Erhard Prize for Economic Journalism (2013).



DR. JULIANA GERAN PILON

is a senior fellow at the Alexander Hamilton Institute for the Study of Western Civilization. The author of eight books, including *The Utopian Conceit and the War on Freedom* and *Why America is Such a Hard Sell: Beyond Pride and Prejudice*, she has published over two hundred articles and reviews and makes frequent appearances on radio and television. Over three decades, she has also taught at the National Defense University, George Washington University, St. Mary's College of Maryland, the Institute of World Politics, and currently at American University.



DR. JOSHUA MITCHELL

is a senior fellow at Common Sense Society and a professor of political theory at Georgetown University. He has also been chairman of the government department and associate dean of faculty affairs at Georgetown University in Qatar. He has published several books including *The Fragility of Freedom: Tocqueville on Religion, Democracy, and the American Future* and *American Awakening: Identity Politics and Other Afflictions of Our Time*.



DR. JAMES ORR

is associate professor of philosophy of religion in the faculty of divinity at the University of Cambridge, a position he took up after four years as McDonald Postdoctoral Fellow in Theology, Ethics, and Public Life at Christ Church, Oxford. He holds a Ph.D. and M.Phil. in philosophy of religion from the University of Cambridge and a B.A. in classics from Balliol College, Oxford. Before entering academia, he worked for several years in corporate law.



DR. MARIA PIA PAGANELLI

is a professor of economics at Trinity University. She is the author of *The Routledge Guidebook to Adam Smith's Wealth of Nations*, and co-edited the *Oxford Handbook on Adam Smith and Adam Smith and Rousseau*. She formerly served as vice president of the History of Economics Society and the book review editor for the *Journal of the History of Economic Thought*. She is the current president of the International Adam Smith Society, and the president-elect of the History of Economics Society.



DR. ROGER PILON

is a senior fellow in the Cato Institute's Center for Constitutional Studies, which he founded in 1989 and directed until 2019; the inaugural holder emeritus of Cato's B. Kenneth Simon Chair in Constitutional Studies, Cato's first endowed chair, established in 1998; the publisher emeritus of the Cato Supreme Court Review, which he founded in 2001; and Cato's vice president for legal affairs, which he was named in 1999. Prior to joining Cato, Pilon held five senior posts in the Reagan administration, including in the Departments of State and Justice. He holds a B.A. from Columbia University, an M.A. and a Ph.D. from the University of Chicago, and a J.D. from the George Washington University School of Law.



DR. DAVID C. ROSE

is a senior fellow at Common Sense Society and a professor of economics at the University of Missouri-St. Louis. He is also a member of the Missouri Advisory Committee of the U.S. Civil Rights Commission. He is widely published on these and other topics, including business ethics, E.S.G. investment and management, global warming, and monetary policy. In 2008, Dr. Rose received the *St. Louis Business Journal's* Economic Educator of the year award. His book, *The Moral Foundation of Economic Behavior*, was selected as one of CHOICE's outstanding titles of 2012. His most recent book, *Why Culture Matters Most*, was published by Oxford University Press. Dr. Rose frequently contributes to policy debates through radio and television interviews as well as in op-eds in outlets such as the *St. Louis Post-Dispatch*, *The Word on Business*, *The School Choice Advocate*, *Forbes*, *Washington Examiner*, *The Washington Times*, and *The Christian Science Monitor* on topics ranging from freedom of speech, social security, monetary policy, fiscal policy, judicial philosophy, education reform, and healthcare reform. He received his Ph.D. in economics from the University of Virginia and his B.S. from Southwest Missouri State University.



DR. JEAN YARBROUGH

is a professor of government and the Gary M. Pendy, Sr. Professor of Social Sciences at Bowdoin College. She has twice received research fellowships from the National Endowment for the Humanities (N.E.H.). She is the author of *American Virtues: Thomas Jefferson on the Character of a Free People and Theodore Roosevelt and the American Political Tradition*, and editor of *The Essential Jefferson*. Dr. Yarbrough is also the author of numerous articles and essays in American political thought and public policy, as well as other topics in political philosophy. She recently completed a Senate-confirmed appointment to the N.E.H.'s National Council. In 2021, she was awarded the Henry Salvatori Prize for her scholarly work and public service in upholding the principles of the American Founding.

2023 Caledonia Fellowship

FELLOW BIOS



MS. JESSICA ANDREWS

is communications director for Senator John Kennedy and served as a senior advisor with his 2022 campaign. She was previously communications director for the House Judiciary Committee (Republicans) during the Mueller investigation and 2019 impeachment proceedings, after serving at the Sheikh Saud bin Saqr Al Qasimi Foundation for Policy Research in the United Arab Emirates. She holds an M.Div. from Southern Seminary as well as a B.B.A. and B.A. from Mercer University.



MR. TOMASZ BACHOSZ

is a lead growth engineer at Inflow, a Y-Combinator backed startup which develops the number one solution in the world for ADHD management. He was previously an entrepreneur with startups founded in N.Y.C. and San Francisco with V.C. backing. He holds M.Sc. in computer science from the University of Oxford, a B.Sc. in computer science from New York University Abu Dhabi, and was named in Poland's Forbes 25 under 25 for his developments in new technologies.



MS. JOANNA BARON

is executive director of the Canadian Constitution Foundation. She was the founding national director of the Runnymede Society and previously practiced law as a criminal defense barrister. She studied law at McGill University and classical liberal arts at St. John's College (Annapolis and Santa Fe).



MS. EVA CHIPIUK

is a lawyer who most recently represented leaders of the Freedom Convoy and cross examined the sitting prime minister of Canada. She launched a multimillion-dollar lawsuit against the government and Canada's public broadcasting company for negligence and misinformation, and has started a podcast to help Canadians understand their legal rights and political processes so they can be more active citizens. She holds a B.Sc. in psychology from the University of Alberta, an L.L.B. from the University of Ottawa, and an L.L.M. in alternative dispute resolution from York University—Osgoode Hall Law School.



MR. MICHAEL CONNORS

is a postgraduate scholar with the Ramsay Centre for Western Civilisation, currently completing an M.A. in liberal arts at St. John's College. Prior to moving to the U.S., he was the director of music at Cammeray Public School and the North Shore Community Band, in Sydney, Australia. He holds a B.M. from the Queensland Conservatorium and a graduate diploma of education from Griffith University.



MR. ØYVIND J.V. EVENSTAD

is a school wwteacher and freelance writer living in Oslo, Norway. He is one of the founders of the Norwegian association for all conservative students (FAKS) and former leader of its first chapter. He holds an M.A. in ancient philosophy, a B.A. in philosophy and history of ideas, and a postgraduate certificate in education from the University of Oslo, as well as having completed courses in English and religious education from the University of York and the University of Glasgow.



MR. ETHAN GREEN

is an award-winning researcher into the collapse of Roman democracy. He has written and lectured on numerous subjects such as constitutional theory and the English Civil War. As a student at Exeter University, he was an international debater and president of multiple debating societies. Currently, he works alongside Ideas Matter to organize events in support of freedom of expression such as the Battle of Ideas Festival and salons within Cambridge and Oxford Universities.



MS. PAIGE HUNTER

holds a B.A. from McGill University and a M.Sc. from the University of Edinburgh. Her graduate thesis focused on Canadian security and foreign policy toward the Afghanistan and Iraq Wars. During the 2021 Canadian federal election campaign, Paige was the candidate for the Conservative Party of Canada for New Westminster-Burnaby. She currently lives in Vancouver where she works as a security risk consultant and crime statistics analyst.



MR. PETER KAEMINGK

is a researcher and lecturer in philosophy of law at Leiden University. He is also the founder of the Pascal Institute. He holds an M.A. in philosophy of religion from Harvard University and a B.A. from St. John's College (Annapolis).



MRS. ELLIE KRASNE-COHEN

is the founder of Krasne Strategies, a consulting firm. She is a senior fellow at Parents Defending Education, visiting fellow at Independent Women's Forum, and an A.E.I. Civic Renewal Fellow. She has a B.A. in English from the University of Kansas, and an M.A. in divinity from the University of Chicago.



MR. AUSTIN LAMB

is a Ph.D. student of political theory and American politics at Boston College. He holds an M.A. in political science from Boston College, as well as a B.S. in political science and a B.A. in Spanish from Boise State University. He has written for *American Purpose*, *The American Conservative*, *The American Mind*, and *Bright Lights Film Journal*.



MRS. AGATA LUPOMĚSKÁ

served as deputy director of the Office of the Head of the Foreign Service and Political Expert to the Ambassador to the Court of St. James. She previously worked at the Centre of Political Thought in Kraków, Poland's oldest conservative think-tank. She holds an M.A. in international relations from the Jagiellonian University, where she also studies law, with a focus on public international law and European law.



DR. SELENA MILANOVIC

is a biomedical engineer dedicated to harnessing the potential of technology to enhance the quality and healthcare accessibility. Having completed a D.Phil. at the University of Oxford, Selena became an expert advisor at Siemens, where she cooperates with international policy makers and was twice honored as a Forbes Under 30 leader in science and healthcare.



MS. ELLA NIXON

is a curator and third year Ph.D. candidate at Northumbria University. Her research pertains to the transformative power of art, twentieth-century female artists, and regional art galleries. She completed a B.A. in history at the University of Cambridge followed by an M.A. in art history at the Courtauld Institute of Art at the University of London.



MS. ANNIE PHILLIPS

is the executive director of Renaissance at SAINT in London. She was previously a media and policy advisor to an Australian M.P. and has worked in strategy and research across various industries and sectors. She holds an M.Phil. in public policy from Cambridge University and a B.Com. majoring in commercial law and public sector management from Macquarie University.



MR. SAMUEL RAPINOJA DE CARVALHO

is an assistant to a member of the Finnish parliament. Previously he worked as a secretary for the Finns Party Youth, of which he is currently a board member. He is also chairman of the Finns Party Youth Uusimaa region and a member of the board in the Espoo local chapter of the Finns Party.



DR. LOREN ROTNER

is assistant chief academic officer and assistant professor of intellectual foundations and political philosophy at the University of Austin. From 2017-2021, he served as the special assistant to President Pano Kanelos and visiting tutor at St. John's College, Annapolis. He earned his Ph.D. from Claremont Graduate University, his M.A. from UT-Austin, and B.A. from Kenyon College, all in political science.



MS. LINDSAY SHEPHERD

is a columnist at the Canadian news organization True North, as well as author of *Diversity and Exclusion: Confronting the Campus Free Speech Crisis*. Lindsay is on the board of directors of the Conservative Party of British Columbia. She holds an M.A. in cultural analysis and social theory from Wilfrid Laurier University, and a B.A. in communication and political science from Simon Fraser University.



DR. JOWITA THOR

is a historian specializing in the history of women, law, religion, and sexuality in Britain and Ireland. From October 2023, she will work as an economic and social research council postdoctoral fellow at the Law School, University of Strathclyde. She previously worked as a research assistant for a project on Ireland's Magdalene laundries at the Centre for Crime and Social Justice (Strathclyde), and a project manager at the Centre of Theology and Public Issues (Edinburgh). Jo was educated at Universities of Edinburgh, and Tübingen. Her doctoral research explored the history of Protestant Magdalene Asylums in Scotland.



MR. OFIR ZIGELMAN

is senior manager of product management, expansion strategy at Amazon Web Services (A.W.S.). Prior to A.W.S., he served as senior intelligence officer in the Israeli Prime Minister's Office and team commander in Unit 8200, an elite Israeli intelligence technology unit. He also served as a research fellow at Harvard, and holds a law degree from Tel Aviv University, an M.B.A. from Wharton, an M.P.A. from Harvard, and an M.A. in international relations from Cambridge.

TABLE OF CONTENTS

DAY 1

Sunday, September 10

The Listening Culture
Benjamin Crocker

- Plato, *Republic*, selections; Aristotle, *Nicomachean Ethics*, selections; Hume, *Essays*, selections; Smith, *The Theory of Moral Sentiments*, selections; Crocker, “200 years of Great Classical Hits,” “On Cesar, Chicago, and Censorship,” Scruton, “Music and Morality”

DAY 2

Monday, September 11

The First Principles of Liberty I
Roger Pilon

- Pilon, “American Constitutional Theory and History: Implications for European Constitutionalism”

The First Principles of Liberty II
Roger Pilon

- Pilon, “The Constitutional Protection of Property Rights: America and Europe”

A Foundational Look at Economics
David Rose

- Rose, “The Early Evolution of Economic Society”

The Evolution of the Free-Thinking Mind
David Rose

- Rose, “On the Evolution of Ethics, Rationality, and Economic Behavior”

DAY 3

Tuesday, September 12

Adam Smith
Maria Paganelli

- Smith, *The Wealth of Nations*, selections

Nationalism Rightly Understood
Juliana Geran Pilon

- Geran Pilon, “Some Basic Philosophical Categories,” “The East-Central European Context,” and “Democratic Internationalism is Orwellian Newspeak for Illiberal Globalism”

David Hume
Maria Paganelli

- Hume, *Essays*, selections

From Rule of Law to the Rule of Lawyers
James Orr

- Fortescue, *In Praise of the Laws of England*, selections; Lord Mansfield, *Somerset v Stewart* (1772) 98 ER 499; Maine, *Ancient Law*, selections; Dicey, *The Law of the Constitution*, selections; Scruton, *England: An Elegy*, selections; Ferguson, *The Great Degeneration*, selections

DAY 4

Wednesday, September 13

The Psychological Effects of Historiography
Anthony Daniels

- Butterfield, *The Whig Interpretation of History*, selections; Carr, *What is History?*, selections; Popper, *The Poverty of Historicism*, selections

Partisanship, Friendship, and the Virtue of a Free People
Jean Yarbrough

- Aristotle, *Nicomachean Ethics*, selections; Hume, *Essays*, selections; Montesquieu, *The Greatness of the Romans and Their Decline*, selections; Jefferson, “Select Correspondence”

Building a World Together
Joshua Mitchell

- Mitchell, *American Awakening: Identity Politics and Other Afflictions of Our Time*, selections

DAY 5

Thursday, September 14

The Problem of Identity Politics
Joshua Mitchell

- Mitchell, *American Awakening: Identity Politics and Other Afflictions of Our Time*, selections

Cold War II: Ideological, Geopolitical, and Technological Challenges for a Free Society
Niall Ferguson

- Ferguson, *Doom: The Politics of Catastrophe*, selections; Orwell, “You and the Atomic Bomb,” Pomfret and Pottinger, “Xi Jinping Says He Is Preparing China for War,” Kennan, “The Sources of Soviet Conduct”

Music, Morality and the Lost Listening Culture: from Antiquity through Enlightenment, to the Present Day

Benjamin Crocker

Common Sense Society

[Summer Fellowship Series, 2023]

Fellowship Pre-Readings (18 pages):

1. **Plato:** *Republic* (Trans. Bloom) [Book III, 398c – 402d]
(5 pages)
2. **Aristotle:** *Nichomachean Ethics* (Trans. Irwin) [Book II, Chap. 1-4]
(5 pages)
3. **Hume:** *Essays, Political Moral and Literary*. Essay I – ‘Of the Delicacy of Taste and Passion’
(3 pages)
4. **Smith:** *The Theory of Moral Sentiments*: Part One, Section II: ‘Of the Degrees of the different Passions which are consistent with Propriety’ – Chap. III, *Of the unsocial Passions*
(5 pages)

Optional/Post-Seminar Readings (42 pages):

1. **Hume:** *Essays, Political Moral and Literary*. Essay XIV – ‘Of the Rise and Progress of the Arts and Sciences’
(14 pages)
2. **Crocker:** *200 years of Great Classic Hits: On the Death and Resurrection of musical invention, and, On Cesar, Chicago, and Censorship*
(14 pages)
3. **Scruton:** *Music and Morality*
(14 pages)

THE REPUBLIC OF PLATO

SECOND EDITION

TRANSLATED WITH NOTES AND
AN INTERPRETIVE ESSAY BY
ALLAN BLOOM



BasicBooks

A Division of HarperCollinsPublishers

“Now, my friend,” I said, “it’s likely we are completely finished with that part of music that concerns speeches and tales. What must be told and how it must be told have been stated.”

“That’s my opinion too,” he said.

c “After that,” I said, “doesn’t what concerns the manner of song and melody remain?”

“Plainly.”

"Couldn't everyone by now discover what we have to say about how they must be if we're going to remain in accord with what has already been said?" 398 c

And Glaucon laughed out and said, "I run the risk of not being included in everyone. At least I'm not at present capable of suggesting what sort of things we must say. However, I've a suspicion."

"At all events," I said, "you are, in the first place, surely capable of saying that melody is composed of three things—speech, harmonic mode, and rhythm." d

"Yes," he said, "that I can do."

"What's speech in it surely doesn't differ from the speech that isn't sung insofar as it must be spoken according to the same models we prescribed a while ago and in the same way."

"True," he said.

"And, further, the harmonic mode and the rhythm must follow the speech."

"Of course."

"Moreover, we said there is no further need of wailing and lamentations in speeches."

"No, there isn't."

"What are the wailing modes? Tell me, for you're musical." e

"The mixed Lydian," he said, "and the 'tight' Lydian and some similar ones."

"Aren't they to be excluded?" I said. "They're useless even for women who are to be decent, let alone for men."

"Certainly."

"Then again, drunkenness, softness, and idleness are most unseemly for guardians."

"Of course."

"What modes are soft and suitable for symposia?"⁴⁶

"There are some Ionian," he said, "and some Lydian, too, which are called 'slack.'"

"Could you, my friend, use them for war-making men?" 399 a

"Not at all," he said. "So, you've probably got the Dorian and the Phrygian left."

"I don't know the modes," I said. "Just leave that mode which would appropriately imitate the sounds and accents of a man who is courageous in warlike deeds and every violent work, and who in failure or when going to face wounds or death or falling into some other disaster, in the face of all these things stands up firmly and patiently against chance. And, again, leave another mode for a man who performs a peaceful deed, one that is not violent but voluntary, either per- b

b suading someone of something and making a request—whether a god
by prayer or a human being by instruction and exhortation—or, on the
contrary, holding himself in check for someone else who makes a re-
quest or instructs him or persuades him to change, and as a result act-
ing intelligently, not behaving arrogantly, but in all these things acting
c moderately and in measure and being content with the consequences.
These two modes—a violent one and a voluntary one, which will pro-
duce the finest imitation of the sounds of unfortunate and fortunate,
moderate and courageous men—leave these.”

“You’re asking me to leave none other than those I was just speaking of.”

“Then,” I said, “there’ll be no need of many-toned or panharmonic instruments for our songs and melodies.”

“It doesn’t look like it to me,” he said.

d “Then we’ll not support the craftsmen who make lutes, harps, and all the instruments that are many-stringed and play many modes.”

“It doesn’t look like we will,” he said.

“And what about this? Will you admit flutemakers and flutists into the city? Or, isn’t the flute the most many-stringed of all, and aren’t the panharmonic instruments themselves imitations of it?”

“Plainly,” he said.

“The lyre and the cithar are left you as useful for the city,” I said. “And, further, for the country, there’d be a sort of pipe for the herdsmen.”

“At least so our argument indicates,” he said.

e “It’s nothing new we’re doing, my friend,” I said, “in choosing Apollo and Apollo’s instruments ahead of Marsyas and his instruments.”⁴⁷

“No, by Zeus,” he said. “We don’t look to me as though we were.”

“And, by the dog,” I said, “unawares we’ve again purged the city that a while ago we said was luxurious.”

“That’s a sign of our moderation,” he said.

400 a “Come, then,” I said, “and let’s purge the rest. Now, following on harmonic modes would be our rule about rhythms: we mustn’t seek subtle ones nor all sorts of feet, but we’ll see which are the rhythms of an orderly and courageous life; and when we have seen them, we’ll compel the foot and the tune to follow the speech of such a man, rather than the speech following the foot and the tune. Whatever these rhythms might be is your job to tell, just as with the harmonic modes.”

“But, by Zeus, I can’t say,” he said. “There are three forms out of

which the feet are woven, just as there are four for sounds from which all the modes are compounded—this I've observed and could tell. But as to which sort are imitations of which sort of life, I can't say."⁴⁸

400 a

"We'll consult with Damon⁴⁹ too," I said, "about which feet are appropriate for illiberality and insolence or madness and the rest of vice, and which rhythms must be left for their opposites. I think I heard him, but not clearly, naming a certain enoplion foot, which is a composite, and a dactyl and an heroic—I don't know how, but he arranged it and presented it so that it's equal up and down, passing into a short and a long; and, I think, he named one iambic and another trochaic and attached longs and shorts to them. With some of these I think he blamed and praised the tempo of the foot no less than the rhythms themselves, or it was the two together—I can't say. But, as I said, let these things be turned over to Damon. To separate them out⁵⁰ is no theme for a short argument. Or do you think so?"⁵¹

b

"Not I, by Zeus."

"But you are able to determine that grace and gracelessness⁵² accompany rhythm and lack of it?"

"Of course."

"Further, rhythm and lack of it follow the style, the one likening itself to a fine style, the other to its opposite; and it's the same with harmony and lack of it, provided, that is, rhythm and harmonic mode follow speech, as we were just saying, and not speech them."

c

"But, of course," he said, "they must accompany speech."

"What about the manner of the style and the speech?" I said. "Don't they follow the disposition of the soul?"

"Of course."

"And the rest follow the style?"

"Yes."

"Hence, good speech, good harmony, good grace, and good rhythm accompany good disposition,⁵³ not the folly that we endearingly call 'good disposition,' but that understanding truly trained to a good and fair disposition."

d

"That's entirely certain," he said.

"Mustn't the young pursue them everywhere if they are to do their own work?"

"Indeed they must be pursued."

"Surely painting is full of them, as are all crafts of this sort; weaving is full of them, and so are embroidery, housebuilding, and also all the crafts that produce the other furnishings; so, furthermore, is the nature of bodies and the rest of what grows. In all of them there is grace or gracelessness. And gracelessness, clumsiness, inhar-

e

401 a

401 *a* moniousness, are akin to bad speech and bad disposition, while their opposites are akin to, and imitations of, the opposite—moderate and good disposition.”

“Entirely so,” he said.

b “Must we, then, supervise only the poets and compel them to impress the image of the good disposition on their poems or not to make them among us? Or must we also supervise the other craftsmen and prevent them from impressing this bad disposition, a licentious, illiberal, and graceless one, either on images of animals or on houses or on anything else that their craft produces? And the incapable craftsman we mustn’t permit to practice his craft among us, so that our guardians
c won’t be reared on images of vice, as it were on bad grass, every day cropping and grazing on a great deal little by little from many places, and unawares put together some one big bad thing in their soul? Mustn’t we, rather, look for those craftsmen whose good natural endowments make them able to track down the nature of what is fine and graceful, so that the young, dwelling as it were in a healthy place, will be benefited by everything; and from that place something of the fine works will strike their vision or their hearing, like a breeze bringing
d health from good places; and beginning in childhood, it will, without their awareness, with the fair speech lead them to likeness and friendship as well as accord?”

“In this way,” he said, “they’d have by far the finest rearing.”

“So, Glaucon,” I said, “isn’t this why the rearing in music is most sovereign? Because rhythm and harmony most of all insinuate themselves into the inmost part of the soul and most vigorously lay hold of it in bringing grace with them; and they make a man graceful if he is
e correctly reared, if not, the opposite. Furthermore, it is sovereign because the man properly reared on rhythm and harmony would have the sharpest sense for what’s been left out and what isn’t a fine product of craft or what isn’t a fine product of nature. And, due to his having the right kind of dislikes, he would praise the fine things; and, taking pleasure in them and receiving them into his soul, he would be reared on them and become a gentleman. He would blame and hate the ugly in
402 *a* the right way while he’s still young, before he’s able to grasp reasonable speech. And when reasonable speech comes, the man who’s reared in this way would take most delight in it, recognizing it on account of its being akin?”

“In my opinion, at least,” he said, “it’s for such reasons that there’s rearing in music.”

“Then,” I said, “just as we were competent at reading only when the few letters there are didn’t escape us in any of the combinations in
b which they turn up, and we didn’t despise them as not needing to be

noticed in either small writing or large, but were eager to make them out everywhere, since we wouldn't be skilled readers before we could do so—"

402 b

"True."

"Now isn't it also true that if images of writings should appear somewhere, in water or in mirrors, we wouldn't recognize them before we knew the things themselves, but both belong to the same art and discipline?"

"That's entirely certain."

"So, in the name of the gods, is it as I say: we'll never be musical—either ourselves or those whom we say we must educate to be guardians—before we recognize the forms of moderation, courage, liberality, magnificence, and all their kin, and, again, their opposites, everywhere they turn up, and notice that they are in whatever they are in, both themselves and their images, despising them neither in little nor big things, but believing that they all belong to the same art and discipline?"

c

"Quite necessarily," he said.

"Then," I said, "if the fine dispositions that are in the soul and those that agree and accord with them in the form should ever coincide in anyone, with both partaking of the same model, wouldn't that be the fairest sight for him who is able to see?"

d

"By far."

"Now the fairest is the most lovable?"

"Of course."

"It's the musical man who would most of all love such human beings, while if there were one who lacked harmony, he wouldn't love him."

"No, he wouldn't," he said, "at least if there were some defect in the soul. If, however, there were some bodily defect, he'd be patient and would willingly take delight in him."

e

Aristotle

Nicomachean Ethics

Second Edition

Translated,
with Introduction, Notes, and Glossary, by
Terence Irwin

BOOK II

[VIRTUE OF CHARACTER]

1

[How a Virtue of Character Is Acquired]

- 15 Virtue, then, is of two sorts, virtue of thought and virtue of character. Virtue of thought arises and grows mostly from teaching; that is why it needs experience and time. Virtue of character [i.e., of *ēthos*] results from habit [*ethos*]; hence its name 'ethical', slightly varied from 'ethos'.*

- §2 Hence it is also clear that none of the virtues of character arises in
20 us naturally. For if something is by nature in one condition, habituation cannot bring it into another condition. A stone, for instance, by nature moves downwards, and habituation could not make it move upwards, not even if you threw it up ten thousand times to habituate it; nor could habituation make fire move downwards, or bring anything that is by nature in one condition into another condition. §3 And so the virtues
25 arise in us neither by nature nor against nature. Rather, we are by nature able to acquire them, and we are completed through habit.*

- §4 Further, if something arises in us by nature, we first have the capacity for it, and later perform the activity. This is clear in the case of the
30 senses; for we did not acquire them by frequent seeing or hearing, but we already had them when we exercised them, and did not get them by exercising them. Virtues, by contrast, we acquire, just as we acquire crafts, by

having first activated them. For we learn a craft by producing the same product that we must produce when we have learned it; we become builders, for instance, by building, and we become harpists by playing the harp. Similarly, then, we become just by doing just actions, temperate by doing temperate actions, brave by doing brave actions. 1103a
1103b

§5 What goes on in cities is also evidence for this. For the legislator makes the citizens good by habituating them, and this is the wish of every legislator; if he fails to do it well he misses his goal.* Correct habituation distinguishes a good political system from a bad one. 5

§6 Further, the sources and means that develop each virtue also ruin it, just as they do in a craft. For playing the harp makes both good and bad harpists, and it is analogous in the case of builders and all the rest; for building well makes good builders, and building badly makes bad ones. §7 Otherwise no teacher would be needed, but everyone would be born a good or a bad craftsman. 10

It is the same, then, with the virtues. For what we do in our dealings with other people makes some of us just, some unjust; what we do in terrifying situations, and the habits of fear or confidence that we acquire, make some of us brave and others cowardly. The same is true of situations involving appetites and anger; for one or another sort of conduct in these situations makes some temperate and mild, others intemperate and irascible. To sum it up in a single account: a state [of character] results from [the repetition of] similar activities.* 15
20

§8 That is why we must perform the right activities, since differences in these imply corresponding differences in the states.* It is not unimportant, then, to acquire one sort of habit or another, right from our youth. On the contrary, it is very important, indeed all-important. 25

2

[Habituation]

Our present discussion does not aim, as our others do, at study; for the purpose of our examination is not to know what virtue is, but to become good, since otherwise the inquiry would be of no benefit to us.* And so we must examine the right ways of acting; for, as we have said, the actions also control the sorts of states we acquire. 30

§2 First, then, actions should accord with the correct reason.* That is a common [belief], and let us assume it. We shall discuss it later, and say what the correct reason is and how it is related to the other virtues.

§3 But let us take it as agreed in advance that every account of the actions we must do has to be stated in outline, not exactly. As we also said at the beginning, the type of accounts we demand should accord with the subject matter; and questions about actions and expediency, like questions about health, have no fixed answers.* 1104a

1104a5 §4 While this is the character of our general account, the account of particular cases is still more inexact. For these fall under no craft or profession; the agents themselves must consider in each case what the opportune action is, as doctors and navigators do.* §5 The account we offer, then, in our present inquiry is of this inexact sort; still, we must try to offer help.*

§6 First, then, we should observe that these sorts of states naturally tend to be ruined by excess and deficiency. We see this happen with strength and health—for we must use evident cases [such as these] as witnesses to things that are not evident.* For both excessive and deficient exercise ruin bodily strength, and, similarly, too much or too little eating or drinking ruins health, whereas the proportionate amount produces, increases, and preserves it.

20 §7 The same is true, then, of temperance, bravery, and the other virtues. For if, for instance, someone avoids and is afraid of everything, standing firm against nothing, he becomes cowardly; if he is afraid of nothing at all and goes to face everything, he becomes rash. Similarly, if he gratifies himself with every pleasure and abstains from none, he becomes intemperate; if he avoids them all, as boors do, he becomes some sort of insensible person. Temperance and bravery, then, are ruined by excess and deficiency, but preserved by the mean.*

§8 But these actions are not only the sources and causes both of the emergence and growth of virtues and of their ruin; the activities of the virtues [once we have acquired them] also consist in these same actions.* For this is also true of more evident cases; strength, for instance, arises from eating a lot and from withstanding much hard labor, and it is the strong person who is most capable of these very actions. §9 It is the same with the virtues. For abstaining from pleasures makes us become temperate, and once we have become temperate 35 we are most capable of abstaining from pleasures. It is similar with bravery; habituation in disdain for frightening situations and in standing firm against them makes us become brave, and once we have become brave we shall be most capable of standing firm.

3

[The Importance of Pleasure and Pain]

5 But we must take someone's pleasure or pain following on his actions to be a sign of his state.* For if someone who abstains from bodily pleasures enjoys the abstinence itself, he is temperate; if he is grieved by it, he is intemperate.* Again, if he stands firm against terrifying situations and enjoys it, or at least does not find it painful, he is brave; if he finds it painful, he is cowardly. For virtue of character is about pleasures and pains.*

For pleasure causes us to do base actions, and pain causes us to abstain from fine ones. §2 That is why we need to have had the appropriate upbringing—right from early youth, as Plato says*—to make us find enjoyment or pain in the right things; for this is the correct education. 1104b10

§3 Further, virtues are concerned with actions and feelings; but every feeling and every action implies pleasure or pain;* hence, for this reason too, virtue is about pleasures and pains. §4 Corrective treatments also indicate this, since they use pleasures and pains; for correction is a form of medical treatment, and medical treatment naturally operates through contraries. 15

§5 Further, as we said earlier, every state of soul is naturally related to and about whatever naturally makes it better or worse; and pleasures and pains make people base, from pursuing and avoiding the wrong ones, at the wrong time, in the wrong ways, or whatever other distinctions of that sort are needed in an account. These [bad effects of pleasure and pain] are the reason why people actually define the virtues as ways of being unaffected and undisturbed [by pleasures and pains].* They are wrong, however, because they speak of being unaffected without qualification, not of being unaffected in the right or wrong way, at the right or wrong time, and the added qualifications. 20 25

§6 We assume, then, that virtue is the sort of state that does the best actions concerning pleasures and pains, and that vice is the contrary state.

§7 The following will also make it evident that virtue and vice are about the same things. For there are three objects of choice—fine, expedient, and pleasant—and three objects of avoidance—their contraries, shameful, harmful, and painful.* About all these, then, the good person is correct and the bad person is in error, and especially about pleasure. For pleasure is shared with animals, and implied by every object of choice, since what is fine and what is expedient appear pleasant as well. 30 35 1105a

§8 Further, pleasure grows up with all of us from infancy on. That is why it is hard to rub out this feeling that is dyed into our lives. We also estimate actions [as well as feelings]—some of us more, some less—by pleasure and pain. §9 For this reason, our whole discussion must be about these; for good or bad enjoyment or pain is very important for our actions. 5

§10 Further, it is more difficult to fight pleasure than to fight spirit—and Heracleitus tells us [how difficult it is to fight spirit].* Now both craft and virtue are in every case about what is more difficult, since a good result is even better when it is more difficult. Hence, for this reason also, the whole discussion, for virtue and political science alike, must consider pleasures and pains; for if we use these well, we shall be good, and if badly, bad. 10

§11 To sum up: Virtue is about pleasures and pains; the actions that are its sources also increase it or, if they are done badly, ruin it; and its activity is about the same actions as those that are its sources. 15

4

[Virtuous Actions versus Virtuous Character]

1105a Someone might be puzzled, however, about what we mean by saying that we become just by doing just actions and become temperate by doing temperate actions.* For [one might suppose that] if we do grammatical or
 20 musical actions, we are grammarians or musicians, and, similarly, if we do just or temperate actions, we are thereby just or temperate.

§2 But surely actions are not enough, even in the case of crafts;* for it is possible to produce a grammatical result by chance, or by following someone else's instructions. To be grammarians, then, we must both pro-
 25 duce a grammatical result and produce it grammatically—that is to say, produce it in accord with the grammatical knowledge in us.

§3 Moreover, in any case, what is true of crafts is not true of virtues.* For the products of a craft determine by their own qualities whether they have been produced well; and so it suffices that they have the right qualities when they have been produced.* But for actions in accord with the
 30 virtues to be done temperately or justly it does not suffice that they themselves have the right qualities.* Rather, the agent must also be in the right state when he does them. First, he must know [that he is doing virtuous actions]; second, he must decide on them, and decide on them for themselves; and, third, he must also do them from a firm and unchanging state.

1105b As conditions for having a craft, these three do not count, except for the bare knowing.* As a condition for having a virtue, however, the knowing counts for nothing, or [rather] for only a little, whereas the other two conditions are very important, indeed all-important. And we achieve
 5 these other two conditions by the frequent doing of just and temperate actions.

§4 Hence actions are called just or temperate when they are the sort that a just or temperate person would do. But the just and temperate person is not the one who [merely] does these actions, but the one who also does them in the way in which just or temperate people do them.

10 §5 It is right, then, to say that a person comes to be just from doing just actions and temperate from doing temperate actions; for no one has the least prospect of becoming good from failing to do them.

§6 The many, however, do not do these actions. They take refuge in arguments, thinking that they are doing philosophy, and that this is the
 15 way to become excellent people. They are like a sick person who listens attentively to the doctor, but acts on none of his instructions. Such a course of treatment will not improve the state of the sick person's body; nor will the many improve the state of their souls by this attitude to philosophy.*

DAVID
HUME

ESSAYS

MORAL

POLITICAL

AND

LITERARY

David Hume

[\[Back to Table of Contents\]](#)

PART I*

ESSAYS MORAL, POLITICAL, AND LITERARY

ESSAY I

OF THE DELICACY OF TASTE AND PASSION*

Some People are subject to a certain *delicacy* of *passion*,¹ which makes them extremely sensible to all the accidents of life, and gives them a lively joy upon every prosperous event, as well as a piercing grief, when they meet with misfortunes and adversity. Favours and [good offices](#)^o easily engage their friendship; while the smallest injury provokes their resentment. Any honour or mark of distinction elevates them above measure; but they are as sensibly [touched with contempt](#).^o People of this character have, no doubt, more lively enjoyments, as well as more [pungent](#)^o sorrows, than men of cool and sedate tempers: But, I believe, when every thing is balanced, there is no one, who would not rather be of the latter character, were he entirely master of his own disposition. Good or ill fortune is very little at our disposal: And when a person, that has this [sensibility](#)^o of temper, meets with any misfortune, his sorrow or resentment takes entire possession of him, and deprives him of all relish in the common occurrences of life; the right enjoyment of which forms the chief part of our happiness. Great pleasures are much less frequent than great pains; so that a sensible temper must meet with fewer trials in the former way than in the latter. Not to mention, that men of such lively passions are apt to be transported beyond all bounds of prudence and discretion, and to take false steps in the conduct of life, which are often irretrievable.

There is a *delicacy* of *taste* observable in some men, which very much resembles this *delicacy* of *passion*, and produces the same sensibility to beauty and deformity of every kind, as that does to prosperity and adversity, obligations and injuries. When you present a poem or a picture to a man possessed of this talent, the delicacy of his feeling makes him be sensibly touched with every part of it; nor are the masterly strokes perceived with more exquisite relish and satisfaction, than the negligences or absurdities with disgust and uneasiness. A polite and judicious conversation affords him the highest entertainment; rudeness or impertinence is as great a punishment to him. In short, delicacy of taste has the same effect as delicacy of passion: It enlarges the sphere both of our happiness and misery, and makes us sensible to pains as well as pleasures, which escape the rest of mankind.

I believe, however, every one will agree with me, that, notwithstanding this resemblance, delicacy of taste is as much to be desired and cultivated as delicacy of passion is to be lamented, and to be remedied, if possible. The good or ill accidents of life are very little at our disposal; but we are pretty much masters what books we shall read, what diversions we shall partake of, and what company we shall keep.

Philosophers have endeavoured to render happiness entirely independent of every thing external. That degree of perfection is impossible to be *attained*: But every wise man will endeavour to place his happiness on such objects chiefly as depend upon himself: and *that* is not to be *attained* so much by any other means as by this delicacy of sentiment.² When a man is possessed of that talent, he is more happy by what pleases his taste, than by what gratifies his appetites, and receives more enjoyment from a poem or a piece of reasoning than the most expensive luxury can afford.^a

Whatever connection there may be originally³ between these two species of delicacy, I am persuaded, that nothing is so proper to cure us of this delicacy of passion, as the cultivating of that higher and more refined taste, which enables us to judge of the characters of men, of compositions of genius, and of the productions of the [nobler arts](#).^o A greater or less relish for those obvious beauties, which strike the senses, depends entirely upon the greater or less sensibility of the temper: But with regard to the sciences and liberal arts, a fine taste is, in some measure, the same with strong sense, or at least depends so much upon it, that they are inseparable. In order to judge aright of a composition of genius, there are so many views to be taken in, so many circumstances to be compared, and such a knowledge of human nature requisite, that no man, who is not possessed of the soundest judgment, will ever make a tolerable critic in such performances. And this is a new reason for cultivating a [relish](#)^o in the liberal arts. Our judgment will strengthen by this exercise: We shall form juster notions of life: Many things, which please or afflict others, will appear to us too frivolous to engage our attention: And we shall lose by degrees that sensibility and delicacy of passion, which is so [incommodious](#).^o

But perhaps I have gone too far in saying, that a cultivated taste for the polite arts extinguishes the passions, and renders us indifferent to those objects, which are so fondly pursued by the rest of mankind. On farther reflection, I find, that it rather improves our sensibility for all the tender and agreeable passions; at the same time that it renders the mind incapable of the rougher and more boisterous emotions.

*Ingenuas didicisse fideliter artes,
Emollit mores, nec sinit esse feros.*⁴

For this, I think there may be assigned two very natural reasons. In the *first* place, nothing is so improving to the temper as the study of the beauties, either of poetry, eloquence, music, or painting. They give a certain elegance of sentiment to which the rest of mankind are strangers. The emotions which they excite are soft and tender. They draw off the mind from the hurry of business and interest; cherish reflection; dispose to tranquillity; and produce an agreeable [melancholy](#).^o which, of all dispositions of the mind, is the best suited to love and friendship.

In the *second* place, a delicacy of taste is favourable to love and friendship, by confining our choice to few people, and making us indifferent to the company and conversation of the greater part of men. You will seldom find, that mere men of the world, whatever strong sense they may be endowed with, are very [nice](#)^o in distinguishing characters, or in marking those insensible differences and gradations, which make one man preferable to another. Any one, that has competent sense, is

sufficient for their entertainment: They talk to him, of their pleasure and affairs, with the same frankness that they would to another; and finding many, who are fit to supply his place, they never feel any [vacancy](#)^o or [want](#)^o in his absence. But to make use of the allusion of a celebrated French [5](#) author, the judgment [6](#) may be compared to a clock or watch, where the most ordinary machine is sufficient to tell the hours; but the most elaborate alone can point out the minutes and seconds, and distinguish the smallest differences of time. One that has well digested his knowledge both of books and men, has little enjoyment but in the company of a few select companions. He feels too [sensibly](#)^o how much all the rest of mankind fall short of the notions which he has entertained. And, his affections being thus confined within a narrow circle, no wonder he carries them further, than if they were more general and undistinguished. The gaiety and frolic of a [bottle companion](#)^o improves with him into a solid friendship: And the ardours of a youthful appetite become an elegant passion.

46
R.S. gave this book
to the Rev^d. Mr. Fell. & after his
decease, to J.C. Davis.

THE THEORY

O F

MORAL SENTIMENTS.

BY ADAM SMITH,
PROFESSOR OF MORAL PHILOSOPHY in the
University of GLASGOW.

THE SECOND EDITION.



L O N D O N :

Printed for A. MILLAR, in the STRAND ;
And A. KINCAID and J. BELL, in EDINBURGH.
M DCC LXI.

CHAP. III*Of the unsocial Passions*

- 1 THERE IS another set of passions, which, though derived from the imagination, yet before we can enter into them, or regard them as graceful or becoming, must always be brought down to a pitch much lower than that to which undisciplined nature would raise them. These are, hatred and resentment, with all their different modifications. With regard to all such passions, our sympathy is divided between the person who feels them, and the person who is the object of them. The interests of these two are directly opposite. What our sympathy with the person who feels them would prompt us to wish for, our fellow-feeling with the other would lead us to fear. As they are both men, we are concerned for both, and our fear for what the one may suffer, damps our resentment for what the other has suffered. Our sympathy, therefore, with the man who has received the provocation, necessarily falls short of the passion which naturally animates him, not only upon account of those general causes which render all sympathetic passions inferior to the original ones, but upon account of that particular cause which is peculiar to itself, our opposite sympathy with another person. Before resentment, therefore, can become graceful and agreeable, it must be more humbled and brought down below that pitch to which it would naturally rise, than almost any other passion.
- 2 Mankind, at the same time, have a very strong sense of the injuries that are done to another. The villain, in a tragedy or romance, is as much the object of our indignation, as the hero is that of our sympathy and affection. We detest Iago as much as we esteem Othello; and delight as much in the punishment of the one, as we are grieved at the distress of the other. But though mankind have so strong a fellow-feeling with the injuries that are done to their brethren, they do not always resent them the more that the sufferer appears to resent them. Upon most occasions, the greater his patience, his mildness, his humanity, provided it does not appear that he wants spirit, or that fear was the motive of his forbearance, the higher their resentment against the person who injured him. The amiableness of the character exasperates their sense of the atrocity of the injury.
- 3 Those passions, however, are regarded as necessary parts of the character of human nature. A person becomes contemptible who tamely sits still, and submits to insults, without attempting either to repel or to revenge them. We cannot enter into his indifference and insensibility: we call his behaviour mean-spiritedness, and are as really provoked by it as by the insolence of his adversary. Even the mob are enraged to see any man submit patiently to affronts and ill usage. They desire to see this insolence resented, and resented by the person who suffers from

it. They cry to him with fury, to defend, or to revenge himself. If his indignation rouses at last, they heartily applaud, and sympathize with it. It enlivens their own indignation against his enemy, whom they rejoice to see him attack in his turn, and are as really gratified by his revenge, provided it is not immoderate, as if the injury had been done to themselves.

- 4 But though the utility of those passions to the individual, by rendering it dangerous to insult or injure him, be acknowledged; and though their utility to the public, as the guardians of justice, and of the equality of its administration, be not less considerable, as shall be shewn hereafter; yet there is still something disagreeable in the passions themselves, which makes the appearance of them in other men the natural object of our aversion. The expression of anger towards any body present, if it exceeds a bare intimation that we are sensible of his ill usage, is regarded not only as an insult to that particular person, but as a rudeness to the whole company. Respect for them ought to have restrained us from giving way to so boisterous and offensive an emotion. It is the remote effects of these passions which are agreeable; the immediate effects are mischief to the person against whom they are directed. But it is the immediate, and not the remote effects of objects which render them agreeable or disagreeable to the imagination. A prison is certainly more useful to the public than a palace; and the person who founds the one is generally directed by a much juster spirit of patriotism, than he who builds the other. But the immediate effects of a prison, the confinement of the wretches shut up in it, are disagreeable; and the imagination either does not take time to trace out the remote ones, or sees them at too great a distance to be much affected by them. A prison, therefore, will always be a disagreeable object; and the fitter it is for the purpose for which it was intended, it will be the more so. A palace, on the contrary, will always be agreeable; yet its remote effects may often be inconvenient to the public. It may serve to promote luxury, and set the example of the dissolution of manners. Its immediate effects, however, the conveniency, the pleasure, and the gaiety of the people who live in it, being all agreeable, and suggesting to the imagination a thousand agreeable ideas, that faculty generally rests upon them, and seldom goes further in tracing its more distant consequences. Trophies of the instruments of music or of agriculture, imitated in painting or in stucco, make a common and an agreeable ornament of our halls and dining-rooms. A trophy of the same kind, composed of the instruments of surgery, of dissecting and amputation-knives, of saws for cutting the bones, of trepanning instruments, etc. would be absurd and shocking. Instruments of surgery, however, are always more finely polished, and generally more nicely adapted to the purposes for which they are intended, than instruments of agriculture. The remote effects of them too,

the health of the patient, is agreeable; yet as the immediate effect of them is pain and suffering, the sight of them always displeases us. Instruments of war are agreeable, though their immediate effect may seem to be in the same manner pain and suffering. But then it is the pain and suffering of our enemies, with whom we have no sympathy. With regard to us, they are immediately connected with the agreeable ideas of courage, victory, and honour. They are themselves, therefore, supposed to make one of the noblest parts of dress, and the imitation of them one of the finest ornaments of architecture. It is the same case with the qualities of the mind. The ancient stoics were of opinion, that as the world was governed by the all-ruling providence of a wise, powerful, and good God, every single event ought to be regarded, as making a necessary part of the plan of the universe, and as tending to promote the general order and happiness of the whole: that the vices and follies of mankind, therefore, made as necessary a part of this plan as their wisdom or their virtue; and by that eternal art which educes good from ill, were made to tend equally to the prosperity and perfection of the great system of nature. No speculation of this kind, however, how deeply soever it might be rooted in the mind, could diminish our natural abhorrence for vice, whose immediate effects are so destructive, and whose remote ones are too distant to be traced by the imagination.

- 5 It is the same case with those passions we have been just now considering. Their immediate effects are so disagreeable, that even when they are most justly provoked, there is still something about them which disgusts us. These, therefore, are the only passions of which the expressions, as I formerly observed, do not dispose and prepare us to sympathize with them, before we are informed of the cause which excites them. The plaintive voice of misery, when heard at a distance, will not allow us to be indifferent about the person from whom it comes. As soon as it strikes our ear, it interests us in his fortune, and, if continued, forces us almost involuntarily to fly to his assistance. The sight of a smiling countenance, in the same manner, elevates even the pensive into that gay and airy mood, which disposes him to sympathize with, and share the joy which it expresses; and he feels his heart, which with thought and care was before that shrunk and depressed, instantly expanded and elated. But it is quite otherwise with the expressions of hatred and resentment. The hoarse, boisterous, and discordant voice of anger, when heard at a distance, inspires us either with fear or aversion. We do not fly towards it, as to one who cries out with pain and agony. Women, and men of weak nerves, tremble and are overcome with fear, though sensible that themselves are not the objects of the anger. They conceive fear, however, by putting themselves in the situation of the person who is so. Even those of stouter hearts are disturbed;

not indeed enough to make them afraid, but enough to make them angry; for anger is the passion which they would feel in the situation of the other person. It is the same case with hatred. Mere expressions of spite inspire it against nobody, but the man who uses them. Both these passions are by nature the objects of our aversion. Their disagreeable and boisterous appearance never excites, never prepares, and often disturbs our sympathy. Grief does not more powerfully engage and attract us to the person in whom we observe it, than these, while we are ignorant of their cause, disgust and detach us from him. It was, it seems, the intention of Nature, that those rougher and more unamiable emotions, which drive men from one another, should be less easily and more rarely communicated.

- 6 When music imitates the modulations of grief or joy, it either actually inspires us with those passions, or at least puts us in the mood which disposes us to conceive them. But when it imitates the notes of anger, it inspires us with fear. Joy, grief, love, admiration, devotion, are all of them passions which are naturally musical. Their natural tones are all soft, clear, and melodious; and they naturally express themselves in periods which are distinguished by regular pauses, and which upon that account are easily adapted to the regular returns of the correspondent airs of a tune. The voice of anger, on the contrary, and of all the passions which are akin to it, is harsh and discordant. Its periods too are all irregular, sometimes very long, and sometimes very short, and distinguished by no regular pauses. It is with difficulty, therefore, that music can imitate any of those passions; and the music which does imitate them is not the most agreeable. A whole entertainment may consist, without any impropriety, of the imitation of the social and agreeable passions. It would be a strange entertainment which consisted altogether of the imitations of hatred and resentment.

- 7 If those passions are disagreeable to the spectator, they are not less so to the person who feels them. Hatred and anger are the greatest poison to the happiness of a good mind. There is, in the very feeling of those passions, something harsh, jarring, and convulsive, something that tears and distracts the breast, and is altogether destructive of that composure and tranquillity of mind which is so necessary to happiness, and which is best promoted by the contrary passions of gratitude and love. It is not the value of what they lose by the perfidy and ingratitude of those they live with, which the generous and humane are most apt to regret. Whatever they may have lost, they can generally be very happy without it. What most disturbs them is the idea of perfidy and ingratitude exercised towards themselves; and the discordant and disagreeable passions which this excites, constitute, in their own opinion, the chief part of the injury which they suffer.

- 8 How many things are requisite to render the gratification of resentment completely agreeable, and to make the spectator thoroughly sympathize with our revenge? The provocation must first of all be such that we should become contemptible, and be exposed to perpetual insults, if we did not, in some measure, resent it. Smaller offences are always better neglected; nor is there any thing more despicable than that froward and captious humour which takes fire upon every slight occasion of quarrel. We should resent more from a sense of the propriety of resentment, from a sense that mankind expect and require it of us, than because we feel in ourselves the furies of that disagreeable passion. There is no passion, of which the human mind is capable, concerning whose justness we ought to be so doubtful, concerning whose indulgence we ought so carefully to consult our natural sense of propriety, or so diligently to consider what will be the sentiments of the cool and impartial spectator. Magnanimity, or a regard to maintain our own rank and dignity in society, is the only motive which can ennoble the expressions of this disagreeable passion. This motive must characterize our whole stile and deportment. These must be plain, open, and direct; determined without positiveness, and elevated without insolence; not only free from petulance and low scurrility, but generous, candid, and full of all proper regards, even for the person who has offended us. It must appear, in short, from our whole manner, without our labouring affectedly to express it, that passion has not extinguished our humanity; and that if we yield to the dictates of revenge, it is with reluctance, from necessity, and in consequence of great and repeated provocations. When resentment is guarded and qualified in this manner, it may be admitted to be even generous and noble.

DAVID
HUME

ESSAYS

MORAL

POLITICAL

AND

LITERARY

David Hume

[\[Back to Table of Contents\]](#)

ESSAY XIV

OF THE RISE AND PROGRESS OF THE ARTS AND SCIENCES

Nothing requires greater [nicety](#),^o in our enquiries concerning human affairs, than to distinguish exactly what is owing to *chance*, and what proceeds from *causes*; nor is there any subject, in which an author is more liable to deceive himself by false subtilties and refinements. To say, that any event is derived from chance, cuts short all farther enquiry concerning it, and leaves the writer in the same state of ignorance with the rest of mankind. But when the event is supposed to proceed from certain and stable causes, he may then display his ingenuity, in assigning these causes; and as a man of any subtilty can never be at a loss in this particular, he has thereby an opportunity of swelling his volumes, and discovering his profound knowledge, in observing what escapes the vulgar and ignorant.

The distinguishing between chance and causes must depend upon every particular man's sagacity, in considering every particular incident. But, if I were to assign any general rule to help us in applying this distinction, it would be the following, *What depends upon a few persons is, in a great measure, to be ascribed to chance, or secret and unknown causes: What arises from a great number, may often be accounted for by determinate and known causes.*

Two natural reasons may be assigned for this rule. *First*, If you suppose a dye to have any biass, however small, to a particular side, this biass, though, perhaps, it may not appear in a few throws, will certainly prevail in a great number, and will cast the balance entirely to that side. In like manner, when any *causes* beget a particular inclination or passion, at a certain time, and among a certain people; though many individuals may escape the contagion, and be ruled by passions peculiar to themselves; yet the multitude will certainly be seized by the common affection, and be governed by it in all their actions.

Secondly, Those principles or causes, which are fitted to operate on a multitude, are always of a grosser and more stubborn nature, less subject to accidents, and less influenced by whim and private fancy, than those which operate on a few only. The latter are commonly so delicate and refined, that the smallest incident in the health, education, or fortune of a particular person, is sufficient to divert their course, and retard their operation; nor is it possible to reduce them to any general maxims or observations. Their influence at one time will never assure us concerning their influence at another; even though all the general circumstances should be the same in both cases.

To judge by this rule, the domestic and the gradual revolutions of a state must be a more proper subject of reasoning and observation, than the foreign and the violent, which are commonly produced by single persons, and are more influenced by whim,

folly, or caprice, than by general passions and interests. The depression of the lords, and rise of the commons in England, after the statutes of alienation and the encrease of trade and industry, are more easily accounted for by general principles, than the depression of the Spanish, and rise of the French monarchy, after the death of Charles Quint.¹ Had Harry IV. Cardinal Richlieu, and Louis XIV. been Spaniards; and Philip II. III. and IV. and Charles II. been Frenchmen, the history of these two nations had been entirely reversed.²

For the same reason, it is more easy to account for the rise and progress of commerce in any kingdom, than for that of learning; and a state, which should apply itself to the encouragement of the one, would be more assured of success, than one which should cultivate the other. Avarice, or the desire of gain, is an universal passion, which operates at all times, in all places, and upon all persons: But curiosity, or the love of knowledge, has a very limited influence, and requires youth, leisure, education, genius, and example, to make it govern any person. You will never want booksellers, while there are buyers of books: But there may frequently be readers where there are no authors. Multitudes of people, necessity and liberty, have begotten commerce in Holland: But study and application have scarcely produced any eminent writers.

We may, therefore, conclude, that there is no subject, in which we must proceed with more caution, than in tracing the history of the arts and sciences; lest we assign causes which never existed, and reduce what is merely contingent to stable and universal principles. Those who cultivate the sciences in any state, are always few in number: The passion, which governs them, limited: Their taste and judgment delicate and easily perverted: And their application disturbed with the smallest accident. Chance, therefore, or secret and unknown causes, must have a great influence on the rise and progress of all the refined arts.

But there is a reason, which induces me not to ascribe the matter altogether to chance. Though the persons, who cultivate the sciences with such astonishing success, as to attract the admiration of posterity, be always few, in all nations and all ages; it is impossible but a share of the same spirit and genius must be antecedently diffused throughout the people among whom they arise, in order to produce, form, and cultivate, from their earliest infancy, the taste and judgment of those eminent writers. The mass cannot be altogether insipid, from which such refined spirits are extracted. *There is a God within us*, says Ovid, *who breathes that divine fire, by which we are animated*.³ Poets, in all ages, have advanced this claim to inspiration. There is not, however, any thing supernatural in the case. Their fire is not kindled from heaven. It only runs along the earth; is caught from one breast to another; and burns brightest, where the materials are best prepared, and most happily disposed. The question, therefore, concerning the rise and progress of the arts and sciences, is not altogether a question concerning the taste, genius, and spirit of a few, but concerning those of a whole people; and may, therefore, be accounted for, in some measure, by general causes and principles. I grant, that a man, who should enquire, why such a particular poet, as Homer,⁴ for instance, existed, at such a place, in such a time, would throw himself headlong into [chimæra](#),^o and could never treat of such a subject, without a multitude of false subtilties and refinements. He might as well pretend to give a reason, why such particular generals, as Fabius and Scipio, lived in Rome at such a

time, and why Fabius came into the world before Scipio.⁵ For such incidents as these, no other reason can be given than that of Horace:

Scit genius, natale comes, qui temperat astrum,
Naturæ Deus humanæ, mortalis in unum—
—Quodque caput, vultu mutabilis, albus & ater.⁶

But I am persuaded, that in many cases good reasons might be given, why such a nation is more polite and learned, at a particular time, than any of its neighbours. At least, this is so curious a subject, that it were a pity to abandon it entirely, before we have found whether it be susceptible of reasoning, and can be reduced to any general principles.^a

My first observation on this head is, *That it is impossible for the arts and sciences to arise, at first, among any people unless that people enjoy the blessing of a free government.*

In the first ages of the world, when men are as yet barbarous and ignorant, they seek no farther security against mutual violence and injustice, than the choice of some rulers, few or many, in whom they place an implicit confidence, without providing any security, by laws or political institutions, against the violence and injustice of these rulers. If the authority be centered in a single person, and if the people, either by conquest, or by the ordinary course of propagation, encrease to a great multitude, the monarch, finding it impossible, in his own person, to execute every office of sovereignty, in every place, must delegate his authority to inferior magistrates, who preserve peace and order in their respective districts. As experience and education have not yet refined the judgments of men to any considerable degree, the prince, who is himself unrestrained, never dreams of restraining his ministers, but delegates his full authority to every one, whom he sets over any portion of the people. All general laws are attended with inconveniencies, when applied to particular cases; and it requires great penetration and experience, both to perceive that these inconveniencies are fewer than what result from full discretionary powers in every magistrate; and also to discern what general laws are, upon the whole, attended with fewest inconveniencies. This is a matter of so great difficulty, that men may have made some advances, even in the sublime arts of poetry and eloquence, where a rapidity of genius and imagination assists their progress, before they have arrived at any great refinement in their municipal laws, where frequent trials and diligent observation can alone direct their improvements. It is not, therefore, to be supposed, that a barbarous monarch, unrestrained and uninstructed, will ever become a legislator, or think of restraining his *Bashaws*,^o in every province, or even his *Cadis*^o in every village. We are told, that the late *Czar*,⁷ though actuated with a noble genius, and smit with the love and admiration of European arts; yet professed an esteem for the Turkish policy in this particular, and approved of such summary decisions of causes, as are practised in that barbarous monarchy, where the judges are not restrained by any methods, forms, or laws. He did not perceive, how contrary such a practice would have been to all his other endeavours for refining his people. Arbitrary power, in all cases, is somewhat oppressive and debasing; but it is altogether ruinous and intolerable, when contracted into a small compass; and becomes still worse, when the person, who

possesses it, knows that the time of his authority is limited and uncertain. *Habet subjectos tanquam suos; viles, ut alienos.*⁸ He governs the subjects with full authority, as if they were his own; and with negligence or tyranny, as belonging to another. A people, governed after such a manner, are slaves in the full and proper sense of the word; and it is impossible they can ever aspire to any refinements of taste or reason. They dare not so much as pretend to enjoy the necessities of life in plenty or security.

To expect, therefore, that the arts and sciences should take their first rise in a monarchy, is to expect a contradiction. Before these refinements have taken place, the monarch is ignorant and uninstructed; and not having knowledge sufficient to make him sensible of the necessity of balancing his government upon general laws, he delegates his full power to all inferior magistrates. This barbarous policy debases the people, and for ever prevents all improvements. Were it possible, that, before science were known in the world, a monarch could possess so much wisdom as to become a legislator, and govern his people by law, not by the arbitrary will of their fellow-subjects, it might be possible for that species of government to be the first nursery of arts and sciences. But that supposition seems scarcely to be consistent or rational.

It may happen, that a republic, in its infant state, may be supported by as few laws as a barbarous monarchy, and may entrust as unlimited an authority to its magistrates or judges. But, besides that the frequent elections by the people, are a considerable check upon authority; it is impossible, but, in time, the necessity of restraining the magistrates, in order to preserve liberty, must at last appear, and give rise to general laws and statutes. The Roman Consuls, for some time, decided all causes, without being confined by any positive statutes, till the people, bearing this yoke with impatience, created the *decemvirs*, who promulgated the *twelve tables*; a body of laws, which, though, perhaps, they were not equal in bulk to one English act of parliament, were almost the only written rules, which regulated property and punishment, for some ages, in that famous republic. They were, however, sufficient, together with the forms of a free government, to secure the lives and properties of the citizens, to exempt one man from the dominion of another; and to protect every one against the violence or tyranny of his fellow-citizens. In such a situation the sciences may raise their heads and flourish: But never can have being amidst such a scene of oppression and slavery, as always results from barbarous monarchies, where the people alone are restrained by the authority of the magistrates, and the magistrates are not restrained by any law or statute. An unlimited despotism of this nature, while it exists, effectually puts a stop to all improvements, and keeps men from attaining that knowledge, which is requisite to instruct them in the advantages, arising from a better police, and more moderate authority.

Here then are the advantages of free states. Though a republic should be barbarous, it necessarily, by an infallible operation, gives rise to Law, even before mankind have made any considerable advances in the other sciences. From law arises security: From security curiosity: And from curiosity knowledge. The latter steps of this progress may be more accidental; but the former are altogether necessary. A republic without laws can never have any duration. On the contrary, in a monarchical government, law arises not necessarily from the forms of government. Monarchy, when absolute,

contains even something repugnant to law. Great wisdom and reflexion can alone reconcile them. But such a degree of wisdom can never be expected, before the greater refinements and improvements of human reason. These refinements require curiosity, security, and law. The *first* growth, therefore, of the arts and sciences can never be expected in despotic governments.^b

There are other causes, which discourage the rise of the refined arts in despotic governments; though I take the want of laws, and the delegation of full powers to every petty magistrate, to be the principal. Eloquence certainly springs up more naturally in popular governments: Emulation too in every accomplishment must there be more animated and enlivened: And genius and capacity have a fuller scope and career. All these causes render free governments the only proper *nursery* for the arts and sciences.

The next observation, which I shall make on this head, is, *That nothing is more favourable to the rise of politeness and learning, than a number of neighbouring and independent states, connected together by commerce and policy.* The emulation, which naturally arises among those neighbouring states, is an obvious source of improvement: But what I would chiefly insist on is the ^c[stop](#), which such limited territories give both to *power* and to *authority*.

Extended governments, where a single person has great influence, soon become absolute; but small ones change naturally into commonwealths. A large government is accustomed by degrees to tyranny; because each act of violence is at first performed upon a part, which, being distant from the majority, is not taken notice of, nor excites any violent ferment. Besides, a large government, though the whole be discontented, may, by a little art, be kept in obedience; while each part, ignorant of the resolutions of the rest, is afraid to begin any commotion or insurrection. Not to mention, that there is a superstitious reverence for princes, which mankind naturally contract when they do not often see the sovereign, and when many of them become not acquainted with him so as to perceive his weaknesses. And as large states can afford a great expence, in order to support the pomp of majesty; this is a kind of fascination on men, and naturally contributes to the enslaving of them.

In a small government, any act of oppression is immediately known throughout the whole: The murmurs and discontents, proceeding from it, are easily communicated: And the indignation arises the higher, because the subjects are not apt to apprehend in such states, that the distance is very wide between themselves and their sovereign. “No man,” said the prince of Conde, “is a hero to his *Valet de Chambre*.”⁹ It is certain that admiration and acquaintance are altogether incompatible towards any mortal creature.^c Sleep and love convinced even Alexander himself that he was not a God: But I suppose that such as daily attended him could easily, from the numberless weaknesses to which he was subject, have given him many still more convincing proofs of his humanity.

But the divisions into small states are favourable to learning, by stopping the progress of *authority* as well as that of *power*. Reputation is often as great a fascination upon men as sovereignty, and is equally destructive to the freedom of thought and

examination. But where a number of neighbouring states have a great intercourse of arts and commerce, their mutual jealousy keeps them from receiving too lightly the law from each other, in matters of taste and of reasoning, and makes them examine every work of art with the greatest care and accuracy. The contagion of popular opinion spreads not so easily from one place to another. It readily receives a check in some state or other, where it concurs not with the prevailing prejudices. And nothing but nature and reason, or, at least, what bears them a strong resemblance,[d](#) can force its way through all obstacles, and unite the most rival nations into an esteem and admiration of it.

Greece was a cluster of little principalities, which soon became republics; and being united both by their near neighbourhood, and by the ties of the same language and interest, they entered into the closest intercourse of commerce and learning. There concurred a happy climate, a soil not unfertile, and a most harmonious and comprehensive language; so that every circumstance among that people seemed to favour the rise of the arts and sciences. Each city produced its several artists and philosophers, who refused to yield the preference to those of the neighbouring republics: Their contention and debates sharpened the wits of men: A variety of objects was presented to the judgment, while each challenged the preference to the rest: and the sciences, not being dwarfed by the restraint of authority, were enabled to make such considerable shoots, as are, even at this time, the objects of our admiration. After the Roman *christian*, or *catholic* church had spread itself over the civilized world, and had engrossed all the learning of the times; being really one large state within itself, and united under one head; this variety of sects immediately disappeared, and the Peripatetic philosophy was alone admitted into all the schools,[10](#) to the utter depravation of every kind of learning. But mankind, having at length thrown off this yoke, affairs are now returned nearly to the same situation as before, and Europe is at present a copy at large, of what Greece was formerly a pattern in miniature. We have seen the advantage of this situation in several instances. What checked the progress of the Cartesian philosophy,[11](#) to which the French nation shewed such a strong propensity towards the end of the last century, but the opposition made to it by the other nations of Europe, who soon discovered the weak sides of that philosophy? The severest scrutiny, which Newton's theory has undergone,[12](#) proceeded not from his own countrymen, but from foreigners; and if it can overcome the obstacles, which it meets with at present in all parts of Europe, it will probably go down triumphant to the latest posterity. The English are become sensible of the scandalous licentiousness of their stage, from the example of the French decency and morals. The French are convinced, that their theatre has become somewhat effeminate, by too much love and gallantry; and begin to approve of the more masculine taste of some neighbouring nations.

In China, there seems to be a pretty considerable stock of politeness and science, which, in the course of so many centuries, might naturally be expected to ripen into something more perfect and finished, than what has yet arisen from them. But China is one vast empire, speaking one language, governed by one law, and sympathizing in the same manners. The authority of any teacher, such as Confucius, was propagated easily from one corner of the empire to the other. None had courage to resist the torrent of popular opinion. And posterity was not bold enough to dispute what had

been universally received by their ancestors. This seems to be one natural reason, why the sciences have made so slow a progress in that mighty empire.¹³

If we consider the face of the globe, Europe, of all the four parts of the world, is the most broken by seas, rivers, and mountains; and Greece of all countries of Europe. Hence these regions were naturally divided into several distinct governments. And hence the sciences arose in Greece; and Europe has been hitherto the most constant habitation of them.

I have sometimes been inclined to think, that interruptions in the periods of learning, were they not attended with such a destruction of ancient books, and the records of history, would be rather favourable to the arts and sciences, by breaking the progress of authority, and dethroning the tyrannical usurpers over human reason. In this particular, they have the same influence, as interruptions in political governments and societies. Consider the blind submission of the ancient philosophers to the several masters in each school, and you will be convinced, that little good could be expected from a hundred centuries of such a servile philosophy. Even the Eclectics,¹⁴ who arose about the age of Augustus, notwithstanding their professing to chuse freely what pleased them from every different sect, were yet, in the main, as slavish and dependent as any of their brethren; since they sought for truth not in nature, but in the several schools; where they supposed she must necessarily be found, though not united in a body, yet dispersed in parts. Upon the revival of learning, those sects of Stoics and Epicureans, Platonists and Pythagoricians,¹⁵ could never regain any credit or authority; and, at the same time, by the example of their fall, kept men from submitting, with such blind deference, to those new sects, which have attempted to gain an ascendant over them.

The *third* observation, which I shall form on this head, of the rise and progress of the arts and sciences, is, *That though the only proper Nursery of these noble plants be a free state; yet may they be transplanted into any government; and that a republic is most favourable to the growth of the sciences, a civilized monarchy to that of the polite arts.*

To balance a large state or society, whether monarchical or republican, on general laws, is a work of so great difficulty, that no human genius, however comprehensive, is able, by the mere dint of reason and reflection, to effect it. The judgments of many must unite in this work: Experience must guide their labour: Time must bring it to perfection: And the feeling of inconveniencies must correct the mistakes, which they inevitably fall into, in their first trials and experiments. Hence appears the impossibility, that this undertaking should be begun and carried on in any monarchy; since such a form of government, [ere](#)° civilized, knows no other secret or policy, than that of entrusting unlimited powers to every governor or magistrate, and subdividing the people into so many classes and orders of slavery. From such a situation, no improvement can ever be expected in the sciences, in the liberal arts, in laws, and scarcely in the manual arts and manufactures. The same barbarism and ignorance, with which the government commences, is propagated to all posterity, and can never come to a period by the efforts or ingenuity of such unhappy slaves.

But though law, the source of all security and happiness, arises late in any government, and is the slow product of order and of liberty, it is not preserved with the same difficulty, with which it is produced; but when it has once taken root, is a hardy plant, which will scarcely ever perish through the ill culture of men, or the rigour of the seasons. The arts of luxury, and much more the liberal arts, which depend on a refined taste or sentiment, are easily lost; because they are always relished by a few only, whose leisure, fortune, and genius fit them for such amusements. But what is profitable to every mortal, and in common life, when once discovered, can scarcely fall into oblivion, but by the total subversion of society, and by such furious inundations of barbarous invaders, as obliterate all memory of former arts and civility. Imitation also is apt to transport these coarser and more useful arts from one climate to another, and make them precede the refined arts in their progress; though perhaps they sprang after them in their first rise and propagation. From these causes proceed civilized monarchies; where the arts of government, first invented in free states, are preserved to the mutual advantage and security of sovereign and subject.

However perfect, therefore, the monarchical form may appear to some politicians, it owes all its perfection to the republican; nor is it possible, that a pure despotism, established among a barbarous people, can ever, by its native force and energy, refine and polish itself. It must borrow its laws, and methods, and institutions, and consequently its stability and order, from free governments. These advantages are the sole growth of republics. The extensive despotism of a barbarous monarchy, by entering into the detail of the government, as well as into the principal points of administration, for ever prevents all such improvements.

In a civilized monarchy, the prince alone is unrestrained in the exercise of his authority, and possesses alone a power, which is not bounded by any thing but custom, example, and the sense of his own interest. Every minister or magistrate, however eminent, must submit to the general laws, which govern the whole society, and must exert the authority delegated to him after the manner, which is prescribed. The people depend on none but their sovereign, for the security of their property. He is so far removed from them, and is so much exempt from private jealousies or interests, that this dependence is scarcely felt. And thus a species of government arises, to which, in a high political [rant](#),^o we may give the name of *Tyranny*, but which, by a just and prudent administration, may afford tolerable security to the people, and may answer most of the ends of political society.

But though in a civilized monarchy, as well as in a republic, the people have security for the enjoyment of their property; yet in both these forms of government, those who possess the supreme authority have the disposal of many honours and advantages, which excite the ambition and avarice of mankind. The only difference is, that, in a republic, the candidates for office must look downwards, to gain the suffrages of the people; in a monarchy, they must turn their attention upwards, to court the good graces and favour of the great. To be successful in the former way, it is necessary for a man to make himself *useful*, by his industry, capacity, or knowledge: To be prosperous in the latter way, it is requisite for him to render himself *agreeable*, by his wit, complaisance, or civility. A strong genius succeeds best in republics: A refined

taste in monarchies. And consequently the sciences are the more natural growth of the one, and the polite arts of the other.

Not to mention, that monarchies, receiving their chief stability from a superstitious reverence to priests and princes, have commonly abridged the liberty of reasoning, with regard to religion, and politics, and consequently metaphysics and morals. All these form the most considerable branches of science. Mathematics and natural philosophy, which only remain, are not half so valuable.^e

Among the arts of conversation, no one pleases more than mutual deference or civility, which leads us to resign our own inclinations to those of our companion, and to curb and conceal that presumption and arrogance, so natural to the human mind. A good-natured man, who is well educated, practises this civility to every mortal, without premeditation or interest. But in order to render that valuable quality general among any people, it seems necessary to assist the natural disposition by some general motive. Where power rises upwards from the people to the great, as in all republics, such refinements of civility are apt to be little practised; since the whole state is, by that means, brought near to a level, and every member of it is rendered, in a great measure, independent of another. The people have the advantage, by the authority of their suffrages: The great, by the superiority of their station. But in a civilized monarchy, there is a long train of dependence from the prince to the peasant, which is not great enough to render property precarious, or depress the minds of the people; but is sufficient to beget in every one an inclination to please his superiors, and to form himself upon those models, which are most acceptable to people of condition and education. Politeness of manners, therefore, arises most naturally in monarchies and courts; and where that flourishes, none of the liberal arts will be altogether neglected or despised.

The republics in Europe are at present noted for want of politeness. *The good-manners of a Swiss civilized in Holland*,¹⁶ is an expression for rusticity among the French. The English, in some degree, fall under the same censure, notwithstanding their learning and genius. And if the Venetians be an exception to the rule, they owe it, perhaps, to their communication with the other Italians, most of whose governments beget a dependence more than sufficient for civilizing their manners.

It is difficult to pronounce any judgment concerning the refinements of the ancient republics in this particular: But I am apt to suspect, that the arts of conversation were not brought so near to perfection among them as the arts of writing and composition. The scurrility of the ancient orators, in many instances, is quite shocking, and exceeds all belief. Vanity too is often not a little offensive in authors of those ages;¹⁷ as well as the common licentiousness and immodesty of their stile, *Quicunque impudicus, adulter, ganeo, manu, ventre, pene, bona patria laceraverat*, says Sallust in one of the gravest and most moral passages of his history.¹⁸ *Nam fuit ante Helenam Cunnus teterrima belli Causa*, is an expression of Horace, in tracing the origin of moral good and evil.¹⁹ Ovid and Lucretius²⁰ are almost as licentious in their stile as Lord Rochester;²¹ though the former were fine gentlemen and delicate writers, and the latter,^g from the corruptions of that court, in which he lived, seems to have thrown off

all regard to shame and decency. Juvenal²² inculcates modesty with great zeal; but sets a very bad example of it, if we consider the impudence of his expressions.

I shall also be bold to affirm, that among the ancients, there was not much delicacy of breeding, or that polite deference and respect, which civility obliges us either to express or counterfeit towards the persons with whom we converse. Cicero was certainly one of the finest gentlemen of his age; yet I must confess I have frequently been shocked with the poor figure under which he represents his friend Atticus, in those dialogues, where he himself is introduced as a speaker. That learned and virtuous Roman, whose dignity, though he was only a private gentleman, was inferior to that of no one in Rome, is there shewn in rather a more pitiful light than Philaethes's friend in our modern dialogues. He is a humble admirer of the orator, pays him frequent compliments, and receives his instructions, with all the deference which a scholar owes to his master.²³ Even Cato is treated in somewhat of a cavalier manner in the dialogues *de finibus*.²⁴^h

One of the most particular details of a real dialogue, which we meet with in antiquity, is related by Polybius;²⁵ when Philip, king of Macedon, a prince of wit and parts, met with Titus Flamininus, one of the politest of the Romans, as we learn from Plutarch,²⁶ accompanied with ambassadors from almost all the Greek cities. The Ætolian ambassador very abruptly tells the king, that he talked like a fool or a madman (ληρητι?ν). *That's evident*, says his majesty, *even to a blind man*; which was a raillery on the blindness of his excellency. Yet all this did not pass the usual bounds: For the conference was not disturbed; and Flamininus was very well diverted with these strokes of humour. At the end, when Philip craved a little time to consult with his friends, of whom he had none present, the Roman general, being desirous also to shew his wit, as the historian says, tells him, *that perhaps the reason, why he had none of his friends with him, was because he had murdered them all*; which was actually the case. This unprovoked piece of rusticity is not condemned by the historian; caused no farther resentment in Philip, than to excite a Sardonian smile, or what we call a grin; and hindered him not from renewing the conference next day. Plutarch²⁷ too mentions this raillery amongst the witty and agreeable sayings of Flamininus.ⁱ^j

Cardinal Wolsey²⁸ apologized for his famous piece of insolence, in saying, *Ego et Rex meus, I and my king*, by observing, that this expression was conformable to the *Latin* idiom, and that a Roman always named himself before the person to whom, or of whom he spake. Yet this seems to have been an instance of want of civility among that people. The ancients made it a rule, that the person of the greatest dignity should be mentioned first in the discourse; insomuch, that we find the spring of a quarrel and jealousy between the Romans and Ætolians, to have been a poet's naming the Ætolians before the Romans, in celebrating a victory gained by their united arms over the Macedonians.²⁹ Thus Livia disgusted Tiberius by placing her own name before his in an inscription.³⁰^k

No advantages in this world are pure and unmixed. In like manner, as modern politeness, which is naturally so ornamental, runs often into affectation and [foppery](#).[°]

disguise and insincerity; so the ancient simplicity, which is naturally so amiable and affecting, often degenerates into rusticity and abuse, scurrility and obscenity.

If the superiority in politeness should be allowed to modern times, the modern notions of *gallantry*, the natural produce of courts and monarchies, will probably be assigned as the causes of this refinement. No one denies this invention to be modern:³¹ But some of the more zealous partizans of the ancients, have asserted it to be foppish and ridiculous, and a reproach, rather than a credit, to the present age.³² It may here be proper to examine this question.

Nature has implanted in all living creatures an affection between the sexes, which, even in the fiercest and most rapacious animals, is not merely confined to the satisfaction of the bodily appetite, but begets a friendship and mutual sympathy, which runs through the whole tenor of their lives. Nay, even in those species, where nature limits the indulgence of this appetite to one season and to one object, and forms a kind of marriage or association between a single male and female, there is yet a visible complacency and benevolence, which extends farther, and mutually softens the affections of the sexes towards each other.¹ How much more must this have place in man, where the confinement of the appetite is not natural; but either is derived accidentally from some strong charm of love, or arises from reflections on duty and convenience? Nothing, therefore, can proceed less from affectation than the passion of gallantry. It is *natural* in the highest degree. Art and education, in the most elegant courts, make no more alteration on it, than on all the other laudable passions. They only turn the mind more towards it; they refine it; they polish it; and give it a proper grace and expression.

But gallantry is as *generous* as it is *natural*. To correct such gross vices, as lead us to commit real injury on others, is the part of morals, and the object of the most ordinary education. Where *that* is not attended to, in some degree, no human society can subsist. But in order to render conversation, and the intercourse of minds more easy and agreeable, good-manners have been invented, and have carried the matter somewhat farther. Wherever nature has given the mind a propensity to any vice, or to any passion disagreeable to others, refined breeding has taught men to throw the bias on the opposite side, and to preserve, in all their behaviour, the appearance of sentiments different from those to which they naturally incline. Thus, as we are commonly proud and selfish, and apt to assume the preference above others, a polite man learns to behave with deference towards his companions, and to yield the superiority to them in all the common incidents of society. In like manner, wherever a person's situation may naturally beget any disagreeable suspicion in him, it is the part of good-manners to prevent it, by a studied display of sentiments, directly contrary to those of which he is apt to be jealous. Thus, old men know their infirmities, and naturally dread contempt from the youth: Hence, well-educated youth redouble the instances of respect and deference to their elders. Strangers and foreigners are without protection: Hence, in all polite countries, they receive the highest civilities, and are entitled to the first place in every company. A man is lord in his own family, and his guests are, in a manner, subject to his authority: Hence, he is always the lowest person in the company; attentive to the wants of every one; and giving himself all the trouble, in order to please, which may not betray too visible an affectation, or impose too

much constraint on his guests.³³ Gallantry is nothing but an instance of the same generous attention. As nature has given *man* the superiority above *woman*, by endowing him with greater strength both of mind and body; it is his part to alleviate that superiority, as much as possible, by the generosity of his behaviour, and by a studied deference and complaisance for all her inclinations and opinions. Barbarous nations display this superiority, by reducing their females to the most abject slavery; by confining them, by beating them, by selling them, by killing them. But the male sex, among a polite people, discover their authority in a more generous, though not a less evident manner; by civility, by respect, by complaisance, and, in a word, by gallantry. In good company, you need not ask, Who is the master of the feast? The man, who sits in the lowest place, and who is always industrious in helping every one, is certainly the person. We must either condemn all such instances of generosity, as foppish and affected, or admit of gallantry among the rest. The ancient [Muscovites](#)^o wedded their wives with a whip, instead of a ring. The same people, in their own houses, took always the precedence above foreigners, even³⁴ foreign ambassadors. These two instances of their generosity and politeness are much of a piece.

Gallantry is not less compatible with *wisdom* and *prudence*, than with *nature* and *generosity*; and when under proper regulations, contributes more than any other invention, to the *entertainment* and *improvement* of the youth of both sexes.^m Among every species of animals, nature has founded on the love between the sexes their sweetest and best enjoyment. But the satisfaction of the bodily appetite is not alone sufficient to gratify the mind; and even among brute-creatures, we find, that their play and dalliance, and other expressions of fondness, form the greatest part of the entertainment. In rational beings, we must certainly admit the mind for a considerable share. Were we to rob the feast of all its [garniture](#)^o of reason, discourse, sympathy, friendship, and gaiety, what remains would scarcely be worth acceptance, in the judgment of the truly elegant and luxurious.

What better school for manners, than the company of virtuous women; where the mutual endeavour to please must insensibly polish the mind, where the example of the female softness and modesty must communicate itself to their admirers, and where the delicacy of that sex puts every one on his guard, lest he give offence by any breach of decency?ⁿ

Among the ancients, the character of the fair-sex was considered as altogether domestic; nor were they regarded as part of the polite world or of good company. This, perhaps, is the true reason why the ancients have not left us one piece of pleasantry that is excellent, (unless one may except the Banquet of Xenophon, and the Dialogues of Lucian³⁵) though many of their serious compositions are altogether inimitable. Horace condemns the coarse railleries and cold jests of Plautus:³⁶ But, though the most easy, agreeable, and judicious writer in the world, is his own talent for ridicule very striking or refined? This, therefore, is one considerable improvement, which the polite arts have received from gallantry, and from courts, where it first arose.^o

But, to return from this digression, I shall advance it as a *fourth* observation on this subject, of the rise and progress of the arts and sciences, *That when the arts and*

sciences come to perfection in any state, from that moment they naturally, or rather necessarily decline, and seldom or never revive in that nation, where they formerly flourished.

It must be confessed, that this maxim, though conformable to experience, may, at first sight, be esteemed contrary to reason. If the natural genius of mankind be the same in all ages, and in almost all countries, (as seems to be the truth) it must very much forward and cultivate this genius, to be possessed of patterns in every art, which may regulate the taste, and fix the objects of imitation. The models left us by the ancients gave birth to all the arts about 200 years ago, and have mightily advanced their progress in every country of Europe: Why had they not a like effect during the reign of Trajan and his successors; when they were much more entire, and were still admired and studied by the whole world? So late as the emperor Justinian,³⁷ the Poet, by way of distinction, was understood, among the Greeks, to be Homer; among the Romans, Virgil. Such admiration still remained for these divine geniuses; though no poet had appeared for many centuries, who could justly pretend to have imitated them.

A man's genius is always, in the beginning of life, as much unknown to himself as to others; and it is only after frequent trials, attended with success, that he dares think himself equal to those undertakings, in which those, who have succeeded, have fixed the admiration of mankind. If his own nation be already possessed of many models of eloquence, he naturally compares his own juvenile exercises with these; and being sensible of the great disproportion, is discouraged from any farther attempts, and never aims at a rivalry with those authors, whom he so much admires. A noble emulation is the source of every excellence. Admiration and modesty naturally extinguish this emulation. And no one is so liable to an excess of admiration and modesty, as a truly great genius.

Next to emulation, the greatest encourager of the noble arts is praise and glory. A writer is animated with new force, when he hears the applauses of the world for his former productions; and, being roused by such a motive, he often reaches a pitch of perfection, which is equally surprizing to himself and to his readers. But when the posts of honour are all occupied, his first attempts are but coldly received by the public; being compared to productions, which are both in themselves more excellent, and have already the advantage of an established reputation. Were Moliere³⁸ and Corneille to bring upon the stage at present their early productions, which were formerly so well received, it would discourage the young poets, to see the indifference and disdain of the public. The ignorance of the age alone could have given admission to the *Prince of Tyre*; but it is to that we owe *the Moor*: Had *Every man in his humour* been rejected, we had never seen Volpone.³⁹

Perhaps, it may not be for the advantage of any nation to have the arts imported from their neighbours in too great perfection. This extinguishes emulation, and sinks the ardour of the generous youth. So many models of Italian painting brought into England, instead of exciting our artists, is the cause of their small progress in that noble art. The same, perhaps, was the case of Rome, when it received the arts from Greece. That multitude of polite productions in the French language, dispersed all

over Germany and the North, hinder these nations from cultivating their own language, and keep them still dependent on their neighbours for those elegant entertainments.

It is true, the ancients had left us models in every kind of writing, which are highly worthy of admiration. But besides that they were written in languages, known only to the learned; besides this, I say, the comparison is not so perfect or entire between modern wits, and those who lived in so remote an age. Had Waller been born in Rome, during the reign of Tiberius, his first productions had been despised, when compared to the finished odes of Horace. But in this island the superiority of the Roman poet diminished nothing from the fame of the English. We esteemed ourselves sufficiently happy, that our climate and language could produce but a faint copy of so excellent an original.

In short, the arts and sciences, like some plants, require a fresh soil; and however rich the land may be, and however you may recruit it by art or care, it will never, when once exhausted, produce any thing that is perfect or finished in the kind.

200 years of Great Classic Hits: On the death and resurrection of musical invention

Benjamin Crocker

I delivered my first music class in a poky old classroom in North Turrumurra, on the bushy far-northern fringes of Sydney's upper North Shore. Blue Gums whipped noisily in blow-dryer hot breeze outside, leaves peeling off branches and melting onto flimsy windows. Inside, sweaty, disheveled teenagers peeled themselves off the back of plastic chairs, their eyes melting onto the floor.

I fiddled around with a laptop and pushed play. For the next two minutes I strode stand-offishly across the front of the board, turning around occasionally to sketch out what I heard: Intro; Verse 1; Chorus; Verse 2; Chorus; Solo Break etc...

Someone had told me that when teaching Pop, I should start with Bill Haley. 'Rock Around the Clock' was simple to follow. An easy guide to verse-chorus song writing. At 2 minutes long, analyzing the song would consume little of the precious remaining cognitive powers of a room full of sweaty 16 year olds. Each consecutive segment is a simple repetition of material already heard, and the core melodic cell (the emphasized words in the first verse – *glad rags on*) was a simple three beat hop through an A major triad. To complete the idea, the triad is repeated with a slight rhythmic variation (*join me hon'*):



Bill Haley - Rock Around the Clock (1954) [Verse 1, fragment]

There were more reasons than mere teachability to start with Bill. Rock around the clock is about 70 years old - written a statistical human lifetime ago. Though strictly speaking Bill was a Rock-N-Roller, the runaway commercial success of his hit marked the definitive start of the

'Pop' era. He'd beaten the Beatles to the starting blocks of celebrity culture by the better part of a decade: Haley's song was the very first international 'smash hit', notching up 25 million sales worldwide. With 'Rock around the Clock', musical audiences made their radical break with the *listening* culture of years past, and cruised effortlessly into the easy epoch of consumer culture.

My Grandfather, born in the mid 1920's, used to delight in the rickety-rockety rhythm of a Haleyesque jive. Unable to read music, Papa had taught himself to play by ear in wartime Ceylon, later refining his art on a piano donated to his employer, Trinity College, by Louis Mountbatten, Viceroy of India (and mentor to his nephew Prince Philip). He would sit us in the lounge room as kids, delighting us by improvising with well-humoured grandiosity on the bluesy kind of riffs that he'd heard spinning out of mid-century America.

Papa passed his love of music on to my Mother, and after emigrating the family to Australia, saw to it that she went a step better than he was afforded, by learning notation, harmony, and counterpoint as a schoolgirl in 1960's Australia. In those days, one in every five Australians were educated by Catholic nuns, priests, or brothers. They were stern, but famously effective teachers of classical music: Simone Young, the current Chief Conductor of the Sydney Symphony, once credited her rigorous early musical education by the Sisters of Mercy for laying the foundations of her brilliant career.

This high musical literacy - the kind taught by those dedicated nuns - affords one the ability to access art of a radically different quality to that which I taught (well, was forced to teach) upon entering the profession. There's nothing wrong with Bill Haley, of course, but there may still be great value in looking further back in time, to discover a higher musical virtue than Bill and his Comets can bestow upon us.

As Haley's hit was 70 years from the present day, so Anton Bruckner's 7th Symphony appeared 70 years prior to 'Rock around the Clock', first being performed in 1884. It is set in four movements, and runs to approximately 80 minutes in length. It is a magisterial work - masterful in formal construction, with a pervasive sense of mystique. It was a breakout success, earning huge acclaim amongst the Viennese audiences who had hitherto been lukewarm to Bruckner, preferring his contemporary, Johannes Brahms. Bruckner labored over each of his Symphonies, revising them almost fanatically. He was known to toss completed manuscripts into his fire, such was his thirst for sonic perfection. That perfection was not born of narcissism either. On the contrary, his contemporaries - Gustav Mahler chief amongst them - admired him for his humility, simplicity, and (often unnecessary) deference to others.

There was no international record market in Bruckner's day. Not until 1913 would the Berlin Philharmonic record the first complete orchestral work - Beethoven's 5th Symphony - under Arthur Nikish. Still, having won the approval of the city of Vienna, Bruckner's 7th, was for a time - just like Bill Haley's tune - the western world's undisputed smash hit success. The manuscript made its way quickly to America, premiering in Chicago in 1886.

I bring these works side by side to draw the reader's attention to the extraordinary diminishment of relative listening attention demanded of, and by, popular audiences between the late 19th, and mid 20th Centuries. Whilst it is true that comparing a song to a symphony is not comparing apples with apples, we must still see that here, with Bruckner next to Bill, we nonetheless contend with the two great hits of their respective days. This is an important comparison to make, if we want to observe how music reflects our cultural values and intellectual temperament as men of different ages.

To illustrate this, recall that Haley's tune was only 2 minutes long, its core melodic material - the A Major triad - passing in a mere second, and hovering over but one static chord. Below here, by way of contrast, is the opening theme from the opening movement of Bruckner's 7th. This one theme, presented first in the cello, lasts almost as long as Bill Haley's entire song. It has a range of two octaves. It implies a varying spectrum of chords and keys. Listening to it is rather like reading a sentence by Alexander Hamilton: One must deploy considerable focus to hold in contention the tonal subject, as a string of conjunctions spill the ear from subphrase to subphrase, adding to in substance, and coloring in character, the nature of the whole as it gradually unfolds. Bruckner said this vaulting, mystical melody came to him in a dream: he woke in the night, recognised its genius, and furiously wrote it down by candlelight;

Allegro moderato ♩ = 58

lang gezogen

mf originally legato like the Horn
he probably changed it to give more diction.

1-2 2 1-10

9

poco a poco cresc.

1-12

15

2nd version
with legato

dim.

20

Anton Bruckner: Symphony No. 7 (1884) [Mvt. 1 - Opening (Violoncello)]

By looking at the two melodies on paper, we can start to see that it may not be just the aesthetic - the apprehended quality of the sound, if you like - that is important in making an assessment about this music's innate value. Rather, it is the formal *scale* of the melodic design that in the first place provides strong evidence of how a radically more sophisticated listening experience was considered 'mainstream' in the late 19th century, compared to the mid 20th century.

The point I make is thus: A disinterested person could listen to Bill and Bruckner side by side and say that the orchestra *sounds* more sophisticated, and though he would be right, he would be missing the point - the point being that the music sounds more sophisticated because it is *constructed* in a vastly more sophisticated manner. The disinterested person is expressing a truth because he is impressed by Bruckner's thing, but he can not articulate the generative source of that thing's impression. I have sometimes experienced a variety of this 'correct but not known' musical judgment at the Sydney Opera House concert hall, when, descending from the boxes at intermission, a brooched, bare-shouldered Mrs von Posh n' Swish gushes that the music is 'magnificent, just magnificent my darling'. She is not merely keeping up appearances - she detects an appreciable elevation of quality in what has unfolded. But still I could ask, "yes, Mrs Swish, but *why* is the music magnificent?"

On a handful of occasions, I've been able to ask Mrs Swish that very question. Sometimes her response is enlightening, sometimes faintly ridiculous. Usually it is well meaning, but somewhat confusing - a muddle of "oh well yes the violins...and the...oh just the conductor...the way it moves...oh...OH..."

As a fan of both Mrs Swish, and the music we both like to dress up to listen to, I usually endeavor to respond with a version of the following statement: The music we love, the meticulously organized sounds now abstracted into arch-premium cultural product, the crown jewels of Western Civilisation's artistic heritage, created in a blinding spasm of creative fury between the start of the Enlightenment (Bach was born in 1685), and sputtering out somewhere between the two horrific 20th Century wars... that music is magnificent, darling, because of its *quality of invention*.

Our burden as consumers of music everything today is to live with a poverty of invention. In the 20th and 21st Centuries we have become inured to repetitive sound. Aristotle might say that we have habituated ourselves to our own paucity of sonic virtue. We are no longer disturbed by the exacting sameness of all things, in the way that we are no longer fascinated by the exacting sameness of both factory machines and the squillions of identical widgets they produce. The scheme of a pop song - a scheme which has accompanied our lives for 4 generations now - relies on mechanized, factory-economical repetition to meet its aims. A pop song can not, by its very nature, be *composed*, because its structure - with some rare exceptions - provides no prerogative to work through the demands of a truly dynamic artistic picture. The pop writer does not have that artist's palette of infinite variables - variables which become his burden in fashioning material first to coherent form, and then into transcendent beauty. A pop song, by way of its structural confines, is merely produced: It states, it repeats and it returns, with a minimum of rational effort. This remains true in almost all cases - even when the song's overlaid instrumental or vocal effects are of spectacularly good quality, as in the case of Whitney Houston's sublime ease of delivery, Taylor Swift's remarkable capacity for emotive empathy, or Mariah Carey's thrilling propensity to both delight and discombobulate by way of her vocal acrobatics. There is *an* invention in pop music, and in the best cases - the Mariahs and Whitneys (but not the Britneys) - it is an admirable and enjoyable one. However this

enjoyableness in performance is not remotely comparable to the raw *quality* of invention one finds in high classical composition from Bach forward.

Returning to Bruckner's melody, we are presented with one aspect of this quality of invention, and that aspect is *scale*. Bruckner makes high quality musical invention possible because he opens up the imaginative canvas with a melodic exposition of titanic proportions. The 7th Symphony claims greatness for Bruckner as a symphonist in the way that the Sistine chapel claims greatness for Michelangelo as a muralist. There is fine detail in both, but in the first instance, it is the audacity of the idea which humbles us, the observer, before a seeming godly power of creation. Art like this suggests to the human soul that it may be capable of apprehending *so much*, and so in turn sets on fire our potential to apprehend the world with unlimited awe and wonder.

This is not, however, to say that scale is the only ingredient required in the construction of high quality musical invention. Nor is a preoccupation with scale necessarily required at all. Examples abound of works both petite in scale and rich in authentic artistry: Chopin's piano preludes for example, or Igor Stravinsky's furiously petite 'Dumbarton Oaks'. These works are by their nature confined. They have an *intensity* of invention, over an *expansiveness* of invention.

One of the finest examples of this *intensity* of invention comes in a work briefly afformentioned which needs no introduction to either the serious or casual listener. Happily, Beethoven's 5th Symphony also provides a lovely congruency to our journey back through music history - It pops up in another (roughly) 70 year hop back in time from Bruckner's 7th. Beethoven's 5th was the breakout hit of 1808. It is a radical work. Aside from it's well documented French revolutionary flavor and law-breaking harmonic progression, it is also the first symphony to use the trombone, the piccolo, *and* the contrabassoon (to this day, the loudest, highest, and lowest instruments in the orchestra, respectively).

But these features, wonderful though they are, don't point us to the real locus of Beethoven's genius. To find this, it might be helpful to leave Bruckner behind for a moment and compare Beethoven directly to Bill Haley. If, when we do, we restrict our criticisms to melodic ideas, we will quickly see that we can't indict Bill with quite the same culpability we did when we placed him alongside Bruckner. That is because, stripped to their bare tones, there is scarce appreciable difference between the quality of Bill's and Beethoven's two musical ideas. As if it needed any introduction, here is the foundational musical idea from the first movement of Beethoven's 5th:



Ludwig Van Beethoven: Symphony No. 5 (1808) [Mvt. 1 - motif]

Perhaps the tempo and placement gives the Beethoven a little more inherent drama. Still, there isn't much difference in quality between three short G's and a long E flat (Beethoven), and the three short notes (A - C# - E) played in sequence (Bill). The point being, that when we compare each little tune against the other, at heart, it is impossible to say which is *better*.

Here then must arise a question that every listener should ask themselves when trying to make a judgement on the objective quality of any piece of music: How does a composer *develop* his musical ideas?

Pure musical *development* is the arbiter of objective compositional quality. If classical music is a kind of church, then the composer's sophistication in development sorts the high priests from the common folk. Beethoven's talent for inventive development is unrivaled. His ability to take the smallest of melodic fragments and build an uncontrived, expressive, and substantially lengthy train of musical development, is the substance of his genius.

Beethoven's mastery of invention is so absolute, that when we listen to the first movement of his Symphony, we must fight our own consciousness to remember that we are dealing with a creation born of only the tiniest of musical fragments: There is so much music here! And, its growth is so apparently organic, that one quickly forgets its birth was indeed embryonic. We might hold Beethoven against Bruckner here, and consider the two types of artistry at play: Where Bruckner's claim is to the audacity of the man who sets out his broad canvas in plain view, Beethoven's claim is to the magician's secret toolbox. His is the hidden intricacy of the working unworkable. He is both artist and geometer - opening up rhythmic and harmonic space where none by right exists.

EXPOSITION (+3)
Principal Theme (*Large Double-Period*) (+4)

Sonata-Allegro form (+2)

The score is written for a full orchestra and piano. It begins with a four-note motif in the strings and clarinet. The piano enters in the second system, and the full orchestra joins in the third system. The score includes various musical notations such as dynamics (ff, p, f, cresc.), articulation (accents, slurs), and performance instructions (V, N.H.). The score is divided into systems, with measures numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, and 1.

Ludwig Van Beethoven: Symphony No. 5 (1808) [Mvt. 1 - Exposition: Opening fragment; the entire first section of the movement is made up by the uninterrupted development of Beethoven's four note motif]

From simple melodic material, Beethoven builds a swirling, unfurling, melodic-harmonic universe, one coherently threaded together at every weaving turn. Assuming one's soul has achieved some kind of sympathetic disposition, then that soul cannot help but be taken - somewhere - by Beethoven. Bill Haley's equally simple, and almost as meritorious melody does not develop in this way. Insofar as it does develop, it merely repeats. This is what a modern pop song does. It confirms, comforts, and *conforms* to both itself and the prevailing musical zeitgeist.

It does not truly expand possibilities. It does not move the soul beyond superficial reckoning with the stated facts. Repetition without true development is reassuring, and can be mightily entertaining, but it does not pose any kind of fundamental challenge to the soul.

Sir Roger Scruton said that listening is the process of internal *dancing in sympathy* to a particular musical work. I would further say that the act of listening is the soul's conversation with an external idea or group of ideas - ideas not limited by the need to comprehend speech or consciously identify particular epistemological features. This means that listening to music affords the soul a unique conversational freedom.

Alongside this freedom comes a unique vulnerability, given that there is a certain passivity to the soul's act of listening: Once the ear 'lets in' the sound, there is little one can do to consciously resist both the affect and in turn, the *effect* of a given musical work.

This brings us to the crux of the problem in deciding *what* we should listen to as human beings susceptible to the stultifyingly mundane aural influences of the world we inhabit. If we have accepted that the soul may be served well by objectively better music and served poorly by objectively worse music, have we now stumbled into making the case (as surely Socrates would delight in!) for the censorship of music in the city? At the least, we can certainly say that we have arrived at a strong justification for the individual to control the artistic inflows to the city of his own soul.

Though we are instinctively chilled by the thought of censorship, we can not escape the truth that Socrates points us toward. There is an undeniable beneficial effect that musical censorship can secure for the soul, if not for the greater good of the polity itself. This is the conclusion that scientists researching the "Mozart effect" on babies in the womb have arrived at. It is the same conclusion realized by school principals who make substantial early investment in childhood musical education, and seem to find a correlation in lower disciplinary issues and higher mainstream class engagement. My doctor has perhaps also arrived at this conclusion - I am assuming that's why he plays Haydn string quartets in his waiting room!

It is also the same conclusion that I find myself daily arriving at, albeit in reverse: The more I read Plato, the more I yearn for the calm inevitability of Mozart's aural insight; the more I read Aristotle, the more I lust after the explosive, creative speculation that Beethoven can draw from one tiny granular musical observation; The more I read Rousseau... well, I don't read Rousseau if I can help it - the musical romanticism that comports with his oeuvre makes for an impractical use of both the day's listening time and my own finite cognitive focus.

I recently finished studying at St John's College in Annapolis. It is a fine place to read authors like Plato, Aristotle and Rousseau – mostly because of the college's dedication to the art of what I would call 'Deep Reading'. The foundation of St John's 'New Program', which saw the college kick against the prevailing ethos of the time in academia so that it could return to the great books of the Western Tradition, coincides with that same interwar period where fidelity to the great forms of musical composition was abandoned by the European musical establishment.

In the German speaking world, classical music's heartland, these were the years when the steady seriousness of the *listening* culture was shed, in favor of both the practice of musical experimentation, and more importantly, of the ethic of musical *experimentalism*. In the halls of Conservatoria the world over, 'Weimar', is a name synonymous with the ethic of 21st Century musical progressivism. Its best attributes include stylistic intermixture and radical re-imagination, and its worst, the wholesale dismemberment of a beautiful inherited tradition.

Stringfellow Barr was President of St John's College during this same time, and with Scott Buchanan, co-founded the school's 'New Program.' There is a very moving quote still posted on the walls of the building named after him on campus. In that quote, Barr says that civilisation's greatest books must be 'read listeningly.'

I have always thought that to be the most wonderfully musical thing to say!

If there is something missing from the world of music today, I would say that it is found in the mirror image of Barr's statement about our beloved great books. For if we are to faithfully comprehend *great music*, then we must *listen readingly*. If we do, then we might guide our listening appetites back from the nadir of modernity's lust for banal, repetitive aural tyranny, to a place where a studied love of great invention rules music once more.

On Cesar, Chicago, and Censorship

Benjamin Crocker

By the end of the CD era, I had worn out my sole physical copy of the great French conductor Pierre Monteux's 1961 recording of Cesar Franck's Symphony in D minor. The internet mercifully intervened: Monteux's interpretation with the unsurpassed mid-century Chicago Symphony Orchestra now lives on YouTube.

Monteux and the CSO did a great service to the musical world in recording the masterworks of the western canon during his tenure. But as they were recording Franck's symphony at 220 South Michigan Avenue, bulldozers were moving in to the west, right behind Symphony Hall. Chicago's iconic Federal Building was being reduced to a pile of rubble. Like the Franck symphony, the building was a first-class cultural product from the late 19th Century. It represented the Midwest's premier example of the French Beaux-Arts style that had once characterized much of America's civic architecture.



Beaux-Arts Chicago Federal Building

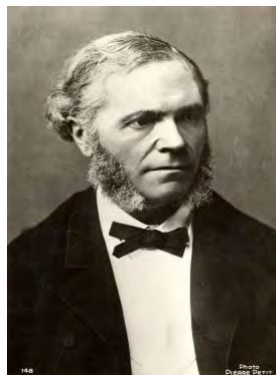
The irony was stark: Monteux, the great conductor, was beloved by American audiences. But as this great French artist perfected his craft in America's preeminent musical institution on South Michigan, a great French architectural style once the darling of American city planners was being ground into dust by America's preeminent political institution—the federal government—across the street on South Dearborn. In the place of the Beaux-Arts Federal Building rose the Kluczynski and Dirksen Federal Buildings and Courthouses—two of the most menacing objects ever to dominate Chicago's skyline.



Public square, or the monolith from 2001: A Space Odyssey?

With Pierre Monteux's record still ringing in my ears, in Texas last month, I conducted Franck's *Symphony in D Minor* for the first time. It is still one of my very favorite works. Since first hearing it seventeen years ago, I have thought about it at least once a week—sometimes for hours, but most often for a few shimmering seconds, long enough for the 3rd movement cello melody to waft lazily through my head, or to be startled by a heroic trumpet call momentarily piercing my horizon. It transfixes me in the same way it did listeners a century ago: in 1899, the Boston Herald noticed that the symphony exerted a “certain weird fascination” on the public.

For half of the 20th century, the American public shared my fascination. The New York Times reported last year that the Franck *Symphony in D* was the Beatles before there was the Beatles. In that blissful time when art still held primacy over the artist, Franck's forty-five minutes of triumphal orchestral lyricism easily filled stadiums in East Coast capital cities.



Cesar Franck (1822-1890)

So, what happened? Should we despair that the music that fills today's stadiums is of a significantly lower intellectual and spiritual order?

The deep appeal of civilization's greatest music lies in its beauty and elusiveness. Franck's *Symphony in D Minor*, a stunningly captivating aural picture, shows us how. It sings lustily, mourns sorrowfully, and dances irrepressibly. Its first movement moves between menacing and joyful. The second is sacred and even, at times, medieval. The third movement drives the listener to joyful ecstasy during each and every listening.

Despite my long-held love of the work, I'm at a loss when trying to describe what the piece is truly *about*. No one can say if it is properly Belgian, French, or German, or if it has indeed become American. Musicologists argue over whether the middle movement is sacred or secular. Composed in 1888, does it agree with the 19th century, or does it paint that long artistic epoch with mocking irreverence?

In music, this elusiveness, the inherent indefinite in not knowing precisely what a piece *is*, frees us to know what the piece *does* to us when we hear it. We know that the Franck uplifts us, that it unveils a cast of noble characters and invites us to journey with them. The symphony gives us time and space to learn who these characters are, without ever fully seeing them. We adventure with them through the two outer movements – soaring above the clouds with the trumpets, running faster than humanly possible with the violins, and serenading lovers with the wind instruments. In the middle, there is respite - some time to meditate, and to pray.

These unique kinds of expressive capacities reveal a work's innate musical potential. Great music contains beauty without literal meaning. It presents itself as *ineffable*; it doesn't tell us explicitly what it is. Rather, it demands that we take the musical journey and work that question out on our own. We listeners must hold ourselves in collaborative sympathy between the work's phrases, entering its argument without ever having its facts dictated to us by the composers. Through this process, we practice our highest reasoning faculties—we sift truth from falsehood, tie off loose ends (thank you Plato), and habituate ourselves toward the higher character the music presents to us (thank you Aristotle). Great music then, is *dialectic*. It is an exterior harness to the soul's self-conversation and can only reveal its *ineffable* meaning by way of the rational listener's individual agency.

This can be difficult to grasp, because it is something we take for granted, or at least don't realize is happening when we listen to music. Consider this: a piece of music where the chords remain the same, the beat remains the same, and God-forbid, the voice is auto-tuned to remain the same, is essentially dictated to the listener. Listening to it requires no collaborative effort. There is no conversation happening *within* the music. And without this conversation, an authentically *sympathetic* journey is impossible. This remains the case even if the work's emotive nature convinces us we are listening sympathetically to a given song.

In this way, the great works of the classical tradition are akin to the great works of classical philosophy. The great composers lead us dialectically. In listening to the great classical works, the composers take us by the hand in the Socratic manner—they interrogate our souls by way of the intellect in a similar way to that of Socrates in Plato's *Republic*. Through sympathetic

interrogation, they encourage, aid, guide, and sometimes even cajole us to the discovery of truth and beauty, but they never dictate its terms to us absolutely.

Platonic Socrates believed that bad music might beget bad people. It is on the topic of music that he provokes one of his first—and perhaps his most memorable—dialectic expositions within *Republic*, when he notes that protecting the souls of the young from corruption will require censoring the city in speech's music.

Countenancing this notion is a tall order for citizens of free and modern societies. Allan Bloom wrote in his introduction to *Republic* that his students at Chicago, Yale and Cornell “tended to be surprised that music above all else should be the theme of [Plato's] censorship when what seemed to them to be the likely candidates were science, politics, and sex.”

So, today faced with an orgy of sonic choices, should we defy Socrates and permit ourselves to listen to “bad” music?

In reality, the decision has already been made. Pop, and the other gradations of “bad” music, whether they be the shoddy imitations of classical-lite compositions, the death cults of deep-metal, or just plain lazy artistry in any genre, are here to stay. That is ok. The world won't be rid of their ilk, but their presence needn't precipitate our moral disintegration either. We should listen to the music our fallen culture has generated. And, if I dare say so, we should even enjoy it.

But we can give Socrates his due by acknowledging his wisdom. Good sense demands limits to our consumption, limits to our tolerance, and limits to how regularly we expose our children to music which we know to dull our faculties of reason, when we ought to be enlarging them. As Socrates showed us, there is risk in exposing the young to art that encourages the destructive tendencies latent within every human soul.

When we engage in the arts in general and music in particular we should be most concerned with the problem that Aristotle draws our attention to in his *Ethics*: the habituation of the soul. We need to habituate ourselves to the beautiful, the uplifting, the heroic and noble, and that's impossible if we're engaging in artistic practice that denigrates these virtues. When we choose to listen to bad music, we are habituating ourselves to life as mere repetitions of bland stereotypes. We are, in essence, telling ourselves that we are as poor as the form we step into as listener—as brief in intellect as the passage of a radio hit.

But when we listen to Beethoven, to Bach, to Brahms, or to my old friend Cesar Franck, we commit ourselves to extolling human virtue, not diminishing it. We are telling ourselves that our powers of reasoning should reach for the broad and expansive form of the great symphonists. We are telling ourselves that our creativity might hustle to keep pace with the inventive genius of a Mozart, not a Madonna, and that our innate tendency toward nobility might owe more to Beethoven than Britney. When we listen well then, we are telling ourselves that we are our *higher selves*.

Each great art form has its innate strengths and weaknesses, and as time progresses, those strengths and weaknesses allow each great art form a greater or lesser degree of agency in advancing or destroying our common culture. One of music's greatest strengths is its transmissibility. Many great paintings lie behind private walls or in public rooms in far-flung cities. In those cities, thousands of beautiful buildings which spoke of proportion, exposed citizens to geometric truth, and gave visible life to the ratiocination of the architect's genius, rest today as dust beneath the grotesque ego spectacles which replaced them. London is today a visual sewer, New York a beautiful, but ageing dame betrayed by a hundred years of vain facelifts.

But our greatest music cannot be commercially withheld in the manner of a 17th century canvas, or physically destroyed in the manner of an early 20th Century American Railway Station. Whilst music does not escape the destructive effect of cultural decay, it can regenerate at a comparative minimum cost. As such, it lies dormant as the artistic skeleton key to personal and civilizational renewal in times of ugliness and decay. In music, our higher selves are so accessible, if only we reach out to truly listen.

Music and Morality

Sir Roger Scruton

Plato deployed the concept of mimesis, or imitation, to explain why bad character in music encourages bad character in its lovers. The context suggests that he had singing, dancing and marching in mind, rather than the silent listening that we know from the concert hall. But, however we fill out the details, there is no doubt that music, for Plato, was something that could be judged in the same moral terms that we judge one another, and that the terms in question denoted virtues and vices, like nobility, dignity, temperance and chastity on the one hand, and sensuality, belligerence and indiscipline on the other.

The targets of Plato's argument were not individual works of music or specific performances, but modes. We don't exactly know how the Greek modes were arranged; they conventionally identified styles, instruments and melodic and rhythmical devices, as well as the notes of the scale. Without going into the matter we can venture to suggest that Plato was discriminating between recognizable musical idioms, as we might discriminate jazz from rock, and both from classical. And his concern was not so very different from that of a modern person worrying about the moral character, and moral effect, of Death Metal, say, or musical kitsch of the Andrew Lloyd Webber kind. Should our children be listening to this stuff? is the question in the mind of modern adults, just as 'should the city permit this stuff?' was the question in the mind of Plato. Of course, we have long since given up on the idea that you can forbid certain kinds of music by law. But three important questions remain: whether musical styles and idioms have a moral character, whether individual works have such a character, over and above that of the idiom in which they are composed, and finally whether the character of an idiom, or a work, rubs off, in some way on its devotees. And even if we don't forbid musical idioms by law, we should remember that our laws are made by people who have musical tastes; and Plato may be right, even in relation to a modern democracy, that changes in musical culture go hand in hand with changes in the laws. It is not implausible to suggest that a Parliament of Mozart lovers, all of whom play in string quartets, is likely to pass different laws from a Parliament of pop fans, none of whom has mastered an instrument. Actually the pop culture hit Parliament in a big way with Tony Blair and his cronies, and I am tempted to draw a lesson from this example.

These questions are complicated for us by the fact that music is now appreciated in many different ways: people dance to music; they work and converse over a background of music; they perform music; and they listen to music. People happily dance to music that they cannot bear to listen to – a

fairly normal experience these days. You can talk over Mozart, but not over Schoenberg; you can work to Chopin, but not to Wagner. And it is sometimes argued that the melodic and rhythmic contour of pop music both fits it for being overheard, rather than listened to, and also encourages a need for pop in the background. Some psychologists wonder whether this need follows the pattern of addictions; and more philosophical critics, like Adorno raise questions of a deep kind as to whether listening has not changed entirely with the development of the short-range melodies and clustered harmonic progressions that are typical of songs in the jazz tradition.

It is worth reflecting a little on the impetus behind Adorno's critique. We must surely recognize that there is a great difference between a musical culture based in serious listening to extended movements of highly intricate musical thought, and a musical culture based in hearing quickly exhausted and largely predictable melodies, which occur in the background, supported by mechanical rhythms and off-the-shelf harmonies, and which quickly exhaust their sparse musical potential. The transition from the one culture to the other does not represent a transition in the realm of music only. Vast social and even political changes can be read into this transition, and Adorno was surely right to notice this.

This is one of those aspects of music that we don't find surprising until we think about. From the dance of the Israelites around the golden calf, to the orgies of Hip-Hop, the musical distractions of ordinary people have called down the maledictions of their priestly guardians. The priests have throughout history tried not merely to control what is sung and played in the temple, but to confine and if necessary forbid the revels that take place outside. We no longer think we can do this by law. But we are still deeply concerned by changes in musical practice, in just the way that Moses was, when he descended from the mountain and cast the tablets of the law to the ground on seeing the idolatry of the masses. This was perhaps the first recorded protest against 'mass culture'. Adorno is a latter-day Moses, and his hero Arnold Schoenberg tried to set the episode from the Old Testament to music, as an illustration of the way in which we must never sacrifice difficult truth to easy communication. In the contrast between Moses and Aaron in Schoenberg's unfinished opera we see dramatised the clash of cultures that preoccupied Adorno. There is a culture of long-term thought and abstract conception, represented by Moses; and a culture of short-term pleasure and easy communication, represented by Aaron. Schoenberg's treatment of this theme reminds us that many of the worries expressed, down the ages, concerning the depravities of popular musical culture reflect the fear of idolatry – of false gods, false worship and false emotions. And if you want to know why people still feel this way, then all you have to do is to watch the video and listen to the music of 'Bleed' by the Swedish death-metal group Meshuggah.

Adorno's reputation did not suffer from his attack on popular culture – and this at first seems strange, given the fate of anyone who attacks popular culture today, who will be dismissed as an elitist, out of touch, nostalgically attached to a vanished past, and so on: I don't need to remind you of the normal response of the offended psyche to the sudden encounter with judgement. Adorno was able to criticize mass culture with impunity because he was a Marxist, and used the Marxist categories, in his own eccentric way, in order to package essentially reactionary thoughts in a progressive idiom. The musicological establishment was taken in by this, and thought that Adorno was pointing forward and not backward in his criticisms of the Hollywood scene. As a result you will find Adorno singled out as the most important philosopher of music in the 20th century, by people who also believe that the tradition of American popular music is a serious topic of study, and one that contains some kind of liberating message for us all. Adorno's actual criticism of the jazz tradition was designed to support the opposite judgement. He wanted to show that the freedoms seemingly enjoyed by the American people are illusory freedoms, and that the underlying cultural reality is one of enslavement – enslavement to the fetishes of the market and the consumer culture, which by placing appetite above long-term values lead to the loss of rational autonomy. Popular music was not, for Adorno, something that Americans had been liberated to, but something which they must be liberated from.

We are clearly in deep water here; and we are not going to save ourselves simply by taking the kind of non-judgemental approach that is so often promoted by courses in music appreciation. In this area to be non-judgemental is already to make a kind of judgement: it is to suggest that it really doesn't matter what you listen to or dance to, and that there is no moral distinction between the various listening habits that have emerged in the age of mechanical reproduction. That is a morally charged position, and one that flies in the face of common sense. To suggest that people who live with a rhythmic pulse as a constant background to their thoughts and movements are living in the same way, with the same kind of attention and the same pattern of challenges and rewards, as others who know music only from sitting down to listen to it, clearing their minds, meanwhile, of all other thoughts – such a suggestion is wildly implausible.

Put laconically, the difference between those two ways of responding to music is the difference between preventing silence, and letting silence speak. Music in the listening culture is a voice that arises from silence, and which uses silence as a painter uses the canvas: silence is the *prima materia* from which the work is composed, and the most eloquent parts of the classical sonata movement are often the parts when nothing can be heard. That is seldom true of pop music today. Moreover the difference here is surely the kind of thing that is morally relevant – like the difference between temperance and intemperance in eating habits or in sex. It seems to me therefore that we have

to face the three questions that I mentioned head-on: whether musical styles and idioms have a moral character, whether individual works have such a character, over and above that of the idiom in which they are composed, and finally whether the character of an idiom, or a work, rubs off, in some way on its devotees. Those are questions that have the greatest bearing on modern life, and how to manage it. And they are questions that are, in the first instance, philosophical.

First, then, the question whether musical idioms can exhibit moral virtues and moral vices. Well, it is obvious that we describe musical idioms in this way, and it is worth reminding ourselves of some familiar examples. The idiom of the Gregorian chant is almost universally acknowledged to be spiritual and uplifting. The style of Bach's keyboard works is scholarly and dignified. The classical idiom of Haydn and Mozart is courtly, well-mannered and correct. The idiom of Beethoven is passionate and defiant. New Orleans Jazz is lively, invigorating, innocent. By contrast Death Metal is oppressive, dark, morbid. Indie music is complacent and self-satisfied; the American songbook is sentimental and nostalgic. There are whimsical idioms, aggressive idioms, and idioms that strike us as self-indulgent, self-pitying or narcissistic.

All that is familiar. But it doesn't get us very far. For all those descriptions are figurative: they involve applying to musical idioms terms whose sense is fixed by their application to human characters. There is no a priori way of fixing what these terms mean when they are attached to music. A parallel example might help us to see this. We use metaphors of character, and even of virtue and vice, in describing trees and species of tree. The oak is noble and dependable, the ash familial and domestic. The pine is dark and brooding, the willow feminine, the cypress melancholy, the maple good-humoured; and so on. Nobody thinks that those descriptions convey very much. And even if they convey something, it has no bearing on the moral status of the trees or their real relation to people. The virtues and vices of trees don't rub off on the people who live in their shadow. You don't get noble people living under oaks, and light-hearted people under maples. These descriptions are part of an elaborate game we play, not very different from that suggested by Wittgenstein, in asking us to decide whether Wednesday is fat or lean, or that suggested by Gombrich, in asking us to sort everything in the world according to whether it is 'pong' or 'ping'. It is second nature for human beings to extend language in this way, sometimes guided by an impression of similarity, sometimes guided by their own responses, sometimes just playing around. But whether it has any foundation in the thing described, or a further foundation in the life of the person so describing it, are questions that cannot be settled just by looking at the language.

This doesn't mean that those descriptions of the character of musical idioms are meaningless, or that they are unimportant. But it does mean that we cannot use them to say anything about the moral significance of music. We

can understand this easily enough by reflecting on another context in which we use this language – when describing the appearance of people. I may say that Jim has a severe and censorious appearance. But that says nothing about Jim's character: he may be mild and accommodating, for all I know. Appearances can deceive. In the case of music we have only appearances to go by. When it comes to music, there is no reality behind the appearance, otherwise Mark Twain might have been right to describe the music of Wagner as 'better than it sounds'.

The same difficulty attaches to the second of our questions: whether individual works of music have a moral character, over and above that of the idiom in which they are composed. Again, there is no hesitation to use virtue and vice words of individual works of music. Bach's Art of Fugue radiates authority, wisdom, profundity. Beethoven's Leonora no. 3 is noble and life-affirming; Schubert's G major Quartet is anguished, dignified and tender in the face of suffering. The last movement of Tchaikovsky's sixth is mournful and unsmiling. So it could go on, through all the well-known virtues and vices of mankind. Of course, there are some virtue words, and some vice words, that never seem to be called upon, when describing music. 'Just', for example, 'cowardly', 'unwise', 'discreet', 'reliable'. Even with such words, however, a game could easily develop, of sorting works of music by means of them. Among just works should we not count the overture to The Mastersingers, and Brahms's Academic Festival Overture – works that attempt to do justice to forms of human life and all that they contain?

Here I want to register a protest against a familiar move in the philosophy of music, and especially in theories of expression. This move tries to ground metaphor in analogy. It goes something like this: we begin from the question what does it mean to describe a piece of music as sad, noble, etc? (Notice that emotion terms and virtue terms tend to be treated together, since they both involve the spontaneous transfer of language from the mental to the musical context.) We respond with a suggestion: we mean that the music is like a sad or noble person. In what way like? Here I refer you to some of Kivy's writings on the subject, which tell us that sad music shares the dynamic properties of sad people, it is slow-moving, drooping, ponderous and so on. And noble music is up-standing, fully presented, with straightforward gestures and clear, honest cadences. Then I want to protest, wait a moment, you haven't advanced us one bit: you said that sad music shares properties with sad people; and then you proved this by describing those properties in two ways – using literal language of people, and figurative language of the music. Music doesn't literally move slowly, droop or ponder. The analogy turns out not to be an analogy at all, but a way of replacing one metaphor with another. I still have the question, what do these metaphors mean, and what do they tell me about the thing to which they are applied? And there is a strong tradition of argument, beginning with Wittgenstein's Philosophical Investigations, and taking in myself and others – including the illustrious Donald Davidson – which

says that you don't explain the meaning of a metaphor by looking at the metaphorical use, but by looking at the literal use. The thing that needs explaining is not the meaning of the word 'sad', 'noble' or whatever, but the purpose of using just that word in just this context. And whatever the purpose, it is not that of describing or picking out analogies.

But suppose these analogies exist. Suppose you can give sense to an emotion term or virtue word when used of music, by pointing to similarities between the work of music and the mental state or disposition referred to by the literal usage. Would this show that the term identifies something aesthetically interesting and morally relevant in the thing to which it applies? My answer is no. Everything resembles everything else, and most resemblances are insignificant; what makes resemblance interesting is the context that puts it to a use. You may have a striking resemblance to Elvis Presley. But, because you can't sing, can't move in a sexy way, can't do anything to put your resemblance on display, it remains insignificant. We notice many resemblances in music. The opening theme of Beethoven's Op. 18 no 1 is like someone signing a cheque: boldly putting down the hand, and then lapsing into a squiggle. But that resemblance (supposing we allow it) has nothing to do with the music or what it means. Naturally, therefore, we need to distinguish accidental from significant resemblances: and that is precisely what we cannot do, if the only ground for the use of mental predicates to describe music is the kind of analogy pointed to by Kivy.

Here I think we can begin to distinguish the first two of our questions: that concerning musical idioms and that concerning musical works. Virtue and vice terms used of musical idioms can, in a way, be taken for granted, as posing no particular problems from the point of view of aesthetics. Like the description of tree species as noble or dignified, the description of an idiom as joyful or aggressive has no particular moral significance. The case parallels that of architecture in the classical tradition. The Ionic order was considered masculine but adolescent, the Doric order manly, the Corinthian feminine. And particular styles of ornamentation have been graced with similar epithets down the centuries. But nobody thinks that very much hangs on this, or that these epithets are a clue to the meaning of any particular building, or even to the beauty in general of a particular style. This kind of figurative language comes naturally to us: it is part of our way of being at home in the world, that we bring new objects under old categories, and extend our predicates to meet the need. The language of the virtues begins to bite only when we apply it to the individual work.

Here is an example. Youthful grace and serenity adhere to the Ionic Order in Greek architecture, much as joy and innocence adhere to New Orleans jazz. That, for us, is the character of the Ionic Order, which possesses this character in something like the way the oak possesses nobility and the weeping willow grief. The use of the word seems apposite, without, however,

committing us to any judgement. There are good and bad Ionic buildings, just as there are good and bad works of New Orleans jazz and first rate and third rate oak trees. When Cockerell in his amazing designs for the Ashmolean Museum in Oxford used the Greek Ionic Order, however, he produced one of the great works of architecture of the classical revival, and one in which youthful grace and serenity are both exhibited. But now the description begins to mean something. I cannot say 'Look, there is youthful grace and serenity', and then add, 'but of course, it is a piece of architectural rubbish, mere pastiche', not without feeling a tension, if not a contradiction, between those two pronouncements. The first has said something about the meaning of Cockerell's building, something that justifies the attention we might pay to it. Cockerell meant us to notice this youthful grace; it represented, for him, an idea of education and its transforming effect on the young mind. The youthful grace of the building, as vivid today as it was when first it was built 180 years ago, is part of what it means. And the serenity, amplified by the ingenious mixture of the honey-coloured Oxford stone and the white Portland marble, is also telling us something. We stand before this building as we might before a serene young person, on whose clear brow the light of learning has dawned. Oxford is proud of this building, because the building is proud of Oxford.

Now there I have started to use the figurative language in another way, a way that indicates why this building matters and what it means. I am committed, by my description, to a judgement. It is a way of saying look at this, because... Let us go back to music for a moment. When Plato banished the myxolydian mode from his ideal Republic it was in terms similar to those that might be used of an architectural style, or a species of tree. No gloomy pine trees on our campus; none of that aggressive Bauhaus fenestration. These are, if you like, aesthetic judgements; but they leave entirely open the rejoinder that a pine tree just here, a jaunty pilotis with a glass wrapped corner just there would help us along. Plato has failed to persuade precisely because he was talking about modes – idioms, as we might describe them – and not about individual works of music. Of course, he could have been right. Maybe, in a campus forested all over with pine trees students go crazy; maybe a Bauhaus campus would suffer the death from graffiti that it deserves. And maybe when the youth all go to pop concerts and dance to the aulos playing in that excruciating myxolydian mode they all start to go downhill, acquire nasty habits, become sexually promiscuous and contemptuous towards their elders, as Plato feared. It could be. But this is all speculation – by-passing the realm of aesthetic judgement, and not in itself vindicating the view that pine-trees, the Bauhaus style or the myxolydian mode really exemplify the vices conjured by the words that we use to describe them.

What I mean can be put more simply. The use of the language of virtue and vice to describe musical idioms is simply a special case of a much wider phenomenon, which has aesthetic and non-aesthetic instances. It does not, in itself, say anything about the moral impact or meaning of music. It is a wheel

that turns without turning anything else in the mechanism, to use Wittgenstein's image.

When it comes to using these moral terms of individual works, however, we are in a different realm, not only in music, but in architecture too. The nobility of Elgar's Second Symphony is there to be heard: it stands before us from the very first bar, and in following the music you are also participating in the unfolding of this virtue. You are in the presence of something – the very thing that your words describe when you describe this music as noble. Although the word 'noble' is here used figuratively, you can very quickly understand that it is being used to describe something in the music, something that must be understood by the one who listens properly to it. This music does not merely remind us of the old virtues of imperial Britain: it exemplifies them. And that is part of what we appreciate in listening to it, and part of what we react against, should those old virtues seem tainted in our eyes and not truly virtues. The question then becomes: how can you hear such a thing in music?

The question might make us think of figurative paintings. I look at Constable's picture of Salisbury Cathedral, and I describe the Cathedral. If someone asks, how can you see such a thing in a 2 foot square piece of canvas?, then we know how to answer. A cathedral is something we see: and that which we see we can also see in a picture. Hence there is nothing special about a cathedral that forbids us from seeing it in a picture. Going back to music, however, we encounter a difficulty. Nobility is not something that we hear: it is not an audibulum. A virtue of this kind consists in a disposition to behave, to understand, to relate to others. It is displayed over time, by a person's conscious and self-sacrificing behaviour. You don't put your ear to a person's heart, and listen for the nobility. And yet you hear nobility in music. So how is that possible?

As I remarked, we are not talking of analogies or similarities here. We are not saying that the music is similar, in this or that respect, to a noble person, even if it is. Similarity is significant only if something is made of it – as in figurative painting. Nothing is made of the similarities, such as they are, between noble people and the great first subject of the first movement of Elgar's 2nd Symphony. But much is made of that first subject. A tremendous process of musical development is launched by it, and it is through this musical process that the nobility comes across.

I think we will come closer to answering our second question if we move on to the third. How does the nobility in Elgar's music rub off on the listener? Remember Plato's worry about the pop music of his day – that it damages the character of those who dance to it. It isn't difficult to see how such a thing might be true. After all, dancing is something you do. It involves relating to your own body, and to the bodies of others, in a conscious manner. Ways of dancing are bound to have an impact on such things as sexual display,

courtship and erotic gestures. Ways of marching likewise – think of the goose-step, for example. Dancing affects the embodiment of the dancer, and embodiment can have virtuous and vicious forms. Thus, there is a whole spectrum of conduct, from modesty to lewdness, in the matter of sexual presentation. Modesty has traditionally been regarded as a virtue, and lewdness as a vice. For our ancestors these were, indeed, paradigms of virtue and vice. And it is very clear that these traits of character are displayed in dancing. Plato's thought was, that if you display lewdness in the dances that you most enjoy, then you are that much nearer to acquiring the habit – the vice, so cheerfully celebrated on some of your favourite Greek jars. I don't see any reason to doubt that.

Now dancing is not just moving, nor is it moving in response to a sound, a beat or whatever. Animals can do that, and you can train horses and elephants to move in time to a beat in the circus arena, with an effect that looks like dancing. But they are not dancing. To dance is to move with something, conscious that this is what you are doing. You move with the music, and also (in old fashioned dances) with your partner. This 'moving with' is something that animals cannot do, since it involves the deliberate imitation of life radiating from another source than your own body. That in turn demands a conception of self and other, and of the relation between them – a conception which, I would argue, is unavailable outside the context provided by language use and first-person awareness. To say this is not to deny the very remarkable coordination that can exist between non-human animals. The ability of flocks of birds and shoals of fish to change direction suddenly, each bird or fish responding instantly to the smallest impulse from its neighbour, and the whole moving as though a single organism guided by a single will – this is something that moves us to astonishment and wonder. And it is here that the neuroscientists step in with talk of mirror neurons, postulating a mechanism that according to some of them (Ramachandran, for instance) is the root of self-consciousness in people. That, however, is nonsense: there is no I-You intentionality that links the fish to its neighbour in the shoal, and no bird has felt that strange fascination with another's self-sufficient movement that Shakespeare conveys:

When you do dance I wish you

A wave of the sea, that you might ever do

Nothing but that... (Winter's Tale, IV, iv.)

You dance with music, and that means understanding the music as the source of the movement that is also flowing through you. Since the movement in you is a movement of life, in which your position at one moment propels you to your position at the next, so do you understand the music. You are moving in sympathy with another source of life. Yet the thing you are dancing with is not alive, even if it is produced by someone alive – an increasingly rare event in

itself. The life in the music is there by virtue of the fact that you can dance with it. The ultimate source of the life is you, the dancer. The life in the music is an imagined life, and the dance is your way of imagining it.

And here is one thing that might be said in answer to our third question. The moral quality of a work of music rubs off on the one who dances to it, to the extent that he moves in sympathy to that feature of the music. I don't say that the dancer acquires the virtue or vice in question. But he or she learns to sympathize with it. The process is really not so different from that which occurs in the theatre or when reading a novel. You come to sympathize with a character and moral qualities are the usual target of this sympathy – not necessarily, of course. Misfortune might awaken sympathy without any judgement of character; but misfortunes suffered by villains don't on the whole elicit our sympathy. Few people have difficulty in understanding how virtue and vice can be portrayed in literature, and how the portrait might educate our sympathies, and in doing so bring about some small moral improvement.

Now, of course, we are sorely tempted beings, and our moral knowledge is often eclipsed in the moment of temptation. Whatever we learn through sympathy is likely to have only a marginal influence on our behaviour. But, as Hume pointed out, our sympathies tend to coincide and reinforce each other, while our selfish desires conflict and therefore cancel each other out. Hence whatever rubs off on us through sympathy towards a work of art or the people represented in it is of immense importance, and fully entitles us to make a moral judgement. A work of music that moves through its nobility is one that is encouraging sympathy towards that virtue, and as this sympathy accumulates so does the work improve the moral temper of humanity, as surely Mozart did through his operas and Beethoven through his symphonies. And this is the kind of effect that Plato had in mind, when he argued against the corybants.

Now not all dancing is a response to the moral qualities of the music. Many people have danced to the Rolling Stones or Bruce Springsteen without directing their attention either to the aggression of the one or the sentimentality of the other. Aggression and sentimentality are vices, but they are not necessarily what you dance with, when you dance with aggressive or sentimental music. You can compartmentalise, and if you don't do so these days, you will find it very hard to dance, unless you are lucky enough to have mastered Salsa, Scottish Country Dancing, American Barn Dancing or some similar pre-lapsarian amusement. Such compartmentalisation is harder when listening, however, and it is when listening that the moral qualities of a piece of music come vividly to the fore.

This brings me to the crux. What is the relation of listening to dancing? You don't listen with a piece of music; you listen to it. But the 'witness' of the dance is reproduced in listening. In some way you move with the music as you listen to it, and this movement is, or involves, a movement of sympathy.

Making sense of that statement is, it seems to me, the hardest task in musical aesthetics, and I want to make a few suggestions, which I will simply list for your consideration.

1. Although you move with the music in some way, the movement in the music is purely imaginary. All animals hear sounds in sequences, and group them in perception. This grouping forms part of what the psychologist S.A. Gelfand has called 'auditory scene analysis', and is the auditory equivalent of Gestalt perception in the visual sphere. In listening to music, however, another kind of grouping occurs – one that requires an act of imagination. In hearing music we don't hear sequences of sounds only: we hear movement in and through those sounds. We group sounds in terms of this movement that we hear in them. Melodies begin, move on, conclude; rhythms propel the music forward, harmonies create tensions and resolutions which infect the melodic line. Everything is in motion – but it is a figurative motion, that corresponds to nothing real in the world of sound.

2. You can move with an imaginary movement, just as you can be moved by a fictional character. Your sympathies go out to Emma or David Copperfield in just the way they would go out to someone real. In dancing our sympathies go out to the life imagined in the music. And in listening something similar happens.

3. Listening is not the same as dancing: but it is more like dancing than it is like hearing. Many people hear music without listening to it. Listening involves attention – but attention to the imagined movement. The recording engineer listens intently to the sounds that he is recording; but he might be tone deaf, and entirely baffled by the suggestion that there is more to these sounds than their purely acoustical properties. The person who listens to music is listening to the imaginary movement, following it, and being led by it in something like the way a dancer is led by the music he or she is dancing to.

4. So there is a way in which the nobility of Elgar's music rubs off on the listener: through sympathy with the character that the listener hears in, and moves with, in the music. The nobility attributed to the music is not like that attributed to oak trees: it is heard in the individual piece, as presented in and through it. Listening is in some deep way like being in the presence of, and in communication with, a noble person. The similarities here are not between the shape of the music and the shape of a character. They are similarities between two experiences – it is as though we were confronting a noble person, his acts, inspiration and honest manner. We sense the open, responsible way in which he ventures forth on his musical journey: and as the music unfolds his character is in some way put to the test by it.

5. That last feature is the important one, since it helps us to overcome the objection that I levelled at Kivy earlier. It helps us to say when resemblances are not just accidental, but part of what the music means, part of its character

for us, and what it is presenting to us. The nobility is being presented through the musical line, and understanding that line is an integral part of understanding the character. It is not that the music is telling a story. Elgar's symphony is as 'absolute' a piece of music as any symphony by Brahms. But we are being invited, all the same, into a kind of musical journey, and we go side by side into that journey with a companion – which is the music itself.

Seeing it in that way we can see how we can make the most radical and far-reaching judgements of character in music. Many people react to the nobility in Elgar with a measure of distaste. This is imperial music, they say: this bold, honest, open melody also has a belligerent and self-consciously superior character, knocking lesser things down as it marches along. And when, in the second subject, you hear another mood, one of tenderness and longing, this too has something imperial to it, as though it were 'home thoughts from abroad', nostalgia for the place that distinguishes me and makes all these adventures outwards worthwhile. And when from time to time the music gets lost in those whispering passages, so strangely bleak and directionless, don't we feel the presence of doubts, the very same doubts that rotted the imperial project from within, and which led to its ultimate collapse?

I don't say that is how you should hear the Elgar. But you can hear it in that way, and it shows how deeply character and our reaction to character are revealed and developed in music – even the most abstract music. As with human character, the moral significance of a piece of music can be undermined by the revealing narcissistic gesture – the gesture that tells you that all this emotionality is not about the other, but about the self. That, surely, is what you so often feel in Skryabin – for instance, in the late piano sonatas, with their perfumed harmonies, and airy, look-at-me melodic lines, in which the tenderness is so evidently 'fixed'. Someone might wonder about the Elgar in this connection: the constant recourse to the lilting 2 + 1 rhythm, or the equally mesmeric rhythm (3+1)(2+1+1)(2+2) of the last movement: the music might seem stuck in a groove in the same way that certain characters are – unable to revise its fundamental outlook on the world, hence more interested in self than other when it comes to the crisis. Yet it also confesses to crisis, in the many whispered passages where the forward movement is arrested, and in the tender, vulnerable seeming second subject. The character displayed in this first movement is clearly a complex one, with moments of bluster, behind which we sense a vulnerable and domestic affection.

Of course, that raises the question of how much of this is 'read into' the piece by the listener, and how we distinguish that which is read in, from that which is 'really' there. I shall conclude with a couple of suggestions. The first is that attributing character to a piece of music is a form of interpretation, and the test of an interpretation lies in performance and reception. If my description of the moral character of the Elgar gives no hints as to how the piece might be performed, and no hints as to how it might be approached when listened to,

then it is vacuous as an account of the piece's meaning. In some way the interpretation must translate into a way of playing, and a way of hearing. And surely we are well used to distinguishing performances in this way – criticising a conductor for missing the character of a piece, or misrepresenting it, or spoiling it.

The second suggestion is that an interpretation must be anchored in the score. That is to say, it should not be reducible to a vague characterisation of the whole piece – comparable to the description of the oak as a noble tree. It should track the notes, help the performer and the audience to understand just how one episode follows on another, why this note here, this harmony there. That is the truly difficult task of criticism. It is not enough simply to invent some fanciful story that happens to coincide with the musical movement. There is a test of correctness for criticism of this kind, and that test is the ear of the beholder. It must be that the alert listener or performer, on grasping what the critic is saying, responds with a changed experience – yes, that is how it should be played/heard, should be the thought. This does not mean that interpretation homes in on some single, final judgement – nothing in interpretation is final. It means that there is a test that every interpretation must pass if it is not to be a flight of fancy on the critic's part, and that test is the transformed experience of the listening or performing ear. And from that transformed experience comes the outgoing movement of sympathy towards the virtue that is heard in the music.

The same goes, of course, for criticism of musical vices – of the kind that I briefly voiced in relation to Skryabin, and of the kind that Adorno tried to heap onto American popular music in toto. But vice is another story, and maybe it is best to leave it untold.



CATO
JOURNAL

American Constitutional Theory and History: Implications for European Constitutionalism

This is a lightly revised keynote address delivered in Rome, Italy, on December 22, 2017, at a symposium conducted under the patronage of the President of the Republic to mark the 70th anniversary of the Italian Constitution. Introductory material has been removed and limited citations added. I want to thank Senator Giorgio Benvenuto and Professor Luigi Troiani of the Pietro Nenni Foundation for their generous support of this symposium.

FALL 2018 • CATO JOURNAL

By **Roger Pilon**

It is perhaps not impertinent to suggest that American constitutional theory and history, owing to the longevity of the document that is their subject, hold lessons for constitutionalism everywhere, but especially for European constitutionalism — the more recent and ever evolving treaties that serve as a “Constitutional Charter” for the European Union. An American constitutionalist looking east today, seeing everything from Brexit to Grexit plus the reactions in European capitals, must be struck by the tension in the EU between exclusion and inclusion in its many forms,

including individualism and collectivism. Those themes underpin my discussion here. The issues surrounding them are universal. They are at the heart of the human condition.

In America we wrestled with them at our founding over 200 years ago, again in the aftermath of our Civil War, and yet again with the advent of Progressivism, which culminated in our New Deal constitutional revolution. And we are still wrestling with them. Because America was founded on philosophical principles — First Principles, coming from the Enlightenment — it is particularly appropriate that we look at that experience to shed such light as we can on this more recent European constitutional experience.

But my more immediate concern is this: In liberal democracies today — nations constituted in the classical liberal tradition — we see the same basic problem, albeit with significant variations. It is that the growth of government, responding mainly to popular demand, has raised seemingly intractable moral and practical problems. First, increasing intrusions on individual liberty; and second, the unwillingness of people to pay for all the public goods and services they are demanding. Therefore, governments borrow. And that has led to massive public debt that saddles our children and grandchildren, to bankruptcy, and to the failure of governments to keep the commitments they have made.

In Italy, we need only look east, to the birthplace of democracy. But Greece is not alone in this. Nor are we in America immune. Cities like Detroit have gone bankrupt. So too, just recently, has the American territory of Puerto Rico. The state of Illinois has a credit rating today just above junk status, and Connecticut and New Jersey, among other states, are not far behind. At the national level, America's debt today exceeds \$20 trillion — that's trillion — more than double what it was only a decade ago. And our unfunded liability vastly exceeds that (Cogan 2018).

What has this to do with constitutionalism? A great deal. Constitutions are written, after all, to discipline not only the governments they authorize but the people themselves. The point was famously stated by James Madison ([1788] 1961), the principal author of the U.S. Constitution. "In framing a government which is to be administered by men over men, the great difficulty lies in this," he wrote: "you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government," Madison concluded, "but experience has taught mankind the necessity of auxiliary precautions."

The principal such precaution, of course, is a well-written constitution. But no constitution is self-executing. It is people who ultimately execute constitutions. In the end, therefore, the issue is cultural,

a point I will come back to.

America's Founders were deeply concerned with the problem of undisciplined, unlimited government. After all, they had just fought a war to rid themselves of distant, overbearing government. In drafting the Constitution, therefore, they were not about to impose that kind of government on themselves. In fact, during the ratification debates in the states, there were two main camps — the Anti-Federalists, who thought the proposed Constitution gave the government too much power, and the Federalists, who responded by pointing to the many ways the proposed Constitution would guard against that risk. The Federalists eventually won, of course, but the point I want to secure is that there was not a socialist in the group! There were *limited* government people, the Federalists, and *even more* limited government people, the Anti-Federalists.

So under a Constitution that has not changed that much, how did we go from limited to effectively unlimited government? The answer lies in the fundamental shift in the climate of ideas that began with Progressivism at the end of the 19th century, which the New Deal Supreme Court institutionalized in the 1930s. To illustrate that, I will first look closely at America's founding documents: the Declaration of Independence, signed in 1776; the Constitution, ratified in 1788; the Bill of Rights, ratified in 1791; and the Civil War Amendments, ratified between 1865 and 1870, which corrected flaws in the original Constitution. Together, those documents constitute a legal framework for individual liberty under limited government, however inconsistent with those principles our actual history may have been.

I will then show how progressives rejected the libertarian and limited government principles of America's Founders and how they eventually turned the Constitution on its head, not by amending it but through political pressure brought to bear on the Supreme Court. The problems that have ensued include the ones just noted: less liberty and increasing debt. But perhaps of even greater importance, for eight decades now the Supreme Court has struggled to square its post-New Deal decisions with the text and theory of the Constitution. That amounts to nothing less than a crisis of constitutional legitimacy.

And again, the basic reason for that crisis is the fundamental shift in outlook. Many Americans today no longer think of government as earlier generations did. Whereas the Founders saw government as a "necessary evil," to be restrained at every turn, many today think that the purpose of government is to provide them with vast goods and services, as decided by democratic majorities.

The Importance of Theory

I come, then, to the first important point I want to flag. You cannot understand the U.S. Constitution unless you understand the moral and political theory that stands behind it. And that was outlined not in the Constitution but in the Declaration of Independence (**Sandefur 2015**). The Constitution was written in a context, as were the later Civil War Amendments, and that context was one of natural law, Anglo-American common law, and even elements of Roman Law, all of which are captured succinctly in those famous words of the Declaration that I will quote in a moment. Indeed, President Abraham Lincoln's famous Gettysburg Address, written in the throes of a brutal Civil War, begins with these words: "Fourscore and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal." Lincoln was reaching back to the Declaration, not to the Constitution.

Yet no less than my good friend and Italy's gift to American constitutionalism, the late Justice Antonin Scalia, all but dismissed the Declaration as "philosophizing," contrasting it with the Constitution's "operative provisions" (**Scalia 1997**: 134). And his conservative colleague when the two served on the nation's second highest court, the late Judge Robert Bork, wrote that "the ringing phrases [of the Declaration] are hardly useful, indeed may be pernicious, if taken, as they commonly are, as a guide to action, governmental or private" (**Bork 1996**: 57). Is it any wonder that there is constitutional confusion in America today when the document that is essential to understanding it plays little or no part in that understanding?

Let me now flesh out the argument by focusing on the underlying moral, political, and legal principles at stake, after which I will offer just a few reflections on how those principles might illuminate issues in the European context. Again, I want to show how the shift from limited to effectively unlimited government took place in America, despite very few constitutional changes. I should note, however, that it will be some time before I get to the Constitution. If a proper understanding of the Constitution requires a proper understanding of the theory behind it, and if that theory is found implicitly in the Declaration, then that should be our initial focus, and will be for some time. That will take us into some of the deeper reaches of moral and political theory, the aim being to better understand the Constitution itself — and especially the broad principles that underpin it.

The first thing to notice about the American constitutional experience is how relatively different its beginnings were from those of many other nations. Constitution making and remaking often take place in the context of a stormy history stretching back centuries, even millennia. By contrast, America was a *new* nation. We came into being at a precise point in time, with the signing of the Declaration of Independence. To be sure, American patriots had to win our independence on the battlefield. And before that we had a colonial history of roughly 150 years. But America was created not by a discrete people but by diverse immigrants with unique histories all their own.

A second, crucial feature distinguishing America's constitutional experience is that it unfolded during the intense intellectual ferment of the Enlightenment, including the Scottish Enlightenment, with its focus on the individual, individual liberty, and political legitimacy, all of which reflected the sense of "a new beginning." Indeed, the motto on the Great Seal of the United States captures well the spirit of America's origins: *Novus ordo seclorum*, "a new order of the ages."

The Declaration of Independence

Let us turn, then, to that new order, as outlined in the Declaration. Penned near the start of our struggle for independence, the Declaration in form is a *political* document. But were it merely that, it would not have so endured in our national consciousness. Nor would it have inspired countless millions around the world ever since, leading many to leave their homelands to begin life anew under its promise, including millions from Italy who now enrich America. It has so inspired because, fundamentally, it is a profound *moral* statement. Offered from "a decent Respect to the Opinions of Mankind" and invoking "the Laws of Nature and of Nature's God," it was written not only to declare but to *justify* our independence. And it did so not simply by listing the king's "long Train of Abuses and Usurpations," which constitute the greater part of the document, but by first setting forth the moral and political vision that rendered those acts unjust.

And so we come to those famous words that flowed from Thomas Jefferson's pen in 1776, words that capture fundamental principles concerning the human condition:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness — That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.

The first thing to notice about that passage is that its propositions are asserted as "truths," not mere opinions. The Founders were not moral relativists. They were confident in their claims. And why not? Their truths were said to be "self-evident," grounded in universal reason, accessible by all mankind — and the evidence supports that.

Notice too the structure of the passage: There are two parts — and the order is crucial. The moral vision comes first, defined by equal rights. The political and legal vision comes second, defined by powers, as derived from the moral vision. And right there is the second major point I want to flag: Unlike today, where politics, grounded in will, so often determines what rights we have, for early

Americans, morality, grounded in reason, determined our rights. The Founders were concerned fundamentally with moral and political *legitimacy*. Rights first, government second, as the means for securing our rights (**Barnett 2016**, **Pilon 1999**).

Given that order of things, the Founders were engaged in “state-of-nature theory,” a rudimentary form of which can be found in the writings of Seneca (see **Corwin 1955**: 15). A fuller discussion came much later in the work of Thomas Hobbes (**1651**) and, especially, John Locke (**1690**) — often said to be the philosophical father of America.

State-of-nature theory is a thought experiment. The idea is to show how, without violating any rights, a legitimate government with legitimate powers might arise from a world with no government. Thus, the first step is to show, from pure reason, what rights we would have in such a world.

For that, as the Declaration implies, we turn to the natural law tradition — more precisely, the natural rights strain coming from the Reformation and the Enlightenment. Simply put, natural law stands for the idea that there is a “higher law” of right and wrong, grounded in reason, from which to derive the positive law, and against which to criticize that law at any point in time. There is nothing suspect about that idea, as modern moral skeptics argue. We appeal to natural law when the positive or actual law is thought to be morally wrong. In America, the abolitionists, the suffragists, and the civil rights marchers all invoked our natural rights in their struggles to overturn unjust law.

The origins of this law are in antiquity. Many of its particulars are in Roman Law, especially the law of property and contract. Over some 500 years in England, prior to the American Revolution, this law was refined and reduced to positive law by common-law judges consulting reason, custom, and what they knew of Roman Law as they adjudicated cases brought before them by ordinary individuals (**Corwin 1955**: 26; **Leoni 1961**). And John Locke drew largely on that body of common-law rights as he crafted a theory of natural rights, much as Jefferson drew on Locke when he drafted the Declaration.

To correct a common misunderstanding, these are the rights we hold *against each other*, and would hold in a state of nature. Later, once we create a government, they will serve as rights we hold against that government, and likely be included in a bill of rights.

To discover and justify these rights in detail, as I and others have done (**Pilon 1979**; **Epstein 2003**), we would need to delve into the complex issues of moral epistemology and legal casuistry, and this is not the occasion for that. Suffice it to say that, when that foundational work is done, the conclusion one reaches is the same one America’s Founders reached through reason and experience — namely, that our basic right is the right to be free from the unjustified interference of others, and all other

rights are derived from that basic right, as the facts may warrant. What results approximates largely the judge-made common law of property, torts, contracts, and remedies, a law that defines our private relationships, as it did in early America both before and long after the Revolution. It is a law that says, in essence, that each of us is free to pursue happiness, by his own subjective values, either alone or in association with others, provided we respect the equal objective rights of others to do the same. In short, it is a live-and-let-live law of liberty.

And I can summarize it with three simple rules, so simple that even a child can understand them.

- Rule 1: Don't take what belongs to someone else. That is the whole world of property, broadly conceived as Locke did — our property in our "Lives, Liberties, and Estates."
- Rule 2: Keep your promises. That is the whole world of contracts and associations.
- Rule 3: If you have wrongly violated rules 1 or 2, give back what you have wrongly taken or wrongly withheld. That is the whole world of remedies.

There is a fourth rule, however, but it is optional: Do some good. You're free not to be a Good Samaritan, but you should be one if you are a decent human being and the cost to you is modest. Unlike much continental law, Anglo-American law never compelled strangers to come to the aid of others (**Ratcliffe 1966**). It did not because individual liberty is its main object. And it saw that there is no virtue in forced beneficence. We are free to criticize those who don't come to the aid of others, and we should, even as we defend their right not to.

Why have I mentioned this fourth, voluntary rule? Again, it is because, when we start from a theoretical state of nature, we need to know what rights we do and do not have for government to enforce once we bring government into the picture. And the Good Samaritan is the modern welfare state writ small. If there is no right to be rescued, there is no correlative obligation for government to enforce. Recognizing that raises important questions about the very legitimacy of the welfare state.¹

Leaving the State of Nature and the Problem of Political Legitimacy

To get to the Constitution, however, we need now to take the last step in the argument. We need to derive a legitimate government with legitimate powers — and that is no easy matter. I have said little

about enforcement so far. The Declaration says that government's purpose is to secure our rights, its *just* powers derived "from the consent of the governed." Thus, the Founders invoked the social contract, which grounds political legitimacy in consent.

But there are well-known problems with consent-based social-contract theory as a ground for political legitimacy. The question is how to move legitimately from self-rule to collective rule. Unanimity will achieve legitimacy, of course, but rarely if ever do we get it. Majoritarianism will not solve the problem, because it amounts to tyranny over the minority that has not consented. Nor will the social contract work, except for those in the original position who agree thereafter to be bound by the will of the majority. Nor, finally, will so-called tacit consent work — "you stayed, therefore you're bound by the majority" — because it puts the minority to a choice between two of its rights, its right to stay where it is and its right not to be ruled by the majority, precisely what the majority must justify on pain of circularity. As for elections, an occasional vote hardly justifies all that follows.

As a *practical* matter, the social contract argument may be the best we can do, but recognizing its infirmities leads to a compelling conclusion — and to the third basic point I want to flag, namely, that there is an air of illegitimacy that surrounds government as such. Government is not like a private association that we can join or leave at will. It is a *forced* association. Its very definition entails force. And once we recognize its essential character, that should compel us, *from a concern for legitimacy*, to do as much as we can through the private sector where it can be done voluntarily and hence in violation of the rights of no one, and as little as possible through the public sector where individuals will be forced into programs they may want no part of.

In short, as a *moral* matter, there is a strong presumption against doing things through government. We should turn to government not as a first but only as a *last* resort, when all else fails.

Still, we can refine this conclusion. We can distinguish three distinct powers in decreasing degrees of legitimacy. The first is the police power — the power, through adjudication or legislation, to more precisely define and enforce our rights. As such, it is bound by the rights we have to be enforced, although it includes the power to provide limited "public goods" like national defense, clean air, and certain infrastructure — goods described by nonexcludability and nonrivalrous consumption, as economists define them (Cowen 2008).

When we leave the state of nature, we give government that power to exercise on our behalf. But because we had the power in the state of nature — Locke called it the "Executive Power" each of us has to secure his rights — to that extent it is legitimate. Only the anarchist who would prefer to remain in the state of nature can be heard to complain. Fortunately, there are few of those.

Less legitimate is the eminent domain power — the power to condemn and take private property for public use after paying the owner just compensation — because none of us would have such a power in the state of nature. Such legitimacy as this power enjoys, at least in America, is because we gave it to government when we ratified the Constitution's Fifth Amendment, which includes the Takings Clause; and it is "Pareto optimal," as economists say, meaning that at least one person is made better off by its use — the public, as shown by its willingness to pay — and no one is made worse off — the owner, provided he is indifferent as to whether he keeps the property or receives the compensation, which he rarely is, unfortunately.

The third great governmental power, ubiquitous today, is the least legitimate. In fact, from a natural rights perspective, it enjoys no legitimacy. It is the redistributive power, and it takes two forms, material and regulatory. Through redistributive taxation, government takes from *A* and gives to *B*. Through redistributive regulation, government prohibits *A* from doing what he would otherwise have a right to do or requires him to do what he would otherwise have a right not to do, all for the benefit of *B*. Those powers describe the modern redistributive and regulatory state. No one would have them in the state of nature. How then could government get them legitimately, since governments, in the classical liberal tradition, get whatever powers they have from the people, who must first *have* those powers to yield up to government?

There are three main answers. First, if that redistribution arose through unanimous consent, there would be no problem; but again, rarely if ever does that occur in the public domain. Second, majorities gave governments those powers. That raises the classic problem of the tyranny of the majority, as already mentioned. And third, special interests have learned how to work the system for their benefit, as public choice economists have long explained.² That is the tyranny of the minority — and the main source today of such schemes.

We can conclude this examination of the moral foundations of the classical liberal vision by imagining a continuum, with anarchy or no government at one end — our state of nature — and totalitarianism at the other end, where everything possible is done through government. At the anarchy end, individuals are free to plan and live their lives as they wish, alone or in cooperation with others. They will soon find, however, that there are some things best done collectively, like the provision and enforcement of law, national defense, clean air and water, limited infrastructure, and the like — public goods — and most will consent to the public provision of such goods. But as we move up the continuum toward totalitarianism and try to bring more and more *private* goods under *public* provision — education, health care, child care, jobs, housing, ordinary goods and services — people start voting with their feet. The Berlin Wall was not built to keep West German workers out of the workers' paradise to the east.

The moral, political, and legal vision implicit in the Declaration of Independence is closer to the anarchy end of that continuum. America's Founders envisioned a land in which people were free to live as they wished, respecting the equal rights of others to do the same, with government there to secure those rights and do the few other things it was authorized to do.

That basic moral vision is perfectly universalizable. How to secure it through the rule of law is another matter. Certain basic legal principles are themselves universalizable and are common to most legal systems, but whether a nation has a parliamentary system as in much of Europe, or a republican form of government as in America, or some other arrangement is not a matter of natural law. Let us now see how the Founders framed a constitution to secure the Declaration's moral vision.

The Constitution

After we declared independence, and during our struggle for it, we lived under our first constitution, the Articles of Confederation. As its name implies, it was a loose agreement among the 13 states, authorizing a national government that hardly warranted the name. Three main problems lay ahead. Surrounded on three sides by great European powers, our national defense was painfully inadequate. Second, states were erecting tariffs and other barriers to free interstate trade. And finally, our war debts remained unpaid. After 11 years, the Framers met in Philadelphia to draft a new Constitution.

The main problem they faced was how to strike a balance. They needed to give the new government enough power to address those problems and accomplish its broad aims, yet not so much power as to risk our liberties. Those aims were set forth in the Constitution's Preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Notice: states aside, regarding the proposed new government, we are right back in the state of nature, about to "ordain and establish" a constitution to authorize it and bring it into being. All power rests *initially* with "we the people." We bring the constitution and the government that follows into being through ratification. We give it its powers, such as we do. The government does not give us our rights. We already have our rights, natural rights, the exercise of which creates and empowers this government.

How, then, does Madison strike the balance between power and liberty in service of those aims? First, through federalism: Power was *divided* between the federal and state governments, with most power left with the states, especially the general police power — the basic power of government to secure our rights, as just discussed. The powers we delegated to the federal government concerned national issues like defense, free interstate commerce, rules for intellectual property, a national currency, and the like.

Second, following Montesquieu, Madison *separated* powers among the three branches of the federal government, with each branch defined functionally. Pitting power against power, he provided for a bicameral legislature, with each chamber constituted differently; a unitary executive to enforce national legislation and conduct foreign affairs; and an independent judiciary with the implicit power to review legislative and executive actions for their constitutionality — a novel institution at that time, and a crucial one as time went on.

Third, although the Constitution left most of the rules for elections with the states, it provided for periodic elections to fill the offices set forth in the document, thus leaving ultimate power with the people.

But while each of those provisions and others struck a balance between power and liberty, the main restraint on overweening government took the name of the *doctrine of enumerated powers*. And I can state it no more simply than this: if you want to limit power, don't give it in the first place. We see that doctrine in the very first sentence of the Constitution, after the Preamble: "All legislative Powers *herein granted* shall be vested in a Congress" By implication, not all powers were "herein granted." Look at Article I, section 8, and you will see that Congress has only 18 powers or ends that the people have authorized. And the last documentary evidence from the founding period, the Tenth Amendment, states that doctrine explicitly: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." In other words, the Constitution creates a government of delegated, enumerated, and thus limited powers. If a power is not found in the document, it belongs to the states — or to the people, never having been given to either government.

As noted earlier, when the Constitution was sent out to the states for ratification, it met stiff resistance as Anti-Federalists thought it gave too much power to the national government. Only after the Federalists agreed to add a bill of rights was it finally ratified. During the first Congress in 1789, Madison drafted 12 amendments, 10 of which were ratified in 1791 as the Bill of Rights. That document sets forth rights that are good against the federal government, such as freedom of religion, speech, press, and assembly, the right to keep and bear arms, to be secure against unreasonable searches and seizures, to due process of law, to compensation if private property is taken for public

use, to trial by jury, and more.

But it is important to note that the Bill of Rights was, as Justice Scalia (2017: 161) said, an “afterthought.” Unlike with many European constitutions, which begin with a long list of rights, many aspirational, the Framers saw the Constitution’s *structural* provisions as their main protection against overweening government (National Lawyers Convention 2017). And on that score, it is crucial to mention the Ninth Amendment, which reads: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

The history behind that amendment is instructive. During the ratification debates, there were two main objections to adding a bill of rights. First, it would be unnecessary. “Why declare that things shall not be done,” asked Alexander Hamilton ([1788] 1961), “which there is no power to do?” Notice that he was alluding to the enumerated powers doctrine as the *main* protection for our liberties: where there is no power, there is a right.

And second, it would be impossible to enumerate all of our rights, yet, by ordinary principles of legal construction,³ the failure to do so would be construed as implying that only those rights that were enumerated were meant to be protected. To guard against that, the Ninth Amendment was written. It reads, again, “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” Notice: “retained by the people.” You can’t retain what you don’t first have to be retained. The allusion is to our natural rights, which we retained when we left the state of nature, save for those we gave up to government to exercise on our behalf, like the right to enforce our rights.

For a proper understanding of the Constitution, the importance of the Ninth Amendment, which speaks of retained rights, and the Tenth Amendment, which speaks of delegated powers, cannot be overstated (Pilon 1991: 1). Taken together, as the last documentary evidence from the founding period, they recapitulate the vision of the Declaration. We all have rights, enumerated and unenumerated alike, to pursue happiness by our own lights, to plan and live our lives as we wish, provided we respect the rights of others to do the same; and federal and state governments are there to secure those rights through the limited powers we have given them toward that end. There, in a nutshell, is the American vision, reduced from natural to positive law.

But apart from our failure too often to abide by that vision, there was a structural problem with the original design. There were too few checks on the states, where most power was left. And the reason was slavery. To achieve unity among the states, the Framers made their Faustian bargain. They knew that slavery was inconsistent with their founding principles. They hoped it would wither away in time. It did not. It took a brutal civil war to end slavery and the Civil War Amendments to “complete” the

Constitution by incorporating at last the grand principles of the Declaration, especially equality before the law (**Reinstein 1993**).

The Thirteenth Amendment, ratified in 1865, rendered slavery unconstitutional. The Fifteenth Amendment, ratified in 1870, protected the right to vote from being denied on account of race. And the Fourteenth Amendment, ratified in 1868, defined federal and state citizenship and provided *federal* remedies against a state's violating the rights of its own citizens.⁴

Unfortunately, only five years after the Fourteenth Amendment was ratified, a deeply divided 5–4 Supreme Court eviscerated the principal font of substantive rights under the amendment, the Privileges or Immunities Clause.⁵ Thereafter the Court would try to do under the less substantive Due Process Clause what was meant to be done under privileges or immunities, and the misreading of the Fourteenth Amendment has continued to this day. Among other things, the upshot was Jim Crow racial segregation in the South, which lasted until the middle of the 20th century.

Progressivism

We turn now to the great ideological watershed, the rise of Progressivism at the end of the 19th century. Coming from the elite universities of the Northeast, progressives rejected the Founders' libertarian and limited government vision (**Pestritto and Atto 2008**). They were social engineers, planners enamored of the new social sciences. Insensitive when not hostile to the power of markets to order human affairs justly and efficiently, they sought to address what they saw as social problems through redistributive regulatory legislation. They looked to Europe for inspiration: Bismarck's social security scheme, for example, and British utilitarianism, which in ethics had replaced natural rights theory. The idea was that policy, law, and judgment were to be justified not by whether they protected our natural and moral rights but by whether they produced the greatest good for the greatest number — often by *giving* rights to some, taken from others.

A particularly egregious example of that rationale concerned a sweetheart suit brought against a Virginia statute that authorized the sterilization of people thought to be of insufficient intelligence.⁶ Part of the bogus "eugenics" movement, the law was designed to improve the human gene pool. Writing for a divided Supreme Court in 1927, the sainted Justice Oliver Wendell Holmes upheld the statute, ending his short opinion with the ringing words, "Three generations of imbeciles are enough." There followed some 70,000 sterilizations across the nation.

Some of what the progressives did was long overdue, like promoting municipal health and safety measures and attacking corruption. Yet they also sowed the seeds for later corruption, especially

through regulatory schemes ripe for special interest capture, replacing markets with cartels (**Epstein 2006**). And their record on racial matters was abysmal (**Sowell 2016**).

During the early decades of the 20th century, progressives directed their political activism mostly at the state level, but they often failed as the courts upheld constitutional principles securing individual liberty and free markets. With the election of Franklin Roosevelt in 1932, however, progressive activism shifted to the federal level. Still, during the president's first term the Supreme Court continued mostly to uphold limits on federal power, finding several of Roosevelt's programs unconstitutional.

With the landslide election of 1936, however, things came to a head. Early in 1937, Roosevelt unveiled his infamous Court-packing scheme, his threat to pack the Court with six new members. Uproar followed. Not even an overwhelmingly Democratic Congress would go along with the plan. Nevertheless, the Court got the message. The famous "switch in time that saved nine" justices followed. The Court began rewriting the Constitution, in effect, not through amendment by the people, the proper way, but by reading the document as it hadn't been read for 150 years — as authorizing effectively *unlimited* government (**Leuchtenburg 1995**).

The Court did that rewrite in three basic steps. First, in 1937 it eviscerated the very centerpiece of the Constitution, the doctrine of enumerated powers. Then in 1938 it bifurcated the Bill of Rights and gave us a bifurcated theory of judicial review. Finally, in 1943 it jettisoned the nondelegation doctrine. Let me describe those steps a bit more fully so you can see the importance of recognizing and adhering to the theory that stands behind and informs a constitution.

The evisceration of the doctrine of enumerated powers involved three clauses in Article I, section 8, where Congress's 18 legislative powers are enumerated: the General Welfare Clause, the Commerce Clause, and the Necessary and Proper Clause. All were written to be shields against government. The New Deal Court turned them into swords of government through which the modern redistributive and regulatory state has arisen.

The first of Congress's enumerated powers, where the General Welfare Clause is found, authorizes Congress, in relevant part, to tax to provide for the "general Welfare of the United States." As Madison wrote in *Federalist* No. 41, that qualifying language was simply a general heading under which Congress's 17 other powers or ends were subsumed, for which Congress may tax, but only if they serve the *general welfare of the United States*, not particular or local welfare.

Instead, the New Deal Court read the clause as an *independent* power authorizing Congress to tax for

whatever it thought might serve the “general welfare.”⁷ That reading could not be right, however, because it would enable Congress to tax for virtually any end, thus rendering Congress’s other powers superfluous, as Madison, Jefferson, and many others noted when the issue arose early in our history. Indeed, it would turn the Constitution on its head by allowing Congress effectively unlimited power. Such is the result from ignoring the document’s underlying theory of limited government.

Similar issues arose that year with the Commerce Clause, which in relevant part authorized Congress to regulate interstate commerce. Recall that, under the Articles of Confederation, states had begun erecting tariffs and other protectionist measures, and that was leading to the breakdown of free trade among the states. Thus, the Framers gave Congress the power to regulate — or *make regular* — commerce among the states, largely by negating state actions that impeded free trade, but also through affirmative actions that might facilitate that end (**Barnett 2001**).

Over several decisions, however, beginning in 1937,⁸ the New Deal Court read the Commerce Clause as authorizing Congress to regulate anything that “affected” interstate commerce, which of course is virtually everything. Thus, in 1942 the Court held that, to keep the price of wheat high for farmers, Congress could limit the amount of wheat a farmer could grow, even though the excess wheat in question in the case never entered commerce, much less interstate commerce, but was consumed on the farm by the farmer and his cattle. The Court held that the excess wheat he consumed himself was wheat he would otherwise have bought on the market, so “in the aggregate” such actions “affected” interstate commerce.⁹ Such were the economic theories of the Roosevelt administration.

The last of Congress’s 18 enumerated powers authorizes it “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.” Thus, the clause affords Congress *instrumental* powers — the *means* for executing its other powers or pursuing its other enumerated ends. “Necessary” and “proper” are words of limitation, of course: Not any means Congress desires will do. Yet the New Deal and subsequent Courts, until very recently, have hardly policed those limitations (**Blumstein 2012**: 86).¹⁰

Turning now to the second step, despite the demise in 1937 of the doctrine of enumerated powers, one could still invoke one’s rights against Congress’s expanded powers. So to address that “problem,” the New Deal Court added a famous footnote to a 1938 opinion.¹¹ In it, the Court distinguished two kinds of rights: “fundamental,” like speech, voting, and, later, certain personal rights; and “non-fundamental,” like property rights and rights we exercise in “ordinary commercial relations.” If a law implicated fundamental rights, the Court would apply “strict scrutiny” and the law would likely be found unconstitutional.¹² By contrast, if nonfundamental rights were at issue, the Court would apply the so-called rational basis test, which held that if there were *some* reason for the law, if you could *conceive* of one, the law would be upheld. Thus was economic liberty reduced to a second-class

status. None of this is found in the Constitution, of course. The Court invented it from whole cloth to make the world safe for the New Deal programs (**Pilon 2003**).

Finally, in 1943 the Court jettisoned the nondelegation doctrine,¹³ which arises from the very first word of the Constitution: “All legislative Powers herein granted shall be vested in a Congress ...” Not some; all. As government grew, especially during the New Deal, Congress began delegating ever more of its legislative power to the executive branch agencies it was creating to carry out its programs. Some 450 such agencies exist in Washington today. Nobody knows the exact number.

That is where most of the law Americans live under today is written, in the form of regulations, rules, guidance, and more, all issued to implement the broad statutes Congress passes. Not only is this “law” written, executed, and adjudicated by unelected, non-responsible agency bureaucrats — raising serious separation-of-powers questions — but the Court has developed doctrines under which it defers to *agencies’* interpretations of statutes, thus largely abandoning its duty to oversee the political branches. Governed largely today under administrative law promulgated by the modern executive state, we are far removed from the limited, accountable government envisioned by the Founders and Framers (**Hamburger 2014, 2017**).

This completes my overview of American constitutional theory and history. From it, as I mentioned early on, the main lesson to be drawn is that culture matters. The Founders and Framers were animated by individual liberty under limited government. When the post-Civil War Framers revised our original federalism, they did it the right way, by amending the Constitution to make it consistent with its underlying moral and political principles. The New Deal politicians, having less regard for the Constitution and its underlying principles, rejected that course, choosing instead to browbeat the Court into effectively rewriting the Constitution, undermining its moral and political principles in the process.

But don’t take my word for it. Here is Franklin Roosevelt (**1935**), writing to the chairman of the House Ways and Means Committee: “I hope your committee will not permit doubts as to constitutionality, however reasonable, to block the suggested legislation.” And here is Rexford Tugwell (**1968**: 20), one of the principal architects of the New Deal, reflecting on his handiwork some 30 years later: “To the extent that these [New Deal policies] developed, they were tortured interpretations of a document intended to prevent them.” They knew exactly what they were doing. They were turning the Constitution on its head.

Thus, the problem today is not, as so many America progressives think, too little government. It is too much government, intruding on our liberties and driving us ever deeper into debt. And it isn’t as if our Founders did not understand that. As Jefferson famously wrote, “The natural progress of things is for

liberty to yield, and government to gain ground” (Boyd 1956: 208–10). The remedy for that “progress” is a good constitution, but it must be followed. And that takes good people at every stage — including, ultimately, the people themselves.

A Few Implications for European Constitutionalism

So what lessons might we draw from the American experience for European constitutionalism? Recall my mentioning earlier of being struck by the tension in the EU between exclusion and inclusion in its many forms, including individualism and collectivism. As we have seen, that same tension runs through America’s constitutional history as well. To address deficiencies in the Articles of Confederation, the original Constitution moved toward greater inclusion to form “a more perfect Union.” But the resulting federalism did not get the balance right either. It left too much power with the states, enabling the southern states to continue enforcing slavery. So the Civil War Amendments increased the inclusion, correctly. The adjusted federalism gave more power to the federal government, enabling it to block states from oppressing their own citizens — a higher power checking a subsidiary power.

But that balance, reflecting the nation’s underlying principles, was upended again by the far more inclusive New Deal constitutional revolution. Giving vastly more power to the federal government, contrary to the nation’s limited government principles, this change swept ever more Americans into public programs, leading many to want out. They wanted to be *excluded* from the socialization of life, as reflected by the rise of the conservative and libertarian movements in the second half of the 20th century.

Are there parallels with post-War developments in Europe? To this sometime-student of European affairs, there seem to be; but the inclusion that began with the 1951 Treaty of Paris and continued through the many treaties since makes it difficult if not impossible to speak of three distinct periods, as in America, much less point to a “golden mean” in this evolution akin to America’s post-Civil War settlement. In recent years, however, the impetus toward exclusion, in many forms, is unmistakable, Brexit being only the most prominent example, the ongoing refugee resettlement crisis being another.

Federalism *within* nations is a delicate balance. Federalism *among* sovereign nations, which is what the EU amounts to, is far more difficult, especially when cultural differences loom large. And on that score, here is a paradox. Europeans have always been more comfortable than Americans with collectivization in the form of the welfare state, certainly within their respective nations (Rhodes

2018). But with collectivization *among* nations, cultural differences — rich and poor being only one axis — can easily exacerbate the cooperation that is required if collectivization is to work at all, much less with any measure of efficiency. The evidence suggests that the EU has gone too far in that direction. At the same time, the evidence is equally clear that the failure to make EU border security an EU responsibility, leaving it instead to individual members, has raised serious problems, too (**Rohac 2016**).

In America, border security became a federal government function once the Constitution was ratified. Within our borders, however, to keep states honest, the Founders instituted *competitive* federalism, whereby states compete for the allegiance of citizens; and it has largely worked as states with high taxes and excessive regulations lose firms and people to states with low taxes and reasonable regulations. People vote with their feet, much as in the Schengen Area. But the federal income tax plus the direct election of senators, both enacted as constitutional amendments in 1913 and both promoted by progressives, unleashed *cooperative* federalism whereby federal and state officials collude, using federal funds and enacting federal regulations, to undercut state autonomy and the discipline that competitive federalism was meant to secure (**Greve 2012; Buckley 2014**).

Earlier I said that you cannot understand the American Constitution unless you understand the theory behind it. Well, what is the theory behind the treaties that compose the EU Constitution? Peace through trade and cooperation, yes — given Europe's long history of wars. But beyond that, what? We have seen how a radical shift in the climate of ideas in America, especially in the direction of collectivism, has led, as many lonely voices predicted, to a reaction that today reflects a deeply divided nation, unable to restrain its appetite for "free" goods and services, even in the face of crushing debt. The divisions surfacing recently in Europe are no accident. People and peoples yearn to breathe free — in an earlier understanding of that idea. The balance needed to ensure that freedom may be difficult to find. But to discover it, as we celebrate Italy's Constitution today and reflect on Italy's place within the larger European Community, we could do no better than to repair to the First Principles that are the very foundation of civilized nations.

References

Barnett, R. E. (2001) "The Original Meaning of the Commerce Clause." *University of Chicago Law Review* 68: 101–47.

_____. (2016) *Our Republican Constitution: Securing the Liberty and Sovereignty of We the People*. New York: Broadside Books.

- Blumstein, J. F. (2012) "Enforcing Limits on the Affordable Care Act's Mandated Medicaid Expansion: The Coercion Principle and the Clear Notice Rule." *Cato Supreme Court Review 2011–2012*: 67–112.
- Bork, R. H. (1996) *Slouching Towards Gomorrah: Modern Liberalism and American Decline*. New York: Harper Perennial.
- Boyd, J. (ed.) (1956) "Letter From Thomas Jefferson to Edward Carrington, 27 May 1788." In *The Papers of Thomas Jefferson*, Vol. 13, March–October 1788. Princeton N.J.: Princeton University Press.
- Buchanan, J., and Tullock, G. (1962) *The Calculus of Consent*. Ann Arbor: University of Michigan Press.
- Buckley, J. L. (2014) *Saving Congress from Itself: Emancipating the States and Empowering the People*. New York: Encounter Books.
- Cogan, J. (2018) "Why America Is Going Broke." *Wall Street Journal* (February 22): A17.
- Corwin, E. S. (1955) *The "Higher Law" Background of American Constitutional Law*. Ithaca, N.Y.: Cornell University Press.
- Cowen, T. (2008) "Public Goods." In D. R. Henderson (ed.) *Concise Encyclopedia of Economics*. Indianapolis: Liberty Fund.
- Epstein, R. A. (2003) *Skepticism and Freedom: A Modern Case for Classical Liberalism*. Chicago: University of Chicago Press.
- _____ (2006) *How Progressives Rewrote the Constitution*. Washington: Cato Institute.
- Greve, M. S. (2012) *The Upside-Down Constitution*. Cambridge, Mass.: Harvard University Press.
- Hamburger, P. (2014) *Is Administrative Law Unlawful?* Chicago: University of Chicago Press.
- _____ (2017) *The Administrative Threat*. New York: Encounter Books.
- Hamilton, A. ([1788] 1961) "Federalist No. 78." In C. Rossiter (ed.) *The Federalist Papers*, 464–72. New York: New American Library.

Hobbes, T. (1651) *Leviathan*. London: Andrew Crooke.

Leoni, B. (1961) *Freedom and the Law*. Princeton N.J.: D.Van Nostrand.

Leuchtenburg, W. E. (1995) *The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt*. New York: Oxford University Press.

Locke, J. (1690) "Second Treatise of Government." In *Two Treatises of Government*. London: Awnsham Churchill.

Madison, J. ([1788] 1961) "Federalist No. 51." In C. Rossiter (ed.) *The Federalist Papers*, 320–25. New York: New American Library.

National Lawyers Convention (2017) "Justice Scalia on Federalism and Separation of Powers." *Regent University Law Review* 30: 57–103.

Pestritto, R. J., and Atto, W. J. (eds.) (2008) *American Progressivism: A Reader*. New York: Lexington Books.

Pilon, R. (1979) "A Theory of Rights: Toward Limited Government." Unpublished dissertation, University of Chicago.

_____ (1991) "The Forgotten Ninth and Tenth Amendments." *Cato Policy Report* 13 (5): 1, 10–12.

_____ (1999) "The Purpose and Limits of Government," *Cato's Letters* 13: 1–33.

_____ (2003) "Foreword: Substance and Method at the Court." *Cato Supreme Court Review* 2002–2003: vii–xi.

Ratcliffe, J. (1966) *The Good Samaritan and the Law*. New York: Anchor Books.

Reinstein, R. J. (1993) "Completing the Constitution: The Declaration of Independence, Bill of Rights, and Fourteenth Amendment." *Temple Law Review* 47: 361–418.

Rhodes, A. (2018) *The Debasement of Human Rights: How Politics Sabotage the Ideal of Freedom*. New York: Encounter Books.

Rohac, D. (2016) *Towards an Imperfect Union: A Conservative Case for the EU*. New York: Rowman & Littlefield Publishers.

Roosevelt, F. D. (1935) "Letter to Representative Samuel B. Hill on H.R. 8479." Available at www.presidency.ucsb.edu/ws/index.php?pid=14894.

Sandefur, T. (2015) *The Conscience of the Constitution: The Declaration of Independence and the Right to Liberty*. Washington: Cato Institute.

Scalia, A. (1997) *A Matter of Interpretation*. Princeton N.J.: Princeton University Press.

_____ (2017) *Scalia Speaks: Reflections on Law, Faith, and Life*. New York: Crown Forum.

Sowell, T. (2016) "The Left's Racist Past." National Review Online. Available at www.nationalreview.com/2016/03/progressivism-lefts-racist-history.

Tugwell, R. (1968) "A Center Report: Rewriting the Constitution." *The Center Magazine* 1 (3): 18–20.

¹ That is not to say that, as a *practical* matter, elements of the welfare state may not be justified as a *last resort*. Rather, such elements are not brought into being "by right." Put differently, there is a strong moral presumption *against* such measures — against *forcing* people to assist others through taxation or otherwise — and a strong presumption in favor of voluntary *private* assistance and *private* charity.

² The classic arguments are by Buchanan and Tullock (1962).

³ *Expressio unius est exclusio alterius*.

⁴ Prior to that time, the Bill of Rights applied only against the federal government. *Barron v. Baltimore*, 32 U.S. 243 (1833).

⁵ *Slaughterhouse Cases*, 83 U.S. 36 (1873).

⁶ *Buck v. Bell*, 274 U.S. 200 (1927).

⁷ *Helvering v. Davis*, 301 U.S. 619 (1937).

⁸ *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937).

⁹ *Wickard v. Filburn*, 317 U.S. 111 (1942).

¹⁰ For a recent exception, see *NFIB v. Sebelius*, 567 U.S. 519 (2012).

¹¹ *United States v. Carolene Products Co.*, 304 U.S. 144 (1938).

¹² To satisfy the strict scrutiny test, the government must have a “compelling interest,” and the means it employs must be “narrowly tailored” to serve that interest.

¹³ *National Broadcasting Co. v. United States*, 319 U.S. 190 (1943).

ABOUT THE AUTHOR

Roger Pilon

B. Kenneth Simon Chair, Constitutional Studies



The Constitutional Protection of Property Rights: America and Europe

By
Roger Pilon



ECONOMIC EDUCATION BULLETIN

Published by

AMERICAN INSTITUTE
for ECONOMIC RESEARCH
Great Barrington, Massachusetts

About AIER

American Institute for Economic Research (AIER) conducts independent, scientific, economic research to educate individuals, thereby advancing their personal interests and those of the Nation.

The Institute, founded in 1933, represents no fund, concentration of wealth, or other special interests. Advertising is not accepted in its publications. Financial support for the Institute is provided primarily by the small annual fees from several thousand sustaining members, by receipts from sales of its publications, by tax-deductible contributions, and by the earnings of its wholly owned investment advisory organization, American Investment Services, Inc. Experience suggests that information and advice on economic subjects are most useful when they come from a source that is independent of special interests, either commercial or political.

The provisions of the charter and bylaws ensure that neither the Institute itself nor members of its staff may derive profit from organizations or businesses that happen to benefit from the results of Institute research. Institute financial accounts are available for public inspection during normal working hours of the Institute.

Web: www.aier.org Email: info@aier.org

About Progress Foundation

Founded in 1968, Progress Foundation is an independent, noncommercial organization that supports scientific research concerned with ascertaining the beneficial and detrimental influences in the progress of civilization. The Foundation is domiciled in Zurich, Switzerland. Communications address: P.O. Box 2172, CH-8027, Zurich, Switzerland. See also www.progressfoundation.ch.

ECONOMIC EDUCATION BULLETIN

Vol. XLVIII No. 6 June 2008

Copyright © 2008 American Institute for Economic Research

ISBN-13: 978-091361061-9

Economic Education Bulletin (ISSN 0424-2769) (USPS 167-360) is published once a month at Great Barrington, Massachusetts, by American Institute for Economic Research, a scientific and educational organization with no stockholders, chartered under Chapter 180 of the General Laws of Massachusetts. Periodical postage paid at Great Barrington, Massachusetts and additional offices. Printed in the United States of America. Subscription: \$25 per year. POSTMASTER: Send address changes to *Economic Education Bulletin*, American Institute for Economic Research, Great Barrington, Massachusetts 01230.

FOREWORD

THIS article is based on an address by Dr. Roger Pilon to the Progress Foundation's 24th Economic Conference in Zurich, Switzerland, June 13, 2007. The conference was organized with the cooperation and co-sponsorship of the American Institute for Economic Research.

As in all Progress Foundation economic conferences, the views expressed by the participants are their own and do not necessarily represent the views of the sponsoring institutions. As with previous events, however, we believe that the analysis in the article that follows is both timely and pertinent, and will engage the reader's interest whatever his or her particular views.

About the Author

Roger Pilon is vice president for legal affairs at the Cato Institute where he holds the B. Kenneth Simon Chair in Constitutional Studies. He is the founder and director of Cato's Center for Constitutional Studies and the publisher of the *Cato Supreme Court Review*. He is also an adjunct professor of government at Georgetown University through The Fund for American Studies.

Dr. Pilon's writings have appeared in the nation's major media and he is a frequent guest on radio and TV. He lectures and debates at universities and law schools across the country and testifies often before Congress. Prior to joining Cato he held five senior posts in the Reagan administration, including at State and Justice. He has taught philosophy and law and was a national fellow at Stanford's Hoover Institution. Dr. Pilon holds a B.A. from Columbia University, an M.A. and a Ph.D. from the University of Chicago, and a J.D. from the George Washington University School of Law. In 1989 the Bicentennial Commission presented him with the Benjamin Franklin Award for excellence in writing on the U.S. Constitution. In 2001 Columbia University's School of General Studies awarded him its Alumni Medal of Distinction.

I am delighted to speak about the constitutional protection of property rights, since it is a subject I follow quite closely. One cannot talk about the protection of property rights in the United States without first placing that subject within the larger context of American constitutionalism. Thus, after brief comments about the immediacy of the property rights issue in America today, I will focus the first part of my remarks on the American theory of constitutional legitimacy and the place of property rights within that theory. I will then show how that theory and those rights were compromised by ideas that came from the Progressive Era, which were institutionalized during the New Deal. Finally, I will say a few words about the protection of property rights in the European context, where the positive law seems far less sympathetic, yet the European Court of Human Rights seems to be moving toward better protecting such rights.

I. The American Theory of Constitutional Legitimacy

Two years ago, at the end of its 2004-2005 term, the U.S. Supreme Court handed down a property rights decision, *Kelo v. City of New London, Connecticut*,¹ that animated the American public like no decision in recent memory. The Court upheld a plan by the city to take title to the modest homes of Suzette Kelo and many of her neighbors so that those titles could be transferred to a private developer to enable him to build upscale homes and commercial establishments on the land, thereby affording the city various amenities and a greater tax base. Suddenly, Americans realized that no home or small business was safe, that any time public officials believed they could bestow a benefit on the public by taking the property of some and giving it to others, even with just compensation, they could do so. Thanks to the public relations efforts of the Cato Institute and, especially, our good friends at the Institute for Justice, who had argued the case all the way to the Supreme Court, there was a public outcry across the nation over the following year.² To date, over 40 states have passed measures of varying quality to better protect property rights. Last November, 12 such measures were on state ballots; 9 passed, some by overwhelming majorities.³

But while that reaction to a Supreme Court decision has checked certain abuses of the governmental power of eminent domain, the resulting checks have not gone to the core of the problem. Far too often today governments at all levels in America run roughshod over property rights with impunity. To appreciate the nature of the problem, however, it is necessary to place it

within the larger constitutional context. Unlike in Europe, with its various national constitutional arrangements and its complex overlay of international treaty arrangements amounting to the European Union, in America we have a unitary system of nominally limited national government grounded in the U.S. Constitution—the supreme law of the land—but made more complex by an intertwined federal system of 50 state constitutions. The relationships between the two levels of government within that system are hardly self-evident. Moreover, there are background moral and legal principles that must be acknowledged if a systematic account of American government is to be understood. Here, I will simply sketch such an account.

A. The Declaration of Independence

The place to begin, however, is not with the Constitution of 1787 but with the Declaration of Independence of 1776, because it was there that America's Founders set forth the moral, political, and legal principles that 11 years later would inspire the Framers of the Constitution. And the first thing to be noticed is that we stand in the natural law tradition—more precisely, in the natural rights strain of that tradition, its roots in antiquity, its clearest manifestation in the English common law that had evolved over 500 years and in John Locke's *Second Treatise of Government*, which set forth not only the theory of rights on which American government rests but the property and social contract theories that so informed the founding generation's vision.⁴ Positive law, law grounded in political will, may be necessary to establish a political regime; but because of intractable practical problems surrounding even democratic consent, positive law must be derived ultimately, if not fully, from natural law, grounded in reason, if it is to be legitimate. Indeed, so intractable are those problems that we are led to conclude that government, unlike private associations, has an ineluctable element of force about it. It is a forced association,⁵ prompting us, from a moral perspective, to do as much as possible in the private sector, where it can be done in violation of the rights of no one, and as little as possible in the public sector, where forced association is inevitable.⁶

All of that and more was captured succinctly by Thomas Jefferson in the seminal phrases of the Declaration that we know so well:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life,

Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.⁷

Notice first that in that famous passage Jefferson follows the tradition of state-of-nature theory. He first sets forth the moral order; only then does he outline the political and legal order it entails. Thus, political and legal legitimacy are functions of moral legitimacy. And moral legitimacy is rooted in the idea of “self-evident” truths, truths of reason, grounded neither in religious belief nor in will. Thus, the Declaration’s bow to theology is minimal at most: the argument stands rather in the grand tradition of moral rationalism, stemming at least from Plato’s *Euthyphro*. The substantive premise—moral equality—is likewise parsimonious: we are equal only, but crucially, with reference to our rights to life, liberty, and the pursuit of happiness. And rights, with their correlative obligations, translate easily into law, unlike such moral notions as values or virtues.

The right to pursue happiness warrants special attention, because implicit in it is a distinction central to the classical liberal vision—between objective rights and subjective values. We each pursue happiness according to our own subjective values. The theory of rights speaks not to such value choices; rather, it says only that each of us has an objective right to pursue such subjective values provided only that we respect the equal rights of others to do the same. Thus, as against skepticism, which holds that there are no moral truths, or if there are we can’t know them, rights theory argues for truth in the limited realm of rights. But, as against dogmatism, which holds that moral truths abound, even regarding values, and that all or most of life should be regulated by law with such “truths” in view, rights theory leaves it to individuals to chart their own courses through life. Neither skepticism, stripping us of moral foundations, nor dogmatism, stripping us of freedom, is an attractive view. By distinguishing rights and values, as the Declaration implicitly does, we find a principled path between those unattractive alternatives—morality, yet freedom too, including the freedom to be and do wrong, provided only that the rights of others are respected in the process.⁸

When it came to casuistry, the Founders understood that all of our rights could usefully be reduced to property, broadly understood—“Lives, Liberties, and Estates,” as Locke put it, “which I call by the general Name, *Property*.”⁹ By so doing, we are better able to distinguish legitimate from

illegitimate right claims: we have rights only to those things we hold free and clear—things to which we hold title, with which we are “entitled.” As between common law strangers, we are entitled simply to our liberty, as defined by our property—thus to be free from takings and from trespass to person or property. But included in that freedom is the right to associate with willing associates: thus the second great font of rights, besides property, contract. Those were the two key insights of the English common law, through the development of which judges adjudicated disputes between individuals, drawing mainly not upon edict or statute but upon reason and precedent, as if in a state of nature.¹⁰ And by enjoying and exercising those two rights, property and contract, individuals can construct the whole of what we call civil society or civilization.

But there are “inconveniences”—Locke’s phrase—with life in the state of nature, most clearly regarding enforcing or securing our rights, for which the natural remedy, he argued, is government. And so it is that Jefferson turns at last to his second concern, to show how government might arise from the moral order he has just sketched. Although he does not note here, understandably, the inherent difficulty of deriving legitimate government from individual liberty, it is clear that it is limited government that he thinks alone is justified. For the only end of government mentioned is “to secure these rights;” and government’s “*just Powers*” must be derived “from the consent of the Governed.” Thus, government is twice limited, by its ends, and by its means.

The vision that emerges from the Declaration, then, is essentially libertarian, with each of us free to pursue happiness as we wish, to chart our own course through life, provided we respect the equal rights of others to do the same, and government instituted to secure those rights. Eleven years later, after American patriots had won our independence on the battlefield and had experimented with variations of limited democracy in the states and even more limited government under the Articles of Confederation, some of those same men who had drafted the Declaration, plus others, met again in Philadelphia to draft a new Constitution for this new nation. Wiser by virtue of their experiences with self-government, they nevertheless brought the same set of principles with them that they had brought the first time, when their independence was still to be secured. And with those principles in view, they drafted a new Constitution.

B. The Constitution

The U.S. Constitution, like the Declaration, proceeds from state-of-nature theory: the Preamble begins, “We the People of the United States,” for the purposes listed, “do ordain and establish this Constitution for the United States of America.” In other words, through the Constitution their delegates draft and they ratify, the people of America establish their government and give it whatever powers it has. There is no primordial sovereignty except in the people. Government does not give or grant the people their rights through some bill or declaration of rights. Individuals already have their rights, “by nature,” through the exercise of which they themselves create the government. Thus, legitimacy flows from the people, from their political act, their will; it is a function of what they have done. The Constitution is thus positive law, not natural law. But to the extent that it draws upon and reflects natural law, it is also higher law. At a deeper level, therefore, the Constitution’s legitimacy is a function of whether the Framers “got it right” by granting the government only those powers they first had, as individuals, to grant it.

Here again, to determine that, we return to Locke. The principal “governmental” power we have in the state of nature is what Locke called the “Executive Power,” the power to secure our rights.¹¹ That is the main power we yield up to the government we create in the original position, charging it to exercise the power on our behalf. And a close look at the U.S. Constitution will show that most of the powers granted to the national government pertain, more or less directly, to securing our rights, although the greater part of that power, called the general police power, was retained by the states, with only certain enumerated portions granted to the national government, particularly where state power had been found inadequate under the earlier Articles of Confederation. Thus, it is because most of the powers that are to be found in the Constitution are of that character that one does not find the kinds of redistributive powers found in many European constitutions, to say nothing of the constitutions of even more socialized systems. The memory of a war to rid themselves of overweening government was fresh in the Framers’ minds. They were not about to impose overweening government on themselves.

Thus, the task before James Madison, the principal author of the Constitution, was to draft a constitution for a federal and state system that authorized government at once strong enough to secure our rights and do

the few other things we wanted government to do, but not so powerful and extensive as to violate rights in the process. He did that through the checks and balances with which we are all familiar: the division of powers between the federal and state governments, with most power left with the states; the separation of powers among the three branches of the federal government, each branch defined functionally; provision for a bicameral legislature, each chamber differently constituted; provision for a unitary executive with a veto power over legislation; provision for an independent judiciary with the power to review the acts of the other two branches and, later, the states for constitutional consistency; provision for periodic elections to fill offices established by the Constitution, and so forth.

But the main restraint on overweening government took the name of the doctrine of enumerated powers, which can be stated no more simply than this: if you want to limit power, don't give it in the first place. We see that doctrine in the very first sentence of Article I: "All legislative Powers *herein granted* shall be vested in a Congress . . ." (emphasis added). By implication, not all legislative powers were "herein granted." In fact, the main such powers are found in Article I, section 8, and they are only 18 in number. And when we look at the Tenth Amendment to the Constitution, the last documentary evidence from the founding period, we find the doctrine of enumerated powers spelled out explicitly: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." In other words, the Constitution creates a government of delegated, enumerated, and thus limited powers.

Many today with only a passing understanding of the U.S. Constitution think first of the Bill of Rights, the first ten amendments to the Constitution that protect freedom of religion, freedom of speech, due process, and so forth. But the Bill of Rights was an afterthought, added in 1791 as a condition for ensuring ratification by those states that feared the national government would otherwise have too much power. Indeed, the main restraint on the national government was to come from the doctrine of enumerated powers, as the story behind the Ninth Amendment makes clear. When a bill of rights was first proposed toward the end of the Constitutional Convention, objections were raised on two main grounds. First, such a bill was unnecessary, it was said, since the enumeration of federal powers would preclude government's infringing any of the proposed rights. And second, since we

have in principle an infinite number of rights, which could hardly be included in such a bill, the failure to include those rights would be construed, by ordinary principles of legal reasoning, as implying that only the rights that were mentioned were meant to be protected. To address that objection, therefore, the Ninth Amendment was written: “The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.”

Thus, the Ninth and Tenth Amendments can be seen as recapitulating the libertarian vision that was first set forth in the Declaration of Independence: we have rights both enumerated and unenumerated; the government has only those powers that have been delegated to it, as enumerated in the Constitution or as implicit in that enumeration. In a word, most of life was meant to be lived in the private sector. Government was there to secure the rights pertaining to that sector and to do the few other things we authorized it to do. It was not authorized to engage in the wide-ranging social engineering the national government practices today.

The Constitution was not perfect, of course. Its cardinal flaw, in fact, was its oblique recognition of slavery, made necessary to ensure ratification by all thirteen states. That slavery was inconsistent with the grand principles the Founders and Framers had articulated could hardly be denied. They hoped simply that it would wither away over time. It did not. It took a civil war to end slavery, and the passage of the Civil War Amendments to end it as a matter of constitutional law. The Thirteenth Amendment did that in 1865. In 1870 the Fifteenth Amendment prohibited states from denying the franchise on the basis of race, color, or previous condition of servitude. And in 1868 the Fourteenth Amendment, for the first time, gave federal remedies against state violations of rights. Prior to that time, the Bill of Rights had been held to apply only against the federal government, only against the government that was created by the document it amended.¹² Thus, the Civil War Amendments are properly read as “completing” the Constitution by bringing into the document at last the principles and promise of the Declaration.¹³

C. The Constitution and Property Rights

With that outline of the Constitution, as completed by the Civil War Amendments, we can turn at last to the question of how it protects property rights. It is noteworthy that nowhere in the document do we find explicit mention of a right to acquire, use, or dispose of property. Yet given the

theory of the Constitution, that should not surprise. We start with a world of rights and no government; we create government and give it certain powers; by implication, where no power is given that might interfere with a right, there is a right. Thus, the failure to mention a right implies nothing about its existence. And, in fact, the Framers simply assumed the existence of such rights, defined and protected mainly by state law, because the common law, grounded in property, was the background for all they did. The Constitution made no basic change in that law. It simply authorized a stronger federal government than had been afforded by the Articles of Confederation it replaced, and for two main reasons. First, to enable the nation to better address foreign affairs—both war and commerce. And second, to enable the federal government to ensure the free flow of commerce among the states by checking state efforts, arising under the Articles of Confederation, to erect tariffs and other protectionist measures that were frustrating that commerce.

Like the state law that recognized and protected them, therefore, property rights were a fundamental part of the legal background the Framers assumed when they drafted the Constitution.¹⁴ That explains the document's *indirect* protection of property rights, mainly through the Fifth and Fourteenth Amendments. Both contain Due Process Clauses that prohibit government from depriving a person of life, liberty, or property without due process of law. The Fifth Amendment protects against the federal government; the Fourteenth Amendment protects against the states. The Fifth Amendment also contains the Takings Clause, which is good against the federal government and has been held by the Supreme Court to be "incorporated" by the Fourteenth Amendment against the states.¹⁵ The Takings Clause reads, "nor shall private property be taken for public use without just compensation." In addition, most state constitutions contain similar clauses. Thus, actions can be brought in state courts under either state or federal law or in federal courts under federal law.¹⁶

Read narrowly, the Due Process Clauses guarantee only that if government takes a person's life, liberty, or property, it must do so through regular procedures, with notice of the reason, an opportunity to challenge the reason, and so forth. Strictly speaking, of course, the clauses say nothing about the reasons that would justify depriving a person of life, liberty, or property. That has led to a heated debate in American jurisprudence between "textualists," who would allow deprivations for any reason a legislative majority wishes, within the constraints of its authority; and others advocating "substantive

due process,” who point to the historical understanding of “due process of law” as limiting the reasons that a judge or a legislature may invoke. The first group tends toward legal positivism and legislative supremacy, the second toward natural rights and judicial supremacy.

The Takings Clause is clearly a substantive guarantee, but it has problems of its own. To begin, like the Due Process Clauses, which are aimed simply at protecting rights, the Takings Clause has a similar aim, but it is couched within an implicit grant of power, the power of government to take private property for public use, provided the owner is paid just compensation—commonly known, of course, as the power of eminent domain. The problem, however, is that no one has such a power in the state of nature. No one has a right to condemn his neighbor’s property, however worthy his purpose, even if he does give him just compensation. Where then does government, which gets its power from the people, get such a power? It is patently circular, of course, to say that eminent domain is an “inherent” power of sovereignty. The most we can say, it seems, is that in the original position we “all” consented to government’s having this power; and its exercise is Pareto Superior, as economists say, meaning that at least one person is made better off by its exercise (the public, as evidenced by its willingness to pay), and no one is made worse off (the person who receives just compensation is presumed to be indifferent to its exercise).

It was not for nothing, then, that eminent domain was known in the seventeenth and eighteenth centuries as “the despotic power.”¹⁷ In the case of unwilling “sellers,” after all, it amounts to a forced association. Indeed, if there is a presumption against doing things through government because government, at the initial collective level, is a forced association, then *a fortiori* there is a presumption against using eminent domain, at the individual level, because it is a forced association yet again. And that is especially so when the compensation is less than just, as happens when “market value” is the standard, as usually it is in American law.

But two more problems have plagued eminent domain in actual practice. First, in many cases courts have narrowly defined “private property” to exclude rights of use that are inherent in the very idea of property. That has led to the “regulatory takings” problem I will discuss shortly. Second, courts have also expanded the meaning of “public use” such that eminent domain is used today to transfer private property from one private party to another as long as there is arguably some “public benefit” to the transfer.

More on that shortly as well. For now, it is enough to note that, far from there being a presumption against the use of eminent domain, its use in America today is promiscuous.

II. Property Rights Under Modern “Constitutional Law”

Having outlined the theory behind the United States Constitution, the structure of the document, and the place of property rights within that theory and structure, I want now to illustrate how far today we have strayed from that vision. To do that, however, it will be useful first to trace the larger constitutional history within which that process has unfolded, the better to appreciate the several forces that have weakened property rights in America over the twentieth century.¹⁸ That larger history is one of constitutional demise and government growth. As I have argued, the Constitution, especially after it was completed by the Civil War Amendments, stood for individual liberty secured by limited government. Indeed, Madison assured his readers in *Federalist* No. 45 that the powers of the new government would be “few and defined.” Federal powers today, of course, are anything but that. Because property rights especially have fallen victim to that growth in government, an account of how the growth came about will help explain the Supreme Court’s more particular treatment of property rights over the period.

A. From Limited Government to Leviathan

In actual practice, of course, the Constitution’s principles never have been fully respected, even after the document was completed following the Civil War, and no example since then has been more troubling than racial policy in the South. Official “Jim Crow” segregation would last there for nearly a century, until the Supreme Court and Congress brought it to an end in the 1950s and 1960s. One of the main reasons it took so long to do that was that courts, despite their counter-majoritarian charter, were reluctant to act against the dominant political will, especially in the area of race relations. That reluctance was illustrated early on in the notorious *Slaughterhouse Cases* of 1873 when a bitterly divided Supreme Court effectively eviscerated the Privileges or Immunities Clause of the Fourteenth Amendment, barely five years after the amendment was ratified, upholding in the process a state-created New Orleans monopoly. That left the Court trying thereafter to restrain the states, where most power rested, under the amendment’s less substantive Due Process Clause. For the next sixty-five

years the Court would do that fairly well, especially when states intruded on economic liberty; but the record was uneven, in large part because the Court never did grasp deeply or comprehensively the theory of rights that underpins the Constitution.¹⁹

In time, however, the courts also found themselves swimming upstream against changing intellectual currents that were flowing toward ever-larger government. Late in the nineteenth century the Progressive Era took root in America. Drawing from German schools of “good government,” from British utilitarianism as an attack on natural rights, and from home-grown democratic theory, Progressives looked to the new social sciences to solve, through government programs, the social and economic problems that had accompanied industrialization and urbanization after the Civil War. Whereas previous generations had seen government as a necessary evil, Progressives viewed it as an engine of good. It was to be better living through bigger government, with “social engineers” leading the way.²⁰

Standing athwart that political activism, however, was a Constitution authorizing only limited government, and courts willing to enforce it—as courts were, for the most part. Things came to a head during the Great Depression, following the election of Franklin Roosevelt, when the activists shifted their focus from the states to the federal government. During Roosevelt’s first term, as the Supreme Court was finding one New Deal program after another to be unconstitutional, there was great debate within the administration about whether to try to amend the Constitution, as had been done after the Civil War when that generation wanted fundamental change, or to pack the Court with six new members who would see things Roosevelt’s way. Shortly after the landslide election of 1936, Roosevelt chose the latter course. The reaction in the country was immediate: not even Congress would go along with his Court-packing scheme. But the Court got the message. There followed the famous “switch in time that saved nine,” and the Court began rewriting the Constitution without benefit of constitutional amendment.²¹

The Court did so in two main steps. First, in 1937 it eviscerated the very centerpiece of the Constitution, the doctrine of enumerated powers. It read the Commerce Clause, which was meant mainly to enable Congress to ensure free interstate commerce, as authorizing Congress, far more broadly, to regulate anything that “affected” interstate commerce, which of course is everything, at some level.²² And it read the so-called General

Welfare Clause, which is merely a summary phrase in the Taxing Clause, as authorizing Congress to tax and spend for the “general welfare,” which in practice means that Congress can spend on anything it wants.²³ The floodgates were thus now opened for federal regulatory and redistributive schemes, respectively—for the modern welfare state.

Second, because federal power, now all but plenary, and state power could still be checked by individuals claiming that federal and state programs were violating their rights, that impediment to expansive government was addressed in 1938 in the infamous *Carolene Products* case.²⁴ In famous footnote four of the opinion the Court distinguished two kinds of rights, in effect, fundamental and nonfundamental, and two levels of judicial review, strict and rational basis review. If a measure implicated “fundamental” rights like speech, voting, or, later, certain personal rights, courts would apply “strict scrutiny,” meaning the burden would be on the government to show that the measure served a “compelling state interest” and the means it employed were “narrowly tailored” to serve that interest, which meant that in most cases the measure would be unconstitutional. By contrast, if a measure implicated “nonfundamental” rights like property, contract, or the rights exercised in “ordinary commercial relations,” courts would apply the “rational basis test,” meaning they would defer to the political branches and ask simply whether the legislature had some rational or conceivable basis for the measure, which in effect meant it would sail right through. With that, the die was cast: “human rights” would get special attention; property rights would fall to a second-class status.

B. Judicial “Activism” and “Restraint”

That methodology was nowhere to be found in the Constitution, of course. It was invented from whole cloth to enable New Deal programs to pass constitutional muster. Not surprisingly, there followed a massive growth of government in America—federal, state, and local—for the Constitution now served more to facilitate than to limit power. And it was only a matter of time until those measures found their way back to the Court, the Court now being asked not to find powers nowhere granted and ignore rights plainly retained—the judicial “activism” of the New Deal Court, often mistaken, due to the Court’s deference, for judicial “restraint”—but to do the interstitial lawmaking needed to save often inconsistent and incoherent legislation—itself a form of judicial activism.

In the late 1950s, however, the Warren Court—“liberal” in the modern American sense—began a third form of activism that has continued, more or less, to the present. Much of that activism has amounted to nothing more, nor less, than a properly active court, finding and protecting rights too long ignored. But modern liberals on the Court were also finding “rights” nowhere to be found even among our unenumerated rights,²⁵ while ignoring rights plainly enumerated, like property and contract, even as they continued to ignore the doctrine of enumerated powers.

As that patently political jurisprudence grew, it led to a conservative backlash, beginning in the late 1960s, and a call for judicial “restraint.”²⁶ But most conservatives directed their fire only against liberal *rights* activism. Making peace with the New Deal Court’s evisceration of the doctrine of enumerated *powers*, they called for judicial deference to the political branches, especially the states, and for protecting only those rights that were enumerated in the Constitution, thus ignoring the Ninth Amendment, the Privileges or Immunities Clause of the Fourteenth Amendment, and the substantive implications of the Due Process Clauses of the Fifth and Fourteenth Amendments.

In practice, however, although both camps tended toward deference to power, liberal jurists tended to protect “personal” rights, variously understood, while leaving property rights and economic liberties to the tender mercies of the political branches. Conservative jurists, by contrast, tended to protect property rights and, to a far lesser extent, economic liberties, while leaving unenumerated rights, including many personal liberties, exposed to majoritarian tyranny.

As those two camps warred, a third, classical liberal or libertarian school of thought (re)emerged in the late 1970s, to which I belong.²⁷ That school criticizes both liberal “activism” and conservative “restraint”—both stemming from the mistaken jurisprudence of the New Deal. Courts, it argues, should be concerned less with whether they are active or restrained than with whether they are discerning and applying the law, including the background law, correctly—recognizing only those powers that have been authorized,²⁸ protecting all and only those rights we have, enumerated and unenumerated alike. That, of course, is what judges are supposed to do. To do it, however, they must grasp the basic theory of the matter, the Constitution’s first principles; and that is the understanding that is too rare today, steeped as we are in “constitutional law” that is far removed

from our natural rights origins.

C. The Supreme Court's Treatment of Property Rights

As that brief history should indicate, to a great extent in America today politics has trumped law. Ignoring and often disparaging the Constitution of limited government, Progressives promoted instead the virtues of expansive “democratic” government.²⁹ And under political pressure, the New Deal Court “constitutionalized” that agenda simply by radically rereading the Constitution. As a result, government today intrudes into virtually every aspect of life. That entails massive redistribution, either through taxation or through regulation—coercing some for the benefit of others. In a word, public policy today is far less concerned with protecting rights than with providing goods—by redistributing *property*, including liberty.

Lest there be any doubt about the modern Supreme Court's view of regulatory redistribution, here is the Court in 1985 speaking directly to the issue:

In the course of regulating commercial and other human affairs, Congress routinely creates burdens for some that directly benefit others. For example, Congress may set minimum wages, control prices, or create causes of action that did not previously exist. Given the propriety of the governmental power to regulate, it cannot be said that the Takings Clause is violated whenever legislation requires one person to use his or her assets for the benefit of another.³⁰

To outline, systematically, how modern Supreme Court decisions have undermined property rights, limiting “property” here to its ordinary signification, I will now set forth four basic scenarios involving government actions that affect property, distinguishing those actions that do not and those that do violate rights. I will then take the last of those scenarios and distinguish four versions of that, again distinguishing those actions that do not and those that do violate rights. Finally, I will raise a few procedural issues surrounding the Court's property rights jurisprudence. An outline of this kind, drawing on points made earlier, gives us a theory of the matter that is grounded in first principles, something that is often not evident in the cases.³¹

In scenario one, government acts in a way that causes property values to drop, but it violates no rights. It closes a local public school, for example, or a military base, and local property values drop accordingly; or it builds

a new highway some distance from the old one, reducing the flow of trade to businesses located on the old highway. In those kinds of cases, owners often believe the government owes them compensation under the Takings Clause because its action has “taken” the value in their property. But the government has taken nothing they own free and clear—they do not own the value in their property. Absent a contractual right against the government on which they might rely, there is no property right at issue; thus, government owes them no compensation.

In scenario two, government regulates, through its basic police power, to prohibit private or public nuisances or excessive risk to others, and here too property values decline accordingly. But once again, no rights are violated. No compensation is due the owners thus restricted, even if their property values are reduced by the regulations, because they had no right to engage in those uses to begin with. Thus, the government takes nothing that belongs to them. In fact, it is protecting the property rights of others—their right to the quiet enjoyment of *their* property. We have to be careful here, of course, to ensure that the regulated activity *is* noxious or risky to others, and so is properly subject to regulation under the police power. But if it is, government owes the owners no compensation for their losses.

Scenario three is the classic regulatory taking: when regulations designed to give the public various goods take otherwise legitimate uses an owner has in his property, thereby reducing its value, with no offsetting benefit, the Takings Clause, properly understood and applied, requires just compensation for the loss.³² Here, government regulates not to prohibit wrongful but rather rightful uses; not to prevent harms to others, as under scenario two, but to provide the public with various goods—lovely views, historic preservation, agricultural reserves, wildlife habitat—goods that are afforded by restricting the owner. Regulations prohibit the owner from using his property as he otherwise might—thus taking those uses—and the value of the property drops. If the government is authorized to provide such goods to the public, it may do so, of course. But if doing so requires restricting an owner from doing what he otherwise could do, the Takings Clause should apply and the government should pay for what it takes. Were it not so, government could simply provide the public with those goods “off budget,” the costs falling entirely on the owner, the public enjoying them cost-free. It was precisely to prevent that kind of expropriation that the Takings Clause was included in the Constitution in the first place.³³

That, unfortunately, is not how American law works today when owners bring actions against governments for the great variety of regulatory takings that happen every day. In almost all cases, in fact, owners face an uphill battle, struggling against a body of law that is largely ad hoc. Those who defend the government's not having to pay owners for regulatory takings often claim, among other things, that "the property" has not been taken. But that objection rests on a definition of "property" found nowhere else in law. Property can be divided into many estates, after all, the underlying fee being only one. Take any of the uses that convey with the title and you have taken something that belongs to the owner. In many cases, however, the regulations are so extensive that the owner is left holding an empty title. Apart from *de minimis* losses, and losses that arise when regulations restrict everyone equally in order to provide roughly equal benefits for everyone, the public should pay for the goods it acquires through restricting the rights of an owner, just like any private party would have to do. It is quite enough that the public can simply take those goods through the "despotic power" of eminent domain. That it should not pay for them besides adds insult to injury, amounting to plain theft. Yet that is happening all across America today.

It is a mistake, then, to think of regulatory takings as "mere" regulation: they are *takings*—through regulation rather than through condemnation of the whole estate. In fact, they are usually litigated, when they are, through an "inverse condemnation" action whereby the regulated owner sues either to have his property condemned outright so that he can be compensated for it, or to retain title and be compensated for the losses caused by the regulatory restrictions. Thus, condemnation and the power of eminent domain, parading as regulation, are plainly at issue in either case. Even though the government does not condemn the property outright, it condemns the uses taken by the regulation.

That brings us to scenario four, condemnation in the full sense, with government taking the whole estate. These are usually called "eminent domain" cases, but that is somewhat misleading insofar as it implies that regulatory takings do not also involve eminent domain, as just noted. In these cases, however, government is ordinarily the moving party as it seeks to take title and oust the owner from his property, offering him compensation in the process. Unlike with regulatory takings, therefore, the obligation of government to compensate the owner is not at issue—although whether

the compensation is just often is an issue. Rather, the “public use” restraint comes to the fore.

The Takings Clause authorizes government to take private property, but only for a “public use” and with just compensation. Here again we see the Progressives’ agenda facilitated by courts willing to expand the definition of “public use” so that government may grow. Either directly or by delegating its eminent domain power to private entities, government takes property for projects that are said to “benefit” the public. And the courts have accommodated that expansion by reading “public use” as “public benefit.” Clearly, those terms are not synonymous: one restricts government, the other facilitates it, since virtually any project benefits the public at some level.

There are four basic contexts or rationales for such full condemnations. In the first context, property is taken from a private person and title is transferred to the government for a clear public use—to build a military base, a public road or school, or some other public facility. Assuming just compensation is paid, those takings are constitutionally sound because the public use restraint is clearly satisfied.

The second context is more complicated but no less justified. It involves taking property from a private person and transferring title not to the government but to another private person or entity for network industries like railroads, or telephone, gas, electric, cable, water, and sewer lines. Without the use of eminent domain, the classic “holdout” problem can easily arise in such contexts, with the owners of the last parcels needed to complete a line demanding extortionate prices. Yet even when privately owned and operated, the public use restraint is satisfied here because the subsequent use is open to the whole public on a nondiscriminatory basis and often at regulated rates. Although collusion must be guarded against in these cases, the virtue of this reading of “public use” is that it avoids many of the problems of public ownership, enabling the public to take advantage of the economic efficiencies that ordinarily accompany private ownership.

By contrast, the third and fourth rationales for using eminent domain are deeply problematic. Over the years in America, many cities, often spurred on by federal money, have engaged in “urban renewal,” bulldozing whole neighborhoods and then rebuilding them, taking title from one private party and giving it to another, all in the name of “blight reduction.” If there is a genuine nuisance, labeled “blight,” the uses that create the blight can easily be enjoined through a state’s general police power: title does not have

to be transferred.

But if blight reduction stretches the denotation of “public use,” the closely related fourth rationale for using eminent domain, “economic development,” stretches it even further. Here again title is transferred from private parties to other private parties—often to a quasi-governmental entity, a developer, or a corporation—and “downscale” housing and commercial properties are replaced by “upscale” properties, including industries. Providing jobs, increasing the tax base, promoting tourism, and other “public benefits” are invariably claimed for such projects, although the actual benefits rarely materialize as promised. Neither here nor with blight reduction are holdouts a real problem, nor are the subsequent uses ordinarily open to the public on a nondiscriminatory basis as is true of the public utility condemnations discussed in the second context. Far from satisfying a public use standard, these economic development condemnations are naked transfers of property, usually from poorer, less politically connected populations to wealthier, better-connected people who are often looking to get the property “on the cheap” rather than at the prices the owners are willing to accept.

Finally, if this deterioration of property rights were not enough, the procedural rights needed to vindicate the substantive rights that remain have deteriorated as well. Prior to the rise of the modern regulatory state and the reduction of property rights to a second-class status, one simply exercised one’s property rights, by and large. If neighbors or the government objected, an action for an injunction and/or damages might be brought; but the presumption was on the side of use, the burden on the complainant to show that the use objected to was in some way wrongful—essentially, because it violated the complainant’s rights. With zoning and many other forms of land-use planning in place in most of America today, however, that presumption is reversed. Rights are exercised only “by permit,” with permits often needed from several levels of government. Contrasting “human rights” and “property rights” again, we would never tolerate allowing people to speak only “by permit,” but before they can make often the most trivial changes to their property they have to get government permission to do so.

That is only the beginning of the problem, however, because obtaining the permits needed before an owner can develop his property or change its use is often just the start of a procedural nightmare that can go on for years. The Supreme Court’s “ripeness” test keeps cases out of federal court until all administrative remedies have been exhausted. But exhausting those

remedies often means clearing vague and ever-changing administrative hurdles erected by local regulators opposed to any change. And under the Court's test, until an agency issues a final denial, it cannot be sued. Once the owner does obtain a final denial, however, if he is not exhausted financially and emotionally by then he must go to state court to seek compensation for the taking of his property, albeit under a regulatory takings regime that is anything but favorable. But if wrongly denied compensation by the state court, he will find that he is denied federal court review on the merits by the federal Full Faith and Credit Act.³⁴ And that is just a summary of the procedural problems owners face under American law today.

III. Brief Reflections on Europe

Thus, armed with both natural and positive law aimed at protecting property rights, the U.S. Supreme Court has managed nonetheless to make a mess of things. One should imagine, therefore, that courts armed with less should do even less well. And yet, that is not entirely so when one looks at modern Europe. Although my knowledge of the state of property rights protection in Europe, whether by the European Court of Human Rights or the European Court of Justice, is quite limited, it is my impression that better protection is in fact evolving, unevenly, despite positive law that is problematic at best. Indeed, as the European Convention on Human Rights was being drafted in the early 1950s, the question whether property rights should be included at all among our "human rights" was much debated, with socialists generally opposing such inclusion, and British delegates especially concerned that so doing might frustrate various nationalization schemes. In the end, however, Article 1 of Protocol No. 1, the property clause, was signed on March 20, 1952, by 14 Member States of the Council of Europe. As of July 31, 2007, Protocol No. 1 was in force in 43 of the 46 Member States of the European Convention.³⁵

That the protection of property rights by those courts is still quite uneven should hardly surprise, given the positive law with which the courts are working. In particular, Article I of Protocol No. 1 reads:

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The proceeding provisions shall not, however, in any way impair the right of

a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

That language has come to be described as consisting of three “rules.” The first rule, protecting “the peaceful enjoyment of property,” has been variously described as a general rule, a declaratory clause, or an omnibus rule. The second rule protects against the “deprivation” of property except under certain conditions. And those conditions are expanded further by the third rule, which recognizes the right of states to regulate the “use” of property “in accordance with the general interest.”

Commentators have noted that although the courts have tried to decide cases under one of the three rules—and, in particular, under rules two and three, in the main, failing which they turn to the general rule—the three rules are not distinct or unconnected.³⁶ That seems right: drawing by analogy from the single American “rule”—“nor shall private property be taken for public use without just compensation”—the three European rules track the American rule fairly closely. Yet the differences are instructive. To begin, America’s Takings Clause opens by expressly recognizing private property, much like Europe’s rule one. Although it does not restrict the right by express reference to “peaceful enjoyment,” as rule one does, that restriction is implicit in the American right by virtue of America’s background of common law.

The second rule reflects the central point of the Takings Clause, that no one shall be “deprived” of his property—i.e., have his property “taken”—except under certain conditions. The differences in the language, however, are not insignificant. The American Takings Clause, at least in principle, imposes two restrictions on government takings: property may be taken only for a “public use;” and if that test is met, the owner must be paid just compensation. By contrast, Europe’s rule two would seem to afford far less protection. Owners may be deprived of their possessions “in the public interest”—a far broader concept than “public use.” And no mention is made of “just compensation.” Instead, deprivations are “subject to the conditions provided for by law and by the general principles of international law.” In theory, of course, that law and those principles could provide for just compensation, and they generally do; but there is no guarantee of that in the basic law of the Convention as there is in the basic law of the United States, the U.S. Constitution. In fact, it seems that during the drafting of

the Convention the reason for referencing international law was to protect *domestic* investors from *foreign* nationalizations, not to protect citizens from their own governments' deprivations. It was left to the democratic process to do that—not always the surest way to protect minority rights, which property rights often are.

But if rule two is problematic for those reasons, rule three is more troublesome still. Whereas rule two pertains to “deprivations”—or the taking, presumably, of an entire holding—rule three pertains to the taking of “uses,” as discussed earlier under the category of “regulatory takings.” But here, unlike with the American rule, the right to use one’s property is expressly constrained by “the general interest.” To be sure, American law too has come to reflect that restraint in an ad hoc way; but it has done so contrary to the implicit limits the Takings Clause imposes on government. At common law, owners hold rights not simply to their “property” but to all the uses their property affords them that are consistent with the rights of others. That final qualification *could* be understood as equivalent to “the general interest.” But for that, the latter would have to be a function of the former. Rights would first have to be defined, that is, in private law, according to principles of reason and the entailed political principles, not by mere positive law or will, even democratic will. Thus, “the general interest” would be the upshot or outcome of that rational process, not something independently aimed at by the political process. By contrast, when “the general interest” is defined as a function merely of public law, as in a positivist regime, rights of use cease to be independent variables. “Public policy” replaces principle. “Public good” replaces private right.

Unfortunately, the regimes of Europe today are generally the products of positive, not natural, law—nowhere more evident than in their vast social welfare schemes, which take from some and give to others. It would be surprising, therefore, if a court found that a restriction on use was not in the general interest. Thus, in the case of *Pine Valley Developments Ltd. and Others v. Ireland*³⁷ the European Court of Human Rights upheld a regional land use plan under rule three, even as it found that, “although the value of the land was substantially reduced, it was not rendered worthless.” Yet in the seminal case of *Sporrong and Lönnroth v. Sweden*,³⁸ involving a proposed governmental expropriation running for several years, thus compromising the owner’s use or sale of his land, the Court found for the owner, not under the third but under the first rule. It sought to determine “whether

a fair balance was struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights.”³⁹ Four years later, in a similar case, the Court added, “[t]he requisite balance will not be found if the person concerned has had to bear ‘an individual and excessive burden.’”⁴⁰

Other cases too have led to what may seem surprising results, given the Protocol's language tending toward public interests and public policy. Thus, while challenges to rent controls have not been viewed favorably, in the recent case of *Matheus v. France*⁴¹ the Court found for an owner complaining that authorities had refused to provide police assistance to aid in the court-ordered eviction of his tenant. Deciding again under the first rule, the Court said that the right of ownership “can require positive protection measures, particularly where there is a direct link between those measures an applicant could legitimately expect from the authorities and the effective enjoyment of his goods.”⁴² But in another recent case involving the failure of authorities to carry out a final court order to tear down an illegal wall, the Court found against the owner of the wall, holding that the complaining owners had a “possession” in their view and in their property values, which had dropped as a result of the wall.⁴³ Yet absent contractual arrangements to the contrary, those are doubtful “possessions.”

From this limited sample and analysis, let me venture only a few tentative observations. First, viewing the First Protocol as constituted by three discrete rules lends a certain artificiality to the analysis of cases. From a consideration of first principles one wants to know whether property is at issue; if so, whether the government action takes it; if so, whether the action is justified under a fairly strict reading of the government's power to protect the rights of others; and, if not, whether the taking is for a public use and just compensation has been paid to the owner. The language of the First Protocol, especially understood as three discreet rules, does not lend itself well to that kind of analysis. Rather, second, it appears to be loose enough to allow the Court substantial latitude—sometimes getting it right, sometimes not. Third, because the language is so freighted with policy and evaluative terms, it lends itself also to judicial lawmaking—to what in America is called judicial “activism.” That may not be a bad thing when judges get it right; but the rule of law entails getting it right for the right reasons and from sound authority. Fourth, from an institutional perspective, it may be that the Court is getting it right, when it does, because of the European

Community's unique institutional arrangements. Unlike the U.S. Supreme Court, which is the third branch of the federal government, the European Court of Human Rights is not a branch "of" any of the governments of Europe. That affords it a certain independence not enjoyed to the same extent by national courts—and a potential for abuse as well as good.

Finally, and doubtless of greatest importance, one cannot ignore changes in the climate of ideas. The forces of socialism that worked in the 1950s to try to frustrate the treatment of property rights as human rights are everywhere on the run today. To be sure, they are still pressing their agenda in countless ways, small and large. But no serious person today thinks that anything but democratic capitalism yields both justice and prosperity, and the foundation of that system is property, starting with the property in oneself. No Court can be immune to that shift in the climate of ideas, including the European Court of Human Rights.

IV. Conclusion

Because language has its limits, a constitution that aims at striking a principled balance between powers granted and liberties retained can go only so far in achieving that end. It is crucial, therefore, that when judges interpret and apply constitutional language to cases and controversies brought before them, they do so with an eye to the larger theory behind the language and the principles the theory entails, as reflected in the document.

As I hope to have shown in this discussion of the U.S. Supreme Court's treatment of property rights, we Americans have grown ever less conversant with the principles our Constitution was meant to secure, to say nothing of the theory that stands behind those principles. The police power, in particular, has been severed from its roots in the theory of natural rights to become simply a reflection of the will of those wielding political power at any given time. The cumulative effect is a growing body of public law that in far too many cases trumps the private law of property and contract, reducing it to a subsidiary role in the American legal system.

And in this brief look at the European scene, I discern similar themes, but the situation seems more fluid because both the constitutional and legal contexts are more fluid as well. It is hard to know, therefore, just where the "constitutional" protection of property rights is headed in Europe. But in both Europe and America, one can take hope from changes over the past few decades in the climate of ideas, toward greater respect for individual

liberty and limited constitutional government. Sustaining those changes, however, requires constant vigilance, as Thomas Jefferson reminded us, failing which the implications for individual liberty, responsibility, and dignity are clear.

Endnotes

- ¹ 125 S. Ct. 2655 (2005).
- ² Details about the Institute for Justice efforts can be found at <http://www.castlecoalition.org/>.
- ³ See Roger Pilon, *Stopping the Government's Property Grab*, Los Angeles Times, Oct. 30, 2006, available at http://www.cato.org/pub_display.php?pub_id=6745.
- ⁴ See generally Edward S. Corwin, The "Higher Law" Background of American Constitutional Law (1955); John Locke, *The Second Treatise of Government*, in *Two Treatises of Government* (Peter Laslett ed., revised ed. 1965).
- ⁵ As George Washington is said to have put it, "government is not reason, it is not eloquence, it is force." Attributed to George Washington. Frank J. Wiltach, *A Dictionary of Similies* 526 (2d ed. 1924).
- ⁶ I have discussed those points more fully in Roger Pilon, *Individual Rights, Democracy, and Constitutional Order: On the Foundations of Legitimacy*, 11 *Cato J.* 373 (1992).
- ⁷ U.S. Declaration of Independence para. 2 (U.S. 1776). I have discussed the points that follow more fully in Roger Pilon, *The Purpose and Limits of Government*, in *Limiting Leviathan* ch. 2 (Donald P. Racheter and Richard E. Wagner eds., 1999); *reprinted as* Cato's Letter No. 13, Cato Institute.
- ⁸ See, e.g., H.L.A. Hart, *Are There Any Natural Rights?*, 64 *Phil. Rev.* 175 (1955).
- ⁹ Locke, *supra* note 4, para. 123 (original emphasis).
- ¹⁰ "[T]he notion that the common law embodied right reason furnished from the fourteenth century its chief claim to be regarded as higher law." Corwin, *supra* note 4, at 26.
- ¹¹ Locke, *supra* note 4, para. 13.
- ¹² *Barron v. City of Baltimore*, 32 U.S. 243, 250 (1833).
- ¹³ See Robert J. Reinstein, *Completing the Constitution: The Declaration of Independence, Bill of Rights, and Fourteenth Amendment*, 66 *Temp.*

L. Rev. 361 (1993).

- ¹⁴ As Professor Steven J. Eagle writes, “. . . in *Gardner v. Trustees of Village of Newburgh* [2 Johns. Ch. 162 (N.Y. 1816)], probably the leading early decision, Chancellor Kent required compensation on natural principles at a time when there was no eminent domain clause in the New York Constitution. Indeed, many American decisions, mostly up to about the Civil War era, explained eminent domain principles in natural law terms.” *Regulatory Takings* (3d ed. 2005). See also J.A.C. Grant, *The “Higher Law” Background of the Law of Eminent Domain*, 6 Wis. L. Rev. 67 (1931).
- ¹⁵ *Chicago, B. & Q. R. Co. v. City of Chicago*, 166 U.S. 226 (1897).
- ¹⁶ See my larger paper (title note, *supra*), Part V. B. 3., for difficulties with bringing suits in federal court.
- ¹⁷ *Vanhorne’s Lessee v. Dorrance*, 2 U.S. 304, 311 (1795).
- ¹⁸ I have discussed these issues more fully in Roger Pilon, *Freedom, Responsibility, and the Constitution: On Recovering Our Founding Principles*, 68 Notre Dame L. Rev. 507 (1993); Roger Pilon, *On the Folly and Illegitimacy of Industrial Policy*, 5 Stan. L. & Pol’y Rev. 103 (1993).
- ¹⁹ See Kimberly C. Shankman and Roger Pilon, *Reviving the Privileges or Immunities Clause to Redress the Balance Among States, Individuals, and the Federal Government*, 3 Tex. Rev. L. & Pol. 1 (1998).
- ²⁰ See Richard A. Epstein, *How Progressives Rewrote the Constitution* (2006).
- ²¹ See William E. Leuchtenburg, *The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt* (1995).
- ²² See Randy E. Barnett, *The Original Meaning of the Commerce Clause*, 68 U. Chi. L. Rev. 101 (2000); Cf. Richard A. Epstein, *The Proper Scope of the Commerce Power*, 73 Va. L. Rev. 1387 (1987).
- ²³ See *Spending Clause Symposium*, 4 Chapman L. Rev. 1 (2001).
- ²⁴ *United States v. Carolene Products Co.*, 304 U.S. 144, 153 n.4 (1938). For a devastating critique of the politics behind the *Carolene Products* case, see Geoffrey P. Miller, *The True Story of Carolene Products*, 1987 *Sup. Ct. Rev.* 397 (1987).
- ²⁵ The most contentious example, of course, is the Court’s 1973 abortion decision, *Roe v. Wade*, 410 U.S. 113 (1973). I have discussed the case briefly in Roger Pilon, *Alito and Abortion*, Wall Street Journal, Nov. 28, 2005, at A16.

- ²⁶ The most influential exposition of that view is in Robert H. Bork, *The Tempting of America: The Political Seduction of the Law* (1990).
- ²⁷ See, e.g., Bernard H. Siegan, *Economic Liberties and the Constitution* (1980); Roger Pilon, *On the Foundations of Justice*, 17 *Intercollegiate Rev.* 3 (Fall/Winter 1981).
- ²⁸ Over several years the Rehnquist Court made tentative efforts toward reinvigorating the doctrine of enumerated powers: see, e.g., *United States v. Lopez*, 514 U.S. 549 (1995); *United States v. Morrison*, 529 U.S. 598 (2000). But with *Gonzales v. Raich*, 125 S. Ct. 2195 (2005), that effort stalled. See Douglas W. Kmiec, *Gonzales v. Raich: Wickard v. Filburn Displaced*, 2004-2005 *Cato Sup. Ct. Rev.* 71.
- ²⁹ In fact, as early as 1900 we could find *The Nation*, before it became an instrument of the modern left, lamenting the demise of classical liberalism. In an editorial entitled “The Eclipse of Liberalism,” the magazine’s editors surveyed the European scene, then wrote that in America, too, “recent events show how much ground has been lost. The Declaration of Independence no longer arouses enthusiasm; it is an embarrassing instrument which requires to be explained away. The Constitution is said to be ‘outgrown.’” *The Nation*, Aug. 9, 1900, at 105.
- ³⁰ *Connolly v. Pension Benefit Guaranty Corp.*, 475 U.S. 211, 223 (1985). Contrast that with the 1936 Court’s view of direct redistribution through taxation: “A tax, in the general understanding of the term, and as used in the Constitution, signifies an exaction for the support of the government. The word has never been thought to connote the expropriation of money from one group for the benefit of another.” *United States v. Butler*, 297 U.S. 1, 61 (1936).
- ³¹ In the much larger essay that I provided the foundation (see title note, *supra*) I discuss numerous cases illustrating the points made in this summary. For a still more detailed treatment along these lines, see Richard A. Epstein, *Takings: Private Property and the Power of Eminent Domain* (1985).
- ³² For a detailed treatment of the American law of regulatory takings, see Eagle, *supra* note 14.
- ³³ In 1960 the Court stated the principle well: “The Fifth Amendment’s guarantee that private property shall not be taken for a public use without just compensation was designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice,

should be borne by the public as a whole.” *Armstrong v. United States*, 364 U.S. 40, 49 (1960).

³⁴ 28 U.S.C. § 1738 (2006) (providing that “judicial proceedings . . . shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State”).

³⁵ For a discussion of this history, see Yves Haeck, *The Genesis of the Property Clause under Article 1 of the First Protocol to the European Convention on Human Rights*, in *Property Rights and Human Rights* 163 (H. Vandenberghe ed., 2006).

³⁶ See, e.g., H. Vandenberghe, *La Privation de Propriété*, in *Property and Human Rights*, *supra* note 7, at 31.

³⁷ 29 Nov. 1991, Series A No. 222, § 56.

³⁸ 23 Sept. 1982, Series A.

³⁹ *Id.* §69.

⁴⁰ *James and Others v. United Kingdom*, 21 Feb. 1986, Series A No.98, § 50.

⁴¹ No. 62740/00, 31 March 2005.

⁴² *Id.* at §§ 68-69.

⁴³ *Fotopoulou v. Greece*, No. 66725/01, § 33, 18 Nov. 2004.

To buy publications or find out more about the
American Institute for Economic Research please contact us at:

American Institute for Economic Research
250 Division Street, PO Box 1000
Great Barrington, Massachusetts 01230

Phone: (413) 528-1216
Fax: (413) 528-0103

aierpubs@aier.org
www.aier.org

Call or visit our website for pricing.

AIER Publications Currently Available

Personal Finance

The A-Z Vocabulary for Investors
Coin Buyer's Guide
Homeowner or Tenant? How to Make a Wise Choice
How to Avoid Financial Fraud
How to Avoid Financial Tangles
How to Give Wisely: A Donor's Guide to Charitable Giving
How to Invest Wisely
How to Make Tax-Saving Gifts
How to Read a Financial Statement
How to Use Credit Wisely
Life Insurance: From the Buyer's Point of View
Sensible Budgeting with the Rubber Budget Account Book
What You Need to Know About Mutual Funds
What Your Car Really Costs: How to Keep a Financially Safe Driving Record

Retirement And Estate Planning

The Estate Plan Book—with 2001 Supplement
How to Build Wealth with Tax-Sheltered Investments
How to Choose Retirement Housing
How to Cover the Gaps in Medicare: Health Insurance and Long-Term Care
Options for the Retired
How to Plan for Your Retirement Years
How to Produce Savings in the Administration of an Estate
If Something Should Happen: How to Organize Your Financial and Legal Affairs
What You Need to Know about Social Security

Money And Banking

The Collapse of Deposit Insurance
Gold and Liberty
Money: Its Origins, Development, Debasement, and Prospects
The Pocket Money Book: A Monetary Chronology of the United States
Prospects for a Resumption of the Gold Standard

General Economics

The AIER Chart Book
Forecasting Business Trends
The Future of the Dollar
On the Gap between the Rich and the Poor
Property Rights: The Essential Ingredient for Liberty and Progress
Prospects for Reforming the IMF and the World Bank
Reconstruction of Economics
The United States Constitution: From Limited Government to Leviathan

For more information or to purchase any of these titles please visit us on-line at www.aier.org

*American Institute for Economic Research,
founded in 1933, is a non-political, nonprofit organization
engaged in scientific economic research.*

AMERICAN INSTITUTE
for ECONOMIC RESEARCH
250 Division Street, Post Office Box 1000
Great Barrington, Massachusetts 01230



The Early Evolution of Economic Society

by

David C. Rose

Senior Fellow, Common Sense Society

Professor
Department of Economics
University of Missouri-St. Louis
St. Louis, Missouri 63121-4400

Rose@umsl.edu

1. Introduction

Far too often today economics professors fail to convey the awesome beauty of the free market system to their students. Their focus is normally on teaching technical tools and on doing policy analysis. In my principles classes I buck this trend. I focus on the foundation of economics, on the fact that in a *free* market system, economic behavior is normally best for the individual and for society as a whole.

Today I will outline a conjectural history of the emergence of a market society from a pre-market one. The value of taking such a journey is that we normally think about the economy as it is rather than how it came to be, but it is in thinking about how it came to be we gain the deepest insight into the fundamental forces at work in the economy. This conjectural history is based on my own research which has been published in a number of places.

Economic society is comprised of individuals, organizations, and institutions. In the time remaining, we are going to engage in an extended thought experiment in which we think about how complex, modern firms may have emerged from simple cooperative behavior in pre-market history. Along the way we will also think about how this induced the emergence of well-known market institutions. In short, as production units become more sophisticated, markets deepen and market institutions become more sophisticated which, in turn, makes it possible for production units to become even more innovative and sophisticated.

Improved production and markets lead to specialization which makes us more dependent upon one another and, hence, more civilized. Where culture inculcates respect for the rights of others and their property, societies are the most prosperous because the risk of innovative economic activity is lowest. The main point is that with a little luck and a lot of attention paid to things like freedom, property rights, and the honest enforcement of contracts, over time this co-evolutionary process results in a full-fledged market economy like we have in America. But while the story ends-up in America, our conjectural history begins in Africa.

2. A Tribal Village

We begin long ago in a village on the bank of a tributary of the upper Nile River. The people in the village get most of their food from the river, collecting clams and spearing fish that wander into the shallows. Each day the men in the village fish for an hour or so, an activity that typically generates about two fish.

One day while fishing about 100 yards upstream of his cousin, an inexperienced fisherman threw his spear at a fish that was a bit too far away, which caused his spear to skip off the surface of the water. Spears are hard to make, so he waded out to retrieve it. By the time he caught-up to the spear the current had carried it all the way down to his cousin, who was now spearing fish fast and furiously.

Our fisherman surmised that in trying to retrieve his spear he was actually herding fish past his cousin. The next day he convinced his cousin that they should work together as a team, with one guy herding the fish while the other did the spearing, switching every now and then to avoid boredom. Working together they speared about 20 fish in one hour, so the value of cooperating in this way was 16 fish, so they *each* got 8 more fish per hour than when working alone.

I tell you this story to illustrate the miracle of cooperation. The key idea behind cooperation is that the value of the whole is greater than the value of the sum of the parts. So cooperating generates what's known as a cooperative surplus, the value of the whole minus the value of the sum of the parts. In the example above the cooperative surplus is $16 = 20 - (2 + 2)$. In this example cooperation occurs without any firms, markets, market prices, and very little if any trading.

Cooperation is a very powerful thing so many species cooperate. What makes human cooperation special is that we are much better at it than the other species. Some do it on a very large scale, like social insects, but such cooperation is completely hardwired so it is inflexible. Some do it very flexibly, like wolves, but their cooperation is limited to very small groups. Only we Sapiens are able to pull off flexible large group cooperation. That's why we filled the world.

To understand how the market economy works we must understand how the economic organizations and institutions that comprise it evolved, and that the key to understanding how organizations evolve is to recognize that organizations exist, first and foremost, to help us enjoy the benefits of cooperation.

3. Cooperation and Teams

Close your eyes and envision thousands of balls bumping around into each other, not unlike they did in the movies you saw in your high school chemistry class where entropy was illustrated by atoms colliding with each other. Just like in chemistry, some balls stick to one another while most bounce off of each other.

In chemistry why do some balls stick together upon collision? This happens when there is something about the two balls involved that make them mutually attractive. With human behavior something like this can also happen.

Suppose one ball makes 10 units of something useful per period and another ball makes 10 units, but together they make 26 units. As is the case with chemistry, the balls can be the same (O_2) or different ($NaCl$). In this case it pays to stick together rather than make the good alone. Sometimes clusters of balls will stick together. The cluster can be made-up of lots of individual balls or a number of smaller clusters. As long as the output of the cluster exceeds the sum of the parts, it will stick together. Such clusters I call cooperative nodes.

Now there is no particular reason why these balls (people) can't get together, cooperate, split the surplus, and then break apart in the knowledge that they will be able to find new partners when they need them in the future. If finding partners is easy, then this is what we would expect to happen. After all, just because a given node is terrific for making one kind of good doesn't mean it is good for making another, and people like all kinds of goods.

But suppose that repeated transactions within a node tends to increase the value of the surplus generated by the node because the longer partners work together, the more productive they become. In this case there is a return to staying together rather than spontaneously generating new nodes with others as needed.

Note that if it takes a long time to find the other people you need then there is a cost to regenerating the node through transactions occurring over markets. The higher are such "transaction costs," the more attractive it is to stick together. At the same time, it is also true that even if such transaction costs are zero there would be an advantage to continued association if the surplus rises in value with repeated transactions within the node (economists often call this a learning curve).

If the size of the surplus rises with continued association, then such association will have a durable quality. Such durable nodes I call teams. Again, even in the

absence of any transaction costs associated with reconstituting the team over and over again, the existence of rising surplus with continued association is enough to produce a durable node – a team.

In my view,

1. *Cooperative* teams are the basic building blocks of economic organizations
2. The expectation of cooperative surplus is the attractive force that pulls people together to form teams
3. The increase in the value of the cooperative surplus from continued association is a kind of glue that keeps them together

4. Cooperation, Specialization, and Competition

Individuals who are permanent members of a cooperative team won't be available to other nodes to make other goods, at least not while they engaged in cooperation. But that's O.K. – it makes sense to divide-up production by teams so they can stick together and therefore be more productive.

In addition, if they were surviving before, then such a team will generally make more than its members need to survive. Taken together, this is a prescription for specialization because as teams become more efficient, making ever more than they need for their members, they become more dependent on others for the goods they no longer have time to produce for themselves.

Initially this difference is small. One may be a member of a particular team for only a short period of time each day, week, or month. But as the scope of economic activity expands over a broader array of goods and greater number of people, we would expect fishermen to fish more to generate more fish to exchange for other goods and services, which simultaneously makes them more efficient at fishing and more dependent on others. If this sounds familiar it should – it is just a case of Adam Smith meets the cooperative node.

What's to keep people from just using the gains from cooperation to consume more recreation?

If we go back far enough in history, there is lots of cooperative behavior among humans but no trade. Heck, we observe lots of cooperative behavior between

members of Orca pods and wolf packs. But Orcas and wolves haven't gotten very far down the path of economic development while we have.

Why?

The answer is exchange. We possess traits that make us very good communicators. This gave us the ability to think of and execute exchanges that are beyond the comprehension of other species. Exchange, in turn, allowed us to more fully specialize. If there are ten goods that every family needs and each family needs to make all ten, they won't be very good at making any of them because they cannot concentrate their efforts – they can't specialize.

Specialization allows for creating or buying machines that increase productivity and supports learning and the refinement of skills. But to specialize, that is, to focus on the production of one good only, we have to be confident that we can exchange some of what we make for the other nine things we don't make. So specialization goes hand-in-hand with exchange.

So the more we exchange, the more total output there will be because it allows everyone to be more specialized all at the same time.

The more we exchange, the greater the return to cooperation because the surplus can be used to get more of other things.

It gets better.

If trading within one village is good, trading among several villages is even better because it expands the range of goods we can get for our excess production. If trading with nearby villages is good, trading with ones farther away, too, is even better.

This brings us back to our question of why is it that humans didn't just use the benefits of cooperation to consume more leisure. With any kind of consumption there is the phenomenon of diminishing marginal utility. This is just the idea that as we consume more of something, the increase in our welfare from consuming yet another unit diminishes. Think about it. You are far more excited about eating the first cookie than the 20th.

This turns out to be very important. With each new good that becomes possible to obtain through exchange there is something that produces very high welfare gains

because diminishing marginal utility has settled in yet. This means that one is not likely to reduce effort due to productivity gains because the gain to welfare from the consumption of new goods is much greater than the gains to welfare from a little more leisure consumption.

So exchange keeps the value of cooperation high by keeping the value of the cooperative surplus high because it need not be directly consumed – it can be traded for other things the individual and his team cannot make for themselves.

So exchange keeps the pressure on for individuals to cooperate much and to even try to cooperate better, to innovate, to have more to trade for the things others have that they want.

This induces specialization on a grander scale because the spear makers in tribe on a river might find it more profitable to switch exclusively to fishing and use fish to trade for spears. In other words, specialization moves beyond intra-village specialization to inter-village specialization.

The lesson is that cooperation has made trade possible and trade is doing a most remarkable thing – it is civilizing society. But it works both ways. Those societies that work the hardest at being civilized are the most successful traders. Cooperation, trade, and civilized behavior toward mere strangers all tends to go together and when one or more is missing, economic development is thwarted.

Now exchange starts to put pressure on innovation within teams. More surplus means more extra units to exchange for other things we like, so we are always looking to produce things more efficiently. At the same time, if we can develop entirely new things to produce with our team, or perhaps in another team, then we can overcome the problem of diminishing marginal utility. People will put a high value on the new thing so they exchange lots of what they make for the new thing you and your team makes, which can then be traded for other things.

Now let's add money to the story. In *The Ascent of Money*, Niall Ferguson takes us on a journey from the inception of money all the way to the complex financial institution that it made possible thousands of years later. I can't possibly do that history justice here, so I am not even going to try. Instead, I am going to offer what is sometimes described as a conjectural history of how money might have emerged in the first place.

Instead of spearing fish and trading them for blankets, our team spears fish and trades them for pebbles, which can then be used to trade for almost anything. Although pebbles could certainly have been formally declared as money, this need not have been the case (a formal declaration is sufficient but not necessary).

It is important to understand that pebbles could easily have evolved into money without anyone consciously trying to make it so. Suppose nearly everyone likes shiny pebbles because they are pretty. This means that in many barter transactions people will take shiny pebbles if enough are offered. One thing nice about shiny pebbles is that they don't rot and they are pretty consistent. One day a person had an item to sell (say some fresh meat) and he had to sell it quickly or it would spoil. But everyone who wanted it had nothing he needed. It then occurred to him that even though he already has plenty of shiny pebbles and really didn't need any more, nearly everyone likes them so he could find someone who had something he did want and trade the pebbles for it. So he goes back to someone who had nothing he really wanted but did have some shiny pebbles and makes a deal.

You can see where this is going. Before long, people start to value having shiny pebbles not so much for their prettiness but because nearly anyone will take them in an exchange because they know nearly anyone will take them in an exchange. A positive feedback loop emerges driving shiny pebbles into a special kind of good – one that isn't directly consumed as much as it is used to for transacting. Money is born. This account (a similar one was offered by Carl Menger many years ago) comports with rise of commodity monies around the world of very different types.

So money is born and it changes everything. Recall that exchange dramatically catalyzed cooperation by making the cooperative surplus more valuable. Money took that effect and accentuated further – dramatically so.

Now the value of the team surplus is no longer simply 6 units. It now has a **monetary** value of 36 pebbles if the “price” of each fish is normally 6 pebbles. This makes the value of the surplus skyrocket.

To see why, imagine there are neighboring tribes that would like some of your fish. The problem is that they have nothing you want, so in a pure barter situation, your reward does not reflect *their demand* for your fish.

In a monetary economy, however, *their demand* for your fish can be accounted for in your reward even if you don't want what they produce, because you know you

can exchange pebbles for what you do want. They know this, which is why they always try to have pebbles on hand.

The greater the number of people who buy might fish from your team, the higher will be the price of fish in terms of pebbles because they'll bid-up the price in pebbles. This means the monetary value of the team surplus will rise with the number of people who would like to buy fish from our team.

But this is also true for blanket makers. Of course, the more they can count on being able to trade for the fish they need, the less fishing they'll do and the more they will concentrate on making blankets, which increases their demand for fish, their blanket making productivity, and the supply of blankets to fishermen. Meanwhile, less time weaving their own blankets results in fishermen being able to focus even more on fishing.

Note that trade on a grand scale is simply increasing the number of people in the relevant society. Even different bands, tribes, and so forth can comprise the same economic society if they trade across such social organizations. This allows for specialization and production on a grand scale. Adam Smith's genie get released.

Let's pull this all together. Teamwork beats working alone because it produces a team surplus so the whole is greater than the sum of the parts. The difference between the whole and the sum of the parts can be split by the team members. Sometimes this surplus makes the team so productive that they produce more output (fish) than they can use. The value of this team surplus will be much higher if the excess fish can be traded for other goods.

Trade spurs greater innovative efforts on the part of the team than would have occurred were it the case that they had no use for any fish they caught beyond their personal needs. This is because such surpluses can now be traded for other goods which they desire more greatly.

By increasing the ability of a single fish to generate other goods through trade, monetizing exchange dramatically increases this effect, so the value of the team surplus to the team members rises yet further. Since our team is willing to be paid in pebbles and everyone uses pebbles for payment, it follows that the number of fish our team can sell is much greater than in a barter economy, so the demand for their catch is higher and, hence, the price per fish in terms of real goods that could be traded for is also higher.

Cooperation and exchange therefore feed off of each other in a way that ultimately gives rise to what we now call the market system. Money dramatically increases the value of this feeding off of each other. This increases team productivity and surplus, further expanding supply. Everyone becomes more dependent on specialized production and society becomes richer because of it.

Now I have some bad news. This is bad news for teams in the short-run that will wind-up being good news for society as a whole in the long-run.

What if there is more than one team that produces a particular good? Then cooperation, which occurs *within* the team, occurs in an environment of competition *between* teams.

The presence of other teams that produce the same good threatens the value of the team's surplus because it reduces the amount the team can sell and/or the price it can charge. If either or both fall, the value of the surplus produced by the team will fall, possibly to the point of making the team no longer viable.

Note that the greater the value of what is being produced, the more likely another team's existence will not lead to the destruction of the first team. So if there is large unmet demand, new teams can emerge without killing off existing teams. This works out perfectly, because with unmet demand what society really needs is more teams making the good with unmet demand, not other goods.

But at the same time, the greater the value of what is being produced, the more likely others will try to copy what the team is doing.

This increase in the number of teams that make the same thing makes life harder on all teams because it dissipates the value of the surplus and therefore reduces how many other goods those in the team can acquire through exchange.

But this induces teams to look for new things to make, to look for new features to incorporate into what they already make, and to find ways to reduce their costs. New things and new variations on old things solves the problem in the short-run because they are going where there is less competition.

But note that all other teams are feeling the same pressure, and that includes teams that produce what our team wants to buy. So our team members' ability to buy things falls with a falling price for what they produce, but what they have to pay to get what they want is falling, too. Yet everyone does better when they make more

with less. In the end this competitive pressure results in their being more of everything that already existed and new things altogether, but no more people in the story. This is how general prosperity happens.

CHAPTER 8

ON THE EVOLUTION OF ETHICS, RATIONALITY, AND ECONOMIC BEHAVIOR

DAVID C. ROSE

8.1 INTRODUCTION

THIS chapter melds several strands of literature that pertain to how ethics and rationality affect economic behavior. It proposes a new metaphor, that of a bookshelf that is consulted when new circumstances arrive, which alludes to the classical approach to modeling decision-making. Although not well known by economists today, before the rise of neo-classical economics those writing on economics viewed decision-making as being driven primarily by a desire to conform to established norms.

The bookshelf does not show how decision-making has evolved from being irrational to rational; it has been rational all along. Instead, it provides a way to consider how increasing group size and evolving moral beliefs might lead to rationality being channeled so behavior increasingly comports with neoclassical economics, what McCloskey (2006) calls *Max-U*. This does not mean that *Max-U* did not exist until recently; it has existed all along. It simply became more relevant with the evolution of market economies and certain kinds of ethics. This exercise allows us to more deeply appreciate the connection between ethics and economics, and has interesting implications for the rise of individualism.

8.2 RATIONALITY

Since the ancient Greeks it has been understood that rationality is an important part of building a good individual and a good society. But while rationality helps us understand

the world and make better decisions, it can also help us act as shrewd opportunists. So even now rationality continues to be a topic of great interest to ethicists and economists, indeed anyone with a strong interest in complex animal behavior.

Of particular concern is how rationality works in group contexts. One of the most acclaimed cognitive neuroscientists of our time, Joaquin Fuster, contends that “rationality is fully compatible with group behavior if in the *perception-action cycle* of the group you include two essential attributes of human behavior that derive from evolution and are genetically transmitted: *trust* and *affiliation*.”¹ I submit that the rise of civilization has had much to do with humans improving their ability to benefit from rationality while keeping the harm it can do to the common good in check. The trick has been to extend trust beyond the reach of our small group genes through moral beliefs that make untrustworthy behavior irrational even in large group contexts.

An important lesson of economics and game theory is that rational outcomes for any society cannot be achieved by “social rationality” because social rationality is not a meaningful concept. Binmore (2005) provides an excellent discussion of this point. In short, social rationality amounts to a category error since societies do not choose—individuals do.² But even if the most rational outcome for society cannot be defined, it is still meaningful to say a society has achieved a rational outcome in that it has avoided all demonstrably irrational ones according to the Pareto criteria. But because only individuals make choices, as a practical matter even the set of Pareto efficient outcomes can only be achieved by aligning what is in the best interest of the individual with what is in the best interest of society.

Free market systems are dominated by the positive sum activity we call cooperation. Put simply, alone *A* makes 10 and *B* makes 10 but cooperating they make more than 20. There are many reasons for this outcome but one thing is always the same: the value of the whole is greater than the value of the sum of the parts. Adam Smith (1776) argued that cooperating to effectuate gains from specialization is a particularly important part of the story of how free market systems produce the good life. He argued further that the larger the group, the greater these gains will be.

The power of Smith’s argument is evidenced by the fact that large group cooperation is very common in nature. There are many species of social insects and they dominate the planet by count and mass. But their form of large group cooperation arises from precise genetic coding of behavior on a strict “if, then” algorithmic basis. This makes adapting to changing circumstances impossible within any given generation. Yuval Noah Harari (2015) argues that the key to the rise of human civilization was therefore not due to the rise of large group cooperation per se but to the rise of *flexible* large group cooperation.

Flexible cooperation refers to cooperation that can be adapted to immediate circumstances as needs arise. Whereas neighbors working together to build a fence can alter

¹ This quote is from an email to the author dated January 20, 2018. See also Fuster (2013). Later I will explain why genetically transmitted trust mechanisms are likely to weaken as we live and cooperate in ever larger groups.

² Wilson (2010) advances a related argument regarding social preferences and the folly of shoe-horning theory to fit prevailing models in response to empirical findings that show prevailing models fail to predict behavior accurately.

their plans on the fly, social insects are stuck with precisely preprogrammed behavior. Flexible cooperation requires conscious, deliberate decision-making. If decision-making reduces the likelihood of survival of the decision-maker or her group, traits that support such decision-making will die out. It follows that traits that support irrational decision-making will produce worse payoffs and will therefore die out, while traits that support rational decision-making will produce better payoffs and will therefore be reinforced. For this reason flexible cooperation almost certainly coevolved with rational decision-making.

This is not to suggest that our earliest ancestors were not rational but we today are. It is unlikely that any organism is persistently irrational. Many organisms cannot engage in rational decision-making to the extent that we do, but that does not make them irrational. It simply means that their mode of rationality is less refined. Mice are not irrational. At every moment of decision they promote their welfare the best they can with the capabilities they have. But it is nevertheless true that humans are, on average, more rational than mice. As primates evolved they evolved more sophisticated mechanisms for rational decision-making. Later, as humans evolved ever more sophisticated cultures and institutions, they also evolved an ever greater capacity for rational decision-making.

Unfortunately an increasing capacity for rationality increasingly opens the door to behavioral opportunism.³ Economists and game theorists have studied this problem for some time in the context of social dilemmas. Because we have cooperated in small groups for a very long time, we have evolved mechanisms—like feeling guilty when we harm others—to deal with social dilemmas that frequently arise in small group contexts.

As we consider ever larger groups, however, all social dilemmas worsen because of what economists and game theorists call the $1/n^{\text{th}}$ problem. As the number of individuals in a group, n , rises, the direct benefit of opportunism to the individual does not change while the cost to the individual and others from reduced group output falls. This drives up the net material payoff to the opportunist. It also drives down involuntary feelings of guilt that might arise from harming others with whom the individual can empathize.⁴ This should not be surprising. Traits that evolved in small groups, such as being good bookkeepers of favors and the ability to empathize, have no particular reason to work well in very large groups.

8.3 THE EVOLUTION OF ETHICS FROM CULTURAL PRACTICES

Flexible cooperation is not as common as large group cooperation, but it is certainly not limited to humans. Chimpanzees, elephants, orcas, wolves, and many other species clearly cooperate in a flexible way. But these species do not cooperate on anything like

³ Flexible thinking is not necessary for opportunism since genes that benefit the individual at the expense of the group or the species are supported in evolutionary equilibrium; see Dawkins (1976).

⁴ This is now known as the empathy problem; see Rose (2011).

the scale of social insects or modern humans. What is very rare and limited to modern humans is flexible large group cooperation.

For most of our existence we lived in small groups, so the problem of behavioral opportunism arising from flexible behavior was addressed by a mixture of genetically encoded traits that made us reluctant to harm others in our group and cultural practices that precluded opportunism.⁵ Patterns of behavior that made opportunism difficult were more likely to be repeated than those that left the door wide open. In this way culture, through cultural practices, addressed the problem of opportunism that grew with increasing group size through fairly precise patterns of behavior. In doing so, cultural practices increased productivity through gains from increased specialization made possible by reducing the risk of opportunistic exploitation.⁶

By addressing the increasing problem of larger group size leading to more opportunism, the mediation of behavior through cultural practices led to an increase in the size of human groups. But increasing the degree to which behavior follows precise patterns also has the effect of bottling up rationality. The mind automatically searches for the appropriate “then” response when confronted with any given “if” circumstance.

This has the effect of taking most or all of the remaining action set out of consideration. When circumstances never change, or the same small set of circumstances are repeated without variation, this is of no concern. But even small changes in circumstances can lead to an action that was not prescribed by the relevant cultural practice being the best action. Strict cultural practices therefore reduce the likelihood that actions that might better promote the common good will be selected. This reduces the ability of individual rationality to produce diverse decisions that can begin new evolutionary paths of decision-making in the future. To the extent that some of these paths might have increased the common good, this negates some of the social advantages of flexible cooperation.

Intergroup competition produced rewards to those groups that could cooperate in large group contexts to benefit from efficiency gains from increased scale. It also produced rewards to groups that could cooperate in a flexible rather than pre-programmed fashion. As groups evolved mechanisms that could better support large group cooperation or flexible cooperation, they came to dominate those that could not.

Both large groups and flexible decision-making open the door wider to rationality being exercised to promote individual welfare at the expense of the group. This tends to keep flexible groups small and large groups inflexible. But this also means that the advantages of flexible large group cooperation should reinforce traits that combat opportunism in large group contexts to make flexible large group cooperation possible. It follows that as groups grew larger, those that found ways to better combat large group opportunism would be able to more fully unleash the power of flexible large group cooperation and dominate those that did not.

⁵ See Boyd and Richerson (1985) and Richerson and Boyd (2005).

⁶ Thanks to the pioneering work of Robin Dunbar, it is now widely understood just how small-group oriented modern humans still are. This work explains how many institutions and organizations evolved in ways that deal with our small-group limitations (see Coward and Dunbar 2014 and Dunbar 2016).

One way to break open the floodgates of flexible large group cooperation would be for specific kinds of moral beliefs to evolve that happened to pre-rationally foreclose opportunistic actions. This would address the problem of opportunism by robbing it of the power of rational calculation while otherwise leaving rationality in play for scientific inquiry and wise decision-making. So perhaps institutions did not become more important than culture to unleash the modern world. Perhaps, instead, cultural *beliefs* became more important than cultural *practices*, and then certain cultural beliefs made possible certain kinds of institutions, such as highly trust-dependent institutions, that in turn dramatically increased average productivity.⁷

8.4 THE EVOLUTION OF ECONOMIC BEHAVIOR

Adam Smith (1759) explained how group norms, through group approval and disapproval, can emerge to provide a means of group adaptation to specific environments. Recently Vernon Smith and Bart Wilson (2017) have argued that some of the shortcomings of *Max-U* disappear when we think of behavior as being governed as described by Adam Smith. They explained why the desire to conform might provide a better explanation for the predictive failure of the expected utility hypothesis than other-regarding preferences that work through mutual affection, a taste for fairness, or predilections for positive or negative reciprocity. Significantly, Smith and Wilson stress that their analysis pertains to behavior in small groups.

Taking inspiration from both of these sources, I will explain how economic decision-making might have evolved from a mode preoccupied with conforming to established norms and practices in small groups to a mode that is better described by *Max-U* in large groups. I will later explain how this process might have been catalyzed by the evolution of ethics that channel rationality in a uniquely beneficial way for societies that seek mass flourishing.

8.4.1 The Neoclassical Emphasis on *Max-U* and the Classical Emphasis on Conformity

When a new circumstance arises, *Max-U* says the first thing a person thinks of is essentially “Given how this circumstance affects my constraints, how do I maximize my happiness?” This question is answered by the model of *rational choice* in which behavior is driven by the individual trying to maximize her utility given her personal tastes.

⁷ See Rose (2018).

In the traditional formulation what is valued by the individual are things that improve the individual's welfare irrespective of how others are affected or what others might think. Social norms, mores, folkways, taboos, and moral values are not considered. This is why the traditional formulation of *Max-U* is often equated with narrow self-interest.

But even with this incredibly simple formulation of utility the best response is often not obvious. The best response for the individual maximizes utility in light of all constraints, which requires a careful consideration of all the possible costs and benefits—the primary mode of rational analysis. Rational decision-making as conceived by *Max-U* therefore involves the executive system of the brain, specifically what might be called the cost-benefit analysis center.

When a new circumstance arises, the classical view of behavior (henceforth *Max-C* for “maximize conformity”) says the first thing the person thinks of is “Given this new circumstance, what I am supposed to do?” Adam Smith explained why in most cases the answer comes from an established response that has evolved over time in her group. Such socially proper responses are followed automatically for the most part, like an “if, then” algorithm in a computer program.

Even in large modern societies today, much of our daily behavior amounts to simply trying to follow the rules of proper conduct. We simply do what we think we are supposed to do and don't do what we think we are not supposed to do. When an unattended child scrapes her knee we bend over and help her up without even thinking about it. When someone dies we don't even have to not think about not hiring a clown to perform at the funeral.

8.4.2 A Bookshelf Metaphor

To set the stage for seeing how behavior that comports mostly with *Max-C* can evolve into behavior that comports mostly with *Max-U*, envision a large bookshelf. When a particular circumstance arises, the individual automatically consults the bookshelf to find the proper response, which is contained in a particular book. For most circumstances such behavior takes the form of an “if, then” algorithm. An extreme example of this would be the sharp “if, then” behavior of social insects for which genes write very specific behavioral responses indeed.

Responses that are so strongly disapproved by society that they are completely beyond the realm of contemplation for a given circumstance are signified by books that have a cover that is pure red. Responses that are so strongly approved by society that they are absolutely imperative are signified by books that have a cover that is pure green. Responses that are completely neutral are signified by books that have covers that are pure brown. Other responses are distributed along a continuous hue scale between pure green and pure red.

For every known circumstance the pattern of book colors can differ because different circumstances require different responses. If there is only one pure green book, the individual immediately selects it and responds as it directs. This is a case of a circumstance

that has a morally required response like throwing a lifesaver to someone who just fell overboard. For most circumstances in life there is no pure green book.

One way to think of this hue scale is that it informs what Adam Smith (1759) calls the individual's impartial spectator. The various hues tell the individual how most other persons in her group would react to her having chosen any given response. So the hue reflects the individual's understanding of how strong the approval (brown/green to pure green) or disapproval (brown/red to pure red) will be for each response. This helps the individual make good decisions by giving the individual a mechanism through which to imagine, before choosing a course of action, the likely reaction of others after making such a choice.

The impartial spectator helps provide strong conformity in a group by taking the place of others who might offer approval or disapproval when they cannot be present or before they will be present. The individual feels good about doing what would be expected to arouse approval and feels bad about doing what would be expected to arouse disapproval even if that response is unlikely to actually occur because her actions are unlikely to be observed. This is simply taking comfort in knowing you did what you were supposed to do even when no one else does, and can be viewed as a means by which behavior that is normally mediated by external shame can also come to be mediated by internalized guilt because we have a conscience (Lal 1998).

Few would quibble with Adam Smith's claim that we are very sensitive to the approval and disapproval of others. If every time a child responds in a particular way to a specific circumstance she receives strong and universal social disapproval, the book associated with that response will become increasingly red. If every time a child responds in a particular way to a specific circumstance she receives strong and universal approval, the book associated with that response will become increasingly green. If every time a child responds in a particular way to a specific circumstance she always receives neither approval nor disapproval, the book associated with that particular response will remain brown or become increasingly brown.

For every circumstance, then, the bookshelf will have a particular pattern of hues because the group expects different responses to different circumstances. The book that contains the response "go to the ballgame" is green when the circumstance is your daughter wants you to take her to the ballgame for her birthday. But that same book is red when the circumstance is a death in the family. As a child grows up, the bookshelf gets larger and the pattern of colors increasingly come to reflect the pattern that is common to the minds of all other adults in the society. The smaller and simpler a society is, and the slower its rate of change, the truer this is. So the smaller the society and the more refined are cultural practices due to a long period of stability, the stronger will be the habit of mind to think first about what one is supposed to do to.

The smaller the group, the truer it is that conformity is well defined so the easier it is to conform. At the same time, the smaller the group the more likely everyone knows everyone else, so the smaller the group the more important it is to conform. Obviously the easier and the more important it is to conform, the more likely the dominant habit of mind will be to respond to each new circumstance by first consulting the bookshelf to find the appropriate response so as to conform.

Some situations are completely novel. Such situations necessarily require careful judgment, including but not limited to rational cost-benefit analysis. But no matter how large a society becomes, there will always be some actions for which nearly every individual will have an automatic sense of what to do. On a Brooklyn beach this summer there will almost certainly be a toddler who wanders too far into the surf and a complete stranger will dash out to grab the toddler. It will almost certainly be the case that the stranger will not do a rational cost-benefit analysis. If asked, she will later say she just did what she had to do without thinking. And with language that would delight Adam Smith, she might even insist that she just did what anyone else would have done.

When there are two or more proper responses, the “if, then” nature of the bookshelf does not automatically produce a unique course of action, and the individual has to make a choice. In such cases there is no reason why the individual cannot choose the alternative that best promotes her own welfare. So when behavior largely comports with *Max-C*, individual rationality takes on a well-defined role: it breaks ties. To determine the alternative that best promotes the individual’s welfare, the individual rationally considers the costs and benefits involved which is informed by the individual’s personal tastes. Note that red books normally do not require tie breaking because one can normally refrain from any number of things simultaneously.

Since the brain is a very energy-intensive organ, evolution naturally favors modes of decision-making that avoid wasting resources. The same process by which the bookshelf is built affects how individuals make decisions by affecting how neural pathways are created and destroyed in the brain. When a particular circumstance arises a child has to think about what to do, which amounts to routing the decision of how to respond to that circumstance through the executive system to conduct cost-benefit analysis. Suppose each time a particular response is considered for a particular circumstance the answer is always no. In other words for a given individual, circumstance x_1 produces the answer “no” for response y_1 , over and over again.

A well-known principle of cognitive science is that neurons that fire together wire together.⁸ Let us now explore how this principle applies to the bookshelf. The arrival of circumstance x_1 requires the consideration of many y options for a response. Should the individual do y_1 in response to x_1 ? The younger she is, the more likely this is an open question that is routed through the cost-benefit analysis center.

Suppose after doing so, time and time again, the answer is always “no.” In this case neurons will begin to wire together the question “If x_1 , should I do y_1 ?” to the answer “no,” effectively looping around the cost-benefit analysis center. Since the answer is always the same the exercise proves superfluous. So at the same time the neurons routing the question through the cost-benefit analysis center begin to wither.

The strengthening of the neural connection between the question above and the answer “no” is analogous to the book that corresponds to the y_1 response becoming red-der over time with respect to x_1 . As a result a conscious rational consideration of whether

⁸ This is widely attributed to Löwel (1992) but it expresses the main idea of Hebb’s (1949) theory of neuroscience.

to undertake y_1 is increasingly unlikely to be undertaken. Since normally one can refrain from taking any number of negative moral actions, tie breaking is normally not required. By the time the book approaches pure red the neurons that once led this question through the cost-benefit analysis center will have long ago withered into oblivion.

Now suppose the question is “If x_1 , should I do y_2 ?” and the answer is always “yes.” In this case neurons will begin to wire together the question “If x_1 , should I do y_2 ?” to the answer “yes,” also looping around the cost-benefit analysis center. And again, since the answer is always the same the exercise proves superfluous. So the neurons routing the question through the cost-benefit analysis center begin to wither.

The strengthening of the neural connection between the question above and the answer “yes” is analogous to the book that corresponds to the y_2 response becoming greener over time with respect to x_1 . As a result, a conscious rational consideration of whether to undertake y_2 is increasingly less likely to be undertaken. But taking a given positive moral action often requires resources that cannot be used for taking other positive moral actions. This means ties must be broken because, unlike negative moral actions that can be simultaneously avoided, more than one positive moral action cannot be simultaneously taken with the same resources. In such cases equally compelling yes answers will have to be routed through the cost-benefit analysis center.

When the answer is always the same because of the consistency and strength of social approval or disapproval, as the individual ages the decision about how to respond slowly ceases to be a decision in the normal sense of the word and becomes an automatic response. This comports with daily experience. A great deal of behavior that is essentially automatic to us as adults was far from automatic for us when we were children. As adults we might now call these instinctive responses, but since they are not based on genes but on social learning over time, it is better to call them intuitive or automatic responses. In this way, an individual can come to think increasingly as described by *Max-C*, as one who conforms by striving to do or not do as required by social norms.

Responses to circumstances that are directly connected to a yes or a no are not subjected to rational cost-benefit analysis but this does not mean that they are irrational. Since the response is made ahead of rational analysis, from the perspective of the individual it is effectively pre-rational. And since such responses are made because of cultural practices that evolved at the group level, they are likely rational when considered in terms of group welfare.

Genuine trust is what we have for those whom we believe will not betray us even when there is no chance of being detected. Robert Frank (1988) called such circumstances *golden opportunities*: chances to behave in an opportunistic way when the would-be opportunist believes there is no possibility of detection. Before Frank the word trust was often equated with merely having confidence that things would work out as expected. The concept of a golden opportunity is important because it clarifies that the word trust is meant to convey the idea of moral trust rather than, for example, trust in another person's competence.

The concept of golden opportunities also helps clarify the distinction between genuine trust and what Oliver Williamson (1993) calls “calculative trust” and Toshio Yamagishi

(2000) calls assurance. The more specialized economic activity is, the more localized knowledge will be and therefore the more likely golden opportunities will arise. So the rise of genuine trust is important for keeping transaction costs low in very large and highly specialized societies because in such societies it is frequently the case that individuals will believe that they have no chance of being detected if they behave opportunistically.

Frank's point was, in part, that it is mistaken to view genuine trust as irrational even though it requires not taking advantage of golden opportunities. If individuals possess traits that make them trustworthy, so they can be trusted even if golden opportunities will likely pass their way and they possess involuntary emotional responses that are reliable indicators of having such traits, then such individuals can benefit because trustworthy transaction partners are more valuable. The short-term losses from not acting on this or that opportunity can pale in comparison to the long-term gains from being believed to be trustworthy.

Moreover, the group can benefit as well and, as such, the individual can benefit indirectly by virtue of being a member of the group. That which can achieve group-level rationality is often irrational when judged solely in light of the individual's welfare at the moment of a given decision. For example, being taught that one should immediately harm those who harm the group's children will result in less harm being done to the group's children. This benefits the group, but it may end up getting the retaliator killed. When judged solely from the perspective of the retaliator, beliefs, practices, or emotions that produce retaliation may be irrational given the risk involved, but the average payoffs for individuals in the group may be higher because of the benefits to the group as a whole.

What is optimal and therefore rational for the group, then, might not be rational when judged solely from the individual's perspective. So when decision-making comports with *Max-C*, group-level rationality can produce outcomes that are contrary to individual rationality at the moment of decision. But that does not mean that such an individual would prefer living in a society where group rationality did not change the outcome from what behavior driven solely by individual rationality would produce.

Now consider a circumstance for which the bookshelf offers little guidance (all books are better described as some kind of brown than green or red). For example, you are 12 years old and you are asked, "Would you like to see Grandma at the hospital?" You know you are supposed to say yes, of course. But then you are asked, "Should we bring her a card or some candy?"

In this second case it is not clear what the right answer is since they both appear likely to elicit social approval so they both amount to answers contained in equally green books. So you have a tie to break. Which do you pick? You rationally choose what you think will make *you* happiest by rationally comparing the costs and benefits to you. Perhaps after a few seconds you conjecture that Grandma might share some of her candy but you really don't want to eat part of her card, so you pick candy.

Long ago in very small group life, cultural practices told us what to do in many and perhaps most circumstances. But in the modern world we often have to make decisions for which established cultural practices do not tell us precisely what to do. Because we are empathetic by nature, in such cases if others' welfare might be involved we would

naturally try to imagine how our decision might affect them, especially those we care much about, and this often guides us to a decision. But in the modern world such considerations are often irrelevant. In such cases one is free to simply choose what one prefers given one's personal tastes without fear of disapproval or even fear of arousing one's own feelings of guilt. So in such cases there is no reason not to break ties by simply asking yourself, "Which of the options is best for me?"

Because the answer to that kind of question might not be obvious, such questions are often routed through the executive system where a careful, rational, cost-benefit analysis is applied. Breaking ties therefore involves behavior that looks less like *Max-C* and more like *Max-U*. Since in most cases the costs or benefits are affected by the individual's personal tastes, the response ends up being strongly affected by the individual's tastes.

8.5 THE EFFECT OF GROUP SIZE ON ECONOMIC BEHAVIOR

With increasing group size, specialization increases, so the number of possible circumstances rises. This makes it harder to identify, instantiate, and reinforce specific responses. The number of circumstances for which established cultural practices provide clear direction falls relative to the number of circumstances for which they do not.

Increasingly new circumstances arise that have too little in common with known circumstances to provide a basis for analogous reasoning. For example, your child wants to download a game app on her smartphone. Is this proper? If you're of a certain age, no question even remotely similar arose in your own childhood, so your parents' behavior offers no guidance. At the same time, cultural practices are not as strong—the books are rarely close to pure green or pure red—because things change so quickly that consistent patterns of approval and disapproval do not have enough time to be clearly discerned. The bookshelf-building process has trouble keeping up.

Increasingly, therefore, individuals reach adulthood with a great many brown books on the bookshelf with respect to a great many circumstances, so they will have little or no idea what to do based on established norms of social propriety. At the same time, it is increasingly often the case that our capacity to empathize with possibly affected parties is moot because the group is too large for anyone to be meaningfully benefitted or harmed.

So there will be more circumstances for which the only immoral responses are responses that are always immoral because they are categorically immoral. Such books are always red, as in the case of murder. Other responses are always immoral because the group will have evolved beliefs and practices that effectively deal with the empathy problem. For example, we are taught in our group never to lie because lying is inherently wrong, so it is wrong even if no one is harmed. This defeats the $1/n^{\text{th}}$ problem and therefore the empathy problem.

With increasing group size, there will be many more circumstances in which established cultural practices tell the individual strongly what *not* to do but do not tell the individual *what* to do. Think for a moment of how many decisions you will make today that are

effectively non-moral in nature. In such cases it never even occurs to you to consider which action is the most likely to arouse moral approval or disapproval. You automatically *don't think* of a long list of immoral responses. Some are clearly immoral to you because of their inherent nature (do not murder), but some are clearly immoral to you because you have learned that they are to be regarded as categorically immoral (do not cheat, such as on your federal income taxes). Your decision-making is therefore mostly trained on breaking ties, which you do by asking yourself which response best promotes your welfare given your personal tastes. Only rarely in daily modern life do we come across circumstances that have pure green books: perhaps if you just learned your best friend's mother has died then you should call her.

It follows that as group size increases, decision-making becomes less about pulling down a scripted response for a given circumstance and becomes more about making a choice that makes the individual happiest within a number of constraints: some material, some social, and some moral. So increasingly individuals make decisions in a way that is better described by *Max-U* than *Max-C*. This puts individualized rational thinking far more in play than in the small group world in which behavior is well described by *Max-C*.

So the larger the group the harder it is to conform, and the less important it is to conform. In many more circumstances there are no books with pure green covers because there are too many people and too many novel circumstances for a clear consensus to emerge, so a specific proper response is not well defined. The individual focuses less on conforming vis-à-vis automatic obedience of cultural practices and more on what the individual wants, because what the individual wants simply matters more in larger group contexts.

Because moral proscriptions are inherently more objective than moral prescriptions—"do not murder" is well-defined while "be generous" is a matter of degree, therefore not well-defined and chosen in part because of individual tastes—group norms come to function less as precise patterns to be imitated and more as sharp and inviolate constraints within which to choose. As group rationality is imposed ever more through proscriptions than prescriptions for behavior, individual behavior comports ever better with the mathematical structure of *Max-U*.

Increasingly over time a new habit of mind emerges, which is to ask "Given this change in circumstance, how can I best promote my welfare?" This habit of mind arises because, over time, the neural path to rational analysis is reinforced because automatic responses produce worse payoffs on average than carefully considered ones. Therefore more decision-making is subjected to individual rational scrutiny. Since rational analysis involves weighing of outcomes according to personal tastes, this means decisions will increasingly vary across individuals because they will reflect the diversity of personal tastes that in small group life would have been largely suppressed by average group conceptions of moral propriety.

When most decision-making is as described by *Max-C*, the power of individual rationality is largely bottled up, often producing outcomes that are rational for the group but not for the individual. But even the group suffers when it fails to benefit from the power of individualized rationality, because individuals possess diverse tastes and diverse beliefs.

More generally, decision-making as envisioned by *Max-C* effectively forecloses a great deal of rational thinking. Precisely scripting responses to circumstances has the effect of redacting all other responses from the action set. This, in turn, severely limits the application of logic and reason to the analysis of the world and to making decisions generally. Given how resource intensive the brain is, this virtually assures atrophy of the mechanisms that support rational analysis. Better to just do what you are supposed to do and not think further.

In contrast, decision-making that comports with *Max-U* doesn't prescribe specific responses. Instead it proscribes certain responses through social and moral constraints that are added to the customary constraints in the rational choice model. This leaves a great many more socially permissible responses to any given circumstance. The diversity of personal tastes can thereby produce a diversity of responses, which produces a richer set of background conditions for future decisions. This richness reinforces itself and comports with the dramatic degree of creativity and diversity we find in large and cosmopolitan societies.

With respect to actions that involve production, so the main concern is the creation of wealth to support consumption later, opening up the action set makes it more likely that the individual will make choices that maximize the size of the cooperative or exchange surplus because this is in her own best interest. But these are precisely the actions that best promote the common good. As long as negative moral actions are not allowed—actions whose redaction constitutes additional constraints within which permitted choices are made—self-interest naturally takes the individual in directions that end up maximizing the value of output per person in society. This is the path to mass flourishing.

8.6 THE EFFECT OF ETHICS ON ECONOMIC BEHAVIOR

As intergroup competition drives groups to become ever larger, decision-making increasingly involves making conscious, deliberate, rational decisions rather than automatically doing as the bookshelf directs. Larger group size also weakens social ties, so we sympathize less with harm that might come to others from our opportunistic behavior. Also, larger group size often spreads harm over so many persons that there is no harmed individual with whom to empathize, so even basic decency arising from modest sympathy for strangers can be rendered moot.

Unfortunately the cumulative effect of such opportunism can still seriously undermine the common good (Rose 2011, 2016). Increasing group size catalyzes the gains from specialization and leads to more decision-making that is rational and therefore more likely to discover efficient actions than consulting the bookshelf. But at the same time, increased specialization localizes knowledge, which in turn increases opportunities for

opportunism while often rendering moot our natural reluctance to engage in opportunism because of the absence of noticeable harm done to others.

Harari (2015) argued it was through the creation of institutions that humans were able to enjoy flexible large group cooperation because, in part, they helped us overcome the increasingly difficult problem of opportunism. But perhaps the story doesn't end there. Institutions, including those associated with government and religion, took human civilization to unprecedented levels. Many civilizations, however, were highly dependent on brutal punishments and enslavement. Until recently in history, none were capable of producing anything like mass flourishing.

I propose that incredible gains from even more flexible cooperation in even larger groups were made possible by more effective suppression of opportunism, and it was this suppression of opportunism that was the key to producing mass flourishing. Scientific achievements get most of the credit, but they cannot be the whole story. Far too many people live in societies that fall far short of mass flourishing but have access to such knowledge, are filled with smart and highly trained engineers and scientists, have abundant natural resources, and enjoy the benefit of richer nations ready to help with expertise and institutional templates.

What these societies lack is a high level of trust made possible by the strong suppression of opportunism. Perhaps it was a change in the nature moral beliefs that helped produce an ethic of duty-based moral restraint which, in turn, produced trustworthiness that remained intact in large group contexts. Duty-based moral restraint refers to an unwillingness to even consider taking negative moral actions. It produces a lexicographical ordering of moral preferences in that the moral value of positive moral actions is only considered if no negative moral actions are undertaken. This is particularly important for supporting large group cooperation, because without duty-based moral restraint, it is often easy to rationalize taking negative moral actions as means to taking positive moral actions, because the harm done to those with whom we can empathize and sympathize can be driven very low when divided among a large number of individuals.

Duty-based moral restraint essentially takes certain actions off the table by removing them from even being considered by the individual. This leads to an unbroken pattern of "no" answers after cost-benefit analysis has been performed. In the brain this leads to looping around the executive system and therefore denies rationality a handhold for rationalizing the taking of negative moral actions. In doing so it aligns individual rationality with group rationality and thereby best promotes the common good. It provides a basis for flexible large group cooperation that institutions cannot provide because they do not work in cases of golden opportunities. It likely also changed the path of the evolution of economic behavior by driving decision-making even farther away from *Max-C* and closer to *Max-U*.

Paradoxically, this sharp curtailment of rationality with respect to negative moral actions has the effect of strongly supporting rational thinking. Having removed the set of responses that undermine the common good, there is no need to otherwise circumvent the executive system. Rationality is therefore free to be applied to understanding the

world through scientific inquiry and to assist with wise decision-making that is within the bounds of ethical behavior. Moral beliefs that stress duty-based moral restraint therefore allow us to be more fully rational.

Duty-based moral restraint therefore allows humans to build societies with high levels of diversity of thought, rationality, and trust. Such societies can support highly trust-dependent institutions that further unlock the power of cooperation. Such societies are very much like what we envision when we envision a good society within which we flourish both individually and collectively. Such societies allow us to be diverse individuals, to fully manifest a condition of individualism that has nothing to do with selfishness. By cutting off the opportunistic path to success, duty-based moral restraint essentially forces those who want to be successful to focus on cooperating with others as effectively as possible and on the greatest scale possible.

8.7 INDIVIDUALISM

The smaller are groups and the weaker is the belief that moral restraint should take precedence over moral advocacy, the truer it is that as new circumstances arise individuals will first think of what they are supposed to do given group norms. Unless a tie needs breaking, for the most part rational decision-making begins and ends with consulting the bookshelf in an effort to conform to the group's collective view of moral and social propriety. This may help explain why individualism is far less evident in very small group societies. At the same time, it may help explain why individualism emerged so fully in places like America.

With increasing growth and development the bookshelf has a hard time keeping up, so by the time an individual reaches adulthood many circumstances produce a great many brown books and some red books. Increasingly, the bookshelf does not tell the individual what to do, but only tells the individual what not to do, so the individual's decision-making requires tie breaking. Because individuals will naturally favor responses that break ties in a way that benefits them, they get used to thinking less about conforming and more about how their choices might benefit them and those they care most about.

Therefore, when economic behavior comports with *Max-U* it produces habits of mind that comport with individualism. The first response to a new circumstance becomes to consider how best to promote one's own welfare given the effect of the new circumstance on constraints. As a result, behavior increasingly reflects the diversity of individuals through the diversity of their tastes, and individuals have more reason to think about themselves and what they want rather than what they are supposed to do as members of a group. In this way economic decisions come to increasingly reflect and contribute to a sense of individuality.

Another way to think of how small group context naturally suppresses a sense of individuality is to recognize that small group society has the paradoxical effect of diminishing the importance of the individual. Because the emergence of standards for behavior arise

at the group level and the bookshelf is most pertinent for small groups, it follows that the smaller the group, the more often that individuals behave in ways that have more to do with promoting group welfare than the desires of the individual. In many cases the unit of decision-making analysis in a small group society is the group, while in many cases the unit of decision-making analysis in large societies is the individual.

Individualism should therefore not be dismissed as selfishness. Selfish persons do not mind harming others to help themselves, but those who are individualistic because they abide by an ethic of duty-based moral restraint would never harm others as a means to the end of benefitting themselves. Philip Wicksteed's (1933) concept of *non-tuism* is a more accurate characterization of how strangers relate to one another in a large individualistic society made possible by an ethic of duty-based moral restraint. Non-tuism refers to not being terribly concerned with making those not close to us happy or with behaving in a noble way, but nevertheless obeying the rules of civilized behavior.

Non-tuism comports with the idea of thin social trust. Thick trust is like the trust a child has in her mother. It is very deep but it is rooted in mutual affection which is by nature limited to a small number of persons. Thin trust is like waiters not worrying that tips won't be left for them. It does not work for great sums of money, but because it is not derived from mutual affection but, instead, from social norms, it can apply to a great many people, even to society in general.

With thin trust in large societies, it is hard to trust randomly drawn strangers in a deep way, but it is easy to not be suspicious of randomly drawn strangers (for example, to trust them not to cheat us). This is crucial for producing a sense of easy anonymous comity whereby we are not burdened by a large concern for others but we nevertheless benefit from not having to fear that others will exploit us, either. This a condition that exists in many very large Western societies and China.⁹ Such a mindset is critical for any society that wishes to benefit from honest competition even though it can be expected to produce outcomes that harm some individuals.

8.8 CONCLUSION

Ethics that effectuate duty-based moral restraint channel rationality by eliminating opportunistic actions from consideration, while leaving rationality otherwise free to help individuals promote their self-interest. This catalyzes the effect that increasing group size has on moving decision-making in a direction that is better modeled by *Max-U* than *Max-C*. This also helps free the mind for more open-ended rational inquiry into better understanding our world through the scientific method and into making better decisions both individually and collectively.

Because under *Max-U* decisions will be governed more by individual tastes, it follows that it contributes to individualism. One's identity and self-worth is therefore no longer

⁹ See Ortiz-Ospina and Roser (2017) and Rose (2018).

derived mostly from being a part of a group and therefore a means to the end of protecting and promoting a particular group's collective welfare. Instead one thinks of oneself as a unique individual whose existence and happiness is an end in itself.¹⁰ This exercise therefore helps connect the emergence of individualism to the rise of large group modernity, *Max-U*, and to the rise of moral beliefs that instantiate an ethic of duty-based moral restraint.

Experimental economics has revealed a number of problems with *Max-U*. But how much of this is a problem with *Max-U* per se versus a problem with applying a model best suited for individual decision-making in large group contexts to behavior that normally takes place in small group contexts? Most trust games, for example, are implicitly framed in a small group context and therefore can be expected to actuate small group moral intuitions such as acute empathy even for strangers and the suspicion that repeat play is in play even if it is said that it is not.¹¹

As Smith and Wilson (2017) explained, what I have dubbed *Max-C* is perhaps a better model of behavior in small group contexts than *Max-U*, even after modification by the various accoutrements and workarounds of modern behavioral economics. No one expects an ocean liner to perform well in a river. Modifying the ocean liner might help, but the smaller the river the clearer it becomes that a better approach would be to get a smaller boat. This suggests that, given what we now know about shortcomings of *Max-U*, what is needed is a broader model for which group size is a parameter that takes behavior from that described in *Max-C* to *Max-U* as group size increases.

When n is very small, decision-making is primarily a matter of striving for conformity by doing, as precisely as possible, what is required as informed by the bookshelf. In such a world rationality exists, but it exerts its force on decision-making mostly at the group level. As n grows, the ratio of circumstances that produce ties to those that do not rises, so rational application of cost-benefit analysis comes increasingly into play. Group standards still matter, but increasingly they proscribe action more than prescribe it. As n grows even more, this ratio increases and the extent to which social constraints on decision-making is lessened further, so *individual* rationality becomes even more important and the pattern of resource allocation comes to reflect even more the rich diversity of tastes that vary by individual.

The ancient Greeks believed that rationality was intimately related to the good, both for the individual and for society as a whole. Surely they believed, or at least hoped, that there is a way to construct society so both conceptions of the good are compatible. Their work, and the work of countless scholars that followed, searched for that connection.

¹⁰ Note the historical timing of Immanuel Kant's writings in the late eighteenth century that reinforce the idea that persons are not to be used as means to others' ends, and the rise of very large societies with an increasingly evident prevailing ethic of duty-based moral restraint over a prevailing imperative to conform to behaving as expected by one's group.

¹¹ Note that Hayek (1988) argued that capitalism constituted an extended order of large group cooperation. In his view such large group cooperation was made possible by a legal framework that he viewed as providing a substitute for trust, which he viewed as a small group phenomenon.

The rise of large free-market societies and the evolution of moral beliefs that produce something like an ethic of duty-based moral restraint can be seen as two factors that helped channel rationality so as to make what is best for the individual also be that which is best for the common good.

ACKNOWLEDGMENTS

The author gratefully acknowledges support by the Earhart Foundation, the Templeton Foundation, and the International Studies and Programs center at the University of Missouri-St. Louis. The author also thanks Robin Dunbar, Robert Frank, Joaquin Fuster, James Otteson, Maria Paganelli, and Bart Wilson for comments and suggestions on an earlier draft.

REFERENCES

- Binmore, Kenneth. 2005. *Natural Justice*. New York: Oxford University Press.
- Boyd, Robert, and Peter J. Richerson. 1985. *Culture and the Evolutionary Process*. Chicago, IL: University of Chicago Press.
- Coward, Fiona, and R.I.M. Dunbar. 2014). "Communities on the Edge of Civilization." In R.I.M. Dunbar, Clive Gamble, and J.A.J. Gowlett (eds.), *Lucy to Language: The Benchmark Papers* (Oxford: Oxford University Press), pp. 380–405.
- Dawkins, Richard. *The Selfish Gene*. 1976. New York: Oxford University Press.
- Dunbar, Robin I.M. (2016). *Human Evolution*. New York: Oxford University Press.
- Frank, Robert H. 1987. "If Homo Economicus Could Choose His Own Utility Function, Would He Want One with a Conscience?" *American Economic Review* 77: 593–604.
- Frank, Robert H. 1988. *Passions Within Reason: The Strategic Role of the Emotions*. New York: W.W. Norton.
- Fuster, Joaquin. 2013. *The Neuroscience of Freedom and Creativity: Our Predictive Brain*. Cambridge: Cambridge University Press.
- Harari, Yuval Noah. 2015. *Sapiens: A Brief History of Humankind*. New York: Harper Collins Publishers.
- Hayek, Friedrich A. 1988. *The Fatal Conceit: The Errors of Socialism*. W.W. Bartley, III (ed.). Chicago, IL: University of Chicago Press.
- Hebb, Donald. 1949. *The Organization of Behavior*. New York: Wiley & Sons.
- Lal, Deepak. 1998. *Unintended Consequences: The Impact of Factor Endowments, Culture, and Politics on Long-Run Economic Performance*. Cambridge, MA: MIT Press.
- Löwel, Siegrid, and Wolf Singer. 1992. "Selection of Intrinsic Horizontal Connections in the Visual Cortex by Correlated Neuronal Activity." *Science* 225: 209–12.
- McCloskey, Deirdre N. 2006. *The Bourgeois Virtues: Ethics for an Age of Commerce*. Chicago, IL: University of Chicago Press.
- Ortiz-Ospina, Esteban, and Max Roser. 2017. "Trust." OurWorldInData.org. Available at <https://ourworldindata.org/trust>.
- Richerson, Peter J., and Robert Boyd. 2005. *Not by Genes Alone*. Chicago, IL: University of Chicago Press.
- Rose, David C. 2011. *The Moral Foundation of Economic Behavior*. New York: Oxford University Press.

- Rose, David C. 2016. "Virtues as Social Capital." In Jennifer A. Baker and Mark D. White (eds.), *Economics and the Virtues: Building a New Moral Foundation* (New York: Oxford University Press), pp. 202–16.
- Rose, David C. 2018. *Why Culture Matters Most*. New York: Oxford University Press.
- Smith, Adam. 1759. *The Theory of Moral Sentiments*. D.D. Raphael and A.L. Macfie (eds.). Indianapolis: Liberty Fund Press (1982 edition).
- Smith, Adam. 1776. *An Inquiry into the Nature and Causes of the Wealth of Nations*. R.H. Campbell and A.S. Skinner (eds.). Indianapolis: Liberty Fund Press (1981 edition).
- Smith, Vernon L., and Bart J. Wilson, Bart. 2017. "Sentiments, Conduct, and Trust in the Laboratory." *Social Philosophy & Policy* 34: 25–55.
- Wicksteed, Philip H. 1933. *The Common Sense of Political Economy and Selected Papers and Reviews on Economic Theory*. London: Routledge & Kegan Paul.
- Williamson, Oliver. 1993. "Calculativeness, Trust, and Economic Organization." *Journal of Law & Economics* 36: 453–86.
- Wilson, Bart J. 2010. "Social Preferences Aren't Preferences." *Journal of Economic Behavior & Organization* 73: 77–82.
- Yamagishi, Toshio. 2000. *Trust*. Boulder, CO: Westview Press Incorporated.

ADAM SMITH

An Inquiry into the
Nature and Causes of
the Wealth of Nations

GENERAL EDITORS

R. H. CAMPBELL

AND

A. S. SKINNER

TEXTUAL EDITOR

W. B. TODD

VOLUME I

LibertyClassics

INDIANAPOLIS

Liberty*Classics* is a publishing imprint of Liberty Fund, Inc., a foundation established to encourage study of the ideal of a society of free and responsible individuals.



The cuneiform inscription that serves as the design motif for our endpapers is the earliest known written appearance of the word "freedom" (*ama-gi*), or liberty. It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

This Liberty*Classics* edition of 1981 is an exact photographic reproduction of the edition published by Oxford University Press in 1976 and reprinted with minor corrections in 1979.

LibertyPress/LibertyClassics
7440 N. Shadeland
Indianapolis, Indiana 46250

This reprint has been authorized by the Oxford University Press.

© Oxford University Press 1976

Library of Congress Cataloging in Publication Data

Smith, Adam. 1723-1790.

An inquiry into the nature and causes of the wealth of nations.

Reprint. Originally published: Oxford : Clarendon Press, 1979. (Glasgow edition of the works and correspondence of Adam Smith ; 2)

Includes indexes.

I. Economics. I. Campbell, Roy Harold.

II. Skinner, Andrew S. III. Title. IV. Series:

Smith, Adam, 1723-1790. Works. 1981.

AC7.S59 1981, vol. 2 [HB161] 330.15'3s 81-15578

ISBN 0-86597-006-8 (pbk. : v. 1) [330.15'3] AACR2

ISBN 0-86597-007-6 (pbk. : v. 2)

ISBN 0-86597-008-4 (pbk. : set)

10 9 8 7 6 5 4 3 2 1

Cover design by JMH Corporation, Indianapolis.

Printed & bound by

Rose Printing Company, Inc., Tallahassee, Florida.

Key to Abbreviations and References

Corr.	<i>Correspondence</i>
ED	'Early Draft' of <i>The Wealth of Nations</i>
EPS	<i>Essays on Philosophical Subjects</i> (which include:)
Ancient Logics	'History of the Ancient Logics and Metaphysics'
Ancient Physics	'History of the Ancient Physics'
Astronomy	'History of Astronomy'
English and Italian Verses	'Of the Affinity between certain English and Italian Verses'
External Senses	'Of the External Senses'
Imitative Arts	'Of the Nature of that Imitation which takes place in what are called the Imitative Arts'
Music, Dancing, and Poetry	'Of the Affinity between Music, Dancing and Poetry'
Stewart	Dugald Stewart, 'Account of the Life and Writings of Adam Smith, LL.D.'
FA, FB	Two fragments on the division of labour, Buchan Papers, Glasgow University Library.
LJ(A)	<i>Lectures on Jurisprudence</i> : Report of 1762-63.
LJ(B)	<i>Lectures on Jurisprudence</i> : Report dated 1766.
LRBL	<i>Lectures on Rhetoric and Belles Lettres</i>
TMS	<i>The Theory of Moral Sentiments</i>
WN	<i>The Wealth of Nations</i>
<i>Anderson Notes</i>	From John Anderson's Commonplace Book, vol. i, Andersonian Library, University of Strathclyde.

References to Smith's published works are given according to the original divisions, together with the paragraph numbers added in the margin of the Glasgow edition. For example:

TMS I.iii.2.2 = *Theory of Moral Sentiments*, Part I, section iii, chapter 2, paragraph 2.

WN I.x.b.1 = *Wealth of Nations*, Book I, chapter x, section b, paragraph 1.

Astronomy, I.4 = 'History of Astronomy', Section I, paragraph 4.

The Table of Corresponding Passages appended to this volume identifies the sections into which the WN is divided and provides for each paragraph the page references in the Cannan editions of 1930 and 1937.

In the case of the lecture notes we have adopted the following practice: references to the LRBL are given in the form 'LRBL i.8' (= volume i, page 8 of the original manuscript), with references to the Lothian edition (London, 1963) in parenthesis. In the *Lectures on Jurisprudence* we have also cited the volume and page reference from the original manuscript (all of which will be included in the Glasgow edition) while retaining page references to the Cannan edition (Oxford, 1896) where appropriate. References to the *Correspondence* give date of letter and letter number from the Glasgow edition.

Postscript. The *Anderson Notes* are now published in R. L. Meek, *Smith, Marx and After* (London, 1977).

AN
I N Q U I R Y
INTO THE
Nature and Causes
OF THE
WEALTH OF NATIONS.

By ADAM SMITH, LL. D. and F. R. S.
Formerly Professor of Moral Philosophy in the University of GLASGOW.

IN TWO VOLUMES.

VOL. I.

L O N D O N :
PRINTED FOR W. STRAHAN; AND T. CADELL, IN THE STRAND.
MDCCLXXVI.

CONTENTS

Introduction and Plan of the Work		10
-----------------------------------	--	----

I	BOOK I	
---	--------	--

Of the Causes of Improvement in the productive Powers of Labour, and of the Order according to which its Produce is naturally distributed among the different Ranks of the People

I.i	CHAPTER I <i>Of the Division of Labour</i>	13
I.ii	CHAPTER II <i>Of the Principle which gives occasion to the Division of Labour</i>	25
I.iii	CHAPTER III <i>That the Division of Labour is limited by the Extent of the Market</i>	31
I.iv	CHAPTER IV <i>Of the Origin and Use of Money</i>	37
I.v	CHAPTER V <i>Of the real and nominal Price of Commodities, or of their Price in Labour, and their Price in Money</i>	47
I.vi	CHAPTER VI <i>Of the component Parts of the Price of Commodities</i>	65
I.vii	CHAPTER VII <i>Of the natural and market Price of Commodities</i>	72
I.viii	CHAPTER VIII <i>Of the Wages of Labour</i>	82
I.ix	CHAPTER IX <i>Of the Profits of Stock</i>	105
I.x	CHAPTER X	
I.x.a	<i>Of Wages and Profit in the different Employments of Labour and Stock</i>	116
I.x.b	Part I. <i>Inequalities arising from the Nature of the Employments themselves</i>	116
I.x.c	Part II. <i>Inequalities occasioned by the Policy of Europe</i>	135
I.xi	CHAPTER XI	
I.xi.a	<i>Of the Rent of Land</i>	160
I.xi.b	Part I. <i>Of the Produce of Land which always affords Rent</i>	162

I.xi.c	Part II. <i>Of the Produce of Land which sometimes does, and sometimes does not, afford Rent</i>	178
I.xi.d	Part III. <i>Of the Variations in the Proportion between the respective Values of that Sort of Produce which always affords Rent, and of that which sometimes does, and sometimes does not, afford Rent</i>	193
	<i>Digression concerning the Variations in the Value of Silver during the Course of the Four last Centuries</i>	
I.xi.e	<i>First Period</i>	195
I.xi.f	<i>Second Period</i>	210
I.xi.g	<i>Third Period</i>	211
I.xi.h	<i>Variations in the Proportion between the respective Values of Gold and Silver</i>	228
I.xi.i	<i>Grounds of the Suspicion that the Value of Silver still continues to decrease</i>	234
I.xi.j	<i>Different Effects of the Progress of Improvement upon the real Price of three different Sorts of rude Produce</i>	234
I.xi.k	<i>First Sort</i>	235
I.xi.l	<i>Second Sort</i>	237
I.xi.m	<i>Third Sort</i>	246
I.xi.n	<i>Conclusion of the Digression concerning the Variations in the Value of Silver</i>	255
I.xi.o	<i>Effects of the Progress of Improvement upon the real Price of Manufactures</i>	260
I.xi.p	<i>Conclusion of the Chapter</i>	264

BOOK II

II	<i>Of the Nature, Accumulation, and Employment of Stock</i>	
	INTRODUCTION	276
II.i	CHAPTER I <i>Of the Division of Stock</i>	279
II.ii	CHAPTER II <i>Of Money considered as a particular Branch of the general Stock of the Society, or of the Expence of maintaining the National Capital</i>	286
II.iii	CHAPTER III <i>Of the Accumulation of Capital, or of productive and unproductive Labour</i>	330

Contents

5

II.iv	CHAPTER IV <i>Of Stock lent at Interest</i>	350
II.v	CHAPTER V <i>Of the different Employment of Capitals</i>	360
III	BOOK III Of the different Progress of Opulence in different Nations	
III.i	CHAPTER I <i>Of the natural Progress of Opulence</i>	376
III.ii	CHAPTER II <i>Of the Discouragement of Agriculture in the antient State of Europe after the Fall of the Roman Empire</i>	381
III.iii	CHAPTER III <i>Of the Rise and Progress of Cities and Towns, after the Fall of the Roman Empire</i>	397
III.iv	CHAPTER IV <i>How the Commerce of the Towns contributed to the Improvement of the Country</i>	411
IV	BOOK IV Of Systems of political Oeconomy	
	INTRODUCTION	428
IV.i	CHAPTER I <i>Of the Principle of the commercial, or mercantile System</i>	429
IV.ii	CHAPTER II <i>Of Restraints upon the Importation from foreign Countries of such Goods as can be produced at Home</i>	452
IV.iii	CHAPTER III <i>Of the extraordinary Restraints upon the Importation of Goods of almost all Kinds, from those Countries with which the Balance is supposed to be disadvantageous</i>	
IV.iii.a	Part I. <i>Of the Unreasonableness of those Restraints even upon the Principles of the Commercial System</i>	473
IV.iii.b	<i>Digression concerning Banks of Deposit, particularly concerning that of Amsterdam</i>	479
IV.iii.c	Part II. <i>Of the Unreasonableness of those extraordinary Restraints upon other Principles</i>	488
IV.iv	CHAPTER IV <i>Of Drawbacks</i>	499

IV.v	CHAPTER V	
IV.v.a	<i>Of Bounties</i>	505
IV.v.b	<i>Digression concerning the Corn Trade and Corn Laws</i>	524
IV.vi	CHAPTER VI	
	<i>Of Treaties of Commerce</i>	545
IV.vii	CHAPTER VII	
	<i>Of Colonies</i>	
IV.vii.a	Part I. <i>Of the Motives for establishing new Colonies</i>	556
IV.vii.b	Part II. <i>Causes of the Prosperity of new Colonies</i>	564
IV.vii.c	Part III. <i>Of the Advantages which Europe has derived from the Discovery of America, and from that of a Passage to the East Indies by the Cape of Good Hope</i>	591
IV.viii	CHAPTER VIII	
	<i>Conclusion of the Mercantile System</i>	642
IV.ix	CHAPTER IX	
	<i>Of the agricultural Systems, or of those Systems of political Oeconomy, which represent the Produce of Land, as either the sole or the principal Source of the Revenue and Wealth of every Country</i>	663

V

BOOK V

Of the Revenue of the Sovereign or Commonwealth

V.i	CHAPTER I	
	<i>Of the Expences of the Sovereign or Commonwealth</i>	
V.i.a	Part I. <i>Of the Expence of Defence</i>	689
V.i.b	Part II. <i>Of the Expence of Justice</i>	708
V.i.c	Part III. <i>Of the Expence of publick Works and publick Institutions</i>	723
	<i>Of the Publick Works and Institutions for facilitating the Commerce of the Society</i>	
V.i.d	<i>And, first, of those which are necessary for facilitating Commerce in general</i>	724
V.i.e.	<i>Of the Publick Works and Institutions which are necessary for facilitating particular Branches of Commerce</i>	731
V.i.f	Article 2d. <i>Of the Expence of the Institutions for the Education of Youth</i>	758
V.i.g	Article 3d. <i>Of the Expence of the Institutions for the Instruction of People of all Ages</i>	788
V.i.h	Part IV. <i>Of the Expence of supporting the Dignity of the Sovereign</i>	814
V.i.i	<i>Conclusion of the Chapter</i>	814

CHAPTER II

V.ii	<i>Of the Sources of the general or publick Revenue of the Society</i>	
V.ii.a	<i>Part I. Of the Funds or Sources of Revenue which may peculiarly belong to the Sovereign or Commonwealth</i>	817
V.ii.b	<i>Part II. Of Taxes</i>	825
V.ii.c	<i>Article 1st. Taxes upon Rent; Taxes upon the Rent of Land</i>	828
V.ii.d	<i>Taxes which are proportioned, not to the Rent, but to the Produce of Land</i>	836
V.ii.e	<i>Taxes upon the Rent of Houses</i>	840
V.ii.f	<i>Article 2d. Taxes upon Profit, or upon the Revenue arising from Stock</i>	847
V.ii.g	<i>Taxes upon the Profit of particular Employments</i>	852
V.ii.h	<i>Appendix to Articles 1st and 2d. Taxes upon the Capital Value of Lands, Houses, and Stock</i>	858
V.ii.i	<i>Article 3d. Taxes upon the Wages of Labour</i>	864
	<i>Article 4th. Taxes which, it is intended, should fall indifferently upon every different Species of Revenue</i>	
V.ii.j	<i>Capitation Taxes</i>	867
V.ii.k	<i>Taxes upon consumable Commodities</i>	869

CHAPTER III

V.iii	<i>Of publick Debts</i>	907
	<i>[Appendix]</i>	948

ADVERTISEMENT^a

THE first Edition of the following Work was printed in the end of the year 1775, and in the beginning of the year 1776. Through the greater part of the Book, therefore, whenever the present state of things is mentioned, it is to be understood of the state they were in, either about that time, or at some earlier period, during the time I was employed in writing the Book. To ^bthis^b third Edition, however, I have made several additions, particularly to the chapter upon Drawbacks, and to that upon Bounties; likewise a new chapter entitled, *The Conclusion of the Mercantile System*; and a new article to the chapter upon the expences of the sovereign. In all these additions, *the present state of things* means always the state in which they were during the year 1783 and the beginning of the ^cpresent^c year 1784.¹

^a TO THE THIRD EDITION. 4-6

^{b-b} the 4-6

^{c-c} om. 4-6

¹ The new material to be included in edition 3 is described by Smith in Letter 227 addressed to William Strahan, dated 22 May 1783 and in Letter 222, addressed to Thomas Cadell, dated 7 December 1782.

ADVERTISEMENT

TO THE

FOURTH EDITION

IN this fourth Edition I have made no alterations of any kind. I now, however, find myself at liberty to acknowledge my very great obligations to Mr. Henry "Hope" of Amsterdam. To that Gentleman I owe the most distinct, as well as liberal information, concerning a very interesting and important subject, the Bank of Amsterdam; of which no printed account had ever appeared to me satisfactory, or even intelligible.¹ The name of that Gentleman is so well known in Europe, the information which comes from him must do so much honour to whoever has been favoured with it, and my vanity is so much interested in making this acknowledgement, that I can no longer refuse myself the pleasure of prefixing this Advertisement to this new Edition of my Book.

^{a-a} Hop 4

¹ Steuart's account of the Bank of Amsterdam can hardly be described as *unintelligible* (*Principles of Political Oeconomy* (London, 1767) IV.2, xxxvii-xxxix).

[1] INTRODUCTION AND PLAN OF THE WORK

- 1 THE annual labour of every nation is the fund which originally supplies it with all the necessities and conveniences of life which it annually consumes, and which consist always, either in the immediate produce of that labour, or in what is purchased with that produce from other nations.
- 2 According therefore, as this produce, or what is purchased with it, bears a greater or smaller proportion to the number of those who are to consume it, the nation will be better or worse supplied with all the necessities and conveniences for which it has occasion.
- 3 But this proportion must in every nation be regulated by two different circumstances; first, by the skill, dexterity, and judgment with which [2] ^aits labour is generally applied ^b; and, secondly, by the proportion between the number of those who are employed in useful labour, and that of those who are not so employed. Whatever be the soil, climate, or extent of territory of any particular nation, the abundance or scantiness of its annual supply must, in that particular situation, depend upon those two circumstances.
- 4 The abundance or scantiness of this supply too seems to depend more upon the former of those two circumstances than upon the latter. Among the savage nations of hunters and fishers, every individual who is able to work, is more or less employed in useful labour, and endeavours to provide, as well as he can, the necessities and conveniences of life, for himself, ^cor such of his family or tribe as are either too old, or too young, or too infirm to go a hunting and fishing. Such nations, however, are so miserably poor, that, from mere want, they are frequently reduced, or, at least, think themselves reduced, to the necessity sometimes of directly destroying, and sometimes of abandoning their infants, their old people, and those afflicted with lingering diseases, to perish with hunger, or to be devoured by wild beasts. Among civilized and thriving nations, on the contrary, though a great number of people do not labour at all, many of whom consume the produce of ten times, frequently of a hundred times more labour than the greater part of those who work; yet the produce of the whole labour of the society is so great, that all are often abundantly supplied, and a workman, even of the [3] lowest and poorest order, if he is frugal and industrious, may enjoy a greater share of the necessities and conveniences of life than it is possible for any savage to acquire.
- 5 The causes of this improvement, in the productive powers of labour,

and the order, according to which its produce is naturally distributed among the different ranks and conditions of men in the society, make the subject of the First Book of this Inquiry.

- 6 Whatever be the actual state of the skill, dexterity, and judgment with which labour is applied in any nation, the abundance or scantiness of its annual supply must depend, during the continuance of that state, upon the proportion between the number of those who are annually employed in useful labour, and that of those who are not so employed. The number of useful and productive labourers, it will hereafter appear, is every where in proportion to the quantity of capital stock which is employed in setting them to work, and to the particular way in which it is so employed. The Second Book, therefore, treats of the nature of capital stock, of the manner in which it is gradually accumulated, and of the different quantities of labour which it puts into motion, according to the different ways in which it is employed.
- 7 Nations tolerably well advanced as to skill, dexterity, and judgment, in the application of labour, have followed very different plans in the general conduct or direction of it; and those plans have not all been equally favourable to the [4] greatness of its produce. The policy of some nations has given extraordinary encouragement to the industry of the country; that of others to the industry of towns. Scarce any nation has dealt equally and impartially with every sort of industry. Since the downfall of the Roman empire, the policy of Europe has been more favourable to arts, manufactures, and commerce, the industry of towns; than to agriculture, the industry of the country. The circumstances which seem to have introduced and established this policy are explained in the Third Book.
- 8 Though those different plans were, perhaps, first introduced by the private interests and prejudices of particular orders of men, without any regard to, or foresight of, their consequences upon the general welfare of the society; yet they have given occasion to very different theories of political œconomy; of which some magnify the importance of that industry which is carried on in towns, others of that which is carried on in the country. Those theories have had a considerable influence, not only upon the opinions of men of learning, but upon the public conduct of princes and sovereign states. I have endeavoured, in the Fourth Book, to explain, as fully and distinctly as I can, those different theories, and the principal effects which they have produced in different ages and nations.
- 9 ^aTo explain^d in what has consisted the revenue of the great body of the people, or what ^ehas been^e the nature of those funds which, in different ages and nations, have supplied their annual consump-[5]tion, is ^fthe object of^f these Four first Books. The Fifth and last Book treats of

^{a-d} 2-6

^{e-e} is 1

^{f-f} treated of in 1

the revenue of the sovereign, or commonwealth. In this Book I have endeavoured to show; first, what are the necessary expences of the sovereign, or commonwealth; which of those expences ought to be defrayed by the general contribution of the whole society; and which of them, by that of some particular part only, or of some particular members of ^{it}⁹; secondly, what are the different methods in which the whole society may be made to contribute towards defraying the expences incumbent on the whole society, and what are the principal advantages and inconveniencies of each of those methods: and, thirdly and lastly, what are the reasons and causes which have induced almost all modern governments to mortgage some part of this revenue, or to contract debts, and what have been the effects of those debts upon the real wealth, the annual produce of the land and labour of the society.

⁹⁻⁹ the society *x*

BOOK I

Of the Causes of Improvement in the productive Powers of Labour, and of the Order according to which its Produce is naturally distributed among the different Ranks of the People

CHAPTER I

Of the Division of Labour

- I THE greatest ^aimprovement^a in the productive powers of labour, and the greater part of the skill, dexterity, and judgment with which it is any where directed, or applied, seem to have been the effects of the division of labour.¹

^{a-a} improvements *x*

¹ The first considered exposition of the term division of labour by a modern writer was probably by Sir William Petty: 'Those who have the command of the Sea Trade, may Work at easier Freight with more profit, than others at greater: for as Cloth must be cheaper made, when one Cards, another Spins, another Weaves, another Draws, another Dresses, another Presses and Packs; than when all the Operations above-mentioned, were clumsily performed by the same hand; so those who command the Trade of Shipping, can build long slight Ships for carrying Masts, Fir-Timber, Boards, Barks, etc.' (*Political Arithmetick* (London, 1690), 19, in C. H. Hull, *The Economic Writings of Sir William Petty* (Cambridge, 1899), i. 260). 'For in so vast a City *Manufactures* will beget one another, and each *Manufacture* will be divided into as many parts as possible, whereby the work of each *Artisan* will be simple and easie: As for Example. In the making of a *Watch*, If one Man shall make the *Wheels*, another the *Spring*, another shall Engrave the *Dial-plate*, and another shall make the *Cases*, then the *Watch* will be better and cheaper, than if the whole Work be put upon any one Man.' (*Another Essay in Political Arithmetick, concerning the Growth of the City of London* (London, 1683), 36-7, in C. H. Hull, ii.473.)

Later use was by Mandeville and Harris: 'There are many Sets of Hands in the Nation, that, not wanting proper Materials, would be able in less than half a Year to produce, fit out, and navigate a First-Rate [Man of War]: yet it is certain, that this Task would be impracticable, if it was not divided and subdivided into a great Variety of different Labours; and it is as certain, that none of these Labours require any other, than working Men of ordinary Capacities.' (B. Mandeville, *The Fable of the Bees*, pt. ii.149, ed. F. B. Kaye (Oxford, 1924), ii.142.) 'No number of Men, when once they enjoy Quiet, and no Man needs to fear his Neighbour, will be long without learning to divide and subdivide their Labour.' (*Ibid.*, pt. ii.335, ed. Kaye ii.284.) 'The advantages accruing to mankind from their betaking themselves severally to different occupations, are very great and

- 2 The effects of the division of labour, in the general business of society, will be more easily understood, by considering in what manner it operates in some particular manufactures. It is commonly supposed to be carried furthest in some very trifling ones; not perhaps that it really is carried further in them than in others of more importance: but in those trifling manufactures which are destined to supply the small wants of but a small number of people, the whole number of workmen must necessarily be small; and those employed in every different branch of the work can often be collected into the same [7] workhouse, and placed at once under the view of the spectator. In those great manufactures, on the contrary, which are destined to supply the great wants of the great body of the people, every different branch of the work employs so great a number of workmen, that it is impossible to collect them all into the same workhouse. We can seldom see more, at one time, than those employed in one single branch. Though ^bin such manufactures, ^b therefore, the work may really be divided into a much greater number of parts, than in those of a more trifling nature, the division is not near so obvious, and has accordingly been much less observed.
- 3 To take an example, therefore, from a very trifling manufacture; but one in which the division of labour has been very often taken notice of, the trade of the pin-maker; a workman not educated to this business (which the division of labour has rendered a distinct trade), nor acquainted with the use of the machinery employed in it (to the invention of which the same division of labour has probably given occasion), could scarce, perhaps, with his utmost industry, make one pin in a day, and certainly could not make twenty.² But in the way in which this business is now carried on, not only the whole work is a peculiar trade, but it is divided into a number of branches, of which the greater part are likewise peculiar

^{b-b} in them 1

obvious: For thereby, each becoming expert and skilful in his own particular art; they are enabled to furnish one another with the products of their respective labours, performed in a much better manner, and with much less toil, than any one of them could do of himself.' (J. Harris, *An Essay upon Money and Coins*. (London, 1757), i. 16.)

The advantages of the division of labour are also emphasized by Turgot in sections III and IV of his *Reflections on the Formation and Distribution of Riches* (1766). The translation used is by R. L. Meek and included in his *Turgot on Progress, Sociology and Economics* (Cambridge, 1973).

² Cf. ED 2.4: 'to give a very frivolous instance, if all the parts of a pin were to be made by one man, if the same person was to dig the metall out of the mine, sepearate it from the ore, forge it, split it into small rods, then spin these rods into wire, and last of all make that wire into pins, a man perhaps could with his utmost industry scarce make a pin in a year.' Smith added that even where the wire alone was furnished an unskilled man could probably make only about 20 pins a day. Similar examples occur in LJ (A) vi.29-30 and LJ (B) 213-14, ed. Cannan 163. It is remarked in LJ (A) vi.50 that the wire used in pin manufacture generally came from Sweden.

trades. One man draws out the wire, another straightens it, a third cuts it, a fourth points it, a fifth grinds it at the top for receiving the head; to make the head requires [8] two or three distinct operations; to put it on, is a peculiar business, to whiten the pins is another; it is even a trade by itself to put them into the paper; and the important business of making a pin is, in this manner, divided into about eighteen distinct operations,³ which, in some manufactories, are all performed by distinct hands, though in others the same man will sometimes perform two or three of them. I have seen a small manufactory of this kind where ten men only were employed, and where some of them consequently performed two or three distinct operations. But though they were very poor, and therefore but indifferently accommodated with the necessary machinery, they could, when they exerted themselves, make among them about twelve pounds of pins in a day.⁴ There are in a pound upwards of four thousand pins of a middling size. Those ten persons, therefore, could make among them upwards of forty-eight thousand pins in a day. Each person, therefore, making a tenth part of forty-eight thousand pins, might be considered as making four thousand eight hundred pins in a day. But if they had all wrought separately and independently, and without any of them having been educated to this peculiar business, they certainly could not each of them have made twenty, perhaps not one pin in a day; that is, certainly, not the two hundred and fortieth, perhaps not the four thousand eight hundredth part of what they are at present capable of performing, in consequence of [9] a proper division and combination of their different operations.

- 4 In every other art and manufacture, the effects of the division of labour are similar to what they are in this very trifling one; though, in many of them, the labour can neither be so much subdivided, nor reduced to so great a simplicity of operation. The division of labour, however, so far as it can be introduced, occasions, in every art, a proportionable increase of the productive powers of labour. The separation of different trades and employments from one another, seems to have taken place, in consequence of this advantage. This separation too is generally carried furthest in those countries which enjoy the highest degree of industry and improvement; what is the work of one man, in a rude state of society, being generally that of several in an improved one. In every improved society, the

³ Eighteen operations are described in the *Encyclopédie* (1755), v.804-7. See also *Chambers' Cyclopaedia* (4th ed. 1741), s.v. Pin.

⁴ A very similar passage occurs in ED 2.4 which also concludes that where the processes of manufacture are divided among 18 persons, each should in effect be capable of producing 2,000 pins in a day. These figures are also cited in LJ (A) vi.30 and 51 and LJ (B) 214, ed. Cannan 163. In referring to the disadvantages of the division of labour in LJ (B) 329, ed. Cannan 255, the lecturer mentions the example of a person engaged on the 17th part of a pin or the 80th part of a button. See below, V.i.f.50.

farmer is generally nothing but a farmer; the manufacturer, nothing but a manufacturer.⁵ The labour too which is necessary to produce any one complete manufacture, is almost always divided among a great number of hands. How many different trades are employed in each branch of the linen and woollen manufactures, from the growers of the flax and the wool, to the bleachers and smoothers of the linen, or to the dyers and dressers of the cloth! The nature of agriculture, indeed, does not admit of so many subdivisions of labour, nor of so complete a separation of one business from another, as manufactures.⁶ It is impossible to separate so entirely, the business of [10] the grazier from that of the corn-farmer, as the trade of the carpenter is commonly separated from that of the smith. The spinner is almost always a distinct person from the weaver; but the ploughman, the harrower, the sower of the seed, and the reaper of the corn, are often the same.⁷ The occasions for those different sorts of labour returning with the different seasons of the year, it is impossible that one man should be constantly employed in any one of them. This impossibility of making so complete and entire a separation of all the different branches of labour employed in agriculture, is perhaps the reason why the improvement of the productive powers of labour in this art, does not always keep pace with their improvement in manufactures. The most opulent nations, indeed, generally excel all their neighbours in agriculture as well as in manufactures; but they are commonly more distinguished by their superiority in the latter than in the former.⁸ Their lands are in general better cultivated, and having more labour and expence bestowed upon them, produce more, in proportion to the extent and natural fertility of the ground. But 'this' superiority of produce is seldom much more than in proportion to the superiority of labour and expence. In agriculture, the labour of the rich country is not always much more productive than that of the poor; or, at least, it is never so much more productive, as it commonly is in manufactures. The corn of the rich country, therefore, will not always, in the same degree of goodness, come cheaper to [11] market than that of the poor. The corn of Poland, in the same degree of goodness, is as cheap as that of France, notwithstanding

— the 1

⁵ See below, I.x.b.52.

⁶ The same point is made at IV.ix.35. The limitation imposed on the division of labour in agriculture is stated to require greater knowledge on the part of the workman at I.x.c.24. At the same time, agriculture was regarded by Smith as the most productive form of investment, II.v.12.

⁷ LJ (A) vi.30-1 comments that: 'Agriculture however does not admit of this separation of employment in the same degree as the manufactures of wool or lint or iron work. The same man must often be the plougher of the land, sower, harrower, reaper and thrasher of the corn (tho' here there may be some distinctions.)' Similar points are made in LJ (B) 214, ed. Cannan 164.

⁸ The two preceding sentences follow the text of ED 2.5 very closely.

the superior opulence and improvement of the latter country. The corn of France is, in the corn provinces, fully as good, and in most years nearly about the same price with the corn of England, though, in opulence and improvement, France is perhaps inferior to England. The ^d'corn-lands' of England, however, are better cultivated than those of France, and the ^e'corn-lands' of France are said to be much better cultivated than those of Poland. But though the poor country, notwithstanding the inferiority of its cultivation, can, in some measure, rival the rich in the cheapness and goodness of its corn, it can pretend to no such competition in its manufactures; at least if those manufactures suit the soil, climate, and situation of the rich country. The silks of France are better and cheaper than those of England, because the silk manufacture, ^f'at least under the present high duties upon the importation of raw silk,' does not ^g'so well' suit the climate of England ^h'as that of France.' But the hard-ware and the coarse woollens of England are beyond all comparison superior to those of France, and much cheaper too in the same degree of goodness.⁹ In Poland there are said to be scarce any manufactures of any kind, a few of those coarser household manufactures excepted, without which no country can well subsist.

- 5 This great increase ^{of} the quantity of work, which, ⁱ'in consequence of the division of labour,' [12] the same number of people are capable of performing, ^k is owing to three different circumstances; first, to the increase of dexterity in every particular workman; secondly, to the saving of the time which is commonly lost in passing from one species of work to another; and lastly, to the invention of a great number of machines which facilitate and abridge labour, and enable one man to do the work of many.¹⁰

- 6 First, the improvement of the dexterity of the workman necessarily

^{d-d} lands 1 ^{e-e} lands 1 ^{f-f} 2-6 ^{g-g} 2-6 ^{h-h} 2-6 ⁱ⁻ⁱ in 6
^{f-f} 2-6 ^k in consequence of the division of labour, 1

⁹ ED 2.5 ends with the statement that: 'The corn of France is fully as good and in the provinces where it grows rather cheaper than that of England, at least during ordinary seasons. But the toys of England, their watches, their cutlery ware, their locks & hinges of doors, their buckles and buttons are in accuracy, solidity, and perfection of work out of all comparison superior to those of France, and cheaper too in the same degree of goodness.' A précis of this argument appears in LJ (A) vi.31-2, and LJ (B) 214, ed. Cannan 164; and see below, I.xi.0.4, where Smith states that manufactures which use the coarser metals have probably the greatest scope for the division of labour.

ED 2.6 and 7 are omitted from the WN. In these passages Smith elaborated on the advantages of the division of labour in pin making and added that these advantages were such as to suggest that any rich country which faced a loss of markets in international trade to a poor one 'must have been guilty of some great error in its police.' There is no corresponding passage in LJ (B), but a similar argument occurs in LJ (A) vi.34.

¹⁰ This paragraph is evidently based on ED 2.8. Similar points appear in LJ (A) vi.38; LJ (B) 215-16, ed. Cannan 166. The advantages are also cited in the *Encyclopédie* (1755), i.713-17.

increases the quantity of the work he can perform, and the division of labour, by reducing every man's business to some one simple operation, and by making this operation the sole employment of his life, necessarily increases very much the dexterity of the workman. A common smith, who, though accustomed to handle the hammer, has never been used to make nails, if upon some particular occasion he is obliged to attempt it, will scarce, I am assured, be able to make above two or three hundred nails in a day, and those too very bad ones. A smith who has been accustomed to make nails, but whose sole or principal business has not been that of a nailer, can seldom with his utmost diligence make more than eight hundred or a thousand nails in a day. I have seen several boys under twenty years of age who had never exercised any other trade but that of making nails, and who, when they exerted themselves, could make, each of them, upwards of two thousand three hundred nails in a day. The making of a nail, however, is by no means one [13] of the simplest operations. The same person blows the bellows, stirs or mends the fire as there is occasion, heats the iron, and forges every part of the nail: In forging the head too he is obliged to change his tools. The different operations into which the making of a pin, or of a metal button, is subdivided, are all of them much more simple, and the dexterity of the person, of whose life it has been the sole business to perform them, is usually much greater. The rapidity with which some of the operations of those manufactures are performed, exceeds what the human hand could, by those who had never seen them, be supposed capable of acquiring.¹¹

- 7 Secondly, the advantage which is gained by saving the time commonly lost in passing from one sort of work to another, is much greater than we should at first view be apt to imagine it. It is impossible to pass very quickly from one kind of work to another, that is carried on in a different place, and with quite different tools. A country weaver, who cultivates a small farm, must lose a good deal of time in passing from his loom to the field, and from the field to his loom. When the two trades can

¹¹ This whole paragraph follows ED 2.9, save that the boy is there said to have been 19 years old. A similar argument occurs in LJ (A) vi.38, where a nailsmith of 15 is said to be capable of producing 3,000–4,000 nails in a day. See also LJ (B) 216, ed. Cannan 166:

A country smith not accustomed to make nails will work very hard for 3 or 400 a day, and these too very bad. But a boy used to it will easily make 2000 and these incomparably better; yet the improvement of dexterity in this very complex manufacture can never be equal to that in others. A nail-maker changes postures, blows the bellows, changes tools etca. and therefore the quantity produced cannot be so great as in manufactures of pins and buttons, where the work is reduced to simple operations.

(The manufacture of nails was common in central and east Scotland. In the village of Pathhead and Gallatown near Kirkcaldy a number of nailers worked domestically, using iron supplied by merchants from Dysart. The growth of the iron industry in central Scotland provided local supplies later.)

be carried on in the same workhouse, the loss of time is no doubt much less. It is even in this case, however, very considerable. A man commonly saunters a little in turning his hand from one sort of employment to another. When he first begins the new work he is seldom very keen and hearty; his mind, as they say, does not go to it, and for some time he rather trifles than applies to good purpose.¹² The [14] habit of sauntering and of indolent careless application, which is naturally, or rather necessarily¹³ acquired by every country workman who is obliged to change his work and his tools every half hour, and to apply his hand in twenty different ways almost every day of his life; renders him almost always slothful and lazy, and incapable of any vigorous application even on the most pressing occasions. Independent, therefore, of his deficiency in point of dexterity, this cause alone must always reduce considerably the quantity of work which he is capable of performing.¹⁴

- 8 Thirdly, and lastly, every body must be sensible how much labour is facilitated and abridged by the application of proper machinery. It is unnecessary to give any example.¹⁵ I shall ¹ only observe, "therefore,"

¹ therefore, 1

m-m 2-6

¹² Cf. ED 2.10: 'A man of great spirit and activity, when he is hard pushed upon some particular occasion, will pass with the greatest rapidity from one sort of work to another through a great variety of businesses. Even a man of spirit and activity, however, must be hard pushed before he can do this.'

¹³ Smith often juxtaposes the terms 'naturally' and 'necessarily'. See, for example, I.viii.57, III.i.3, IV.i.30, IV.ii.4, 6, IV.vii.c.80, V.i.b.12, V.i.f.24, V.i.g.23.

¹⁴ The preceding two sentences follow the concluding passages of ED 2.10 very closely. Similar arguments appear in LJ (A) vi.39-40 and LJ (B) 216-17, ed. Cannan 166-7.

¹⁵ Smith cites three major improvements apart from the fire engines mentioned below, in I.xi.o.12, and see also II.ii.7. The 'condensing engine' and 'what is founded upon it, the wind gun' are cited as 'ingenious and expensive machines' in External Senses, 16. Cf. ED 2.11: 'By means of the *plough* two men, with the assistance of three horses, will cultivate more ground than twenty could do with the spade. A miller and his servant, with a wind *or* water mill, will at their ease, grind more corn than eight men could do, with the severest labour, by hand mills.' A similar example occurs in LJ (B) 217, ed. Cannan 167, save that it is said that the miller and his servant 'will do more with the water milln than a dozen men with the hand milln, tho' it too be a machine'. LJ (B) does not mention the windmill and it is also interesting to note that the example provided at LJ (A) vi.40 is exactly the same as that provided in ED. It is stated at I.xi.o.12 that neither wind nor water mills were known in England at the beginning of the sixteenth century.

Cf. Montesquieu, *Esprit des Lois*, trans. Thomas Nugent, ed. F. Neumann (New York, 1959), XXIII.xv.3, where it is stated that machines are not always useful, for example, in cases where their effect is to reduce employment. He added that 'if water-mills were not everywhere established, I should not have believed them so useful as is pretended'. In commenting on this remark Sir James Steuart confirmed that the advantages of using machines were 'so palpable that I need not insist upon them', especially in the current situation of Europe. He did, however, agree that the introduction of machines could cause problems of employment in the very short run, and that they might have adverse consequences in an economy incapable of further growth. See especially the *Principles of Political Oeconomy* (London, 1767), I.xix.

that the invention of all those machines by which labour is so much facilitated and abridged, seems to have been originally owing to the division of labour. Men are much more likely to discover easier and readier methods of attaining any object, when the whole attention of their minds is directed towards that single object, than when it is dissipated among a great variety of things. But in consequence of the division of labour, the whole of every man's attention comes naturally to be directed towards some one very simple object. It is naturally to be expected, therefore, that some one or other of those who are employed in each particular branch of labour should soon find out easier and readier methods of performing their own particular work, wherever the nature of it admits of such [15] improvement.¹⁶ A great part of the machines "made use of" in those manufactures in which labour is most subdivided, were originally the inventions of common workmen, who, being each of them employed in some very simple operation, naturally turned their thoughts towards finding out easier and readier methods of performing it.¹⁷ Whoever has been much accustomed to visit such manufactures, must frequently have been shewn very pretty machines, which were the inventions of "such" workmen, in order to facilitate and quicken their own particular part of the work.¹⁸ In the first fire-engines,¹⁹ a boy was constantly employed to open and shut alternately the communication between the boiler and the cylinder, according as the piston either ascended or descended. One of those boys, who loved to play with his companions, observed that, by tying a string from the handle of the valve, which opened this communication, to another part of the machine, the valve would open and shut without his assistance, and leave him at liberty to divert himself with his play-fellows. One of the greatest improvements that has been made upon this machine,

ⁿ⁻ⁿ employed *x* ^{o-o} common *x*

¹⁶ Exactly these views are expressed in ED 2.11 and LJ (B) 217, ed. Cannan 167. The brief statement in LJ (A) vi.41 reads that 'When one is employed constantly on one thing his mind will naturally be employed in devising the most proper means of improving it.'

¹⁷ It is stated at IV.ix.47 that invention of this kind is generally the work of freemen. On the other hand Smith argues at V.i.f.50 that the mental faculties of the workers are likely to be damaged by the division of labour, thus affecting the flow of invention from this source.

¹⁸ Cf. LJ (A) vi.54: 'if we go into the workhouse of any manufacturer in the new works at Sheffield, Manchester, or Birmingham, or even some towns in Scotland, and enquire concerning the machines, they will tell you that such or such an one was invented by some common workman.' See also Astronomy, II.11: 'When we enter the work-houses of the most common artizans; such as dyers, brewers, distillers; we observe a number of appearances, which present themselves in an order that seems to us very strange and wonderful.'

¹⁹ In the Fourth Dialogue, Cleo refers to 'those Engines that raise Water by the Help of Fire; the Steam you know, is that which forces it up.' Mandeville, *The Fable of the Bees*, pt. ii.181-2, ed. Kaye ii.167. Fire engine was the name for the earliest steam engines. The story that follows seems untrue. See T. K. Derry and T. I. Williams, *A Short History of Technology* (Oxford, 1960), 316-19.

since it was first invented, was in this manner the discovery of a boy who wanted to save his own labour.²⁰

- 9 All the improvements in machinery, however, have by no means been the inventions of those who had occasion to use the machines. Many improvements have been made by the ingenuity of the makers of the machines, when [16] to make them became the business of a peculiar trade;²¹ and some by that of those who are called philosophers or men of speculation, whose trade it is, not to do any thing, but to observe every thing; and who, upon that account, are often capable of combining together the powers of the most distant and dissimilar objects.²² In the progress of society, philosophy or speculation becomes, like every other employment, the principal or sole trade and occupation of a particular class of citizens. Like every other employment too, it is subdivided into a great number of different branches, each of which affords occupation

²⁰ In general, Smith concluded that machines would tend to become simpler as the result of improvement; a point made in *Astronomy*, IV.19 and *First Formation of Languages*, 41. He also commented in *LRBL* i.v.34, ed. Lothian 11, that 'machines are at first vastly complex but gradually the different parts are more connected and supplied by one another.' In *ED* 2.11 Smith ascribes the invention of the Drill Plow to the farmer while claiming that some 'miserable slave' probably produced the original hand-mill (cf. below, IV.ix.47). On the other hand, some improvements were ascribed to those who made the instruments involved, as distinct from using them, and to the 'successive discoveries of time and experience, and of the ingenuity of different artists'. This subject is briefly mentioned in *LJ* (B) 217-18, ed. Cannan 167. *LJ* (A) vi.42-3 provides a more elaborate illustration of the kind found in *ED*, while stating that the inventions of the mill and plough are so old that history gives no account of them (54).

²¹ The 'fabrication of the instruments of trade' is described as a specialized function at IV.viii.1.

²² Cf. *ED*. 2.11. Smith here suggests that it was probably a philosopher who first thought of harnessing both wind and water, especially the former, for the purposes of milling. Smith added that while the application of powers already known was not beyond the ability of the ingenious artist, innovation amounting to 'the application of new powers, which are altogether unknown' is the contribution of the philosopher (i.e. scientist):

When an artist makes any such discovery he shows himself to be not a meer artist but a real philosopher, whatever may be his nominal profession. It was a real philosopher only who could invent the fire-engine, and first form the idea of producing so great an effect by a power in nature which had never before been thought of. Many inferior artists, employed in the fabric of this wonderful machine, may afterwards discover more happy methods of applying that power than those first made use of by its illustrious inventor.

In a note to the passage just cited W. R. Scott suggested that Smith was probably referring to James Watt. Similar points regarding the role of the philosopher are made in *LJ* (A) vi.42-3, and more briefly in *LJ* (B) 218, ed. Cannan 167-8.

Mandeville (*The Fable of the Bees*, pt. ii.152, ed. Kaye ii.144) was more sceptical with regard to the rôle of the philosopher: 'They are very seldom the same Sort of People, those that invent Arts, and Improvements in them, and those that enquire into the Reason of Things: this latter is most commonly practis'd by such, as are idle and indolent, that are fond of Retirement, hate Business, and take delight in Speculation: whereas none succeed oftener in the first, than active, stirring, and laborious Men, such as will put their Hand to the Plough, try Experiments, and give all their Attention to what they are about.'

to a peculiar tribe or class of philosophers; and this subdivision of employment in philosophy, as well as in every other business, improves dexterity, and saves time. Each individual becomes more expert in his own peculiar branch, more work is done upon the whole, and the quantity of science is considerably increased by it.²³

10 It is the great multiplication of the productions of all the different arts, in consequence of the division of labour, which occasions, in a well-governed society, that universal opulence which extends itself to the lowest ranks of the people.²⁴ Every workman has a great quantity of his own work to dispose of beyond what he himself has occasion for; and every other workman being exactly in the same situation, he is enabled to exchange a great quantity of his own goods for a great quantity, or, what comes to the same thing, for the price of a great quan-[17]tity of theirs. He supplies them abundantly with what they have occasion for, and they accommodate him as amply with what he has occasion for, and a general plenty diffuses itself through all the different ranks of the society.

11 Observe the accommodation of the most common artificer or day-labourer in a civilized and thriving country, and you will perceive that the number of people of whose industry a part, though but a small part, has been employed in procuring him this accommodation, exceeds all computation. The woollen coat, for example, which covers the day-labourer, as coarse and rough as it may appear, is the produce of the joint labour of a great multitude of workmen.²⁵ The shepherd, the sorter of the wool, the wool-comber or carder, the dyer, the scribbler, the spinner, the weaver, the fuller, the dresser, with many others, must all join their different arts in order to complete even this homely production.

²³ The last two paragraphs are considered in ED 2.11, but in a form which suggests that this section of the WN was considerably redrafted, although the preceding three sentences correspond very closely to the concluding sentences of ED 2.11. In the ED Smith provides examples drawn from the separate trades of 'mechanical, chemical, astronomical, physical, metaphysical, moral, political, commercial, and critical philosophers'. LJ (A) vi.43 includes a shorter list, but mentions 'ethical' and 'theological' philosophers.

²⁴ This sentence corresponds to the opening sentence of ED 2.6 save that Smith there refers to an 'immense multiplication' and 'all civilised societies'. He also alluded to 'the great inequalities of property' in the modern state. See below, p. 24 n. 29.

²⁵ Related arguments occur in LJ (A) vi.16-17; LJ (B) 211-12, ed. Cannan 161-3. The example of the 'coarse blue woollen coat' is cited in ED 2.1, LJ (A) vi.21 and LJ (B) 211, ed. Cannan 161. Cf. Mandeville (*The Fable of the Bees*, pt. i.182-3, ed. Kaye i.169-70): 'A Man would be laugh'd at, that should discover Luxury in the plain Dress of a poor Creature that walks along in a thick Parish Gown and a coarse Shirt underneath it; and yet what a number of People, how many different Trades, and what a variety of Skill and Tools must be employed to have the most ordinary *Yorkshire Cloth*? What depth of Thought and Ingenuity, what Toil and Labour, and what length of Time must it have cost, before Man could learn from a Seed to raise and prepare so useful a Product as Linen.' Cf. *ibid.*, part i.411, ed. Kaye i.356: 'What a Bustle is there to be made in several Parts of the World, before a fine Scarlet or crimson Cloth can be produced, what Multiplicity of Trades and Artificers must be employ'd!'

How many merchants and carriers, besides, must have been employed in transporting the materials from some of those workmen to others who often live in a very distant part of the country! How much commerce and navigation in particular, how many ship-builders, sailors, sail-makers, rope-makers, must have been employed in order to bring together the different drugs made use of by the dyer, which often come from the remotest corners of the world! What a variety of labour too is necessary in order to produce the tools of the meanest of those workmen! To say nothing of such complicated machines as the ship of the sailor, the mill of the fuller, or even the loom of the weaver, let us consider only what a variety of labour is requisite in order to form that very simple machine, the shears with which the shepherd clips the wool.²⁶ The miner, the builder of the furnace for smelting the ore, the feller of the timber, the burner of the charcoal to be made use of in the smelting-house, the brick-maker, the brick-layer, the workmen who attend the furnace, the mill-wright, the forger, the smith, must all of them join their different arts in order to produce them. Were we to examine, in the same manner, all the different parts of his dress and household furniture, the coarse linen shirt which he wears next his skin, the shoes which cover his feet, the bed which he lies on, and all the different parts which compose it, the kitchen-grate at which he prepares his victuals, the coals which he makes use of for that purpose, dug from the bowels of the earth, and brought to him perhaps by a long sea and a long land carriage, all the other utensils of his kitchen, all the furniture of his table, the knives and forks, the earthen or pewter plates upon which he serves up and divides his victuals, the different hands employed in preparing his bread and his beer, the glass window which lets in the heat and the light, and keeps out the wind and the rain, with all the knowledge and art requisite for preparing that beautiful and happy invention, without which these northern parts of the world could scarce have afforded a very [19] comfortable habitation, together with the tools of all the different workmen employed in producing those different conveniencies; if we examine, I say, all these things, and consider what a variety of labour is employed about each of them, we shall be sensible that without the assistance and co-operation of many thousands, the very meanest person in a civilized country could not be provided, even according to, what we very falsely imagine, the easy and simple manner in which he is commonly accommodated.²⁷ Compared, indeed, with the more extravagant luxury of the

²⁶ ED 2.1 refers to the variety of labour needed to 'produce that very simple machine, the sheers of the clipper'.

²⁷ 'tis obvious that for the support of human life, to allay the painful cravings of the appetites, and to afford any of those agreeable external enjoyments which our nature is capable of, a great many external things are requisite; such as food, cloathing, habitations, many utensils, and various furniture, which cannot be obtained without a great

great, his accommodation must no doubt appear extremely simple and easy; and yet it may be true, perhaps, that the accommodation of an European prince does not always so much exceed that of an industrious and frugal peasant,²⁸ as the accommodation of the latter exceeds that of many an African king, the absolute master of the lives and liberties of ten thousand naked savages.²⁹

deal of art and labour, and the friendly aids of our fellows.' (Francis Hutcheson, *A System of Moral Philosophy* (London, 1755), i.287). John Locke (*Essay on Civil Government* (3rd ed. 1698), *Works* (London, 1823), v.363) also noted that:

'T'would be a strange catalogue of things, that industry provided and made use of, about every loaf of bread, before it came to our use, if we could trace them; iron, wood, leather, bark timber, stone, bricks, coals, lime, cloth, dyeing, drugs, pitch, tar, masts, ropes, and all the materials made use of in the ship, that brought any of the commodities used by any of the workmen, to any part of the work: all which it would be almost impossible, at least too long, to reckon up. See also Thomas Mun, *England's Treasure by Forraigne Trade* (London, 1664), iii.12.

²⁸ Cf. Mandeville (*The Fable of the Bees*, pt. i.181, ed. Kaye i.169): 'If we trace the most flourishing Nations in their Origin, we shall find that in the remote Beginnings of every Society, the richest and most considerable Men among them were a great while destitute of a great many Comforts of Life that are now enjoy'd by the meanest and most humble Wretches.'

²⁹ The phrase 'absolute master' occurs in ED 2.1 in contrasting the luxury of the common day-labourer in England with that of 'many an Indian prince, the absolute master of the lives and liberties of a thousand naked savages'. The same paragraph also contains a contrast with the 'chief of a savage nation in North America'. LJ (A) vi.21, 23 repeats the former example. Cf. LJ (B) 212, ed. Cannan 162. It is also remarked at 287, ed. Cannan 223, that one explanation of the contrast is to be found in the fact that 'An Indian has not so much as a pick-ax, a spade, nor a shovel, or any thing else but his own labour.'

There is a considerable difference in the order in which the argument of ED and this part of the WN develops. For example, ED opens chapter 2 with an analysis which is very similar to that set out in the last two paragraphs of this chapter. It is then argued that while it cannot be difficult to explain the contrast between the poor savage and the modern rich (i.e. by reference to the division of labour), yet 'how it comes about that the labourer and the peasant should likewise be better provided is not perhaps so easily understood'. Smith further illustrates the difficulty by reference to the 'oppressive inequality' of the modern state; a theme which is developed at considerable length (mainly in 2.2,3) before the paradox is resolved by reference to arguments similar to those developed in the first nine paragraphs of this chapter. In LJ (A) and (B) the argument follows a similar order to that found in ED, save that the discussion opens in each case with an account of the 'natural wants of mankind', introducing by this means the general point that even the simplest wants require a multitude of hands before they can be satisfied. The 'natural wants' thesis would, presumably, have figured in the (missing) first chapter of ED. See LJ (A) vi.8-18; LJ (B) 206-13, ed. Cannan 157-63. The link between the development of productive forces and the natural wants of man also features in Hume's essays 'Of Commerce' and 'Of Refinement in the Arts'.

CHAPTER II

Of the Principle which gives occasion to the Division of Labour

- 1 THIS division of labour, from which so many advantages are derived, is not originally the effect of any human wisdom, which foresees and intends that general opulence to [20] which it gives occasion.¹ It is the necessary, though very slow and gradual consequence of a certain propensity in human nature which has in view no such extensive utility; the propensity to truck, barter, and exchange one thing for another.²
- 2 Whether this propensity be one of those original principles in human nature, of which no further account can be given; or whether, as seems more probable, it be the necessary consequence of the faculties of reason and speech, it belongs not to our present subject to enquire.³ It is common to all men, and to be found in no other race of animals, which seem to know neither this nor any other species of contracts. Two greyhounds, in running down the same hare, have sometimes the appearance of acting in some sort of concert. Each turns her towards his companion, or endeavours to intercept her when his companion turns her towards himself. This, however, is not the effect of any contract, but of the accidental

¹ LJ (B) 218–19, ed. Cannan 168 reads: 'We cannot imagine this to have been an effect of human prudence. It was indeed made a law by Sesostratis that every man should follow the employment of his father. But this is by no means suitable to the dispositions of human nature and can never long take place. Everyone is fond of being a gentleman, be his father what he would.' The law is also mentioned in LJ (A) vi.54. See below, I.vii.31 and IV.ix.43.

² This paragraph closely follows the first three sentences in ED 2.12. The propensity to truck and barter is also mentioned in LJ (A) vi.44, 48 and LJ (B) 219 ff., ed. Cannan 169. Cf. LJ (B) 300–1, ed. Cannan 232: 'that principle in the mind which prompts to truck, barter and exchange, tho' it is the great foundation of arts, commerce and the division of labour, yet it is not marked with any thing amiable. To perform any thing, or to give any thing without a reward is always generous and noble, but to barter one thing for another is mean.' In a *Letter from Governor Pownall to Adam Smith, being an Examination of Several Points of Doctrine laid down in his Inquiry, into the Nature and Causes of the Wealth of Nations* (London, 1776), the author objected that the analysis of this chapter stopped short in ascribing the division of labour directly to a propensity to barter (4–5). Pownall, a former Governor of Massachusetts, also criticized Smith's views on labour as a measure of value, paper money, the employments of capital, colonies, etc. Smith acknowledged Pownall's work in Letter 182 addressed to Pownall, dated 19 January 1777. In Letter 208 addressed to Andreas Holt, dated 26 October 1780 Smith remarked that: 'In the second edition I flattered myself that I had obviated all the objections of Governor Pownall. I find however, he is by no means satisfied, and as Authors are not much disposed to alter the opinions they have once published, I am not much surprized at it.' There is very little evidence to suggest that Smith materially altered his views in response to Pownall, but see below, p. 50, n. 15.

³ In LJ (B) 221, ed. Cannan 171, Smith argued in referring to the division of labour that 'The real foundation of it is that principle to persuade which so much prevails in human nature.' The same point is made in LJ (A) vi.56.

concurrence of their passions in the same object at that particular time.⁴ Nobody ever saw a dog make a fair and deliberate exchange of one bone for another with another dog. Nobody ever saw one animal by its gestures and natural cries signify to another, this is mine, that yours; I am willing to give this for that. When an animal wants to obtain something either of a man or of another animal, it has no other means of persuasion but to gain the favour of those whose service it requires. A puppy fawns upon its dam, and a spaniel endea-[21]vours by a thousand attractions to engage the attention of its master who is at dinner, when it wants to be fed by him. Man sometimes uses the same arts with his brethren, and when he has no other means of engaging them to act according to his inclinations, endeavours by every servile and fawning attention to obtain their good will. He has not time, however, to do this upon every occasion. In civilized society he stands at all times in need of the co-operation and assistance of great multitudes, while his whole life is scarce sufficient to gain the friendship of a few persons. In almost every other race of animals each individual, when it is grown up to maturity, is entirely independent, and in its natural state has occasion for the assistance of no other living creature.⁵ But man has almost constant occasion for the help of his brethren, and it is in vain for him to expect it from their benevolence only.⁶ He will be more likely to prevail if he can interest their self-love in his favour, and shew them that it is for their own advantage to do for him what he requires of them. Whoever offers to another a bargain of any kind, proposes to do this. Give me that which I want, and you shall have this which you want, is the meaning of every such offer; and it is in this manner that we obtain from one another the far greater part of those good offices which we stand in need of. It is not from

⁴ The example of the greyhounds occurs in LJ (B) 219, ed. Cannan 169. LJ (A) vi.44 uses the example of 'hounds in a chace' and again at 57. Cf. LJ (B) 222, ed. Cannan 171: 'Sometimes, indeed, animals seem to act in concert, but there is never any thing like a bargain among them. Monkeys when they rob a garden throw the fruit from one to another till they deposit it in the hoard, but there is always a scramble about the division of the booty, and usually some of them are killed.' In LJ (A) vi.57 a similar example is based on the Cape of Good Hope.

⁵ In ED 2.12 an additional sentence is added at this point: 'When any uncommon misfortune befalls it, its piteous and doleful cries will sometimes engage its fellows, and sometimes prevail even upon man, to relieve it.' With this exception, and the first sentence of this paragraph, the whole of the preceding material follows ED 2.12 very closely and in places verbatim. The remainder of the paragraph follows ED 2.12 to its close.

⁶ 'To expect, that others should serve us for nothing, is unreasonable; therefore all Commerce, that Men can have together, must be a continual bartering of one thing for another. The Seller, who transfers the Property of a Thing, has his own Interest as much at Heart as the Buyer, who purchases that Property; and, if you want or like a thing, the Owner of it, whatever Stock of Provision he may have of the same, or how greatly soever you may stand in need of it, will never part with it, but for a Consideration, which he likes better, than he does the thing you want.' (Mandeville, *The Fable of the Bees*, pt. ii. 421-2, ed. Kaye, ii.349.)

the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their [22] regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages.⁷ Nobody but a beggar chuses to depend chiefly upon the benevolence of his fellow-citizens. Even a beggar does not depend upon it entirely. The charity of well-disposed people, indeed, supplies him with the whole fund of his subsistence. But though this principle ultimately provides him with all the necessaries of life which he has occasion for, it neither does nor can provide him with them as he has occasion for them. The greater part of his occasional wants are supplied in the same manner as those of other people, by treaty, by barter, and by purchase. With the money which one man gives him he purchases food. The old cloaths which another bestows upon him he exchanges for other old cloaths which suit him better, or for lodging, or for food, or for money, with which he can buy either food, cloaths, or lodging, as he has occasion.

- 3 As it is by treaty, by barter, and by purchase, that we obtain from one another the greater part of those mutual good offices which we stand in need of, so it is this same trucking disposition which originally gives occasion to the division of labour. In a tribe of hunters or shepherds a particular person makes bows and arrows, for example, with more readiness and dexterity than any other. He frequently exchanges them for cattle or for venison with his companions; and [23] he finds at last that he can in this manner get more cattle and venison, than if he himself went to the field to catch them. From a regard to his own interest, therefore, the making of bows and arrows grows to be his chief business, and he becomes a sort of armourer.⁸ Another excels in making the frames and covers of their

⁷ Cf. LJ (B) 220, ed. Cannan 169: 'The brewer and the baker serve us not from benevolence but from selflove. No man but a beggar depends on benevolence, and even they would die in a week were their entire dependance upon it.' Also LJ (A) vi.46: 'You do not adress his [the brewer's and baker's] humanity but his self-love. Beggars are the only persons who depend on charity for their subsistence; neither do they do so altogether. For what by their supplications they have got from one, they exchange for something else they more want. They give their old cloaths to a one for lodging, the money they have got to another for bread, and thus even they make use of bargain and exchange.'

⁸ Cf. LJ (A) vi.46: 'This bartering and trucking spirit is the cause of the separation of trades and the improvements in arts. A savage who supports himself by hunting, having made some more arrows than he had occasion for, gives them in a present to some of his companions, who in return give him some of the venison they have catched; and he at last finding that by making arrows and giving them to his neighbour, as he happens to make them better than ordinary, he can get more venison than by his own hunting, he lays it aside unless it be for his diversion, and becomes an arrow-maker.' Similar points are made in LJ (B) 220, ed. Cannan 169-70, and a similar passage occurs in ED 2.13. Mandeville (*The Fable of the Bees*, pt. ii. 335-6, ed. Kaye ii.284) also noted that: 'Man', as I have hinted before, naturally loves to imitate what he sees others do, which is the reason that savage People all do the same thing: This hinders them from meliorating their Condition, though they are always wishing for it: But if one will wholly apply himself to the making of Bows and Arrows, whilst another provides Food, a third builds

little huts or moveable houses. He is accustomed to be of use in this way to his neighbours, who reward him in the same manner with cattle and with venison, till at last he finds it his interest to dedicate himself entirely to this employment, and to become a sort of house-carpenter. In the same manner a third becomes a smith or a brazier, a fourth a tanner or dresser of hides or skins, the principal part of the clothing of savages.⁹ And thus the certainty of being able to exchange all that surplus part of the produce of his own labour, which is over and above his own consumption, for such parts of the produce of other men's labour as he may have occasion for, encourages every man to apply himself to a particular occupation, and to cultivate and bring to perfection whatever talent or genius he may possess for that particular species of business.¹⁰

- 4 The difference of natural talents in different men is, in reality, much less than we are aware of; and the very different genius which appears to distinguish men of different professions, when grown up to maturity, is not upon many occasions so much the cause, as the effect of the division of labour.¹¹ The difference between the [24] most dissimilar characters, between a philosopher and a common street porter, for example,

Huts, a fourth makes Garments, and a fifth Utensils, they do not only become useful to one another, but the Callings and Employments themselves will in the same Number of Years receive much greater Improvements, than if all had been promiscuously follow'd by every one of the Five.'

⁹ Cf. Hutcheson (*System*, i.288-9): 'Nay 'tis well known that the produce of the labours of any given number, twenty, for instance, in providing the necessities or conveniences of life, shall be much greater by assigning to one, a certain sort of work of one kind, in which he will soon acquire skill and dexterity, and to another assigning work of a different kind, than if each one of the twenty were obliged to employ himself, by turns, in all the different sorts of labour requisite for his subsistence, without sufficient dexterity in any. In the former method each procures a great quantity of goods of one kind, and can exchange a part of it for such goods obtained by the labours of others as he shall stand in need of. One grows expert in tillage, another in pasture and breeding cattle, a third in masonry, a fourth in the chace, a fifth in iron-works, a sixth in the arts of the loom, and so on throughout the rest. Thus all are supplied by means of barter with the work of complete artists. In the other method scarce any one could be dextrous and skilful in any one sort of labour.'

¹⁰ This paragraph is based on ED 2.13, which it follows very closely.

¹¹ 'When we consider how nearly equal all men are in their bodily force, and even in their mental powers and faculties, till cultivated by education; we must necessarily allow, that nothing but their consent could, at first, associate them together, and subject them to any authority.' (D. Hume, 'Of the Original Contract', in *Political Discourses* (1752); *Essays Moral, Political and Literary*, ed. T. H. Green and T. H. Grose (London, 1882), i.444-5.) Cf. *Treatise of Human Nature*, III.i: 'The skin, pores, muscles, and nerves of a day-labourer, are different from those of a man of quality: so are his sentiments, actions, and manners. The different stations of life influence the whole fabric, external and internal; and these different stations arise necessarily, because uniformly, from the necessary and uniform principles of human nature.' On the other hand, Harris (*Essay*, i.15) believed that: 'Men are endued with various talents and propensities, which naturally dispose and fit them for different occupations; and are . . . under a necessity of betaking themselves to particular arts and employments, from their inability of otherwise acquiring all the necessities they want, with ease and comfort. This creates a dependance of one man upon another, and naturally unites men into societies.'

seems to arise not so much from nature, as from habit, custom, and education.¹² When they came into the world, and for the first six or eight years of their existence, they were^a, perhaps,^a very much alike, and neither their parents nor play-fellows could perceive any remarkable difference. About that age, or soon after, they come to be employed in very different occupations. The difference of talents comes then to be taken notice of, and widens by degrees, till at last the vanity of the philosopher is willing to acknowledge scarce any resemblance. But without the disposition to truck, barter, and exchange, every man must have procured to himself every necessary and conveniency of life which he wanted. All must have had the same duties to perform, and the same work to do, and there could have been no such difference of employment as could alone give occasion to any great difference of talents.¹³

- 5 As it is this disposition which forms that difference of talents, so remarkable among men of different professions, so it is this same disposition which renders that difference useful. Many tribes of animals acknowledged to be all of the same species, derive from nature a much more remarkable distinction of genius, than what, antecedent to custom and

^{a-a} I, 4e-6

¹² Cf. V.i.f 51. LJ (A) vi.47-8 reads: 'No two persons can be more different in their genius as a philosopher and a porter, but there does not seem to have been any original difference betwixt them. For the five or six first years of their lives there was hardly any apparent difference: their companions looked upon them as persons of pretty much the same stamp. No wisdom and ingenuity appeared in the one superior to that of the other. From about that time a difference was thought to be perceived in them. Their manner of life began to affect them, and without doubt had it not been for this they would have continued the same.' Similar arguments appear in LJ (B) 220, ed. Cannan 170. There is an interesting variant on this point in LJ (B) 327, ed. Cannan 253, where Smith commented on the fact that 'probity and punctuality' generally accompany the introduction of commerce. He added that varying degrees of these qualities were 'not at all to be imputed to national character as some pretend. There is no natural reason why an Englishman or a Scotchman should not be as punctual in performing agreements as a Dutchman. It is far more reduceable to self interest, that general principle which regulates the actions of every man ...'

¹³ The whole of the preceding paragraph follows ED 2.14 to this point. In ED, however, the sentence ends with '... any great difference in character' and goes on: 'It is upon this account that a much greater uniformity of character is to be observed among savages than among civilized nations. Among the former there is scarce any division of labour and consequently no remarkable difference of employments; whereas among the latter there is an almost infinite variety of occupations, of which the respective duties bear scarce any resemblance to one another. What a perfect uniformity of character do we find in all the heroes described by Ossian? And what a variety of manners, on the contrary, in those who are celebrated by Homer? Ossian plainly describes the exploits of a nation of hunters, while Homer paints the actions of two nations, who, tho' far from being perfectly civilised, were yet much advanced beyond the age of shepherds, who cultivated lands, who built cities, and among whom he mentions many different trades and occupations, such as masons, carpenters, smiths, merchants, soothsayers, priests, physicians.' The texts then assume a similar form until the end of the following paragraph of the WN. The uniformity of character found among savages is also mentioned in LJ (A) vi.48, LJ (B) 221, ed. Cannan 170.

education, appears to take place among men. By nature a philosopher is not in genius and disposition half so different from a street porter, as a mastiff is from a greyhound, or a greyhound from a spaniel, or this [25] last from a shepherd's dog. Those different tribes of animals, however, though all of the same species, are of scarce any use to one another. The strength of the mastiff is not, in the least, supported either by the swiftness of the greyhound, or by the sagacity of the spaniel, or by the docility of the shepherd's dog. The effects of those different geniuses and talents, for want of the power or disposition to barter and exchange, cannot be brought into a common stock, and do not in the least contribute to the better accommodation and conveniency of the species. Each animal is still obliged to support and defend itself, separately and independently, and derives no sort of advantage from that variety of talents with which nature has distinguished its fellows. Among men, on the contrary, the most dissimilar geniuses are of use to one another; the different produces of their respective talents, by the general disposition to truck, barter, and exchange, being brought, as it were, into a common stock, where every man may purchase whatever part of the produce of other men's talents he has occasion for.¹⁴

¹⁴ The text of ED continues beyond this point to include an additional folio (N8) which elaborates on the interdependence between the philosopher and the porter and the advantages to be gained from these separate trades. This passage opens with the statement that 'Every thing would be dearer if before it was exposed to sale it had been carried packt and unpackt by hands less able and less dexterous, who for an equal quantity of work, would have taken more time, and must consequently have required more wages, which must have been charged upon the goods.' It is interesting to note that FA begins with the words '... who for an equal quantity of work' and then continues in parallel with ED for some 25 lines. The fragment then proceeds to elaborate on the link between the division of labour and the extent of the market (a subject which is not mentioned in ED) whereas ED continues with the preceding theme. It is possible that the fragments represent an alternative, and a later, rewriting of this section of Smith's work. The interdependence of philosopher and porter is briefly mentioned in LJ (A) vi.49, LJ (B) 221, ed. Cannan 171.

CHAPTER III

[26] *That the Division of Labour is limited by the Extent of the Market*¹

¹ As it is the power of exchanging that gives occasion to the division of labour, so the extent of this division must always be limited by the extent of that power, or, in other words, by the extent of the market.² When the market is very small, no person can have any encouragement to dedicate himself entirely to one employment, for want of the power to exchange all that surplus part of the produce of his own labour, which is over and above his own consumption, for such parts of the produce of other men's labour as he has occasion for.

² There are some sorts of industry, even of the lowest kind, which can be carried on no where but in a great town. A porter, for example, can find employment and subsistence in no other place. A village is by much too narrow a sphere for him; even an ordinary market town is scarce large enough to afford him constant occupation. In the lone houses and very small villages which are scattered about in so desert a country as the Highlands of Scotland, every farmer must be butcher, baker and brewer for his own family.³ In such situations we can scarce expect to find even a smith, a carpenter, or a mason, within less than twenty miles of another of the same trade. The scattered families that [27] live at eight or ten miles distance from the nearest of them, must learn to perform themselves a great number of little pieces of work, for which, in more populous countries, they would call in the assistance of those workmen.⁴ Country workmen

¹ The subjects of this chapter, as observed in the previous note, do not figure in ED. In LJ (A) vi Smith did develop the argument that the division of labour depends on the extent of the market, but did so in the course of offering a recapitulation of his treatment of price, i.e. outwith his main discussion of the division of labour. In LJ (B) the discussion of the extent of the market is brief, but integrated with the wider discussion of the division of labour. FA and FB thus provide the most elaborate examination of the subject; a fact which lends some support to the view that the fragments may have been written after ED. Paragraphs 1 and 2 of this chapter appear to be based on FA from the first complete paragraph of the latter 'As it is the power of exchanging . . .' while paragraphs 3-7 show the same close connection with the whole of FB.

² LJ (B) 222, ed. Cannan 172: 'From all that has been said we may observe that the division of labour must always be proportioned to the extent of commerce.' In LJ (A) vi.63 it is remarked that the division of labour 'is greater or less according to the market'.

³ Cf. LJ (A) ii.40: 'It is found that society must be pretty far advanced before the different trades can all find subsistence: . . . And to this day in the remote and deserted parts of the country, a weaver or a smith, besides the exercise of his trade, cultivates a small farm, and in that manner exercises two trades; that of a farmer and that of a weaver.'

⁴ The degree of correspondence between the preceding passages and FA ceases at this point and there is a long passage from the beginning of the following sentence, and ending 22 lines below ('a ship navigated by six') which has no counterpart in the fragment. This passage amounts to about three hundred words, which would make about one folio page in the hand of the amanuensis used. Smith may, therefore, have decided to omit the two final

are almost every where obliged to apply themselves to all the different branches of industry that have so much affinity to one another as to be employed about the same sort of materials.⁵ A country carpenter deals in every sort of work that is made of wood: a country smith in every sort of work that is made of iron. The former is not only a carpenter, but a joiner, a cabinet-maker, and even a carver in wood, as well as a wheelwright, a plough-wright, a cart and waggon maker. The employments of the latter are still more various.⁶ It is impossible there should be such a trade as even that of a nailer in the remote and inland parts of the Highlands of Scotland. Such a workman at the rate of a thousand nails a day, and three hundred working days in the year, will make three hundred thousand nails in the year. But in such a situation it would be impossible to dispose of one thousand, that is, of one day's work in the year.⁷

- 3 As by means of water-carriage a more extensive market is opened to every sort of industry than what land-carriage alone can afford it, so it is upon the sea-coast, and along the banks of navigable rivers, that industry of every kind naturally begins to subdivide and improve itself, and it is frequently not till a long time after that [28] those improvements extend themselves to the inland parts of the country.⁸ A broad-wheeled waggon, attended by two men, and drawn by eight horses, in about six weeks time carries and brings back between London and Edinburgh near four ton

pages of FA and introduce a new page which is now lost. The passage from FA which is omitted from the WN had gone on to illustrate the link between the division of labour and the extent of the market by reference to primitive communities such as the North American Indians and the Hottentots, Arabs, and Tartars. In speaking of the Hottentots he pointed out that there was some separation of employments such as the tailor, physician, and smith, but that the people involved were *principally*, but not *entirely* supported by them. It was in this connection that Smith made the interesting point that 'The compleat division of labour however, is posteriour to the invention even of agriculture.'

⁵ See I.x.c.8 where it is stated that country labourers were excluded from the statute of apprenticeship by judicial interpretation, as a result of the nature of the employment.

⁶ LJ (A) vi.64 notes that 'A wright in the country is a cart-wright, a house carpenter, a square wright or cabinet maker and a carver in wood; each of which in a town makes a separate business. A merchant in Glasgow or Aberdeen who deals in linnen will have in his ware-house, Irish, Scots and Hamburg linnens, but at London there are separate dealers in each of these.'

⁷ Smith provides a further example, that of the shoemaker, at IV.ix.45.

⁸ 'Great Cities are usually built on the seacoast or on the banks of large Rivers for the convenience of transport; because water-carriage of the produce and merchandise necessary for the subsistence and comfort of the inhabitants is much cheaper than Carriages and Land Transport.' (R. Cantillon, *Essai sur la Nature du Commerce* (1755), 22-3; edited and translated by Henry Higgs (London, 1931), 19.) See below, II.v.33 and III.iii.20. While Smith gives a prominent place to navigation in explaining the historical origins of cities and manufactures in III.iii, he did not neglect the importance of land carriage. It is pointed out in LJ (B) 223, ed. Cannan 172, that 'Since the mending of roads in England 40 or 50 years ago, its opulence has increased extremely.' In LJ (A) vi.65 he commented on the problem of bad roads and remarked that 'hence we see that the turnpikes of England have within these 30 or 40 years increased the opulence of the inland parts'. The advantages of good roads are also emphasized in I.xi.b.5 and V.i.d.17.

weight of goods. In about the same time a ship navigated by six or eight men, and sailing between the ports of London and Leith, frequently carries and brings back two hundred ton weight of goods. Six or eight men, therefore, by the help of water-carriage, can carry and bring back in the same time the same quantity of goods between London and Edinburgh, as fifty broad-wheeled waggons, attended by a hundred men, and drawn by four hundred horses.⁹ Upon two hundred tons of goods, therefore, carried by the cheapest land-carriage from London to Edinburgh, there must be charged the maintenance of a hundred men for three weeks, and both the maintenance, and, what is nearly equal to the maintenance, the wear and tear of four hundred horses as well as of fifty great waggons. Whereas, upon the same quantity of goods carried by water, there is to be charged only the maintenance of six or eight men, and the wear and tear of a ship of two hundred tons burden, together with the value of the superior risk, or the difference of the insurance between land and water-carriage. Were there no other communication between those two places, therefore, but by land-carriage, as no goods could be transported from the one to the other, except such whose price was very consi-[29]derable in proportion to their weight, they could carry on but a small part of that commerce which ^a at present ^bsubsists^b between them, and consequently could give but a small part of that encouragement which they at present mutually afford to each other's industry.¹⁰ There could be little or no commerce of any kind between the distant parts of the world. What goods could bear the expence of land-carriage between London and Calcutta? Or if there ^cwere^c any so precious as to be able to support this expence, with what

^a is *I*^b carried on *I*^c was *I*

⁹ The remainder of this paragraph finds a close parallel in the opening passages of FB, save that 8 or 10 men sailing from the port of Leith can transport 200 tons between Edinburgh and London more cheaply than 'Sixty six narrow wheeled wagons drawn by three hundred & ninety horses & attended by a hundred & thirty two men; or than forty broad wheeled wagons drawn by three hundred & twenty horses & attended by eighty men.' Cf. LJ (B) 223, ed. Cannan 172: 'Water carriage is another convenience as by it 300 ton can be conveyed at the expence of the tare and wear of the vessel, and the wages of 5 or 6 men, and that too in a shorter time than by a 100 waggons which will take 6 horses and a man each.' In LJ (A) vi.66 Smith compares the expense of a ship of 200 tons navigated by four or five men with that incurred in the use of wagons.

¹⁰ Smith may exaggerate the relative advantage of water-carriage, particularly in his example of the costs of carriage between London and Edinburgh. Carriage by sea had its own dangers: natural hazards; pilfering; privateering in time of war. Fine woollen goods were often sent by land in spite of its other disadvantages (cf. IV.viii.21). Smith was writing at the end of the first major phase of passing turnpike acts, but before the improvements which followed were fully evident. Coaching times, a fairly reliable indicator of improvement, show the change. Edinburgh and London were about four days apart in the mid-eighteenth century; only 60 hours by 1786. Smith's concern over the contribution of navigable rivers is more to the point. He was writing at the end of an age when rivers played a more important part in the economic life of Britain than they had ever done before or since.

safety could they be transported through the territories of so many barbarous nations? Those two cities, however, at present carry on ^d a very considerable commerce ^ewith each other^e, and by mutually affording a market, give a good deal of encouragement to each other's industry.

- 4 Since such, therefore, are the advantages of water-carriage, it is natural that the first improvements of art and industry should be made where this conveniency opens the whole world for a market to the produce of every sort of labour, and that they should always be much later in extending themselves into the inland parts of the country. The inland parts of the country can for a long time have no other market for the greater part of their goods, but the country which lies round about them, and separates them from the sea-coast, and the great navigable rivers. The extent of their market, therefore, must for a long time be in proportion to the riches and populousness of that country, and consequently their improvement must always be posterior to the improvement of that country. In our North American colonies the plantations have constantly followed either the sea-coast or the banks of the navigable rivers, and have scarce any where extended themselves to any considerable distance from both.¹¹

- 5 The nations that, according to the best authenticated history, appear to have been first civilized, were those that dwelt round the coast of the Mediterranean sea. That sea, by far the greatest inlet that is known in the world, having no tides, nor consequently any waves except such as are caused by the wind only, was, by the smoothness of its surface, as well as by the multitude of its islands, and the proximity of its neighbouring shores, extremely favourable to the infant navigation of the world; when, from their ignorance of the compass, men were afraid to quit the view of the coast, and from the imperfection of the art of ship-building, to abandon themselves to the boisterous waves of the ocean.¹² To pass beyond the pillars of Hercules, that is, to sail out of the Streights of Gibraltar, was, in the antient world, long considered as a most wonderful and dangerous exploit of navigation. It was late before even the Phenicians and Carthaginians, the most skilful navigators and shipbuilders of those old times, attempted it, and they were for a long time the only nations that did attempt it.

- 6 Of all the countries on the coast of the Mediterranean sea, Egypt seems to have been the first in which either agriculture or manufactures were [31]

^d together 1 ^{e-e} 2-6

¹¹ This sentence appears verbatim in FB, which adds: 'What James the sixth of Scotland said of the county of Fife, of which the inland parts were at that time very ill while thesea coast was extremely well cultivated, that it was like a coarse woollen coat edged with gold lace, might still be said of the greater part of our North American colonies.' See below, I.ix.11.

¹² The passage from the beginning of this paragraph follows FB very closely, and often verbatim, although there is nothing corresponding to the two following sentences.

cultivated and improved to any considerable degree.¹³ Upper Egypt extends itself nowhere above a few miles from the Nile, and in Lower Egypt that great river breaks itself into many different canals, which, with the assistance of a little art, seem to have afforded a communication by water-carriage, not only between all the great towns, but between all the considerable villages, and even to many farm-houses in the country; nearly in the same manner as the Rhine and the Maese do in Holland at present. The extent and easiness of this inland navigation was probably one of the principal causes of the early improvement of Egypt.¹⁴

- 7 The improvements in agriculture and manufactures seem likewise to have been of very great antiquity in the provinces of Bengal in the East Indies, and in some of the eastern provinces of China; though the great extent of this antiquity is not authenticated by any histories of whose authority we, in this part of the world, are well assured. In Bengal the Ganges and several other great rivers 'form a great number of navigable' canals in the same manner as the Nile does in Egypt. In the Eastern provinces of China too, several great rivers form, by their different branches, a multitude of canals, and by communicating with one another afford an inland navigation much more extensive than that either of the Nile or the Ganges, or perhaps than both of them put together.¹⁵ It is remarkable that neither the antient Egyptians, nor the Indians, nor the Chinese, encouraged foreign commerce, but [32] seem all to have derived their great opulence from this inland navigation.

- 8 All the inland parts of Africa, and all that part of Asia which lies any

¹⁻¹ break themselves into many r

¹³ In LJ (A) iv.60-2 and LJ (B) 31, ed. Cannan 22 the early economic development of Greece is attributed to its natural advantages including ease of communication. Smith added that 'Most of the European countries have most part of the same advantages. They are divided by rivers and branches of the sea, and are naturally fit for the cultivation of the soil and other arts.' The development of the arts and sciences in classical Greece was attributed to its early economic advance in LJ (A) iv.60, Astronomy, III.4 and, LRBL ii.117-9, ed. Lothian 132-3.

¹⁴ This paragraph is evidently based on FB, which goes on, however, to conclude with the statement that 'Agriculture and manufactures too seem to have been of very great antiquity in some of the maritime provinces of China & in the province of Bengal in the East Indies. All these were countries very much of the same nature with Egypt, cut by innumerable canals which afford them an immense inland navigation.' LJ (A) iii.47 also remarks with regard to China, Egypt, and Bengal that 'These countries are all remarkably fruitful. The banks of the Nile and the Ganges are overflowed by . . . rivers and yield immense crops, 3 or 4 in a year. This as there must be plenty of food and subsistence for man must . . . promote population, as the number of men is proportion'd to the quantity of subsistence.'

¹⁵ Smith comments on the inland navigation of China and Indostan at I.xi.g.28, and links the concern of these governments with canal and road improvement to their reliance on land-taxes at V.ii.d.5. He mentions that China was not eminent for foreign trade at II.v.22 and IV.iii.c.11, and comments on the limitations thereby imposed on her economic growth at I.ix.15, IV.ix.40,41. However, it is stated that at least some trade was carried on by foreigners at III.i.7 and IV.ix.45.

considerable way north of the Euxine and Caspian seas, the antient Scythia, the modern Tartary and Siberia, seem in all ages of the world to have been in the same barbarous and uncivilized state in which we find them at present.¹⁶ The sea of Tartary is the frozen ocean which admits of no navigation, and though some of the greatest rivers in the world run through that country, they are at too great a distance from one another to carry commerce and communication through the greater part of it. There are in Africa none of those great inlets, such as the Baltic and Adriatic seas in Europe, the Mediterranean and Euxine seas in both Europe and Asia, and the gulphs of Arabia, Persia, India, Bengal, and Siam, in Asia, to carry maritime commerce into the interior parts of that great continent: and the great rivers of Africa are at too great a distance from one another to give occasion to any considerable inland navigation. The commerce besides which any nation can carry on by means of a river which does not break itself into any great number of branches or canals, and which runs into another territory before it reaches the sea, can never be very considerable; because it is always in the power of the nations who possess that other territory to obstruct the communication between the upper country and the sea. The navigation of the Danube is of very little use to the different [33] states of Bavaria, Austria and Hungary, in comparison of what it would be if any ^o of them possessed the whole of its course till it falls into the Black Sea.

^o one 1

¹⁶ Smith comments on the limited improvement in Arabia due to the poorness of the soil and difficulties of transport and uses this point to explain why the Arabs had not advanced beyond the shepherd state in LJ (A) iv.36, 56-62; see also LJ (B) 303, ed. Cannan 234: 'in Asia and other eastern countries; all inland commerce' is carried on by great caravans, consisting of several thousands, for mutual defence, with waggons etca.' The passages from LJ (A) iv above cited make it plain that the preconditions for economic development include fertility of the soil, ease of defence, and of communication where the latter provides an opportunity for the export of surpluses. In LJ (A) iv.53 Smith also comments that the Tartars 'have indeed some of the largest rivers in the world' while adding that they 'have always been a state of shepherds, which they will always be from the nature of their country, which is dry and raised above the sea, with few rivers, tho' some very large ones, and the weather and the air is too cold for the produce of any grain.' See also 62, and cf. LJ (B) 30-1, ed. Cannan 22.

The Bloody Flag

context of Romania will be of help to others in the region and to Western analysts attempting to understand this tumultuous area of the world.

The present study will analyze the issue of nationalism in four chapters. The first chapter, "Some Basic Philosophical Categories," consists of four sections, each of which defines different components of nationalism: the cultural aspects of a nation's experience; the political aspects of national integrity; metaphysical definitions of ethnicity; and aggression or struggle for power disguised as nationalism. The approach is mainly philosophical but with historical illustrations, in order to outline several important conceptual categories by making reference to some classic works on the subject. Chapter II focuses on the case of East-Central Europe, with specific reference to its post-Communist trauma in a historic context, while Chapter III discusses only Romania. Chapter IV, "Some Notes on Harmony," explores some possible classical-liberal solutions, specifically citing the work of Austrian economist and philosopher Ludwig von Mises, whose commitment to individualism was coupled with a strong endorsement of nationalism and ethnicity.

The afterword, "Subterranean Societies," is a penetrating reflection on nationalism by a Romanian revolutionary, Vasile Popovici, who teaches French literature at the Timisoara University and is the founder of the anti-Communist Timisoara Society. Finally, the appendix cites and briefly discusses the section on national minorities from the Copenhagen Document of the Conference on Security and Cooperation in Europe.

I

Some Basic Philosophical Categories

1. Cultural Aspects of a Nation's Experience

When man first realized that his stay on earth is brief and precious, he must have deplored the predicament yet simultaneously sensed a need to celebrate his life: thus culture, and "beauty" variously defined, came forth. Language—which is to say symbol, in the sense of words as well as artifacts—was found to capture his reactions to life, and transmit them.

Culture is by definition individual: the creator acts essentially alone, communing with his own instincts and his own sensibilities. The cultural act is a relationship between an artist's soul (including both the emotional and rational qualities) and the world. Yet the vocabulary is not individually invented—that is logically impossible. The context must be social, interpersonal.¹

Solipsism, in other words, is refutable easily enough, however deep the truth that no one can ever really know what goes on in someone else's psyche. And language relates to the world wholesale: each word, that is, becomes affected subtly yet irrevocably by every other. No direct one-to-one correlation exists

The Bloody Flag

between object and denotation, however much the logical positivists had hoped otherwise. All language acquisition takes place in a context.² It is no mystery that translations can never be perfect, for no two languages ever coincide.

This philosophical fact has serious implications for understanding ethnicity: one's native language is a part of one's self. A person's emotional contact with the sensory stimuli touching his being are deeply and irrevocably language-specific. Poetry has been written about this, for even metaphor captures only approximately so intimate an experience as one's dependence on language.

One of the most accurate descriptions of how native language leaves an indelible imprint on the psyche is found in Eva Hoffman's autobiographical book *Lost in Translation: A Life in a New Language*. Hoffman is a Polish Jew who recently returned to her native Krakow after having emigrated to Canada as a teenager in the 1950s. In the following passage, Hoffman describes her feelings as a newcomer to the Free World, specifically, the dilemma of preparing herself emotionally and psychologically to learn the entire context of another culture's language—understood in its totality, linguistic and extralinguistic.

[H]ow does one bend toward another culture without falling over, how does one strike an elastic balance between rigidity and self-effacement? How does one stop reading the exterior signs of a foreign tribe and step into the inwardness, the viscera of their meanings?³

It is not clear that one *can* step into "the viscera" of these meanings, even if one desperately wishes to do so.

Hoffman is astonished by the near-impossibility of translation. She explains how much more there is to it than one-to-one correlation:

[T]he translation doesn't work. I don't know how Penny feels when she talks about [for example] envy. The word hangs in a

Some Basic Philosophical Categories

Platonic stratosphere, a vague prototype of all envy, so large, so all-encompassing that it might crush me. . . .

The result is alienation: in the process of living in a new language, life itself becomes an abstraction, the self is submerged in a reality it cannot ultimately reach:

[T]his radical disjoining between word and thing is a desiccating alchemy, draining the world not only of significance but of its colors, striations, nuances—its very existence. It is the loss of a living connection.⁴

The all-encompassing aspect of cultural translation indicates that aesthetic perception is not restricted to linguistic categories narrowly understood. The same words will refer to very different kinds of objects or attitudes in different cultures—and their connotations will differ as well. Again Eva Hoffman:

[For me,] English words don't hook on to anything. . . . The words float in an uncertain space. They come up from a part of my brain in which labels may be manufactured but which has no connection to my instincts, quick reactions, knowledge. Even the simplest adjectives sow confusion in my mind.⁵

Hence a profound sense of disjunction, a loss of identity. For with language comes an entire galaxy of shared symbols and behavior-patterns. Their disappearance and denial can be devastating. Writes Hoffman of her feelings in Canada when she first arrived there:

I have no interior language, and without it, interior images—those images through which we assimilate the external world, through which we take it in, love it, make it our own—become blurred too.⁶

Yet those images make experience as a whole possible. And experience is indeed holistic, multidimensional. One's feeling

about reality involves conscious and unconscious instruments, not all identifiable by any means. The connection between the verbal and the nonverbal is intricate, ineffable, mysterious. And surely affected by one's ethnic history.

A person approaches the world with considerable background knowledge consisting of a complex set of extra-verbal experiences. Aesthetic experience in particular takes into account this intellectual landscape. It stands to reason, therefore, that geographical setting would affect the colors of one's mental palette, as would the music of a mother's lullaby and the dance and rituals of adolescence. That is to say, in brief, that cultural settings would naturally affect individual perceptions in specific and similar ways.

The idea that a people's aesthetic life is intrinsic to its identity is thus reasonable, indeed commonplace, and has a powerful psychological basis which can in no way be deemed "irrational." On the contrary, it is entirely a part of the life of reason insofar as all language is not only essential to reason but inseparable from it: language is based on logical rules, and makes ratiocination possible.

Yet this is not to say that the concept of ethnic identity in a conscious, politically relevant sense arises somehow naturally. By no means. In the Middle Ages, there generally prevailed at most a visceral, primitive, natural feeling of community of language or homeland. Hard as it may seem to believe in light of recent history, in the eleventh century the word "deutsch" was first employed merely to designate the people speaking the German language, a nationalist tinge having been added no less recently than the seventeenth century.⁷

One of the earliest expressions of nationalism centering on language was found in East-Central Europe: the Hussites waged war against the Germans in 1420 partly to defend "the Czech and Slavonic language." They were in fact successful, capturing many German towns in Bohemia, where the influence of Czech language and literature became important. The socioeconomic

consequences were predictable: the educated Czech middle class tried to keep itself in the newly gained official positions by demanding knowledge of Czech as a prerequisite for office.⁸

In the sixteenth century, the golden age of Spain, Castilian became the language of the court and the official language of the country, gaining considerable influence throughout the world—however short-lived, for Spanish culture slowly died out for complex socioeconomic reasons. Across the sea in England, Parliament began holding its sessions in English, and not French, by 1362; English finally became dominant in legal documents by 1450,⁹ although French continued to be influential among the educated classes.

It was not until the seventeenth century that modern nationalism was born—in fact, on English soil. One of its first exponents was the poet John Milton (1608-1674), who in his eloquent pamphlet *Areopagitica*, written in 1644, identified nationalism with individual freedom from authority. This liberal twist, happily, continued to color the English brand of nationalism.¹⁰ Imported by France, it took on a rather more collectivist character at the hands of Jean Jacques Rousseau (1712-1778). Hans Kohn summarizes the difference between the English brand of nationalism, which "respected the privacy of the individual: the nation-state was regarded as a protective shell for the free interplay of individual forces," and the French brand, which "stressed that the duty and dignity of the citizen lay in political activity and his fulfillment in complete union with his nation-state."¹¹

A final new twist to Western nationalism was added by Rousseau's German disciple, Johann Gottfried von Herder (1744-1803), who first introduced the idea of "folk-spirit" as the principal determinant of nationality. Herder conceived of the community as cultural and spiritual, creating a general will, a *sens commun*. He felt that human civilization is manifested in separate ways through each culture, that men are first and foremost members of their national—and linguistic—communities.

The Bloody Flag

In 1764, for example, Herder wrote that "every language has its definite national character. . . . Perhaps I shall be able to imitate the languages of foreign nations, without, however, penetrating the core of their characters."¹² But Herder was emphatically not a chauvinist. His love for nationality embraced them all: "No love for our nation shall hinder us in recognizing everywhere the good which can be effected progressively only in the great course of times and peoples."¹³ It was left to the following century of romanticism to twist these ideas into a virulent—bastardized—form of nationalism.

Scholars have disagreed about the centrality of language to the concept of nationalism. Georg Schmidt-Rohr is one who believes that the community of language is the real national community,¹⁴ while C. A. Macartney argues on the contrary that there are no sufficient objective characteristics—including language—for determining one's nationality.¹⁵ Robert Michels agrees that neither language, nor religion, nor a common past provides such characteristics, but rather "the will of a people," which is "essential."¹⁶ In a spirit of compromise, historian Arnold J. Toynbee says that nationality "can be kindled by the pressure of one or several factors, as a common country, language, or tradition."¹⁷ Historically, it was not until the last century that language became a fact on which the prestige and power of a group depended. Alien languages were used until recently by official bodies, in academic contexts, and among the poorer classes.¹⁸

In the nineteenth century, the idea that a nation's language, territory, and culture forms a metaphysical unity that could be captured by some such concept as "the will of the people" was first articulated by Georg Wilhelm Friedrich Hegel (1770-1831). In his *Philosophy of History*, written at the end of his life, Hegel writes:

The state, its laws, its arrangements, constitute the rights of its members; its natural features, its mountains, air, and waters, are *their* country, their fatherland, their outward material property;

Some Basic Philosophical Categories

13

the history of this state, *their* deeds; what their ancestors have produced, belongs to them and lives in their memory. All is their possession, just as they are possessed by it; for it constitutes their existence, their being. This spirit of a people is a *determinate* and particular spirit . . .¹⁹

Hegel elegantly, if questionably, passes from the cultural on to a political dimension. For him the state becomes one with its "spirit." Hence various "forms" are identified as belonging to that spirit:

It is thus one individuality which, presented in its essence as God, is honored and enjoyed in religion; which is exhibited as an object of sensuous contemplation in art; and is apprehended as an intellectual conception in philosophy. In virtue of the original identity of their essence, purport, and object, these various forms are inseparably united with the spirit of the state.²⁰

Metaphysics aside, there is nothing particularly unusual or untoward about a country taking pride in the accomplishments of its citizens. In addition to the cultural contributions, which include what is traditionally thought of as "the arts"—music, literature, painting, and to some extent philosophy—that touch the emotional side of man's nature, there are also, of course, contributions to science, law, economics, and so on. The great scientific discoveries of a Copernicus or a Marie Curie should be a source of satisfaction to the people of Poland, just as Adam Smith was a credit to his native Scotland. Far from being dangerous, such sentiments are positive and encourage greater creativity as well as respect for others who are equally engaged in advancing knowledge, from which all mankind can profit. Yet clearly, Hegel opened the way to a very different—potentially explosive—unitary conception of national identity, with disastrous political implications. As historian Carlton J. H. Hayes indicates, Hegel's statist nationalism took root in Italy as well as Germany, and was spread by scholars who used his philosophy

"for curiously illiberal nationalist ends," culminating in fascism.²¹

Evidently, the idea that a nation possesses a "spirit" involves a metaphysical leap of dangerous proportions. Identifying such a spirit with national identity, moreover, only exacerbates the problem. What kind of entity is this? If it is somehow "unitary," where do minorities fit in—or do they? It is far from clear that tolerance is compatible with this metaphysical model of nationalism.

From the legitimate concept of linguistic similarities and certain cultural continuities that can be collected in some logical fashion and identified with a national or ethnic identity, it does not follow that a monolithic "spirit" emerges as the metaphysical equivalent of a Platonic Idea. Such a reification could only play into the hands of an intolerant nationalist elite—as indeed happened in the form of fascism, a century later. Ultimately, therefore, nationalism became an irrevocably political tool of ruthless groups who used it to further their own interests.

2. Political Aspects of National Integrity

Writes Hans Kohn in his seminal scholarly work *The Idea of Nationalism: A Study in Its Origins and Background*:

The most important outward factor in the formation of nationalities is a common territory, or rather, the state. Political frontiers tend to establish nationalities. . . . [S]tatehood or nationhood (in the sense of a common citizenship under one territorial government) is a constitutive element in the life of a nationality.²²

Today, this idea seems commonplace. And indeed people have had strong communitarian feelings as far back as history

can be traced. But the political implications of nationalism—the idea that common heritage carries with it special political legitimacy—is very much a modern phenomenon. One of the first to appreciate the significance of state nationalism was the brilliant Niccolo Machiavelli (1469-1527), whose celebrated essay *The Prince* ended with a chapter entitled "An Exhortation to Liberate Italy from the Barbarians."²³ Notwithstanding Machiavelli's reputation as a cynic, it appears that his preference for a strong nationalist state was inspired less by his affection for Italy as a whole than by nostalgia for his native Florence. Hoping that his countrymen would once more become prosperous and virtuous, Machiavelli adopted what looks very much like a pre-Leninist version of belligerent pragmatism devoid of morality. It is not hard to see why he earned a dubious reputation as the first, or certainly one of the first, modern nihilistic thinkers. Writes Machiavelli:

Where it is an absolute question of the welfare of our country, we must admit of no considerations of justice or injustice, of mercy or cruelty, of praise or ignominy, but putting all else aside must adopt whatever course will save its existence and preserve its liberty.²⁴

Machiavelli's approach to nationalism did not take root until three centuries later, with the advent of the French Revolution of 1789. Not that the revolution's intellectual architect, Jean Jacques Rousseau, intended it that way. Rousseau, who is sometimes called "the father of modern nationalism," actually defended the idea of nationalism as a reaction to what he considered the corruption of man's originally good nature by a decadent society and state. Resigned to the fact that man could never again be a "noble savage," Rousseau turned to the state—paradoxically enough, for the state is hardly an instrument that always promotes freedom—to seek redemption. And with this idea, modern democratic nationalism was born. Thus, E. J.

Hobbsawm distinguishes "the revolutionary-democratic" concept of a nation, which developed mainly after the French Revolution, from the concept of "nationalism" proper.²⁵ To Rousseau's horror had he realized it, the fascist nationalism of the twentieth century was his own version's bastard (yet not unpredictable) heir.

Rousseau's principal aim was to introduce the concept of the sovereign will of individuals uniting in a compact, "the social contract," with one end in mind: the pursuit of happiness by its individual members. And while this contract was ultimately democratic, based on the idea that men were created equal, Rousseau—like his predecessor Montesquieu—was sensitive to the differences that the traditions of history and the conditions of climate and environment, as well as language, produce among different groups.

In Rousseau's last political writings, his *Considerations on the Government of Poland*, as in his *Project on the Constitution of Corsica*, he praised the creation of national character and institutions that are the product of history and education. He encouraged the promotion of games and festivals, opposed the election of foreigners as kings, and demanded universal military service in a national militia, whose first duty was eternal vigilance over the internal liberties of the people. The fusion between the rights of men and their safeguard through the national state was the crucial step in the definition of modern nationalism.

The English were especially keen on safeguarding individual rights within a national state. John Stuart Mill (1806-1873) provided a particularly clear and objective definition of what he called "Nationality" in his essay entitled "Representative Government":

A portion of mankind may be said to constitute a Nationality if they are united among themselves by common sympathies which do not exist between them and any others—which make them cooperate with each other more willingly than with other

people, desire to be under the same government, and desire that it should be government by themselves or a portion of themselves exclusively.²⁶

This indicates that "common sympathies" translate into common government. Whether that government happens to be democratic or not appears to be left open. If "a portion" of the group is chosen—implying either a republican form of democracy or a nondemocratic arrangement—it still constitutes a "nationalist" arrangement. But there is little doubt as to where Mill's own sympathies lay: with a classical-liberal form of government.

It has been generally understood that modern nationalism is intrinsically a political concept. Mill, however—having witnessed the powerful nationalist currents that swept Europe, and Eastern Europe in particular, in the Revolution of 1848—believed that ethnic identity must precede national aspirations.²⁷ This is not a universally accepted position; for the existence of a "sentiment" of nationality is difficult to test. It may be impossible to tell whether or not a people or a group possesses the psychological need to join under "one government." To be sure, there must be a political intention to do so. Positing a "sentiment" that precedes such an intention could serve as a legitimizing force—but this is philosophically questionable. How does one know that such a sentiment exists?

Mill writes that the "common sympathies" at the root of nationalism (or "Nationality") have many causes. Nationalism, therefore, does not arise from any one cause or any one group of common traits. Sometimes it is "race and descent"; it may be a similar language, or religion; and geographical proximity is an intrinsic factor. The strongest tie, in Mill's opinion, is provided by political antecedents: a national history and "community of recollections." This is to say that a kind of collective memory is invaluable: "collective pride and humiliation, pleasure and regret,"²⁸ to which Mill might have added, collective hatreds. To the extent that animosity can be codified through a system of laws, unfortunately, it becomes explosive.

Some communities, however, are more prepared than others for self-government. Mill recognized this, since it was commonly understood in the eighteenth century—which was, after all, the Age of Reason—that while all men were equally endowed with reason at a certain stage of civilization, that stage, however minimal, did have to be reached. This is not to imply that some communities could not become self-sufficient until their members “matured.” Rather, it is to make the point that communities—even within a relatively small geographical area—can develop at very different rates, with serious political implications. Thus, some regions may become urbanized at different rates and experience differences in educational status and religious affiliation, which can lead to political tensions. It is not unreasonable for a group to wrap itself in the honorable mantle of nationalism and “the soul of a nation” to advance its own interests, which may or may not coincide with the interests of the larger political entity.

In purely agrarian societies, the political urgency of appealing to “national” identity seems not to exist. Historically, this phenomenon appears to accompany modern society, coinciding with industrialization and the perception that cultural/historical continuity may be threatened. The threats may be primarily economic, or they may be triggered by foreign occupation and perceived injustices.

To backtrack for a moment: what does it mean to appeal to “nationalism” as a politically unifying concept? The Scientific Revolution of the seventeenth century brought with it a trust in the Law of Reason—to replace, in a sense, trust in the “divine right of kings” that had justified the hereditary monarchy in much of Europe. The concept that the people—limited by the rules of the Law of Reason—are the locus of legitimacy led rather naturally to the idea that “A People,” however loosely defined, can constitute a government. More specifically, a particular social class may unite for particular ends to impose its

members’ will—and institutionalize their interests—under the cloak of nationalism.

While it is ultimately impossible to discuss the connection between “state” and “nation” in completely general and philosophical terms, abstracting from specific historical contexts, attempts have been made. Immanuel Kant (1724-1804), for example, writes in *The Science of Right*, that the state, when viewed in relation to the supposed hereditary unity of a people, constitutes a nation. His skepticism regarding this “hereditary unity” is well captured by the qualifier, “supposed.” Kant is evidently unimpressed by the significance of such an element; ultimately, he insists that the state—or nation, so defined—must be subjected to moral laws. The state, after all, is designed to counter the natural propensity of men to wage war against one another—it is not intended as an instrument to wage war more efficiently. And yet the history of East-Central Europe is, above all, proof of just such use of the political tools available through state intervention.

The legacy of the eighteenth century, taken to its logical extreme in the nineteenth century, is by no means limited to exalting the Law of Reason—that is rather the British and American variant. The French took “*liberté, égalité, fraternité*” to romantic heights: Delacroix’s picture of the bare-breasted French nation quintessentially captures the erotic, nonrational, inebriating ecstasy of oneness embraced by the figure of “la patrie.” Once a political system is perceived as embodying the apocalyptic historical will of the people, danger is imminent.

The ideology that carried this point of view to its logical extreme was Marxism. Even though it was militantly anti-nationalist, Marxism was based on a conviction that the will of the people—or more specifically, the class will of the proletariat—must be codified in a political system. Marxism—and its logical heir, Leninism—flaunted its hostility to nationalism. Writes Lenin: “Marxism is irreconcilable with nationalism, even

the 'justest,' 'purest,' most refined and civilized. Instead of nationalism of every kind, Marxism advances internationalism, the amalgamation of all nations in the higher unity that is growing under our eyes with every verst of railway."²⁹ Lenin's internationalism culminates in the inevitable march of history toward its own end, the withering away of all class conflict (and hence also, by a relentless logic, all national conflict). Yet nationalism proved to come in handy later in the process of "building socialism." The single-minded, ruthless twist that Lenin added to the dialectic of that system, however, accommodated the change: any number of adjustments and crimes would come to be justified in order to reach the promised nirvana, that blessed dictatorship of the morally pristine proletariat led by a well-organized and truly progressive Communist Party.³⁰

But more about Marxism in the next chapter. To return to the political aspects of nationalism, a number of clarifications are in order:

1. Political power may be sought by a national entity to free itself from economic, political, or cultural exploitation by another nation and cultural group.
2. Political power may be claimed by a national subgroup which considers itself to be the true "embodiment" of the national spirit.
3. Political legitimacy may be desired by a culturally homogeneous group whether or not it has a national identity, in order for its members to survive and gain respectability in a political context that it does not necessarily (though it may) wish to replace or fundamentally modify.

Political power may be gained in various ways. A national group may wage war or conduct a revolution and win—thus gaining territory, economic concessions, and some degree of acceptance in the international arena. A group may also demand certain concessions by appealing to bodies that are supposed to recognize "national" claims—such as international organizations that have legitimate standing. Or a long-persecuted group may

attempt to set up a nation in a new area, appealing to other countries' sense of responsibility. Generally, territorial attachments are extremely powerful; what dilutes them is ethnic mixtures and a checkered history. In East-Central Europe, with its convoluted series of foreign interventions, there are few pure territorial attachments.

Each of these political issues may be associated with a metaphysical model of ethnicity (as further elaborated in the next section), a model which in turn performs a legitimizing function. It may be noted too that no matter what problems are found with any one of these models, their historical—and psychological—reality cannot be denied. For example, however impossible it may be to prove that a group is the "embodiment" of a national spirit, the facts of both the claim and the belief are politically relevant.

Different nations, obviously, have different political histories. Their experiences with self-government, with enslaving or being enslaved by others, are a part of their national memories. These memories then form part of a nation's "mentality" and its members' attitudes toward themselves and others. They are as important to understanding the complex nature of national self-image as are the linguistic, cultural, and territorial dimensions. In East-Central Europe, the metaphysical models of ethnicity must be understood in relation to the special historical and cultural background of each region. For each metaphysical definition fulfills special needs.³¹

3. Metaphysical Definitions of Ethnicity

The idea of a "spirit" that embodies the nation is the necessary correlate of a politically monolithic concept. There are differences, however, in how man's relation to the universe within a national context has been explained. While some philosophers

have looked more to the psychological dimension, others have conceived of nationalism as a designating term—whether it encompassed a nation as a whole or some quintessential part (say, the peasant, the king, the church, the poet, etc.).

Many twentieth-century scholars have claimed that nationalism is nothing more than “a state of mind.”³² One may sketch some of the definitions.³³ For example, John Oakesmith calls nationalism “what the vast majority of civilized people feel to be the most sacred and dominating inspiration in life”—with emphasis on the “feeling.”³⁴ Friedrich Otto Hertz distinguishes “national consciousness” from “legal nationality,” “cultural nationality,” and “political nationality.” The latter, he feels, depends on national consciousness, which he feels “cannot be observed and measured by exact methods.”³⁵ In a more empiricist vein, Florian Znaniecki defines nationality broadly as “a collectivity of people with certain common and distinctive characteristics.”³⁶ Similarly, Karl W. Deutsch defined a people in terms of its system of social communication.³⁷ It was only after the French Revolution that the people (in fact, the third estate) became identified with the nation; generally, the concept of the nation had included only the upper stratum of society, as opposed to the common folk.³⁸

What may be called “group consciousness” or a state of mind arising from a certain sensitization, however, appears to be a necessary component of nationalism. This requires a certain degree of social awareness or “consciousness,” to use a Marxist or at least idealist term—thereby recognizing that it is not “natural” or inborn. Positing such an awareness would not imply the existence of a “thing”—unlike “spirit,” which implies some sort of real entity, however ethereal.

Aristotle (384-322 B.C.), for example, felt that love of family, home, and community was natural—but not beyond a very small community. Voltaire (1694-1778) also noted that the larger “la patrie,” the weaker the feeling of identification with it.³⁹

On a different metaphysical level, nationality could be identi-

fied with the relationship that a people feels with God and the universe: the Jewish nation, for example, considers itself to have had a special relationship with Jehovah, and Christians feel an eschatological tie to the Messiah. Hans Kohn explains that “three essential traits of modern nationalism originated with the Hebrews: the idea of the chosen people, the emphasis on a common stock of memory of the past and of hopes for the future, and finally national messianism.”⁴⁰ Yet the history of Europe until the end of the Middle Ages stressed mainly the general and the universal rather than the parochial and individual, or the national and idiosyncratic.

Primitive societies had an intimate relationship with nature, on a cyclical basis—as evidenced in the rituals centering around the seasons, the harvest, and other natural events including birth, puberty, and death. To label these feelings as “nationalism” proper would be highly misleading. But they too represent an important component in the family of psychological phenomena involved in the concept.

The quintessentially modern metaphysical definition of nationalism as the “spirit” of the people presupposes cultural homogeneity, which is in turn embodied in a common political tradition. This Hegelian reification of a psychological phenomenon is similar to a religious concept: positing a reality beyond any individual, which consists of an entity that is much harder to determine, verify, and defend. The Platonic conception of a state/nation as an organism predated the Hegelian “spirit” and was probably the first rationalist embodiment of this concept. Yet its degeneration into a romantic and idealist entity is easy enough to anticipate.

Whatever form “the nation” may take, the relevant point is the existence of a need to define it somehow, if only in psychological terms. In other words, it does not seem to have sufficed to make reference to such facts as the propensity to favor one’s immediate family, or neighbors, or even kinsmen. In some fashion, “nationalism” seems to have required an existence beyond

the empirical facts about human nature. But positing such a metaphysical entity has generated intractable problems.

The ensuing proliferation of posited "spirits of the nation" proved remarkably pernicious, capable of justifying lethal impulses. It may be that the supposed existence of entities like a "national spirit" made it easier to exploit and even kill in their name.

The metaphysical "nation" is most problematic when defined in racial terms. The idea of a "race" is notoriously shaky. No sufficient genetic or cultural traits can define this concept, particularly as applied in Nazi (and pre-Nazi) Germany. The Austrian writer Robert Musil (1880-1939), writing in his 1921 essay "Nation" as Ideal and as Reality," described with contempt the entire pseudoscientific literature on race:

This literature is concerned not with measuring skulls, eye color, or skeletal proportions, which interest only a few, but with qualities like religious sense, integrity, state-building power, scientific ability, intuition, a talent for art, or tolerance of ideas; things of which we hardly know how to say anything at all about what constitutes them. This literature ascribes or denies these things to supposed "races" with the help of an anthropological pig-Latin because it can instill dignity in the nation through its ear by ventriloquizing with the voice of the ages. One cannot deny that a good part of our national idealism consists in this diseased way of thinking.⁴¹

In brief, then, an important—perhaps principal—function of the metaphysical description of any one definition of nationalism is to construct a justificatory mechanism for certain kinds of actions. These actions may range from promoting certain cultural forms at the expense of others to discriminating against—even murdering—other human beings. Metaphysics, in other words, precedes and sometimes promotes genocide.

4. Aggression and Struggle for Power Disguised as Nationalism

One of the most popular ways of defining nationalism is in terms of a struggle for power: as a cynical tool to achieve power, pure and simple. The earliest anti-nationalist warning was delivered by Lord Acton in his 1862 essay "Nationality":

Nationality does not aim at either liberty or prosperity, both of which it sacrifices to the imperative necessity of making the nation the mould and measure of the State. Its course will be marked with material as well as moral ruin, in order that a new invention may prevail over the works of God and the interests of mankind.⁴²

Similarly skeptical, Elie Kedourie, who had great respect for Lord Acton, writes that "nationalism is a doctrine invented in Europe at the beginning of the nineteenth century. It pretends to supply a criterion for the determination of the unit of population proper to enjoy a government exclusively its own."⁴³ Specifically in Eastern Europe around 1800, where there was no industrial middle class, little by way of an intelligentsia, no national governments, and virtually no industrialization—with the exception of a few areas in Bohemia and Silesia—a number of people were dissatisfied with their lot. "These people imported nationalism to Eastern Europe," writes Peter Sugar,⁴⁴ implying a conscious and deliberate, even if not necessarily sinister, enterprise.

Even a cursory look at the history of the Balkans in the past millennium indicates that the degree of human misery, the exploitation, and the cynical use of state organs to take advantage of the weak, murder one's various enemies, and elbow one's way into the world, could not have failed to leave deep traces of animosity, even undying hatred. And while on many occasions the ethnic identity of the oppressed could be considered a

motivating factor, generally it seems that a large array of cultural, educational, and other socioeconomic factors were at least as significant. Surely the intelligentsia of Eastern Europe (of the Serbians, Czechs, Slovaks, Jews, Ukrainians, Poles, Romanians, etc.) imported the concept from France, England, and Germany, adapting it to their special historical and economic circumstances.

To turn briefly to the economic aspects of nationalism, mercantilism (the belief that a nation's industry had to be regulated by government to "protect it" against competition from abroad) was surely a crude attempt to institute the idea that individual well-being could be secured only by the economic power of the nation. The Industrial Revolution, moreover, seemed not to dampen nationalist feelings of protectionism.⁴⁵ Known also as "economic nationalism" (as well as "neo-mercantilism," to underscore its subsequent evolution), the idea is based on the theory—not usually grounded in fact—that people of one nation must be protected against the inroads of other people.⁴⁶

There are, of course, many more-recent echoes of this concept. In the context of East-Central Europe, with small countries finding themselves being traded, ping-pong style, among powerful super-neighbors such as France, Austria, and Russia, it is not difficult to empathize with attempts to gain some sort of relief. The ability of American revolutionaries to gain independence from what they saw as unfair taxation without representation by the king of England must have filled the people of East-Central Europe with awe. Alas, they did not have the geographical advantages of the Americans, who were an ocean away from the Crown.

Nationalism, of course, may be invoked in the name of escaping aggression or may be used to justify its infliction upon others. There are political reasons for appealing to nationalism that differ from context to context. Unless these motivations are understood, faced squarely, and dealt with appropriately, nationalism will not be properly appreciated, but either unnecessarily

glorified or vilified. To say this, however, is not to imply that once a motive is unmasked, once the dubious ulterior purpose is revealed, all problems are solved. Aggression is no less real and no less dangerous for being called by its true name. The task does not stop at analyzing group psychology.

But it does start there. Robert Musil, for example, graphically described the intoxicating, indeed erotic, feeling that had engulfed the nations of Europe before World War I. It could not be denied, wrote Musil, that mankind "was touched at that time by something irrational and foolish, but awesome," with enormous potential for evil. Its essence lay in the obliteration of the individual:⁴⁷

One suddenly became a tiny particle humbly dissolved in a supra-personal event and, enclosed by the nation, sensed the nation in an absolutely physical way. It was as if mystical primal qualities that had slept through the centuries imprisoned in a word had suddenly awakened to become as real as factories.⁴⁷

And suddenly millions of people, "for the sake of the nation, ran into the arms of death." Calling it "a monstrous hysteria," as Musil does, will not eliminate it—any more than would the use of this expression even more appropriately in the context of the Second World War deny the very real feelings that motivated the Holocaust.

The feelings of anxiety, of hatred, of the need for self-importance gained at the expense of destroying others, have always been in need of antidote. One of the most effective such antidotes, originally, was religion wedded to an enlightened concept of the people or the nation. Specifically, the Jewish tradition held that God had made a covenant with the people of Israel so as to insure the respect of His commandments. These commandments, however, applied to all people and were meant to bring happiness and justice. Christianity, in a similar manner, was intended to apply to all men; notwithstanding the close relationship between the Church and particular political bodies—that were

The Bloody Flag

after to become nations—the Judeo-Christian legacy has been essentially universalist in nature.

Anthony D. Smith denies that religion ever provided the basis or nationalist identification. While religion—for example, Orthodoxy in Romania—may have preserved a sense of community, especially after the Middle Ages, Smith says: “between traditional religion and nationalism there is a decisive break.” At last, “religion often provides the sociological material for nationalism to work on, but it does not and cannot explain the latter’s character or appearance.”²⁴⁸

Yet particular religious leaders have often been less than faithful to the principles they espoused. Through the ages, individual members of the Church have been corrupt and manipulative, often using the pulpit to further their own ends, as have different social groups and individuals seeking power and influence. A cynical enough look at history indicates that nationalism became a fig leaf for human aggression almost from the outset—and even religious communities were not immune.

The potentially dangerous aspects of nationalism were captured by Carlton J. H. Hayes, writing in 1926, in the following list of evils:

An intolerant attitude and behavior towards one’s fellows; a belief in the imperial mission of one’s own nationality at the expense of others, particularly at the expense of backward peoples; a habit of carrying a chip on one’s national shoulder and defying another nationality to knock it off; a fond dwelling on the memory of past wars and a feverish preparing for future wars, to the neglect of present civil problems; a willingness to be led and guided by self-styled patriots; a diffidence, almost a panic, about thinking and acting differently from one’s fellows; a spirit of exclusiveness and narrowness which feeds on gross ignorance of others and on inordinate pride in one’s self and one’s nationality . . . ⁴⁹

to mention but the most important.

Some Basic Philosophical Categories

29

The recognition of a deeply opportunistic and myopic quality to nationalism is particularly useful in assessing an essential aspect of the post-Communist phenomenon that is too ambiguously identified as “nationalism” *tout court*. There are many complex elements involved in the transition from Communism to democracy, and nationalism is only one of the factors that can easily mask other hostilities and fears. Thus, the civil war that ravaged Yugoslavia in 1991 played out some of these hostilities, with nationalism as the wild card beneath which much was hidden. The vicious events in that country, it is fair to say, surpassed most people’s expectations, their virulence both frightening and unrelenting.

In brief, nationalism can become not merely a vehicle for self-advancement but a veil for the most murderous impulses of human nature. Thus, the sophistic garb that would pave the way to the Holocaust began with the idealist precursors of German racist nationalism in the nineteenth century, notably Friedrich List (1789-1846) and later—his anti-Semitism undisguised—Heinrich von Treitschke (1834-1896). As K. R. Minogue explains, what started out as a revolt against external rules, a yearning for spontaneity, a repudiation of the mob, became the supreme mob-rule: “the time was to come when Hitler would be able to turn virtually the whole German population into a herd by the simple expedient of explaining to them that, racially speaking, they were all essentially leaders.”⁵⁰

Thus the herd became evil incarnate—the banality of evil stunning in its vulgarity, terror, and ubiquity. Sigmund Freud (1856-1939) had no illusions about man’s propensity to do evil under various euphemistic guises. He reasoned that deep-seated aggressive tendencies—ultimately of sexual, libidinal origin—were channeled in the context of society to lead to mass-movements of incalculable power. What nationalism does, above all, is construct an entity—the nation—which may or may not be easily identifiable with a political state. That entity is superimposed upon its individual members, to provide those members

with a superstructure that becomes a source of moral approval unthinkable in its absence. The so-called “good of the nation” can then be used to justify the most heinous of crimes.

Writing in “Thoughts for the Times on War and Death,” Freud notes that nations, which “are in a measure represented by the states which they have found,” act in far more reprehensible ways than do particular individuals. A state at war, for example, “permits itself every such misdeed, every such act of violence, as would disgrace the individual man.”⁵¹ Mob psychology transforms the worst instincts and magnifies them.

Freud does not pretend to be able to explain this phenomenon. Rather than dignify it with clinical labels, he expresses dismay at the irrationality of violence:

Actually why the national units should disdain, detest, abhor one another, and that even when they are at peace, is indeed a mystery. I cannot tell why it is. It is just as though when it becomes a question of a number of people, not to say millions, all individual moral acquisitions were obliterated, and only the most primitive, the oldest, the crudest mental attitudes were left. Possibly only future states in development will be able in any way to alter this state of affairs.⁵²

Freud is suggesting, in other words, that the aggressive chauvinistic, xenophobic, and racist brand of nationalism is a primitive stage of development—a precivilized stage. In that, he is correct. It is important to remember, however, that “primitive” does not mean “prehistoric.” It can happen again even today, as the presumably sophisticated twentieth century draws to a close. This has been, after all, the most bloody century in history. One can only hope that the next millennium will be an improvement, but there are no guarantees.

II

The East-Central European Context: Post-Communist Trauma

1. The Marxist-Socialist Legacy

While it was explicitly anti-nationalistic, Marxism paradoxically served some of the same functions as nationalism: it provided a sense of group identity beyond the individual; a messianic sense of history; and a moral framework designed to justify aggressive acts against others, who were perceived as exploitative, in a power-struggle for social, political, and cultural control. The appeal of Marxism can be explained at least in part in terms of these dynamics. Slovak writer Martin Simecka elaborates: “Nationalism is similar to communism in some ways. It gives people an ideology, a sense of identity that we lost when we became free.”¹ In short, people need a way to identify themselves—a common fate to transcend individual loneliness amid the insecurities of the free market and before the finality of death.

Four decades after its forced imposition in East-Central Europe, Marxism has left deep, possibly even inescapable scars. Continues Simecka: “People are used to thinking in ideological terms. Nationalism, like communism, gives people a sense of being for or against.”² In brief, nationalism is the new euphemism—the mantle that covers a multitude of both sins and vir-

tues—with the resulting confusion that is the necessary correlate of all ambiguity. Despite their different histories, therefore, the nations of East-Central Europe are now facing a number of common problems that can be traced to their recent ideological plight. These problems are the reason why today more than ever the Danubian nations constitute, in the words of Hugh Seton-Watson, “the sick heart” of modern Europe.³

Undoing a distorted view of history

Over the past four decades, each nation of East-Central Europe has had to systematically rewrite its entire chronology from a Marxist-Leninist point of view. Regardless of the relative value of each nation, the valor of its people or its cowardice, the richness of its culture or its mediocrity, erasing the nation's history altogether might have been easier to survive than the distortion. Books must now be rewritten, rediscovered, resuscitated.⁴

By way of example, after the Communist takeover in Romania, the Romanian Academy's linguistic work—especially the dictionary of seventeenth- and eighteenth-century Romanian—was designed to prove that Romanian was really a Slavic language rather than a modern version of the Latin imposed by the Romans in the first century A.D.⁵ Distortions of history of this sort by Communist rulers play into the hands of the post-Communist manipulators, the demagogues attempting to instill an idyllic nationalism.

Coping with a sense of wounded pride and lack of self-esteem

Having had to lie—not only about one's own past, but even about the present, about matters before one's own eyes—for fear of the secret police, for fear of destruction and retaliation not

only against oneself but one's own children and parents, has created a deep sense of insecurity. No matter how clear it is that such fear is perfectly justified, the sense that one should have sacrificed everything in the interest of truth is impossible to erase completely.

Vaclav Havel described the essence of this process, in his now-famous essay “The Power of the Powerless,” as drawing

everyone into its sphere of power, not so they may realize themselves as human beings, but so they may surrender their human identity in favour of the identity of the system, that is, so they may become agents of the system's general automatism and servants of its self-determined goals, so they may participate in the common responsibility for it, so they may be pulled into and ensnared by it, like Faust with Mephistopheles.⁶

This Faustian legacy weighs heavily on the people of East-Central Europe. Havel's—and Aleksandr Solzhenitsyn's—chosen method of salvation, “living in truth,” cannot help those who, sometimes quite deliberately, usually half-consciously, and sometimes even unconsciously, went along with the Big Lies of their corrupt Marxist regimes. They cannot forgive themselves.

An additional source of self-loathing is the absence of genuine culture during the Communist period. For in addition to the virtual obliteration—certainly distortion—of past tradition, there was the *kirsch* of socialist anti-art, the mirror of the lie in the form of pseudo-culture that needs to be undone, to be eliminated from the body of the nation like so much poison, without the benefit of antidote.

Facing the effects of economic trauma

The legacy of poverty that the people of East-Central Europe are having to face is not only a source of anger as a result of the

The Bloody Flag

felt injustice at having been subjected to a system imposed by force. It has also manifested itself in the form of exhaustion because of malnutrition, unspeakable pollution, psychological stress, and lack of proper medical attention and treatment. What is more, the contrast with life in the West makes it harder to bear: penury in the Middle Ages was taken as a given; in the twentieth century it is the insult added to the ideological injury. Fortunately, and somewhat surprisingly, there is a greater degree of resilience than might have been anticipated.⁷

Disintegration of genuine fellow-feeling

Paradoxically, one of the saddest legacies of the supposedly anti-individualist Marxist-Leninist dogma, which turned out to be an enormous hoax benefiting a small ruling elite, is the pervasive suspicion of one's fellow human beings. In a social setting where The Group was exalted beyond all individuals—requiring immediate reporting of any deviant behavior that was supposed to harm Group Interests—suspicion became inevitable. It is impossible to properly appreciate the true nature of post-Communist nationalism without understanding this fact.⁸

Alongside suspicion of one's own countrymen there has also been deep mistrust of foreigners—though different nations have been viewed differently, of course. The West in particular has been mistrusted for the rather palpable reason that it did not come to the rescue of East-Central European nations during the time of Soviet occupation. On the contrary, various forms of *sheme* with the Communist rulers were witnessed by the people with incredulity. The entire system finally collapsed of its own weight in 1989, no thanks to Western accommodationism.

Hatred came easily in an atmosphere that has been called (to use Josef Zverina's expression) "a whole ideology of hate".

This ideology justified everything it required; everything was permitted to achieve its success; it encouraged hatred and even

The East-Central European Context

35

required it on occasions. There can be no worse threat than this to human morality and life. While, unhappily, we find hate in various guises all over the world, hate here has its specific features. The education of a people into a single permitted ideology creates a much more intensive basis for such hatred. Hate is thereby "nationalized," as it were.⁹

The legacy of hatred could not but express itself in pathological forms of human interaction after the fall of Communism.

Reinventing language

Marxist-Leninist "newspeak" was designed specifically to affect people's perceptions of reality, to make easier the distortions that had been required by socialist reconstruction. New words were invented, old ones redefined. Slogans permeated ordinary speech, and some words became outlawed outright. People's relationships with each other were redrawn in the attempt to create "the new socialist man." In the process, one became alienated from one's most immediate instrument of communication with one's innermost reality: language. Never before had such an experiment been undertaken. For the imposition of a foreign dialect or an alien tongue does not affect one's original language. This was rather a mutilation, a sacrilege—and was perceived as such.

Coping with post-Marxist secularization

The physical destruction of churches, the co-opting of the clergy (in many cases recruiting its members to serve the secret police), the declaration of atheism as the official philosophy (while denouncing religion as so much "cultism"), and the closing of schools of theology—all this served in many cases to kindle interest in religion rather than muting it.¹⁰

The Bloody Flag

Yet it would be wrong to underestimate the importance of an atheistic philosophy on the population at large. It may be a long time before the people of East-Central Europe gain a healthy perception of their metaphysical place. Twentieth-century Western secularism has caught them unaware, leaving them in the midst of the universe God-less, helpless, equipped mainly with their conviction that unless they help themselves probably no one will.

Facing maneuverings by the outgoing nomenklatura

In addition to the traumatic legacy of Marxism-Leninism, there remain the maneuverings of the outgoing *nomenklatura*, the privileged elite of the socialist state. This class did not disappear with the revolutions. The old elite is undoubtedly seeking all possible ways to survive. In each of the countries of East-Central Europe, the former Communist ruling class has found ways to capitalize on the dismantling of the empire. In the process, the predictable fueling of discord, the creation of instability and discontent, including anti-Semitism, will continue to take place. And it will not always be easy to detect the causal elements.

As Michael Dobbs observes, "for thousands of mid-level Communist *apparatchiks*, nationalism has represented an almost miraculous way of hanging on to power following the collapse of Marxist-Leninist ideology. By hanging in their party cards and wrapping themselves in the national flag, former Communists were able to acquire new political identities overnight."¹¹ There seem to be similar motivations—and similar tactics—in the peculiar hard-line nationalist/Stalinist approaches of Albania, China, North Korea, and Romania. Vladimir Tismaneanu believes that the Communist leaders of these hapless countries shared a "magic-ritualistic conception of the omnipotent and omniscient Supreme Leader,"¹² subjecting their people to an un-

The East-Central European Context

37

commonly ruthless oppression, often poorly understood in the West.

Perhaps the most spectacular—and sinister—example of a change of ideological facade may be found in former Serbian President Slobodan Milosevic. Says Dragan Veselinov, a political scientist at the University of Belgrade:

Milosevic and the Serbian Communist elite were not originally nationalists. They took over nationalist ideology to keep themselves in power without substantially changing the political and economic system. By switching ideologies, they were able to unify the public mind, achieving the same result as under Communism.¹³

This is not to say that the *nomenklatura* cannot be enlisted in the democratization process—indeed, elements of the old regime will undoubtedly contribute to building the new. The problems arise when they attempt to use non- or even anti-democratic methods to protect their privileges. Generally, power tends to corrupt even former opposition leaders once they are in control. This has been the case, for example, both in Georgia and in Moldova, where duly elected leaders turned out to have less respect for democracy than might have been expected, once they were exposed to the sweet aroma of authority. Need one even mention that the attraction to power is not a monopoly of Marxists?

It is no exaggeration that in East-Central Europe, the insidious, skillful, and astute efforts on the part of the old elite to change their stripes is perhaps the most formidable obstacle to the dismantling of the old regime in the near term. In Bulgaria, for example, Turkish party spokesman Yunal Lyutfi puts it plainly: "[Nationalism is the only card the Socialists [the former Communists] have to play. Regrettably, that feeling is flourishing in this part of the world. It has no future, but in the short term it is very dangerous."¹⁴ And it is not clear how short the "short term" may be.

The Bloody Flag

Zlatko Anguelov, Bulgarian editor of the London-based *East-European Reporter*, also observes that a climate of “hysteria and hostility” surrounding the issue of nationalism and the Turkish minority is being manufactured:

The blame for this unhealthy environment must be laid at the door of the Communists, as in a number of other East European countries where they have attempted to prolong their grip on power by stirring up essentially a pseudo-question.¹⁵

This “pseudo-question” he believes to be the issue of “pseudonationalism.” But “pseudo” does not mean “bogus.” It is a very real problem indeed, which has already poisoned the body and soul of Bulgaria’s newborn democracy—not irrevocably perhaps, but deeply, and for a long time to come.

2. The Historic Legacy of Nationalism in East-Central Europe

It is possible to talk about a special brand of nationalism in eastern or East-Central Europe, explicable by a complex variety of factors shared by the ethnic communities in the region, however different the particular circumstances at any particular time. Walter Kolarz refers to the people of the region as “peoples without history” in one specific sense, borrowing the terminology of Friedrich Engels, on the ground that in feudal times the upper classes wielded effective political power, while the people themselves “were condemned to be inarticulate, anonymous, silent.”¹⁶ The result has been an uneven development in the self-awareness of these ethnic societies, the ordinary folk alternately revered and despised, their languages either ridiculed or glorified, depending on ideological and political expediency. By contrast to Western Europe, where relative national homogeneity had been achieved before the nineteenth century,

The East-Central European Context

39

East-Central Europe continued to accentuate and nurture differences. Royal power helped unify and civilize the West more rapidly, while in the East “feudal and local particularism did not yield to political and administrative centralization until the nineteenth century, when nationalism was becoming a conscious force.”¹⁷ Accordingly, rather than naturally tending toward democracy, the East tended toward exclusiveness, particularism, and intolerance. Isaiah Berlin speculates—perhaps a bit unfairly—that the reasons may be found in historical impotence:

Those who cannot boast of great political, military or economic achievements, or a magnificent tradition of art or thought, seek comfort and strength in the notion of the free and creative life of the spirit within them.¹⁸

Put bluntly, East-Central European development, both political and economic, lagged behind the West. Hans Kohn explains that in this region

nationalism arose not only later, but also generally at a more backward stage of social and political development: the frontiers of an existing state and of a rising nationality rarely coincided; nationalism, there, grew in protest against and in conflict with the existing state pattern—not primarily to transform it into a people’s state, but to redraw the political boundaries in conformity with ethnographic demands.¹⁹

These demands were in many ways understandable. Over the centuries, the people of the region were variously occupied by the Turks under the Ottoman Empire, the German Empire, the Austrian Hapsburg monarchy, and the Russian Empire. When nationalism was discovered—mainly by the nobility in the occupied lands of East-Central Europe—the process was tinged with pathological, even irrational elements. Thus, Kohn contrasts it, somewhat simplistically but not unjustly, with Western nationalism, which was at least originally “based on reality,”

while "nationalists in Central and Eastern Europe created, often out of myths of the past and the dreams of the future, an ideal fatherland, closely linked with the past, devoid of any immediate connection with the present, and expected to become sometime a political reality."²⁰ Kohn is perhaps unduly charitable to Western nationalists, who after all had their share of intolerance. But in the East the problem was unquestionably worse. The nationalism based on dreams and myth was particularly undemocratic and illiberal.

On occasion, it was outright messianic, especially when special privileges were claimed for an entire people, as was the case in Poland and, at later stages, in Hungary. But as Peter F. Sugar observes, "messianism cannot be egalitarian; it claims rights for a chosen people, the *Volk*, not for the individual or citizen. This *Volk* concept is practically totalitarian."²¹ The reason seems clear enough: the *Volk* idea stands for a group, with a history and national traits expressed through culture and community. The individual is nothing outside of his group. If he opposes the majority he is a traitor to his whole tradition, to his kind.

The *Volk* approach to nationalism in East-Central Europe was radically different from the romantic concept developed in the West, in particular the idea developed by Johann Gottfried von Herder at the end of the eighteenth century. Herder's emphasis was on linguistic and cultural tradition; he was fully aware of the dangers behind an overly messianic rediscovery and rewriting of national history. Presciently anticipating later abuses, he warned that "the historian of humanity should be careful in this [the rediscovery of the past] not to make one nationality into his exclusive favorite"; nor should anyone be tempted to force his own nationality's system upon others by virtue of national prerogative, no matter how well-intentioned the motives, for "the happiness of one nationality cannot be forced upon, thrust upon, or loaded on another or all others."²²

Herder's humanistic tolerance did not survive the adoption of his ideas in Eastern Europe. Though he is credited with having

been extremely influential in introducing nationalism in Eastern Europe—Germany being the main transmitter of ideas to that region—Herder became distorted almost beyond recognition. While he was a champion of liberty for all humanity, his disciples to the east were statists and exclusivists.

He would hardly have anticipated that one of his most widely acclaimed contributions to the East-Central European nationalist awakening was to be the praise he reserved for the Slavs, whom he admired particularly for their humble devotion to peace and their refusal to compete for the mastery of the world, patiently paying their taxes in exchange for tranquility. Herder's one fatal mistake was to add that several nations, but mainly the Germans, "committed crimes against them"²³—thus fueling the most virulent form of Pan-Slavism, especially among the Czechs and Slovaks.

The Slovak Lutheran minister and poet Jan Kollar (1793-1852), for example, who acknowledged his debt to Herder, chose to thoroughly distort Herder's admiration of the Slavs, turning it into a caricature as he predicted that "everywhere the Slavs, like a mighty flood, will extend their limits" as "sciences will flow through Slav channels; our people's dress, their manners and their songs will be fashionable on the Seine and on the Elbe."²⁴ So much for the mild-mannered Slavs.

It is notable that the champions of this aggressive nationalism were the intelligentsia—poets, writers, members of the educated class. Until the beginning of the eighteenth century, they had used French, German, and Latin as their languages. But in the 1780s the Hapsburg monarchy unwittingly sowed the first seeds of its own demise. Emperor Joseph II not only introduced religious tolerance but encouraged education, which at the lowest level was to be given in the vernacular language, thus creating new cultural elites among the people of East-Central Europe. In addition, Herder's philosophical support for folk traditions and, native language further encouraged these elites "to write grammars and compile dictionaries of their native tongues, to translate

The Bloody Flag

foreign works, to collect folk songs, to explore national antiquities, to do research in historical chronicles and archives."²⁵ All this was meant to enhance the glory of one's nation and establish not its equality among others but indeed its superiority morally, historically, and even religiously.

In some cases, the first stirrings of nationalism came through religious awakening and the sharpening of religious conflicts. This was the case, for example, in Poland, where Catholics and Greek Orthodox citizens clashed during the late eighteenth century. After Poland was first partitioned in 1772 between Prussia, Russia, and Austria, Jan Dekert, then mayor of Warsaw, organized a movement for the civil and political rights of burghers. The following year, Polish was introduced as the language of instruction in the universities. Bishop Adam Naruszewicz wrote a history of Poland, and more foreign books were translated into Polish, while old Polish texts were being edited and reprinted.

The second partition of Poland in 1793 was followed by another in 1795, the sad result of a Polish revolt against the Russians led by Tadeusz Kosciuszko. Kosciuszko had been a veteran of the American War of Independence, which evidently inspired him to emulate the exercise in his native land, but with far less propitious results. It was not, however, until after the great uprising of 1848, when the nationalities of East-Central Europe revolted against the Hapsburg monarchy demanding greater self-determination, that Polish—and East-Central European—nationalism came into its own.

In Poland, its eloquent spokesman was Adam Mickiewicz, a professor of literature in France at the time of the 1848 uprising, whose nostalgic attachment to his native land was romantic and benign. His *Books of the Polish Nation and of a Polish Pilgrimage*, written in 1832, is a beloved classic, having helped keep alive the national consciousness of his people.

Another veteran of 1848 who left an indelible mark on the history of nationalism in his country was the Hungarian lawyer Lajos Kossuth (1802-1894), who galvanized an already aggres-

The East-Central European Context

43

sive political nationalism. Writes Kohn: "Whereas the nationalist activities of Czechs and Croats, Romanians and Ukrainians, were before 1848 mostly confined to the cultural field, the Magyars in Hungary turned to transform this ancient multi-racial kingdom into a Magyar national state."²⁶ This is not to say that nationalism in Hungary did not start in a similar cultural context. George Bessenyei (1747-1811), an officer at the court of Vienna, was instrumental in having books translated from French and English into Hungarian. Debreczin, the largest Hungarian city, then became a kind of national center. A new Hungarian newspaper, *Magyar Hírnépe*, recommended wearing national costumes, and the old Hungarian leaders who had resisted Tatars and Turks were being revived and revered. The first history of Hungary was written by Stephen Katona in 1778, and another, forty-volume version occupied him from 1779 to 1817.

In 1833, the official language of Hungary was changed from Latin to Magyar, thus starting the process of Magyarization of the Hungarian administration. Lajos Kossuth edited the progressive newspaper *Pesti Hírlap*, which demanded constitutional reforms, liberal legislation, and national independence for Hungary—an admittedly enlightened position, but with one catch: these rights were not applicable to the non-Magyar minorities.

Indeed, the spirit of 1848 soon turned sour as nationalist aspirations undermined the democratic ideals that inspired the uprising in the beginning. The new nationalism stressed collective power and unity at the expense of individual freedom. East-Central European nationalism took a turn against liberalism with a vengeance.

Hungary seemed to win out, however, at least relative to other nationalities. In 1867, Emperor Francis Joseph of Austria was obliged to share power with Hungary, inaugurating the so-called period of Dualism known as Austria-Hungary. Afterward, Hungary was regarded as a "national state" with one "political nation"—the Magyars. (The word for "Magyar," for example, is in fact the same as for "Hungarian.") Membership in this nation

The Bloody Flag

I been limited in past centuries to the nobility; in 1848, as a result of the liberalizing trend, it extended to all those who spoke Magyar and considered themselves Magyars.

But it went no further. While members of other nationalities (*mzeiseq*) could continue using their own languages in private, the public language had to be Magyar. In 1868, a nationality Law was passed that allegedly protected the cultural rights of the non-Magyars, but in effect many of their privately owned schools were suppressed; education laws introduced the rigid regulations about the teaching of Magyar, and non-Magyar newspapers were either undermined or suppressed outright, which produced bitter anti-Magyar nationalist activity. Shortly after the dramatic awakening of the Hungarians, wars followed suit. Nationalist demands were raised by Romanians, Serbs, Slovaks, and Croats who lived on the territory of Hapsburg Austria—all wanting educational reforms, the right to learn in their own languages. Their limited success relative to the Hungarians was due to their smaller numbers, a more dispersed settlement pattern, and the fact that their abilities were weaker.²⁷

The region was indisputably transformed by the upheavals of 1848, which were widely perceived to be nothing short of a watershed." Sugar describes the ensuing period succinctly:

[B]etween 1848 and 1914 nationalists faced two enemies: the dynastic empires from which they wanted to obtain at least autonomous self-rule and all the other people who shared their goals but also claimed some of the same territories, and the same determination to be recognized as sovereign over them. What emerged was something like a *quod licet Jovi non licet bovi* [what is permissible for Jove is not permissible for the bull] attitude of denying others the rights, privileges, and even the validity of dreams perfectly justified for one's own nation.²⁸

His exclusionary attitude created the xenophobia, anti-Semitism, and other noxious fumes that persisted through the First

The East-Central European Context

45

World War and were only exacerbated by the horror that ensued with the Nazi period and the Communist totalitarian terror. The attitude is emerging now in a newer form, having been distorted during the Communist era when cynicism of a Marxist-Leninist variety gave the concept a peculiar twist: paying lip-service to ethnicity within an ideological context that had nothing but contempt for it. This situation presents new dangers in a volatile region facing not only insuperable economic problems but also deep psychological scars—some of them perhaps beyond repair.

Not unexpectedly, ethnicity figured rather prominently in the rise of Communism in the region. Writes Richard V. Burks, in his study *The Dynamics of Communism in Eastern Europe*:

We may erect almost as a principle the proposition that in [E]astern Europe numerically weak ethnic groups produce above-average numbers of Communists, providing these groups have a traditional or ethnic tie to Russia. Other factors being equal, the weaker the ethnic group, the greater the proclivity.²⁹

In other words, members of groups that were less integrated turned in greater numbers to Communism as a source of power. The conclusion seems inescapable that Communism was seen as providing a certain political advantage, leaving the impression that for many opportunism played a role in the selection of this ideology.

Once Communism came to power, the new governments used nationalism in various ways, "using and exploiting it when it suited their convenience, while condemning it in theory."³⁰ For instance, the Soviets called on the Czechs and Poles to unite behind the Soviet Union against the Germans. Similarly, Russian nationalism itself—previously condemned by Stalin as high treason—became a useful tool in his hands during the Second World War.

During the Communist regime, moreover, nationalism was used as a "cover" for what were actually economic demands and grievances. One reason was that it safer for people to express

their grievances in such terms—since economic reforms as such were virtually beyond hope in rigid, centrally controlled socialist systems. This pattern cannot be ignored if one hopes to understand post-totalitarian East-Central Europe.

III

Spotlight on Romania

1. The Pre-Communist Tradition

To summarize very briefly Romania's historical odyssey, the Carpathian-Danubian area was originally populated by the Dacians (or Getae) in the first half of the first millennium B.C., until their conquest by Rome in the beginning of the second century A.D. The Latin language and Christianity were gradually introduced over the course of the next century. But the Romans were forced to leave Dacia in 261 A.D. by nomadic tribes—opening the region to waves of such invasions. In the eleventh century, Transylvania (Dacia's northwestern region) came under Hungarian rule, which lasted until 1918. Wallachia and Moldova (the southern and eastern regions, respectively) were briefly united by Michael the Brave from 1593 until 1601. After his assassination, there followed Turkish influence in the provinces, mainly through Greek officials known as Phanariotes (after the Phanar quarter of Constantinople where the Greeks originated). The provinces had to pay tribute to the Turkish sultan for over two centuries.

During the 1700s, Russia and Austria vied with each other for Romanian territories. Russia briefly occupied Moldova, then

DEMOCRATIC INTERNATIONALISM IS ORWELLIAN NEWSPEAK FOR ILLIBERAL GLOBALISM

April 30, 2022



“Ironically, and contrary to so many professed good intentions, Jews do most to advance the liberal idea when they stand up to their enemies on their own behalf, and least when they assume excessive guilt in the hope of political absolution, or camouflage the defense of Jews as a loftier cosmopolitan cause.” So wrote the celebrated Harvard professor **Ruth Wisse** in 1992. But her assessment is no less applicable to modern-day Americans, Jews and non-Jews alike, who similarly engage in the common fallacy known as mirror-imaging. Though understandable, the propensity to project one’s psychological and cultural reaction-patterns on others, and assume they respond in similar ways, invariably misfires. People who welcome expressions of remorse, for example, may be over-eager to



HOME ABOUT FILMS MEDIA EVENTS BLOG SHOP DONATE
CONTACT

This is wishful thinking on steroids. Most if not all of America's enemies will no more stop hating it than will Israel's, even if the Zionist state were to abide by every United Nations resolution. Maybe they would be impressed if it committed suicide, but probably not. Because at bottom, the enemies of both nations share an antagonism that no amount of kowtowing and breast-beating can erase. Israel and America embrace a system their opponents consider anathema. Like Israel, the American republic is based on Abrahamic principles articulated in the Torah, implicitly challenging the legitimacy of any government that repudiates them.

The cluster of beliefs that underlie those principles is not easy to describe. The task becomes exponentially harder as ambiguities emerge through time. "The liberal idea," Wisse's wise choice for describing the multi-layered conceptual wellspring of an affinity community bound by a covenant they vow to respect, is best captured in the Declaration of Independence. Such a covenant enfolds its members and their descendants, but others' inclusion is anticipated and welcomed. It presupposes one overarching liberal idea, usually called "classical," that of respect for all human beings. Predicated on personal responsibility, consisting of reciprocal rights and obligations, it thrives in a culture of empathy.

Though not strictly an ideology, what was first described by Adam

Smith as “the system of natural liberty” may well be labeled *liberalism*, if only to underscore the holistic conceptual reach of the liberal idea and its emotional hold, in a way that purely cognitive, rational philosophical categories cannot do. The problem with most political “isms” is the preponderance of passion at the expense of logic, which undermines most attempts at clarity. As fuzzy connotation overwhelms somewhat less ambiguous denotation, they are catnip for sophists.

Anti-Americanism is a particularly interesting case. Of relatively recent origin, the unwieldy appellation is not to be confused with disliking any one thing about America, or even America as a whole, whatever that means. Anti-Americanist sentiment/ideology targets Americans in a manner comparable to traditional anti-Judaism, a curiously contradictory propensity to hate Jews because they are rich and despise them for being poor. So anti-American snobs detest Americans for being materialistic because they like spending, and too idealistic because they enjoy taking risks. In foreign affairs, American isolationists are accused of not caring about anyone else, but when Americans do engage, they are charged with imperialism. Go figure.

As ideologies, anti-isms resist refutation. “Americanism” is not a function of any particular set of government policies, for even when those change, which they frequently do, the antagonism persists. Which is not mere loathing: for while many people dislike the French in general and even in particular, there is no anti-Frenchism;

nor, for that matter, anti-Irishism or anti-Italianism, despite the presence of signs a century ago, particularly but not exclusively in Southern states, expressing hostility against both those ethnicities. Antagonism directed against people qua members of a particular group varies with time and place, as do the rationalizations which serve as justifications. Call it tribalism if you wish, it comes down to this: my own is better than yours, now go away or suffer the consequences.

But that doesn't capture the heart of the matter. Political scientist James Ceaser has it exactly right when he defines anti-Americanism as "the political religion of our times." Writing in an anthology on the subject, in 2004, he found that "[o]n every continent, large contingents of intellectuals, backed by significant numbers in the political class, organize their political thinking on the basis of anti-Americanism." Today, the situation is far worse.

But what sort of ideology? According to the anthology's editor, intellectual historian **Paul Hollander**, it refers to "a deep seated, emotional predisposition that perceives the United States as an unmitigated and uniquely evil entity and the source of all, or most, other evils in the world." Intimately related to fear of modernity, it reflects "the belief that big corporations (capitalism) are in the process of extending their influence and power around the world, and that the United States, as the major capitalist country, plays a prime role in this undesirable process."

Anti-Americanism is thus an unmistakable symptom of hostility to Wisse's "liberal idea." Like antisemitism, a particularly identifiable, albeit heterogeneous, group is used as a foil to reify and concentrate resentment. The tactic is notoriously effective in forging political alliances, harnessing quasi-religious zeal couched in lofty-sounding ideals that help dispense with any additional justificatory arguments.

No one understood this maneuver better than did the great George Orwell. In his underappreciated *Notes on Nationalism*, published in October 1945, Orwell seized the opportunity to fill the semantic niche created by a habit of mind that "is now so widespread that it affects our thinking on nearly every subject," which we may describe as the anti-liberal *ism*. The essay is a masterpiece more relevant than ever.

Leery of coining one more neologism that ends up stillborn, he opts for the next closest thing: an existing dictionary entry in more-or-less-good standing, sanctified by common usage, which, however imperfectly suited for the new job at hand, is reasonably new and just vague enough to permit flexible redefinition through caveat and contextualizing. "Nationalism" seemed just right.

The minor inconvenience that in Orwell's usage it does not always, perhaps not even primarily, involve feelings about a *nation* in the usual sense of a race or geographical area, denoting instead a religion (or "church") or class, he has to redefine it first:

By “nationalism” I mean first of all the habit of assuming that human beings can be classified like insects and that whole blocks of millions or tens of millions of people can be confidently labelled “good” or “bad.” But secondly – and this is much more important – I mean the habit of identifying oneself with a single nation or other unit, placing it beyond good and evil and recognizing no other duty than that of advancing its interests.

And since any definition will become clearer when contrasted with a merely apparent and thus all the more misleading, synonym, he specifies that

... [n]ationalism is not to be confused with patriotism. Both words are normally used in so vague a way that any definition is liable to be challenged, but one must draw a distinction between them, since two different and even opposing ideas are involved. By “patriotism” I mean devotion to a particular place and a particular way of life, which one believes to be the best in the world but has no wish to force on other people. Patriotism is of its nature defensive, both militarily and culturally.

The difference is radical. “Nationalism... is inseparable from the desire for power,” and thus requires a careful designation of the target group or “nation,” something greater than oneself, as distinct from an alien “other” against which one must fight. Conveniently, it serves to both legitimize and camouflage personal ambitions for aggrandizement. “The abiding purpose of every nationalist is to secure more power and more prestige,” adds Orwell – purportedly “not for himself but for the nation or other unit in which he has chosen to sink his own individuality.”

If one expected a member of the notoriously egocentric intelligentsia to be among the least inclined to “sink his individuality” into anything, one would be wrong. After clarifying that the elite set includes Communist Party members as well as “fellow-travelers” and russophiles generally, Orwell declares that among them, “the dominant form of nationalism is Communism.” A former Communist himself, whose Socialist sympathies persisted long after abandoning all faith in the Soviet system, Orwell defines the term not as a slur, nor, McCarthy-style, a false accusation of Party affiliation, but as a general attitude: “A Communist looks upon the U.S.S.R. as his Fatherland and feels it his duty to justify Russian policy and advance Russian interests at all costs. Obviously such people abound in England today, and their direct and indirect influence is very great.”

In particular, a Communist thus defined would follow Russian policy regarding America which had once again turned sour the brief

marriage of convenience during World War II. After Joseph Stalin stated publicly, in February 1946, that “the war broke out as the inevitable result of the development of world economic and political forces on the basis of present-day monopolistic capitalism,” it was back to the old Marxist antinomies. Pro-Soviet nationalist/Communists, in Orwell’s sense, were thus necessarily anti-American. This held true not only outside the United States – specifically in England, Orwell’s main target audience – but ominously, within.

Trouble starts once omelets are on the revolutionary menu, and the variously guillotined eggs scramble inside the frying pans of nationalism, yielding double standards. For “[t]he nationalist not only does not disapprove of atrocities committed by his own side, but he has a remarkable capacity for not even hearing about them.” This is by no means limited to one side. Orwell reminds the reader, perhaps prematurely tempted to self-congratulate, that “[f]or quite six years the English admirers of Hitler contrived not to learn of the existence of Dachau and Buchenwald.” Similarly, “those who are loudest in denouncing the German concentration camps are often quite unaware, or only very dimly aware, that there are also concentration camps in Russia. Huge events like the Ukraine famine of 1933, involving the deaths of millions of people, have actually escaped the attention of the majority of English russophiles.”

Members of both camps will likely find fellow-nationalists in other areas. Thus “[m]any English people have heard almost nothing

about the extermination of German and Polish Jews during the present war. Their own antisemitism has caused this vast crime to bounce off their consciousness. In nationalist thought there are facts which are both true and untrue, known and unknown.” And all nationalists “have the power of not seeing resemblances between similar sets of facts.”

Closely related to this cognitive deficiency is the practice of moral equivalence, which presumes to set in balance often preposterously disparate iniquities. Notable among them is the practice of “‘comparative trivialization,’ as in **comparing** United States’ treatment of the prisoners in Guantánamo to the Nazis’ treatment of those they detained.” Abuses of Holocaust memory, in fact, have become increasingly common on the liberal-left, particularly in the last few years. In May 2019, for example, Congresswoman Rashida Talib mused on *Yahoo News* podcast: “There’s a kind of a calming feeling, I always tell folks, when I think of the Holocaust and the tragedy of the Holocaust, and the fact that it was my ancestors — Palestinians — who lost their land, and some lost their lives, their livelihood, their human dignity, their existence, in many ways, had been wiped out.” To which Aaron David Miller, advisor to both Democratic and Republican presidents, who is Jewish, could say only that **the comparison was** “highly arguable.”

Arguable, quite highly so, but seldom argued by increasingly many Americans, in particular Jews, who call themselves liberals. As progressivism has taken over larger segments of the community,

tikkun olam has served as a conceptual bridge, savvily camouflaged in both foreignness and religiosity to facilitate the transition. Who better than Barack Obama to explain how modern liberalism became all but indistinguishable from the Jewish conception of social justice: “Around the world, we can seek to extend the miracles of freedom and peace, prosperity and security, to more of God’s creation. And together we can continue the hard but awesome work of *tikkun olam*, and to do our part to repair the world,” declared the president in his Passover **greeting** issued by the White House on April 15, 2015.

Nice words, but what did he mean? The president’s most important role is to keep the nation safe. What does “extending the miracles of freedom and peace” mean in actual practice? Preserving those indispensable prerequisites for national survival is one thing. But did Obama’s decision to assist European efforts to bomb Libya so as to precipitate regime change end up “extending” either of those fine goals? Was that (and many other controversial foreign policy moves) part of the Founders’ plan in any way?

Scholars have been split between those who argue that most Founders sought to stay out of foreign conflicts and those who see America as the shining city on the global hill. But no one denies that originally, in the eighteenth century, the one overarching foreign policy issue before the embryonic United States was sheer survival.

For that was no time for isms. Once a peaceful resolution of their

disagreement with the Mother Country proved illusory, and the Founders bravely declared independence, the signatories of the treacherous Declaration knew they faced execution. They also knew that they could not do it alone: for the colonists to win a war against the mighty British empire, allies were indispensable. Amazingly, defying overwhelming odds, the ragged colonists did win. The consummate diplomat Benjamin Franklin delivered France; John Adams overcame his emotional deficit and rose to the occasion, securing a hefty loan from the Netherlands; and George Washington put his prior military and intelligence experience to good use, demonstrating extraordinary strategic acumen.

Since the Constitution places responsibility for foreign policy decisions in the executive and reserves appropriation of funds to Congress, the drafters demonstrated typical pragmatism in combining opposites. Though intending that a large a portion of the population should endorse the politicians' decisions, the greatest latitude and ultimate decision is left to the commander-in-chief. The Progressive Theodore Roosevelt, alongside Wilson, his co-ideologue who later skillfully adopted the liberal label, both sought to spread the American vision of democracy as defined in their day by John Dewey: by people like themselves, elites who knew what was best for the people, which they both interpreted in expansionist terms. But if that was "internationalism," neither used the word. It was thus described only retroactively, and most imprecisely.

As often happens with rhetoric, Wilson's famous "Fourteen Points"

was less influential for what it said than for what it precipitated: bringing the United States into a conflict that did not threaten its borders, seemingly for ideological reasons alone. In **that document**, Wilson summarized those reasons:

What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us. The program of the world's peace, therefore, is our program...

Should this be considered a fair description of what has since been called “liberal internationalism”? University of Sussex professor Beate Jahn **explains** recent developments: “Under the Bush administration in the early 2000s, the United States seemed to abandon liberal internationalism altogether. It replaced multilateralism with unilateralism, shunned its friends and allies, ignored international institutions, pursued an aggressive and illegal

economic policy, and blatantly violated human rights.” Others, notably **G. John Ikenberry**, disagree: “it is not liberal internationalism that is in crisis but rather America’s authority as the hegemonic leader of the liberal world order.”

In an **article** Ikenberry co-authored with Daniel Deudney in 1999, the two professors argued that “the postwar order was created as a response to the earlier failures of both Wilsonian internationalism and the extreme realism of the inter-war period (and its economic blocs, mercantilism, hyper-nationalism, and imperialism).” The implication is that the new form of liberal internationalism is seen as no longer under American control but must be “multilateral.” No longer are international institutions to be “ignored” but deferred to, and the U.S. may no longer “blatantly violate human rights” with impunity.

The change from pre-Cold War to the new version of liberalism, writes Beatte Jahn, amounts to a veritable crisis. “[L]iberal internationalists trace its roots to arrogant American foreign policies and view a reformed democratic internationalism as the solution.” In 2012, the Council on Foreign Relations (CFR) released a **Working Paper** by Ikenberry and Deudney recommending that “the United States should initiate a new phase of democratic internationalism based on the “pull of success rather than the push of power” that “deepens democracy globally, prevents democratic backsliding, and strengthens and consolidates bonds among democratic states.” Then-president Barack Obama would famously call this “leading

from behind.”

Though he did not give it a name, president Obama implemented the new foreign policy of the left-liberals, which Elliott Abrams, Tikvah Fund board chairman, CFR fellow, and distinguished foreign policy official for several presidents, calls “an ideology.” Its essence was conveyed not by words but through Obama’s actions, which Senator George McGovern, the Democratic presidential candidate in 1972, would have heartily endorsed. Writes **Abrams**:

The ideas espoused by Obama “incubated” decades ago, and were most likely adopted back at Columbia University or in the Chicago kitchen of his friends of Weathermen fame, Bill Ayers and Bernadine Dohrn.... The enduring hold of that ideology is visible not only in his Iran policy but also, most recently, with respect to Cuba. There, too, he has reversed decades of American foreign policy, and has done so, as in the case of Iran, without seeking any deep concessions from the Castro regime. In both instances, Obama has acted not to advance American national interests but to make amends for U.S. policies and actions that he views as the immoral and retrograde detritus of the “cold-war mentality.”


It is difficult to overstate the stunning nature of this assessment: that a president would ever act in a manner designed “not to advance American national interests,” choosing rather to “make amends” for his country’s presumed sins, is predictably seen as a form of weakness and decadence. It is bound to embolden the nation’s enemies.

But in what way can internationalism be “democratic”? When the *demos* includes the whole world, what sort of *krasis* (Greek for “power”) can any one person wield? Ikenberry and Deudney attempt to clarify: “democratic internationalism,” as they see it, “would return liberal internationalism to its roots in social democratic ideals, seek to redress imbalances within the democratic world between fundamentalist capitalism and socioeconomic equity, and move toward a posthegemonic system of global governance in which the United States increasingly shares authority with other democracies.” In other words, its aims are “democratic” meaning property would be more equally distributed in a “post-hegemonic” (more homogeneous?) world order.

The authors correctly point out that “American liberal internationalism was shaped and enabled by the domestic programs of the Progressives, the New Deal, and the Great Society. These initiatives aimed to address the U.S. economic, social, and racial inequalities, create a free but efficiently regulated capitalism, recast the American state for an industrializing and globalizing world, and adapt the U.S. constitutional order and the pursuit of

freedom to modernity.” Those were golden days. Unfortunately, at present, “[a]mong democracies, the United States finds itself an outlier, as other democratic states surpass it on various measures of democratic performance like equity, opportunity, and institutional effectiveness.” History marches on while America lags ideologically behind.

Above all, it is deficient in equity. But equity *uber alles* is a tall order:



Tackling the maldistribution of wealth, income, and opportunity that has increasingly marked contemporary democracies requires reversing many of the policies of Reagan-Thatcher fundamentalist capitalism.... More specifically, the equity agenda requires the restoration of progressive income taxation and heavy taxation of large estates, and greater roles for workers and their unions in corporate governance.

Nor is the equity problem restricted to individuals, it also extends to states. The effort must be transnational, for “[c]losing the ‘democratic community gap’ will require building links between the United States and numerous non-Western democracies, as well as with longstanding democracies strongly committed to robust government promotion of social and economic equity associated with social democracy.” This requires a major reconsideration of

America's role in the world.

This so-called “democratic internationalism” is but the foreign policy side of America's strategy coin, the other being “the progressive domestic program of renewal.” In all probability, argue Ikenberry and Deudney, in the foreseeable future “support for a new domestic progressive agenda will grow. However, this domestic political mobilization is necessary but insufficient to tame and regulate capitalism, given the scale and scope of the global capitalist system...” What must happen is for the U.S. to go beyond “the hypercapitalist world, [for] only a wide coalition of democratic states can establish the common frameworks and standards for regulation, taxation, and growth.”

Once capitalism is “tamed” at home, the United States will be much more popular. “If progressives can succeed in turning domestic policy in the United States, they will find themselves in a world hospitable to their agenda, an enlarged democratic world with many potentially willing partners.” For that to happen, however, the U.S. must turn toward “multilateral problem solving and global governance.” Unfortunately, “[i]nternational cooperation seems to have succumbed to gridlock in multiple areas, such as the environment, trade, United Nations (UN) reform, and the global nonproliferation regime,” in no small measure due to U.S. recalcitrance.

The new model of global governance differs somewhat from the

original version which relied primarily on international organizations such as the U.N. and its agencies, as well as the World Bank, IMF, and others whose membership is restricted to state representatives. By contrast, “[t]he next generation of global governance will employ approaches that combine agendas of formal international institution building with complementary efforts and strategies from nongovernmental organizations [NGOs], networks of research institutions, local governments, and corporations.” Together they constitute a coalition of progressive so-called “epistemic communities,” which in plain English refers to elites consisting of academics, diplomats, and international bureaucrats.

As all presume to speak “for the interests of the world’s poor” and the alleged good of “the people,” Hudson Institute Senior Fellow John Fonte **concludes** that “the global governance project” is at bottom “a grand ideological and institutional enterprise that promises to be of world-historical significance – an attempt to create new political forms above and beyond the liberal democratic nation-state.” True to form, those empowered to speak for “all” are the infamous vanguard, the intellectual **ideocracy** who know the real interests of the “countless thousands.”

American University law professor Kenneth Anderson **diagnoses** this anything-but-democratic internationalism as a secularization, indeed perversion, of medieval utopian millenarianism in modern garb. It is, argues Anderson, “comprehensible only upon the religious worldview that boldly proclaims the good news of

international organizations, differing from the view of the Psalmist – the ‘earth is the Lord’s, and the fullness thereof’ the world, and they that shall dwell therein” as goes the passage from *Isaiah*. Except this time, scoffs Anderson, it is “the UN, that duly noted steward of the Lord, [who will] inherit the earth.”

Poverty itself, claim the epistemic elites, proves incontrovertibly that the rich are violating the human rights of the poor whom they mercilessly exploit. Most NGOs, reflexively progressive, are especially prone to this form of reasoning, self-appointed ambassadors-without-portfolio for “the poor,” claiming to speak in the name of the “public” interest. In an unpublished essay titled “*After Seattle*,” written in 2000, Anderson writes that the “elite media,” such as the *Economist*, have only exacerbated the problem by implicitly conferring special moral approval to this putative “international civil society.” Such bombast only reinforces the self-righteousness of organizations that are in no way accountable to anyone but their funders, whether government agencies or private donors with individual agendas, however well intentioned.

Anderson charges that the “human rights movement is as a kind of secular religion... increasingly assuming the tone of (prosecutorial) authority and taking its international structures as grounds for the reform of recalcitrant nation-states within what might be thought of [as] the Holy Human Rights Empire.” According to a *2006 report* by the U.N. itself, the organization became an ideal conduit for progressivism: “social justice first appeared in United Nations texts

during the second half of the 1960s. At the initiative of the Soviet Union, and with the support of developing countries, the term was used in the “**Declaration on Social Progress and Development**,” adopted in 1969.

Three decades later, it was solidly entrenched. Writes long-time human rights activist Aaron Rhodes in his 2018 book ***The Demise of Human Rights***: “The early 1990s saw a worldwide resurgence of left-wing politics under a range of slogans providing cosmetic dissociation from Communism and state socialism.” In the forefront were the self-styled “‘human rights’ campaigns, promoting social and economic rights and asserting that civil and political rights by themselves are a recipe for exploitative, even racist capitalism. But these were (and are) movements essentially advocating coercion in the name of human rights.”

Do words even matter anymore? When internationalism is code-word for the new global authoritarianism, “human rights without freedom” the new anti-liberalism, and progress a millenarian euphemism for the apocalypse, we must turn to Ludwig Wittgenstein. Having **reminded us** that “philosophical problems arise when language *goes on holiday*,” adding that most “questions to be found in philosophical works are not false but nonsensical,” what else can we do but come home from the semantic sabbatical and take a look at a reality that may escape the pseudo-educated woke but not the commoners whose common sense is still mercifully awake.



Dr. Juliana Geran Pilon is a Senior Fellow at the Alexander Hamilton Institute for the Study of Western Civilization. Her books include *The Utopian Conceit and the War on Freedom*, *The Art of Peace: Engaging a Complex World*, *Soulmates: Resurrecting Eve*, *Why America is Such a Hard Sell: Beyond Pride and Prejudice*, *The Bloody Flag: Post-Communist Nationalism in Eastern Europe — Spotlight on Romania*, *Notes From the Other Side of Night*, and three anthologies. She has published over two hundred articles and reviews on international affairs, human rights, literature, and philosophy, and has made frequent appearances on radio and television.

SHARE THIS STORY, CHOOSE YOUR PLATFORM!



DAVID HUME

ESSAYS

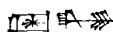
MORAL, POLITICAL,
AND LITERARY

*Edited and with a Foreword, Notes,
and Glossary by*

EUGENE F. MILLER

*With an apparatus of variant readings from
the 1889 edition by T. H. Green and T. H. Grose*

REVISED EDITION



Liberty Fund
INDIANAPOLIS

This book is published by Liberty Fund, Inc., a foundation established to encourage study of the ideal of a society of free and responsible individuals.



The cuneiform inscription that serves as our logo and as the design motif for our endpapers is the earliest-known written appearance of the word "freedom" (*amagi*), or "liberty." It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

Foreword and editorial additions © 1985, 1987 by Eugene F. Miller. All rights reserved. All inquiries should be addressed to Liberty Fund, Inc., 8335 Allison Pointe Trail, Suite 300, Indianapolis, Indiana 46250-1684. This book was manufactured in the United States of America.

Frontispiece portrait of Hume by Allan Ramsay 1754, used by permission from H.I.T. Gunn, Esq. W.S., and The Scottish National Portrait Gallery, Edinburgh, Scotland.

Facsimile title and part title pages from Volume I of Hume: *Essays and Treatises on Several Subjects*, London 1777, courtesy of The Huntington Library, San Marino, California.

Library of Congress Cataloging in Publication Data

Hume, David, 1711–1776.

Essays, moral, political, and literary.

Based on the 1777 ed. originally published as vol. 1 of *Essays and treatises on several subjects*.

Includes bibliographical references and index.

1. Ethics, Modern—18th century. 2. Social ethics—Early works to 1800.
3. Political science—Early works to 1800. I. Miller, Eugene F., 1935– II.
Hume, David, 1711–1776. *Essays and treatises on several subjects*. III. Title.
B1475 1985b 192 86-27306

ISBN 0-86597-055-6

ISBN 0-86597-056-4 (pbk.)

05	04	03	02	01	C	8	7	6	5	4
04	03	02	01	97	P	1	0	9	8	7

CONTENTS

Foreword by Eugene F. Miller, xi

Editor's Note, xix

Note to the Revised Edition, xxviii

My Own Life by David Hume, xxxi

Letter from Adam Smith, LL.D. to William Strahan, Esq., xliii

PART I

I	Of the Delicacy of Taste and Passion	3
II	Of the Liberty of the Press	9
III	That Politics May Be Reduced to a Science	14
IV	Of the First Principles of Government	32
V	Of the Origin of Government	37
VI	Of the Independency of Parliament	42
VII	Whether the British Government Inclines More to Absolute Monarchy, or to a Republic	47

VIII	Of Parties in General	54
IX	Of the Parties of Great Britain	64
X	Of Superstition and Enthusiasm	73
XI	Of the Dignity or Meanness of Human Nature	80
XII	Of Civil Liberty	87
XIII	Of Eloquence	97
XIV	Of the Rise and Progress of the Arts and Sciences	111
XV	The Epicurean	138
XVI	The Stoic	146
XVII	The Platonist	155
XVIII	The Sceptic	159
XIX	Of Polygamy and Divorces	181
XX	Of Simplicity and Refinement in Writing	191
XXI	Of National Characters	197
XXII	Of Tragedy	216
XXIII	Of the Standard of Taste	226

PART II

I	Of Commerce	253
II	Of Refinement in the Arts	268
III	Of Money	281
IV	Of Interest	295
V	Of the Balance of Trade	308
VI	Of the Jealousy of Trade	327
VII	Of the Balance of Power	332
VIII	Of Taxes	342
IX	Of Public Credit	349

CONTENTS

X	Of Some Remarkable Customs	366
XI	Of the Populousness of Ancient Nations	377
XII	Of the Original Contract	465
XIII	Of Passive Obedience	488
XIV	Of the Coalition of Parties	493
XV	Of the Protestant Succession	502
XVI	Idea of a Perfect Commonwealth	512

ESSAYS WITHDRAWN AND
UNPUBLISHED

I	Of Essay-Writing	533
II	Of Moral Prejudices	538
III	Of the Middle Station of Life	545
IV	Of Impudence and Modesty	552
V	Of Love and Marriage	557
VI	Of the Study of History	563
VII	Of Avarice	569
VIII	A Character of Sir Robert Walpole	574
IX	Of Suicide	577
X	Of the Immortality of the Soul	590

Variant Readings, 601

Glossary, 649

Index, 661

ESSAYS,
MORAL, POLITICAL,
AND
LITERARY.

PART II.*

*PUBLISHED in 1752.

ESSAY

I

OF COMMERCE

THE greater part of mankind may be divided into two classes; that of *shallow* thinkers, who fall short of the truth; and that of *abstruse* thinkers, who go beyond it. The latter class are by far the most rare: and I may add, by far the most useful and valuable. They suggest hints, at least, and start difficulties, which they want, perhaps, skill to pursue; but which may produce fine discoveries, when handled by men who have a more just way of thinking. At worst, what they say is uncommon; and if it should cost some pains to comprehend it, one has, however, the pleasure of hearing something that is new. An author is little to be valued, who tells us nothing but what we can learn from every coffee-house conversation.

All people of *shallow* thought are apt to decry even those

of *solid* understanding, as *abstruse* thinkers, and metaphysicians, and refiners; and never will allow any thing to be just which is beyond their own weak conceptions. There are some cases, I own, where an extraordinary refinement affords a strong presumption of falsehood, and where no reasoning is to be trusted but what is natural and easy. When a man deliberates concerning his conduct in any *particular* affair, and forms schemes in politics, trade, æconomy, or any business in life, he never ought to draw his arguments too fine, or connect too long a chain of consequences together. Something is sure to happen, that will disconcert his reasoning, and produce an event different from what he expected. But when we reason upon *general* subjects, one may justly affirm, that our speculations can scarcely ever be too fine, provided they be just; and that the difference between a common man and a man of genius is chiefly seen in the shallowness or depth of the principles upon which they proceed. General reasonings seem intricate, merely because they are general; nor is it easy for the bulk of mankind to distinguish, in a great number of particulars, that common circumstance in which they all agree, or to extract it, pure and unmixed, from the other superfluous circumstances. Every judgment or conclusion, with them, is particular. They cannot enlarge their view to those universal propositions, which comprehend under them an infinite number of individuals, and include a whole science in a single theorem. Their eye is confounded with such an extensive prospect; and the conclusions, derived from it, even though clearly expressed, seem intricate and obscure. But however intricate they may seem, it is certain, that general principles, if just and sound, must always prevail in the general course of things, though they may fail in particular cases; and it is the chief business of philosophers to regard the general course of things. I may add, that it is also the chief business of politicians; especially in the domestic government of the state, where the public good, which is, or ought to be their object, depends on the concurrence of a multitude of causes;¹ not, as

¹[The editions from 1752 to 1768 read “cases” rather than “causes.” See

in foreign politics, on accidents and chances, and the caprices of a few persons. This therefore makes the difference between *particular* deliberations and *general* reasonings, and renders subtilty and refinement much more suitable to the latter than to the former.

I thought this introduction necessary before the following discourses on *commerce, money, interest, balance of trade, &c.*⁴ where, perhaps, there will occur some principles which are uncommon, and which may seem too refined and subtile for such vulgar subjects. If false, let them be rejected: But no one ought to entertain a prejudice against them, merely because they are out of the common road.

The greatness of a state, and the happiness of its subjects, how independent soever they may be supposed in some respects, are commonly allowed to be inseparable with regard to commerce; and as private men receive greater security, in the possession of their trade and riches, from the power of the public, so the public becomes powerful in proportion to the opulence and extensive commerce of private men. This maxim is true in general; though I cannot forbear thinking, that it may possibly admit of exceptions, and that we often establish it with too little reserve and limitation. There may be some circumstances, where the commerce and riches and luxury of individuals, instead of adding strength to the public, will serve only to thin its armies, and diminish its authority among the neighbouring nations. Man is a very variable being,

Eugene Rotwein, *David Hume: Writings on Economics* (Madison: University of Wisconsin Press, 1955), p. 4. Hume's point here is that general principles can be established concerning domestic politics and commercial or economic affairs because one finds regularities of behavior in these areas of life. These regularities arise from two principal causes: the institutions of government and the human passions. As Hume has observed earlier, there can be a science of politics because laws and forms of government shape human actions in a uniform way (see above, p. 16). Moreover, domestic politics, and commerce in particular, arise from the more universal passions, which tend to operate "at all times, in all places, and upon all persons" (p. 113).]

and susceptible of many different opinions, principles, and rules of conduct. What may be true, while he adheres to one way of thinking, will be found false, when he has embraced an opposite set of manners and opinions.

The bulk of every state may be divided into *husbandmen* and *manufacturers*. The former are employed in the culture of the land; the latter work up the materials furnished by the former, into all the commodities which are necessary or ornamental to human life. As soon as men quit their savage state, where they live chiefly by hunting and fishing, they must fall into these two classes; though the arts of agriculture employ *at first* the most numerous part of the society.² Time and experience improve so much these arts, that the land may easily maintain a much greater number of men, than those who are immediately employed in its culture, or who furnish the more necessary manufactures to such as are so employed.

If these superfluous hands apply themselves to the finer arts, which are commonly denominated the arts of *luxury*, they add to the happiness of the state; since they afford to many the opportunity of receiving enjoyments, with which they would otherwise have been unacquainted. But may not another scheme be proposed for the employment of these superfluous hands? May not the sovereign lay claim to them, and employ them in fleets and armies, to encrease the dominions of the state abroad, and spread its fame over distant nations? It is certain that the fewer desires and wants are found in the proprietors and labourers of land, the fewer hands do they employ; and consequently the superfluities of the land,

²Mons. MELON, in his political essay on commerce, asserts, that even at present, if you divide FRANCE into 20 parts, 16 are labourers or peasants; two only artizans; one belonging to the law, church, and military; and one merchants, financiers, and bourgeois. This calculation is certainly very erroneous. In FRANCE, ENGLAND, and indeed most parts of EUROPE, half of the inhabitants live in cities; and even of those who live in the country, a great number are artizans, perhaps above a third. [Jean-François Melon (1675?–1738), *Essai politique sur le commerce* (1734; expanded 2d ed., 1736; translated ed., *A Political Essay Upon Commerce*, 1738).]

instead of maintaining tradesmen and manufacturers, may support fleets and armies to a much greater extent, than where a great many arts are required to minister to the luxury of particular persons. Here therefore seems to be a kind of opposition between the greatness of the state and the happiness of the subject. A state is never greater than when all its superfluous hands are employed in the service of the public. The ease and convenience of private persons require, that these hands should be employed in their service. The one can never be satisfied, but at the expence of the other. As the ambition of the sovereign must entrench on^o the luxury of individuals; so the luxury of individuals must diminish the force, and check the ambition of the sovereign.

Nor is this reasoning merely chimerical; but is founded on history and experience. The republic of SPARTA was certainly more powerful than any state now in the world, consisting of an equal number of people; and this was owing entirely to the want of commerce and luxury. The HELOTES were the labourers: The SPARTANS were the soldiers or gentlemen. It is evident, that the labour of the HELOTES could not have maintained so great a number of SPARTANS, had these latter lived in ease and delicacy, and given employment to a great variety of trades and manufactures. The like policy may be remarked in ROME. And indeed, throughout all ancient history, it is observable, that the smallest republics raised and maintained greater armies, than states consisting of triple the number of inhabitants, are able to support at present. It is computed, that, in all EUROPEAN nations, the proportion between soldiers and people does not exceed one to a hundred. But we read, that the city of ROME alone, with its small territory, raised and maintained, in early times, ten legions against the LATINS.³ ATHENS, the whole of whose dominions was not larger than YORKSHIRE, sent to the expedition against SICILY near forty thousand men.⁴ DIONYSIUS the elder, it is said,

³[See Livy, *History of Rome* 8.25.]

⁴THUCYDIDES, lib. vii. [75.]

maintained a standing army of a hundred thousand foot and ten thousand horse, besides a large fleet of four hundred sail;⁵ though his territories extended no farther than the city of SYRACUSE, about a third of the island of SICILY, and some sea-port towns and garrisons on the coast of ITALY and ILLYRICUM.⁶ It is true, the ancient armies, in time of war, subsisted much upon plunder: But did not the enemy plunder in their turn? which was a more ruinous way of levying a tax, than any other that could be devised. In short, no probable reason can be assigned for the great power of the more ancient states above the modern, but their want of commerce and luxury. Few artizans were maintained by the labour of the farmers, and therefore more soldiers might live upon it. LIVY says, that ROME, in his time, would find it difficult to raise as large an army as that which, in her early days, she sent out against the GAULS and LATINS.⁷ Instead of those soldiers who fought for liberty and empire in CAMILLUS'S time, there were, in AUGUSTUS'S days, musicians, painters, cooks, players, and tailors; and if the land was equally cultivated at both periods, it could certainly maintain equal numbers in the one profession as in the other. They added nothing to the mere necessities of life, in the latter period more than in the former.

It is natural on this occasion to ask, whether sovereigns may not return to the maxims of ancient policy, and consult their own interest in this respect, more than the happiness of their

⁵DIOD. SIC. lib. vii. [See 2.5 in the Loeb edition.] This account, I own, is somewhat suspicious, not to say worse; chiefly because this army was not composed of citizens, but of mercenary forces.

⁶[Illyricum refers generally to an area along the Adriatic Sea in present-day Yugoslavia.]

⁷TITI LIVII, lib. vii. cap. 24. "Adeo in quæ laboramus," says he, "sola crevimus, divitias luxuriemque." [Livy, *History of Rome* 7.25; ". . . so strictly has our growth been limited to the only things for which we strive,—wealth and luxury" (Loeb translation by B. O. Foster). Livy is writing of Rome in 348 B.C., when Camillus was dictator.]

subjects? I answer, that it appears to me, almost impossible; and that because ancient policy was violent, and contrary to the more natural and usual course of things. It is well known with what peculiar laws SPARTA was governed, and what a prodigy that republic is justly esteemed by every one, who has considered human nature as it has displayed itself in other nations, and other ages. Were the testimony of history less positive and circumstantial,^o such a government would appear a mere philosophical whim or fiction, and impossible ever to be reduced to practice. And though the ROMAN and other ancient republics were supported on principles somewhat more natural, yet was there an extraordinary concurrence of circumstances to make them submit to such grievous burthens.^o They were free states; they were small ones; and the age being martial, all their neighbours were continually in arms. Freedom naturally begets public spirit, especially in small states; and this public spirit, this *amor patriæ*,^o must encrease, when the public is almost in continual alarm, and men are obliged, every moment, to expose themselves to the greatest dangers for its defence. A continual succession of wars makes every citizen a soldier: He takes the field in his turn: And during his service he is chiefly maintained by himself. This service is indeed equivalent to a heavy tax; yet is it less felt by a people addicted to arms, who fight for honour and revenge more than pay, and are unacquainted with gain and industry as well as pleasure.⁸ Not to mention the great equality of fortunes among the inhabitants of the ancient republics, where every field, belonging to a different proprietor, was able to maintain a family, and rendered the numbers of citizens very considerable, even without trade and manufactures.

⁸The more ancient ROMANS lived in perpetual war with all their neighbours: And in old LATIN, the term *hostis*, expressed both a stranger and an enemy. This is remarked by CICERO; but by him is ascribed to the humanity of his ancestors, who softened, as much as possible, the denomination of an enemy, by calling him by the same appellation which signified a stranger. *De Off.* lib. ii. [1. 12 in the Loeb edition.] It is however much more probable, from the manners of the times, that the ferocity of those people

But though the want of trade and manufactures, among a free and very martial people, may *sometimes* have no other effect than to render the public more powerful, it is certain, that, in the common course of human affairs, it will have a quite contrary tendency. Sovereigns must take mankind as they find them, and cannot pretend to introduce any violent change in their principles and ways of thinking. A long course of time, with a variety of accidents and circumstances, are requisite to produce those great revolutions, which so much diversify the face of human affairs. And the less natural any set of principles are, which support a particular society, the more difficulty will a legislator meet with in raising and cultivating them. It is his best policy to comply with the common bent of mankind, and give it all the improvements of which it is susceptible. Now, according to the most natural course of things, industry and arts and trade encrease the power of the sovereign as well as the happiness of the subjects; and that policy is violent, which aggrandizes the public by the poverty of individuals. This will easily appear from a few considerations, which will present to us the consequences of sloth and barbarity.

Where manufactures and mechanic arts are not cultivated, the bulk of the people must apply themselves to agriculture; and if their skill and industry encrease, there must arise a great superfluity from their labour beyond what suffices to maintain

was so great as to make them regard all strangers as enemies, and call them by the same name. It is not, besides, consistent with the most common maxims of policy or of nature, that any state should regard its public enemies with a friendly eye, or preserve any such sentiments for them as the ROMAN orator would ascribe to his ancestors. Not to mention, that the early ROMANS really exercised piracy, as we learn from their first treaties with CARTHAGE, preserved by POLYBIUS, lib. iii. and consequently, like the SALLEE and ALGERINE rovers, were actually at war with most nations, and a stranger and an enemy were with them almost synonymous. [The Sallee and Algerine rovers were pirates who operated from the Barbary Coast of North Africa.]

them. They have no temptation, therefore, to encrease their skill and industry; since they cannot exchange that superfluity for any commodities, which may serve either to their pleasure or vanity. A habit of indolence naturally prevails. The greater part of the land lies uncultivated. What is cultivated, yields not its utmost for want of skill and assiduity in the farmers. If at any time the public exigencies require, that great numbers should be employed in the public service, the labour of the people furnishes now no superfluities, by which these numbers can be maintained. The labourers cannot encrease their skill and industry on a sudden.^o Lands uncultivated cannot be brought into tillage for some years. The armies, mean while, must either make sudden and violent conquests, or disband for want of subsistence. A regular attack or defence, therefore, is not to be expected from such a people, and their soldiers must be as ignorant and unskilful as their farmers and manufacturers.

Every thing in the world is purchased by labour; and our passions are the only causes of labour. When a nation abounds in manufactures and mechanic arts, the proprietors of land, as well as the farmers, study agriculture as a science, and redouble their industry and attention. The superfluity, which arises from their labour, is not lost; but is exchanged with manufactures for those commodities, which men's luxury now makes them covet. By this means, land furnishes a great deal more of the necessaries of life, than what suffices for those who cultivate it. In times of peace and tranquillity, this superfluity goes to the maintenance of manufacturers, and the improvers of liberal arts. But it is easy for the public to convert many of these manufacturers into soldiers, and maintain them by that superfluity, which arises from the labour of the farmers. Accordingly we find, that this is the case in all civilized governments. When the sovereign raises an army, what is the consequence? He imposes a tax. This tax obliges all the people to retrench^o what is least necessary to their subsistence. Those, who labour in such commodities, must either enlist in the troops, or turn themselves to agriculture, and thereby

oblige some labourers to enlist for want of business. And to consider the matter abstractedly, manufactures encrease the power of the state only as they store up so much labour, and that of a kind to which the public may lay claim, without depriving any one of the necessities of life. The more labour, therefore, is employed beyond mere necessities, the more powerful is any state; since the persons engaged in that labour may easily be converted to the public service. In a state without manufactures, there may be the same number of hands; but there is not the same quantity of labour, nor of the same kind. All the labour is there bestowed upon necessities, which can admit of little or no abatement.^o

Thus the greatness of the sovereign and the happiness of the state are, in a great measure, united with regard to trade and manufactures. It is a violent method, and in most cases impracticable, to oblige the labourer to toil, in order to raise from the land more than what subsists himself and family. Furnish him with manufactures and commodities, and he will do it of himself. Afterwards you will find it easy to seize some part of his superfluous labour, and employ it in the public service, without giving him his wonted^o return. Being accustomed to industry, he will think this less grievous, than if, at once, you obliged him to an augmentation of labour without any reward. The case is the same with regard to the other members of the state. The greater is the stock of labour of all kinds, the greater quantity may be taken from the heap, without making any sensible alteration in it.

A public granary of corn, a storehouse of cloth, a magazine of arms; all these must be allowed real riches and strength in any state. Trade and industry are really nothing but a stock of labour, which, in times of peace and tranquillity, is employed for the ease and satisfaction of individuals; but in the exigencies of state, may, in part, be turned to public advantage. Could we convert a city into a kind of fortified camp, and infuse into each breast so martial a genius, and such a passion for public good, as to make every one willing to undergo the greatest hardships for the sake of the public; these affections

might now, as in ancient times, prove alone a sufficient spur to industry, and support the community. It would then be advantageous, as in camps, to banish all arts and luxury; and, by restrictions on equipage and tables, make the provisions and forage last longer than if the army were loaded with a number of superfluous retainers. But as these principles are too disinterested and too difficult to support, it is requisite to govern men by other passions, and animate them with a spirit of avarice and industry, art and luxury. The camp is, in this case, loaded with a superfluous retinue; but the provisions flow in proportionably larger. The harmony of the whole is still supported; and the natural bent of the mind being more complied with, individuals, as well as the public, find their account in the observance of those maxims.

The same method of reasoning will let us see the advantage of *foreign* commerce, in augmenting the power of the state, as well as the riches and happiness of the subject. It increases the stock of labour in the nation; and the sovereign may convert what share of it he finds necessary to the service of the public. Foreign trade, by its imports, furnishes materials for new manufactures; and by its exports, it produces labour in particular commodities, which could not be consumed at home. In short, a kingdom, that has a large import and export, must abound more with industry, and that employed upon delicacies and luxuries, than a kingdom which rests contented with its native commodities. It is, therefore, more powerful, as well as richer and happier. The individuals reap the benefit of these commodities, so far as they gratify the senses and appetites. And the public is also a gainer, while a greater stock of labour is, by this means, stored up against any public exigency; that is, a greater number of laborious men are maintained, who may be diverted to the public service, without robbing any one of the necessities, or even the chief conveniencies of life.

If we consult history, we shall find, that, in most nations, foreign trade has preceded any refinement in home manufactures, and given birth to domestic luxury. The temptation

is stronger to make use of foreign commodities, which are ready for use, and which are entirely new to us, than to make improvements on any domestic commodity, which always advance by slow degrees, and never affect us by their novelty. The profit is also very great, in exporting what is superfluous at home, and what bears no price, to foreign nations, whose soil or climate is not favourable to that commodity. Thus men become acquainted with the *pleasures* of luxury and the *profits* of commerce; and their *delicacy* and *industry*, being once awakened, carry them on to farther improvements, in every branch of domestic as well as foreign trade. And this perhaps is the chief advantage which arises from a commerce with strangers. It rouses men from their indolence; and presenting the gayer and more opulent part of the nation with objects of luxury, which they never before dreamed of, raises in them a desire of a more splendid way of life than what their ancestors enjoyed. And at the same time, the few merchants, who possess the secret of this importation and exportation, make great profits; and becoming rivals in wealth to the ancient nobility, tempt other adventurers to become their rivals in commerce. Imitation soon diffuses all those arts; while domestic manufactures emulate the foreign in their improvements, and work up every home commodity to the utmost perfection of which it is susceptible. Their own steel and iron, in such laborious hands, become equal to the gold and rubies of the INDIES.

When the affairs of the society are once brought to this situation, a nation may lose most of its foreign trade, and yet continue a great and powerful people. If strangers will not take any particular commodity of ours, we must cease to labour in it. The same hands will turn themselves towards some refinement in other commodities, which may be wanted at home. And there must always be materials for them to work upon; till every person in the state, who possesses riches, enjoys as great plenty of home commodities, and those in as great perfection, as he desires; which can never possibly happen. CHINA is represented as one of the most flourishing empires in the world; though it has very little commerce beyond its own territories.

It will not, I hope, be considered as a superfluous digression, if I here observe, that, as the multitude of mechanical arts is advantageous, so is the great number of persons to whose share the productions of these arts fall. A too great disproportion among the citizens weakens any state. Every person, if possible, ought to enjoy the fruits of his labour, in a full possession of all the necessities, and many of the conveniencies of life. No one can doubt, but such an equality is most suitable to human nature, and diminishes much less from the *happiness* of the rich than it adds to that of the poor. It also augments the *power of the state*, and makes any extraordinary taxes or impositions be paid with more chearfulness. Where the riches are engrossed^d by a few, these must contribute very largely to the supplying of the public necessities. But when the riches are dispersed among multitudes, the burthen feels light on every shoulder, and the taxes make not a very sensible difference on any one's way of living.

Add to this, that, where the riches are in few hands, these must enjoy all the power, and will readily conspire to lay the whole burthen on the poor, and oppress them still farther, to the discouragement of all industry.

In this circumstance consists the great advantage of ENGLAND above any nation at present in the world, or that appears in the records of any story. It is true, the ENGLISH feel some disadvantages in foreign trade by the high price of labour, which is in part the effect of the riches of their artisans, as well as of the plenty of money: But as foreign trade is not the most material circumstance, it is not to be put in competition with the happiness of so many millions. And if there were no more to endear to them that free government under which they live, this alone were sufficient. The poverty of the common people is a natural, if not an infallible effect of absolute monarchy; though I doubt, whether it be always true, on the other hand, that their riches are an infallible result of liberty. Liberty must be attended with particular accidents, and a certain turn of thinking, in order to produce that effect. Lord BACON, accounting for the great advantages obtained by the ENGLISH in their wars with FRANCE, ascribes them

chiefly to the superior ease and plenty of the common people amongst the former; yet the government of the two kingdoms was, at that time, pretty much alike.⁹ Where the labourers and artisans are accustomed to work for low wages, and to retain but a small part of the fruits of their labour, it is difficult for them, even in a free government, to better their condition, or conspire among themselves to heighten their wages. But even where they are accustomed to a more plentiful way of life, it is easy for the rich, in an arbitrary government, to conspire against *them*, and throw the whole burthen of the taxes on their shoulders.

It may seem an odd position, that the poverty of the common people in FRANCE, ITALY, and SPAIN, is, in some measure, owing to the superior riches of the soil and happiness of the climate; yet there want not reasons to justify this paradox. In such a fine mould or soil as that of those more southern regions, agriculture is an easy art; and one man, with a couple of sorry^o horses, will be able, in a season, to cultivate as much land as will pay a pretty considerable rent to the proprietor. All the art, which the farmer knows, is to leave his ground fallow^o for a year, as soon as it is exhausted; and the warmth of the sun alone and temperature of the climate enrich it, and restore its fertility. Such poor peasants, therefore, require only a simple maintenance for their labour. They have no stock or riches, which claim more; and at the same time, they are for ever dependant on their landlord, who gives no leases, nor fears that his land will be spoiled by the ill methods of cultivation. In ENGLAND, the land is rich, but coarse; must be cultivated at a great expence; and produces slender crops, when not carefully managed, and by a method which gives not the full profit but in a course of several years. A farmer, therefore, in ENGLAND must have a considerable stock, and a long lease; which beget proportional profits. The fine vineyards of CHAMPAGNE and BURGUNDY,¹⁰ that often yield to the land-

⁹[See Bacon's *Essays*, 29: "Of the true greatness of Kingdoms and Estates."]

¹⁰[French provinces celebrated for their wines.]

lord above five pounds *per* acre, are cultivated by peasants, who have scarcely bread: The reason is, that such peasants need no stock but their own limbs, with instruments of husbandry, which they can buy for twenty shillings. The farmers are commonly in some better circumstances in those countries. But the *grasiers*^o are most at their ease of all those who cultivate the land. The reason is still the same. Men must have profits proportionable to their expence and hazard. Where so considerable a number of the labouring poor as the peasants and farmers are in very low circumstances, all the rest must partake of their poverty, whether the government of that nation be monarchical or republican.

We may form a similar remark with regard to the general history of mankind. What is the reason, why no people, living between the tropics, could ever yet attain to any art or civility, or reach even any police^o in their government, and any military discipline; while few nations in the temperate climates have been altogether deprived of these advantages? It is probable that one cause of this phænomenon is the warmth and equality of weather in the torrid zone, which render clothes and houses less requisite for the inhabitants, and thereby remove, in part, that necessity, which is the great spur to industry and invention. *Curis acuens mortalia corda*.¹¹ Not to mention, that the fewer goods or possessions of this kind any people enjoy, the fewer quarrels are likely to arise amongst them, and the less necessity will there be for a settled police or regular authority to protect and defend them from foreign enemies, or from each other.

¹¹[Virgil, *Georgics* 1.123: "sharpening men's wits by care" (Loeb translation by H. Rushton Fairclough).]

ESSAY

II

OF REFINEMENT IN THE ARTS^a

LUXURY is a word of an uncertain signification, and may be taken in a good as well as in a bad sense. In general, it means great refinement in the gratification of the senses; and any degree of it may be innocent or blameable, according to the age, or country, or condition of the person. The bounds between the virtue and the vice cannot here be exactly fixed, more than in other moral subjects. To imagine, that the gratifying of any sense, or the indulging of any delicacy in meat, drink, or apparel, is of itself a vice, can never enter into a head, that is not disordered by the frenzies of enthusiasm. I have, indeed, heard of a monk abroad, who, because the windows of his cell opened upon a noble prospect, made a *covenant with his eyes* never to turn that way, or receive so sensual a grat-

ification. And such is the crime of drinking CHAMPAGNE or BURGUNDY, preferably to small beer or porter.° These indulgences are only vices, when they are pursued at the expence of some virtue, as liberality or charity; in like manner as they are follies, when for them a man ruins his fortune, and reduces himself to want and beggary. Where they entrench upon no virtue, but leave ample subject° whence to provide for friends, family, and every proper object of generosity or compassion, they are entirely innocent, and have in every age been acknowledged such by almost all moralists. To be entirely occupied with the luxury of the table, for instance, without any relish for the pleasures of ambition, study, or conversation, is a mark of stupidity, and is incompatible with any vigour of temper or genius. To confine one's expence° entirely to such a gratification, without regard to friends or family, is an indication of a heart destitute of humanity or benevolence. But if a man reserve time sufficient for all laudable pursuits, and money sufficient for all generous purposes, he is free from every shadow of blame or reproach.

Since luxury may be considered either as innocent or blameable, one may be surprized at those preposterous opinions, which have been entertained concerning it; while men of libertine° principles bestow praises even on vicious luxury, and represent it as highly advantageous to society; and on the other hand, men of severe morals blame even the most innocent luxury, and represent it as the source of all the corruptions, disorders, and factions, incident to civil government. We shall here endeavour to correct both these extremes, by proving, *first*, that the ages of refinement are both the happiest and most virtuous; *secondly*, that wherever luxury ceases to be innocent, it also ceases to be beneficial; and when carried a degree too far, is a quality pernicious, though perhaps not the most pernicious, to political society.

To prove the first point, we need but consider the effects of refinement both on *private* and on *public* life. Human happiness, according to the most received notions, seems to consist in three ingredients; action, pleasure, and indolence: And

though these ingredients ought to be mixed in different proportions, according to the particular disposition of the person; yet no one ingredient can be entirely wanting, without destroying, in some measure, the relish of the whole composition. Indolence or repose, indeed, seems not of itself to contribute much to our enjoyment; but, like sleep, is requisite as an indulgence to the weakness of human nature, which cannot support an uninterrupted course of business or pleasure. That quick march of the spirits, which takes a man from himself, and chiefly gives satisfaction, does in the end exhaust the mind, and requires some intervals of repose, which, though agreeable for a moment, yet, if prolonged, beget a languor and lethargy, that destroys all enjoyment. Education, custom, and example, have a mighty influence in turning the mind to any of these pursuits; and it must be owned, that, where they promote a relish for action and pleasure, they are so far favourable to human happiness. In times when industry and the arts flourish, men are kept in perpetual occupation, and enjoy, as their reward, the occupation itself, as well as those pleasures which are the fruit of their labour. The mind acquires new vigour; enlarges its powers and faculties; and by an assiduity in honest industry, both satisfies its natural appetites, and prevents the growth of unnatural ones, which commonly spring up, when nourished by ease and idleness. Banish those arts from society, you deprive men both of action and of pleasure; and leaving nothing but indolence in their place, you even destroy the relish of indolence, which never is agreeable, but when it succeeds to labour, and recruits^o the spirits, exhausted by too much application and fatigue.

Another advantage of industry and of refinements in the mechanical arts, is, that they commonly produce some refinements in the liberal; nor can one be carried to perfection, without being accompanied, in some degree, with the other. The same age, which produces great philosophers and politicians, renowned generals and poets, usually abounds with skilful weavers, and ship-carpenters. We cannot reasonably expect, that a piece of woollen cloth will be wrought to per-

fection in a nation, which is ignorant of astronomy, or where ethics are neglected. The spirit of the age affects all the arts; and the minds of men, being once roused from their lethargy, and put into a fermentation, turn themselves on all sides, and carry improvements into every art and science. Profound ignorance is totally banished, and men enjoy the privilege of rational creatures, to think as well as to act, to cultivate the pleasures of the mind as well as those of the body.

The more these refined arts advance, the more sociable men become: nor is it possible, that, when enriched with science, and possessed of a fund^o of conversation, they should be contented to remain in solitude, or live with their fellow-citizens in that distant manner, which is peculiar to ignorant and barbarous nations. They flock into cities; love to receive and communicate knowledge; to show their wit or their breeding; their taste in conversation or living, in clothes or furniture. Curiosity allures the wise; vanity the foolish; and pleasure both. Particular clubs and societies are every where formed: Both sexes meet in an easy and sociable manner; and the tempers of men, as well as their behaviour, refine apace.^o So that, beside the improvements which they receive from knowledge and the liberal arts, it is impossible but they must feel an encrease of humanity, from the very habit of conversing together, and contributing to each other's pleasure and entertainment. Thus *industry*, *knowledge*, and *humanity*, are linked together by an indissoluble chain, and are found, from experience as well as reason, to be peculiar to the more polished, and, what are commonly denominated, the more luxurious ages.

Nor are these advantages attended with disadvantages, that bear any proportion to them. The more men refine upon pleasure, the less will they indulge in excesses of any kind; because nothing is more destructive to true pleasure than such excesses. One may safely affirm, that the TARTARS¹ are

¹[The name Tartars was applied generally to nomads of the Asian steppes and deserts, including Mongols and Turks.]

oftener guilty of beastly gluttony, when they feast on their dead horses, than EUROPEAN courtiers with all their refinements of cookery. And if libertine love, or even infidelity to the marriage-bed, be more frequent in polite ages, when it is often regarded only as a piece of gallantry; drunkenness, on the other hand, is much less common: A vice more odious, and more pernicious both to mind and body. And in this matter I would appeal, not only to an OVID or a PETRONIUS,² but to a SENECA or a CATO. We know, that CÆSAR, during CATILINE'S conspiracy, being necessitated to put into CATO'S hands a *billet-doux*,³ which discovered^o an intrigue with SERVILIA, CATO'S own sister, that stern philosopher threw it back to him with indignation; and in the bitterness of his wrath, gave him the appellation of drunkard, as a term more opprobrious than that with which he could more justly have reproached him.³

But industry, knowledge, and humanity, are not advantageous in private life alone: They diffuse their beneficial influence on the *public*, and render the government as great and flourishing as they make individuals happy and prosperous. The encrease and consumption of all the commodities, which serve to the ornament and pleasure of life, are advantageous to society; because, at the same time that they multiply those innocent gratifications to individuals, they are a kind of *storehouse* of labour, which, in the exigencies of state, may be turned to the public service. In a nation, where there is no demand for such superfluities, men sink into indolence, lose all enjoyment of life, and are useless to the public, which cannot maintain or support its fleets and armies, from the industry of such slothful members.

²[Petronius (died A.D. 65), an intimate of Nero and his official "arbiter of taste," is probably author of the satirical novel known as the *Satyricon*, a surviving portion of which describes the absurd conduct of a wealthy freedman, Trimalchio, as he becomes increasingly drunk at a banquet.]

³[See Plutarch, *Lives*, in the life of Cato the Younger, sec. 24. Cato threw the note back to Caesar with the words "Take it, thou sot" (Loeb translation by Bernadotte Perrin).]

The bounds of all the EUROPEAN kingdoms are, at present, nearly the same they were two hundred years ago: But what a difference is there in the power and grandeur of those kingdoms? Which can be ascribed to nothing but the encrease of art and industry. When CHARLES VIII. of FRANCE invaded ITALY, he carried with him about 20,000 men: Yet this armament so exhausted the nation, as we learn from GUICCIARDIN, that for some years it was not able to make so great an effort.⁴ The late king of FRANCE, in time of war, kept in pay above 400,000 men;⁵ though from MAZARINE'S death to his own, he was engaged in a course of wars that lasted near thirty years.

This industry is much promoted by the knowledge inseparable from ages of art and refinement; as, on the other hand, this knowledge enables the public to make the best advantage of the industry of its subjects. Laws, order, police, discipline; these can never be carried to any degree of perfection, before human reason has refined itself by exercise, and by an application to the more vulgar arts, at least, of commerce and manufacture. Can we expect, that a government will be well modelled by a people, who know not how to make a spinning-wheel, or to employ a loom to advantage? Not to mention, that all ignorant ages are infested with superstition, which throws the government off its bias,^o and disturbs men in the pursuit of their interest and happiness.

Knowledge in the arts of government naturally begets mildness and moderation, by instructing men in the advantages of humane maxims above rigour and severity, which

⁴[Francesco Guicciardini (1483–1540), *Storia d'Italia* (History of Italy), bks. 1–3.]

⁵The inscription on the PLACE-DE-VENDOME says 440,000. [Hume refers in the text to Louis XIV, who died in 1715. Louis had assumed absolute power upon the death of his minister, the Cardinal Mazarin, in 1661. Louis-Joseph, duc de Vendôme, was one of the king's leading generals during the War of the Grand Alliance (1689–97) and the early years of the War of the Spanish Succession (1701–14). England was allied against France in both wars.]

drive subjects into rebellion, and make the return to submission impracticable, by cutting off all hopes of pardon. When the tempers of men are softened as well as their knowledge improved, this humanity appears still more conspicuous, and is the chief characteristic which distinguishes a civilized age from times of barbarity and ignorance. Factions are then less inveterate,⁵ revolutions less tragical,⁵ authority less severe, and seditions less frequent. Even foreign wars abate of their cruelty; and after the field of battle, where honour and interest steel men against compassion as well as fear, the combatants divest themselves of the brute, and resume the man.

Nor need we fear, that men, by losing their ferocity, will lose their martial spirit, or become less undaunted⁵ and vigorous in defence of their country or their liberty. The arts have no such effect in enervating either the mind or body. On the contrary, industry, their inseparable attendant, adds new force to both. And if anger, which is said to be the whetstone of courage, loses somewhat of its asperity, by politeness and refinement; a sense of honour, which is a stronger, more constant, and more governable principle, acquires fresh vigour by that elevation of genius which arises from knowledge and a good education. Add to this, that courage can neither have any duration, nor be of any use, when not accompanied with discipline and martial skill, which are seldom found among a barbarous people. The ancients remarked, that DATAMES was the only barbarian that ever knew the art of war.⁶ And PYRRHUS, seeing the ROMANS marshal their army with some art and skill, said with surprize, *These barbarians have nothing barbarous in their discipline!*⁷ It is observable, that, as the old

⁶[Datames was a Persian commander and satrap who led a rebellion against Artaxerxes II around 362 B.C. He is praised by Cornelius Nepos (100?–24? B.C.) as the bravest and most prudent of all the barbarian commanders, except for the two Carthaginians Hamilcar and Hannibal. See *De Viris Illustribus* (Lives of illustrious men), in the life of Datames.]

⁷[Pyrrhus, the greatest king of Epirus (the “mainland” north and west of Greece, in present-day Albania), fought against the Romans between 280

ROMANS, by applying themselves solely to war, were almost the only uncivilized people that ever possessed military discipline; so the modern ITALIANS are the only civilized people, among EUROPEANS, that ever wanted courage and a martial spirit. Those who would ascribe this effeminacy of the ITALIANS to their luxury, or politeness, or application to the arts, need but consider the FRENCH and ENGLISH, whose bravery is as uncontestable, as their love for the arts, and their assiduity in commerce. The ITALIAN historians give us a more satisfactory reason for this degeneracy of their countrymen. They shew us how the sword was dropped at once by all the ITALIAN sovereigns; while the VENETIAN aristocracy was jealous of its subjects, the FLORENTINE democracy applied itself entirely to commerce; ROME was governed by priests, and NAPLES by women. War then became the business of soldiers of fortune, who spared one another, and to the astonishment of the world, could engage a whole day in what they called a battle, and return at night to their camp, without the least bloodshed.

What has chiefly induced severe moralists to declaim against refinement in the arts, is the example of ancient ROME, which, joining, to its poverty and rusticity, virtue and public spirit, rose to such a surprizing height of grandeur and liberty; but having learned from its conquered provinces ^bthe ASIATIC luxury, fell into every kind of corruption; whence arose sedition and civil wars, attended at last with the total loss of liberty. All the LATIN classics, whom we peruse in our infancy, are full of these sentiments, and universally ascribe the ruin of their state to the arts and riches imported from the East: Insomuch that SALLUST represents a taste for painting

and 275 B.C. The statement quoted by Hume was made before the battle of Heraclea. See Plutarch, *Lives*, in the life of Pyrrhus, sec. 16. After winning the battle at high cost, Pyrrhus remarked, "If I win a victory in one more battle with the Romans, I shall not have left a single soldier of those who crossed over with me" (Diodorus, *Library of History* 22.6.2; Loeb translation by Francis R. Walton). Hence the phrase *Pyrrhic victory*.]

as a vice, no less than lewdness and drinking. And so popular were these sentiments, during the later ages of the republic, that this author abounds in praises of the old rigid ROMAN virtue, though himself the most egregious instance of modern luxury and corruption; speaks contemptuously of the GRECIAN eloquence, though the most elegant writer in the world; nay, employs preposterous digressions and declamations to this purpose, though a model of taste and correctness.⁸

But it would be easy to prove, that these writers mistook the cause of the disorders in the ROMAN state, and ascribed to luxury and the arts, what really proceeded from an ill modelled government, and the unlimited extent of conquests. 'Refinement on the pleasures and conveniencies of life has no natural tendency to beget venality and corruption. The value, which all men put upon any particular pleasure, depends on comparison and experience; nor is a porter less greedy of money, which he spends on bacon and brandy, than a courtier, who purchases champagne and ortolans.⁹ Riches are valuable at all times, and to all men; because they always purchase pleasures, such as men are accustomed to, and desire: Nor can any thing restrain or regulate the love of money, but a sense of honour and virtue; which, if it be not nearly equal at all times, will naturally abound most in ages of knowledge and refinement.

Of all EUROPEAN kingdoms, POLAND seems the most defective in the arts of war as well as peace, mechanical as well as liberal; yet it is there that venality and corruption do most prevail. The nobles seem to have preserved their crown elective for no other purpose, than regularly to sell it to the highest bidder. This is almost the only species of commerce, with which that people are acquainted.

The liberties of ENGLAND, so far from decaying since the

⁸[See Sallust, *The War with Catiline*, secs. 6–12. Sallust took advantage of his position as provincial governor of Nova Africa to amass great riches, and he escaped prosecution only by bribery. After retiring to his luxurious gardens in Rome to write history, he admitted in his works that he had once been driven to vice by ambition.]

improvements in the arts, have never flourished so much as during that period. And though corruption may seem to encrease of late years; this is chiefly to be ascribed to our established liberty, when our princes have found the impossibility of governing without parliaments, or of terrifying parliaments by the phantom of prerogative.⁹ Not to mention, that this corruption or venality prevails much more among the electors than the elected; and therefore cannot justly be ascribed to any refinements in luxury.

If we consider the matter in a proper light, we shall find, that a progress in the arts is rather favourable to liberty, and has a natural tendency to preserve, if not produce a free government. In rude unpolished nations, where the arts are neglected, all labour is bestowed on the cultivation of the ground; and the whole society is divided into two classes, proprietors of land, and their vassals or tenants. The latter are necessarily dependent, and fitted for slavery and subjection; especially where they possess no riches, and are not valued for their knowledge in agriculture; as must always be the case where the arts are neglected. The former naturally erect themselves into petty tyrants; and must either submit to an absolute master, for the sake of peace and order; or if they will preserve their independency, like the ^dancient barons, they must fall into feuds and contests among themselves, and throw the whole society into such confusion, as is perhaps worse than the most despotic government. But where luxury nourishes commerce and industry, the peasants, by a proper cultivation of the land, become rich and independent; while the tradesmen and merchants acquire a share of the property, and draw authority and consideration to that middling rank of men, who are the best and firmest basis of public liberty. These submit not to slavery, like the peasants, from poverty and meanness of spirit; and having no hopes of tyrannizing over others, like

⁹[Prerogative refers to the executive powers of the Crown and, more broadly, to its supposed right even to disobey the law if this is required for the public safety. The royal prerogative was brought under parliamentary control by constitutional developments of the seventeenth century.]

the barons, they are not tempted, for the sake of that gratification, to submit to the tyranny of their sovereign. They covet equal laws, which may secure their property, and preserve them from monarchical, as well as aristocratical tyranny.

The lower house is the support of our popular government; and all the world acknowledges, that it owed its chief influence and consideration to the encrease of commerce, which threw such a balance of property into the hands of the commons. How inconsistent then is it to blame so violently a refinement in the arts, and to represent it as the bane of liberty and public spirit!

To declaim against present times, and magnify the virtue of remote ancestors, is a propensity almost inherent in human nature: And as the sentiments and opinions of civilized ages alone are transmitted to posterity, hence it is that we meet with so many severe judgments pronounced against luxury, and even science; and hence it is that at present we give so ready an assent to them. But the fallacy is easily perceived, by comparing different nations that are contemporaries; where we both judge more impartially, and can better set in opposition those manners, with which we are sufficiently acquainted. Treachery and cruelty, the most pernicious and most odious of all vices, seem peculiar to uncivilized ages; and by the refined GREEKS and ROMANS were ascribed to all the barbarous nations, which surrounded them. They might justly, therefore, have presumed, that their own ancestors, so highly celebrated, possessed no greater virtue, and were as much inferior to their posterity in honour and humanity, as in taste and science. An ancient FRANK or SAXON may be highly extolled: But I believe every man would think his life or fortune much less secure in the hands of a MOOR or TARTAR, than in those of a FRENCH or ENGLISH gentleman, the rank of men the most civilized in the most civilized nations.

We come now to the *second* position which we proposed to illustrate, to wit, that, as innocent luxury, or a refinement in the arts and conveniencies of life, is advantageous to the public; so wherever luxury ceases to be innocent, it also ceases to

be beneficial; and when carried a degree farther, begins to be a quality pernicious, though, perhaps, not the most pernicious, to political society.

Let us consider what we call vicious luxury. No gratification, however sensual, can of itself be esteemed vicious. A gratification is only vicious, when it engrosses all a man's expence, and leaves no ability for such acts of duty and generosity as are required by his situation and fortune. Suppose, that he correct the vice, and employ part of his expence in the education of his children, in the support of his friends, and in relieving the poor; would any prejudice result to society? On the contrary, the same consumption would arise; and that labour, which, at present, is employed only in producing a slender gratification to one man, would relieve the necessitous, and bestow satisfaction on hundreds. The same care and toil that raise a dish of peas at CHRISTMAS, would give bread to a whole family during six months. To say, that, without a vicious luxury, the labour would not have been employed at all, is only to say, that there is some other defect in human nature, such as indolence, selfishness, inattention to others, for which luxury, in some measure, provides a remedy; as one poison may be an antidote to another. But virtue, like wholesome food, is better than poisons, however corrected.

Suppose the same number of men, that are at present in GREAT BRITAIN, with the same soil and climate; I ask, is it not possible for them to be happier, by the most perfect way of life that can be imagined, and by the greatest reformation that Omnipotence itself could work in their temper and disposition? To assert, that they cannot, appears evidently ridiculous. As the land is able to maintain more than all its present inhabitants, they could never, in such a UTOPIAN state, feel any other ills than those which arise from bodily sickness; and these are not the half of human miseries. All other ills spring from some vice, either in ourselves or others; and even many of our diseases proceed from the same origin. Remove the vices, and the ills follow. You must only take care to remove all the vices. If you remove part, you may render the matter

worse. By banishing *vicious* luxury, without curing sloth and an indifference to others, you only diminish industry in the state, and add nothing to men's charity or their generosity. Let us, therefore, rest contented with asserting, that two opposite vices in a state may be more advantageous than either of them alone; but let us never pronounce vice in itself advantageous. Is it not very inconsistent for an author to assert in one page, that moral distinctions are inventions of politicians for public interest; and in the next page maintain, that vice is advantageous to the public?¹⁰ And indeed it seems upon any system of morality, little less than a contradiction in terms, to talk of a vice, which is in general beneficial to society.^e

I thought this reasoning necessary, in order to give some light to a philosophical question, which has been much disputed in ENGLAND. I call it a *philosophical* question, not a *political* one. For whatever may be the consequence of such a miraculous transformation of mankind, as would endow them with every species of virtue, and free them from every species of vice; this concerns not the magistrate, who aims only at possibilities. He cannot cure every vice by substituting a virtue in its place. Very often he can only cure one vice by another; and in that case, he ought to prefer what is least pernicious to society. Luxury, when excessive, is the source of many ills; but is in general preferable to sloth and idleness, which would commonly succeed in its place, and are more hurtful both to private persons and to the public. When sloth reigns, a mean uncultivated way of life prevails amongst individuals, without society, without enjoyment. And if the sovereign, in such a situation, demands the service of his subjects, the labour of the state suffices only to furnish the necessaries of life to the labourers, and can afford nothing to those who are employed in the public service.

¹⁰Fable of the Bees. [Bernard de Mandeville (1670–1733), *The Fable of the Bees: or, Private Vices, Publick Benefits* (1714; enlarged editions in 1723 and 1728–29). See especially the section entitled “An Enquiry into the Origin of Moral Virtue.”]

Chapter IX

A king ruling politically is not able to change the laws of the kingdom

‘The second point, Prince, about which you are apprehensive, shall be removed with like ease. For you doubt whether you should apply yourself to the study of the laws of the English or of the civil laws, because the civil laws are celebrated with a glorious fame throughout the world above all other human laws. Do not, king’s son, let this consideration trouble you.’⁶¹ For the king of England is not able to change the laws of his kingdom at pleasure, for he rules his people with a government not only royal but also political. If he were to rule over them with a power only royal, he would be able to change the laws of the realm, and also impose on them tallages and other burdens without consulting them; this is the sort of dominion which the civil laws indicate when they state that “What pleased the prince has the force of law.”⁶² But it is far otherwise with the king ruling his people politically, because he himself is not able to change the laws without the assent of his subjects nor to burden an unwilling people with strange impositions, so that, ruled by laws that they themselves desire, they freely enjoy their goods, and are despoiled neither by their own king nor any other. The people rejoice in the same way under a king ruling only royally, provided he does not degenerate into a tyrant. Of such a king, the Philosopher said in the third book of the *Politics* that “It is better for a city to be ruled by the best man than by the best law.”⁶³

But, because it does not always happen that the man presiding over a people is of this sort, St Thomas, in the book he wrote for the king of Cyprus, *On Princely Government*, is considered to have desired that a kingdom be constituted such that the king may not

⁶¹ The ‘choice’ which the Chancellor puts to the Prince is a matter of the Prince’s deciding or choosing to learn, live and rule by the laws of England. Having made that decision, he shall have properly orientated his will, that is, he shall be right-willing and shall therefore see that his power is not such that he can change the laws, and that to desire to do so would be to prefer private to public good, that is, to become a tyrant.

⁶² This is the *lex regia* and is found in several places in the *Corpus Iuris Civilis*, including *Institutes*, 1, 2, 6 and *Digest* 1, 4, 1.

⁶³ *Auctoritates*, 256, from Peter of Auvergne’s commentary *On the Politics*, III, lect.14, n.490.

be free to govern his people tyrannically, which only comes to pass when the royal power is restrained by political law. Rejoice, therefore, good Prince, that such is the law of the kingdom to which you are to succeed, because it will provide no small security and comfort for you and for the people. By such a law, as the aforementioned Saint said, “the whole human race would have been ruled, if it had not transgressed the commands of God in paradise.”⁶⁴ By such a law the synagogue was ruled under God alone as king, who adopted it as a realm peculiarly His, and defended it; but at last, a human king having been constituted for it, on its own petition, it was successively humiliated by only royal laws. Under these, none the less, it rejoiced when the best kings ruled, but when an undisciplined sort ruled, it lamented inconsolably, as the Books of Kings reveal more clearly.⁶⁵ But as I think I have discussed this matter sufficiently in a small work *Of the Nature of the Law of Nature*⁶⁶ which I wrote for your consideration, I desist from saying more about it now.’

Chapter X A question by the Prince

Then the Prince said, ‘How does it come to be, Chancellor, that one king is able to rule his people only royally, and the same power is denied to the other king? Of equal rank, since both are kings, I cannot help wondering why they are unequal in power.’

Chapter XI A reference to the other treatise

Chancellor: ‘It is sufficiently shown, in the small work I have mentioned, that the king ruling politically is of no less power than he who rules his people royally, as he wishes;⁶⁷ but I have by no means denied, either then or now, that their authority over their subjects

⁶⁴ Thomas Aquinas, *On Princely Government*, I.vi.

⁶⁵ This refers to the four Books of Kings which are I and II Samuel and I and II Kings.

⁶⁶ *On the Nature of the Law of Nature*, I.xvi, see Appendix A, below, 127.

⁶⁷ *On the Nature of the Law of Nature*, I.xxvi, see Appendix A, below 133.

Trinity Term, June 22, 1772.

Lord Mansfield.—On the part of Somerset, the case which we gave notice should be decided this day, the Court now proceeds to give its opinion. I shall recite the return to the writ of habeas corpus, as the ground of our determination; omitting only words of form. The captain of the ship on board of which the negro was taken, makes his return to the writ in terms signifying that there have been, and still are, slaves to a great number in Africa; and that the trade in them is authorized by the laws and opinions of Virginia and Jamaica; that they are goods and chattels; and, as such, saleable and sold. That James Somerset, is a negro of Africa, and long before the return of the King's writ was brought to be sold, and was sold to Charles Stewart, Esq. then in Jamaica, and has not been manumitted since; that Mr. Stewart, having occasion to transact business, came over hither, with an intention to return; and brought Somerset, to attend and abide with him, and to carry him back as soon as the business should be transacted. That such intention has been, and still continues; and that the negro did remain till the time of his departure, in the service of his master Mr. Stewart, and quitted it without his consent; and thereupon, before the return of the King's writ, the said Charles Stewart did commit the slave on board the "Ann and Mary," to save custody, to be kept till he should set sail, and then to be taken with him to Jamaica, and there sold as a slave. And this is the cause why he, Captain Knowles, who was then and now is, commander of the above vessel, then and now lying in the river of [19] Thames, did the said negro, committed to his custody, detain; and on which he now renders him to the orders of the Court. We pay all due attention to the opinion of Sir Philip Yorke, and Lord Chief Justice Talbot, whereby they pledged themselves to the British planters, for all the legal consequences of slaves coming over to this kingdom or being baptized, recognized by Lord Hardwicke, sitting as Chancellor on the 19th of October 1749, that trover would lie: that a notion had prevailed, if a negro came over, or became a Christian, he was emancipated, but no ground in law; that he and Lord Talbot, when Attorney and Solicitor-General, were of opinion, that no such claim for freedom was valid; that tho' the Statute of Tenures had abolished villains regardant to a manor, yet he did not conceive but that a man might still become a villain in gross, by confessing himself such in open Court. We are so well agreed, that we think there is no occasion of having it argued (as I intimated an intention at first,) before all the Judges, as is usual, for obvious reasons, on a return to a habeas corpus; the only question before us is, whether the cause on the return is sufficient? If it is, the negro must be remanded; if it is not, he must be discharged. Accordingly, the return states, that the slave departed and refused to serve; whereupon he was kept, to be sold abroad. So high an act of dominion must be recognized by the law of the country where it is used. The power of a master over his slave has been extremely different, in different countries. The state of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political; but only positive law, which preserves its force long after the reasons, occasion, and time itself from whence it was created, is erased from memory: it's so odious, that nothing can be suffered to support it, but positive law. Whatever inconveniences, therefore, may follow from a decision, I cannot say this case is allowed or approved by the law of England; and therefore the black must be discharged.

PITT against HARBIN.

Mrs. Harbin devised to her four nieces, and on the death of any of them without issue, the whole should go to the survivor or survivors; but if any of her said nieces died, having child or children, then the share to go to such child or children; if all died without issue, then the whole to her nephew.

Catherine Pitt, one of the nieces, married G. Pitt, and had issue W. and G. Both died in the life of the mother; G. Pitt left issue Eliz. and G. grand-children of C. the three other nieces died without issue, one in 1712, C. in 1745, and another in 1759, and F. in 1765. The will was made in 1705.

[20] On the death of F. the grand-children of C. claim the whole. On the other hand, the representatives of Mrs. Harbin say, that nothing but the single share which C. took by survivorship goes to the grand-children of C.

highest degree to hazard conjectures how far the lot of the Slave was mitigated, in the beginnings of society, by having a definite place reserved to him in the empire of the Father. It is, perhaps, more probable that the son was practically assimilated to the Slave, than that the Slave shared any of the tenderness which in later times was shown to the son. But it may be asserted with some confidence of advanced and matured codes that, wherever servitude is sanctioned, the Slave has uniformly greater advantages under systems which preserve some memento of his earlier condition than under those which have adopted some other theory of his civil degradation. The point of view from which jurisprudence regards the Slave is always of great importance to him. The Roman law was arrested in its growing tendency to look upon him more and more as an article of property by the theory of the Law of Nature; and hence it is that, wherever servitude is sanctioned by institutions which have been deeply affected by Roman jurisprudence, the servile condition is never intolerably wretched. There is a great deal of evidence that in those American States which have taken the highly Romanised code of Louisiana as the basis of their jurisprudence, the lot and prospects of the negro-population are better in many material respects than under institutions founded on the English Common Law, which, as recently interpreted, has no true place for the Slave, and can only therefore regard him as a chattel.

We have now examined all parts of the ancient Law of Persons which fall within the scope of this treatise, and the result of the inquiry is, I trust, to give additional definiteness and precision to our view of the infancy of jurisprudence. The Civil laws of States first make their appearance as the Themistes of a patriarchal sovereign, and we can now see that these Themistes are probably only a developed form of the irresponsible commands which, in a still earlier condition of the race, the head of each isolated household may have addressed to his wives, his children, and his slaves. But, even after the State has been organised, the laws have still an extremely limited application. Whether they retain their primitive character as Themistes, or whether they advance to the condition of Customs or Codified Texts, they are binding not on individuals, but on Families. Ancient jurisprudence, if a perhaps deceptive comparison may be employed, may be likened to International Law, filling nothing, as it were, excepting the interstices between the great groups which are the atoms of society. In a community so situated, the legislation of assemblies and the jurisdiction of Courts reaches only to the heads of families, and to every other individual the rule of conduct is the law of his home, of which his Parent is the legislator. But the sphere of civil law, small at first, tends steadily to enlarge itself. The agents of legal change, Fictions, in turn to bear on the Equity, and Legislation, are brought primeval institutions, and at every point of the progress, a greater number of personal rights and a larger amount of property are removed from the domestic forum to the cognisance of the public tribunals. The ordinances of the government obtain gradually the same efficacy in private concerns as in matters of state, and are no longer liable to be overridden by the behests of a despot enthroned by each hearthstone. We have in the annals of Roman law a nearly complete

history of the crumbling away of an archaic system, and of the formation of new institutions from the recombined materials, institutions some of which descended unimpaired to the modern world, while others, destroyed or corrupted by contact with barbarism in the dark ages, had again to be recovered by mankind. When we leave this jurisprudence at the epoch of its final reconstruction by Justinian, few traces of archaism can be discovered in any part of it except in the single article of the extensive powers still reserved to the living Parent. Everywhere else principles of convenience, or of symmetry, or of simplification -- new principles at any rate have usurped the authority of the jejune considerations which satisfied the conscience of ancient times. Everywhere a new morality has displaced the canons of conduct and the reasons of acquiescence which were in unison with the ancient usages, because in fact they were born of them.

The movement of the progressive societies has been uniform in one respect. Through all its course it has been distinguished by the gradual dissolution of family dependency and the growth of individual obligation in its place. The Individual is steadily substituted for the Family, as the unit of which civil laws take account. The advance has been accomplished at varying rates of celerity, and there are societies not absolutely stationary in which the collapse of the ancient organisation can only be perceived by careful study of the phenomena they present. But, whatever its pace, the change has not been subject to reaction or recoil, and apparent retardations will be found to have been occasioned through the absorption of archaic ideas and customs from some entirely foreign source. Nor is it difficult to see what is the tie between man and man which replaces by degrees those forms of reciprocity in rights and duties which have their origin in the Family. It is Contract. Starting, as from one terminus of history, from a condition of society in which all the relations of Persons are summed up in the relations of Family, we seem to have steadily moved towards a phase of social order in which all these relations arise from the free agreement of Individuals. In Western Europe the progress achieved in this direction has been considerable. Thus the status of the Slave has disappeared -- it has been superseded by the contractual relation of the servant to his master. The status of the Female under Tutelage, if the tutelage be understood of persons other than her husband, has also ceased to exist; from her coming of age to her marriage all the relations she may form are relations of contract. So too the status of the Son under Power has no true place in law of modern European societies. If any civil obligation binds together the Parent and the child of full age, it is one to which only contract gives its legal validity. The apparent exceptions are exceptions of that stamp which illustrate the rule. The child before years of discretion, the orphan under guardianship, the adjudged lunatic, have all their capacities and incapacities regulated by the Law of Persons. But why? The reason is differently expressed in the conventional language of different systems, but in substance it is stated to the same effect by all. The great majority of Jurists are constant to the principle that the classes of persons just mentioned are subject to extrinsic control on the single ground that they do not possess the faculty of forming a judgment on their own interests; in other words, that they are wanting in

the first essential of an engagement by Contract.

The word Status may be usefully employed to construct a formula expressing the law of progress thus indicated, which, whatever be its value, seems to me to be sufficiently ascertained. All the forms of Status taken notice of in the Law of Persons were derived from, and to some extent are still coloured by, the powers and privileges anciently residing in the Family. If then we employ Status, agreeably with the usage of the best writers, to signify these personal conditions only, and avoid applying the term to such conditions as are the immediate or remote result of agreement, we may say that the movement of the progressive societies has hitherto been a movement from Status to Contract.

Chapter 6. The Early History of Testamentary Succession

If an attempt were made to demonstrate in England the superiority of the historical method of investigation to the modes of inquiry concerning Jurisprudence which are in fashion among us, no department of Law would better serve as an example than Testaments or Wills. Its capabilities it owes to its great length and great continuity. At the beginning of its history we find ourselves in the very infancy of the social state, surrounded by conceptions which it requires some effort of mind to realise in their ancient form; while here, at the other extremity of its line of progress, we are in the midst of legal notions which are nothing more than those same conceptions disguised by the phraseology and by the habits of thought which belong to modern times, and exhibiting therefore a difficulty of another kind, the difficulty of believing that ideas which form part of our everyday mental stock can really stand in need of analysis and examination. The growth of the Law of Wills between these extreme points can be traced with remarkable distinctness. It was much less interrupted at the epoch of the birth of feudalism, than the history of most other branches of law. It is, indeed, true that, as regards all provinces of jurisprudence, the break caused by the division between ancient and modern history, or in other words by the dissolution of the Roman empire, has been very greatly exaggerated. Indolence has disinclined many writers to be at the pains of looking for threads of connection entangled and obscured by the confusions of six troubled centuries, while other inquirer, not naturally deficient in patience and industry, have been misled by idle pride in the legal system of their country, and by consequent unwillingness to confess its obligations to the jurisprudence of Rome. But these unfavourable influences have had comparatively little effect on the province of Testamentary Law. The barbarians were confessedly strangers to any such conception as that of a Will. The best authorities agree that there is no trace of it in those parts of their written code which comprise the customs practised by them in their original seats, and in their subsequent settlements on the edge of the Roman empire. But soon after they became mixed with the population of the Roman provinces they appropriated from the Imperial jurisprudence the conception of a Will, at first in part, and afterwards in all its integrity. The influence of the Church had much to do with this rapid assimilation. The

Yet though this is so the dogma that the form of a government is a sort of spontaneous growth so closely bound up with the life of a people that we can hardly treat it as a product of human will and energy, does, though in a loose and inaccurate manner, bring into view the fact that some polities, and among them the English constitution, have not been created at one stroke, and far from being the result of legislation in the ordinary sense of that term are the fruit of contests carried on in the Courts on behalf of the rights of individuals. Our constitution, in short, is a judge-made constitution, and it bears on its face all the features, good and bad, of judge-made law.

[p. 197] Contrast between the English constitution and foreign constitutions.

Hence flow noteworthy differences between the constitution of England and the constitutions of most foreign countries. | There is in the English constitution an absence of those declarations or definitions of rights so dear to foreign constitutionalists. Such principles moreover, as you can discover, are, like all maxims established by judicial legislation, mere generalisations drawn either from the decisions or dicta of judges, or from statutes which, being passed to meet special grievances, bear a close resemblance to judicial decisions, and are in effect judgments pronounced by the High Court of Parliament. To put what is really the same thing in a somewhat different shape, the relation of the rights of individuals to the principles of the constitution is not quite the same in countries like Belgium, where the constitution is the result of a legislative act, as it is in England, where the constitution itself is based upon legal decisions. In Belgium, which may be taken as a type of countries possessing a constitution formed by a deliberate act of legislation, you may say with truth that the rights of individuals to personal liberty flow from or are secured by the constitution.³⁹ In England the right to individual liberty is part of the constitution, because it is secured by the decisions of the Courts, extended or confirmed as they are by the *Habeas Corpus* Acts. If it be allowable to apply the formulas of logic to questions of law, one may describe the difference in this matter between the constitution of Belgium and the English constitution by saying that in Belgium individual rights are deductions drawn from the principles of the constitution, whilst in England the so-called principles of the constitution are inductions or generalisations based upon particular decisions pronounced by the Courts as to | the rights of given individuals. This is of course a merely formal difference. Liberty is probably as well secured in Belgium as in England, and as long as this is so it matters nothing whether we say that individuals are free from all risk of arbitrary arrest, because liberty of person is guaranteed by the constitution, or that the right to personal freedom, or in other words to protection from arbitrary arrest, forms part of the constitution because it is secured by the ordinary law of the land. But though this merely formal distinction is in itself of no moment, provided always that the rights of individuals are really secure, the question whether the right to personal freedom or the right to

[p. 198]

³⁹ See *Belgian Constitution*, Art. 7. See p. [122], *post*.

freedom of worship is likely to be secure does depend a good deal upon the answer to the enquiry whether the persons who consciously or unconsciously build up the constitution of their country begin with definitions or declarations of rights, or with the contrivance of remedies by which rights may be enforced or secured. Now most foreign constitution-makers have begun with declarations of rights.⁴⁰ For this they have often been in nowise to blame. Their course of action has more often than not been forced upon them by the stress of circumstances, and by the consideration that to lay down general principles of law is the proper and natural function of legislators. But any knowledge of history suffices to show that foreign constitutionalists have, while occupied in defining rights, given insufficient attention to the absolute necessity for the provision of adequate remedies by which the rights they proclaimed might be enforced. The Constitution of 1791 proclaimed liberty of conscience, liberty of the | press, the right of public meeting, the responsibility of government officials.⁴¹ But there never was a period in the recorded annals of mankind when each and all of these rights were so insecure, one might almost say so completely non-existent, as at the height of the French Revolution. And an observer may well doubt whether a good number of these liberties or rights are even now so well secured under the French Republic as under the English Monarchy. On the other hand, there runs through the English constitution that inseparable connection between the means of enforcing a right, and the right to be enforced which is the strength of judicial legislation. The saw, *ubi jus ibi remedium*, becomes from this point of view something much more important than a mere tautologous proposition. In its bearing upon constitutional law, it means that the Englishmen whose labours gradually built up the complicated set of laws and institutions which we call the constitution, fixed their minds far more intently on providing remedies for the enforcement of particular rights or (what is merely the same thing looked at from the other side) for averting definite wrongs, than upon any declaration of the Rights of Man or of Englishmen. The *Habeas Corpus* Acts declare no principle and define no rights, but they are for practical purposes worth a hundred constitutional articles guaranteeing individual liberty. Nor let it be supposed that this connection between rights and remedies which depends upon the spirit of law pervading English | institutions is inconsistent with the existence of a written constitution, or even with the existence of constitutional declarations of rights. The Constitution of the United States and the constitutions of the separate States are embodied in written or printed documents. But the statesmen of America have shown unrivalled skill in providing means for giving legal security to the rights declared by American constitutions. The rule of law is as marked a feature of the United States as of England.

[p. 199]

[p. 200]

⁴⁰ Compare pp. [71–73], *ante*.

⁴¹ See Plouard, *Les Constitutions Françaises*, pp. 14–16.

[p. 201]

The fact, again, that in many foreign countries the rights of individuals, e.g. to personal freedom, depend upon the constitution, whilst in England the law of the constitution is little else than a generalisation of the rights which the Courts secure to individuals, has this important result. The general rights guaranteed by the constitution may be, and in foreign countries constantly are, suspended. They are something extraneous to and independent of the ordinary course of the law. The declaration of the Belgian constitution that individual liberty is 'guaranteed' betrays a way of looking at the rights of individuals very different to the way in which such rights are regarded by English lawyers. We can hardly say that one right is more guaranteed than another. Freedom from arbitrary arrest, the right to express one's opinion on all matters subject to the liability to pay compensation for libellous or to suffer punishment for seditious or blasphemous statements, and the right to enjoy one's own property, seem to Englishmen all to rest upon the same basis, namely, on the law of the land. To say that the 'constitution guaranteed' one class of rights more than the other would be to an Englishman an unnatural or a senseless form of speech. In the Belgian constitution the words have a definite meaning. They imply that no law invading personal freedom can be passed without a modification of the constitution made in the special way in which alone the constitution can be legally changed or amended.⁴² This however is not the point to which our immediate attention should be directed. The matter to be noted is, that where the right to individual freedom is a result deduced from the principles of the constitution, the idea readily occurs that the right is capable of being suspended or taken away. Where, on the other hand, the right to individual freedom is part of the constitution because it is inherent in the ordinary law of the land, the right is one which can hardly be destroyed without a thorough revolution in the institutions and manners of the nation. The so-called 'suspension of the *Habeas Corpus* Act' bears, it is true, a certain similarity to what is called in foreign countries 'suspending the constitutional guarantees'. But, after all, a statute suspending the *Habeas Corpus* Act falls very far short of what its popular name seems to imply;⁴³ and though a serious measure enough, is not in reality more than a suspension of one particular remedy for the protection of personal freedom. The *Habeas Corpus* Act may be suspended and yet Englishmen may enjoy almost all the rights of citizens. The constitution being based on the rule of law, the suspension of the constitution, as far as such a thing can be conceived possible, would mean with us nothing less than a revolution.

[p. 202]

Summary of
meanings of
Rule of Law.

That 'rule of law' then, which forms a fundamental principle of the constitution, has three meanings, or may be regarded from three different points of view.

⁴² See pp. [66–73], *ante*.

⁴³ See pp. [133–135], *post*.

Chapter Six

The English Law

As we discover from their literature, the Anglo-Saxon and Nordic tribes were litigious people.¹ This fact testifies not to their quarrelsomeness so much as their desire to settle quarrels peacefully, by laying them before a court. From the beginning, therefore, courts, customs and past decisions took precedence over royal decrees. The Anglo-Saxon codes were summaries of custom, which the king declared as law. When, in the Middle Ages, the English Parliament began to emerge as a law-making body, it was conceived, and described, as a court of law – a final arbiter of questions which could not be settled by local magistrates. Its authority was never greater than that of the courts which applied its decisions, and only little by little did the executive arm of government begin to resent the fact that the mass of English law had not been decided by Parliament but discovered by the subordinate courts.

The 'common law' of England denotes the law common to the whole land, as opposed to the local customs and variations (such as the system of land tenure called 'gavelkind' which persisted until 1925 in Kent). It arose from local judgements, and not from decrees issued by the sovereign, whose tenure was regarded by the English as conditional on his undertaking to uphold and adhere to the 'law of the land'. The vast body of this law was, and remains, unwritten, except in the form of reports and commentaries. It is known as 'case

¹ See, for example, *Njál's Saga*, tr. M. Magnusson and H. Pálsson, London, 1960.

law', since it derives from the judgements delivered in individual cases. Some describe it, therefore, as 'judge-made' law, on the assumption that law is always made by someone, and if not by the sovereign body, then by the person who decides the leading case. But this description is also a misdescription. The common law is no more *made* by the judge, than the moral law is *made* by the casuist. Kant argued that the moral law is known to all rational beings, and that they acknowledge it even when they cannot put it into words. Whether or not Kant was right in this, it is certainly true that the common law of England developed in the manner that he described. As in the Kantian morality, those who obeyed the law were not necessarily those best able to explain it, and in all difficult cases an effort of impartial reflection was needed, if the rights and wrongs of the matter were to be known. It was to this task of reasoned reflection that the courts were devoted.

The process that led from the Anglo-Saxon moot to the procedures described by Blackstone, in his incomparable *Commentaries on the Laws of England* (1765–70), is intricate and obscure.¹ But the resulting system is of an admirable simplicity, embodying a vision of law that did not merely distinguish England and its colonies from almost all other countries in the world (except those, like the Scandinavian kingdoms, which had arisen from the same mysterious beginnings), but provided a paradigm of natural justice. It has begun to sink at last, under the weight of centralised legislation, the bureaucratic 'law' of the European Commission and the politicised judgements of the European courts. But it has retained until our day the noble aspiration which had always guided it, namely, to do justice in the individual case, regardless of the interests of power. Even more

¹ See J.H. Baker, *An Introduction to English Legal History*, 2nd edn, London, 1979. The Common Law was effectively established by 1150, but survived into modern times partly because of the prerogative courts of the sovereign, which issued royal writs, enforced judgements, and protected judges and juries from intimidation. It was not until the Tudors that the system had the strength to stand on its own feet against those who resented its judgements.

than the English Church, it fed the root conception of the English body politic, that power is one thing and authority another. And it furthered the determination of the English to stand up to power, whenever justice was opposed to it.

The common law rests on the doctrine of *stare decisis* – that particular decisions should stand unaltered. These decisions have the status of ‘precedents’, which must be followed wherever they apply. In general, the English courts have adopted the principle that decisions of higher courts are binding on the courts beneath them (otherwise, what could be meant by distinguishing ‘higher’ from ‘lower’ courts?). This principle naturally poses problems for the highest court of all, the House of Lords, which in 1966 arrived at the typically English conclusion that it could disregard its own decisions, so that no judgement, in the end, is eternally binding on anyone, since the judgement of any court may be overruled by the House of Lords. To discover whether a precedent applies, a judge must ascertain its *ratio decidendi* – the reason for the decision. This may not have been explicitly stated by the original court, but merely implied in the reasoning of the judge. Those brought up on Roman law or the *code napoléon* find this amazing, since they see law as a deductive system, beginning from first principles, and working downwards to the particular case. But we need only recall the close connection between common law and moral judgement to see that it is not amazing at all. The important thing in moral life is to do what is right, not to expound the principle which makes it so; and often the principle eludes us, even when the rightness of the act is clear. Readers of Jane Austen will not need to be reminded of this. Like morality, the common law builds upwards from the particular to the general. The abstract rigour of civilian (i.e. Roman law) systems is no guarantee of their justice. For justice is done in the particular case, and until tried in the courts abstract principles have no more authority than the people who declare them.

This is particularly obvious if we attend to civil law – the area in which the English legal system has excelled. When one person has a

complaint against his neighbour and applies to the judgement of a court, he is seeking a *remedy*. The facts of the case may never have been considered before, and the judge may have no explicit rule of law, no precedent and no Act of Parliament to guide him. But still there is a difference, the common law says, between a right and a wrong decision. Thus it was, for example, in the leading case of *Rylands v. Fletcher* (1865) in the law of tort. The defendant was a mill-owner who had constructed a reservoir on his land. The water burst through old mine shafts into the mines of the plaintiff, which were thereby flooded and put out of use. No similar case had come before the courts, yet clearly there were questions of right and liability to be decided. The Court of Exchequer Chamber (one of the antique courts which then existed, signalling its history in an exquisite name) gave judgement in the following words of Mr Justice Blackburn: 'We think that the true rule of law is, that the person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril, and, if he does not do so, is *prima facie* answerable for all the damage which is the natural consequence of its escape.' This rule, the judge added, 'seems on principle just'.

Until *Rylands v. Fletcher*, however, no such rule had ever been formulated. The facts of the case arose in the context of new industrial activities, generating conflicts that had not been tried at law. Therefore, did Mr Justice Blackburn merely invent the rule? If he did, then Mr Fletcher was penalised by an act of retroactive legislation – in other words, by the invention of a law of which he could have had no prior knowledge. Surely that would be a flagrant injustice. But notice the judge's words: 'We think that the true rule of law is . . .'. In other words, in Blackburn's own eyes, he was not inventing the rule, but discovering it. And such was the opinion of the House of Lords, in upholding his judgement. The common law was based on the assumption that there *is* a law governing each judiciable conflict, and that its right application will provide a remedy to the person who is wronged, and a penalty to the person who has

wronged him. The business of the judge is to discover that law and apply it in the given case. He may do this as Mr Justice Blackburn did, by explicitly formulating the law and then bringing it to bear on the particular facts. Or he may merely apply the law, without saying what it is, in which case those judges who are bound by his decision must search for the *ratio decidendi* of the case. A higher court may decide that a case was rightly decided, while disapproving the *ratio decidendi* – implying therefore that the law has been wrongly described. A lower court may refuse to follow a precedent by arguing that the facts of the case before it are sufficiently distinct to imply that the law which decided the precedent cannot safely be applied. And so on. All these legal manoeuvres assume that the common law is a process of discovery, not invention, and that what is discovered is not merely the ‘law of the land’ but the just solution to the conflict.

This beautiful idea stands in need of a philosophical defence. But to the English it was obvious, and was at the root of their respect for law, and their willingness to abide by its judgements. Moreover, it made the law into a far more flexible instrument of social reform than Parliament. The case of *Rylands v. Fletcher* is itself a telling instance. The English did not have to wait for politicians to consider the environmental consequences of the new forms of heavy industry. As soon as an individual was able to prove that he had been damaged, the law stepped in with a binding remedy. Study that branch of the law of tort known as ‘occupier’s liability’ and you will see the common law running constantly ahead of legislation, to defend the innocent victim from the misuse of land.

But there is, from the spiritual perspective, a more important aspect of the common law. The final authority in English law was the particular case, which had to be studied with all its facts, in order to extract the law which was its *ratio decidendi*. Hence English legal thinking remained concrete, close to human life and bound up with the realities of human conflict. The cases show an acute awareness of this, with judges going out of their way to give the psychological and dramatic context that compels their verdict. Many of the leading

judgements – Lord Denning’s, for example – are also celebrations of the ordinary individual in his attempt to live by the law. And no student of the English law can fail to absorb a concrete sense of English history – not just of the wars and parliaments and kings of former times, but of *what it was like* to live in them. The individual emerged from this unfolding narrative as the hero of English law, and the law itself as a form of consecration – a lifting of daily life into a realm where rights were acknowledged and duties obeyed.

Another device of English law furthered this development. The civil law in England was conceived as an instrument to provide relief to the injured subject. Its concern was to offer remedies to perceived wrongs, and so to moderate human conflict with the offer of a peaceful solution. Where the common law was slow to find a remedy, statute supplied the need – though statute interpreted by common law judges, who did their best to harmonise the two sources of law. Even so, it was not possible to provide relief to every sufferer: statutes were too rigid and common law confined to specific forms of action, leaving areas of grievance for which no action was available. Because the sovereign was guardian of the law, and answerable for its good reputation, subjects began to petition him directly, whenever the law could provide no remedy for their grievance. Such petitions were addressed to the sovereign through the Lord Chancellor, who, by the sixteenth century, was presiding over a ‘court of chancery’ established in order to hear petitions to the Crown. The concern of this court was to provide relief to the petitioner, by doing justice in the individual case.

The law that emerged from the court of chancery was called ‘equity’, from the Latin *aequitas* or fairness, as opposed to *strictum jus*, the strict and literal application of the law. It was, in effect, an application of philosophical principles of natural justice (the ‘maxims of equity’) in order to soften the strictness and supply the deficiencies of the law. These maxims include the following: Equity will not suffer a wrong without a remedy; He who seeks equity must do equity; He who comes to equity must come with clean hands. It was

established, following a bitter wrangle between King James I and Chief Justice Coke, that, in any conflict between them, equity takes precedence over law. And the effect of this has been to grant to the judges of chancery the power to override both statutes and the common law.

The most important device that emerged from equitable jurisdiction was that of the trust – a concept peculiar to Anglo-American systems of law, and one of immense social and political significance. Suppose John dies, having left his property to Harold, on condition that Harold use the property to care for John's children. And suppose that Harold keeps the property for himself. What remedy do John's children have? None in law, since the property was transferred legally to Harold who is now the absolute owner. But equity will protect the interests of the children, by holding Harold liable to fulfil the terms of his agreement with John. It will say that Harold is *legal* owner of the property, but that he holds it in trust for John's children, who are the *beneficial* owners. Should Harold be in breach of trust, then the children have a cause of action, and equity will compel him to make good their loss – provided they are innocent in the matter and come 'with clean hands'.

The concept of trust has been used by the courts to protect the most intricate property rights, to rectify the most surreptitious forms of injustice, and to give legal form to the most spontaneous and informal of social practices. F.W. Maitland assessed the matter correctly: 'If we were asked what is the greatest and most distinctive achievement performed by Englishmen in the field of jurisprudence I cannot think that we should have any better answer than this, namely, the development from century to century of the trust idea.'¹ And nothing better illustrates the purpose of law as the English conceived it, which was not to exercise power over people, but to grant them *relief* when power was abused. Whether or not the parties had declared a trust of property, it was for the court to determine

¹ F.W. Maitland, *Selected Essays*, London, 1911, p. 129.

whether a trust existed, and it would so determine, if by doing so it could thwart an injustice. Thus arose the concept of the 'constructive trust', used, for example, by Lord Denning to confer property rights on a discarded mistress, whose lover had profited from her cooperation in acquiring and restoring a house.

Trusteeship in English law is the strangest form of ownership: for it consists entirely of duties, with no personal rights. The idea of ownership as a duty seeped into the national consciousness, and provided a model for the relation between the English and their country. Throughout the nineteenth century we find writers and statesmen explaining patriotism in such terms. The English were to see themselves as trustees of an endowment, which they could not squander or abuse without violating the rights of the beneficiaries – the future generations who would in turn enjoy their inheritance only by becoming trustees of it. The English thereby gave moral form to the vision of society made canonical by Burke. Their society was not a contract among the living, but a partnership between generations, with the living as trustees of an inheritance bequeathed by those who had died to those who had not yet been born. In other words, England was a partnership most of whose owners came always before or after, and were never here and now. And this was another reason for identifying England not through the people who lived there, since they were only the brief stewards of the landscape, but through the land itself.

The idea of the 'law of the land' gained credibility from two procedural features of the English system: the dispersed network of courts, and the right, in the more serious criminal cases, to trial by jury. Criminal cases were brought in the first instance before the 'justices of the peace'. This unpaid office first appears in 1252; the Justice of the Peace was a local notable, nominated by other local notables or by royal writ, charged with trying summary offences and committing more serious offences for trial by jury. These more serious offences were passed up to the county courts, while civil cases were dealt with by local assizes. The county courts were organised

into 'circuits', to be visited in turn by one or more superior (usually High Court) judge. Justice was in this way dispersed across the land, while being maintained to a single central standard, set down by the High Court in London.

The jury is an ancient institution, with both Saxon and Norman elements. It took something like its modern form following the Assize of Clarendon (1166), but was not yet what it came to be, as a result of the rule in *Bushell's case* (1670), which held that an honest verdict was to be accepted by the court, and that no juror could be punished for delivering it. Despite abuses (and no human institution is immune from abuse), the jury system ensured that questions of fact were clearly distinguished from questions of law, that the accused had a fair hearing, and that the assumption of innocence was maintained, with the onus on the prosecutor to establish beyond reasonable doubt that the accused was guilty of the crime. It also ensured that the law remained responsive to the ordinary conscience, since juries would not convict if the penalty seemed to be too severe or the crime a mere formality. Most important of all, it ensured the involvement of all citizens in the administration of justice: jury service was (and remains) a duty. The law of England was therefore perceived as a common property of all, which each had a duty to uphold and which reached impartially into every household. The law was, to that extent, domesticated, and the general assumption was that only wrongdoers need be afraid of it.

This friendly presence of the law was symbolised by its most visible incarnation – the local constable. The English policeman, descended from the Bow Street runners of the early nineteenth century, bore all the distinctive marks of a law-abiding country, in which law stood above power and politics. The police force was not an arm of central government, but a local organisation, responsive to the county councils. The 'bobby' himself was trained as a friend of the community he served, and the sign of this was that he was armed only with a notebook and a comic tin whistle. He knew the people on his beat, and took a benign and paternal interest in their welfare.

3. The Landscape of Law

The Lure of Law

The fundamental question the Chinese government must face is lawlessness. China does not lack laws, but the rule of law . . . This issue of lawlessness may be the greatest challenge facing the new leaders who will be installed this autumn [of 2012] . . . Indeed, China's political stability may depend on its ability to develop the rule of law in a system where it barely exists.^{[1](#)}

These are the words of Chen Guangcheng, the blind lawyer who was allowed to leave China to study in the United States after successfully escaping from his Communist Party persecutors in April 2012. Less well known in the West, but more influential in China, is the legal scholar He Weifang. In an essay entitled 'China's First Steps towards Constitutionalism', published in 2003, He rather more tactfully observed: 'The Western legal landscape does make an interesting and illuminating contrast to China's legal situation, revealing many discrepancies and

inconsistencies between the two . . . Although China's modern system was borrowed from the West . . . things often proceed in different ways between China and the West.'²

The theme of this chapter is the landscape of law. I want to ask what, if anything, developing countries like China can learn from the West about the rule of law. And I want to cast some doubt on the widespread assumption that our Western legal systems are in such good health that all the Chinese need to do is replicate our best practice – whatever that may be.

The English Way of Law

What exactly do we mean by the rule of law? In his book of that name,³ the late Lord Chief Justice, Tom Bingham, specified seven criteria by which we should assess a legal system:

1. the law must be accessible and so far as possible intelligible, clear and predictable;
2. questions of legal right and liability should ordinarily be resolved by application of the law and not by the exercise of discretion;



3. the laws of the land should apply equally to all, save to the extent that objective differences [such as mental incapacity] justify differentiation;
4. ministers and public officers at all levels must exercise the powers conferred on them in good faith, fairly, for the purpose for which the powers were conferred, without exceeding the limits of such powers;
5. the law must afford adequate protection of fundamental human rights;
6. means must be provided for resolving, without prohibitive cost or inordinate delay, *bona fide* civil disputes which the parties themselves are unable to resolve; and
7. adjudicative procedures provided by the state should be fair.

Under heading 5, Bingham lists no fewer than fourteen different rights that the rule of law should be expected to protect: the right to life, protection from torture, protection from slavery and forced labour, the right to liberty and security, the right to a fair trial, protection from punishment without law, the right to respect for private/family life, freedom of thought/conscience/religion, freedom of expression, freedom of assembly/association, the right to marry, freedom from discrimination, protection of property and the right to education. (He might have gone further, since some countries today explicitly acknowledge rights to

housing, healthcare, education and a clean environment. Why not a right to drinkable wine, too?)

In England, the rule of law in Bingham's sense of the term is the product of historical evolution. In 1215 Magna Carta established the principle that all Englishmen were equal before the law and that the Crown could not raise taxation without the consent of the Great Council, later Parliament. It was in the medieval period, too, that the writ of habeas corpus (against unlawful detention) came into use, that around 500 towns acquired charters of effective self-government and – after 1295 – that these boroughs were also represented in Parliament. From the time of Henry III until the time of James II there was a protracted tug of war between the monarch and Parliament, in which the Crown's tendency to sell off the royal demesne to finance wars steadily weakened its position. The culmination came, as we saw in Chapter 1, with the Glorious Revolution, which asserted the sovereignty of the king-in-Parliament. Also in the seventeenth century, torture was done away with; though it was not until a century later, with Somerset's Case in 1772, that slavery in England was definitively declared illegal. Throughout this period, the common law courts effectively resisted encroachments on their jurisdiction by institutions under royal control. Still, it was not until the 1701 Act of Settlement that the independence of the judiciary was assured with the advent of life appointments.

My undergraduate reading at Oxford persuaded me that the real point of English history was to establish, for the first time, three sacred principles. First, an Englishman's home is his castle. In the case of *Entick v. Carrington*, Lord Camden ruled against the government for raiding the home of the

radical journalist John Entick. 'The great end for which men entered into society was to secure their property,' declared Camden, quoting John Locke. 'By the laws of England, every invasion of private property, be it ever so minute, is a trespass.' Secondly, do what you like as long as you do no harm. 'The privileges of thinking, saying, and doing what we please, and of growing as rich as we can, without any other restrictions, than that by all this we hurt not the public, nor one another, are the glorious privileges of liberty': that was the formulation of 'Cato' (the nom de plume of John Trenchard and Thomas Gordon), writing in the early 1720s. Third, mind your own bloody business. 'The taste for making others submit to a way of life which one thinks more useful for them than they do themselves', John Stuart Mill explained to the French liberal Alexis de Tocqueville, 'is not a common taste in England.'⁴ And these pillars of the English rule of law, as A. V. Dicey had pointed out in 1885, were the products of a slow, incremental process of judicial decision-making in the common law courts, based in large measure on precedents. There were no 'grand declarations of principle', just the interplay of judicial memory and statutory innovations by Parliament.

I now realize that this was a rather naive reading of English legal history. As the greatest modern theorist of law in the English-speaking world, the late Ronald Dworkin, explained in *Law's Empire*, there really are principles underpinning the common law, even when those principles are not codified as they are in the US Constitution. 'We insist', writes Dworkin, 'that the state act on a single, coherent set of principles even when its citizens are divided about what the right principles of justice

and fairness really are . . . Judges . . . decide hard cases by trying to find, in some coherent set of principles about people's rights and duties, the best constructive interpretation of the political structure and legal doctrine of their community.'⁵ Behind the operation of the law lie two things: the integrity of judges and 'legislation . . . flowing from the community's present commitment to a background scheme of political morality'.⁶ Questions concerning legality (or 'principle') are for judges to decide; questions of policy are matters for executive and legislature. In this legal world, the judge engages in an authentically Herculean struggle to arrive at a best fit between the rule that he eventually defines and applies in order to resolve the case before him and the general corpus of rules, legal policies and reasonable expectations. So even England's constitution-free common law is based (again in Dworkin's words) 'not only [on] the specific rules enacted in accordance with the community's accepted practices but also [on] the principles that provide the best moral justification for those enacted rules . . . [including] the rules that follow from those justifying principles, even though those further rules were never enacted'.⁷

Like democracy, the rule of law in this sense may be good in its own right. But it may also be good because of its material consequences. Few truths are today more universally acknowledged than that the rule of law – particularly insofar as it restrains the 'grabbing hand' of the rapacious state – is conducive to economic growth. According to Douglass North, 'the inability of societies to develop effective, low-cost enforcement of contracts is the most important source of both historical stagnation and contemporary underdevelopment . . .'⁸ Enforcement of contracts by a

third party is necessary to overcome the reluctance of private sector agents to participate in non-simultaneous economic transactions, especially over long distances in both time and space. Contract enforcement can be provided by private sector agencies such as exchanges, credit companies and arbitrators. But usually, in North's words, 'third-party enforcement [means] . . . the development of the state as a coercive force able to monitor property rights and enforce contracts effectively.'⁹

The problem is getting the state not to abuse its power – hence the need to constrain it. As Stanford's Avner Greif has argued, if public contract-enforcing institutions reveal information about the location and amount of private wealth, the state (or its functionaries) may be tempted to steal some or all of it.¹⁰ Where states are not constrained by law, therefore, private contract-enforcing institutions are safer, like the network operated by eleventh-century Maghribi traders in the Mediterranean, which was based on their common Jewish religion and kinship ties, or the eighteenth-century Scottish diaspora, which had an almost global reach, or the South Asian traders of East Africa. We see such networks operating in many parts of the world today: think of the Chinese business communities operating outside China. Their defect, as with medieval guilds, is their tendency to raise entry barriers and establish monopolies, discouraging competition and reducing economic efficiency. That is why private contract enforcement tends to yield to public as economies become more sophisticated. But that process is dependent on constraining the state to use its power of coercion in such a way as to respect private property rights. In



economics, that is the essential function of the rule of law. It is the property rights more than the human rights that are fundamental.

Law and Economics – and History

Few contributions to the literature on law and economics have had a greater impact than the argument of Andrei Shleifer and his co-authors that the common law system that evolved in the English-speaking world was superior in performing the twin roles of contract enforcement and coercion constraint to all other systems. Neither the French civil law system, originating in the Roman legal tradition, nor the German and Scandinavian legal systems, were as good, to say nothing of non-Western systems of law. What was it that made and makes common law economically better? In their seminal 1997 article, La Porta, Lopez-de-Silanes, Shleifer and Vishny argued that common law systems offer greater protection for investors and creditors. The result is that people with money are more willing to invest in, or lend to, other people's businesses. And higher levels of financial intermediation tend to correlate to higher rates of growth.¹¹

In a succession of empirical studies, these and other scholars sought to demonstrate that common law countries:



1. have stronger investor protections and provide companies with better access to equity finance than civil law countries, as manifested in larger stock markets, more numerous firms and more initial public offerings;¹²
2. have better protection of outside investors relative to 'insiders', whereas French civil law countries have poorer protection;¹³
3. make it easier for new firms to enter the market, as manifested in the number of procedures, number of days and costs of setting up a new business;^{14*}
4. have more efficient (because less formalistic) courts, as measured by the time it takes to evict a non-paying tenant and to collect a debt after a cheque has bounced;¹⁵
5. regulate their labour markets less and therefore have higher labour-force participation and lower unemployment rates than civil law countries;¹⁶
6. have more extensive mandatory disclosure requirements, which again encourages investors;¹⁷ and
7. have more efficient procedures in cases of insolvency, such as a hypothetical hotel bankruptcy.¹⁸



Summarizing their theory of the determining role of legal origins, the authors write:

Legal investor protection is a strong predictor of financial development . . . [as well as] government ownership of banks, the burden of entry regulations, regulation of labour markets, incidence of military conscription, and government ownership of the media . . . In all these spheres, civil law is associated with a heavier hand of government ownership and regulation than common law . . . [These are in turn] associated with adverse impacts on markets such as greater corruption, larger unofficial economy, and higher unemployment . . . Common law is associated with lower formalism of judicial procedures . . . and greater judicial independence . . . Common law stands for the strategy of social control that seeks to support private market outcomes, whereas civil law seeks to replace such outcomes with state-desired allocations . . . Civil law is ‘policy implementing’, while common law is ‘dispute resolving’.¹⁹

This brings us back to where we began, with the notion that there is greater ‘flexibility of judicial decision-making under common law’, because ‘common law courts [can] use broad standards rather than specific rules’.²⁰

Like so many arguments in social science, this theory of legal origins implies a certain version of history. Why did French law end up being worse than English? Because the medieval French Crown was more assertive of its prerogatives than the English. Because France was less peaceable

internally and more vulnerable externally than England. Because the French Revolution, which distrusted judges, sought to convert them into automata, implementing the law as defined and codified by the legislature. The result was an even less independent judiciary and courts precluded from reviewing administrative acts. The Gallic conception of freedom was more absolute in theory and less effectual in practice. In any case, as Alexis de Tocqueville shrewdly observed when comparing the United States and France in the 1830s and 1840s, the French preferred equality to liberty. This preference resulted in a strong central state and weak civil society. When the French exported their model to their colonies in Asia and Africa, the results were even worse.

The theory of legal origins also has important historical implications for non-Western legal systems. We have already encountered Timur Kuran's argument about the retarding effects of Islamic law on Ottoman economic development. A similar case can be made for China. As He Weifang has argued, in the imperial era Chinese government made 'no arrangement whatsoever for the separation of powers', so 'the country magistrate exercised comprehensive responsibilities [including all] three basic functions, namely the enacting of rules . . . the execution of rules . . . and the resolving of disputes.' Confucianism and Taoism deprecated lawyers and deplored the adversarial mode. Yan Fu, the Chinese translator of Montesquieu, fully understood the difference between the Chinese and the Western spirit of the laws. 'During my visit to Europe [in the late 1870s],' he wrote, 'I once attended court hearings and when I came back, I felt at a loss. On one occasion, I said to Mr. Guo Songtao [the Qing ambassador



to Great Britain] that, of the many reasons that make England and other European nations rich and strong, the most important one is the guarantee there of having justice done. And my view was shared by Mr. Guo.'²¹

Yet attempts to import elements of the British legal system to China were a failure. Although the imperial Chinese state sought to provide all kinds of public goods, such as defence, famine relief, commercial infrastructure like canals and the distribution of agricultural knowledge, its highly centralized bureaucracy was quite skeletal in relation to the population. Property rights were relatively secure insofar as there was little variation over time in (by Western standards) low rates of taxation, but there was no commercial code of law and magistrates were steeped in literary and philosophical learning, not in law. They sought 'compromises rather than legal rulings', leaving contract enforcement to private networks. When the late Qing state belatedly entered the commercial sphere, it did so in a counter-productive way, over-taxing merchants and delegating power to monopolistic guilds without effectively constraining itself or its agents. The results were rampant corruption and economic contraction.²²

Law and the Victorians

The legal-origins hypothesis is not without its critics. After all, it is hard not to overlook the fact that for much of the modern era France has had a successful economy, including a large financial sector, despite not being blessed with the common law.²³ Similar things have been said about Germany and Brazil.²⁴ Another line of argument is that common law systems compare less favourably with civil law systems when measures of social welfare – such as infant mortality or inequality – are the dependent variables.²⁵ Yet for me the theory's weakest point becomes apparent if we look at the state of the English common law as it was in the period when, by implication, it must have done the greatest good: the period of the Industrial Revolution, when the English and their Celtic neighbours radically altered the course of world economic history. Here is a contemporary description of an English court at that time:

some score of members of the . . . bar . . . are . . . mistily engaged in one of the ten thousand stages of an endless cause, tripping one another up on slippery precedents, groping knee-deep in technicalities, running their goat-hair and horsehair warded heads against walls of words and making a pretence of equity with serious faces, as players might . . . the various solicitors in the cause, some two or three of whom have inherited it from their fathers, who made a fortune by it . . . are . . . ranged in a line, in a long matted well . . . between the registrar's red table and the silk gowns, with bills, cross-bills, answers, rejoinders, injunctions, affidavits, issues, references to masters, masters' reports, mountains of costly nonsense, piled before them . . . This



is the Court of Chancery . . . which so exhausts finances, patience, courage, hope, so overthrows the brain and breaks the heart, that there is not an honourable man among its practitioners who would not give – who does not often give – the warning, ‘Suffer any wrong that can be done you rather than come here!’²⁶

It might be objected that Charles Dickens was not being entirely fair to the legal profession of his day in *Bleak House*. Yet Dickens had started his career writing court reports. He had seen his own father imprisoned for debt. His biographers confirm that he knew whereof he spoke.²⁷ And historians of the nineteenth-century English legal system largely confirm his account.

First, we must note the tiny size of the system. As late as 1854, the entire judiciary of England and Wales sitting in courts of general jurisdiction numbered just fifteen. These judges, distributed equally between three benches, sat individually to hear cases, either in London or at assize (sessions held in major provincial towns), for just two four-week terms a year. These same men convened as panels of three or four to hear appeals and then sat in larger panels (usually numbering seven) to hear appeals from the panels of three or four. Only appeals from the panels of seven would be heard by another institution, which was the House of Lords. True, the activity of the lower county courts increased as economic life gathered pace. But that was not true of the higher courts.²⁸

Second, until 1855 there were severe statutory restrictions on the ability of entrepreneurs to create limited-liability companies, a legacy of the time when the promoters of monopoly firms like the South Sea Company had

successfully pulled up the ladder behind themselves to boost the value of their own shares. As late as the 1880s, there were still only sixty domestic companies listed on the London Stock Exchange. So much for the benefits of common law for financial development. Third, in the single most important sector of the Victorian Industrial Revolution, the railways, modern research has revealed that 'English common law and common law lawyers had a profound and largely negative impact.' Solicitors were notorious as speculative railway-share promoters, judges were publicly accused of favouritism and the Parliamentary Bar ran a nice little racket, effectively selling statutory approval for new railway lines.²⁹

What are we to make of this? Does history essentially refute the legal-origins thesis that the common law trumps all other systems? Not quite. For despite the evident shortcomings of the English legal system in the industrial age, there remains compelling evidence that it could and did adapt to the changes of the time, perhaps even in ways that facilitated the process as well as accommodating it. This point is best illustrated with reference to the 1854 Exchequer case (well known to law students on both sides of the Atlantic) of *Hadley v. Baxendale*. The dispute was between two Gloucester flour-millers, Joseph and Jonah Hadley, and Joseph Baxendale, the managing director of the London-based carriers Pickford & Co. The Hadleys had sued Pickfords for the full amount of their losses – including forgone profits – resulting from late delivery of a replacement hand-crafted mill shaft. It is no coincidence that Pickfords are still around today and the Hadleys' firm, City Flour Mills, is not. For although the local jury decided for the Hadleys, the appellate judges in London reversed their decision.



According to the American judge and legal scholar Richard Posner, *Hadley v. Baxendale* enshrined the principle ‘that where a risk of loss is known to only one party to the contract, the other party is not liable for the loss if it occur’.³⁰

It was later said of the original assize judge, Sir Roger Crompton, that he ‘never recognized the notion that the common law adapts itself by a perpetual process of growth to the perpetual roll of the tide of circumstances as society advances’.³¹ That was certainly not the approach of the appeal judges, Barons Alderson, Parke and Martin, who – in the words of a modern commentator – ‘refashioned the substantive law of contract damages’. As Alderson reasoned, ‘the only circumstances . . . communicated by the plaintiffs to the defendants’ at the time the contract was made were that they were millers whose mill shaft was broken. There was no notice of the ‘special circumstances’ that the mill was stopped and profits would be lost as a result of delay in the delivery of the shaft. Moreover, it was ‘obvious [thus Alderson] that in the great multitude of cases of millers sending off broken shafts to third persons by a carrier under ordinary circumstances’, the mills would not be idle and profits lost during the period of shipment, since most millers would have spare shafts.³² Thus the loss of profits could not be taken into consideration in estimating damages.

To put it crudely, this was a ruling that favoured big over small business – but that is not really the important point. The point is that Baron Alderson’s reasoning illustrates very well how the common law evolves, a process elegantly described by Lord Goff in the 1999 case of *Kleinwort Benson v. Lincoln City Council*:



When a judge decides a case which comes before him, he does so on the basis of what he understands the law to be. This he discovers from the applicable statutes, if any, and from precedents drawn from reports of previous judicial decisions . . . In the course of deciding the case before him he may, on occasion, develop the common law in the perceived interests of justice, though as a general rule he does this 'only interstitially' . . . This means not only that he must act within the confines of the doctrine of precedent, but that the change so made must be seen as a development, usually a very modest development, of existing principle and so can take its place as a congruent part of the common law as a whole. In this process, what [F. W.] Maitland has called the 'seamless web', and I myself . . . have called the 'mosaic', of the common law, is kept in a constant state of adaptation and repair, the doctrine of precedent, the 'cement of legal principle', providing the necessary stability.³³

I believe this gives an invaluable insight into the authentically evolutionary character of the common law system.* It was this, rather than any specific functional difference in the treatment of investors or creditors, that gave the English system and its relatives around the world an advantage in terms of economic development.

The Rule of Law's Enemies

That was then. What about now? How good in practice is the rule of law in the West – and in particular in the English-speaking world – today? There are four distinct threats to it that I would identify.

First, we must pose the familiar question about how far our civil liberties have been eroded by the national security state – a process that in fact dates back almost a hundred years to the outbreak of the First World War and the passage in the UK of the 1914 Defence of the Realm Act. The debates after September 11, 2001, about the protracted detention of terrorist suspects were in no way new. Somehow it is always a choice between habeas corpus and hundreds of corpses.

A second threat is the very obvious one posed by the intrusion of European law – with its civil law character – into the English legal system, in particular the far-reaching effects of the incorporation into English law of the 1953 European Convention on Fundamental Rights and Freedoms. This may be considered Napoleon's revenge: a creeping 'Frenchification' of the common law.

A third threat is the growing complexity (and sloppiness) of statute law, a grave problem on both sides of the Atlantic as the mania for elaborate regulation spreads through the political class. I agree with the American legal critic Philip K. Howard that we need a 'legal spring cleaning' of obsolete legislation and routine inclusion of 'sunset provisions' (expiry dates) in new laws.³⁴ We must also seek to persuade legislators that their role is not to write an 'instruction manual' for the economy that covers every eventuality, right down to the remotest imaginable risk to our health and safety.³⁵



A fourth threat – especially apparent in the United States – is the mounting cost of the law. By this I do not mean the \$94.5 billion a year that the US federal government spends on law making, law interpretation and law enforcement.³⁶ Nor do I mean the spiralling cost of lobbying by businesses seeking to protect themselves or hurt their competitors by skewing legislation in their favour. The \$3.3 billion cost of paying nearly 13,000 lobbyists is in fact rather small in itself.³⁷ It is the cost of the consequences of their work that is truly alarming: an estimated \$1.75 trillion a year, according to a report commissioned by the US Small Business Administration, in additional business costs arising from compliance with regulations.³⁸ On top of that are the \$865 billion in costs arising from the US system of tort law, which gives litigants far greater opportunities than in England to seek damages for any ‘wrongful act, damage, or injury done wilfully, negligently, or in circumstances involving strict liability, but not involving breach of contract, for which a civil suit can be brought’. According to the Pacific Research Institute’s study *Jackpot Justice*, the tort system costs a sum ‘equivalent to an eight per cent tax on consumption [or] a thirteen per cent tax on wages’.³⁹ The direct costs arising from a staggering 7,800 new cases a day were equivalent to more than 2.2 per cent of US GDP in 2003, double the equivalent figure for any other developed economy, with the exception of Italy.⁴⁰ One may argue about such figures, and of course spokesmen for the legal interest reject them.⁴¹ But my own personal experience tells a similar story: merely setting up a new business in New England involved significantly more lawyers and much more in legal fees than doing so in England.



In their new book on the lessons for China of US legal experience, David Kennedy and Joseph Stiglitz cite three egregious defects of the rule of law in the United States today:

1. Current 'laws allowing financial firms to engage in predatory lending, combined with new bankruptcy laws, have created a new class of partially indentured servants – people who might have to give as much as 25 per cent of what they earn for the rest of their lives to the banks'.
2. Intellectual property laws are excessively restrictive. For example, 'the "owner" of the patent on the gene that indicates a strong likelihood of breast cancer [could] insist on a large payment for every test performed. The resulting . . . fee puts the test out of the range of most without health insurance.'
3. 'Under current laws concerning toxic wastes . . . litigation costs represent more than a quarter of the amount spent on clean-up.'⁴²

For Stiglitz, these illustrate the inadequacy of a narrow approach to law that simply assigns property rights and leaves markets to do the rest. My view is that such examples need to be seen in the wider context of over-complex or rigged legislation and rampant tort abuse.

Experts on economic competitiveness, like Michael Porter of Harvard Business School, define the term to include the ability of the government to pass effective laws; the protection of physical and intellectual property rights and lack of corruption; the efficiency of the legal framework, including modest costs and swift adjudication; the ease of setting up new businesses; and effective and predictable regulations.⁴³ It is startling to find how poorly the United States now fares when judged by these criteria. In a 2011 survey, Porter and his colleagues asked HBS alumni about 607 instances of decisions on whether or not to offshore operations. The United States retained the business in just ninety-six cases (16 per cent) and lost it in all the rest. Asked why they favoured foreign locations, the respondents listed the areas where they saw the US falling further behind the rest of the world. The top ten reasons included:

1. the effectiveness of the political system;
2. the complexity of the tax code;
3. regulation;
4. the efficiency of the legal framework;
5. flexibility in hiring and firing.⁴⁴

Evidence that the United States is suffering some kind of institutional loss of competitiveness can be found not only in Porter's work but also in the World Economic Forum's annual Global Competitiveness Index and, in particular, the Executive Opinion Survey on which it is partly based. The survey includes fifteen measures of the rule of law, ranging from the



protection of private property rights to the policing of corruption and the control of organized crime. It is an astonishing yet scarcely acknowledged fact that on no fewer than fifteen out of fifteen counts, the United States now fares markedly worse than Hong Kong. Taiwan outranks the US in nine out of fifteen. Even mainland China does better in two dimensions. Indeed, the United States makes the global top twenty in only one area. On every other count, its reputation is shockingly bad.⁴⁵ In the Heritage Foundation's Freedom Index, too, the US ranks twenty-first in the world in terms of freedom from corruption, a considerable distance behind Hong Kong and Singapore.⁴⁶

Admittedly, these studies are based in large measure on survey data. They are subjective. Yet similar conclusions may be reached from other research based on more objective criteria, like the International Finance Corporation's data on the ease of doing business. In terms of the ease of paying taxes, for example, the United States ranks seventy-second in the world. In terms of dealing with construction permits, it ranks seventeenth; registering a property sixteenth; resolving insolvency fifteenth; and starting a business thirteenth.⁴⁷ The World Justice Project's Rule of Law 2011 index ranks the United States twenty-first out of sixty-six in terms of access to civil justice; twentieth for the effectiveness of criminal justice; nineteenth for fundamental rights; seventeenth for absence of corruption; sixteenth for the limiting of government powers; fifteenth for regulatory enforcement; thirteenth for order and security; and twelfth for the openness of government.⁴⁸



Perhaps the most compelling evidence of all comes from the World Bank's indicators on World Governance, which suggest that since 1996 the United States has suffered a decline in the quality of its governance in four different dimensions: government accountability and effectiveness, regulatory quality and control of corruption (see Figure 3.1).⁴⁹ Compared with Germany and Hong Kong, the US is manifestly slipping behind. This is a remarkable phenomenon in itself. Even more remarkable is that it is happening almost unnoticed by Americans. One small consolation is that the United Kingdom does not appear to have suffered a comparable decline in institutional quality.



Estimates for governance quality, US, 1996–2011

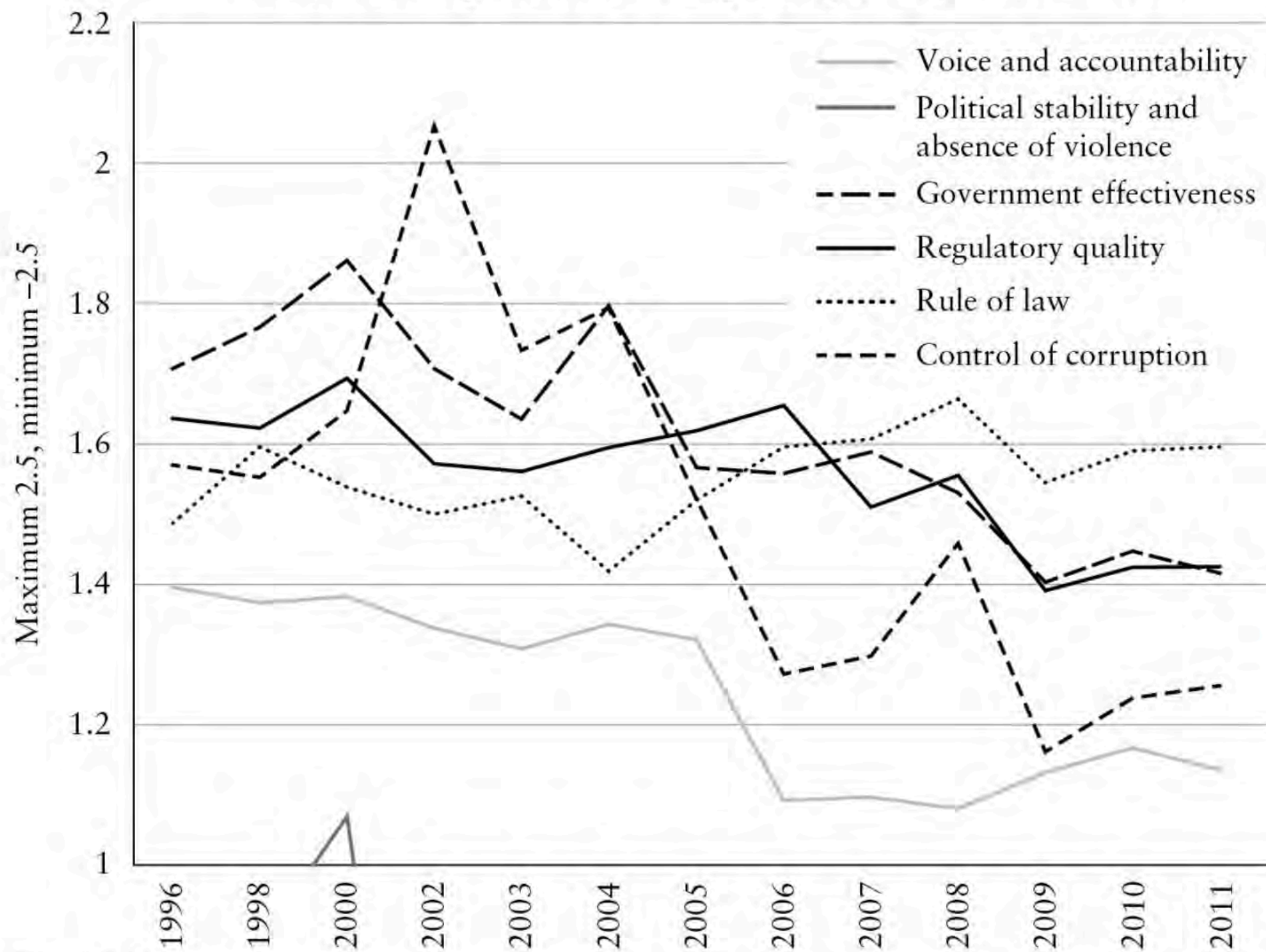


Figure 3.1

Source: www.govindicators.org.*Legal Reform around the World*

If the rule of law, broadly defined, is deteriorating in the United States, where is it getting better? I have already mentioned the marked improvement in institutional quality in Hong Kong. This is by no means a solitary case. All over the developing world, countries are seizing the opportunity to improve their chances of attracting foreign and domestic investment and raising the growth rate by reforming their legal and administrative systems. The World Bank now does a very good job of keeping tabs on the progress of such reforms. I recently delved into the Bank's treasure trove, the World Development Indicators database, to see which countries in Africa are ranked highly in terms of:

1. the quality of public administration;
2. the business regulatory environment;
3. property rights and rule-based governance;
4. public sector management and institutions; and
5. transparency, accountability and corruption in the public sector.

The countries that appear in the top twenty developing economies in four or more of these categories are Burkino Faso, Ghana, Malawi and Rwanda.

Another approach I have taken is to look at the IFC's *Doing Business* reports since 2006 to see which developing countries have seen the biggest reduction in the number of days it takes to complete seven procedures: starting a business, getting a construction permit, registering a property, paying taxes, importing goods, exporting and enforcing contracts.⁵⁰ The

African winners are, in order of achievement, Rwanda, Nigeria, the Gambia, Mauritius and Botswana. Other emerging markets apparently on the right track are Croatia, Georgia, Malaysia, Bosnia, Peru and Iran (see Figure 3.2).*

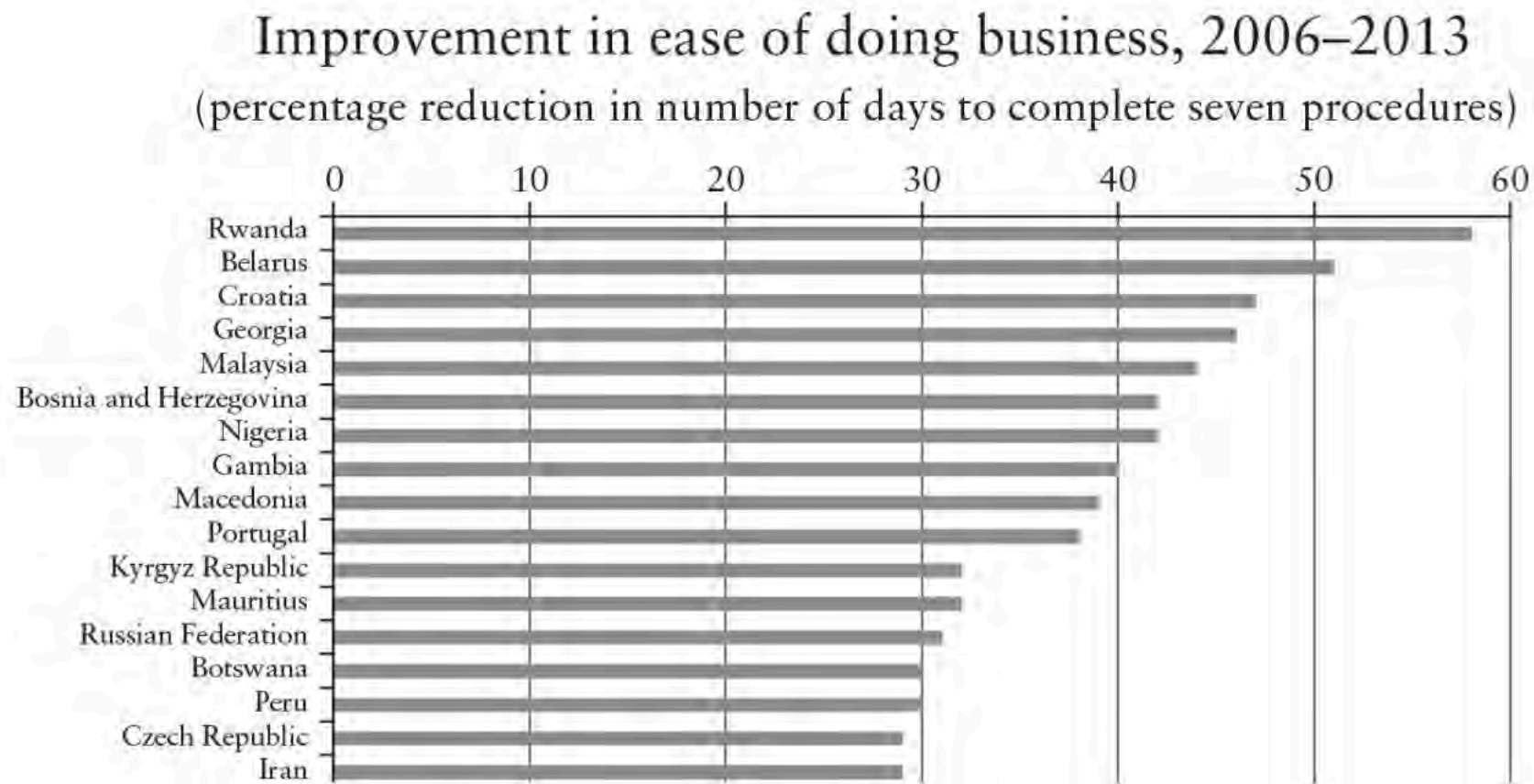


Figure 3.2

Source: International Finance Corporation, *Doing Business* reports.

Development economists like Paul Collier see the establishment of the rule of law in a poor country as occurring in four distinct stages. The first and indispensable step is to reduce violence. The second is to protect property rights. The third is to impose institutional checks on government. The fourth is to prevent corruption in the public sector.⁵¹ Interestingly, this sounds very much like a potted version of the history of England from the end of the Civil War, through the Glorious Revolution to the nineteenth century Northcote–Trevelyan reforms of the civil service.

By contrast, the People's Republic of China has achieved astonishing growth without good legal institutions and without much improvement in them. Followers of the new institutional economics have struggled to explain this seeming exception to their rule. Is it because the Communist Party somehow makes 'credible commitments' now that growth is the sole basis of its legitimacy? Is it because there are in fact 'de facto property rights'? Is it because competition between the provinces has resulted in a kind of 'market-preserving federalism'? Or is it because contracts in China are relational, not legal: in other words, contract enforcement is informal, via *guanxi* (connections or influence), rather than formal, through the law?⁵² Whatever the explanation, many scholars – notably Daron Acemoglu and James Robinson – argue that if China does not now transition to the rule of law, there will be a low institutional ceiling limiting its future growth.⁵³ This is also the view of many Chinese legal activists, including (as we have already seen) Chen Guangcheng. And they are right.

According to one study, the average rate for enforcing civil and economic judgments in China in the mid-1990s was 60 per cent at the basic-level court, 50 per cent at the intermediate-level court, and 40 per cent at the provincial higher-level court, meaning that roughly half of Chinese court rulings at that time existed only on paper. The sort of contractual dispute that is most likely to involve significant amounts of unpaid debt – disputes involving banks and state-owned enterprises – had an average enforcement rate of just 12 per cent, even according to official estimates.⁵⁴ The case of Bo Xilai's anti-corruption campaign in Chongqing illustrates how far China still is from the rule of law. As He Weifang has pointed out, the Chongqing



judges essentially acted as an arm of Bo's regime, accepting extorted confessions and omitting cross-examination. For years, He Weifang has campaigned for judicial independence, the accountability of the National People's Congress, especially with regard to taxation, the freedom of the press and the conversion of the Communist Party into a 'properly registered legal entity', subject to the law – including the currently meaningless individual rights in Article 35 of the Constitution of the People's Republic, which include freedom of association, of procession and demonstration and of religious belief. He also favours the privatization of state-owned enterprises because, as he puts it, 'private ownership is the foundation of the civil law'. Like Chen Guangcheng, he believes that the rule of law is the only way for China to escape from its historical oscillation between order and *dong luan* – turmoil.⁵⁵

For those of us who live in the West, where lawyers often seem to have become their own vested interest, it is strange to encounter lawyers who aim at this kind of radical change. Today, however, Chinese lawyers – who numbered just 150,000 in 2007 – are a crucial force in China's rapidly evolving public sphere. Surveys suggest that they are 'strongly inclined towards political reform . . . and are profoundly discontented with the political status quo' – though this reflects not only the government interference they regularly have to endure but also the economic insecurity they suffer. Still, to read statements like the following, from a lawyer in Henan province, is to be reminded forcibly of a time when lawyers were in the vanguard of change in the English-speaking world (including in South Asian anti-colonial movements): 'The rule of law is premised on democracy;

rights are premised on the rule of law; rights defence is premised on rights; and lawyers are premised on rights defence.’⁵⁶

The fall of Bo Xilai in 2012 is one of a number of signs that elements within the Communist Party hear these arguments. In a speech in Shenzhen in June that year, Zhang Yansheng, secretary general of the academic committee for National Development and Reform, argued that ‘we should shift towards reform based on rules and law,’ adding: ‘If such reform does not take off, China will run into big trouble, big problems.’⁵⁷ What we do not know is whether or not China’s next experiment with importing the essentially Western notion of the rule of law will be more successful than past attempts. With good reason, He Weifang warns against naive imitation of the English (or American) legal system. ‘In Shakespeare’s *A Midsummer Night’s Dream*,’ he writes in an engaging aside, ‘a person was changed into a donkey, and the other person cried, “Bless thee! Thou art translated!” The introduction of a Western system to China is just like this.’ Common law translated into Chinese might well turn out to be like Bottom: a donkey, if not an ass.⁵⁸

The Rule of Lawyers

Like the human hive of politics or the hunting grounds of the market economy, the legal landscape is an integral part of the institutional setting

in which we live our lives. Like a true landscape, it is organic, the product of slow-moving historical processes – a kind of judicial geology. But it is also a landscape in the sense of ‘Capability’ Brown: it can be improved upon. And it can also be made hideous – even rendered a desert – by the rash imposition of utopian designs. Oriental gardens flourish in England and English gardens in the Orient. But there are limits to what transplantation can achieve.

Once-verdant landscapes can become desiccated through natural processes, too. Mancur Olson used to argue that, over time, all political systems are likely to succumb to sclerosis, mainly because of rent-seeking activities by organized interest groups.⁵⁹ Perhaps that is what we see at work in the United States today. Americans could once boast proudly that their system set the benchmark for the world; the United States *was* the rule of law. But now what we see is the rule of *lawyers*, which is something different. It is surely no coincidence that lawyers are so over-represented in the US Congress. The share of senators who are lawyers is admittedly below its peak of 51 per cent in the early 1970s but it is still 37 per cent. Similarly, lawyers no longer account for 43 per cent of representatives in the House, as in the early 1960s, but at 24 per cent their share is still much larger than the equivalent figure for the House of Commons (14 per cent).⁶⁰

Olson also argued that it can require an external shock – like a lost war – to sweep away the stifling residues of cronyism and corruption, and allow the rule of law in Bingham’s and Dworkin’s senses of the term to be re-established. It must fervently be hoped that the United States can avoid such a painful form of therapy. But how is the system to be reformed if, as



THE GREAT DEGENERATION

I have argued, there is so much that is rotten within it: in the legislature, in the regulatory agencies, in the legal system itself?

The answer, as I shall argue in the next and final chapter, is that reform – whether in the English-speaking world or the Chinese-speaking – must come from outside the realm of public institutions. It must come from the associations of civil society. It must come, in short, from us: the citizens.



THE WHIG
INTERPRETATION
OF HISTORY

H. BUTTERFIELD, M.A.



The Norton Library
W · W · NORTON & COMPANY · INC ·
NEW YORK

can be proved to have been wrong by the mere lapse of time.

It may happen that the last word of the historian, pondering upon the results of his study, may be some comment on a principle of progress that lies below everything else in the processes of time, or may be some estimate of the contribution which the whig party has made to our development, or may be an appreciation of the religious genius of Martin Luther. But this is not by any means to be confused with the whig method of selecting facts and organising the story upon a principle that begs all questions. And the conclusions will be very different from those which are arrived at when all problems are solved by the whig historian's rule of thumb. The conclusions will be richer by reason of the very distance that has had to be travelled in order to attain them.

VI. MORAL JUDGMENTS IN HISTORY

It is the natural result of the whig historian's habits of mind and his attitude to history – though it is not a necessary consequence of his actual method – that he should be interested in the promulgation of moral judgments and should count this as an important part of his office. His preoccupation is not difficult to understand when it is remembered that he regards himself as something more than the enquirer. By the very finality and absoluteness with which he has endowed the present he has heightened his own position. For him the voice of posterity is the voice of God and the historian is the voice of posterity. And it is typical of him that he tends to regard himself as the judge when by his methods and his equipment he is fitted only to be the detective. His concern with the sphere of morality forms in fact, the extreme point in his desire to make judgments of value, and to count them as the verdict of history. By a curious example of

the transference of ideas he, like many other people, has come to confuse the importance which courts of legal justice must hold, and the finality they must have for practical reasons in society, with the most useless and unproductive of all forms of reflection – the dispensing of moral judgments upon people or upon actions in retrospect.

And it is interesting to see that the same mind and temper which induced the first act of self-aggrandisement, tend quickly to lead to another one, which is unobtrusive, indefinite, unavowed. The assertiveness which in the first place claimed the prerogatives of eternal justice, now proceeds by a similar logic to a more subtle form of encroachment; for the whig historians have shown a propensity to heighten the colouring of their historical narrations by laying hold on some difference of opinion or some conflict of policies and claiming this as a moral issue. And indeed it is a propensity which requires great self-discipline in any of us to resist. It must be remembered that there are some things in the past which the whig is very anxious to condemn, and some of his views have a way of

turning themselves into something like a moral code. There is at least a chance that the real burden of his indignation may fall on things which are anathema only to the whigs. It is not an accident that he has shown a disinclination to see moral judgments removed from history.

It might be true to say that in Lord Acton, the whig historian reached his highest consciousness; and it is true, and at the same time it is not a mere coincidence, that in his writings moral judgments appeared in their most trenchant and uncompromising form, while in his whole estimate of the subject the moral function of history was most greatly magnified. One may gather from his statements in this connection that he regarded this side of his thought as the consequence of his Catholicism; but one may question his self-analysis at this point, for it is difficult to see that either the actual content of his moral code (as it can be inferred from what might be called his judicial decisions), or the particular way in which he applied his principles to any case that was under consideration, could be regarded as representing a system that was

specifically Catholic or Christian. It is not malicious to suggest that they should be put down rather to his bias as a whig historian. When, in defence of his position, he made the remark that 'Power tends to corrupt and absolute power corrupts absolutely,' he may have been stating the wisest of truths, but we can suspect that it was a truth more dear to the heart of the liberal than there was in him than to the mind of the Roman Catholic; and though the thesis is one which might serve to excuse and explain as much as to condemn a historical personage, it is put forward with a hostile innuendo, it is given as the reason why no allowance is to be made for men in high places. Acton refers with implied approval to a view of history which his theories really elaborate, and he describes this view as follows: 'It deems the canonisation of the historic past more perilous than ignorance or denial, because it would perpetuate the reign of sin and acknowledge the sovereignty of wrong.' It is curious, though it is not incomprehensible, that a professor should find it necessary to warn young historians against an excess of sympathy or appreciation for the

historic past; but what is more interesting is the thorough whig bias that is obvious though latent in the remark. Most illuminating of all would be to pursue if it were possible the connotations in the mind of the whig historian of the words, 'the reign of sin . . . the sovereignty of wrong,' particularly as they are flavoured by their reference to 'the canonisation of the past.' Finally, in this, as in many more of Acton's theses, we find some sign of what is a common feature of whig historians; there is the hint that for all this desire to pass moral judgments on various things in the past, it is really something in the present that the historian is most anxious about. Another statement of Acton's is interesting and is perhaps very acute; it is to the effect that much more evil is due to conscious sin and much less to unconscious error than most of us are usually aware; though whatever its value may be it can scarcely be regarded as a lesson of history, for it is an extreme example of the kind of truth that can only be reached by self-analysis. Coupled with another statement it becomes extremely dangerous; for Acton in his Inaugural Lecture gives reasons why it is

better that the sin should be presumed than that we should search too far for other explanations. 'There is a popular saying of Madame de Staël,' he writes, 'that we forgive whatever we really understand. The paradox has been judiciously pruned by her descendant, the Duc de Broglie, in the words: "Beware of too much explaining, lest we end by too much excusing."' Once again a whig theory of history has the practical effect of curtailing the effort of historical understanding. An undefined region is left to the subjective decision of the historian, in which he shall choose not to explain, but shall merely declare that there is sin. One can only feel that if a historian holds such a combination of theories, there must have been something in the past or the present which he very badly wanted to condemn. In fact, there is too much zest in the remark: 'Suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong.' The whig historian, like Aquinas – if indeed it was Aquinas – may find perhaps too great comfort in the contemplation of some form of torment for the damned.

But it would be unjust to Lord Acton to overlook the fact that behind his views on moral judgments there lies a more fundamental thesis. Acton held a very attractive theory concerning the moral function of history. It is perhaps the highest possible form of the whig tendency to exalt historical study. To Bishop Creighton Acton wrote that when the historian makes a compromise on the question of moral principles, history ceases to be an 'arbiter of controversy, the upholder of that moral standard which the powers of earth and religion itself tend constantly to depress.' When history tampers with the moral code, 'it serves where it ought to reign.' It is an attractive exaltation of history, which gives it the power to bind and loosen, to be the arbiter of controversy, to reign and not to serve; but one may believe that it is a theory which takes too short a cut to the absolute. It is history encroaching like the Hegelian state, till it becomes all-comprehensive, and stands as the finality in a moral world; taking custody of that moral standard which 'religion itself tends constantly to depress.' It is history raised into something like the mind of God,

making ultimate judgments upon the things which are happening in time. Here is the true Pope, that will not be *servus servorum Dei*; here is the only absolutism that the whig is disposed to defend; here is divine right and non-resistance, for (if a word can be allowed in malice) is not history on the side of the whigs? It is not easy to resist the temptation to personify and idealise history, and there is no doubt that this species of romancing has its effect upon the posture of the historian. In its practical consequences it means the exaltation of the opinions of the historian. It reaches its highest point in the conception of history as the arbiter, history as the seat of judgment, particularly on moral issues. Lord Acton carried it to the extremity of its logical conclusion. 'It is the office of historical science to maintain morality as the sole impartial criterion of men and things.' 'To develop and perfect and arm conscience is the great achievement of history.'

Acton, however, did not exactly set out to defend the moral function of the historian against the unbeliever. He was concerned rather with the manner in which this function

should be construed and the seriousness with which this duty should be carried out. He was attacking the historian who, while taking for granted that moral judgments were part of his province, used his prerogatives to make easy exonerations and dealt loosely with the moral code. Much of his doctrine is a valid protest against the slipshod nature of the excuses that can be adduced by the historian, particularly when these excuses are mechanically applied to any given case. And he raises the serious question how far a historian's explanations – such as the reference to a man's upbringing or to 'the spirit of the age' – can really exonerate an offender, for example, a Pope in the fifteenth century of the Christian era. When all historical explanations of character and conduct have been exhausted, it must be remembered that the real moral question is still waiting to be solved; and what can the historian do about the secret recesses of the personality where a man's final moral responsibility resides? Acton sees the problem, but he merely says that in cases of doubt we should incline to severity. This is the meaning of his statement that more evil is due

to conscious sin, and less is due to unconscious error than many people are aware. And this is why he can say 'Beware of too much explaining lest we end by too much excusing.' Granted that the historian has raised the moral question at all, and has accepted the assumptions which the very raising of the question must imply, he must not then slide down from this lofty moral sphere and fall back into the terms of his own historical world, thereby easing off into a different set of assumptions altogether. And in particular when he has given what is really only the historical explanation of character or conduct, he must not imagine that by this he has done anything to explain moral responsibility away. Acton puts his finger on the very centre of the problem of moral judgments in history; he is unsatisfactory because he cannot answer it; at the crucial point he can merely tell us to incline to severity. His attitude on this special question, therefore, really involves as a fundamental thesis: 'Better be unjust to dead men than give currency to loose ideas on questions of morals.' It is in fact the *reductio ad absurdum* of moral judgments in history. Acton, by

focusing attention upon the real problem of these moral judgments, came very near to providing us with the argument against having them at all. Our only refuge against the impossible dilemma and the impossible ideal which his theories present to us, lies in the frank recognition of the fact that there are limits to what history and the historian can do. For the very thing with which they are concerned is the historical explanation of character and conduct, and if we distrust or discourage this kind of explanation, as even Acton seemed inclined to do, we are running perilously near to the thesis: 'Better be unhistorical than do anything that may lower the moral dignity of history.' The truth is that this historical explaining does not condemn; neither does it excuse; it does not even touch the realm in which words like these have meaning or relevance; it is compounded of observations made upon the events of the concrete world; it is neither more nor less than the process of seeing things in their context. True, it is not for the historian to exonerate; but neither is it for him to condemn. It greatly clears his mind if he can forgive all sins without denying

that there are sins to forgive; but remembering that the problem of their sinfulness is not really a historical problem at all. And though it is certainly not in his competence to declare that moral responsibility does not exist, we may say that this responsibility lies altogether outside the particular world where the historian does historical thinking. He is faced with insuperable difficulties if he tries to stand with one foot in a world that is not his own.

Granting – what is less easy than might appear – an agreement on points of morality, it is a subtle matter to find the incidence of these upon any particular case. And it must be remembered that moral judgments are by their very nature absolute; in the sense that it is pointless to make them unless one can claim definitely to be right. It may be easy for the moralist of the twentieth century to discuss the ethics of persecution, to say perhaps that religious persecution would be wrong to-day, perhaps that it was wrong in all the ages. It may be easy to judge the thing, to condemn the act, but how shall the historian pass to the condemnation of people, and apply his standards to the judgment of a special incident at

any particular moment? Shall he say that in the 16th century all men are absolved, because the age took persecution for granted and counted it a duty; or shall he condemn men for not being sufficiently original in their thoughts to rise above the rules and standards of their own day? Shall he condemn Mary Tudor as a persecutor and praise Catherine de' Medici for seeking toleration, or is it more true to say that Mary was fervent and consistent in her Catholicism, while Catherine was more worldly and indifferent? The historian's function is in the first place to describe the persecutions for which the English queen was responsible, and to narrate the attempts of the French queen to secure toleration; but because he has the art of sifting sources and weighing evidence, this does not mean that he has the subtlety to decide the incidence of moral blame or praise. He is the less a historian certainly if by any moral judgment he puts a stop to his imaginative endeavour, and if through moral indignation he cuts short the effort of historical understanding. Faced with the poisonings of which Alexander VI is accused, it is for the historian to be merely

interested, merely curious to know how such things came to happen. It is his duty to show why Mary persecuted and why Catherine did not wish to, until it seems natural to us that the one should have done the one thing while the other acted differently. Perhaps in proportion as he sets out to show why a certain event took place and how a certain deed came to be done, he actually disarms our moral judgment, and makes an end of the very impulse to moral indignation. By setting himself the task of explaining how Mary Tudor came to be what she was, he makes moral judgments for the time being utterly irrelevant. The truth is that the historian, whose art is a descriptive one, does not move in this world of moral ideas. His materials and his processes, and all his apparatus exist to enable him to show how a given event came to take place. Who is he to jump out of his true office and merely announce to us that it ought never to have happened at all?

The complications to which the exercise of moral judgment may lead us are illustrated in the case of Napoleon Bonaparte. Napoleon claimed that by his genius and by his destiny

he was cut off from the moral world. He considered himself an exception to the usual rules concerning right and wrong, and seems to have been conscious that he was a strange creature fallen among the habitations of men, a completely a-moral person working with the indifference of a blind force in nature – something like an avalanche that had crashed upon the world. It is true that he was not indifferent to morality in other people. It was almost his vocation to restore a moral order that had collapsed in the Revolution, to discipline society again, and to bring back the decencies of life. But this was consistent with his claim to be outside the moral order, because he considered that he himself was so to speak the moral end, as the Hegelian state claims to be. He believed that it was in serving him that other men attained their own good. All that he did in his own interests he could count as done for the glory of France. All that endangered his position was a menace to the state. His situation and his power combined with his instinct to make him avowedly the a-moral man.

When a person has so completely stated his

own outlawry from the moral order, it is tautology for a historian to do anything but describe his own view of himself. It is either redundant or it is extremely subtle to discuss the morality of a man who does not admit the moral order, or regards himself as an exception to its laws. And when a man has so completely stated his whole position, it is not very useful to go on to discuss whether any particular deed of his must be considered immoral. If he claims to be outside morality, it is much more relevant to study his errors; for when a man says that he himself is the state it is essential that he should not make mistakes. If the execution of the Duc d'Enghien was necessary for the maintenance of Napoleon's government, one might argue that it was necessary for the stability and the peace of France; and in this case it raises the tangled question of what one may do to ensure the safety of the state. But, if Napoleon were mistaken, and if the execution was not necessary for that purpose, then the error itself was immorality, and it is not mere callous indifference to say that the mistake was worse than a crime.

But moral judgments are useless unless they can be taken to imply a comparison of one man with another. Otherwise, the historian would have to fall flat with the commonplace that all men are sinners sometimes. At the same time it is impossible to make comparisons of this kind unless we compare also the situation in which men find themselves – the urgency of their position, the purposes for which they were working, the demands which they were willing to make upon themselves at the time when they made their claims on others. It is difficult again to judge a man like Napoleon, who stood so to speak in the free air and had the power to do what he liked. No government controlled his actions; no law or police kept him within the rails; no institutions set the limiting conditions for his moral behaviour; no fear of social disapproval held him back. All the forces which curb the selfishness of all of us, and the circumstances which even limit our desires, were so to speak beneath his hand, and left him free and unconditioned. It is impossible for us even to imagine a man whose situation and power leave him free to choose his conduct and let loose desire – free to do

with other men as he pleases. We do not know that the Prussian king would have been more moderate in his ambitions if he had had the power to carry them out and the chance ever to make free play with his mind. And we do not know that we, who because of our circumstances, have small desires and a thousand automatic repressions of desire, would have been more respectable than he in our lives, if we had been in a position to range over the whole universe of desire. We know, indeed, that this man, whose mind was in some ways so unbridled, did not live without performing upon himself what were marvels of self-discipline. This is not a defence of Napoleon, who knew that his career was a scourge to the whole continent. And these things do not eliminate the moral responsibility upon which Lord Acton set such store. But they do show that Napoleon is not to the historian the object of a simple and absolute moral judgment. They make it necessary for us to translate the whole question into terms with which the historian is competent to deal. We are in the world that is the historian's own if we say that the character of

Napoleon is to him the subject of a piece of description.

It is not his function to tease himself with questions concerning the place where moral responsibility resides; concerning the extent to which ends justify means and good causes cover wicked actions; or concerning the degree to which a man may go in Machiavellianism to save perhaps the very existence of a state. But he can give evidence that Napoleon lied, that Alexander VI poisoned people and that Mary Tudor persecuted; and to say that one man was a coward, or another man a fanatic, or a certain person was an habitual drunkard may be as valid as any other historical generalisation. The description of a man's characteristics, the analysis of a mind and a personality are, subject to obvious limits, part of the whole realm of historical interpretation; for it is the assumption of historical study that by sympathy and insight and imagination we can go at least some way towards the understanding of people other than ourselves and times other than our own. Further, the historian may concern himself with the problem which seems to have troubled Lord Acton:

the effect which the promulgation of slipshod ideas on moral questions may have had at any time upon human conduct. The historian is on his own ground again when he enquires into the consequences at certain periods in the past of various forms of the doctrine that the end justifies the means; or when he shows the historical importance of various ethical theories that concern the state. When Acton asserts that there has been little 'progress in ethics . . . between St. John and the Victorian era,' he may be right or wrong, but he is making what we might call a historical statement. Ethical questions concern the historian in so far as they are part of the world which he has to describe; ethical principles and ideals concern him only in the effect they have had on human beings; in other words, he deals with morality in so far as it is a part of history. If morality is the product of history, the historian may be called upon to describe its development. If it is an absolute system, equally binding on all places at all times, then it does not concern him, for his apparatus only allows him to examine the changes of things which change. But even in this case, it is only the form of the question

which is required to be re-stated; he will be driven now to watch the story of men's growing consciousness of the moral order, or their gradual discovery of it. Morality, even though it be absolute, is not absolute to him.

Taking the broad history of centuries, it is possible to watch the evolution of constitutional government and religious liberty, and one may see this evolution as the co-operative achievement of all humanity, whig and tory assisting in spite of themselves, Protestant and Catholic both necessary to the process, the principles of order and liberty making perpetual interaction, and, on both sides of the great controversies, men fighting one another who were considered good in their day, and who, to the historian, are at any rate 'irreproachable in their private lives.' But if the historian is prepared to discriminate between the purposes for which well-meaning men fought one another, and if he is prepared to see the issue as a moral issue and make it a matter for an absolute judgment, if he insists that it is his business to treat his subject in a realm of moral ideas, he will certainly find a shorter cut to whatever purpose he is working

the effect which the promulgation of slipshod ideas on moral questions may have had at any time upon human conduct. The historian is on his own ground again when he enquires into the consequences at certain periods in the past of various forms of the doctrine that the end justifies the means; or when he shows the historical importance of various ethical theories that concern the state. When Acton asserts that there has been little 'progress in ethics . . . between St. John and the Victorian era,' he may be right or wrong, but he is making what we might call a historical statement. Ethical questions concern the historian in so far as they are part of the world which he has to describe; ethical principles and ideals concern him only in the effect they have had on human beings; in other words, he deals with morality in so far as it is a part of history. If morality is the product of history, the historian may be called upon to describe its development. If it is an absolute system, equally binding on all places at all times, then it does not concern him, for his apparatus only allows him to examine the changes of things which change. But even in this case, it is only the form of the question

which is required to be re-stated; he will be driven now to watch the story of men's growing consciousness of the moral order, or their gradual discovery of it. Morality, even though it be absolute, is not absolute to him.

Taking the broad history of centuries, it is possible to watch the evolution of constitutional government and religious liberty, and one may see this evolution as the co-operative achievement of all humanity, whig and tory assisting in spite of themselves, Protestant and Catholic both necessary to the process, the principles of order and liberty making perpetual interaction, and, on both sides of the great controversies, men fighting one another who were considered good in their day, and who, to the historian, are at any rate 'irreproachable in their private lives.' But if the historian is prepared to discriminate between the purposes for which well-meaning men fought one another, and if he is prepared to see the issue as a moral issue and make it a matter for an absolute judgment, if he insists that it is his business to treat his subject in a realm of moral ideas, he will certainly find a shorter cut to whatever purpose he is working

for, and his history will be written in stronger lines, for it will be a form of the whig overdramatisation. He may then hold liberty and constitutional government as issues in the perennial clash of the principles of good and evil. He may make ancient quarrels his own and set humanity for ever asunder, and, judging the past by the present, keep all generations for ever apart. And it has happened that he has been able to admit that there were good men on both sides of the great conflict, but to do it without making the least sacrifice of what must be regarded as the luxury and pleasing sensuousness of moral indignation. Behind everything, and notwithstanding something like a cosmic scheme of good and evil in conflict, the whig historian has found it possible to reserve for himself one last curious piece of subtlety. He can choose even to forgive the private life of Fox and save his moral condemnation for 'the repressive policy of Pitt.' For of Lord Acton himself we are informed that 'he had little desire to pry into the private morality of kings and politicians'; and it was Acton who told historians that they must 'suspect power more

than vice.' The whig seems to prefer to take his moral stand upon what he calls the larger questions of public policy. So upon the whig interpretation of history we have imposed the peculiar historian's ethics, by which we can overlook the fact that a king is a spendthrift and a rake, but cannot contain our moral passions if a king has too exalted a view of his own office. Burke's dictum, which Acton endorses, that 'the principles of true politics are those of morality enlarged,' may contain a world of truth, but it can be dangerous in the hands of the historian. And not the least of its dangers lies in the fact that it can be so easily inverted.

The historian presents us with the picture of the world as it is in history. He describes to us the whole process that underlies the changes of things which change. He offers this as his explanation, his peculiar contribution to our knowledge of ourselves and of human affairs. It represents his special mode of thought, which has laws of its own and is limited by his apparatus. If he postures good against evil, if he talks of 'the reign of sin, the sovereignty of wrong,' he sets all the

angles of his picture differently, for he sets them by measurements which really come from another sphere. If he deals in moral judgments at all he is trying to take upon himself a new dimension, and he is leaving that realm of historical explanation, which is the only one he can call his own. So we must say of him that it is his duty to show how men came to differ, rather than to tell a story which is meant to reveal who is in the right. It must be remembered that, by merely enquiring and explaining, he is increasing human understanding, extending it to all the ages, and binding the world into one. And in this, rather than in the work of 'perfecting and arming conscience,' we must seek the achievement and the function and the defence of history.

Finally, against Acton's view that history is the arbiter of controversy, the monarch of all she surveys, it may be suggested that she is the very servant of the servants of God, the drudge of all the drudges. The historian ministers to the economist, the politician, the diplomat, the musician; he is equally at the service of the strategist and the ecclesiastic and

the administrator. He must learn a great deal from all of these before he can begin even his own work of historical explanation; and he never has the right to dictate to any one of them. He is neither judge nor jury; he is in the position of a man called upon to give evidence; and even so he may abuse his office and he requires the closest cross-examination, for he is one of those 'expert witnesses' who persist in offering opinions concealed within their evidence. Perhaps all history-books hold a danger for those who do not know a great deal of history already. In any case, it is never safe to forget the truth which really underlies historical research: the truth that all history perpetually requires to be corrected by more history. When everything has been said, if we have not understanding, the history of all the ages may bring us no benefit; for it may only give us a larger canvas for our smudging, a wider world for our wilfulness. History is all things to all men. She is at the service of good causes and bad. In other words she is a harlot and a hireling, and for this reason she best serves those who suspect her most. Therefore, we must beware even of

132 *Whig Interpretation of History*

saying, 'History says . . .' or 'History proves . . .,' as though she herself were the oracle; as though indeed history, once she had spoken, had put the matter beyond the range of mere human enquiry. Rather we must say to ourselves: 'She will lie to us till the very end of the last cross-examination.' This is the goddess the whig worships when he claims to make her the arbiter of controversy. She cheats us with optical illusions, sleight-of-hand, equivocal phraseology. If we must confuse counsel by personifying history at all, it is best to treat her as an old reprobate, whose tricks and juggleries are things to be guarded against. In other words the truth of history is no simple matter, all packed and parcelled ready for handling in the marketplace. And the understanding of the past is not so easy as it is sometimes made to appear.

IN THE NORTON LIBRARY

- Beales, Derek. *From Castlereagh to Gladstone, 1815-1885*. N367
 Bemis, Samuel Flagg. *The Latin American Policy of the United States*. N412
 Benda, Julien. *The Treason of the Intellectuals*. N470
 Billington, Ray Allen (editor) *The Reinterpretation of Early American History*. N446
 Blair, Peter Hunter. *Roman Britain and Early England 55 B.C.-A.D. 871*. N361
 Bloch, Marc. *Strange Defeat: A Statement of Evidence Written in 1940*. N371
 Bober, M. M. *Karl Marx's Interpretation of History*. N270
 Brandt, Conrad. *Stalin's Failure in China*. N352
 Brinton, Crane. *The Lives of Talleyrand*. N188
 Brodie, Fawn. *Thaddeus Stevens*. N331
 Brooke, Christopher. *From Alfred to Henry III, 871-1272*. N362
 Brown, Roger H. *The Republic in Peril: 1812*. N578
 Bury, J. B. et al. *The Hellenistic Age*. N544
 Bushman, Richard L. *From Puritan to Yankee: Character and the Social Order in Connecticut, 1690-1765*. N532
 Butterfield, Herbert. *The Whig Interpretation of History*. N318
 Chadwin, Mark Lincoln. *The Warhawks: American Interventionists Before Pearl Harbor*. N546
 Chang, Hsin-pao. *Commissioner Lin and the Opium War*. N521
 Cobban, Alfred. *Aspects of the French Revolution*. N512
 Collis, Maurice. *Foreign Mud: The Opium Imbroglia at Canton in the 1830's and the Anglo-Chinese War*. N462
 Cornish, Dudley Taylor. *The Sable Arm: Negro Troops in the Union Army, 1861-1865*. N334
 Dehio, Ludwig. *Germany and World Politics in the Twentieth Century*. N391
 De Roover, Raymond. *The Rise and Decline of The Medici Bank*. N350
 Dumond, Dwight Lowell. *Antislavery*. N370
 Dunn, Richard S. *Puritans and Yankees: The Winthrop Dynasty of New England, 1630-1717*. N597
 Embree, Ainslie T. (editor) *Alberuni's India*. N568
 Erikson, Erik H. *Young Man Luther*. N170
 Eyck, Erich. *Bismarck and the German Empire*. N235
 Feis, Herbert. *Contest Over Japan*. N466
 Ferrell, Robert H. *American Diplomacy in the Great Depression: Hoover-Stimson Foreign Policy, 1929-1933*. N511
 Ferrell, Robert H. *Peace in Their Time: The Origins of the Kellogg-Briand Pact*. N491
 Finley, M. I. *Early Greece: The Bronze and Archaic Ages*. N541
 Franklin, John Hope. *The Free Negro in North Carolina, 1790-1860*. N579
 Ganshof, Francois Louis. *Frankish Institutions Under Charlemagne*. N500

What Is History?

The George Macaulay Trevelyan Lectures
Delivered at the University of
Cambridge January–March 1961

by *Edward Hallett Carr*

Fellow of Trinity College



Vintage Books

A Division of Random House
New York

tween fact and value. He cannot separate them. It may be that, in a static world, you are obliged to pronounce a divorce between fact and value. But history is meaningless in a static world. History in its essence is change, movement or—if you do not cavil at the old-fashioned word—progress.

I return therefore in conclusion to Acton's description of progress as "the scientific hypothesis on which history is to be written." You can, if you please, turn history into theology by making the meaning of the past depend on some extra-historical and super-rational power. You can, if you please, turn it into literature—a collection of stories and legends about the past without meaning or significance. History properly so-called can be written only by those who find and accept a sense of direction in history itself. The belief that we have come from somewhere is closely linked with the belief that we are going somewhere. A society which has lost belief in its capacity to progress in the future will quickly cease to concern itself with its progress in the past. As I said at the beginning of my first lecture, our view of history reflects our view of society. I now come back to my starting-point by declaring my faith in the future of society and in the future of history.

CHAPTER VI

THE WIDENING HORIZON

THE conception which I have put forward in these lectures of history as a constantly moving process, with the historian moving within it, seems to commit me to some concluding reflexions on the position of history and of the historian in our time. We live in an epoch when—not for the first time in history—predictions of world catastrophe are in the air, and weigh heavily on all. They can be neither proved nor disproved. But they are at any rate far less certain than the prediction that we shall all die; and, since the certainty of that prediction does not prevent us from laying plans for our own future, so I shall proceed to discuss the present and future of our society on the assumption that this country—or, if not this country, some major part of the world—will survive the hazards that threaten us, and that history will continue.

The middle years of the twentieth century find the world in a process of change probably more profound and more sweeping than any which has overtaken it since the mediaeval world broke up in ruins and the foundations of the modern world were laid in the fifteenth and sixteenth centuries. The change is no doubt ultimately the product of scientific discoveries and inventions, of their ever more widespread applica-

tion, and of developments arising directly or indirectly out of them. The most conspicuous aspect of the change is a social revolution comparable with that which, in the fifteenth and sixteenth centuries, inaugurated the rise to power of a new class based on finance and commerce, and later on industry. The new structure of our industry and the new structure of our society present problems too vast for me to embark on here. But the change has two aspects more immediately relevant to my theme—what I may call a change in depth, and a change in geographical extent. I will attempt to touch briefly on both of these.

History begins when men begin to think of the passage of time in terms not of natural processes—the cycle of the seasons, the human life-span—but of a series of specific events in which men are consciously involved and which they can consciously influence. History, says Burckhardt, is “the break with nature caused by the awakening of consciousness.”¹ History is the long struggle of man, by the exercise of his reason, to understand his environment and to act upon it. But the modern period has broadened the struggle in a revolutionary way. Man now seeks to understand, and to act on, not only his environment, but himself; and this has added, so to speak, a new dimension to reason, and a new dimension to history. The present

¹ Burckhardt: *Reflections on History* (London: George Allen & Unwin; 1959), p. 31.

age is the most historically minded of all ages. Modern man is to an unprecedented degree self-conscious and therefore conscious of history. He peers eagerly back into the twilight out of which he has come in the hope that its faint beams will illuminate the obscurity into which he is going; and, conversely, his aspirations and anxieties about the path that lies ahead quicken his insight into what lies behind. Past, present, and future are linked together in the endless chain of history.

The change in the modern world which consisted in the development of man's consciousness of himself may be said to begin with Descartes, who first established man's position as a being who can not only think, but think about his own thinking, who can observe himself in the act of observing, so that man is simultaneously the subject and the object of thought and observation. But the development did not become fully explicit till the latter part of the eighteenth century, when Rousseau opened up new depths of human self-understanding and self-consciousness, and gave man a new outlook on the world of nature and on traditional civilization. The French revolution, said Tocqueville, was inspired by “the belief that what was wanted was to replace the complex of traditional customs governing the social order of the day by simple, elementary rules deriving from the exercise of the human reason and from natural law.”² “Never till then,” wrote Acton in one of his manuscript notes, “had men

² Tocqueville: *De l'Ancien Régime*, III, Ch. 1.

sought liberty, knowing what they sought."³ For Acton, as for Hegel, liberty and reason were never far apart. And with the French revolution was linked the American revolution.

Fourscore and seven years ago our fathers brought forth upon this continent a new nation conceived in liberty and dedicated to the proposition that all men are created equal.

It was, as Lincoln's words suggest, a unique event—the first occasion in history when men deliberately and consciously formed themselves into a nation, and then consciously and deliberately set out to mould other men into it. In the seventeenth and eighteenth centuries man had already become fully conscious of the world around him and of its laws. They were no longer the mysterious decrees of an inscrutable providence, but laws accessible to reason. But they were laws to which man was subject, and not laws of his own making. In the next stage man was to become fully conscious of his power over his environment and over himself and of his right to make the laws under which he would live.

The transition from the eighteenth century to the modern world was long and gradual. Its representative philosophers were Hegel and Marx, both of whom occupy an ambivalent position. Hegel is rooted in the idea of laws of providence converted into laws of reason. Hegel's world spirit grasps providence firmly with

³ Cambridge University Library: Add. MSS. 4870.

one hand and reason with the other. He echoes Adam Smith. Individuals "gratify their own interests; but something more is thereby accomplished which is latent in this action though not present in their consciousness." Of the rational purpose of the world spirit he writes that men, "in the very act of realizing it, make it the occasion of satisfying their desire, whose import is different from that purpose." This is simply the harmony of interests translated into the language of German philosophy.⁴ Hegel's equivalent for Smith's "hidden hand" was the famous "cunning of reason" which sets men to work to fulfil purposes of which they are not conscious. But Hegel was none the less the philosopher of the French revolution, the first philosopher to see the essence of reality in historical change and in the development of man's consciousness of himself. Development in history meant development towards the concept of freedom. But, after 1815, the inspiration of the French revolution fizzled out in the doldrums of the Restoration. Hegel was politically too timid and, in his later years, too firmly entrenched in the Establishment of his day to introduce any concrete meaning into his metaphysical propositions. Herzen's description of Hegel's doctrines as "the algebra of Revolution" was singularly apt. Hegel provided the notation, but gave it no practical content. It was left for Marx to write the arithmetic into Hegel's algebraical equations.

⁴ The quotations are from Hegel's *Philosophy of History*.

A disciple both of Adam Smith and of Hegel, Marx started from the conception of a world ordered by rational laws of nature. Like Hegel, but this time in a practical and concrete form, he made the transition to the conception of a world ordered by laws evolving through a rational process in response to man's revolutionary initiative. In Marx's final synthesis history meant three things, which were inseparable one from another and formed a coherent and rational whole: the motion of events in accordance with objective, and primarily economic, laws; the corresponding development of thought through a dialectical process; and corresponding action in the form of the class struggle which reconciles and unites the theory and practice of revolution. What Marx offers is a synthesis of objective laws and of conscious action to translate them into practice, of what are sometimes (though misleadingly) called determinism and voluntarism. Marx constantly writes of laws to which men have hitherto been subject without being conscious of them; he more than once drew attention to what he called the "false consciousness" of those enmeshed in a capitalist economy and capitalist society: "the conceptions formed about the laws of production in the minds of the agents of production and circulation will differ widely from the real laws."⁸ But one finds in Marx's writings striking examples of calls for conscious revolutionary action. "Philosophers have only interpreted the world differ-

⁸ *Capital*, iii (Engl. transl., 1909), 369.

ently," ran the famous thesis on Feuerbach; "but the point is to change it." "The proletariat," declared the *Communist Manifesto*, "will use its political dominance to strip the bourgeoisie step by step of all capital, and concentrate all means of production in the hands of the state." And in *The Eighteenth Brumaire of Louis Bonaparte*, Marx spoke of "intellectual self-consciousness dissolving by a century-old process all traditional ideas." It was the proletariat which would dissolve the false consciousness of capitalist society and introduce the true consciousness of the classless society. But the failure of the revolutions of 1848 was a serious and dramatic set-back to developments which had seemed imminent when Marx began to work. The latter part of the nineteenth century passed in an atmosphere which was still predominantly one of prosperity and security. It was not till the turn of the century that we complete the transition to the contemporary period of history, in which the primary function of reason is no longer to understand objective laws governing the behaviour of man in society, but rather to re-shape society and the individuals who compose it by conscious action. In Marx, "class," though not precisely defined, remains on the whole an objective conception to be established by economic analysis. In Lenin, the emphasis shifts from "class" to "party," which constitutes the vanguard of the class and infuses into it the necessary element of class-consciousness. In Marx, "ideology" is a negative term—a product of the false consciousness of the capitalist order of society. In

Lenin, "ideology" becomes neutral or positive—a belief implanted by an *élite* of class-conscious leaders into a mass of potentially class-conscious workers. The moulding of class-consciousness is no longer an automatic process, but a job to be undertaken.

The other great thinker who has added a fresh dimension to reason in our time is Freud. Freud remains today a somewhat enigmatic figure. He was by training and background a nineteenth-century liberal individualist, and accepted without question the common, but misleading, assumption of a fundamental antithesis between the individual and society. Freud, approaching man as a biological rather than as a social entity, tended to treat the social environment as something historically given rather than as something in constant process of creation and transformation by man himself. He has always been attacked by the Marxists for approaching what are really social problems from the standpoint of the individual, and condemned as a reactionary on that account; and this charge, which was valid only in part against Freud himself, has been much more fully justified by the current neo-Freudian school in the United States, which assumes that maladjustments are inherent in the individual and not in the structure of society, and treats the adaptation of the individual to society as the essential function of psychology. The other popular charge against Freud, that he has extended the role of the irrational in human affairs, is totally false, and rests on a crude confusion between recognition of the irrational

element in human behaviour and a cult of the irrational. That a cult of the irrational does exist in the English-speaking world today, mainly in the form of a depreciation of the achievements and potentialities of reason, is unfortunately true; it is part of the current wave of pessimism and ultra-conservatism, of which I will speak later. But this does not stem from Freud, who was an unqualified and rather primitive rationalist. What Freud did was to extend the range of our knowledge and understanding by opening up the unconscious roots of human behaviour to consciousness and to rational enquiry. This was an extension of the domain of reason, an increase in man's power to understand and control himself, and therefore his environment; and it represents a revolutionary and progressive achievement. In this respect, Freud complements, and does not contradict, the work of Marx. Freud belongs to the contemporary world in the sense that, though he himself did not entirely escape from the conception of a fixed and invariable human nature, he provided tools for a deeper understanding of the roots of human behaviour and thus for its conscious modification through rational processes.

For the historian Freud's special significance is twofold. In the first place, Freud has driven the last nail into the coffin of the ancient illusion that the motives from which men allege or believe themselves to have acted are in fact adequate to explain their action: this is a negative achievement of some importance, though the positive claim of some enthusiasts to throw light

on the behaviour of the great men of history by the methods of psychoanalysis should be taken with a pinch of salt. The procedure of psychoanalysis rests on the cross-examination of the patient who is being investigated: you cannot cross-examine the dead. Secondly, Freud, reinforcing the work of Marx, has encouraged the historian to examine himself and his own position in history, the motives—perhaps hidden motives—which have guided his choice of theme or period and his selection and interpretation of the facts, the national and social background which has determined his angle of vision, the conception of the future which shapes his conception of the past. Since Marx and Freud wrote, the historian has no excuse to think of himself as a detached individual standing outside society and outside history. This is the age of self-consciousness: the historian can and should know what he is doing.

This transition to what I have called the contemporary world—the extension to new spheres of the function and power of reason—is not yet complete: it is part of the revolutionary change through which the twentieth-century world is passing. I should like to examine some of the main symptoms of the transition.

Let me begin with economics. Down to 1914 belief in objective economic laws, which governed the economic behaviour of men and nations, and which they could defy only to their own detriment, was still virtually unchallenged. Trade cycles, price fluctuations, unemployment were determined by those laws. As late

as 1930, when the great depression set in, this was still the dominant view. Thereafter things moved fast. In the 1930's, people began to talk of "the end of economic man," meaning the man who consistently pursued his economic interests in accordance with economic laws; and since then nobody, except a few Rip Van Winkles of the nineteenth century, believes in economic laws in this sense. Today economics has become either a series of theoretical mathematical equations, or a practical study of how some people push others around. The change is mainly a product of the transition from individual to large-scale capitalism. So long as the individual entrepreneur and merchant predominated, nobody seemed in control of the economy or capable of influencing it in any significant way; and the illusion of impersonal laws and processes was preserved. Even the Bank of England, in the days of its greatest power, was thought of not as a skilful operator and manipulator, but as an objective and quasi-automatic registrar of economic trends. But with the transition from a *laissez-faire* economy to a managed economy (whether a managed capitalist economy or a socialist economy, whether the management is done by large-scale capitalist, and nominally private, concerns or by the state), this illusion is dissolved. It becomes clear that certain people are taking certain decisions for certain ends; and that these decisions set our economic course for us. Everyone knows today that the price of oil or soap does not vary in response to some objective law of supply and demand. Everyone knows,

or thinks he knows, that slumps and unemployment are man-made: governments admit, indeed claim, that they know how to cure them. The transition has been made from *laissez-faire* to planning, from the unconscious to the self-conscious, from belief in objective economic laws to belief that man by his own action can be the master of his economic destiny. Social policy has gone hand in hand with economic policy: indeed economic policy has been incorporated in social policy. Let me quote from the last volume of the first *Cambridge Modern History*, published in 1910, a highly perceptive comment from a writer who was anything but a Marxist and had probably never heard of Lenin:

The belief in the possibility of social reform by conscious effort is the dominant current of the European mind; it has superseded the belief in liberty as the one panacea. . . . Its currency in the present is as significant and as pregnant as the belief in the rights of man about the time of the French revolution.⁶

Today, fifty years after this passage was written, more than forty years after the Russian revolution, and thirty years after the great depression, this belief has become a commonplace; and the transition from submission to objective economic laws which, though supposedly rational, were beyond man's control, to belief in the capacity of man to control his economic destiny by conscious action seems to me to represent an ad-

⁶ *The Cambridge Modern History*, XII (1910), p. 15. The author of the chapter was S. Leathes, one of the editors of the *History*, and a Civil Service Commissioner.

vance in the application of reason to human affairs, an increased capacity in man to understand and master himself and his environment, which I should be prepared, if necessary, to call by the old-fashioned name of progress.

I have no space to touch in detail on the similar processes at work in other fields. Even science, as we have seen, is now less concerned to investigate and establish objective laws of nature, than to frame working hypotheses by which man may be enabled to harness nature to his purposes and transform his environment. More significant, man has begun, through the conscious exercise of reason, not only to transform his environment but to transform himself. At the end of the eighteenth century Malthus, in an epoch-making work, attempted to establish objective laws of population working, like Adam Smith's laws of the market, without anyone's being conscious of the process. Today nobody believes in such objective laws; but the control of population has become a matter of rational and conscious social policy. We have seen in our time the lengthening by human effort of the span of human life and the altering of the balance between the generations in our population. We have heard of drugs consciously used to influence human behaviour, and surgical operations designed to alter human character. Both man and society have changed, and have been changed by conscious human effort, before our eyes. But the most significant of these changes have probably been those brought about by the development and

use of modern methods of persuasion and indoctrination. Educators at all levels are nowadays more and more consciously concerned to make their contribution to the shaping of society in a particular mould, and to inculcate in the rising generation the attitudes, loyalties, and opinions appropriate to that type of society; educational policy is an integral part of any rationally planned social policy. The primary function of reason, as applied to man in society, is no longer merely to investigate, but to transform; and this heightened consciousness of the power of man to improve the management of his social, economic, and political affairs by the application of rational processes seems to me one of the major aspects of the twentieth-century revolution.

This expansion of reason is merely part of the process which I called in an earlier lecture "individualization"—the diversification of individual skills and occupations and opportunities which is the concomitant of an advancing civilization. Perhaps the most far-reaching social consequence of the industrial revolution has been the progressive increase in the numbers of those who learn to think, to use their reason. In Great Britain our passion for gradualism is such that the movement is sometimes scarcely perceptible. We have rested on the laurels of universal elementary education for the best part of a century, and have still not advanced very far or very quickly towards universal higher education. This did not matter so much when we led the world. It matters more when we are being

overtaken by others in a greater hurry than ourselves, and when the pace has everywhere been speeded up by technological change. For the social revolution and the technological revolution and the scientific revolution are part and parcel of the same process. If you want an academic example of the process of individualization, consider the immense diversification over the past fifty or sixty years of history, or of science, or any particular science, and the enormously increased variety of individual specializations which it offers. But I have a far more striking example of the process at a different level. More than thirty years ago a high German military officer visiting the Soviet Union listened to some illuminating remarks from a Soviet officer concerned with the building up of the Red air force:

We Russians have to do with still primitive human material. We are compelled to adapt the flying machine to the type of flyer who is at our disposal. To the extent to which we are successful in developing a new type of men, the technical development of the material will also be perfected. The two factors condition each other. Primitive men cannot be put into complicated machines.¹

Today, a bare generation later, we know that Russian machines are no longer primitive, and that millions of Russian men and women who plan, build, and operate these machines are no longer primitive, either. As a historian, I am more interested in this latter phenomenon. The rationalization of production means something far more important—the rationalization of man.

¹ *Vierteljahrshefte für Zeitgeschichte* (Munich), I (1953), p. 38.

All over the world today primitive men are learning to use complicated machines, and in doing so are learning to think, to use their reason. The revolution, which you may justly call a social revolution, but which I call in the present context the expansion of reason, is only just beginning. But it is advancing at a staggering pace to keep abreast of the staggering technological advances of the last generation. It seems to me one of the major aspects of our twentieth-century revolution.

Some of our pessimists and sceptics will certainly call me to order if I fail at this point to notice the dangers and the ambiguous aspects of the role assigned to reason in the contemporary world. In an earlier lecture I pointed out that increasing individualization in the sense described did not imply any weakening of social pressures for conformity and uniformity. This is, indeed, one of the paradoxes of our complex modern society. Education, which is a necessary and powerful instrument in promoting the expansion of individual capacities and opportunities, and therefore of increasing individualization, is also a powerful instrument in the hands of interested groups for promoting social uniformity. Pleas frequently heard for more responsible broadcasting and television, or for a more responsible press, are directed in the first instance against certain negative phenomena which it is easy to condemn. But they quickly become pleas to use these powerful instruments of mass persuasion in order to inculcate desirable tastes and desirable opinions—the standard of desirability being found in the ac-

cepted tastes and opinions of the society. Such campaigns, in the hands of those who promote them, are conscious and rational processes designed to shape society, by shaping its individual members, in a desired direction. Other glaring examples of these dangers are provided by the commercial advertiser and the political propagandist. The two roles are, indeed, frequently doubled; openly in the United States, and rather more sheepishly in Great Britain, parties and candidates employ professional advertisers to put themselves across. The two procedures, even when formally distinct, are remarkably similar. Professional advertisers and the heads of the propaganda departments of great political parties are highly intelligent men who bring all the resources of reason to bear on their task. Reason, however, as in the other instances we have examined is employed not for mere exploration but constructively, not statically but dynamically. Professional advertisers and campaign managers are not primarily concerned with existing facts. They are interested in what the consumer or elector now believes or wants only in so far as this enters into the end-product, *i.e.* what the consumer or elector can by skilful handling be induced to believe or want. Moreover, their study of mass psychology has shown them that the most rapid way to secure acceptance of their views is through an appeal to the irrational element in the make-up of the customer and elector, so that the picture which confronts us is one in which an *élite* of professional industrialists or party leaders through rational processes more highly

developed than ever before attains its ends by understanding and trading on the irrationalism of the masses. The appeal is not primarily to reason: it proceeds in the main by the method which Oscar Wilde called "hitting below the intellect." I have somewhat overdrawn the picture lest I should be accused of under-estimating the danger.⁸ But it is broadly correct, and could easily be applied to other spheres. In every society, more or less coercive measures are applied by ruling groups to organize and control mass opinion. This method seems worse than some because it constitutes an abuse of reason.

In reply to this serious and well-founded indictment I have only two arguments. The first is the familiar one that every invention, every innovation, every new technique discovered in the course of history has had its negative as well as its positive sides. The cost has always to be borne by somebody. I do not know how long it was after the invention of printing before critics began to point out that it facilitated the spread of erroneous opinions. Today it is a commonplace to lament the death-roll on the roads caused by the advent of the motor car; and even some scientists deplore their own discovery of ways and means to release atomic energy because of the catastrophic uses to which it can be, and has been, put. Such objections have not availed in the past, and seem unlikely to avail in the future, to stay the advance of new discoveries

⁸ For a fuller discussion, see the author's *The New Society* (London: Macmillan & Co.; 1951), Ch. 4 *passim*.

and inventions. What we have learned of the techniques and potentialities of mass propaganda cannot be simply obliterated. It is no more possible to return to the small-scale individualist democracy of Lockean or liberal theory, partially realized in Great Britain in the middle years of the nineteenth century, than it is possible to return to the horse and buggy or to early *laissez-faire* capitalism. But the true answer is that these evils also carry with them their own corrective. The remedy lies not in a cult of irrationalism or a renunciation of the extended role of reason in modern society, but in a growing consciousness from below as well as from above of the role which reason can play. This is not a utopian dream at a time when the increasing use of reason at all levels of society is being forced on us by our technological and scientific revolution. Like every other great advance in history, this advance has its costs and its losses, which have to be paid, and its dangers, which have to be faced. Yet, in spite of sceptics, and cynics, and prophets of disaster, especially among the intellectuals of countries whose former privileged position has been undermined, I shall not be ashamed to treat it as a signal example of progress in history. It is perhaps the most striking and revolutionary phenomenon of our time.

The second aspect of the progressive revolution through which we are passing is the changed shape of the world. The great period of the fifteenth and six-

teenth centuries, in which the mediaeval world finally broke up in ruins and the foundations of the modern world were laid, was marked by the discovery of new continents and by the passing of the world centre of gravity from the shores of the Mediterranean to those of the Atlantic. Even the lesser upheaval of the French revolution had its geographical sequel in the calling in of the new world to redress the balance of the old. But the changes wrought by the twentieth-century revolution are far more sweeping than anything that has happened since the sixteenth century. After some four hundred years the world centre of gravity has definitely shifted away from Western Europe. Western Europe, together with the outlying parts of the English-speaking world, has become an appanage of the North American continent, or, if you like, an agglomeration in which the United States serves both as power house and as control tower. Nor is this the only, or perhaps the most significant, change. It is by no means clear that the world centre of gravity now resides, or will continue for long to reside, in the English-speaking world, with its Western European annex. It appears to be the great land-mass of Eastern Europe and Asia, with its extensions into Africa, which today calls the tune in world affairs. The "unchanging East" is nowadays a singularly worn-out *cliché*.

Let us take a quick look at what has happened to Asia in the present century. The story begins with the Anglo-Japanese alliances of 1902—the first admission of an Asiatic country to the charmed circle of Euro-

pean Great Powers. It may perhaps be regarded as a coincidence that Japan signalized her promotion by challenging and defeating Russia, and, in so doing, kindled the first spark which ignited the great twentieth-century revolution. The French revolutions of 1789 and 1848 had found their imitators in Europe. The first Russian revolution of 1905 awakened no echo in Europe, but found its imitators in Asia: in the next few years revolutions occurred in Persia, in Turkey, and in China. The First World War was not precisely a world war, but a European civil war—assuming such an entity as Europe existed—with world-wide consequences: these included the stimulation of industrial development in many Asian countries, of anti-foreign feeling in China, and of Indian nationalism, and the birth of Arab nationalism. The Russian revolution of 1917 provided a further and decisive impulse. What was significant here was that its leaders looked persistently, but in vain, for imitators in Europe, and finally found them in Asia. It was Europe that had become "unchanging," Asia that was on the move. I need not continue this familiar story down to the present time. The historian is hardly yet in a position to assess the scope and significance of the Asian and African revolutions. But the spread of modern technological and industrial processes, and of the beginnings of education and political consciousness, to millions of the population of Asia and Africa, is changing the face of those continents; and, while I cannot peer into the future, I do not know of any standard

of judgment which would allow me to regard this as anything but a progressive development in the perspective of world history. The changed shape of the world resulting from these events has brought with it a relative decline in the weight, certainly of this country, perhaps of the English-speaking countries as a whole, in world affairs. But relative decline is not absolute decline; and what disturbs and alarms me is not the march of progress in Asia and Africa, but the tendency of dominant groups in this country—and perhaps elsewhere—to turn a blind or uncomprehending eye on these developments, to adopt towards them an attitude oscillating between mistrustful disdain and affable condescension, and to sink back into a paralysing nostalgia for the past.

What I have called the expansion of reason in our twentieth-century revolution has particular consequences for the historian; for the expansion of reason means, in essence, the emergence into history of groups and classes, of peoples and continents that hitherto lay outside it. In my first lecture I suggested that the tendency of mediaeval historians to view mediaeval society through the spectacles of religion was due to the exclusive character of their sources. I should like to pursue this explanation a little further. It has, I think, correctly, though no doubt with some exaggeration, been said that the Christian church was "the one rational institution of the Middle Ages."⁹

⁹ Von Martin: *The Sociology of the Renaissance*, p. 18.

Being the one rational institution, it was the one historical institution; it alone was subject to a rational course of development which could be comprehended by the historian. Secular society was moulded and organized by the church, and had no rational life of its own. The mass of people belonged, like pre-historic peoples, to nature rather than to history. Modern history begins when more and more people emerge into social and political consciousness, become aware of their respective groups as historical entities having a past and a future, and enter fully into history. It is only within the last two hundred years at most, even in a few advanced countries, that social, political, and historical consciousness has begun to spread to anything like a majority of the population. It is only today that it has become possible for the first time even to imagine a whole world consisting of peoples who have in the fullest sense entered into history and become the concern, no longer of the colonial administrator or of the anthropologist, but of the historian.

This is a revolution in our conception of history. In the eighteenth century history was still a history of *élites*. In the nineteenth century British historians began, haltingly and spasmodically, to advance towards a view of history as the history of the whole national community. J. R. Green, a rather pedestrian historian, won fame by writing the first *History of the English People*. In the twentieth century every historian pays lip-service to this view; and, though performance lags behind profession, I shall not dwell on these short-

comings, since I am much more concerned with our failure as historians to take account of the widening horizon of history outside this country and outside Western Europe. Acton in his report of 1896 spoke of universal history as "that which is distinct from the combined history of all countries." He continued:

It moves in a succession to which the nations are subsidiary. Their story will be told, not for their own sake, but in reference and subordination to a higher series, according to the time and degree in which they contribute to the common fortunes of mankind.¹

It went without saying for Acton that universal history, as he conceived it, was the concern of any serious historian. What are we at present doing to facilitate the approach to universal history in this sense?

I did not intend in these lectures to touch on the study of history in this university: but it provides me with such striking examples of what I am trying to say that it would be cowardly of me to avoid grasping the nettle. In the past forty years we have made a substantial place in our curriculum for the history of the United States. This is an important advance. But it has carried with it a certain risk of reinforcing the parochialism of English history, which already weighs like a dead hand on our curriculum, with a more insidious and equally dangerous parochialism of the

¹ *The Cambridge Modern History: Its Origin, Authorship and Production*, p. 14.

English-speaking world. The history of the English-speaking world in the last four hundred years has beyond question been a great period of history. But to treat it as the centre-piece of universal history, and everything else as peripheral to it, is an unhappy distortion of perspective. It is the duty of a university to correct such popular distortions. The school of modern history in this university seems to me to fall short in the discharge of this duty. It is surely wrong that a candidate should be allowed to sit for an honours degree in history in a major university without an adequate knowledge of any modern language other than English; let us take warning by what happened in Oxford to the ancient and respected discipline of philosophy when its practitioners came to the conclusion that they could get on very nicely with plain everyday English. It is surely wrong that no facilities should be offered to the candidate to study the modern history of any continental European country above the textbook level. A candidate possessing some knowledge of the affairs of Asia, Africa, or Latin America has at present a very limited opportunity of displaying it in a paper called, with magnificent nineteenth-century *panache*, "The Expansion of Europe." The title unfortunately fits the contents: the candidate is not invited to know anything even of countries with an important and well-documented history like China or Persia except what happened when the Europeans attempted to take them over. Lectures are, I am told, delivered in this university on the history of Russia

and Persia and China—but not by members of the faculty of history. The conviction expressed by the professor of Chinese in his inaugural lecture five years ago that “China cannot be regarded as outside the mainstream of human history”³ has fallen on deaf ears among Cambridge historians. What may well be regarded in the future as the greatest historical work produced in Cambridge during the past decade has been written entirely outside the history department, and without any assistance from it: I refer to Dr. Needham’s *Science and Civilization in China*. This is a sobering thought. I should not have exposed these domestic sores to the public gaze but for the fact that I believe them to be typical of most other British universities and of British intellectuals in general in the middle years of the twentieth century. That stale old quip about Victorian insularity, “Storms in the Channel—the Continent Isolated,” has an uncomfortably topical ring today. Once more storms are raging in the world beyond; and, while we in the English-speaking countries huddle together and tell ourselves in plain everyday English that other countries and other continents are isolated by their extraordinary behaviour from the boons and blessings of our civilization, it sometimes looks as if we, by our inability or unwillingness to understand, were isolating ourselves from what is really going on in the world.

³ Edwin George Pulleyblank: *Chinese History and World History* (Cambridge University Press; 1955), p. 36.

In the opening sentences of my first lecture I drew attention to the sharp difference of outlook which separates the middle years of the twentieth century from the last years of the nineteenth. I should like in conclusion to develop this contrast; and, if in this context I use the words “liberal” and “conservative,” it will be readily understood that I am not using them in their sense as labels for British political parties. When Acton spoke of progress, he did not think in terms of the popular British concept of “gradualism.” “The Revolution, or as we say Liberalism,” is a striking phrase from a letter of 1887. “The method of modern progress,” he said in a lecture on modern history ten years later, “was revolution”; and in another lecture he spoke of “the advent of general ideas which we call revolution.” This is explained in one of his unpublished manuscript notes: “The Whig governed by compromise: the Liberal begins the reign of ideas.”⁴ Acton believed that “the reign of ideas” meant liberalism, and that liberalism meant revolution. In Acton’s

⁴ For these passages see Acton: *Selections from Correspondence* (London: Longmans, Green & Co.; 1917), p. 278; *Lectures on Modern History*, pp. 4, 32; Add. MSS. 4949 (in Cambridge University Library). In the letter of 1887 quoted above, Acton marks the change from the “old” to the “new” Whigs (i.e. the Liberals) as “the discovery of conscience”: “conscience” here is evidently associated with the development of “consciousness” (see pp. 279–80 above), and corresponds to “the reign of ideas.” Stubbs also divided modern history into two periods separated by the French revolution: “the first a history of powers, forces, and dynasties; the second, a history in which ideas take the place of both rights and forms” (W. Stubbs: *Seventeen Lectures on the Study of Mediaeval and Modern History*, 3rd. ed. [1900], p. 239).

lifetime, liberalism had not yet spent its force as a dynamic of social change. In our day, what survives of liberalism has everywhere become a conservative factor in society. It would be meaningless today to preach a return to Acton. But the historian is concerned, first to establish where Acton stood, secondly to contrast his position with that of contemporary thinkers, and thirdly to enquire what elements in his position may be still valid today. The generation of Acton suffered, no doubt, from overweening self-confidence and optimism, and did not sufficiently realize the precarious nature of the structure on which its faith rested. But it possessed two things of both of which we are badly in need today: a sense of change as a progressive factor in history, and belief in reason as our guide for the understanding of its complexities.

Let us now listen to some voices of the 1950's. I quoted in an earlier lecture Sir Lewis Namier's expression of satisfaction that, while "practical solutions" were sought for "concrete problems," "programmes and ideals are forgotten by both parties," and his description of this as a symptom of "national maturity."⁴ I am not fond of these analogies between the life-span of individuals and that of nations; and, if such an analogy is invoked, it tempts one to ask what follows when we have passed the stage of "maturity." But what interests me is the sharp contrast drawn between the practical and the concrete, which are praised, and

⁴ See p. 47 above.

"programmes and ideals," which are condemned. This exaltation of practical action over idealistic theorizing is, of course, the hall-mark of conservatism. In Namier's thought it represents the voice of the eighteenth century, of England at the accession of George III, protesting against the impending onset of Acton's revolution and reign of ideas. But the same familiar expression of out-and-out conservatism in the form of out-and-out empiricism is highly popular in our day. It may be found in its most popular form in Professor Trevor-Roper's remark that, "when radicals scream that victory is indubitably theirs, sensible conservatives knock them on the nose."⁵ Professor Oakeshott offers us a more sophisticated version of this fashionable empiricism: in our political concerns, he tells us, we "sail a boundless and bottomless sea," where there is "neither starting-point nor appointed destination," and where our sole aim can be "to keep afloat on an even keel."⁶ I need not pursue the catalogue of recent writers who have denounced political "utopianism" and "messianism"; these have become the current terms of opprobrium for far-reaching radical ideas on the future of society. Nor shall I attempt to discuss recent trends in the United States, where historians and political theorists have had less inhibitions than their colleagues in this country in openly proclaiming their allegiance to conservatism. I will quote only a re-

⁵ *Encounter*, Vol. VII, No. 6 (June 1957), p. 17.

⁶ Oakeshott: *Political Education* (Cambridge University Press; 1951), p. 22.

mark by one of the most distinguished and most moderate of American conservative historians, Professor Samuel Morison of Harvard, who in his presidential address to the American Historical Association in December 1950 thought that the time had come for a reaction against what he called "the Jefferson-Jackson-F. D. Roosevelt line" and pleaded for a history of the United States "written from a sanely conservative point of view."⁷

But it is Professor Popper who, at any rate in Great Britain, has once more expressed this cautious conservative outlook in its clearest and most uncompromising form. Echoing Namier's rejection of "programmes and ideals," he attacks policies which allegedly aim at "re-modelling the 'whole of society' in accordance with a definite plan," commends what he calls "piecemeal social engineering," and does not apparently shrink from the imputation of "piecemeal tinkering" and "muddling through."⁸ On one point, indeed, I should pay tribute to Professor Popper. He remains a stout defender of reason, and will have no truck with past or present excursions into irrationalism. But, if we look into his prescription of "piecemeal social engineering," we shall see how limited is the role which he assigns to reason. Though his definition of "piecemeal engineering" is not very precise, we are

⁷ *American Historical Review*, Vol. LVI, No. 2 (January 1951), pp. 272-3.

⁸ K. Popper, *The Poverty of Historicism* (London: Routledge & Kegan Paul, 1957), pp. 67, 74.

specifically told that criticism of "ends" is excluded; and the cautious examples which he gives of its legitimate activities—"constitutional reform" and "a tendency towards a greater equalization of incomes"—show plainly that it is intended to operate within the assumptions of our existing society.⁹ The status of reason in Professor Popper's scheme of things is, in fact, rather like that of a British civil servant, qualified to administer the policies of the government in power and even to suggest practical improvements to make them work better, but not to question their fundamental presuppositions or ultimate purposes. This is useful work: I, too, have been a civil servant in my day. But this subordination of reason to the assumptions of the existing order seems to me in the long run wholly unacceptable. This is not how Acton thought of reason when he propounded his equation: revolution—liberalism—the reign of ideas. Progress in human affairs, whether in science or in history or in society, has come mainly through the bold readiness of human beings not to confine themselves to seeking piecemeal improvements in the way things are done, but to present fundamental challenges in the name of reason to the current way of doing things and to the avowed or hidden assumptions on which it rests. I look forward to a time when the historians and sociologists and political thinkers of the English-speaking world will regain their courage for that task.

⁹ *Ibid.*, pp. 64, 68.

It is, however, not the waning of faith in reason among the intellectuals and the political thinkers of the English-speaking world which perturbs me most, but the loss of the pervading sense of a world in perpetual motion. This seems at first sight paradoxical; for rarely has so much superficial talk been heard of changes going on around us. But the significant thing is that change is no longer thought of as achievement, as opportunity, as progress, but as an object of fear. When our political and economic pundits prescribe, they have nothing to offer us but the warning to mistrust radical and far-reaching ideas, to shun anything that savours of revolution, and to advance—if advance we must—as slowly and cautiously as we can. At a moment when the world is changing its shape more rapidly and more radically than at any time in the last four hundred years, this seems to me a singular blindness, which gives ground for apprehension, not that the world-wide movement will be stayed, but that this country—and perhaps other English-speaking countries—may lag behind the general advance, and relapse helplessly and uncomplainingly into some nostalgic backwater. For myself I remain an optimist; and when Sir Lewis Namier warns me to eschew programmes and ideals, and Professor Oakeshott tells me that we are going nowhere in particular and that all that matters is to see that nobody rocks the boat, and Professor Popper wants to keep that dear old T-model on the road by dint of a little piecemeal engineering, and Professor Trevor-Roper knocks screaming radicals

on the nose, and Professor Morison pleads for history written in a sane conservative spirit, I shall look out on a world in tumult and a world in travail, and shall answer in the well-worn words of a great scientist: "And yet—it moves."

Karl
Popper

The Poverty of Historicism



London and New York

IV

CRITICISM OF THE PRO-NATURALISTIC DOCTRINES

27 IS THERE A LAW OF EVOLUTION? LAWS AND TRENDS

The doctrines of historicism which I have called 'pro-naturalistic' have much in common with its anti-naturalistic doctrines. They are, for example, influenced by holistic thinking, and they spring from a misunderstanding of the methods of the natural sciences. Since they represent a misguided effort to copy these methods, they may be described as 'scientistic' (in Professor Hayek's sense¹). They are just as characteristic of historicism as are its anti-naturalistic doctrines, and perhaps even more important. The belief, more especially, that it is the task of the social

¹ See F. A. von Hayek, 'Scientism and the Study of Society', *Economica*, N.S., vol. IX, especially p. 269. Professor Hayek uses the term 'scientism' as a name for 'the slavish imitation of the method and language of science'. Here it is used, rather, as a name for the imitation of what certain people mistake for the method and language of science.

sciences to lay bare the law of evolution of society in order to foretell its future (a view expounded in sections 14 to 17, above) might be perhaps described as the central historicist doctrine. For it is this view of a society moving through a series of periods that gives rise, on the one hand, to the contrast between a changing social and an unchanging physical world, and thereby to anti-naturalism. On the other hand, it is the same view that gives rise to the pro-naturalistic—and scientistic—belief in so-called 'natural laws of succession'; a belief which, in the days of Comte and Mill, could claim to be supported by the long-term predictions of astronomy, and more recently, by Darwinism. Indeed, the recent vogue of historicism might be regarded as merely part of the vogue of evolutionism—a philosophy that owes its influence largely to the somewhat sensational clash between a brilliant scientific hypothesis concerning the history of the various species of animals and plants on earth, and an older metaphysical theory which, incidentally, happened to be part of an established religious belief.²

What we call the evolutionary hypothesis is an explanation of a host of biological and palaeontological observations—for instance, of certain similarities between various species and genera—by the assumption of the common ancestry of related forms.³ This hypothesis is not a universal law, even though

² I agree with Professor Raven when, in his *Science, Religion, and the Future* (1943), he calls this conflict 'a storm in a Victorian tea-cup'; though the force of this remark is perhaps a little impaired by the attention he pays to the vapours still emerging from the cup—to the Great Systems of Evolutionist Philosophy, produced by Bergson, Whitehead, Smuts, and others.

³ Feeling somewhat intimidated by the tendency of evolutionists to suspect anyone of obscurantism who does not share their emotional attitude towards evolution as a 'daring and revolutionary challenge to traditional thought', I had better say here that I see in modern Darwinism the most successful explanation of the relevant facts. A good illustration of the emotional attitude of evolutionists is C. H. Waddington's statement (*Science and Ethics*, 1942, p. 17) that 'we

certain universal laws of nature, such as laws of heredity, segregation, and mutation, enter with it into the explanation. It has, rather, the character of a particular (singular or specific) historical statement. (It is of the same status as the historical statement: 'Charles Darwin and Francis Galton had a common grandfather'.) The fact that the evolutionary hypothesis is not a universal law of nature⁴ but a particular (or, more precisely, singular) historical statement about the ancestry of a number of terrestrial plants and animals is somewhat obscured by the fact that the term 'hypothesis' is so often used to characterize the status of universal laws of nature. But we should not forget that we quite frequently use this term in a different sense. For example, it would undoubtedly be correct to describe a tentative medical diagnosis as a hypothesis, even though such a hypothesis is of a singular and historical character rather than of the character of a universal law. In other words, the fact that all laws of nature are hypotheses must not distract our attention from the fact that not all hypotheses are laws, and that more especially historical hypotheses are, as a rule, not universal but singular statements about one individual event, or a number of such events.

But can there be a law of evolution? Can there be a scientific law in the sense intended by T. H. Huxley when he wrote: '... he must be a half-hearted philosopher who ... doubts that

must accept the direction of evolution as good simply because it is good'; a statement which also illustrates the fact that the following revealing comment by Professor Bernal upon the Darwinian controversy (*ibid.*, p. 115) is still apposite: 'It was not ... that science had to fight an external enemy, the Church; it was that the Church ... was within the scientists themselves.'

⁴ Even a statement such as 'All vertebrates have one common pair of ancestors' is not, in spite of the word 'all', a universal law of nature; for it refers to the vertebrates existing on earth, rather than to all organisms at any place and time which have that constitution which we consider as characteristic of vertebrates. See my *Logic of Scientific Discovery*, section 14 f.

science will sooner or later ... become possessed of the law of evolution of organic forms—of the unvarying order of that great chain of causes and effects of which all organic forms, ancient and modern, are the links ... ?⁵

I believe that the answer to this question must be 'No', and that the search for the law of the 'unvarying order' in evolution cannot possibly fall within the scope of scientific method, whether in biology or in sociology. My reasons are very simple. The evolution of life on earth, or of human society, is a unique historical process. Such a process, we may assume, proceeds in accordance with all kinds of causal laws, for example, the laws of mechanics, of chemistry, of heredity and segregation, of natural selection, etc. Its description, however, is not a law, but only a singular historical statement. Universal laws make assertions concerning some unvarying order, as Huxley puts it, i.e. concerning all processes of a certain kind; and although there is no reason why the observation of one single instance should not incite us to formulate a universal law, nor why, if we are lucky, we should not even hit upon the truth, it is clear that any law, formulated in this or in any other way, must be tested by new

⁵ See T. H. Huxley, *Lay Sermons* (1880), p. 214. Huxley's belief in a law of evolution is very remarkable in view of his exceedingly critical attitude towards the idea of a law of (inevitable) progress. The explanation appears to be that he not only distinguished sharply between natural evolution and progress, but that he held (rightly, I believe) that these two had little to do with each other. Julian Huxley's interesting analysis of what he calls 'evolutionary progress' (*Evolution*, 1942, pp. 559 ff.) seems to me to add little to this, although it is apparently designed to establish a link between evolution and progress. For he admits that evolution, though sometimes 'progressive', is more often not so. (For this, and for Huxley's definition of 'progress', see note 26 on p. 117, below.) The fact, on the other hand, that every 'progressive' development may be considered as evolutionary, is hardly more than trivial. (That the succession of dominant types is progressive in his sense may merely mean that we habitually apply the term 'dominant types' to those of the most successful types which are the most 'progressive'.)

instances before it can be taken seriously by science. But we cannot hope to test a universal hypothesis nor to find a natural law acceptable to science if we are for ever confined to the observation of one unique process. Nor can the observation of one unique process help us to foresee its future development. The most careful observation of one developing caterpillar will not help us to predict its transformation into a butterfly. As applied to the history of human society—and it is with this that we are mainly concerned here—our argument has been formulated by H. A. L. Fisher in these words: 'Men . . . have discerned in history a plot, a rhythm, a predetermined pattern . . . I can see only one emergency following upon another . . . , only one great fact with respect to which, since it is unique, there can be no generalizations . . .'⁶

How can this objection be countered? There are, in the main, two positions which may be taken up by those who believe in a law of evolution. They may (a) deny our contention that the evolutionary process is unique; or (b) assert that in an evolutionary process, even if it is unique, we may discern a trend or tendency or direction, and that we may formulate a hypothesis which states this trend, and test this hypothesis by future experience. The two positions (a) and (b) are not exclusive of each other.

Position (a) goes back to an idea of great antiquity—the idea that the life-cycle of birth, childhood, youth, maturity, old age, and death applies not only to individual animals and plants, but also to societies, races, and perhaps even to 'the whole world'. This ancient doctrine was used by Plato in his interpretation of the decline and fall of the Greek city states and of the Persian

⁶ See H. A. L. Fisher's *History of Europe*, vol. I, p. vii (italics mine). See also F. A. von Hayek, *op. cit.*, *Economica*, vol. X, p. 58, who criticizes the attempt 'to find laws where in the nature of the case they cannot be found, in the succession of the unique and singular historical phenomena'.

Empire.⁷ Similar use of it has been made by Machiavelli, Vico, Spengler, and recently by Professor Toynbee in his imposing *Study of History*. From the point of view of this doctrine, history is repetitive, and the laws of the life-cycle of civilizations, for instance, can be studied in the same way as we study the life-cycle of a certain animal species.⁸ It is a consequence of this doctrine, although one which its originators hardly intended, that our objection, based on the uniqueness of the evolutionary or historical process, loses its force. Now I do not intend to deny (nor, I feel certain, did Professor Fisher in the passage quoted) that history may sometimes repeat itself in certain respects, nor that the parallel between certain types of historical events, such as the rise of tyrannies in ancient Greece and in modern times, can be significant for the student of the sociology of political power.⁹ But it is clear that all these instances of repetition involve

⁷ Plato describes the cycle of the Great Year in *The Statesman*; proceeding from the assumption that we live in the season of degeneration, he applies this doctrine in *The Republic* to the evolution of Greek cities, and in the *Laws* to the Persian Empire.

⁸ Professor Toynbee insists that his method is to investigate empirically the life cycle of 21 odd specimens of the biological species 'civilization'. But even he does not seem to be influenced, in his adoption of this method, by any desire to counter Fisher's argument (quoted above); at least, I do not find any indication of such a desire in his comments on this argument which he is content to dismiss as an expression of 'the modern Western belief in the omnipotence of chance'; see *A Study of History*, vol. V, p. 414. I do not think that this characterization does justice to Fisher, who says in the continuation of the passage quoted: '... The fact of progress is written plain and large on the page of history; but progress is not a law of nature. The ground gained by one generation may be lost by the next.'

⁹ In biology, the position is similar in so far as a multiplicity of evolutions (e.g. of different genera) may be taken as the basis of generalizations. But this comparison of evolutions has merely led to the description of types of evolutionary processes. The position is the same as in social history. We may find that certain types of events are repeated here or there, but no law describing either the course of all evolutionary processes (such as a law of evolutionary cycles) or

circumstances which are vastly dissimilar, and which may exert an important influence upon further developments. We have therefore no valid reason to expect of any apparent repetition of a historical development that it will continue to run parallel to its prototype. Admittedly, once we believe in a law of repetitive life-cycles—a belief arrived at by analogical speculations, or perhaps inherited from Plato—we are sure to discover historical confirmation of it nearly everywhere. But this is merely one of the many instances of metaphysical theories seemingly confirmed by facts—facts which, if examined more closely, turn out to be selected in the light of the very theories they are supposed to test.¹⁰

Turning to position (b), the belief that we may discern, and

the course of all evolution in general appears to result from such a comparison. See note 26 on p. 117, below.

¹⁰ Of nearly every theory it may be said that it agrees with many facts: this is one of the reasons why a theory can be said to be corroborated only if we are unable to find refuting facts, rather than if we are able to find supporting facts; see section 29, below, and my *Logic of Scientific Discovery*, especially ch. X. An example of the procedure criticized here is, I believe, Professor Toynbee's allegedly empirical investigation into the life-cycle of what he calls the 'species civilization' (see note 8 on p. 101, above). He seems to overlook the fact that he classifies as civilizations only such entities as conform to his *a priori* belief in life-cycles. For example, Professor Toynbee contrasts (*op. cit.*, vol. 1, pp. 147 to 149) his 'civilizations' with 'primitive societies' in order to establish his doctrine that these two cannot belong to the same 'species' although they may belong to the same 'genus'. But the only basis of this classification is an *a priori* intuition into the nature of civilizations. This may be seen from his argument that the two are obviously as different as are elephants from rabbits—an intuitive argument whose weakness becomes clear if we consider the case of a St. Bernard dog and a Pekingese. But the whole question (whether or not the two belong to the same species) is inadmissible, for it is based on the scientistic method of treating collectives as if they were physical or biological bodies. Although this method has often been criticized (see, for example, F. A. von Hayek, *Economica*, vol. X, pp. 41 ff.) these criticisms have never received an adequate reply.

extrapolate, the trend or direction of an evolutionary movement, it may first be mentioned that this belief has influenced and has been used to support some of the cyclical hypotheses which represent position (a). Professor Toynbee, for example, expresses in support of position (a) the following views characteristic of (b): 'Civilizations are not static conditions of society but dynamic movements of an evolutionary kind. They not only cannot stand still, but they cannot reverse their direction without breaking down their own law of motion . . .'.¹¹ Here we have nearly all the elements usually found in statements of position (b): the idea of social *dynamics* (as opposed to social *statics*); of evolutionary movements of societies (under the influence of social forces); and of directions (and courses, and velocities) of such movements which, it is said, cannot be reversed without breaking the laws of motion. The terms in italics have all been taken over from physics into sociology, and their adoption has led to a series of misunderstandings which are of an astonishing crudity, but very characteristic of the scientistic misuse of the examples of physics and astronomy. Admittedly, these misunderstandings have done little harm outside the historicist workshop. In economics, for example, the use of the term '*dynamics*' (cp. the now fashionable term '*macro-dynamics*') is unobjectionable, as must be admitted even by those who dislike the term. But even this use derives from Comte's attempt to apply to sociology the physicist's distinction between statics and dynamics; and there can be no doubt of the gross misunderstanding that underlies this attempt. For the kind of society which the sociologist calls '*static*' is precisely analogous to those physical systems which the physicist would call '*dynamic*' (although '*stationary*'). A typical example is the solar system; it is the prototype of a dynamic system in the physicist's sense; but since it is repetitive (or '*stationary*'), since it does not grow or develop, since it does not show any structural changes (apart

¹¹ Toynbee, *op. cit.*, vol. 1, p. 176.

from such changes as do not fall within the realm of celestial dynamics and which may therefore be neglected here), it corresponds, undoubtedly, to those social systems which the sociologist would call 'static'. The point is of considerable importance in connection with the claims of historicism, in so far as the success of the long-term predictions of astronomy depends entirely on this repetitive, and in the sociologist's sense static, character of the solar system—on the fact that we may here neglect any symptoms of a historical development. It is therefore certainly a mistake to suppose that these dynamical long-term predictions of a stationary system establish the possibility of large-scale historical prophecies of non-stationary social systems.

Very similar misunderstandings are involved in the application to society of the other terms from physics listed above. Often this application is quite harmless. No harm is done, for example, if we describe changes in social organization, in the methods of production, etc., as *movements*. But we ought to be clear that we are simply using a metaphor, and a rather misleading one at that. For if we speak in physics of the movement of a body or a system of bodies, then we do not intend to imply that the body or system in question undergoes any internal or structural change, but only that it changes its position relative to some (arbitrarily chosen) system of co-ordinates. As opposed to this, the sociologist means by a 'movement of society' some structural or internal change. He will, accordingly, assume that a movement of society is to be explained by forces while the physicist assumes that only changes of movement, but not movement as such, have to be so explained.¹² The ideas of the speed of a social movement, or of its track, or course, or direction, are similarly

¹² This is so because of the law of inertia.—For an example of a typically 'scientistic' attempt to compute political 'forces' with the help of the Pythagorean theorem, see note 9 on pp. 57–8, above.

harmless as long as they are used merely in order to convey some intuitive impression; but if used with anything like scientific pretensions, they simply become scientific jargon, or to be more precise, holistic jargon. Admittedly, any kind of change of a measurable social factor—for example, population growth—may be graphically represented as a track, just like the path of a moving body. But it is clear that such a diagram does not depict what people mean by the movement of society—considering that a stationary population may undergo a radical social upheaval. We may, of course, combine any number of such diagrams into one single multi-dimensional representation. But such a combined diagram cannot be said to represent the path of the movement of society; it does not tell us more than do the single ones together; it does not represent any movement of 'the whole society', but only changes of selected aspects. The idea of the movement of society itself—the idea that society, like a physical body, can move as a whole along a certain path and in a certain direction—is merely a holistic confusion.¹³

The hope, more especially, that we may some day find the 'laws of motion of society', just as Newton found the laws of motion of physical bodies, is nothing but the result of these misunderstandings. Since there is no motion of society in any

¹³ The confusion created by the talk about 'motion', 'force', 'direction', etc., may be gauged by considering that Henry Adams, the famous American historian, seriously hoped to determine the course of history by fixing the position of two points on its track—the one point located in the thirteenth century, the other in his own lifetime. He says himself of his project: 'With the help of these two points . . . he hoped to project his lines forward and backward indefinitely . . .', for, he argued, 'any schoolboy could see that man as a force must be measured by motion, from a fixed point' (*The Education of Henry Adams*, 1918, p. 434 f.). As a more recent example, I may quote Waddington's remark (*Science and Ethics*, p. 17 f.) that 'a social system' is 'something the existence of which essentially involves motion along an evolutionary path . . .', and that (p. 18 f.) 'the nature of science's contribution to ethics . . . is the revelation of the nature, the character and direction of the evolutionary process in the world as a whole . . .'

sense similar or analogous to the motion of physical bodies, there can be no such laws.

But, it will be said, the existence of trends or tendencies in social change can hardly be questioned: every statistician can calculate such trends. Are these trends not comparable with Newton's law of inertia? The answer is: trends exist, or more precisely, the assumption of trends is often a useful statistical device. But trends are not laws. A statement asserting the existence of a trend is existential, not universal. (A universal law, on the other hand, does not assert existence; on the contrary: as was shown at the end of section 20, it asserts the impossibility of something or other.¹⁴) And a statement asserting the existence of a trend at a certain time and place would be a singular historical statement, not a universal law. The practical significance of this logical situation is considerable: while we may base scientific predictions on laws, we cannot (as every cautious statistician knows) base them merely on the existence of trends. A trend (we may again take population growth as an example) which has persisted for hundreds or even thousands of years may change within a decade, or even more rapidly than that.

It is important to point out that laws and trends are radically different things.¹⁵ There is little doubt that the habit of confusing trends with laws, together with the intuitive observation of trends (such as technical progress), inspired the central doctrines of evolutionism and historicism—the doctrines of the inexorable laws of biological evolution and of the irreversible laws of motion of society. And the same confusions and intuitions also

¹⁴ See my *Logic of Scientific Discovery*, section 15, where reasons are given for considering existential statements to be metaphysical (in the sense of unscientific); see also note 28 on p. 118, below.

¹⁵ A law, however, may assert that under certain circumstances (initial conditions) certain trends will be found; moreover, after a trend has been so explained, it is possible to formulate a law corresponding to the trend; see also note 29 on p. 119, below.

inspired Comte's doctrine of laws of succession—a doctrine which is still very influential.

The distinction, famous since Comte and Mill, between laws of coexistence, alleged to correspond to statics, and laws of succession, alleged to correspond to dynamics, can admittedly be interpreted in a reasonable way; i.e. as a distinction between laws that do not involve the concept of time, and laws into whose formulation time enters (for instance, laws that speak of velocities).¹⁶ But this is not quite what Comte and his followers had in mind. When speaking of laws of succession, Comte thought of laws determining the succession of a 'dynamic' series of phenomena in the order in which we observe them. Now it is important to realize that 'dynamic' laws of succession, as Comte conceived them, do not exist. They certainly do not exist within dynamics. (I mean dynamics.) The closest approach to them in the field of natural science—and what he probably had in mind—are natural periodicities like the seasons, the phases of the moon, the recurrence of eclipses, or perhaps the swings of a pendulum. But these periodicities, which in physics would be described as dynamical (though stationary), would be, in Comte's sense of these terms, 'static' rather than 'dynamic'; and in any case they can hardly be called laws (since they depend upon the special conditions prevailing in the solar system; see the next section). I will call them 'quasi-laws of succession'.

The crucial point is this: although we may assume that any actual succession of phenomena proceeds according to the laws of nature, it is important to realize that practically no sequence of, say,

¹⁶ It may be worth mentioning that equilibrium economics is undoubtedly dynamic (in the 'reasonable' as opposed to the 'Comtean' sense of this term), even though time does not occur in its equation. For this theory does not assert that the equilibrium is anywhere realized; it merely asserts that every disturbance (and disturbances occur all the time) is followed by an adjustment—by a 'movement' towards equilibrium. In physics, statics is the theory of equilibria and not of movements towards equilibrium; a static system does not move.

three or more causally connected concrete events proceeds according to any single law of nature. If the wind shakes a tree and Newton's apple falls to the ground, nobody will deny that these events can be described in terms of causal laws. But there is no single law, such as that of gravity, nor even a single definite set of laws, to describe the actual or concrete succession of causally connected events; apart from gravity, we should have to consider the laws explaining wind pressure; the jerking movements of the branch; the tension in the apple's stalk; the bruise suffered by the apple on impact; all of which is succeeded by chemical processes resulting from the bruise, etc. The idea that any concrete sequence or succession of events (apart from such examples as the movement of a pendulum or a solar system) can be described or explained by any one law, or by any one definite set of laws, is simply mistaken. There are neither laws of succession, nor laws of evolution.

Yet Comte and Mill did envisage their historical laws of succession as laws determining a sequence of historical events in the order of their actual occurrence. This may be seen from the manner in which Mill speaks of a method that

consists in attempting, by a study and analysis of the general facts of history to discover . . . the law of progress; which law, once ascertained, must . . . enable us to predict future events, *just as after a few terms of an infinite series in algebra we are able to detect the principle of regularity in their formation, and to predict the rest of the series to any number of terms we please.*¹⁷

Mill himself is critical of this method; but his criticism (see the beginning of section 28) fully admits the possibility of finding

¹⁷ Mill, *Logic*, Book VI, ch. X, section 3. For Mill's theory of 'progressive effects' in general, see also Book III, ch. XV, section 2 f.

laws of succession analogous to those of a mathematical sequence, even though he expressed doubts whether 'the order of succession . . . which history presents to us' may be sufficiently 'rigidly uniform' to be compared with a mathematical sequence.¹⁸

Now we have seen that there are no laws that determine the succession of such a 'dynamic' series of events.¹⁹ On the other hand, there may be trends which are of this 'dynamic' character; for example, population increase. It may therefore be suspected that Mill had such trends in mind when he spoke of 'laws of succession'. And this suspicion is confirmed by Mill himself when he describes his historical law of progress as a *tendency*. Discussing this 'law', he expresses his 'belief . . . that the general tendency is, and will continue to be saving occasional and temporary exceptions, one of improvement—a tendency towards a happier and better state. This . . . is . . . a theorem of the science' (viz. of the social science). That Mill should seriously discuss the question whether 'the phenomena of human society' revolve 'in an orbit' or whether they move, progressively, in 'a trajectory'²⁰ is in keeping with this fundamental confusion between laws and trends, as well as with the holistic idea that society can 'move' as a whole—say, like a planet.

¹⁸ Mill seems to overlook the fact that only the very simplest arithmetical and geometrical sequences are such that 'a few terms' suffice for detecting their 'principle'. It is easy to construct more complicated mathematical sequences in which thousands of terms would not suffice to discover their law of construction—even if it is known that there is such a law.

¹⁹ For the nearest approach to such laws, see section 28, especially note 29 on p. 119.

²⁰ See Mill, *loc. cit.* Mill distinguishes two senses of the word 'progress'; in the wider sense, it is opposed to cyclic change but does not imply improvement. (He discusses 'progressive change' in this sense more fully, *op. cit.*, Book III, ch. XV.) In the narrower sense, it implies improvement. He teaches that the persistence of progress in the wider sense is a question of method (I do not understand this point), and in the narrower sense a theorem of sociology.

In order to avoid misunderstandings, I wish to make it clear that I believe that both Comte and Mill have made great contributions to the philosophy and methodology of science: I am thinking, especially, of Comte's emphasis on laws and scientific prediction, of his criticism of an essentialist theory of causality; and of his and Mill's doctrine of the unity of scientific method. Yet their doctrine of historical laws of succession is, I believe, little better than a collection of misapplied metaphors.²¹

28 THE METHOD OF REDUCTION. CAUSAL EXPLANATION. PREDICTION AND PROPHECY

My criticism of the doctrine of historical laws of succession is in one important respect still inconclusive. I have tried to show that the 'directions' or 'tendencies' which historicists discern in the succession of events called history are not laws but, if anything, trends. And I have pointed out why a trend, as opposed to a law, must not in general be used as a basis for scientific predictions.

But to this criticism, Mill and Comte—alone in this respect

²¹ In many historicist and evolutionist writings it is often impossible to discover where metaphor ends and serious theory begins. (See for example the notes on pp. 102 and 105 of the present section.) And we must even face the possibility that some historicists may deny that there is a difference between metaphor and theory. Consider, for example, the following quotation from the psycho-analyst Dr. Karin Stephen: 'That the modern explanation which I have tried to put forward may still be no more than a metaphor I will concede . . . I do not think we need be ashamed . . . because scientific hypotheses are in fact all based on metaphor. What else is the wave theory of light . . . ?' (Cp. Waddington's *Science and Ethics*, p. 80; see also p. 76 on gravity.) If the method of science were still that of essentialism, i.e. the method of asking 'what is it?' (cp. section 10 above), and if the wave theory of light were the essentialist statement that light is a wave motion, then this remark would be justified. But as things are, it is one of the main differences between psycho-analysis and the wave theory of light that while the former is still largely essentialistic and metaphorical, the latter is not.

among historicists, I believe—could still have offered a rejoinder. Mill might perhaps have admitted a certain amount of confusion between laws and trends. But he could have reminded us that he himself had criticized those who mistook a 'uniformity of historical succession' for a true law of nature; that he had been careful to emphasize that such a uniformity could 'only be an empirical law'²² (the term is somewhat misleading); and that it should not be considered secure before it had been reduced, 'by the consilience of deduction *a priori* with historical evidence', to the status of a true law of nature. And he could have reminded us that he had even laid down the 'imperative rule never to introduce any generalization from history into the social science unless sufficient grounds can be pointed out for it',²³—that is, by deducing it from some true natural laws which can be established independently. (The laws he had in mind were those of 'human nature', i.e. psychology.) To this procedure of reducing historical or other generalizations to some set of laws of higher generality, Mill gave the name 'inverse deductive method', and he advocated it as the only correct historical and sociological method.

I am ready to admit that there is some force in this rejoinder. For should we succeed in reducing a trend to a set of laws, then we should be justified in using this trend, like a law, as a basis of predictions. Such a reduction, or inverse deduction, would go a long way towards bridging the gulf between laws and trends. The force of this rejoinder is further brought out by the fact that

²² This and the next quotation are from Mill, *Logic*, Book VI, ch. X, section 3. I consider the term 'empirical law' (used by Mill as a name for a law of a low degree of generality) as very unfortunate because all scientific laws are empirical: they are all accepted or rejected on the basis of empirical evidence. (For Mill's 'empirical laws', see also *op. cit.*, Book III, ch. VI, and Book VI, ch. V, section 1.) Mill's distinction has been accepted by C. Menger who opposes 'exact laws' to 'empirical laws'; see *The Collected Works*, vol. II, pp. 38 ff., and 259 ff.

²³ See Mill, *op. cit.*, Book VI, ch. X, section 4. See also Comte, *Cours de philosophie positive*, IV, p. 335.

Mill's method of 'inverse deduction' is a fair (although scrappy) description of a procedure which is used not only in the social sciences but in all sciences, and to an extent far beyond Mill's own estimate.

In spite of these admissions I believe that my criticism remains correct, and that the fundamental historicist confusion of laws with trends is indefensible. But in order to show this, a careful analysis is needed of the method of reduction or inverse deduction.

Science, we may say, is confronted with problems, at any moment of its development. It cannot start with observations, or with the 'collection of data', as some students of method believe. Before we can collect data, our interest in data of a certain kind must be aroused: the problem always comes first. The problem in its turn may be suggested by practical needs, or by scientific or pre-scientific beliefs which, for some reason or other, appear to be in need of revision.

Now a scientific problem, as a rule, arises from the need for an explanation. Following Mill, we shall distinguish between two main cases: the explanation of an individual or singular specific event, and the explanation of some regularity or law. Mill puts it as follows:

An individual fact is said to be explained by pointing out its cause, that is, by stating the law or laws . . . of which its production is an instance. Thus a conflagration is explained when it is proved to have arisen from a spark falling into a heap of combustibles; and in a similar manner, a law . . . is said to be explained when another law or laws are pointed out, of which that law itself is but a case and from which it could be deduced.²⁴

²⁴ Mill, *op. cit.*, Book III, ch. XII, section 1. For the 'derivation' or 'inverse deduction' of what he calls 'empirical laws', see also *ib. cit.*, ch. XVI, section 2.

The case of the explanation of a law is a case of 'inverse deduction', and therefore important in our context.

Mill's explanation of an explanation, or better of a causal explanation, is in the main quite acceptable. But for certain purposes it is not precise enough; and this lack of precision plays an important part in the issue we are here concerned with. I shall therefore re-state the matter, and point out where the differences between Mill's view and my own lie.

I suggest that to give a causal explanation of a certain *specific event* means deducing a statement describing this event from two kinds of premises: from some *universal laws*, and from some singular or specific statements which we may call the *specific initial conditions*. For example, we can say that we have given a causal explanation of the breaking of a certain thread if we find that this thread could carry a weight of only one pound, and that a weight of two pounds was put on it. If we analyse this causal explanation, then we find that two different constituents are involved. (1) Some hypotheses of the character of universal laws of nature; in this case, perhaps: 'For every thread of a given structure s (determined by its material, thickness, etc.) there is a characteristic weight w such that the thread will break if any weight exceeding w is suspended on it'; and 'For every thread of the structure s_1 , the characteristic weight w equals one pound'. (2) Some specific (singular) statements—the initial conditions—pertaining to the particular event in question; in this case, we may have two statements: 'This is a thread of structure s_1 ', and 'The weight put on this thread was a weight of two pounds'. Thus we have two different constituents, two different kinds of statements which together yield a complete causal explanation: (1) *Universal statements of the character of natural laws*; and (2) *specific statements pertaining to the special case in question, called the 'initial conditions'*. Now from the universal laws (1) we can deduce, with the help of the initial conditions (2), the following specific statement (3): 'This thread will break'. This conclusion (3) we may also call a

specific prognosis. The initial conditions (or more precisely, the situation described by them) are usually spoken of as the *cause* of the event in question, and the prognosis (or rather, the event described by the prognosis) as the *effect*; for example, we say that the putting of a weight of two pounds on a thread capable of carrying only one pound was the cause, and the breaking the effect.²⁵

Such a causal explanation will, of course, be scientifically acceptable only if the universal laws are well tested and corroborated, and if we have also some independent evidence in favour of the cause, i.e. of the initial conditions.

Before proceeding to analyse the causal explanation of regularities or laws, it may be remarked that several things emerge from our analysis of the explanation of singular events. One is that we can never speak of cause and effect in an absolute way, but must say that an event is a cause of another event—its effect—in relation to some universal law. However, these universal laws are very often so trivial (as in our example) that as a rule we take them for granted instead of making conscious use of them. A second point is that the use of a theory for predicting some specific event is just another aspect of its use for explaining such an event. And since we test a theory by comparing the events predicted with those actually observed, our analysis also

²⁵ This paragraph, containing the analysis of a causal explanation of a specific event, is a near-quotation from my *Logic of Scientific Discovery*, section 12. At present, I feel inclined to suggest a definition of 'cause' on the basis of Tarski's semantics (which I did not know when that book was written), along the following lines: The (singular) event A is called a cause of the (singular) event B if and only if from a set of true universal statements (laws of nature) a material implication follows whose implicans designates A and whose implicate designates B. Similarly, we could define the concept of a 'scientifically accepted cause'. For the semantic concept of designation, see Carnap, *Introduction to Semantics* (1942). It appears that the above definition could be improved by using what Carnap calls 'absolute concepts'.—For some historical remarks concerning the problem of cause, see note 7 to ch. 25 of my book, *The Open Society and Its Enemies*.

shows how theories can be tested. Whether we use a theory for the purpose of explanation, of prediction, or of testing, depends upon our interest; it depends upon the question which statements we consider as given or unproblematic, and which statements we consider to stand in need of further criticism, and of testing. (See section 29.)

The causal explanation of a *regularity*, described by a universal law, is somewhat different from that of a singular event. At first sight, one might think that the case is analogous and that the law in question has to be deduced from (1) some more general laws, and (2) certain special conditions which correspond to the initial conditions but which are not singular, and refer to a certain kind of situation. This, however, is not the case here, for the special conditions (2) must be explicitly stated in the formulation of the law which we wish to explain; for otherwise this law would simply contradict (1). (For example, if with the help of Newton's theory we wish to explain the law that all planets move in ellipses, then we have to put first explicitly in the formulation of this law the conditions under which we can assert its validity, perhaps in the form: If a number of planets, sufficiently spaced to make their mutual attraction very small, move round a very much heavier sun, then each moves approximately in an ellipse with the sun in the one focus.) In other words, the formulation of the universal law which we try to explain has to incorporate all the conditions of its validity, since otherwise we cannot assert it universally (or as Mill says, unconditionally). Accordingly, the causal explanation of a regularity consists in the deduction of a law (containing the conditions under which the regularity asserted holds) from a set of more general laws which have been tested and confirmed independently.

If we now compare our account of causal explanation with Mill's we see that there is no great difference as far as the reduction of laws to more general laws is concerned, that is to say, in the causal explanation of regularities. But in Mill's discussion

of the causal explanation of *singular events*, there is no clear distinction between (1) universal laws, and (2) specific initial conditions. This is, largely, due to Mill's lack of clarity in his use of the term 'cause' by which he means sometimes singular events, and sometimes universal laws. We shall now show how this affects the explanation or reduction of trends.

That it is logically possible to reduce or explain trends cannot be doubted. Let us assume, for example, that we find that all planets progressively approach the sun. The solar system would then be a dynamic system in Comte's sense; it would have a development or a history, with a definite trend. The trend could easily be explained in Newtonian physics by the assumption (for which we might find independent evidence) that inter-planetary space is filled with some resisting matter—for example, a certain gas. This assumption would be a new specific initial condition which we would have to add to the usual initial conditions stating the positions and momenta of the planets at a certain time. As long as the new initial condition persists, we should have a systematic change or trend. Now if we further assume the change to be large, then it must have a very marked systematic influence on the biology and history of the various species on earth, including human history. This shows how we could, in principle, explain certain evolutionary and historical trends—even 'general trends', i.e. trends that persist throughout the development under consideration. It is obvious that these trends would be analogous to the quasi-laws of succession (seasonal periodicities, etc.) mentioned in the preceding section, with the difference that they would be 'dynamic'. They would, therefore, correspond, even more closely than these 'static' quasi-laws, to Comte's and Mill's vague idea of evolutionary or historical laws of succession. Now if we have reason to assume the persistence of the relevant initial conditions then, clearly, we can assume that these trends or 'dynamic quasi-laws' will persist, so that they may be used, like laws, as a basis for predictions.

There is little doubt that such *explained trends* (as we may call them), or trends which are on the verge of being explained, play a considerable role in modern evolutionary theory. Apart from a number of such trends pertaining to the evolution of certain biological forms such as shells and rhinoceroses, it appears that a general trend towards an increasing number and an increasing variety of biological forms spreading into an increasing range of environmental conditions is becoming explicable in terms of biological laws (together with initial conditions which make certain assumptions regarding the terrestrial environment of organisms and which, together with the laws, imply, for example, the working of the important mechanism called 'natural selection').²⁶

²⁶ For a discussion of evolutionary trends, see J. Huxley, *Evolution* (1942), ch. IX. Concerning Huxley's theory of Evolutionary Progress (*op. cit.*, ch. X) it appears to me that all that can reasonably be asserted is this: the general trend towards an increasing variety of forms, etc., leaves room for the statement that 'progress' (Huxley's definition is discussed below) sometimes occurs, and sometimes not; that the evolutions of some forms is sometimes progressive, while that of most is not; and that there is no general reason why we should expect that forms will occur in the future which have made further progress. (Cp. Huxley's contention—e.g. *op. cit.*, p. 571—that, if man were wiped out, further progress is in the highest degree improbable. Although his arguments do not convince me, they carry an implication with which I am inclined to agree; namely, that biological progress is, as it were, something accidental.) Concerning Huxley's definition of evolutionary progress as increasing *all-round biological efficiency*, i.e. as increasing control over and independence of the environment, I feel that he has indeed succeeded in expressing adequately the intentions of many who have used this term. Furthermore, the defining terms are not, I admit, anthropocentric; they contain no valuation. And yet, to call an increase in efficiency or in control 'progress' appears to me as expressing a valuation; it expresses the belief that efficiency or control is good, and that the spread of life and its further conquest of dead matter is desirable. But it is certainly possible to adopt very different values. I do not think therefore that Huxley's claim that he has given an 'objective definition' of evolutionary progress, free from anthropomorphism and value judgments, is tenable. (See *op. cit.*, p. 559; also p. 565, arguing against J. B. S. Haldane's view that the idea of progress is anthropocentric.)

All this may appear to tell against us, and indeed to support Mill and historicism. But this is not the case. Explained trends do exist, but their persistence depends on the persistence of certain specific initial conditions (which in turn may sometimes be trends).

Now Mill and his fellow historicists overlook the dependence of trends on initial conditions. They operate with trends as if they were unconditional, like laws. Their confusion of laws with trends²⁷ makes them believe in trends which are unconditional (and therefore general); or, as we may say, in 'absolute trends';²⁸ for example, in a general historical tendency towards progress—'a tendency towards a better and happier state'. And if they at all consider a 'reduction' of their tendencies to laws, they believe that these tendencies can be immediately derived from universal laws alone, such as the laws of psychology (or perhaps of dialectical materialism, etc.).

This, we may say, is the central mistake of historicism. Its 'laws of development' turn out to be absolute trends; trends which, like laws, do not depend on initial conditions, and which carry us irresistibly in a certain direction into the future. They are the basis of unconditional prophecies, as opposed to conditional scientific predictions.

But what about those who see that trends depend on conditions, and who try to find these conditions and to formulate them explicitly? My answer is that I have no quarrel with them. On the contrary: that trends occur cannot be doubted. Therefore

²⁷ That in Mill's case it is this confusion which is mainly responsible for his belief in the existence of what I call 'absolute trends' can be seen by an analysis of his *Logic*, Book III, ch. XVI.

²⁸ There are some logical reasons for describing the belief in an absolute trend as unscientific or metaphysical (cp. note 14 on p. 106, above). Such a trend may be formulated by a non-specific or generalized existential statement ('There exists such and such a trend'), which we cannot test since no observation of deviation from the trend can disprove this statement; for we can always hope that, 'in the long run', deviations in the opposite direction will set matters right again.

we have the difficult task of explaining them as well as we can, i.e. of determining as precisely as possible the conditions under which they persist. (See section 32.)²⁹

The point is that these conditions are so easily overlooked. There is, for example, a trend towards an 'accumulation of means of production' (as Marx puts it). But we should hardly expect it to persist in a population which is rapidly decreasing; and such a decrease may in turn depend on extra-economic conditions, for example, on chance inventions, or conceivably on the direct physiological (perhaps biochemical) impact of an industrial environment. There are, indeed, countless possible conditions; and in order to be able to examine these possibilities in our search for the true conditions of a trend, we have all the time to try to imagine conditions under which the trend in question would disappear. But this is just what the historicist cannot do. He firmly believes in his favourite trend, and

²⁹ If we succeed in determining the complete or sufficient singular conditions *c* of a singular trend *t*, then we can formulate the universal law: 'Whenever there are conditions of the kind *c* there will be a trend of the kind *t*'. The idea of such a law is unobjectionable from the logical point of view; but it is very different from Comte's and Mill's idea of a law of succession which, like an absolute trend, or a law of a mathematical sequence, characterizes the general run of events. Besides, how could we determine that our conditions are sufficient? Or what amounts to the same thing: how could we test a law of the form indicated above? (We must not forget that we are here discussing position (b) of section 27, which involves the claim that the trend can be tested.) In order to test such a law we have to try hard to produce conditions under which it does not hold; to this end we must try to show that conditions of the kind *c* are insufficient, and that even in their presence, a trend like *t* does not always occur. A method like this (it is sketched in section 32) would be unobjectionable. But it is inapplicable to the absolute trends of the historicist, since these are necessary and omnipresent concomitants of social life, and cannot be eliminated by any possible interference with social conditions. (We can see here again the 'meta-physical' character of the belief in trends which are not specific, such as general trends; the statements expressing such a belief cannot be tested; see also the foregoing note.)

conditions under which it would disappear are to him unthinkable. The poverty of historicism, we might say, is a poverty of imagination. The historicist continuously upbraids those who cannot imagine a change in their little worlds; yet it seems that the historicist is himself deficient in imagination, for he cannot imagine a change in the conditions of change.

29 THE UNITY OF METHOD

I suggested in the foregoing section that the deductive methods there analysed are widely used and important—more so than Mill, for example, ever thought. This suggestion will now be further elaborated, in order to throw some light on the dispute between naturalism and anti-naturalism. In this section I am going to propose a doctrine of the unity of method; that is to say, the view that all theoretical or generalizing sciences make use of the same method, whether they are natural sciences or social sciences. (I postpone the discussion of the historical sciences until section 31.) At the same time, some of these doctrines of historicism which I have not yet sufficiently examined will be touched upon, such as the problems of Generalization; of Essentialism; of the role played by Intuitive Understanding; of the Inexactitude of Prediction; of Complexity; and of the application of Quantitative Methods.

I do not intend to assert that there are no differences whatever between the methods of the theoretical sciences of nature and of society; such differences clearly exist, even between the various natural sciences themselves, as well as between the various social sciences. (Compare, for example, the analysis of competitive markets and of Romance languages.) But I agree with Comte and Mill—and with many others, such as C. Menger—that the methods in the two fields are fundamentally the same (though the methods I have in mind may differ from those they had in mind). The methods always consist in offering deductive causal

explanations, and in testing them (by way of predictions). This has sometimes been called the hypothetical-deductive method,³⁰ or more often the method of hypothesis, for it does not achieve absolute certainty for any of the scientific statements which it tests; rather, these statements always retain the character of tentative hypotheses, even though their character of tentativeness may cease to be obvious after they have passed a great number of severe tests.

Because of their tentative or provisional character, hypotheses were considered, by most students of method, as *provisional in the sense that they have ultimately to be replaced by proved theories* (or at least by theories which can be proved to be 'highly probable', in the sense of some calculus of probabilities). I believe that this view is mistaken and that it leads to a host of entirely unnecessary difficulties. But this problem³¹ is of comparatively little moment

³⁰ See V. Kraft, *Die Grundformen der wissenschaftlichen Methoden* (1925).

³¹ See my *Logic of Scientific Discovery*, on which the present section is based, especially the doctrine of tests by way of deduction ('deductivism') and of the redundancy of any further 'induction', since theories always retain their hypothetical character ('hypotheticism'), and the doctrine that scientific tests are genuine attempts to falsify theories ('eliminationism'); see also the discussion of testability and falsifiability.

The opposition here pointed out, between deductivism and inductivism, corresponds in some respects to the classical distinction between rationalism and empiricism: Descartes was a deductivist, since he conceived all sciences as deductive systems, while the English empiricists, from Bacon on, all conceived the sciences as collecting observations from which generalizations are obtained by induction.

But Descartes believed that the principles, the premises of the deductive systems, must be secure and self-evident—'clear and distinct'. They are based upon the insight of reason. (They are synthetic and *a priori* valid, in Kantian language.) As opposed to this, I conceive them as tentative conjectures, or hypotheses.

These hypotheses, I contend, must be refutable in principle: it is here that I deviate from the two greatest modern deductivists, Henri Poincaré and Pierre Duhem.

here. What is important is to realize that in science we are always concerned with explanations, predictions, and tests, and that the method of testing hypotheses is always the same (see the foregoing section). From the hypothesis to be tested—for example, a universal law—together with some other statements which for this purpose are not considered as problematic—for example, some initial conditions—we deduce some prognosis. We then confront this prognosis, whenever possible, with the results of experimental or other observations. Agreement with them is

Poincaré and Duhem both recognized the impossibility of conceiving the theories of physics as inductive generalizations. They realized that the observational measurements which form the alleged starting-point for the generalizations are, on the contrary, *interpretations in the light of theories*. And they rejected not only inductivism, but also the rationalistic belief in synthetic *a priori* valid principles or axioms. Poincaré interpreted them as analytically true, as definitions; Duhem interpreted them as instruments (as did Cardinal Bellarmino and Bishop Berkeley), as means for the ordering of the experimental laws—the experimental laws which, he thought, were obtained by induction. Theories thus cannot contain either true or false information: they are nothing but instruments, since they can only be convenient or inconvenient, economical or uneconomical; supple and subtle, or else creaking and crude. (Thus, Duhem says, following Berkeley, there cannot be logical reasons why two or more theories which contradict one another should not all be accepted.) I fully agree with both these great authors in rejecting inductivism as well as the belief in the synthetic *a priori* validity of physical theories. But I cannot accept their view that it is impossible to submit theoretical systems to empirical tests. Some of them are testable, I think; that is, refutable in principle; and they are therefore synthetic (rather than analytic); empirical (rather than *a priori*); and informative (rather than purely instrumental). As to Duhem's famous criticism of crucial experiments, he only shows that crucial experiments can never prove or establish a theory; but he nowhere shows that crucial experiments cannot refute a theory. Admittedly, Duhem is right when he says that we can test only huge and complex theoretical systems rather than isolated hypotheses; but if we test two such systems which differ in one hypothesis only, and if we can design experiments which refute the first system while leaving the second very well corroborated, then we may be on reasonably safe ground if we attribute the failure of the first system to that hypothesis in which it differs from the other.

taken as corroboration of the hypothesis, though not as final proof; clear disagreement is considered as refutation or falsification.

According to this analysis, there is no great difference between explanation, prediction and testing. The difference is not one of logical structure, but rather one of emphasis; it depends on what we consider to be our problem and what we do not so consider. If it is not our problem to find a prognosis, while we take it to be our problem to find the initial conditions or some of the universal laws (or both) from which we may deduce a given 'prognosis', then we are looking for an *explanation* (and the given 'prognosis' becomes our 'explicandum'). If we consider the laws and initial conditions as given (rather than as to be found) and use them merely for deducing the prognosis, in order to get thereby some new information, then we are trying to make a prediction. (This is a case in which we *apply* our scientific results.) And if we consider one of the premises, i.e. either a universal law or an initial condition, as problematic, and the prognosis as something to be compared with the results of experience, then we speak of a test of the problematic premise.

The result of tests is the *selection* of hypotheses which have stood up to tests, or the *elimination* of those hypotheses which have not stood up to them, and which are therefore rejected. It is important to realize the consequences of this view. They are these: all tests can be interpreted as attempts to weed out false theories—to find the weak points of a theory in order to reject it if it is falsified by the test. This view is sometimes considered paradoxical; our aim, it is said, is to establish theories, not to eliminate false ones. But just because it is our aim to establish theories as well as we can, we must test them as severely as we can; that is, we must try to find fault with them, we must try to falsify them. Only if we cannot falsify them in spite of our best efforts can we say that they have stood up to severe tests. This is the reason why the discovery of instances which confirm a

theory means very little if we have not tried, and failed, to discover refutations. For if we are uncritical we shall always find what we want: we shall look for, and find, confirmations, and we shall look away from, and not see, whatever might be dangerous to our pet theories. In this way it is only too easy to obtain what appears to be overwhelming evidence in favour of a theory which, if approached critically, would have been refuted. In order to make the method of selection by elimination work, and to ensure that only the fittest theories survive, their struggle for life must be made severe for them.

This, in outline, is the method of all sciences which are backed by experience. But what about the method by which we obtain our theories or hypotheses? What about inductive generalizations, and the way in which we proceed from observation to theory? To this question (and to the doctrines discussed in section 1, so far as they have not been dealt with in section 26) I shall give two answers. (a) I do not believe that we ever make inductive generalizations in the sense that we start with observations and try to derive our theories from them. I believe that the prejudice that we proceed in this way is a kind of optical illusion, and that at no stage of scientific development do we begin without something in the nature of a theory, such as a hypothesis, or a prejudice, or a problem—often a technological one—which in some way guides our observations, and helps us to select from the innumerable objects of observation those which may be of interest.³² But if this is so, then the method of elimination—which is nothing but that of trial and error discussed in section 24—can always be applied. However, I do not think that it is necessary for our present discussion to insist upon this point. For

³² For a surprising example of the way in which even botanical observations are guided by theory (and in which they may be even influenced by prejudice), see O. Frankel, 'Cytology and Taxonomy of Hebe, etc.', in *Nature*, vol. 147 (1941), p. 117.

we can say (b) that it is irrelevant from the point of view of science whether we have obtained our theories by jumping to unwarranted conclusions or merely by stumbling over them (that is, by 'intuition'), or else by some inductive procedure. The question, 'How did you first find your theory?' relates, as it were, to an entirely private matter, as opposed to the question, 'How did you test your theory?' which alone is scientifically relevant. And the method of testing described here is fertile; it leads to new observations, and to a mutual give and take between theory and observation.

Now all this, I believe, is not only true for the natural but also for the social sciences. And in the social sciences it is even more obvious than in the natural sciences that we cannot see and observe our objects before we have thought about them. For most of the objects of social science, if not all of them, are abstract objects; they are *theoretical* constructions. (Even 'the war' or 'the army' are abstract concepts, strange as this may sound to some. What is concrete is the many who are killed; or the men and women in uniform, etc.) These objects, these theoretical constructions used to interpret our experience, are the result of constructing certain models (especially of institutions), in order to explain certain experiences—a familiar theoretical method in the natural sciences (where we construct our models of atoms, molecules, solids, liquids, etc.). It is part of the method of explanation by way of reduction, or deduction from hypotheses. Very often we are unaware of the fact that we are operating with hypotheses or theories, and we therefore mistake our theoretical models for concrete things. This is a kind of mistake which is only too common.³³ The fact that models are often used in this

³³ With this and the following paragraph, cp. F. A. von Hayek, 'Scientism and the Study of Society', parts I and II, *Economica*, vols. ix and x, where methodological collectivism is criticized and where methodological individualism is discussed in detail.

way explains—and by so doing destroys—the doctrines of methodological essentialism (cp. section 10). It explains them, for the model is abstract or theoretical in character, and so we are liable to feel that we see it, either within or behind the changing observable events, as a kind of permanent ghost or essence. And it destroys them because the task of social theory is to construct and to analyse our sociological models carefully in descriptive or nominalist terms, that is to say, in terms of individuals, of their attitudes, expectations, relations, etc.—a postulate which may be called ‘methodological individualism’.

The unity of the methods of the natural and social sciences may be illustrated and defended by an analysis of two passages from Professor Hayek’s *Scientism and the Study of Society*.³⁴

In the first of these passages, Professor Hayek writes:

The physicist who wishes to understand the problems of the social sciences with the help of an analogy from his own field would have to imagine a world in which he knew by direct observation the inside of the atoms and had neither the possibility of making experiments with lumps of matter nor the opportunity to observe more than the interactions of a comparatively few atoms during a limited period. From his knowledge of the different kinds of atoms he could build up models of all the various ways in which they could combine into larger units and make these models more and more closely reproduce all the features of the few instances in which he was able to observe more complex phenomena. But the laws of the macrocosm which he could derive from his knowledge of the microcosm would always remain ‘deductive’; they would, because of his limited knowledge of the data of the complex situation, scarcely ever enable him to predict the precise outcome of a particular situation; and he could never verify them

³⁴ For the two passages see *Economica*, vol. ix, p. 289 f. (italics mine).

by controlled experiment—although they might be *disproved* by the observation of events which according to his theory are impossible.

I admit that the first sentence of this passage points to certain differences between social and physical science. But the rest of the passage, I believe, speaks for a complete unity of method. For if, as I do not doubt, this is a correct description of the method of social science, then it shows that it differs only from such interpretations of the method of natural science as we have already rejected. I have in mind, more especially, the ‘inductivist’ interpretation which holds that in the natural sciences we proceed systematically from observation to theory by some method of generalization, and that we can ‘verify’, or perhaps even prove, our theories by some method of induction. I have been advocating a very different view here—an interpretation of scientific method as deductive, hypothetical, selective by way of falsification, etc. And this description of the method of natural science agrees perfectly with Professor Hayek’s description of the method of social science. (I have every reason to believe that my interpretation of the methods of science was not influenced by any knowledge of the methods of the social sciences; for when I developed it first, I had only the natural sciences in mind,³⁵ and I knew next to nothing about the social sciences.)

But even the differences alluded to in the first sentence of the quotation are not so great as may appear at first sight. It is undoubtedly true that we have a more direct knowledge of the ‘inside of the human atom’ than we have of physical atoms; but this knowledge is intuitive. In other words, we certainly use our knowledge of ourselves in order to frame *hypotheses* about some other people, or about all people. But these hypotheses must be

³⁵ Cp. *Erkenntnis*, III, p. 426 f., and my *Logik der Forschung*, 1934, whose sub-title may be translated: ‘On the Epistemology of the Natural Sciences’.

tested, they must be submitted to the method of selection by elimination. (Intuition prevents some people from even imagining that anybody could possibly dislike chocolate.) The physicist, it is true, is not helped by such direct observation when he frames his hypotheses about atoms; nevertheless, he quite often uses some kind of sympathetic imagination or intuition which may easily make him feel that he is intimately acquainted with even the 'inside of the atoms'—with even their whims and prejudices. But this intuition is his private affair. Science is interested only in the hypotheses which his intuitions may have inspired, and then only if these are rich in consequences, and if they can be properly tested. (For the other difference mentioned in Professor Hayek's first sentence, i.e. the difficulty of conducting experiments, see section 24.)

These few remarks may also indicate the way in which the historicist doctrine expounded in section 8 should be criticized—that is to say, the doctrine that social science must use the method of intuitive understanding.

In the second passage, Professor Hayek, speaking of social phenomena, says:

... our knowledge of the principle by which these phenomena are produced will rarely if ever enable us to predict the precise result of any *concrete* situation. While we can explain the principle on which certain phenomena are produced and can from this knowledge *exclude the possibility of certain results*, e.g. of certain events occurring together, our knowledge will in a sense be only negative, i.e. it will merely enable us to preclude certain results but not enable us to narrow the range of possibilities sufficiently so that only one remains.

This passage, far from describing a situation peculiar to the social sciences, perfectly describes the character of natural laws which, indeed, can never do more than exclude certain possibilities.

('You cannot carry water in a sieve'; see section 20, above.) More especially the statement that we shall not, as a rule, be able 'to predict the precise result of any *concrete* situation' opens up the problem of the inexactitude of prediction (see section 5, above). I contend that precisely the same may be said of the *concrete* physical world. In general it is only by the use of artificial experimental isolation that we can predict physical events. (The solar system is an exceptional case—one of natural, not of artificial isolation; once its isolation is destroyed by the intrusion of a foreign body of sufficient size, all our forecasts are liable to break down.) We are very far from being able to predict, even in physics, the precise results of a *concrete* situation, such as a thunderstorm, or a fire.

A very brief remark may be added here on the problem of complexity (see section 4, above). There is no doubt that the analysis of any *concrete* social situation is made extremely difficult by its complexity. But the same holds for any *concrete* physical situation.³⁶ The widely held prejudice that social situations are more complex than physical ones seems to arise from two sources. One of them is that we are liable to compare what should not be compared; I mean on the one hand *concrete* social situations and on the other hand artificially insulated experimental physical situations. (The latter might be compared, rather, with an artificially insulated social situation—such as a prison, or an experimental community.) The other source is the old belief that the description of a social situation should involve the mental and perhaps even physical states of everybody concerned (or perhaps that it should even be reducible to them). But this belief is not justified; it is much less justified even than the impossible demand that the description of a *concrete* chemical reaction should involve that of the atomic and

³⁶ A somewhat similar argument can be found in C. Menger, *Collected Works*, vol. II (1883 and 1933), pp. 259–60.

sub-atomic states of all the elementary particles involved (although chemistry may indeed be reducible to physics). The belief also shows traces of the popular view that social entities such as institutions or associations are concrete natural entities such as crowds of men, rather than abstract models constructed to interpret certain selected abstract relations between individuals.

But in fact, there are good reasons, not only for the belief that social science is less complicated than physics, but also for the belief that concrete social situations are in general less complicated than concrete physical situations. For in most social situations, if not in all, there is an element of rationality. Admittedly, human beings hardly ever act quite rationally (i.e. as they would if they could make the optimal use of all available information for the attainment of whatever ends they may have), but they act, none the less, more or less rationally; and this makes it possible to construct comparatively simple models of their actions and inter-actions, and to use these models as approximations.

The last point seems to me, indeed, to indicate a considerable difference between the natural and the social sciences—perhaps the most important difference in their methods, since the other important differences, i.e. specific difficulties in conducting experiments (see end of section 24) and in applying quantitative methods (see below), are differences of degree rather than of kind. I refer to the possibility of adopting, in the social sciences, what may be called the method of logical or rational construction, or perhaps the 'zero method'.³⁷ By this I mean the method of constructing a model on the assumption of complete rationality (and perhaps also on the assumption of the possession of complete information) on the part of all the individuals concerned, and of estimat-

³⁷ See the 'null hypothesis' discussed in J. Marschak, 'Money Illusion and Demand Analysis', in *The Review of Economic Statistics*, vol. XXV, p. 40.—The method described here seems partly to coincide with what has been called by Professor Hayek, following C. Menger, the 'compositive' method.

ing the deviation of the actual behaviour of people from the model behaviour, using the latter as a kind of zero co-ordinate.³⁸ An example of this method is the comparison between actual behaviour (under the influence of, say, traditional prejudice, etc.) and model behaviour to be expected on the basis of the 'pure logic of choice', as described by the equations of economics. Marschak's interesting 'Money Illusion', for example, may be interpreted in this way.³⁹ An attempt at applying the zero method to a different field may be found in P. Sargant Florence's comparison between the 'logic of large-scale operation' in industry and the 'illogic of actual operation'.⁴⁰

In passing I should like to mention that neither the principle of methodological individualism, nor that of the zero method of constructing rational models, implies in my opinion the adoption of a psychological method. On the contrary, I believe that these principles can be combined with the view⁴¹ that the social sciences are comparatively independent of psychological assumptions, and that psychology can be treated, not as the basis of all social sciences, but as one social science among others.

In concluding this section, I have to mention what I consider to be the other main difference between the methods of some of the theoretical sciences of nature and of society. I mean the specific difficulties connected with the application of quantitative methods, and especially methods of measurement.⁴² Some of these difficulties can be, and have been, overcome by the

³⁸ Even here it may be said, perhaps, that the use of rational or 'logical' models in the social sciences, or of the 'zero method', has some vague parallel in the natural sciences, especially in thermodynamics and in biology (the construction of mechanical models, and of physiological models of processes and of organs). (Cp. also the use of variational methods.)

³⁹ See J. Marschak, *op. cit.*

⁴⁰ See P. Sargant Florence, *The Logic of Industrial Organisations* (1933).

⁴¹ This view is more fully developed in ch. 14 of my *Open Society*.

⁴² These difficulties are discussed by Professor Hayek, *op. cit.*, p. 290 f.

application of statistical methods, for example in demand analysis. And they have to be overcome if, for example, some of the equations of mathematical economics are to provide a basis even of merely qualitative applications; for without such measurement we should often not know whether or not some counteracting influences exceeded an effect calculated in merely qualitative terms. Thus merely qualitative considerations may well be deceptive at times; just as deceptive, to quote Professor Frisch, 'as to say that when a man tries to row a boat forward, the boat will be driven backward because of the pressure exerted by his feet'.⁴³ But it cannot be doubted that there are some fundamental difficulties here. In physics, for example, the parameters of our equations can, in principle, be reduced to a small number of natural constants—a reduction which has been successfully carried out in many important cases. This is not so in economics; here the parameters are themselves in the most important cases quickly changing variables.⁴⁴ This clearly reduces the significance, interpretability, and testability of our measurements.

30 THEORETICAL AND HISTORICAL SCIENCES

The thesis of the unity of scientific method, whose application to theoretical sciences I have just been defending, can be extended, with certain limitations, even to the field of the historical sciences. And this can be done without giving up the fundamental distinction between theoretical and historical sciences—for example, between sociology or economic theory or political theory on the one hand, and social, economic, and political history on the other—a distinction which has been so often and emphatically reaffirmed by the best historians. It is the distinction between the interest in universal laws and the interest in

⁴³ See *Econometrica*, 1 (1933), p. 1 f.

⁴⁴ See Lionel Robbins, in *Economica*, vol. V, especially p. 351.

particular facts. I wish to defend the view, so often attacked as old-fashioned by historicists, that history is characterized by its interest in actual, singular, or specific events, rather than in laws or generalizations.

This view is perfectly compatible with the analysis of scientific method, and especially of causal explanation, given in the preceding sections. The situation is simply this: while the theoretical sciences are mainly interested in finding and testing universal laws, the historical sciences take all kinds of universal laws for granted and are mainly interested in finding and testing singular statements. For example, given a certain singular 'explicandum'—a singular event—they may look for singular initial conditions which (together with all kinds of universal laws which may be of little interest) explain that explicandum. Or they may test a given singular hypothesis by using it, along with other singular statements, as an initial condition, and by deducing from these initial conditions (again with the help of all kinds of universal laws of little interest) some new 'prognosis' which may describe an event which has happened in the distant past, and which can be confronted with the empirical evidence—perhaps with documents or inscriptions, etc.

In the sense of this analysis, all causal explanation of a singular event can be said to be historical in so far as the 'cause' is always described by singular initial conditions. And this agrees entirely with the popular idea that to explain a thing causally is to explain how and why it happened, that is to say, to tell its 'story'. But it is only in history that we are really interested in the causal explanation of a singular event. In the theoretical sciences, such causal explanations are mainly means to a different end—the testing of universal laws.

If these considerations are correct, then the burning interest in questions of origin shown by some evolutionists and historicists, who despise old-fashioned history and wish to reform it into a theoretical science, is somewhat misplaced.

Questions of origin are 'how and why' questions. They are comparatively unimportant theoretically and usually have only a specific historical interest.

Against my analysis of historical explanation⁴⁵ it may be argued that history does make use of universal laws contrary to the emphatic declaration of so many historians that history has no interest whatever in such laws. To this we may answer that a singular event is the cause of another singular event—which is its effect—only relative to some universal laws.⁴⁶ But these laws may be so trivial, so much part of our common knowledge, that we need not mention them and rarely notice them. If we say that the cause of the death of Giordano Bruno was being burnt at the stake, we do not need to mention the universal law that all living things die when exposed to intense heat. But such a law was tacitly assumed in our causal explanation.

Among the theories which the political historian presupposes are, of course, certain theories of sociology—the sociology of power, for example. But the historian uses even these theories, as a rule, without being aware of them. He uses them in the main not as universal laws which help him to test his specific hypotheses, but as implicit in his terminology. In speaking of governments, nations, armies, he uses, usually unconsciously, the 'models' provided by scientific or pre-scientific sociological analysis (see the foregoing section).

⁴⁵ My analysis may be contrasted with that of Morton G. White, 'Historical Explanation' (*Mind*, N.S., vol. 52, pp. 212 ff.), who bases his analysis on my theory of causal explanation as reproduced in an article by C. G. Hempel. Nevertheless he reaches a very different result. Neglecting the historian's characteristic interest in singular events, he suggests that an explanation is 'historical' if it is characterized by the use of sociological terms (and theories).

⁴⁶ This has been seen by Max Weber. His remarks on p. 179 of his *Gesammelte Aufsätze zur Wissenschaftslehre* (1922) are the closest anticipation of which I know to the analysis offered here. But he is mistaken, I believe, when he suggests that the difference between theoretical and historical science lies in the degree of generality of the laws used.

The historical sciences, it may be remarked, do not stand quite apart in their attitude towards universal laws. Whenever we encounter an actual application of science to a singular or specific problem we find a similar situation. The practical chemist, for example, who wishes to analyse a certain given compound—a piece of rock, say—hardly considers any universal law. Instead, he applies, possibly without much thought, certain routine techniques which, from the logical point of view, are tests of such singular hypotheses as 'this compound contains sulphur'. His interest is mainly a historical one—the description of one set of specific events, or of one individual physical body.

I believe that this analysis clarifies some well-known controversies between certain students of the method of history.⁴⁷ One historicist group asserts that history, which does not merely enumerate facts but attempts to present them in some kind of causal connection, must be interested in the formulation of historical laws, since causality means, fundamentally, determination by law. Another group, which also includes historicists, argues that even 'unique' events, events which occur only once and have nothing 'general' about them, may be the cause of other events, and that it is this kind of causation that history is interested in. We can now see that both groups are partly right and partly wrong. Universal law and specific events are together necessary for any causal explanation, but outside the theoretical sciences, universal laws usually arouse little interest.

This leads us to the question of the uniqueness of historical events. In so far as we are concerned with the historical explanation of typical events they must necessarily be treated as typical, as belonging to kinds or classes of events. For only then is the deductive method of causal explanation applicable. History, however, is interested not only in the explanation of specific events but also in the description of a specific event as such. One

⁴⁷ See, for example, Weber, *op. cit.*, pp. 8 f., 44 f., 48, 215 ff., 233 ff.

of its most important tasks is undoubtedly to describe interesting happenings in their peculiarity or uniqueness; that is to say, to include aspects which it does not attempt to explain causally, such as the 'accidental' concurrence of causally unrelated events. These two tasks of history, the disentanglement of causal threads and the description of the 'accidental' manner in which these threads are interwoven, are both necessary, and they supplement each other; at one time an event may be considered as typical, i.e. from the standpoint of its causal explanation, and at another time as unique.

These considerations may be applied to the question of novelty, discussed in section 3. The distinction made there between 'novelty of arrangement' and 'intrinsic newness' corresponds to the present distinction between the standpoint of causal explanation and that of the appreciation of the unique. So far as newness can be rationally analysed and predicted, it can never be 'intrinsic'. This dispels the historicist doctrine that social science should be applicable to the problem of predicting the emergence of intrinsically new events—a claim which may be said to rest ultimately on an insufficient analysis of prediction and of causal explanation.

31 SITUATIONAL LOGIC IN HISTORY. HISTORICAL INTERPRETATION

But is this all? Is there nothing whatever in the historicist demand for a reform of history—for a sociology which plays the role of a theoretical history, or a theory of historical development? (See sections 12 and 16.) Is there nothing whatever in the historicist idea of 'periods'; of the 'spirit' or 'style' of an age; of irresistible historical tendencies; of movements which captivate the minds of individuals and which surge on like a flood, driving, rather than being driven by, individual men? Nobody who has read, for example, the speculations of Tolstoy in *War and*

Peace—historicist, no doubt, but stating his motives with candour—on the movement of the *meu* of the West towards the East and the counter movement of the Russians towards the West,⁴⁸ can deny that historicism answers a real need. We have to satisfy this need by offering something better before we can seriously hope to get rid of historicism.

Tolstoy's historicism is a reaction against a method of writing history which implicitly accepts the truth of the principle of leadership; a method which attributes much—too much, if Tolstoy is right, as he undoubtedly is—to the great man, the leader. Tolstoy tries to show, successfully I think, the small influence of the actions and decisions of Napoleon, Alexander, Kutuzov, and the other great leaders of 1812, in the face of what may be called the logic of events. Tolstoy points out, rightly, the neglected but very great importance of the decisions and actions of the countless unknown individuals who fought the battles, who burned Moscow, and who invented the partisan method of fighting. But he believes that he can see some kind of historical determination in these events—fate, historical laws, or a plan. In his version of historicism, he combines both methodological individualism and collectivism; that is to say, he represents a highly typical combination—typical of his time, and, I am afraid, of our own—of democratic-individualist and collectivist-nationalistic elements.

This example may remind us that there are *some* sound elements in historicism; it is a reaction against the naïve method of interpreting political history merely as the story of great tyrants and great generals. Historicists rightly feel that there may be something better than this method. It is this feeling which makes their idea of 'spirits'—of an age, of a nation, of an army—so seductive.

⁴⁸ This anticipates the problems recently laboured but not answered by Professor Toynbee.

Now I have not the slightest sympathy with these 'spirits'—neither with their idealistic prototype nor with their dialectical and materialistic incarnations—and I am in full sympathy with those who treat them with contempt. And yet I feel that they indicate, at least, the existence of a lacuna, of a place which it is the task of sociology to fill with something more sensible, such as an analysis of problems arising within a tradition. There is room for a more detailed analysis of the logic of situations. The best historians have often made use, more or less unconsciously, of this conception: Tolstoy, for example, when he describes how it was not decision but 'necessity' which made the Russian army yield Moscow without a fight and withdraw to places where it could find food. Beyond this logic of the situation, or perhaps as a part of it, we need something like an analysis of social movements. We need studies, based on methodological individualism, of the social institutions through which ideas may spread and captivate individuals, of the way in which new traditions may be created, and of the way in which traditions work and break down. In other words, our individualistic and institutional models of such collective entities as nations, or governments, or markets, will have to be supplemented by models of political situations as well as of social movements such as scientific and industrial progress. (A sketch of such an analysis of progress will be found in the next section.) These models may then be used by historians, partly like the other models, and partly for the purpose of explanation, along with the other universal laws they use. But even this would not be enough; it would still not satisfy all those real needs which historicism attempts to satisfy.

If we consider the historical sciences in the light of our comparison between them and the theoretical sciences, then we can see that their lack of interest in universal laws puts them in a difficult position. For in theoretical science laws act, among other things, as centres of interest to which observations are related, or as points of view from which observations are made.

In history the universal laws, which for the most part are trivial and used unconsciously, cannot possibly fulfil this function. It must be taken over by something else. For undoubtedly there can be no history without a point of view; like the natural sciences, history must be selective unless it is to be choked by a flood of poor and unrelated material. The attempt to follow causal chains into the remote past would not help in the least, for every concrete effect with which we might start has a great number of different partial causes; that is to say, initial conditions are very complex, and most of them have little interest for us.

The only way out of this difficulty is, I believe, consciously to introduce a *preconceived selective point of view* into one's history; that is, to write *that history which interests us*. This does not mean that we may twist the facts until they fit into a framework of preconceived ideas, or that we may neglect the facts that do not fit.⁴⁹ On the contrary, all available evidence which has a bearing on our point of view should be considered carefully and objectively (in the sense of 'scientific objectivity', to be discussed in the next section). But it means that we need not worry about all those facts and aspects which have no bearing upon our point of view and which therefore do not interest us.

Such selective approaches fulfil functions in the study of history which are in some ways analogous to those of theories in science. It is therefore understandable that they have often been taken for theories. And indeed, those rare ideas inherent in these approaches which can be formulated in the form of *testable hypotheses*, whether singular or universal, may well be treated as scientific hypotheses. But as a rule, these historical 'approaches' or 'points of view' cannot be tested. They cannot be refuted, and apparent confirmations are therefore of no value, even if they are as numerous as the stars in the sky. We shall call such a selective

⁴⁹ For a criticism of the 'doctrine . . . that all historical knowledge is relative', see Hayek, in *Economica*, vol. X, pp. 55 ff.

point of view or focus of historical interest, if it cannot be formulated as a testable hypothesis, a historical interpretation.

Historicism mistakes these interpretations for theories. This is one of its cardinal errors. It is possible, for example, to interpret 'history' as the history of class struggle, or of the struggle of races for supremacy, or as the history of religious ideas, or as the history of the struggle between the 'open' and the 'closed' society, or as the history of scientific and industrial progress. All these are more or less interesting points of view, and as such perfectly unobjectionable. But historicists do not present them as such; they do not see that there is necessarily a plurality of interpretations which are fundamentally on the same level of both suggestiveness and arbitrariness (even though some of them may be distinguished by their fertility—a point of some importance). Instead, they present them as doctrines or theories, asserting that 'all history is the history of class struggle', etc. And if they actually find that their point of view is fertile, and that many facts can be ordered and interpreted in its light, then they mistake this for a confirmation, or even for a proof, of their doctrine.

On the other hand, the classical historians who rightly oppose this procedure are liable to fall into a different error. Aiming at objectivity, they feel bound to avoid any selective point of view; but since this is impossible, they usually adopt points of view without being aware of them. This must defeat their efforts to be objective, for one cannot possibly be critical of one's own point of view, and conscious of its limitations, without being aware of it.

The way out of this dilemma, of course, is to be clear about the necessity of adopting a point of view; to state this point of view plainly, and always to remain conscious that it is one among many, and that even if it should amount to a theory, it may not be testable.

32 THE INSTITUTIONAL THEORY OF PROGRESS

In order to make our considerations less abstract, I shall try in this section to sketch, in very brief outline, a *theory of scientific and industrial progress*. I shall try to exemplify, in this way, the ideas developed in the last four sections; more especially the idea of situational logic, and of a methodical individualism which keeps clear of psychology. I choose the example of scientific and industrial progress because undoubtedly it was this phenomenon which inspired modern nineteenth-century historicism, and because I have previously discussed some of Mill's views on this subject.

Comte and Mill, it will be remembered, held that progress was an unconditional or absolute trend, which is reducible to the *laws of human nature*. 'A law of succession,' writes Comte, 'even when indicated with all possible authority by the method of historical observation, ought not to be finally admitted before it has been rationally reduced to the positive theory of human nature . . .'⁵⁰ He believes that the law of progress is deducible from a tendency in human individuals which impels them to perfect their nature more and more. In all this, Mill follows him completely, trying to reduce his law of progress to what he calls the 'progressiveness of the human mind'⁵¹ whose first 'impelling force . . . is the desire of increased material comforts'. According to both Comte and Mill the unconditional or absolute character of this trend or quasi-law enables us to deduce from it the first steps or phases of history, without requiring any initial historical conditions or observations or data.⁵² In principle, the whole course of history should be thus deducible; the only difficulty being, as Mill puts it, that 'so long a series . . . , each

⁵⁰ Comte, *Cours de philosophie positive*, IV, p. 335.

⁵¹ Mill, *Logic*, Book VI, ch. X, section 3; the next quotation is from section 6 where the theory is worked out in more detail.

⁵² Comte, *op. cit.*, IV, p. 345.

successive term being composed of an even greater number and variety of parts, could not possibly be computed by human faculties'.⁵³

The weakness of this 'reduction' of Mill's seems obvious. Even if we should grant Mill's premises and deductions, it still would not follow that the social or historical effect will be significant. Progress might be rendered negligible, say, by losses due to an unmanageable natural environment. Besides, the premises are based on only one side of 'human nature' without considering other sides such as forgetfulness or indolence. Thus where we observe the precise opposite of the progress described by Mill, there we can equally well 'reduce' these observations to 'human nature'. (Is it not, indeed, one of the most popular devices of so-called historical theories to explain the decline and fall of empires by such traits as idleness and a propensity to over-eat?) In fact we can conceive of very few events which could not be plausibly explained by an appeal to certain propensities of 'human nature'. But a method that can explain everything that might happen explains nothing.

If we wish to replace this surprisingly naïve theory by a more tenable one, we have to take two steps. First, we have to attempt to find conditions of progress, and to this end we must apply the principle set out in section 28: we must try to imagine conditions under which progress would be arrested. This immediately leads to the realization that a psychological propensity alone cannot be sufficient to explain progress, since conditions may be found on which it may depend. Thus we must, next, replace the theory of psychological propensities by something better; I suggest, by an institutional (and technological) analysis of the conditions of progress.

How could we arrest scientific and industrial progress? By closing down, or by controlling, laboratories for research, by

⁵³ Mill, *loc. cit.*, section 4.

suppressing or controlling scientific periodicals and other means of discussion, by suppressing scientific congresses and conferences, by suppressing Universities and other schools, by suppressing books, the printing press, writing, and, in the end, speaking. All these things which indeed might be suppressed (or controlled) are social institutions. Language is a social institution without which scientific progress is unthinkable, since without it there can be neither science nor a growing and progressive tradition. Writing is a social institution, and so are the organizations for printing and publishing and all the other institutional instruments of scientific method. Scientific method itself has social aspects. Science, and more especially scientific progress, are the results not of isolated efforts but of the *free competition of thought*. For science needs ever more competition between hypotheses and ever more rigorous tests. And the competing hypotheses need personal representation, as it were: they need advocates, they need a jury, and even a public. This personal representation must be institutionally organized if we wish to ensure that it works. And these institutions have to be paid for, and protected by law. Ultimately, progress depends very largely on political factors; on political institutions that safeguard the freedom of thought: on democracy.

It is of some interest that what is usually called 'scientific objectivity' is based, to some extent, on social institutions. The naïve view that scientific objectivity rests on the mental or psychological attitude of the individual scientist, on his training, care, and scientific detachment, generates as a reaction the sceptical view that scientists can never be objective. On this view their lack of objectivity may be negligible in the natural sciences where their passions are not excited, but for the social sciences where social prejudices, class bias, and personal interests are involved, it may be fatal. This doctrine, developed in detail by the so-called 'sociology of knowledge' (see sections 6 and 26), entirely overlooks the social or institutional character of scientific knowledge,

because it is based on the naïve view that objectivity depends on the psychology of the individual scientist. It overlooks the fact that neither the dryness nor the remoteness of a topic of natural science prevent partiality and self-interest from interfering with the individual scientist's beliefs, and that if we had to depend on his detachment, science, even natural science, would be quite impossible. What the 'sociology of knowledge' overlooks is just the sociology of knowledge—the social or public character of science. It overlooks the fact that it is the public character of science and of its institutions which imposes a mental discipline upon the individual scientist, and which preserves the objectivity of science and its tradition of critically discussing new ideas.⁵⁴

In this connection, I may perhaps touch upon another of the doctrines presented in section 6 (*Objectivity and Valuation*). There it was argued that, since scientific research in social problems must itself influence social life, it is impossible for the social scientist who is aware of this influence to retain the proper scientific attitude of disinterested objectivity. But there is nothing peculiar to social science in this situation. A physicist or a physical engineer is in the same position. Without being a social scientist he can realize that the invention of a new aircraft or rocket may have a tremendous influence on society.

I have just sketched some of the institutional conditions on whose realization scientific and industrial progress depends. Now it is important to realize that most of these conditions cannot be called necessary, and that all of them taken together are not sufficient.

The conditions are not necessary, since without these institutions (language perhaps excepted) scientific progress would not

⁵⁴ A fuller criticism of the so-called 'Sociology of Knowledge' will be found in ch. 23 of my *Open Society and Its Enemies*. The problem of scientific objectivity, and its dependence upon rational criticism and inter-subjective testability, is also discussed there in ch. 24, and, from a somewhat different point of view, in my *Logic of Scientific Discovery*.

be strictly impossible. 'Progress', after all, has been made from the spoken to the written word, and even further (although this early development was perhaps not, properly speaking, scientific progress).

On the other hand, and this is more important, we must realize that with the best institutional organization in the world, scientific progress may one day stop. There may, for example, be an epidemic of mysticism. This is certainly possible, for since some intellectuals do react to scientific progress (or to the demands of an open society) by withdrawing into mysticism, everyone might react in this way. Such a possibility may perhaps be counteracted by devising a further set of social institutions, such as educational institutions, to discourage uniformity of outlook and encourage diversity. Also, the idea of progress and its enthusiastic propagation may have some effect. But all this cannot make progress certain. For we cannot exclude the logical possibility, say, of a bacterium or virus that spreads a wish for Nirvana.

We thus find that even the best institutions can never be fool-proof. As I have said before, 'Institutions are like fortresses. They must be well designed and properly manned'. But we can never make sure that the right man will be attracted by scientific research. Nor can we make sure that there will be men of imagination who have the knack of inventing new hypotheses. And ultimately, much depends on sheer luck, in these matters. For truth is *not* manifest, and it is a mistake to believe—as did Comte and Mill—that once the 'obstacles' (the allusion is to the Church) are removed, truth will be visible to all who genuinely want to see it.

I believe that the result of this analysis can be generalized. The human or personal factor will remain the irrational element in most, or all, institutional social theories. The opposite doctrine which teaches the reduction of social theories to psychology, in the same way as we try to reduce chemistry to physics, is, I

believe, based on a misunderstanding. It arises from the false belief that this 'methodological psychologism' is a necessary corollary of a methodological individualism—of the quite unassailable doctrine that we must try to understand all collective phenomena as due to the actions, interactions, aims, hopes, and thoughts of individual men, and as due to traditions created and preserved by individual men. But we can be individualists without accepting psychologism. The 'zero method' of constructing rational models is not a psychological but rather a logical method.

In fact, psychology cannot be the basis of social science. First, because it is itself just one of the social sciences: 'human nature' varies considerably with the social institutions, and its study therefore presupposes an understanding of these institutions. Secondly, because the social sciences are largely concerned with the unintended consequences, or repercussions, of human actions. And 'unintended' in this context does not perhaps mean 'not consciously intended'; rather it characterizes repercussions which may violate all interests of the social agent, whether conscious or unconscious: although some people may claim that a liking for mountains and solitude may be explained psychologically, the fact that, if too many people like the mountains, they cannot enjoy solitude there, is not a psychological fact; but this kind of problem is at the very root of social theory.

With this, we reach a result which contrasts startlingly with the still fashionable method of Comte and Mill. Instead of reducing sociological considerations to the apparently firm basis of the psychology of human nature, we might say that the human factor is the ultimately uncertain and wayward element in social life and in all social institutions. Indeed this is the element which ultimately cannot be completely controlled by institutions (as Spinoza first saw⁵⁵); for every attempt at controlling it

⁵⁵ See note 44 on p. 83, above.

completely must lead to tyranny; which means, to the omnipotence of the human factor—the whims of a few men, or even of one.

But is it not possible to control the human factor by science—the opposite of whim? No doubt, biology and psychology can solve, or will soon be able to solve, the 'problem of transforming man'. Yet those who attempt to do this are bound to destroy the objectivity of science, and so science itself, since these are both based upon free competition of thought; that is, upon freedom. If the growth of reason is to continue, and human rationality to survive, then the diversity of individuals and their opinions, aims, and purposes must never be interfered with (except in extreme cases where political freedom is endangered). Even the emotionally satisfying appeal for a common purpose, however excellent, is an appeal to abandon all rival moral opinions and the cross-criticisms and arguments to which they give rise. It is an appeal to abandon rational thought.

The evolutionist who demands the 'scientific' control of human nature does not realize how suicidal this demand is. The mainspring of evolution and progress is the variety of the material which may become subject to selection. So far as human evolution is concerned it is the 'freedom to be odd and unlike one's neighbour'—'to disagree with the majority, and go one's own way'.⁵⁶ Holistic control, which must lead to the equalization not of human rights but of human minds, would mean the end of progress.

⁵⁶ See Waddington (*The Scientific Attitude*, 1941, pp. 111 and 112), who is prevented neither by his evolutionism nor by his scientific ethics from denying that this freedom has any 'scientific value'. This passage is criticized in Hayek's *The Road to Serfdom*, p. 143.

33 CONCLUSION. THE EMOTIONAL APPEAL OF HISTORICISM

Historicism is a very old movement. Its oldest forms, such as the doctrines of the life-cycles of cities and races, actually precede the primitive teleological view that there are hidden purposes⁵⁷ behind the apparently blind decrees of fate. Although this divination of hidden purposes is far removed from the scientific way of thinking it has left unmistakable traces upon even the most modern historicist theories. Every version of historicism expresses the feeling of being swept into the future by irresistible forces.

Modern historicists, however, seem to be unaware of the antiquity of their doctrine. They believe—and what else could their deification of modernism permit?—that their own brand of historicism is the latest and boldest achievement of the human mind, an achievement so staggeringly novel that only a few people are sufficiently advanced to grasp it. They believe, indeed, that it is they who have discovered the problem of change—one of the oldest problems of speculative metaphysics. Contrasting their 'dynamic' thinking with the 'static' thinking of all previous generations, they believe that their own advance has been made possible by the fact that we are now 'living in a revolution' which has so much accelerated the speed of our development that social change can be now directly experienced within a single lifetime. This story is, of course, sheer mythology. Important revolutions have occurred before our time, and since the days of Heraclitus change has been discovered over and over again.⁵⁸

⁵⁷ The best immanent criticism of the teleological doctrine known to me (and one which adopts the religious point of view and especially the doctrine of creation) is contained in the last chapter of M. B. Foster's *The Political Philosophies of Plato and Hegel*.

⁵⁸ See my book *The Open Society and Its Enemies*, especially ch. 2 f.; also ch. 10,

To present so venerable an idea as bold and revolutionary is, I think, to betray an unconscious conservatism; and we who contemplate this great enthusiasm for change may well wonder whether it is not only one side of an ambivalent attitude, and whether there was not some inner resistance, equally great, to be overcome. If so, this would explain the religious fervour with which this antique and tottering philosophy is proclaimed the latest and thus the greatest revelation of science. May it not, after all, be the historicists who are afraid of change? And is it not, perhaps, this fear of change which makes them so utterly incapable of reacting rationally to criticism, and which makes others so responsive to their teaching? It almost looks as if historicists were trying to compensate themselves for the loss of an unchanging world by clinging to the faith that change can be foreseen because it is ruled by an unchanging law.

where it is argued that it is the loss of the unchanging world of a primitive closed society which is, in part, responsible for the strain of civilization, and for the ready acceptance of the false comforts of totalitarianism and of historicism.

[illegible]

⊙ ⊙ ⊙ ⊙ ⊙ ⊙ ⊙ ⊙ ⊙ ⊙ ⊙ ⊙ ⊙ ⊙ ⊙

CHICAGO AND LONDON

ROBERT C. BARTLETT is the Behrakis Professor in Hellenic Political Studies at Boston College. In addition to writing *The Idea of Enlightenment: A Post-Mortem Study*, he has translated and edited Plato's *Protagoras* and *Meno*, and Xenophon's *Shorter Socratic Writings*. He is the coeditor, with Susan D. Collins, of *Action and Contemplation: Studies in the Moral and Political Thought of Aristotle*.

SUSAN D. COLLINS is associate professor of political science, with a joint appointment in The Honors College, at the University of Houston. She is the author of *Aristotle and the Rediscovery of Citizenship* and the cotranslator and coeditor, with Devin Stauffer, of *Empire and the Ends of Politics: Plato's "Menexenus" and Pericles' Funeral Oration*.

The University of Chicago Press, Chicago 60637
The University of Chicago Press, Ltd., London
© 2011 by The University of Chicago
All rights reserved. Published 2011.
Printed in the United States of America

20 19 18 17 16 15 14 13 12 11 4 5

ISBN-13: 978-0-226-02674-9 (cloth)
ISBN-10: 0-226-02674-4 (cloth)

Library of Congress Cataloging-in-Publication Data
Aristotle.

[Nicomachean ethics. English. 2011]

Aristotle's Nicomachean ethics / translated,
with an interpretive essay, notes, and glossary by
Robert C. Bartlett and Susan D. Collins.

p. cm.

Includes bibliographical references and index.

ISBN-13: 978-0-226-02674-9 (hardcover : alk.
paper)

ISBN-10: 0-226-02674-4 (hardcover : alk.
paper) I. Ethics—Early works to 1800.

I. Bartlett, Robert C., 1964– II. Collins,
Susan D., 1960– III. Title.

B430.A5B37 2011

171'.3—dc22

2010041424

CONTENTS

Introduction	vii
A Note on the Translation	xv
Bibliography	xix
Outline of the <i>Nicomachean Ethics</i>	xxiii

Nicomachean Ethics

BOOK 1	I
BOOK 2	26
BOOK 3	42
BOOK 4	67
BOOK 5	90
BOOK 6	115
BOOK 7	135
BOOK 8	163
BOOK 9	188
BOOK 10	210

Interpretive Essay	237
Overview of the Moral Virtues and Vices	303
Glossary: English-Greek	305
Key Greek Terms	317
Index of Proper Names	321
General Index	323

to nature with respect to the other nature; and when both are equally balanced, the action performed seems to be neither painful nor pleasant. For
 25 if someone's nature were simple, the same actions would always be most pleasant. Hence the god always enjoys a pleasure that is one and simple, for there is an activity not only of motion but also of motionlessness, and pleasure resides more in rest than in motion. But "change in all things is sweet," as the poet has it,⁶¹ on account of a certain defective condition.⁶²
 30 For just as the defective person is a human being who readily undergoes change, so also the nature in need of change is defective, for it is neither simple nor decent.

What concerns self-restraint and lack of self-restraint, then, and what concerns pleasure and pain, has been stated—both what each is and how it is that some of them are good, others bad. But in what remains, we will speak also about friendship.

Book 8

CHAPTER ONE

It would follow, after these matters, to go through what concerns friendship. For friendship is a certain virtue or is accompanied by virtue; and, further, it is most necessary with a view to life: without friends, no one
 1155a5 would choose to live, even if he possessed all other goods; and indeed those who are wealthy or have acquired political offices and power¹ seem to be in need of friends most of all. What benefit would there be in such prosperity if one were deprived of [the opportunity to perform] a good deed, which arises and is most praiseworthy in relation to friends especially? Or how could one's prosperity be guarded and preserved without
 10 friends? For the more prosperity one has, the more precarious it is. In poverty as well as in other misfortunes, people suppose that friends are their only refuge. And friendship is a help to the young, in saving them from error, just as it is also to the old, with a view to the care they require and their diminished capacity for action stemming from their weakness; it is a help also to those in their prime in performing noble actions, for
 15 "two going together"² are better able both to think³ and to act.

By nature, friendship seems to be inherent in a parent for offspring and in offspring for a parent,⁴ not only in human beings but also in birds and most animals; it is inherent too in those that are alike in kind to one another, and especially in human beings, which is why we praise people who
 20

61 · Euripides, *Orestes* 234.

62 · The term Aristotle here uses (*ponēria*) is usually translated as "wickedness"; he may here be playing on the fact that the term has both a moral and a nonmoral use.

1 · The term here translated as "power," *dunasteiai* (dynasties), is omitted in the best MS.

2 · Homer, *Iliad* 10.224.

3 · Or, "to perceive by the mind," "to apprehend" (*noēsai*).

4 · The first phrase "in a parent for offspring" is omitted in some of the MSS; the second, "in offspring for a parent," is omitted in others.

are "lovers of humankind."⁵ One might see in one's travels too that every human being is kindred to every other human being and a friend⁶ to him.

It seems too that friendship holds cities together and that lawgivers are more serious about it than about justice. For like-mindedness⁷ seems to resemble friendship, and lawgivers aim at this especially and drive out discord because it especially produces hatred. When people are friends, they have no need of justice, but when they are just, they do need friendship in addition; and in the realm of the just things, the most just seems to be what involves friendship. Yet friendship is not only necessary but also noble, for we praise those who love their friends,⁸ and an abundance of friends is held to be a noble thing. Further, people suppose good men and their friends to be one and the same.

But not a few things about friendship are in dispute. For some set it down as a certain likeness and friends as those who are alike, which is why they assert that "like is to like," "jackdaw to jackdaw,"⁹ and such things. Others, to the contrary, assert that all such persons are "potters" to one another.¹⁰ And concerning these very points, people seek out something higher and pertaining more to nature, Euripides claiming that "the parched earth loves the rain" and that "the august heaven, when full of rain, loves to fall to earth,"¹¹ Heraclitus that "opposition is advantageous,"¹² that "the noblest harmony comes from things that differ," and "all things come into being in accord with strife." Contrary to

5 · *Philanthropoi*, from which is derived our *philanthropic*.

6 · Or, "dear" (*philos*), a term that can be translated either by an adjective, "loved," "beloved," "dear," or by a noun, "a friend."

7 · *Homonoia*, "oneness of mind."

8 · *Philophiloi*, "those who love their friends," though some MSS read simply *philoi*, "friends."

9 · This phrase has the same meaning as our proverbial saying "birds of a feather flock together." For the phrase "like to like," see in particular Plato, *Lysis* 214a3–b4.

10 · That is, each vies with each, just as potter does with potter. Aristotle here alludes to Hesiod, *Works and Days* 25–26; this particular strife, according to Hesiod, is good for mortals. The line is also quoted in Plato's *Lysis* 215c8, but the context in that case is the question of whether the good are most hostile to the good.

11 · These verses of Euripides come from a play no longer extant, fragments of which are preserved by Athenaeus. The verb for "love" in these passages is not *philein* (see n. 15 below), the root of "friendship" (*philia*), but *eran*, generally signifying passionate or erotic love.

12 · Or, perhaps, "what is in opposition holds together"; according to Grant, this saying reflects the "oracular style" of the famous Heraclitus of Ephesus (ca. 540–475). Only the last fragment is preserved by another source (Origen) apart from Aristotle.

these are still others, including Empedocles, who claim that like aims at like.¹³

Now, let us leave aside those perplexing questions bound up with matters of nature (for they are not proper to the present examination), and let us examine instead those that are bound up with what is distinctively human and that involve characters and passions: for example, whether friendship arises in all people or whether it is impossible for the wicked to be friends; and whether there is one form of friendship or more. Those who suppose that there is only one form, because it admits of degrees, the more and the less, have trusted in an insufficient indication, for things different in form also admit of more and less. But what pertains to them was spoken of before.¹⁴

CHAPTER TWO

Perhaps what concerns these matters would become apparent if what is lovable¹⁵ should become known. For not everything seems to be loved but only what is lovable, and this seems to be what is good, pleasant, or useful. But what is useful would seem to be that through which something good or pleasant arises, with the result that what is good as well as what is pleasant would be lovable as ends. Is it the good, then, that people love or is it the good for themselves? For sometimes these conflict, as is the case also with the pleasant. For it seems that each person loves what is good for himself and that, while in an unqualified sense the good is what is lovable, what is lovable to each is what is good for each. Yet each in fact loves not what *is* good for him but what *appears* so. Yet this will make no difference at all, since it will be what *appears* lovable [that each will in fact regard as good and so love].

While there are three things on account of which people love, friend-

13 · Empedocles of Agrigentum (ca. 494–434) attempts the reconciliation of Eleatic and Heraclitean thought; according to Diogenes Laertius, the Sophist Gorgias was a student of Empedocles. This saying is preserved also by Athenaeus and Stobaeus.

14 · There is no direct or obvious discussion of this in the *Ethics*; Burnet refers the reader to Aristotle's *On Sense Perception and Perceptible Things*, chap. 6.

15 · Or, "what elicits friendly feeling" (*to philētos*), an adjective (here used substantively) derived from the word for "friend" or "dear one," *philos*. We will always translate the verb *philein* as "to love" (or "to be loved," in the passive voice), while noting Aristotle's use of other verbs closely associated with *love*: *eran* (to love [in the erotic sense]), *stergein* (to feel affection for), and *agapein* (to be fond of).

persons. But it is a great matter, when it comes to friendship, for both to have been brought up together and to be of similar age: "like age [gladdens] like age,"⁴³ and those who live together are comrades. Hence too the friendship of brothers is like that of comrades. First cousins and the other descendants are also bound by ties of kinship as a result of these things, since they come from the same persons. Some are closer in kinship, while others are more foreign by dint of being nearer to or farther from the family founder.

5 The friendship of children for their parents, and that of human beings for gods, is a friendship with what is good and superior. For they have produced the greatest benefits: they are the causes of a child's being and his rearing, and of the education of those born. And this sort of friendship affords both what is pleasant and what is useful to a greater degree than does that between unrelated⁴⁴ persons, inasmuch as their lives have more in common. There are qualities of the friendship of brothers that are found also in the friendship of comrades. These qualities are present even more among those brothers who are decent and generally alike, insofar as there is a closer kinship among them and they begin having affection for one another from birth, and insofar as they share more of the same habits, coming as they do from the same parents and having been reared and educated together. Also, their testing of one another over time is greatest and most certain. And what conduces to friendship is present in proportion also among the rest of those who are kin.

The friendship between a husband and a wife seems to be in accord with nature. For a human being is by nature more a coupling being than a political one, inasmuch as a household is earlier and more necessary than a city and the begetting of children is more common to animals. Among the other animals, then, community exists to that extent; but human beings live together not only for the sake of begetting children but also for the sake of the things that contribute to life, for the tasks involved are divided immediately, those of the husband being different from those of the wife. They assist each other, then, by putting their own things in the service of what is in common. For these reasons, both what is useful and what is pleasant seem to be found in this friendship, though there would be such a friendship also on account of their virtue, should they be decent. For there is a virtue belonging to each, and they would delight in a

43 · A proverb that is quoted in its full form in the *Eudemian Ethics* (1238a33) and *Rhetoric* (1371b15) as well as in Plato, *Phaedrus* 240c1–2.

44 · Literally, "strangers" or "foreigners," but here opposed most directly to "kin."

person of a comparable sort. Children too seem to be a common bond; hence childless couples break up more readily, since children are a good common to both parents, and what is common holds things together.

How a husband must live in relation to his wife, and, in general, a friend in relation to a friend, appears no different a thing to inquire into than how it is just to do so, for the just does not appear to be the same thing for a friend in relation to a friend as it is in relation to a foreigner, a comrade, or a schoolmate.

CHAPTER THIRTEEN

Now, friendships are threefold, as was said in the beginning; and in each case, there are friendships consisting in an equality, others based on a superiority. For those who are similarly good become friends, or a good person befriends a worse one; and those who are pleasant and those who are useful become friends in like manner, whether they are equal in the benefits they confer or different. Those who are equal ought to love each other equally, in accord with the relevant equality, whereas those who are unequal ought to render to each what is proportional given the relevant superiorities.

But accusations and blame arise in the friendship based on utility, either in it alone or in it especially, and with good reason. For those who are friends on account of their virtue are eager to benefit each other (for this belongs to virtue and to friendship); and since they compete with a view to this, there are no accusations or fights: no one is annoyed by someone who loves and benefits him, but if he is refined, he retaliates by doing some good to his friend. And since he who surpasses in doing good obtains what he aims at, he would not level an accusation against his friend, for each longs for the good. There are also not many accusations in the friendships based on pleasure either, since both parties come to possess simultaneously what they long for, if they delight in going through life together. In fact, he who would accuse the other of not pleasing him would appear laughable, since it is possible for him not to spend his days together with him. But friendship based on utility is prone to accusations. For those who use each other with a view to some benefit always want more and suppose they obtain less than what is proper. And so they blame the other because they do not obtain as much as they want and think they merit, and those who perform the benefactions are not able to supply as much as the recipients want.

It seems that, just as there is a twofold distinction in what is just—what is unwritten and what accords with law—so also in the friendship based on utility, there is the moral⁴⁵ friendship and the legal one. Accusations arise, then, especially when people do not dissolve the friendship on the same basis on which they entered into it. And the legal type of this friendship depends on stated terms: one kind belongs wholly to market-place transactions that happen immediately; another is more liberal as regards the time to pay but depends on an agreement that one thing is exchanged for another. The debt is clear and undisputed in this latter case, but it bears the mark of friendship because of the deferral of the payment to the seller. For this very reason, there are no legal arbitrations of these agreements in some places, but people suppose instead that those who entered into agreements on trust ought to feel affection for each other.

The moral type of this friendship, on the other hand, does not depend on stated terms. Instead, a gift (or whatever else) is given as to a friend; but the giver thinks he deserves to receive what is equal, or more than that, in return, on the grounds that he has not given anything but lent it. Yet if someone dissolves the friendship in a way different from that in which he entered into the agreement, the other friend will level an accusation. This happens because all or most people wish for noble things but choose the beneficial ones instead. It is a noble thing to perform a benefit without expecting it to be requited, but it is of course beneficial to receive a benefaction.

He who is able, therefore, must give in return the worth of what he received, and do so voluntarily⁴⁶—for he must not make a friend of someone who is not voluntarily one. On the grounds that he erred completely in the beginning and was done a good deed by someone by whom he ought not to have been done one—for it was not done by a friend or by someone doing this for its own sake—he must therefore dissolve the relation, just as if he had received a benefaction on stated terms. And a person

45 · This is the same adjective, *ēthikē*, that Aristotle uses to speak of “moral virtue.” The “moral” type of friendship Aristotle goes on to discuss is a category within friendship based on utility and is not to be confused with friendship based on character simply.

46 · Bywater brackets “and do so voluntarily,” with some manuscript support. Moreover, commentators dispute whether the phrase refers to the person who is returning the benefit—that he must do so “voluntarily”—or to the one who is receiving it—that he must accept it “voluntarily.”

ought to agree to repay whatever he is able to,⁴⁷ whereas if he should be unable to repay something, not even the giver would expect him to do so. As a result, he must repay it if he can; yet at the outset, he must consider the person from whom he receives a benefaction and on what terms, so that he may submit to these terms or not.

There is also a dispute regarding whether one ought to measure the benefit to the recipient and make repayment with a view to this, or to measure the good deed of the person who performed it. For the recipients assert that they received from those giving the benefaction such things as were small to the givers and which it was possible to receive from others, thus depreciating what they received. Conversely, the givers assert that the recipients received their greatest things, that it was not possible to get them from others, and that they gave them amid dangers or comparable situations of need. Since the friendship is based on utility, then, is the relevant measure the benefit to the recipient? For the recipient is the one in need, and the other aids him on the grounds that he will get back what is equal to the aid. The amount of aid, then, is as much as the recipient has been benefited; and so he must repay as much as he has partaken of, or even more, since doing the latter is nobler.

But in friendships that accord with virtue, there are no accusations; and the choice made by the person performing the benefaction is like a measure, for what is authoritative in matters of virtue and character resides in the choice involved.

CHAPTER FOURTEEN

But differences arise also in friendships based on a superiority, since each thinks he is worthy of having more; and when this happens, the friendship is dissolved. For he who is better supposes that it is proper that he have more, since it is proper to distribute more to a person who is good. Similar too is the case of the greater benefactor. For people assert that someone who is useless ought not to have what is equal: the relation becomes a matter of charitable service and not a friendship if what comes from the friendship will not accord with the worth of the friend's deeds. For people suppose that just as in a financial partnership, those who con-

47 · Bywater and others suggest the following emendation: “he must repay what he would have agreed to repay if he was able.”

tribute more receive more, so it ought to be in friendship too. But he who is in need and is the inferior asserts the converse—that it belongs to a good friend to aid those in need; for, they assert, what advantage is there in being a friend of a serious or powerful person if there is no benefit to be enjoyed from the friendship?

It seems, then, that each partner correctly deems himself worthy of something—that is, that one ought to distribute more to each of them from the friendship, but not more of the same thing. Rather, to the person who is superior, one ought to distribute honor, and to the one in need, gain. Honor is the reward of virtue and of benefaction, whereas aid is the gain appropriate to need.

It appears to be this way also in the regimes. For he who provides nothing good to the community⁴⁸ is not honored, since what is held in common is given to the person who benefits the community, and honor is held in common. For it is not possible to make money from the common affairs and at the same time to be honored [by the community]. No one puts up with having the lesser share in all things, and so people distribute honor to the person who [, in performing a benefaction,] suffers a monetary loss, and they give money to the person who accepts gifts.⁴⁹ For what accords with merit equalizes and preserves friendship, as has been said. It is in this way too, therefore, that one must associate with those who are unequal; and someone who is benefited in money or virtue must give honor in return, thus giving back what he can. For friendship seeks what is possible, not what accords with the merit [of the giver]. In fact, it is not even possible in every case to do so, as in the honors directed toward the gods and parents; for no one could ever repay what they merit, though he who does service to them to the extent of his capacity is held to be decent.

Hence too it would seem impossible for a son to renounce his father, but possible for a father to renounce his son. For the son must repay the debt, but nothing he may do is worthy of what was done for him, with the result that he is always in debt. But those who are owed have the capacity to discharge the debt, and certainly the father does. At the same time, perhaps, it seems that no father would ever cut off a son who was not of exceeding corruption. For even apart from their natural friendship, it is

48 · The Greek here and in the following line is *to koinon*, literally “the common.”

49 · The term (*dōrodokos*) often has the negative connotation of one who accepts not just gifts but bribes.

characteristically human not to reject aid. Yet for the son who is corrupt, aiding his father is something he avoids or does not eagerly pursue. For the many wish to be done a good turn, but they avoid doing one on the grounds that that is unprofitable.

Let what concerns these matters, then, be spoken of to this extent.

Book 9

CHAPTER ONE

In all heterogeneous¹ friendships, what is proportional equalizes and preserves the friendship, as has been said—for example, in a political [friendship], the shoemaker is given in exchange for his sandals what accords with their worth, just as is the weaver and the rest. Here, then, a legal currency has been brought in as a common measure, and so everything is referred to this and measured by it.

But in erotic [love or friendship], the lover sometimes levels the accusation that although he loves² beyond measure, he is not loved in return, though it may so happen that he possesses nothing lovable; the beloved, on the other hand, often levels the accusation that his lover is not now fulfilling anything of all that he had earlier promised. Such accusations arise when the lover loves the beloved for the pleasure involved, the beloved his lover for his usefulness to him, and when both parties do not have what each wants. For the friendship based on these concerns is dissolved when that for the sake of which they loved each other is not attained. The affection they felt was not for what each in himself was, but for the things each supplied, which are not stable; hence the friendships too are not stable. But the friendship based on character, being for its own sake, endures, as has been said.

But people are at odds whenever they come to have something other than what they long for. For whenever somebody fails to obtain what he aims at, it is akin to his attaining nothing. For example, a person promises

1 · *Anomoioeidēs*, that is, friendships in which the two parties seek different kinds of objects; for example, one seeks pleasure, the other something useful. This is the first and only time Aristotle uses this term to describe these sorts of friendships.

2 · Although Aristotle is speaking about erotic love or friendship and a “lover” (*erastēs*), here and in what follows he uses *philein* (and related terms) rather than *eran*.

a cithara player that the better he should play, the more pay he would get; but at dawn, when the player demanded the fulfillment of what he had been promised, the other said that the player had been given pleasure in return for pleasure. If, then, this had been the wish of each party, it would have sufficed; but if the one person had wished for enjoyment and the other gain, and the former had received his wish whereas the latter had not, the terms of the partnership would not have been nobly carried out. For what a person happens to need, he is also intent on, and for the sake of the satisfaction of this need, at any rate, he will give what he does.

But to which of the two parties does it belong to assess the worth of what is given: to the person who takes the initiative in giving, or to the one who is first in receiving? For he who takes the initiative in giving appears to entrust this assessment to the receiver, which is in fact what they assert Protagoras used to do. For when he would teach anything whatever, he used to bid the learner to estimate how much he held these things to be worth knowing, and that is the amount he used to take.³ Yet in such circumstances, some people are content with the “[fixed] wage for a man.”⁴ But as for those who take money in advance and then do nothing of what they claimed, because their promises were excessive, they appropriately become subject to accusations because they do not fulfill what they agreed to. The Sophists are compelled to do this, perhaps, because no one would pay money for what they know.

Those who fail to do what they took a wage for, then, are appropriately subject to accusations. But in the circumstances in which there is no agreement about the service, it was said that those who take the initiative in giving, for their partner’s sake, do not give cause for accusation (the friendship that accords with virtue is of this sort); and one must make the repayment accord with the choice [involved in the giving] (for this is the choice that is the mark of a friend and of virtue). So too in the case of those who share in philosophy. For the worth involved is not measured in monetary terms, and honor could not be evenly balanced with it. But perhaps whatever it is possible to repay would be sufficient, just as it is with

3 · A version of this story is told in Plato, *Protagoras* 328b1–c2.

4 · The saying, given in part here, comes from Hesiod, *Works and Days* 368. The context is:

Let a wage that has been stated for a man who is a friend be fixed,
And even with your brother, while laughing, set things down before a witness,
For, mark you, trust and mistrust alike destroy men.

gods and parents. Yet when the giving is not of this sort, but is done on some condition, then perhaps especially in this case the repayment ought to be what accords with the worth of what is given in the opinion of both parties. But if this should not happen, it would seem not only necessary
 10 but also just that he who was the first to receive assess it. For if the giver receives as much as the recipient is benefited (or however much in return the recipient would have given in choosing the pleasure involved), the giver will have received what was merited from the recipient in question.

In fact, this is what manifestly happens when it comes to goods bought and sold. In some places there are laws to the effect that voluntary trans-
 15 actions are not subject to legal adjudication, on the grounds that it is fitting, with someone one has trusted, to dissolve the transaction [or partnership] on the same terms on which one entered into it. The supposition is that it is more just that the person to whom something was entrusted assess its worth than that the one who entrusted it to him do so. For many things are not valued equally by those who possess them and by those who wish to receive them, since what is one's own and what one gives ap-
 20 pears to everyone to be worth a great deal. Nevertheless, repayment is determined with a view to the amount that the recipients assess, though perhaps one ought not to value what something's worth appears to be when the recipient possesses it, but how much he valued it before possessing it.

CHAPTER TWO

But there is perplexity too regarding such questions as whether one ought to render everything to one's father and obey him in everything, or whether, when a person is sick, he ought rather to trust a doctor, or again
 25 whether one ought to elect as general someone with military skill. Similarly, there is also perplexity as to whether one must serve a friend more than a serious man, and whether one must repay a favor to a benefactor rather than give away something to a comrade, if both are not possible. Is defining all such matters precisely, then, no easy thing? For there are many and various differences at issue, connected with whether what is involved is great or petty, noble or necessary.

30 That someone ought not to give back everything to the same person is not unclear; nor is it unclear that, for the most part, he must repay good deeds more than gratify his comrades, just as a person must pay back a loan to someone he owes, more than he must give away something to a comrade. But perhaps not even this is always so. For example, must a per-

son who has been ransomed from pirates pay in return the ransom of his ransomer, regardless of the sort of fellow he may be, or, if the ransomer
 35 has not been kidnapped, must he pay him back anyway if the fellow demands repayment? Or must he ransom his father [first, even if he owes his ransomer money]? For it would seem that a person should ransom his father even in preference to himself.

Just as has been said, then, a person must in general pay back a debt. But if an act of giving outstrips in its nobility or necessity the repayment of a debt, one must incline toward these noble or necessary acts. For
 5 sometimes the repaying of a previous service is not even equal [or fair]—when someone benefits a person he knows to be serious, but the repayment is to one whom the serious person supposes to be corrupt. And in fact sometimes a person should not make a loan even to someone who has given him a loan, for the original lender, supposing that he would re-
 10 cover the money, made the loan to a decent person, whereas now the decent person has no hope of recovering it from his original lender, who is base. Accordingly, if the original lender is base in truth, then his claim to worthiness to receive a loan is not equal [or fair]; or, if he is not of this character, but people suppose him to be, they would not think it strange to refuse him. So it has been frequently stated, then, that arguments con-
 15 cerning passions and actions possess the same definiteness as those things with which they deal.

It is not unclear, then, that one should not give back the same things to all people or all things even to one's father, just as one does not offer
 15 all sacrifices even to Zeus. But since different things go to parents, brothers, comrades, and benefactors, one must distribute to each what is properly his and fitting. People appear to do this in fact: they invite their relatives to weddings because the family line is something they share in com-
 20 mon, as are the actions pertaining to their family. People also suppose that relatives ought to gather especially at funerals for the same reason. It would seem as well that one ought to provide sustenance especially to parents, on the grounds that we are in their debt and that it is nobler thus to provide for those who are the causes of our being than to provide for ourselves. Honor too we owe to parents, just as to the gods—though not
 25 every honor. For we do not owe the same honor to a father as to a mother; nor, in turn, do we owe them the honor proper to a wise man or general; rather, we owe them the honor due a father and a mother respectively. To every old man is due the honor that accords with age, in rising and giving him a seat at the table and such things. To comrades, in turn, and to

corruption with the utmost effort and attempt to be decent, since in this way he would both be disposed toward himself in a friendly way and become a friend to another.

CHAPTER FIVE

30 Goodwill resembles something friendly, but it is surely not friendship. For goodwill arises even in relation to those whom one does not know and without their being aware of it, whereas friendship does not. (These points too have been spoken of earlier.) But goodwill is not even friendly affection, because it is without intensity or longing, things that accom-
 35pany friendly affection. And friendly affection goes together with the habit of living together, whereas goodwill arises suddenly—for example,
 1167a it even arises for competitors, since people come to have goodwill for competitors and share their intent, though they would do nothing to assist them. For, just as we said, people feel goodwill suddenly and so feel only superficial affection.

Goodwill seems, therefore, to be the beginning of friendship, just as the pleasure stemming from sight is the beginning of erotic love. For
 5 no one falls in love who is not first pleased by someone's appearance—though a person who delights in another's looks does not for all that fall in love,¹¹ except whenever he also yearns for the person who is absent and desires his presence. In this way, therefore, it is not possible for those without goodwill to become friends, but those who have goodwill do not for all that feel friendly affection.¹² They merely wish for the good things
 10 for those they feel goodwill toward but would do nothing actively to assist them, nor would they even be troubled over them. Hence by way of a metaphor, someone might claim that goodwill is friendship that lies idle; but if that goodwill is prolonged over time and carries over into the habit of living together, it becomes friendship—though not a friendship based on what is useful or pleasant, for goodwill does not arise in these cases.
 15 For he who has received a benefaction renders goodwill in return for what he has received, thereby doing what is just. And he who wishes that another fare well because he hopes to be well taken care of by this person does not seem to have goodwill toward him but rather toward himself—

11 · The term for “falls in love” is *eran*, rather than *philein*. Aristotle also uses here the terms *idea* and *eidos* to designate outward “appearance” and “looks,” terms that also have a technical meaning in the philosophy of Plato; see, e.g., I.6.

12 · Here the verb is not *eran*, to love in the erotic sense, but *philein*, to love as a friend.

just as he is also not a friend if he attends to that other person because that person is of some utility to him. On the whole, goodwill arises on account of virtue and a certain decency, whenever someone appears to another as noble or courageous or some such thing, just as we said in the case of competitors as well.

CHAPTER SIX

Like-mindedness¹³ too appears to be a mark of friendship. Hence it is not merely likeness of opinion, since this could belong even to those who do not know one another. But people do not claim that those who are of like mind concerning just anything whatever are like-minded—for example,
 25 those who are of like mind concerning the things in the heavens (for it is not a mark of friendship to be like-minded about these). Rather, they claim that cities are like-minded whenever people are of the same judgment concerning what is advantageous, choose the same things, and do what has been resolved in common.¹⁴ It is about matters of action, therefore, that people agree, and in particular about what is of great import and admits of belonging to both parties or to all involved. For example,
 30 cities are like-minded whenever it is resolved by all to make the political offices elective, or to conclude an alliance with the Lacedaimonians, or to have Pittacus rule when he too was willing to do so.¹⁵ But when each person wishes that he himself rule, as do those in *The Phoenician Women*,¹⁶ there is civil faction. For to be like-minded is not for each to have the same thing in mind, whatever it may be, but to have it in mind in the same
 35 way—for example, when both the *demos* and the decent have it in mind
 1167b for the best persons to rule—since in this way what they aim at comes to pass for everyone.

Like-mindedness, therefore, appears to be political friendship, just as it is also said to be, for it concerns advantageous things and those that

13 · Or, “oneness of mind” (*homonoia*); see also 8.1.

14 · Here and below, we translate the verb *dokein* in its political sense, “it is resolved,” which was the form in which Athenian laws were given: “It is resolved by the people that . . .”

15 · Pittacus (ca. 640–569), considered one of the Seven Sages of Greece, was elected dictator of the Mytilineans during a period of civil strife. He governed for ten years, after which he voluntarily stepped down. Aristotle refers to the “elected” dictatorship or tyranny of Pittacus also at *Politics* 1285a35.

16 · Aristotle here refers to the brothers Eteocles and Polyneices in Euripides's play.

relate to life [or livelihood]. But this sort of like-mindedness is present
 5 among the decent, since they are like-minded both with themselves and
 with one another, being on the same page, so to speak (for with these
 sorts of people the objects of their wishing remain constant and do not
 ebb and flow like a violent strait); they also wish for what is just and what
 is advantageous, and they aim at these also in common. But it is impos-
 10 sible for base people to be like-minded, except to a small degree, just as
 it is impossible for them to be friends: their aim is to grasp for more of
 what is beneficial to them; but when it comes to performing labors and
 public services, they are deficient. While wishing for these beneficial
 things for himself, each of them scrutinizes his neighbor and obstructs
 him [from pursuing his wishes]. For when people do not keep watch over
 the commons, it is destroyed. It results, then, that they fall into civil fac-
 15 tion, compelling one another by force and not wishing to do what is just
 themselves.

CHAPTER SEVEN

Those who perform a benefit seem to love those who receive this benefit
 more than those who are the recipients of the benefit love those who per-
 form it, and this is investigated on the supposition that it occurs contrary
 20 to reason. So, to most people, it appears that one party owes a debt and
 the other is owed. Just as in the case of loans, then, where debtors wish
 that those whom they owe did not exist, whereas lenders even care for the
 preservation of their debtors, so also those who perform a benefit wish for
 the existence of those who receive it, on the grounds that they will, out of
 25 gratitude, do favors for them in turn, whereas the recipients are not anx-
 ious to repay the debt.

Now, perhaps Epicharmus¹⁷ would assert that those who say these
 things take a base view, though it seems characteristically human. For
 most people are forgetful [of favors done them] and aim more at being
 done some good than at doing it. The cause would seem to have more to
 do with nature and is not at all similar to the case of lenders: lenders feel
 30 no friendly affection toward their debtors but only wish that they be pre-

17 · A Greek comic poet from Megara, of the sixth and fifth centuries. The context of the saying is lost, and thus it is not entirely clear whether the “base view” is a result of external obstacles, such as being in a bad seat in the theater, or the result of base character.

served so they may recover the debt. Those who have done others some
 good, on the other hand, love and are fond of those who are the recipients
 of it, even if these recipients are not useful to them and might not be such
 later. This in fact happens with artisans, for every one of them is fond of
 his own work more than he would be loved by that work, should it come
 35 to have a soul; and this happens especially, perhaps, with poets, since they
 are exceedingly fond of their own poems and feel affection for them just
 as if they were their children. The case of those who perform a benefit is
 like this too, for what has received the benefit is their own work. There-
 fore, they are fond of this more than the work is of its maker. A cause of
 5 this is that to exist is for all people something choiceworthy and lovable,
 and we exist by means of activity (for this consists in living and acting).
 And in his activity, the maker of something somehow *is* the work; he
 therefore feels affection for the work because he feels affection also for his
 own existence. This is natural, for what he is in his capacity [or potential],
 the work reveals in his activity.¹⁸ But at the same time too, what pertains
 to the action involved is noble for the benefactor, so that he delights in
 10 the person who is its object. For the recipient, however, there is nothing
 noble in the person doing it,¹⁹ but, if anything, something advantageous,
 and this is less pleasant and lovable. What is pleasant is the activity of the
 present moment, the hope of what is to come, and the memory of what
 has been. Most pleasant, and lovable too, is what pertains to the activity.
 15 For him who has produced it, then, the work endures (for what is noble
 is long lasting), whereas for the recipient, its usefulness passes away. And
 the memory of noble things is pleasant, but that of useful ones is not at
 all or less so, though the reverse seems to be the case with anticipation.

Friendly affection also resembles an active “making,” whereas being
 loved resembles a passive “undergoing,” and loving and the qualities of
 20 friendship attend those who excel in the action [rather than those who
 undergo it]. And further, all feel more affection for what arises through
 painful labor, just as those who have themselves acquired their money feel
 more affection for it than do those who have inherited it, for example.
 Being done some good seems to be without toil, whereas doing someone
 some good is troublesome. For these reasons too, mothers love their chil-
 25

18 · Aristotle uses terms here, for “capacity” (*dunamis*) and “activity” (*energeia*), that have a technical meaning in his *Metaphysics* (consider *Metaphysics* 1050a7), and are often translated as “potential” (or “potentiality”) and “actuality.”

19 · Or, perhaps, “there is nothing noble in the deed done.”



DAVID HUME

DAVID HUME

ESSAYS

MORAL, POLITICAL,
AND LITERARY

*Edited and with a Foreword, Notes,
and Glossary by*

EUGENE F. MILLER

*With an apparatus of variant readings from
the 1889 edition by T. H. Green and T. H. Grose*

LibertyClassics
INDIANAPOLIS

LibertyClassics is a publishing imprint of Liberty Fund, Inc., a foundation established to encourage study of the ideal of a society of free and responsible individuals.



The cuneiform inscription that serves as the design motif for our endpapers is the earliest-known written appearance of the word "freedom" (*ama-gi*), or "liberty." It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

Foreword and editorial additions © 1985 by Eugene F. Miller. All rights reserved. All inquiries should be addressed to Liberty Fund, Inc., 7440 N. Shadeland, Indianapolis, Indiana 46250. This book was manufactured in the United States of America.

Frontispiece portrait of Hume by Allan Ramsay 1754, used by permission from H.I.T. Gunn, Esq. W.S. and The Scottish National Portrait Gallery, Edinburgh, Scotland.

Facsimile title and part title pages from Volume I Hume: *Essays and Treatises on Several Subjects*, London 1777, courtesy of The Huntington Library, San Marino, California.

Library of Congress Cataloging in Publication Data

Hume, David, 1711–1776.

Essays: moral, political, and literary.

"With an apparatus of variant readings from the 1889 edition by T. H. Green and T. H. Grose."

Reprint. Originally published as v. 1. of *Essays and treatises on several subjects* under title: *Essays: moral, political, and literary*. London: Printed for Cadell, Donaldson, and Creech, Edinburgh, 1777.

1. Ethics, Modern—18th century—Addresses, essays, lectures. 2. Social ethics—Early works to 1800—Addresses, essays, lectures. 3. Political science—Early works to 1800—Addresses, essays, lectures.

I. Miller, Eugene F., 1935— II. Title.

III. Title: *Essays: moral, political, and literary*.

B1475 1985 192 84–23410

ISBN 0-86597-044-0

ISBN 0-86597-045-9 (pbk.)

10 9 8 7 6 5 4 3 2 1

CONTENTS

Foreword by Eugene F. Miller, xi

Editor's Note, xix

My Own Life by David Hume, xxxi

Letter from Adam Smith, LL.D. to William Strahan, Esq., xliii

PART I

I	Of the Delicacy of Taste and Passion	3
II	Of the Liberty of the Press	9
✓ III	That Politics may be reduced to a Science	14
IV	Of the First Principles of Government	32
✓ V	Of the Origin of Government	37
VI	Of the Independency of Parliament	42
VII	Whether the British Government inclines more to Absolute Monarchy, or to a Republic	47

ESSAY VIII

OF PARTIES IN GENERAL

OF all men, that distinguish themselves by memorable achievements, the first place of honour seems due to LEGISLATORS and founders of states, who transmit a system of laws and institutions to secure the peace, happiness, and liberty of future generations. The influence of useful inventions in the arts and sciences may, perhaps, extend farther than that of wise laws, whose effects are limited both in time and place; but the benefit arising from the former, is not so sensible as that which results from the latter. Speculative sciences do, indeed, improve the mind; but this advantage reaches only to a few persons, who have leisure to apply themselves to them. And as to practical arts, which encrease the commodities and enjoyments of life, it is well known, that

men's happiness consists not so much in an abundance of these, as in the peace and security with which they possess them; and those blessings can only be derived from good government. Not to mention, that general virtue and good morals in a state, which are so requisite to happiness, can never arise from the most refined precepts of philosophy, or even the severest injunctions of religion; but must proceed entirely from the virtuous education of youth, the effect of wise laws and institutions. I must, therefore, presume to differ from Lord BACON in this particular, and must regard antiquity as somewhat unjust in its distribution of honours, when it made gods of all the inventors of useful arts, such as CERES, BACCHUS, ÆSCULAPIUS; and dignify legislators, such as ROMULUS and THESEUS, only with the appellation of demi-gods and heroes.¹

As much as legislators and founders of states ought to be honoured and respected among men, as much ought the founders of sects and factions to be detested and hated; because the influence of faction is directly contrary to that of laws. Factions subvert government, render laws impotent, and beget the fiercest animosities among men of the same nation, who ought to give mutual assistance and protection to each other. And what should render the founders of parties more odious is, the difficulty of extirpating^o these weeds, when once they have taken root in any state. They naturally propagate themselves for many centuries, and seldom end but by the total dissolution of that government, in which they are sown. They are, besides, plants which grow most plentifully in the richest soil; and though absolute governments be not wholly free from them, it must be confessed, that they rise more easily, and propagate themselves faster in free govern-

¹[See Francis Bacon (1561–1626), *Advancement of Learning*, bk. 1. This work was published in 1605. Ceres, Bacchus, and Aesculapius were, respectively, Roman deities of crops, of wine, and of healing. Romulus, the legendary co-founder of Rome, and Theseus, legendary hero and king of Athens, were supposedly offsprings of gods.]

ments, where they always infect the legislature itself, which alone could be able, by the steady application of rewards and punishments, to eradicate them.

Factions may be divided into PERSONAL and REAL; that is, into factions, founded on personal friendship or animosity among such as compose the contending parties, and into those founded on some real difference of sentiment or interest. The reason of this distinction is obvious; though I must acknowledge, that parties are seldom found pure and unmixed, either of the one kind or the other. It is not often seen, that a government divides into factions, where there is no difference in the views of the constituent members, either real or apparent, trivial or material: And in those factions, which are founded on the most real and most material difference, there is always observed a great deal of personal animosity or affection. But notwithstanding this mixture, a party may be denominated either personal or real, according to that principle which is predominant, and is found to have the greatest influence.

Personal factions arise most easily in small republics. Every domestic quarrel, there, becomes an affair of state. Love, vanity, emulation, any passion, as well as ambition and resentment, begets public division. The NERI and BIANCHI of FLORENCE, the FREGOSI and ADORNI of GENOA, the COLONESI and ORSINI of modern ROME, were parties of this kind.²

Men have such a propensity to divide into personal factions, that the smallest appearance of real difference will pro-

²[The Neri ("Blacks") and Bianchi ("Whites") were opposing factions within the Guelf party of Florence, centering around the families of the Donati and the Cerchi. These names came into use in 1301, when the Cerchi intervened on behalf of the "Whites" in the town of Pistoia and the Donati came to the aid of the Pistoiese "Blacks." The Fregosi and Adorni were among the families who contended for the office of Doge in the republic of Genoa, beginning around 1370. In the modern Roman republic, beginning in the early thirteenth century, the nobility split into a Guelf party, headed by the Orsini, and a Ghibelline party, under the Colonna.]

duce them. What can be imagined more trivial than the difference between one colour of livery and another in horse races? Yet this difference begat two most inveterate factions in the GREEK empire, the PRASINI and VENETI, who never suspended their animosities, till they ruined that unhappy government.³

We find in the ROMAN history a remarkable dissension between two tribes, the POLLIA and PAPIRIA, which continued for the space of near three hundred years, and discovered itself in their suffrages at every election of magistrates.⁴

³[In the circus at Rome and the hippodrome at Constantinople, the professional charioteers (*factio*) were distinguished by colors, with green (*prasini*) and blue (*veneti*) being the most important. These contests were followed with special fervor in Constantinople and other cities in the Byzantine (or Greek) Empire, where the populace came to be divided into two factions, the "Blues" and the "Greens," which frequently engaged in bloody and destructive conflicts. These factional disputes are described by Hume's contemporary, Montesquieu, in *Considerations on the Causes of the Greatness of the Romans and Their Decline* (1734), chap. 20, and by Edward Gibbon in *The Decline and Fall of the Roman Empire* (1776–88), chap. 40.]

⁴As this fact has not been much observed by antiquaries or politicians, I shall deliver it in the words of the ROMAN historian. *Populus TUSCULANUS cum conjugibus ac liberis ROMAM venit: Ea multitudo, veste mutata, & specie reorum tribus circuit, genibus se omnium advocans. Plus itaque misericordia ad pœnæ veniam impetrandam, quam causa ad crimen purgandum valuit. Tribus omnes præter POLLIAM, antiquarunt legem. POLLIÆ sententia fuit, puberes verberatos necari, liberos conjugesque sub corona lege belli venire: Memoriamque ejus iræ TUSCULANIS in pœnæ tam atrocis auctores mansisse ad patris ætatem constat; nec quemquam fere ex POLLIA tribu candidatum PAPIRAM ferre solitam*, T. LIVII, lib. 8. [Livy, *History of Rome* 8.37: "The citizens of Tusculum, with their wives and children, came to Rome; and the great throng, putting on the sordid raiment of defendants, went about amongst the tribes and clasped the knees of the citizens in supplication. And it so happened that pity was more effective in gaining them remission of their punishment than were their arguments in clearing away the charges. All the tribes rejected the proposal, save only the Pollian, which voted that the grown men should be scourged and put to death, and their wives and children sold at auction under the laws of war. It seems that the resentment engendered in the Tuscullans by so cruel a proposal lasted down to our fathers' time, and that a candidate of the Pollian tribe almost never got the vote of the Papirian"]

This faction was the more remarkable, as it could continue for so long a tract of time; even though it did not spread itself, nor draw any of the other tribes into a share of the quarrel. If mankind had not a strong propensity to such divisions, the indifference of the rest of the community must have suppressed this foolish animosity, that had not any aliment^a of new benefits and injuries, of general sympathy and antipathy, which never fail to take place, when the whole state is rent into two equal factions.^a

Nothing is more usual than to see parties, which have begun upon a real difference, continue even after that difference is lost. When men are once inlisted on opposite sides, they contract an affection to the persons with whom they are united, and an animosity against their antagonists: And these passions they often transmit to their posterity. The real difference between GUELF and Ghibelline was long lost in ITALY, before these factions were extinguished. The GUELFs adhered to the pope, the Ghibellines to the emperor; yet the family of SFORZA, who were in alliance with the emperor, though they were GUELFs, being expelled MILAN by the king⁵ of FRANCE, assisted by JACOMO TRIVULZIO and the Ghibellines, the pope concurred with the latter, and they formed leagues with the pope against the emperor.⁶

(Loeb translation by B. O. Foster). The Tusculans, upon gaining Roman citizenship, were enrolled in the Papirian tribe, whose vote they were able to control.] The CASTELANI and NICOLLOTTI are two mobbish factions in VENICE, who frequently box together, and then lay aside their quarrels presently.^b

⁵Lewis XII. [Louis, who reigned from 1498 to 1515, invaded Italy in 1499 to assert his claim to the duchy of Milan.]

⁶[Italian cities during the Renaissance were divided between parties aligned with the Holy Roman Emperor (the Ghibellines) and parties loyal to the Pope (the Guelfs). Hume refers here to events of 1499–1500. Ludovico Sforza, Duke of Milan, had formed an alliance with Emperor Maximilian I to stop the French invasion. The French forces were led by Gian Giacomo Trivulzio, who had once been Ludovico's own commander. Ludovico lost the city, retook it, and finally lost it again. He was taken as

The civil wars which arose some few years ago in MOROCCO, between the *blacks* and *whites*, merely on account of their complexion, are founded on a pleasant difference.⁷ We laugh at them; but I believe, were things rightly examined, we afford much more occasion of ridicule to the MOORS. For, what are all the wars of religion, which have prevailed in this polite and knowing part of the world? They are certainly more absurd than the MOORISH civil wars. The difference of complexion is a sensible and a real difference: But the controversy about an article of faith, which is utterly absurd and unintelligible, is not a difference in sentiment, but in a few phrases and expressions, which one party accepts of, without understanding them; and the other refuses in the same manner.^c

Real factions may be divided into those from *interest*, from *principle*, and from *affection*. Of all factions, the first are the most reasonable, and the most excusable. Where two orders of men, such as the nobles and people, have a distinct authority in a government, not very accurately balanced and modelled, they naturally follow a distinct interest; nor can we reasonably expect a different conduct, considering that degree of selfishness implanted in human nature. It requires great skill in a legislator to prevent such parties; and many philosophers are of opinion, that this secret, like the *grand elixir*, or *perpetual motion*, may amuse men in theory, but can never possibly be reduced to practice.⁸ In despotic governments, indeed, fac-

a prisoner to France, where he died in 1508. Pope Alexander VI, who had been an ally of the House of Sforza, formed an alliance with Louis XII in 1498.]

⁷[This reference is probably to the civil war in Morocco that followed the death of Mulay Isma'il in 1727. Hume may have read John Braithwaite's eyewitness account of this conflict and its racial aspects in *The History of the Revolutions in the Empire of Morocco upon the Death of the Late Emperor Muley Ishmael* (1729).]

⁸[The grand elixir is a universal medicine that supposedly can cure all disease. Theories of perpetual motion envision a machine that, being once set in motion, will go on forever.]

tions often do not appear; but they are not the less real; or rather, they are more real and more pernicious, upon that very account. The distinct orders of men, nobles and people, soldiers and merchants, have all a distinct interest; but the more powerful oppresses the weaker with impunity, and without resistance; which begets a seeming tranquillity in such governments.^d

There has been an attempt in ENGLAND to divide the *landed* and *trading* part of the nation; but without success. The interests of these two bodies are not really distinct, and never will be so, till our public debts encrease to such a degree, as to become altogether oppressive and intolerable.

Parties from *principle*, especially abstract speculative principle, are known only to modern times, and are, perhaps, the most extraordinary and unaccountable *phaenomenon*, that has yet appeared in human affairs. Where different principles beget a contrariety^e of conduct, which is the case with all different political principles, the matter may be more easily explained. A man, who esteems the true right of government to lie in one man, or one family, cannot easily agree with his fellow-citizen, who thinks that another man or family is possessed of this right. Each naturally wishes that right may take place, according to his own notions of it. But where the difference of principle is attended with no contrariety of action, but every one may follow his own way, without interfering with his neighbour, as happens in all religious controversies; what madness, what fury can beget such unhappy and such fatal divisions?

Two men travelling on the highway, the one east, the other west, can easily pass each other, if the way be broad enough: But two men, reasoning upon opposite principles of religion, cannot so easily pass, without shocking; though one should think, that the way were also, in that case, sufficiently broad, and that each might proceed, without interruption, in his own course. But such is the nature of the human mind, that it always lays hold on every mind that approaches it; and as it is wonderfully fortified by an unanimity of sentiments, so is

it shocked and disturbed by any contrariety. Hence the eagerness, which most people discover^o in a dispute; and hence their impatience of opposition, even in the most speculative and indifferent opinions.

This principle, however frivolous it may appear, seems to have been the origin of all religious wars and divisions. But as this principle is universal in human nature, its effects would not have been confined to one age, and to one sect of religion, did it not there concur with other more accidental causes, which raise it to such a height, as to produce the greatest misery and devastation. Most religions of the ancient world arose in the unknown ages of government, when men were as yet barbarous and uninstructed, and the prince, as well as peasant, was disposed to receive, with implicit faith, every pious tale of fiction, which was offered him. The magistrate embraced the religion of the people, and entering cordially into the care of sacred matters, naturally acquired an authority in them, and united the ecclesiastical with the civil power. But the *Christian* religion arising, while principles directly opposite to it were firmly established in the polite part of the world, who despised the nation that first broached this novelty; no wonder, that, in such circumstances, it was but little countenanced by the civil magistrate, and that the priesthood was allowed to engross all the authority in the new sect. So bad a use did they make of this power, even in those early times, that the primitive persecutions may, perhaps, *in part*,⁹ be

⁹I say, *in part*; For it is a vulgar error to imagine, that the ancients were as great friends to toleration as the ENGLISH or DUTCH are at present. The laws against external superstition, amongst the ROMANS, were as ancient^c as the time of the twelve tables [The Twelve Tables (451–450 B.C.) codified Roman law]; and the JEWS as well as CHRISTIANS were sometimes punished by them; though, in general, these laws were not rigorously executed. Immediately after the conquest of GAUL, they forbid all but the natives to be initiated into the religion of the DRUIDS; and this was a kind of persecution. In about a century after this conquest,^f the emperor, CLAUDIUS [ruled A.D. 41–54], quite abolished that superstition by penal laws; which would have been a very grievous persecution, if the imitation

ascribed to the violence instilled by them into their followers. And the same principles of priestly government continuing, after Christianity became the established religion, they have engendered a spirit of persecution, which has ever since been the poison of human society, and the source of the most inveterate factions in every government. Such divisions, therefore, on the part of the people, may justly be esteemed factions of *principle*; but, on the part of the priests, who are the prime movers, they are really factions of *interest*.

There is another cause (beside the authority of the priests, and the separation of the ecclesiastical and civil powers) which has contributed to render CHRISTENDOM^o the scene of religious wars and divisions. Religions, that arise in ages totally ignorant and barbarous, consist mostly of traditional tales and fictions, which may be different in every sect, without being contrary to each other; and even when they are contrary, every one adheres to the tradition of his own sect, without much reasoning or disputation. But as philosophy was widely spread over the world, at the time when Christianity arose, the teachers of the new sect were obliged to form a system of speculative opinions; to divide, with some accuracy, their articles of faith; and to explain, comment, confute, and defend with all the subtilty of argument and science. Hence naturally arose keenness in dispute, when the Christian religion came to be

of the ROMAN manners had not, before-hand, weaned the GAULS from their ancient prejudices. SUTONIUS *in vita* CLAUDII. PLINY ascribes the abolition of the Druidical superstitions to TIBERIUS, probably because that emperor had taken some steps towards restraining them (lib. xxx. cap. i.)^g [Pliny, the Elder (A.D. 23–79), *Natural History*, 30.4 in the Loeb edition. The emperor Tiberius ruled A.D. 14–37. The religious practices of the Druids included human sacrifice]. This is an instance of the usual caution and moderation of the ROMANS in such cases; and very different from their violent and sanguinary method of treating the *Christians*. Hence we may entertain a suspicion, that those furious persecutions of *Christianity* were in some measure owing to the imprudent zeal and bigotry of the first propagators of that sect; and Ecclesiastical history affords us many reasons to confirm this suspicion.^h

split into new divisions and heresies: And this keenness assisted the priests in their policy, of begetting a mutual hatred and antipathy among their deluded followers. Sects of philosophy, in the ancient world, were more zealous than parties of religion; but in modern times, parties of religion are more furious and enraged than the most cruel factions that ever arose from interest and ambition.

I have mentioned parties from *affection* as a kind of *real* parties, beside those from *interest* and *principle*. By parties from affection, I understand those which are founded on the different attachments of men towards particular families and persons, whom they desire to rule over them. These factions are often very violent; though, I must own, it may seem unaccountable, that men should attach themselves so strongly to persons, with whom they are no wise acquainted, whom perhaps they never saw, and from whom they never received, nor can ever hope for any favour. Yet this we often find to be the case, and even with men, who, on other occasions, discover no great generosity of spirit, nor are found to be easily transported by friendship beyond their own interest. We are apt to think the relation between us and our sovereign very close and intimate. The splendour of majesty and power bestows an importance on the fortunes even of a single person. And when a man's good-nature does not give him this imaginary interest, his ill-nature will, from spite and opposition to persons whose sentiments are different from his own.

Considerations on the Causes of
THE GREATNESS OF THE ROMANS
AND THEIR DECLINE





Considerations on the Causes of
THE GREATNESS OF THE ROMANS
AND THEIR DECLINE

MONTESQUIEU

Translated,
with Introduction and Notes, by

DAVID LOWENTHAL

Hackett Publishing Company, Inc.
Indianapolis/Cambridge

Copyright © 1965 by The Free Press

Reprinted with corrections by Hackett Publishing Company, Inc., 1999

All rights reserved

Printed in the United States of America

25 24 23 22 5 6 7 8 9

For further information, please address

Hackett Publishing Company, Inc.

P.O. Box 44937

Indianapolis, IN 46244-0937

www.hackettpublishing.com

Library of Congress Cataloging-in-Publication Data

Montesquieu, Charles de Secondat, baron de, 1689-1755.

[Considérations sur les causes de la grandeur des Romains et de leur
décadence. English]

Considerations on the causes of the greatness of the Romans and
their decline / Montesquieu ; translated, with introduction and notes,
by David Lowenthal.

p. cm.

Includes bibliographical references and index.

ISBN 0-87220-496-0 (pbk.)—ISBN 0-87220-497-9 (cloth)

1. Rome—History. 2. Montesquieu, Charles de Secondat, baron
de, 1689-1755. Considerations sur les causes de la grandeur des
Romains. I. Lowenthal, David. II. Title.

DG210.M778 1999

937—dc21

99-28814

CIP

ISBN-13: 978-0-87220-496-6 (pbk.)

ISBN-13: 978-0-87220-497-3 (cloth)

CONTENTS

TRANSLATOR'S PREFACE	vii
INTRODUCTION	1
I BEGINNINGS OF ROME; ITS WARS	23
II THE ART OF WAR AMONG THE ROMANS	33
III HOW THE ROMANS WERE ABLE TO EXPAND	39
IV THE GAULS; PYRRHUS; COMPARISON OF CARTHAGE AND ROME; HANNIBAL'S WAR	43
V THE CONDITION OF GREECE, MACEDONIA, SYRIA, AND EGYPT AFTER THE REDUCTION OF THE CARTHAGINIANS	55
VI THE CONDUCT THE ROMANS PURSUED TO SUBJUGATE ALL PEOPLES	67
VII HOW MITHRIDATES WAS ABLE TO RESIST THEM	79
VIII THE DISSENSIONS THAT ALWAYS EXISTED IN THE CITY	83
IX TWO CAUSES OF ROME'S RUIN	91

an alliance with Sertorius. Also see Plutarch, *Life of Lucullus* (7).

2. Mithridates had made him king of the Bosphorus. At the news of his father's arrival, he killed himself.
3. See Appian, *The War with Mithridates* (XVI, 109).
4. See Plutarch, in the *Life of Pompey* (39), and Zonaras, II (X, 5).

THE DISSENSIONS THAT ALWAYS EXISTED IN THE CITY

While Rome conquered the world, a secret war was going on within its walls. Its fires were like those of volcanoes which burst forth whenever some matter comes along to increase their activity.

After the expulsion of the kings, the government had become aristocratic. The patrician families alone¹ obtained all the magistracies, all the dignities, and consequently all military and civil honors.²

To prevent the return of the kings, the patricians sought to intensify the feelings existing in the minds of the people. But they did more than they intended: by imbuing the people with hatred for kings, they gave them an immoderate desire for liberty. Since royal authority had passed entirely into the hands of the consuls, the people felt they lacked the liberty they were being asked to love. They therefore sought to reduce the consulate, to get plebeian magistrates, and to share the curule magistracies^a with the nobles. The patricians were forced to grant everything they demanded, for in a city where poverty was public virtue, and where riches—the secret road

^a Curule magistracies: those conferring the right of using the *sella curulis* or chair of state—namely, those of the dictator, consuls, praetors, censors, and curule aediles.

to the acquisition of power—were scorned, birth and dignities could not confer great advantages. Thus, power had to return to the greatest number, and gradually the aristocracy had to change into a popular state.

Those who obey a king are less tormented by envy and jealousy than those who live under an hereditary aristocracy. The prince is so distant from his subjects that he is almost unseen by them. And he is so far above them that they can conceive of no relationship on his part capable of shocking them. But the nobles who govern are visible to all, and are not so elevated that odious comparisons are not constantly made. Therefore it has at all times been seen, and is still seen, that the people detest senators. Those republics where birth confers no part in the government are in this respect the most fortunate, for the people are less likely to envy an authority they give to whomever they wish and take back whenever they fancy.

Discontented with the patricians, the people withdrew to Mons Sacer.^b Deputies were sent to appease them, and since they all promised to help each other in case the patricians did not keep their pledge³—which would have caused constant seditions and disturbed all the operations of the magistrates—it was judged better to create a magistracy that could prevent injustices from being done to plebeians.⁴ But, due to a malady eternal in man, the plebeians, who had obtained tribunes to defend themselves, used them for attacking. Little by little they removed the prerogatives of the patricians—which produced continual contention. The people were supported, or rather, animated by their tribunes; and the patricians were defended by the senate, which was almost completely composed of them, was more inclined to the old maxims, and

^b Mons Sacer: a low range of hills about three miles from Rome, consecrated by the people to Jupiter after their secession.

was fearful that the populace would elevate some tribune to tyranny.

In their own behalf the people employed their strength and their voting superiority, their refusal to go to war, their threats to withdraw, the partiality of their laws, and, finally, their judgments against those who resisted them too staunchly. The senate defended itself by means of its wisdom, its justice, and the love of country it inspired; by its benefactions and a wise use of the republic's treasury; by the respect the people had for the glory of the leading families and the virtue of illustrious men;⁵ by religion itself, the old institutions, and the skipping of assembly days on the pretext that the auspices had not been favorable; by clients; by the opposition of one tribune to another; by the creation of a dictator,⁶ the occupations of a new war, or misfortunes which united all interests; finally, by a paternal condescension in granting the people a part of their demands in order to make them abandon the rest, and by the constant maxim of preferring the preservation of the republic to the prerogatives of any order or of any magistracy whatsoever.

With the passage of time, the plebeians had so reduced the patricians that this distinction⁷ among families became empty and all were elevated to honors indifferently. Then there arose new disputes between the common people, agitated by their tribunes, and the leading families, whether patrician or plebeian, who were called nobles and who had on their side the senate, which was composed of them. But since the old morals no longer existed, since individuals had immense riches, and since riches necessarily confer power, the nobles resisted with more force than had the patricians, and this was the cause of the death of the Gracchi and of several who worked for their scheme.⁸

I must mention a magistracy that greatly contributed to upholding Rome's government—that of the censors. They

took the census of the people, and, what is more, since the strength of the republic consisted in discipline, austerity of morals, and the constant observance of certain customs, they corrected the abuses that the law had not foreseen, or that the ordinary magistrate could not punish.⁹ There are bad examples which are worse than crimes, and more states have perished by the violation of their moral customs than by the violation of their laws. In Rome, everything that could introduce dangerous novelties, change the heart or mind of the citizen, and deprive the state—if I dare use the term—of perpetuity, all disorders, domestic or public, were reformed by the censors. They could evict from the senate whomever they wished, strip a knight of the horse the public maintained for him, and put a citizen in another tribe and even among those who supported the burdens of the city without participating in its privileges.¹⁰

M. Livius stigmatized the people itself, and, of the thirty-five tribes, he placed thirty-four in the ranks of those who had no part in the privileges of the city.¹¹ "For," he said, "after condemning me you made me consul and censor. You must therefore have betrayed your trust either once, by inflicting a penalty on me, or twice, by making me consul and then censor."

M. Durius, a tribune of the people, was driven from the senate by the censors because, during his magistracy, he had abrogated the law limiting expenses at banquets.¹²

The censorship was a very wise institution. The censors could not take a magistracy from anyone, because that would have disturbed the exercise of public power,¹³ but they imposed the loss of order and rank, and deprived a citizen, so to speak, of his personal worth.

Servius Tullius had created the famous division by centuries, as Livy¹⁴ and Dionysius of Halicarnassus¹⁵ have so well explained to us. He had distributed one hundred and ninety-three centuries into six classes, and put the whole of

the common people into the last century, which alone formed the sixth class. One sees that this disposition excluded the common people from the suffrage, not by right but in fact. Later it was ruled that the division by tribes would be followed in voting, except in certain cases. There were thirty-five tribes, each with a voice—four in the city and thirty-one in the countryside. The leading citizens, all farmers, naturally entered the tribes of the countryside. Those of the city received the common people,¹⁶ which, enclosed there, had very little influence on affairs, and this was regarded as the salvation of the republic. And when Fabius relocated among the four city tribes the lower classes whom Appius Claudius had spread among all the tribes, he acquired the surname of Very Great.¹⁷ Every five years the censors took a look at the actual situation of the republic, and distributed the people among the different tribes in such a manner that the tribunes and the ambitious could not gain control of the voting, and the people themselves could not abuse their power.

The government of Rome was admirable. From its birth, abuses of power could always be corrected by its constitution, whether by means of the spirit of the people, the strength of the senate, or the authority of certain magistrates.

Carthage perished because it could not even endure the hand of its own Hannibal when abuses had to be cut away. Athens fell because its errors seemed so sweet to it that it did not wish to recover from them. And, among us, the republics of Italy, which boast of the perpetuity of their government, ought only to boast of the perpetuity of their abuses. Thus, they have no more liberty than Rome had in the time of the decemvirs.¹⁸

The government of England is wiser, because a body^d

^c In Latin, *Maximus*.

^d For Montesquieu's analysis of the English Parliament, see *The Spirit of the Laws*, XI, 6.

there continually examines it and continually examines itself. And such are its errors that they never last long and are often useful for the spirit of watchfulness they give the nation.

In a word, a free government—that is, a government constantly subject to agitation—cannot last if it is not capable of being corrected by its own laws.

NOTES

1. The patricians even had something of a sacred quality: they alone could take the auspices. See Appius Claudius' harangue in Livy, VI (40, 41).
2. For example, they alone could have a triumph, since only they could be consuls and command the armies.
3. Zonaras, II (VII, 15).
4. Origin of the tribunes of the people.
5. Loving glory and composed of men who had spent their lives at war, the people could not refuse their votes to a great man under whom they had fought. They obtained the right to elect plebeians, and elected patricians. They were forced to tie their own hands in establishing the rule that there would always be one plebeian consul. Thus, the plebeian families which first held office were then continually returned to it, and when the people elevated to honors some nobody like Varro or Marius, it was a kind of victory they won over themselves.
6. To defend themselves, the patricians were in the habit of creating a dictator—which succeeded admirably well for them. But once the plebeians had obtained the power of being elected consuls, they could also be elected dictators—which disconcerted the patricians. See in Livy, VIII (12), how Publius Philo reduced them during his dictatorship; he made three laws which were very prejudicial to them.
7. The patricians retained only some sacerdotal offices and the right to create a magistrate called *interrex*.
8. Like Saturninus and Glaucia.

9. We can see how they degraded those who had favored abandoning Italy after the battle of Cannae, those who had surrendered to Hannibal, and those who—by a mischievous interpretation—had broken their word to him. (Livy, XXIV, 18).
10. This was called: *Aerarium aliquem facere, aut in Caeritum tabulas referre* (to make someone a citizen of the lowest class, or to place him on the list of the [voteless] inhabitants of Caere). He was expelled from his century and no longer had the right to vote.
11. Livy, XXIX (37).
12. Valerius Maximus, II (9).
13. The dignity of senator was not a magistracy.
14. I (42, 43).
15. IV, art. 15 ff.
16. Called *turba forensis* (the rabble of the forum).
17. See Livy, IX (46).
18. Nor even more power.

Founders Online

[\[Back to normal view\]](#)

FROM THOMAS JEFFERSON TO WILLIAM STEPHENS SMITH, 13 NOVEMBER 1787

To William Stephens Smith

DEAR SIR

Paris Nov. 13. 1787.

I am now to acknowledge the receipt of your favors of October the 4th. 8th. and 26th. In the last you apologize for your letters of introduction to Americans coming here. It is so far from needing apology on your part, that it calls for thanks on mine. I endeavor to shew civilities to all the Americans who come here, and who will give me opportunities of doing it: and it is a matter of comfort to know from a good quarter what they are, and how far I may go in my attentions to them.—Can you send me Woodmason's bills for the two copying presses for the M. de la Fayette, and the M. de Chastellux? The latter makes one article in a considerable account, of old standing, and which I cannot present for want of this article.—I do not know whether it is to yourself or Mr. Adams I am to give my thanks for the copy of the new constitution. I beg leave through you to place them where due. It will be yet three weeks before I shall receive them from America. There are very good articles in it: and very bad. I do not know which preponderate. What we have lately read in the history of Holland, in the chapter on the Stadtholder, would have sufficed to set me against a Chief magistrate eligible for a long duration, if I had ever been disposed towards one: and what we have always read of the elections of Polish kings should have forever excluded the idea of one continuable for life. Wonderful is the effect of impudent and persevering lying. The British ministry have so long hired their gazetteers to repeat and model into every form lies about our being in anarchy, that the world has at length believed them, the English nation has believed them, the ministers themselves have come to believe them, and what is more wonderful, we have believed them ourselves. Yet where does this anarchy exist? Where did it ever exist, except in the single instance of Massachusetts? And can history produce an instance of a rebellion so honourably conducted? I say nothing of its motives. They were founded in ignorance, not wickedness. God forbid we should ever be 20. years without such a rebellion. The people can not be all, and always, well informed. The part which is wrong will be discontented in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions it is a lethargy, the forerunner of death to the public liberty. We have had 13. states independant 11. years. There has been one rebellion. That comes to one rebellion in a century and a half for each state. What country before ever existed a century and half without a rebellion? And what country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure. Our Convention has been too much impressed by the insurrection of Massachusetts: and in the spur of the moment they are setting up a kite to keep the hen yard in order. I hope in god this article will be rectified before the new constitution is accepted.—You ask me if any thing transpires here on the subject of S. America? Not a word. I know that there are combustible materials there, and that they wait the torch only. But this country probably will join the extinguishers.—The want of facts worth communicating to you has occasioned me to give a little loose to dissertation. We must be contented to amuse, when we cannot inform. Present my respects to Mrs. Smith, and be assured of the sincere esteem of Dear Sir Your friend & servant,

TH: JEFFERSON

PrC (DLC).

It was to Adams that TJ owed the COPY OF THE NEW CONSTITUTION (see Adams to TJ, 10 Nov. 1787), and, thanks to the French chargé d'affaires in New York, TJ was wrong in thinking that it would be THREE WEEKS before he would receive other copies from America: Otto's copies arrived two days after the present letter was written (see Otto to TJ, 25 Sep. 1787).

Note: The annotations to this document, and any other modern editorial content, are copyright © Princeton University Press. All rights reserved.

SOURCE PROJECT	Jefferson Papers
TITLE	From Thomas Jefferson to William Stephens Smith, 13 November 1787
AUTHOR	Jefferson, Thomas
RECIPIENT	Smith, William Stephens
DATE	13 November 1787
CITE AS	“From Thomas Jefferson to William Stephens Smith, 13 November 1787,” <i>Founders Online</i> , National Archives, https://founders.archives.gov/documents/Jefferson/01-12-02-0348 . [Original source: <i>The Papers of Thomas Jefferson</i> , vol. 12, 7 August 1787–31 March 1788, ed. Julian P. Boyd. Princeton: Princeton University Press, 1955, pp. 355–357.]

The National Historical Publications and Records Commission (NHPRC) is part of the National Archives. Through its grants program, the NHPRC supports a wide range of activities to preserve, publish, and encourage the use of documentary sources, relating to the history of the United States, and research and development projects to bring historical records to the public.

Founders Online

[\[Back to normal view\]](#)

FROM THOMAS JEFFERSON TO THOMAS JEFFERSON RANDOLPH, 24 NOVEMBER 1808

MY DEAR JEFFERSON

Washington Nov. 24. 08.

I have just recieved the inclosed letter under cover from mr Bankhead which I presume is from Anne, and will inform you she is well. mr Bankhead has consented to go & pursue his studies at Monticello, & live with us till his pursuits or circumstances may require a separate establishment. your situation, thrown at such a distance from us & alone, cannot but give us all, great anxieties for you. as much has been secured for you, by your particular position and the acquaintance to which you have been recommended, as could be done towards shielding you from the dangers which surround you. but thrown on a wide world, among entire strangers without a friend or guardian to advise so young too & with so little experience of mankind, your dangers are great, & still your safety must rest on yourself. a determination never to do what is wrong, prudence, and good humor, will go far towards securing to you the estimation of the world. when I recollect that at 14. years of age, the whole care & direction of myself was thrown on myself entirely, without a relation or friend qualified to advise or guide me, and recollect the various sorts of bad company with which I associated from time to time, I am astonished I did not turn off with some of them, & become as worthless to society as they were. I had the good fortune to become acquainted very early, with some characters of very high standing, and to feel the incessant wish that I could ever become what they were. under temptations & difficulties, I would ask myself what would Dr. Small, mr Wythe, Peyton Randolph do in this situation? what course in it will ensure me their approbation? I am certain that this mode of deciding on my conduct tended more to it's correctness than any reasoning powers I possessed. knowing the even & dignified line they pursued, I could never doubt for a moment which of two courses would be in character for them. whereas seeking the same object through a process of moral reasoning, & with the jaundiced eye of youth, I should often have erred. from the circumstances of my position I was often thrown into the society of horse racers, cardplayers, foxhunters, scientific & professional men, and of dignified men; and many a time have I asked myself, in the enthusiastic moment of the death of a fox, the victory of a favorite horse, the issue of a question eloquently argued at the bar or in the great council of the nation, well, which of these kinds of reputation should I prefer? that of a horse jockey? a foxhunter? an Orator? or the honest advocate of my country's rights? be assured my dear Jefferson, that these little returns into ourselves, this self-catechising habit, is not trifling, nor useless, but leads to the prudent selection & steady pursuit of what is right. I have mentioned good humor as one of the preservatives of our peace & tranquility. it is among the most effectual, and it's effect is so well imitated and aided artificially by politeness, that this also becomes an acquisition of first rate value. in truth, politeness is artificial good humor, it covers the natural want of it, & ends by rendering habitual a substitute nearly equivalent to the real virtue. it is the practice of sacrificing to those whom we meet in society all the little conveniences & preferences which will gratify them, & deprive us of nothing, worth a moment's consideration; it is the giving a pleasing & flattering turn to our expressions which will conciliate others, and make them pleased with us as well as themselves. how cheap a price for the good will of another! when this is in return for a rude thing said by another, it brings him to his senses, it mortifies & corrects him in the most salutary way, and places him at the feet of your good nature in the eyes of the company. but in stating prudential rules for our government in society I must not omit the important one of never entering into dispute or argument with another. I never yet saw an instance of one of two disputants convincing the other by argument. I have seen many of their getting warm, becoming rude, & shooting one another. conviction is the effect of our own dispassionate reasoning, either in solitude, or weighing within ourselves dispassionately what we hear from others standing uncommitted in argument ourselves. it was one of the rules which above all others made Doctr. Franklin the most amiable of men in society, 'never to contradict any body.' if he was urged to anounce an opinion, he did it rather by asking questions, as if for information, or by suggesting doubts. when I hear another express an opinion, which is not mine, I say to myself, he has a right to his opinion, as I to mine; why should I question it. his error does me no injury, and shall I become a Don Quisoet to bring all men by force of argument to one opinion? if a fact be mistated, it is probable he is gratified by a belief of it, & I have no right to deprive him of the gratification. if he wants information he will ask it, & then I will give it in measured terms; but if he still believes his own story, & shews a desire to dispute the fact with me, I hear him & say nothing. it is his affair not mine, if he prefers error. there are two classes of

disputants most frequently to be met with among us. the first is of young students just entered the threshold of science, with a first view of it's outlines, not yet filled up with the details, & modifications which a further progress would bring to their knolege. the other consists of the ill-tempered & rude men in society who have taken up a passion for politics. (good humor & politeness never introduce into mixed society a question on which they foresee there would be a difference of opinion.) from both of these classes of disputants, my dear Jefferson, keep aloof, as you would from the infected subjects of yellow fever or pestilence. consider yourself, when with them, as among the patients of Bedlam needing medical more than moral counsel. be a listener only, keep within yourself, and endeavor to establish with yourself the habit of silence especially in politics. in the fevered state of our country, no good can ever result from any attempt to set one of these fiery zealots to rights either in fact or principle. they are determined as to the facts they will believe and the opinions on which they will act. get by them therefore as you would by an angry bull: it is not for a man of sense to dispute the road with such an animal. you will be more exposed than others to have these animals shaking their horns at you, because of the relation in which you stand with me. full of political venom, and willing to see me & to hate me as a chief in the antagonist party, your presence will be to them what the vomit-grass is to the sick dog, a nostrum for producing ejaculation. look upon them exactly with that eye, and pity them as objects to whom you can administer only occasional ease. my character is not within their power. it is in the hands of my fellow citizens at large, and will be consigned to honor or infamy by the verdict of the republican mass of our country, according to what themselves will have seen, not what their enemies and mine shall have said. never therefore consider these puppies in politics as requiring any notice from you, & always shew that you are not afraid to leave my character to the umpirage of public opinion. look steadily to the pursuits which have carried you to Philadelphia, be very select in the society you attach yourself to. avoid taverns, drinkers, smokers & idlers & dissipated persons generally; for it is with such that broils & contentions arise, and you will find your path more easy and tranquil. the limits of my paper warn me that it is time for me to close with my affectionate Adieux.

TH: JEFFERSON

P.S. present me affectionately to mr Ogilvie, & in doing the same to mr Peale tell him I am writing with his polygraph & shall send him mine the first moment I have leisure enough to pack it.

DLC: Papers of Thomas Jefferson.

SOURCE PROJECT	Jefferson Papers
TITLE	From Thomas Jefferson to Thomas Jefferson Randolph, 24 November 1808
AUTHOR	Jefferson, Thomas
RECIPIENT	Randolph, Thomas Jefferson
DATE	24 November 1808
CITE AS	"From Thomas Jefferson to Thomas Jefferson Randolph, 24 November 1808," <i>Founders Online</i> , National Archives, https://founders.archives.gov/documents/Jefferson/99-01-02-9151 . [This is an Early Access document from The Papers of Thomas Jefferson. It is not an authoritative final version.]

The National Historical Publications and Records Commission (NHPRC) is part of the National Archives. Through its grants program, the NHPRC supports a wide range of activities to preserve, publish, and encourage the use of documentary sources, relating to the history of the United States, and research and development projects to bring historical records to the public.

Founders Online

[\[Back to normal view\]](#)

THOMAS JEFFERSON TO JOSEPH C. CABELL, 2 FEBRUARY 1816

To Joseph C. Cabell

Dear Sir

Monticello Feb. 2. 16.

Your favors of the 23^d & 24th ult. were a week coming to us. I instantly inclosed to you the deeds of Cap^t Miller; but I understand that the Post-master, having locked his mail before they got to the office, would not unlock it to give them a passage.

Having been prevented from retaining my collection of the acts & Journals of our legislature by the lumping manner in which the Committee of Congress chose to take my library, it may be useful to our public bodies to know what acts and journals I had, and where they can now have access to them. I therefore inclose you a copy of my catalogue which I pray you to deposit in the council office for public use. it is in the 18th & 24th chapters they will find what is interesting to them. the form of the catalogue has been much injured in the publication: for altho they have preserved my division into chapters, they have reduced the books in each chapter to Alphabetical order, instead of the Chronological or Analytical arrangements I had given them. you will see sketches of what were my arrangements at the heads of some of the chapters.¹

The bill on the obstructions in our navigable waters appears to me proper; as do also the amendments proposed. I think the state should reserve a right to the use of the waters for navigation, and that where an individual landholder impedes that use, he should remove the impediment, and leave the subject in as good a state as nature formed it. this I hold to be the true principle; and to this Col^o Green's amendments go. all I ask in my own case is that the legislature will not take from me my own works: I am ready to cut my dam in any place, and at any moment requisite, so as to remove that impediment if it be thought one² and to leave those interested to make the most of the natural circumstances of the place. but I hope they will never take from me my canal, made thro' the body of my own lands, at an expence of twenty thousand Dollars, and which is no impediment to the navigation of the river. I have permitted the riparian proprietors above (and they are not more than a dozen or twenty) to use it gratis, and shall not withdraw the permission unless they so use it as to obstruct too much the operations of my mills, of which there is some likelihood.

Doct^r Smith, you say, asks what is the best elementary book on the principles of government? none in the world equal to the Review of Montesquieu printed at Philadelphia a few years ago. it has the advantage too of being equally sound and corrective of the principles of Political economy: and all within the compass of a thin 8^{vo}. Chipman's and Priestley's Principles of government, & the Federalist are excellent in many respects, but for fundamental principles not comparable to the Review. I have no objections to the printing my letter to mr Carr, if it will promote the interests of science; altho' it was not written with a view to it's publication.

My letter of the 24th ult. conveyed to you the grounds of the two articles objected to in the College bill. your last presents one of them in a new point of view, that of the commencement of the Ward schools as likely to render the law unpopular to the county. it must be a very inconsiderate and rough process of execution that would do this. my idea of the mode of carrying it into execution would be this. declare the county ipso facto divided into wards, for the present by the boundaries of the militia captaincies: somebody attend the ordinary muster of each company, having first desired the Captain to call together a full one. there explain the object of the law to the people of the company, put to their vote whether they will have a school established, and the most central and convenient place for it; get them to meet & build a log school house, have a roll taken of the children who would attend it, and of those of them able to pay: these would probably be sufficient to support a common teacher, instructing gratis the few unable to pay. if there should be a deficiency, it would require too trifling a contribution from the county to be complained of; and especially as the whole county would participate, where necessary, in the same resource. should the company, by it's vote, decide that it would have no school, let them remain without one. the advantages of this proceeding would be that it would become the duty of the Wardens³ elected by the county to take an active part in pressing the introduction of schools, and to look out for tutors.⁴ If however it is intended that the State government shall take this business into it's own hands, and provide schools for every county,⁵ then by all means strike out this provision

of our bill. I would never wish that it⁶ should be placed on a worse footing than the rest of the state. but if it is beleived that these elementary schools will be better managed by the Governor & council, the Commissioners of the literary fund, or any other general authority of the government, than by the parents within each ward, it is a belief against all experience. try the principle one step further, and amend the bill so as to commit to the Governor & Council the management of all our farms, our mills, & merchants' stores. No, my friend, the way to have good and safe government, is not to trust it all to one; but to divide it among the many, distributing to every one exactly the functions he is competent to. let the National government be entrusted with the defence of the nation, and it's foreign & federal relations; the State governments with the civil rights, laws, police & administration of what concerns the state generally; the Counties with the local concerns of the counties; and each Ward direct the interests within itself.⁷ it is by dividing and subdividing these republics from the great National one down thro' all it's subordinations, until it ends in the administration of every man's farm and affairs by himself; by placing under every one what his own eye may superintend, that all will be done for the best. what has destroyed liberty and the rights of man in every government which has ever existed under the sun? the generalising & concentrating all cares and powers into one body, no matter whether of the Autocrats of Russia or France, or of the Aristocrats of a Venetian Senate. and I do believe that if the Almighty has not decreed that Man shall never be free, (and it is blasphemy to believe it) that the secret will be found to be in the making himself the depository of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence by a synthetical process, to higher & higher orders of functionaries, so as to trust fewer and fewer powers, in proportion as the trustees become more and more oligarchical. the elementary republics of the wards, the county republics, the State republics, and the republic of the Union, would form a gradation of authorities, standing each on the basis of law, holding every one it's delegated share of powers, and constituting truly a system of fundamental balances and checks for the government. where every man is a sharer in the direction of his ward-republic, or of some of the higher ones, and feels that he is a participator in the government of affairs not merely at an election, one day in the year, but every day; when there shall not be a man in the state who will not be a member of some one of it's councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte. how powerfully did we feel the energy of this organisation in the case of the Embargo? I felt the foundations of the government shaken under my feet by the New England townships. there was not an individual in their states whose body was not thrown, with all it's momentum, into action, and altho' the whole of the other states were known to be in favor of the measure, yet the organisation of this little selfish minority enabled it to overrule the Union. what could the unwieldy counties of the middle, the South and the West do? call a county meeting, and the drunken loungers at and about the Court houses would have collected, the distances being too great for the good people and the industrious generally to attend. the character of those who really met would have been the measure of the weight they would have had in the scale of public opinion. as Cato then concluded every speech with the words 'Carthago delenda est,' so do I every opinion with the injunction 'divide the counties into wards.' begin them only for a single purpose; they will soon shew for what others they are the best instruments.⁸ God bless you, and all our rulers, and give them the wisdom, as I am sure they have the will, to fortify us against the degeneracy of our government, and the concentration of all it's powers in the hands of the one, the few, the well-born or but the many.

Th: Jefferson

RC (ViU: TJP); addressed: "Joseph C. Cabell esquire Richmond"; franked; postmarked Milton, 4 Feb.; endorsed by Cabell. PoC (DLC). PoC of Tr (DLC: TJ Papers, 199:35492-3); extract entirely in TJ's hand; at head of text: "Extract of a letter from Th: Jefferson to Joseph C. Cabell esq. Feb. 2. 1816"; conjoined with PoC of Tr of TJ to John Adams, 28 Oct. 1813, and PoC of TJ's Notes on Popular Election of Juries, [ca. 2 Apr. 1816]; enclosed in TJ to Wilson Cary Nicholas, 2 Apr. 1816. Tr (ViU: TJP); extract by Nicholas P. Trist. Tr (Vi: RG 3, Governor's Office, Executive Papers); extract in Cabell's hand; at head of text: "Extract of a Letter from M^r Jefferson to a member of the Senate Feb: 2. 1816."

The **18TH & 24TH CHAPTERS** of the enclosed *Catalogue of U.S. Library* listed works on "Jurisprudence. Equity" and "Politics" respectively. The latter (p. 93) included one of the **SKETCHES OF WHAT WERE MY ARRANGEMENTS**, breaking the category down into "General Theories of Government" and "Special Governments, Antient" and "Modern," followed by sections on France, England, the United States, and "Political Oeconomy," with the last four broken down further still.

MY LETTER TO MR CARR: TJ to Peter Carr, 7 Sept. 1814. **CARTHAGO DELEND EST:** "Carthage must be destroyed" (see note to TJ to John Wayles Eppes, 11 Sept. 1813).

1. Vi Tr consists solely of this paragraph.
2. Preceding five words interlined.
3. In PoC TJ interlined "Aldermen" in place of this word.

4. PoC of Tr to this point consists of the following revision of this paragraph: "the proposition to give to the Visitors of our Albemarle College the power of dividing the county into wards, and of establishing a school in each was with a view to exhibit an example of that salutary measure. I expected that the Aldermen when elected by the county would declare it ipso facto divided into wards, for the present, by the boundaries of the militia Captaincies; that one of them would have attended a meeting of each company on a muster day, would have referred to their election the most eligible site for their school, would have engaged them to join force and build log houses for the school and dwelling of the master, would have taken a roll of the children who would attend, and of the parents able to pay, the unable alone being to be instructed gratis. such buildings, good enough at all times, would certainly have been sufficient, until there should be time and occasion for making a more regular designation of the wards, the variations of which might call for a change of site. the Aldermen would then have had to provide a schoolmaster for every ward, and to induct him." ViUTr begins with the opening sentence only of this revision and continues at this point.

5. Preceding six words not in ViU Tr.
6. PoC of Tr and ViU Tr substitute "our county" for this word.
7. PoC of Tr and ViU Tr delete the "and" at the beginning of this clause and here add "and each man manage his own farm and concerns."
8. PoC of Tr and ViU Tr end here.

Note: The annotations to this document, and any other modern editorial content, are copyright © Princeton University Press. All rights reserved.

SOURCE PROJECT	Jefferson Papers
TITLE	Thomas Jefferson to Joseph C. Cabell, 2 February 1816
AUTHOR	Jefferson, Thomas
RECIPIENT	Cabell, Joseph Carrington
DATE	2 February 1816
CITE AS	"Thomas Jefferson to Joseph C. Cabell, 2 February 1816," <i>Founders Online</i> , National Archives, https://founders.archives.gov/documents/Jefferson/03-09-02-0286 . [Original source: <i>The Papers of Thomas Jefferson</i> , Retirement Series, vol. 9, <i>September 1815 to April 1816</i> , ed. J. Jefferson Looney. Princeton: Princeton University Press, 2012, pp. 435–439.]

The National Historical Publications and Records Commission (NHPRC) is part of the National Archives. Through its grants program, the NHPRC supports a wide range of activities to preserve, publish, and encourage the use of documentary sources, relating to the history of the United States, and research and development projects to bring historical records to the public.

FROM THOMAS JEFFERSON TO HENRY LEE, 10 AUGUST 1824

SirMon^u Aug. 10. 24.

I have duly received your favor of the 14th and with it the prospectus of a newspaper which it covered. if the style and spirit of that should be maintained in the paper itself it will be truly worthy of the public patronage. as to myself it is many years since I have ceased to read but a single paper. I am no longer therefore a general subscriber for any other. yet to encourage the hopeful in the outset I have sometimes subscribed for the 1st year on the condition of being discontinued at the end of it, without further warning. I do the same now with pleasure for yours, and unwilling to have outstanding accounts which I am liable to forget I now inclose the price of the tri-weekly paper. I am no believer in the amalgamation of parties, nor do I consider it as either desirable or useful for the public; but only that, like religious differences, a difference in politics should never be permitted to enter into social intercourse, or to disturb its friendships, its charities or justice. in that form, they are censors of the conduct of each other, and useful watchmen for the public. men by their constitutions are naturally divided into two parties. 1. those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes. 2^{dly} those who identify themselves with the people, have confidence in them cherish and consider them as the most honest & safe, altho' not the most wise depository of the public interests. in every country these two parties exist, and in every one where they are free to think, speak, and write, they will declare themselves. call them therefore liberals and serviles, Jacobins and Ultras, whigs and tories, republicans and federalists, aristocrats and democrats or by whatever name you please; they are the same parties still and pursue the same object. the last appellation of artistocrats and democrats is the true one expressing the essence of all. a paper which shall be governed by the spirit of M^r Madison's celebrated report, of which you express in your prospectus so just and high an approbation, cannot be false to the rights of all classes. the grandfathers of the present generation of your family I knew well. they were friends and fellow laborers with me in the same cause and principle. their descendants cannot follow better guides. accept the assurance of my best wishes & respectful consideration.

TH: JEFFERSON

PP.

SOURCE PROJECT	Jefferson Papers
TITLE	From Thomas Jefferson to Henry Lee, 10 August 1824
AUTHOR	Jefferson, Thomas
RECIPIENT	Lee, Henry
DATE	10 August 1824
CITE AS	"From Thomas Jefferson to Henry Lee, 10 August 1824," <i>Founders Online</i> , National Archives, https://founders.archives.gov/documents/Jefferson/98-01-02-4451 . [This is an Early Access document from The Papers of Thomas Jefferson: Retirement Series. It is not an authoritative final version.]

The National Historical Publications and Records Commission (NHPRC) is part of the National Archives. Through its grants program, the NHPRC supports a wide range of activities to preserve, publish, and encourage the use of documentary sources, relating to the history of the United States, and research and development projects to bring historical records to the public.

JOSHUA
MITCHELL

AMERICAN
AWAKENING

Identity Politics and
Other Afflictions of Our Time

ENCOUNTER BOOKS



NEW YORK • LONDON



© 2020, 2022 by Joshua Mitchell

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of
Encounter Books, 900 Broadway, Suite 601,
New York, New York, 10003.

First American edition published in 2020 by Encounter Books,
an activity of Encounter for Culture and Education, Inc.,
a nonprofit, tax-exempt corporation.
Encounter Books website address: www.encounterbooks.com.

Manufactured in the United States and printed on
acid-free paper. The paper used in this publication meets
the minimum requirements of ANSI/NISO Z39.48—1992
(R 1997) (*Permanence of Paper*).

First paperback edition published in 2022.
Paperback edition ISBN: 978-1-64177-282-2

LIBRARY OF CONGRESS HAS CATALOGUED
THE HARDCOVER EDITION AS FOLLOWS

Names: Mitchell, Joshua, 1955- author.

Title: American awakening : identity politics and other afflictions
of our time / Joshua Mitchell.

Description: First American edition. | New York City : Encounter Books, 2020. |

Includes bibliographical references and index. |

Identifiers: LCCN 2020008204 (print) | LCCN 2020008205 (ebook) |

ISBN 9781641771306 (cloth) | ISBN 9781641771313 (epub) |

Subjects: LCSH: Identity politics—United States. | Political
culture—United States. | Religion and politics—United States.

Classification: LCC JK1764 .M57 2020 (print) | LCC JK1764 (ebook) |

DDC 306.20973—dc23

LC record available at <https://lcn.loc.gov/2020008204>

LC ebook record available at <https://lcn.loc.gov/2020008205>

1 2 3 4 5 6 7 8 9 20 22

Table of Contents

PREFACE TO THE PAPERBACK EDITION

xiii

PREFACE

xxix

PART ONE

Identity Politics: Transgression and Innocence

2

PART TWO

Bipolarity and Addiction: Further Obstacles to the Retrieval of Liberal Competence

134

CONCLUSION

Patient and Unending Labor

188

EPILOGUE

American Awakening: Wuhan Flu Edition

228

ACKNOWLEDGMENTS

241

INDEX

243

Preface to the Paperback Edition

§1. The seemingly novel developments of the last several years have not taken me by surprise. When I completed *American Awakening* in May 2020, the national election was still five months into the future, and the stringent measures ostensibly instituted to hold the Wuhan Flu at bay had just been implemented. I thought then that a Democratic Party victory in November 2020 would *promise* the American electorate a return to normal politics, but in fact would operate on the basis of what, in *American Awakening*, I called the politics of innocence and transgression; and that if Joe Biden became the Democratic Party nominee, in order to demonstrate that he was the right-kind-of-white-man, he would double-down on this sort of politics. The veneer of moderation, of adult politics, would not long conceal the inner logic of identity politics, according to which white heterosexual men—the current prime transgressors in the identity politics dystopian moral economy—must adopt *every* species of political madness offered up by identity politics or suffer social death. That has indeed come to pass in the Biden Administration, leaving the Democratic Party in a position from which it is hard to imagine it can recover in the near future. To argue against identity politics in the Democratic Party today is to invite the charge of being “racist,” “misogynist,” “homophobic,” “transphobic,” etc. Comply or be expunged. Who, within the Democratic Party, might be capable of turning it from its present, self-destructive and nation-destroying, course?

§2. One group might be members of the 1960s left who have, over the course of the intervening decades, retained their commitment to ad-

addressing race in America, to defending the middle class, and to warning about the unreasonable use of U.S. military power abroad. All good ideas. Alas, members of this group have fallen into two categories: those who naively think the Democratic Party has *not* defected from the path it walked in the 1960s; and those who are well aware that it has, but who are frightened to speak up for fear of being scapegoated and purged. Neither of these contingents from the 1960s left will likely alter the current state of things.

§3. The second group, some of whose members should be counted among the 1960s left, are black Americans who, as I have argued elsewhere, have the necessary moral authority in America today to put an end to identity politics with a single declaration. Identity politics parishioners use the wound of black America to go further—to women’s rights, gay and lesbian rights, and more recently, transgender rights. In a world oriented by liberal pluralism, these groups can and will make their claims. A liberal society will respond soberly but generously that exceptions to the rule are not ruled out. In a word, a liberal society will, within bounds, be a tolerant society. Identity politics does not operate according to this liberal paradigm. From its defenders, we hear of the pressing need for “diversity,” and are perhaps seduced into thinking that diversity is contiguous with earlier liberal ideals. It is not. Identity politics proceeds on the basis of the illiberal claim that the exception *is the rule*. To make room for the transgendered, for example, identity politics parishioners claim that those who believe that “man” and “woman” are natural categories, that sex matters, must be regarded as guilty of a thought crime, of *heteronormativity*, and therefore must be purged. This is anti-liberal lunacy. How far we have come since the 1960s. Then, the Reverend Martin Luther King argued that the state could appropriately *supplement* the vibrant and necessary mediating institutions of family and church, but not be a substitute for them. In the world identity politics constructs, however, the world where transgenderism is not

the exception but rather the rule, the family that Reverend King had in mind—the generative family of a man and a woman—would today be charged with the thought crime of heteronormativity; and the church he had in mind—the patriarchal Christian Church—would be charged with being homophobic. Is this really where the civil rights movement takes us? Can it really be the case that the latest identity politics cause of transgenderism, whose adherents today dare claim the mantel of black America, should require that we ostracize and purge the very institutions that black America, indeed all Americans, needs to thrive? Black America endorses those institutions, in their historically inherited form, by a sizable margin. Yet black America under the tutelage of the Democratic Party that today promulgates identity politics must do as it did under the Democratic Party in the 1950s, namely, go to the back of the (figurative) bus, as more important riders take the front seats—first feminists, then gays and lesbians, and now the transgendered. Organized segregation was once visible. Today it is invisible. If you are black in America today, and want to live without fear of cancelation, you *must* support the social movements that came after yours and which trade on your wound. If you do not, the Democratic Party and the Institutions of Higher Stupification that inflame it—our colleges and universities—will ostracize you. Do you doubt this? Peruse the course catalogs of Black Studies Programs around the country; look at recent hiring; seek to discover the direction these programs intend to take. You will learn that not an insignificant number of these programs have courses on feminism, gays and lesbians, and transgenderism. Black Studies Programs were instituted a half-century ago with a view to redressing the unbalanced account of American history, and for that, they would have been a valuable and necessary undertaking. Today, they seem to have another purpose: to demonstrate, through curriculum and pedagogy, solidarity with causes that a vast majority of black Americans think have no right to draw their moral authority from the historical wound black America endured. Elite blacks *must*

support these causes. Asked in her Senate confirmation testimony what the definition of a woman is, Harvard-trained black Supreme Court woman nominee Judge Ketanji Brown Jackson said she does not know. We should not be surprised. Black America has the moral authority to begin to cure our country from the identity politics madness that consumes us like a plague. But if they wish not to be cast into the pit with the rest of the irredeemables, both black and white, elite blacks who should be at the forefront of the effort to heal our country are instead compelled to accept a terrible bargain with the defenders of identity politics. Instead of challenging identity politics, instead of declaring with a firm and unwavering voice, “No, your cause may not invoke our wound,” they are the very agents who permit and authorize identity politics to invoke ever-new victim groups, whose interests are increasingly anathema to those of black America. No small part of *American Awakening* chronicles the respect in which identity politics betrays black America. Here is but another sickening example. Defenders of identity politics are quick to call out so-called *cultural* appropriation; but without compunction, they support ever more marginal causes, whose moral authority rests on *wound* appropriation.

§4. I gave some consideration in the first edition to the inability of the conservative movement to comprehend, let alone push back against, identity politics. Identity politics I characterized as a deformation of Christianity and, more provocatively, as a deformation of the Reformation Christianity of our Puritan originaries. I suggested that free market conservatives who defend the American regime understood debt in terms of the ledger book of monetary payment, and that cultural conservatives who defended the American regime understood debt in terms of what we owe to the tradition of our forefathers. Identity politics, I suggested, attends to what I called spiritual debt, which is akin to the deep *internal* debt Christians call original sin. Call it spiritual debt, call it something else, but whatever we call

it, we should understand that one of the reasons why conservatives do not understand identity politics is that they understand the first two kinds of debt, but not the third. Speaking generally, the default account from both sorts of conservatives is that identity politics is a further outworking of cultural Marxism, whose long march through our institutions they have long fought. How convenient if that were the case, for no additional work would need to be undertaken to understand identity politics; and critics could continue to bemoan the ongoing losses on the various battle fronts of the culture wars. Alas, identity politics has required no long march through our institutions. It has been met with no resistance—indeed, it has been welcomed—as Marxism never was. Cultural Marxism has been working away at American institutions for three-quarters of a century; identity politics has taken only a few years to penetrate those same institutions. Tocqueville’s framework, so often invoked in *American Awakening*, helps us understanding the bigger picture. In his last great work, *The Old Regime and the French Revolution*, Tocqueville called the French Revolution an “incomplete religion,” by which he meant that it less destroyed Christianity than replaced it with fragments of Christianity. “Liberty, equality, fraternity”—were these not the promise of a post-lapsarian order, complete with a new calendar, and without the social stratification that sinful human societies always produce? The French Revolution: the brotherhood of saints, without God the Father. Marxists, no less contemptuous of Christianity than the French Revolutionaries, also promulgated an incomplete religion. Because of the productivity unleashed by cruel capitalism, man, cast out of the Edenic splendor of primitive communism, stands now on the threshold of ending his long labor amid the thorns of creation to secure his daily bread. When Christianity falters, one or another incomplete religion will step in to fill the vacuum. You do not get religion-free secularism after Christianity falters, you get distorted, fragmentary, remnants of Christianity, which, like secularism, purport to have transcended Christianity, yet whose revolutionary fer-

vor disrupts rather than contributes to the tranquility that defenders of secularism claim emerges once Christianity no longer reigns in the souls of men.

§5. The conservative movement in America has focused a great deal of attention on the first two incomplete religions. Indeed, from its beginning to the present day, they have been its target. On the one hand, we see the stringent defense of “tradition” against the equalizing tendencies of French Revolution and of Progressivism—that American movement also dedicated to the destruction of mediating institutions. On the other hand, we see what was, before 1989, a counterbalancing libertarian contingent, hostile to Marx’s vision and thoroughly modern, which hallowed Smith and Hayek and the “free markets” they thought important supports for liberty. I do not say anything new here by noting that the current reconfiguration happening within the conservative movement has involved the rise of the traditionalists and the fall of the libertarians—which is to say the rise of those whose fight is with the first incomplete religion, and the fall of those whose fight is with the second incomplete religion. Those in the former camp have found renewed confidence, after decades in which the *free market veto*, to use my friend Yoram Hazony’s memorable phrase, prevailed against them. This shift has satisfied a long-suppressed contingent of the conservative movement, but it will not in the least help conservatives understand the *third* incomplete religion that is now upon us, the incomplete religion of identity politics. Today, America faces a far greater challenge, its gravest to date. Conservatives who have battled the first two incomplete religions of the French Revolution and Marxism have little understanding of what is now upon them. They employ their old weapons. They declare we are facing an outbreak of cultural Marxism. Their weapons are useless against this new enemy. This new enemy has captivated one portion of America by its promise of a spiritually purified world, at which it will arrive by finally solving the problem of spiritu-

al debt—the unpayable debt owed by the white heterosexual male to everyone else, against whom he has perennially transgressed. Free market conservatives and cultural conservatives *do* talk about debt, as I have said; but to parishioners in the church of identity politics, what they offer seems hopelessly superficial, even childish. “Do you not see that the problem of debt is deeper than you imagine—that free markets and your hallowed traditions *are themselves stained* and deplorable,” they say. The insight that identity politics is, in fact, a third incomplete religion to emerge since the French Revolution helps us understand why conservatives do not understand identity politics, and do not know how to defend themselves against it.

§6. Along what lines *can* conservatives push back? On theological grounds. More precisely, on the basis of the theological observation that identity politics is a deformation of the Christian insight that a scapegoat does indeed take away the sins of the world, and the warning that there will be no end to trouble if that scapegoat is mortal rather than Divine. In the *vertical* relationship of innocence and transgression proffered by Christianity, Christ alone is the innocent victim, and all of mankind is guilty. In the *horizontal* relationship of innocence and transgression that identity politics offers, the white heterosexual male is the transgressor, and all those who are *not* him are the innocent voiceless victims—hence the insidious phrase, “people of color” (POC), which ignores the historical antipathies chronicled by the barbarism, wars, and mutual enslavement perpetuated among “colored” peoples, and which supposes instead a unity among them by virtue of their common aggrievement from against Whiteness. Whiteness is the original sin in comparison to which their never-ending violence toward one another is rendered invisible. Alas, conservatives are embarrassed by talk of original sin, and as a consequence have no way to respond to the various fictions that identity politics sets forth. Original sin is, let us face it, too much of a Reformation trope. That is why conservatives will continue to

write and talk about free markets and tradition, and make no headway against identity politics. I do not say that America must become a nation of Reformation Christians to overturn identity politics. That would be illiberal. But I do say that parishioners in the church of identity politics who are *currently* captivated by the idea of irredeemable stain will only find what they are really looking for—a deep account of sin—in Reformed theology, however enfeebled it may be, and unable to deliver such an account at the moment. While this conclusion may seem to be quite a departure from what I wrote in the first edition, it follows from the claim I made in Part One, §23. If a social pathology emerges from a deformation of religion, that pathology does not heal without a return to healthy religion. There are no secular solutions to religious problems—or more precisely, the relationship between the two is not as we imagine.

§7. In Part I, §§59–63, I suggested that the liberal politics of competence, of the American sort that the conservative movement has heretofore defended, is not possible without the solution to the problem of the scapegoat that Christianity offers. That is because if we wish to build a liberal world together, a world of competence, we cannot continuously gaze upon at each other, and at the “group identity” that purportedly predestines us to be pure or stained, as possible objects of cathartic rage. Another way to put this would be that a *secular* liberal society is, in fact, precisely a society in which the Christian understanding of the scapegoat *has won*, and has receded into the background of public life without wholly disappearing.

§8. This may seem like arcane theoretical wandering, but it is not. Almost all conservative defenders of liberalism in the academic world proceed on the basis of the claim that liberalism *is* secular, and that religion is but a private *preference* or, perhaps more strongly, a private *value*. Holding fast to this impoverished view, and unable to understand that, like Christianity, identity politics is also concerned with

irredeemable stain and the scapegoat who takes away the sins of the world, these defenders can defend neither liberalism nor themselves against the indictments that identity politics levels. Responding to this impotence, a growing chorus of young conservatives, too many of whom are unable to secure positions within the academy because of identity politics hiring practices, have become disgusted with the failure of the old guard to repel the assault. They ponder and plot a new path, toward an *anti-liberal order*, in which a pre-liberal form of Christianity arrests our civilizational decay, guiding and informing it at every level, assisted by the enforcing power of the state. Roman Catholic integralism is currently the leading contender.

§9. There is more. In our mixed-up world, another quite different path is also being explored, within and without the academy, namely the one cleared by Nietzsche. By this, I mean the path I illuminated in Part One, §58, the path of *forgetting*. Can we really be surprised by this development? When young men are told they are irredeemably stained, that they have a debt they cannot pay, sooner or later they will stumble upon Nietzsche, who declared that we can have a tomorrow only through forgetting. So here we are: liberal competence requires that the scapegoat problem be solved—and not in the way identity politics proposes. For liberal competence to prevail, a Divine scapegoat who takes away the sins of the world is needed. Defenders of liberalism, insistent that liberalism is a secular project, have no place in their conceptual armory for the Christian understanding of the scapegoat or for the identity politics deformation of it. As a consequence, they have no understanding that the former makes possible the liberal politics of competence, while the later will destroy it. Young conservatives see the feebleness of these secular defenders of liberalism, and are opting for pre-modern Roman Catholic integralism or post-modern Nietzscheanism. The one rejects the radical notion of sin that inheres in identity politics, and adopts, instead, the semi-Pelagianism of the Roman Catholic Church; the other rejects

the radical notion of sin that inheres in Reformation theology and in identity politics, and casts off the idea of sin altogether. No one can predict how the current confusion will be resolved or further jumbled, or how many rounds this brawl will go. Three groups of contenders for the soul of the West are in the ring: Roman Catholic integralists; secular liberal heirs of the Reformation and the latter's religiously deformed children, the identity politics New Elect; and Nietzscheans, who are sickened by guilt in all of its forms, and wish to start over. We will see whether a fourth group—Reformation thinkers who understand and can defend the theological precondition for liberalism, as WASPs once did—make an appearance. When I wrote *American Awakening*, I was concerned that conservatives did not understand, and could not fight back against, identity politics. Now I am concerned that their response to it may involve an endorsement of anti-liberal, pre-modern or post-modern politics.

§10. An author has the opportunity in hindsight to form new judgments about which portion of what he has written may be most attended to in the future. My conclusion now is that the portion of *American Awakening* pertaining to identity politics will have a shorter shelf life than the portion concerned with the problem of substitutism. Substitutism is that malady which arises as a result of man's perennial search for shortcuts (see Conclusion, §§91–98). On his watch, supplements to our difficult labors are turned into substitutes for them. The instances I considered in the first edition of *American Awakening* were varied and seemingly unrelated. If I had seen things a bit more clearly at the time, I would have added an obvious instance of substitutism that we see all around us every day, namely, that pets have become a substitute for children rather than a supplement to them. But here, I want to move away from the whimsical to the serious, and consider a recent development of substitutism that is as pernicious and it is emblematic of the disease, namely, the hype around the Metaverse, the purported full extension of digi-verse

that social media only begins to reveal. A better case study of substitutism—which is to say a more delusional one—I can hardly imagine. To review terrain covered in *American Awakening*, Part Two, §82, social media *can* supplement our existing friendships; it can be a stimulant, which helps us keep *in touch* with old friends when we are not able to confirm, through a handshake, a pat on the back, or an embrace, that we are indeed friends. We feel the presence of our friends through this supplement; but the supplement by itself, without the preexisting competence of friendship, cannot *produce* the feeling of presence. That is why we are comfortable having Skype or Zoom calls with friends and family members who are far away, but not with strangers. I use the word “presence” because it is a term on the minds of many of our Tech Elect these days. Facebook has changed its name to Meta, and Mark Zuckerberg and his “metamates,” formerly known as his “employees,” are betting that the future lies in the metaverse, a digital platform that, he acknowledges, can *only* work if it is able to deliver the experience of “presence.” Today, billions of dollars are being spent on this project, by Meta and other digital media companies, with a view to building a Tower of Babel with digital high-tech bricks (Gen 11:3–4) that will lift us altogether beyond the need for actual competence. They want to re-create the presence we feel through the social media supplement to friendship, but in the form of a substitute for the hard and patient labor—on the playground, in school, after school, in our families, in our churches and synagogues, in our civic groups, and in and through our local political affiliations—that friendship takes to develop and flourish. The mediating institutions through which we form friendship need no longer trouble us, they proclaim. The age of lived competence has now passed. Friendship once had to be formed in institutional settings where noise and signal could not be disentangled, where filth and festering wounds were always near. Places; always places—places of institutional and bodily *regeneration*, where man and women were *sexed*, not *gendered*; places where we must labor, by the sweat of our

brow, to develop competence, or die. The metaverse will relieve us of a double burden: the burden of long labor in a place, and the burden of the transgressions that attended those labors. Digital substitutism will solve the theodicy problem that embodied life found intractable. This prideful delusion is a violation of the very order of things. When supplements are turned into substitutes, they make us ill. The competences we develop can be supplemented, but there is no substitute for them. Early forays into the metaverse *have* yielded the “high” that has been promised, the addictive release from the burdens of mortal life; but it has also yielded the “lows,” like virtual rape, virtual violence, verbal cruelty, etc., in short, *all* the horrible things that the world offers, but now without the competences we learn through our mediating institutions that alone can attenuate those horrors. Just as the “highs” of opioid addiction *go with* the “lows” when drugs become substitutes rather than mere supplements, so, too, the metaverse will bring soul-crushing lows if it becomes a substitute for competences we can only develop through our mediating institutions. In the metaverse, rape, violence, and cruelty *seem* to be ruled out because we have purportedly left behind the world of filth and festering wounds where that sort of thing *does* happen. In truth, the only way to attenuate rape, violence, and cruelty is to develop the competences that humanize man. To put the matter in terms of recent events (using the example I gave in Part Two, §86): You do not get rid of Harvey-Weinstein-toxic-masculinity by *purging* masculinity, by building a de-sexed digital alternative; you do it by assuring that *healthier* versions of masculinity are around to quash pernicious versions—something every man either did learn or should have learned in his youth on the playground. It is healthy *men* who keep *unhealthy* men in check. Those healthy men are formed through the competences we develop in our mediating institutions. If we were to formulate this problem in terms of evolutionary biology, we would say that mediating institutions humanize the primitive, reptilian impulses in man. The metaverse *promises* transhuman man, but in bypassing the

competences that humanizes the reptile in us all, the *twofold* result will be the “high” of transhumanism and the “low” of prehuman barbarism. That is what happens when supplements are turned into substitutes. There are no shortcuts. Alas, everywhere we look, we and our fellow citizens are trying to find them, and stumbling as we go, over the terrible cost associated with the drug-like “highs” that attends them. The competence called friendship forms locally, in mediating institutions. Extend the range, the “presence,” of friendship with social media, and *eureka*, our friendships seem to have no limits. That is only the half of it, however; the other half is that if we lose sight of the competence we call friendship, a loneliness that digital substitutism causes and cannot cure will become a central feature of our life, as it has throughout America. Like a crashing opioid addict, our Tech Elect seek now to give us the ultimate drug, to lift us from the stupor of loneliness to which their corporations have contributed immensely. The Metaverse—the “high” that never lets you down. This will not end well. Unlike identity politics, the pathology of which our fellow citizens are recognizing with ever-greater clarity with each passing day, substitutism is not really yet understood as a comprehensive problem. Indeed, I have struggled to find an adequate name for it. What appears before us today is a vast and seemingly unrelated set of temptations whose danger lies in their undeliverable promise of a shortcut that bypasses life’s difficult labors. For the moment, we see only the promise. A clear understanding of the danger lies off in the distance. I suspect that everyday life will look very different than it does today after we determine how to protect ourselves from it. The image of a drug addict returning to a life of sobriety gives some indication of the magnitude of the change that will be needed.

§II. A few words, finally, about Wuhan Flu, the subject of the Epilogue. The initial confusion about what to name the pandemic provided evidence that what would follow would involve more than

medical science. One of the suppositions held by many who have fought in the culture wars over the last three decades has been that although the humanities might fall, the hard sciences would never succumb. The advance could proceed only so far. Although hinterland skirmishes might be lost, the home terrain—the hard sciences—were fortified or self-protecting. The claim made in *American Awakening* is that identity politics turns *every* domain of human life into a venue for innocence-signaling. Absent the once-and-for-all-time Divine scapegoat who takes away the sins of the world, every domain of human life becomes a battleground for establishing wherein stain and purity lie. Identity politics does not stop with the humanities; it comes for the sciences, too (see Conclusion, §94). The “fact-value” distinction, so often invoked to delineate the humanities from the hard sciences, did not—cannot—save us. In fairness to the World Health Organization (WHO), the outbreak of the recent pandemic was not the first occasion for its defection from its scientific mission. An extract from a May 2015 WHO memo reveals that the identity politics mindset had been established years before. It reads:

In recent years, several new human infectious diseases have emerged. The use of names such as ‘swine flu’ and ‘Middle East Respiratory Syndrome’ has had unintended negative impacts by stigmatizing certain communities or economic sectors.... This may seem like a trivial issue to some, but disease names really do matter to the people who are directly affected. We’ve seen certain disease names provoke a backlash against members of particular religious or ethnic communities, create unjustified barriers to travel, commerce and trade, and trigger needless slaughtering of food animals. This can have serious consequences for peoples’ lives and livelihoods.

Is this hard science or identity politics platitudes about innocent victimhood? History will establish if the virus now officially named COVID-19 is traceable to a laboratory in Wuhan, China, in which case the designation “Wuhan Flu” *will be* appropriate, because it will contain pertinent political information obscured by the designation “COVID 19,” and because if there is guilt, it ought to be located, addressed, and remembered by history. Irrespective of history’s judgment, this episode in virus-naming reveals that the hard sciences are being penetrated by identity politics. Is it any wonder, then, that more than half of our fellow citizens hear sentences that begin with, “The science says,” and become suspicious? They have had their doubts about so-called “clean energy” science and its war on “dirty” fossil fuels for some time. “Clean” and “dirty” are not scientific variables; they are religious descriptors. The global pandemic further eroded the trust of our fellow citizens in the hard sciences. And now, not to be outdone, Departments of Physics, Chemistry, Biology, Mathematics, and Astronomy in almost all of our colleges and universities are scurrying around trying to purge the “Whiteness” that inheres in their scientific disciplines, and which *must* be the cause of the disproportionate representation of peoples of European and Anglo-American descent. All together, these developments are accelerating public distrust in the hard sciences. Identity politics parishioners dismiss these concerns as the rantings of anti-science irredeemables. They do not understand the catastrophe that is already underway. The hard sciences, one of the great jewels in the crown of Western civilization, are not going to be destroyed by hordes of deplorables who ride in from fly-over country on their Silverado, F-150, and Ram steeds of iron. They are going to be destroyed by the scientists within, who have become fixated on the identity politics categories of purity and stain, which tempt them into thinking—most unscientifically—that the world is divided into The Elect and the reprobate, and that they are clearly the former. In such a world, truth succumbs to the dogmas the incomplete religion

of the moment establishes. The record of the fate of the sciences under Marxism in the twentieth century, the second incomplete religion, is well documented. Today, a third incomplete religion is upon us, and we can anticipate that historians of science will look back at the early twenty-first century with incredulity and disgust.

Preface

If humanism were right in declaring that man is born to be happy, he would not be born to die. Since his body is doomed to die, his task on earth evidently must be of a more spiritual nature.¹

§1. This book is about three separable but ultimately related ailments from which we suffer immensely in America today: identity politics, bipolarity, and addiction. Should these three ailments be gathered together in one book? I think they should be, because although identity politics is the more immediate threat, our republic cannot be healthy if we do not also understand and address bipolarity and addiction. The latter two are generally treated as behind-the-scenes psychological or physiological problems about which only trained experts are authorized to write. I have no such authorization. I write as a political philosopher, attentive to what the great authors of the West have written about the human condition; and I write as an observer of, and in, our times. Because of my training, I will consider both bipolarity and addiction in an unorthodox, and I hope, more capacious way than our psychologists and medical experts generally allow. I will look at bipolarity and addiction as existential, political, social, and theological issues that the pharmacology recommended by experts cannot cure. All this, in due course. First, I will make a few observations about identity politics, to give some sense of its contours and of the danger that it poses. Unlike bipolarity and addiction, which seem to belong to our

1. Alexandr Solzhenitsyn, “A World Split Apart” (commencement address, Harvard University, Cambridge, MA, June 8, 1978), <https://www.solzhenitsyncenter.org/a-world-split-apart>.

quiet private affairs, identity politics is a very loud public affair. Moreover, it is a loud public affair that is making constructive public life increasingly difficult if not impossible. That is why more than half of *American Awakening* is concerned with this affliction. To wrestle with the quiet, seemingly private problems we face, we must first take care of the loud public problem. To start our longer journey to recovery, let us start with what is right in front of our nose.

§2. By so many measures, life is getting better all the time. There have been no global wars in the last seven decades. Standards of living have increased nearly everywhere, well beyond anything imaginable at the end of World War II. Many diseases have been eradicated. Starvation is rarer. Drinking water is more readily available. Housing stock has multiplied and modern conveniences have grown exponentially. Travel by every means is safer. International communication is instantaneous and inexpensive. The computing power of a common smartphone exceeds the computing power the astronauts of Apollo 11 had at their disposal during the first manned landing on the moon in 1969.

§3. Alongside the visible material economy that has made these improvements possible lies another economy that is also concerned with weighing and measuring. In this economy, however, we do not weigh and measure empirical things like money, time, and materials. Rather, we seek to measure *transgression and innocence*—sometimes with a view to the mystery that no balance of payment between them is possible, and sometimes with a view to the demand that all accounts be settled. I will say more about both of these views in a moment. For now, I will say that this invisible economy is uncorrelated with the economic advances we make and, therefore, with the happiness and well-being that is supposed to be ours. Strangely enough, this invisible economy also seems to obtrude all the more as our standard of living increases. Perhaps this is because when we attempt to build a world in which the only things we weigh and measure are money, time, and materials, we

momentarily deceive ourselves that this is the only economy in which we are involved. Then, because we can never escape its primordial tug, the invisible economy concerned with weighing and measuring transgression and innocence disrupts and mocks the well-measured world of money, time, and materials that we have constructed and demands our full attention. Alexis de Tocqueville, the great author of *Democracy in America*, seemed to think this twofold economy was always going to haunt us. In 1840, he wrote:

The soul has needs that must be satisfied. Whatever pains are taken to distract it from itself, it soon grows bored, restless, and anxious amid the pleasures of the senses. If ever the thoughts of the great majority of mankind came to be concentrated solely on the search for material blessings, one can anticipate that there would be a colossal reaction in the souls of men. They would distractedly launch out into the world of spirits for fear of being held too tightly bound by the body's fetters.²

In the United States, material prosperity was measured and loved more than anywhere else at that time. Because this was the case, there would be periodic and enthusiastic irruptions of the invisible economy. Religious enthusiasm—here understood as the acute awareness of our transgressions, and the frenetic search for the cover of innocence—goes with material opulence. From the vantage point of the material world, as many economists remind us, we should be happier by the day. But because the economy to which they point is not the only one in which we live, we are not happier. Man: the material being who knows the material world is not the only measure of who he is. Furnished with material advances that lift him to unimaginable heights, and haunted by unpaid or unpayable debt from his transgressions, which draw him into wretched darkness from which he cannot escape—that is man.

2. Alexis de Tocqueville, pt. 2, chap. 12 in *Democracy in America*, vol. 2, ed. J. P. Mayer (New York: Harper & Row, 1969), 535.

§4. The twofold economy of ours, the one visible and the other invisible, is quite clearly on display these days, if we know where to look. I mentioned a moment ago that sometimes the invisible economy is understood in light of the mystery that no balance of payment is possible, and sometimes in the light of the belief that a full account can be given and the demand that all accounts be settled. The former understanding is inscribed into Christianity, and the latter is the viewpoint of identity politics. Consider the former first. A mass shooting occurs somewhere in America. Christians offer up their “thoughts and prayers.” They do this because they understand that in the invisible spiritual economy, prayers for the deceased innocents are heard by God—and not just prayers for the recently dead but for the dead of ages past. That is why in the invisible spiritual economy, prayers for the recently deceased are as efficacious as are prayers for African slaves who died on their way to, or on, American soil hundreds of years ago. For those oriented only by the material economy, this is senseless gibberish. A transgression has occurred, and it must be paid for—say, by changing gun laws or, if it were 1865 and we could actually count the cost, by making reparations for slavery. Material suffering requires a material recompense. The balance of payments in the visible economy must be observed. In the invisible spiritual economy, on the contrary, payments never quite balance—at least not in our lifetimes. The innocent suffer, and we do not know why. Good people die, and bad people live. Christian prayer begins and ends with the incontrovertible fact of the imbalance of payments. Innocent people were gunned down. Where were the scales of justice? Innocent slaves died wretched deaths. Where were the scales of justice? The material economy promises much, but because of the incontrovertible fact of the imbalance of payments, the invisible spiritual economy can never be superserved by the visible economy. Money, time, and materials render a portion of our life visibly coherent and manageable, but not all of it. The justice of payment alone does not fully comprehend the world; uncompensated suffering and mercy, too, have their place on the in-

visible balance sheet of life that only God understands. So declares the Christian. We live within two economies. The one involves payments made and payments received; the other involves something deeper and more impenetrable—an economy within which we are to prayerfully abide, but which we cannot alter. The betrayal of Christ by Judas in the Gospel of Matthew illuminates the collision between these two economies. Judas, the treasurer for the disciples, the one who weighs and measures in the visible economy, is incensed that expensive ointment has been poured out on Jesus's head. The ointment could have been sold, and the proceeds given to the poor. Jesus replies: "The poor will always be with you"—which is to say there is an invisible economy in which the scales of justice do not balance in the way that Judas wants them to. Concluding that Jesus is not the revolutionary Judas had expected Him to be, he betrays Jesus for silver coin, which he presumably wants to use to help balance the scales of justice in the visible economy.³ For the Christian, man, try as he may, cannot resolve the imbalance of payments in the invisible economy. Only God can; and He will not do so until the end of history. A no less remarkable distinction between the two economies occurs at the beginning of the Gospel of Luke: "And it came to pass in those days, that there went out a decree from Caesar Augustus that *all the world* should be taxed."⁴ Joseph and Mary go to Bethlehem to be counted and taxed—to be included in the bookkeeping of payments that "the world" records. The birth of Jesus does not happen at the Inn, however, but rather in a sheltering place for animals—probably a cave—where Mary lays Him in an animal food trough (a manger).⁵ Jesus is invisible to the world that payment records; He comes to give relief in the other economy that is beyond price, the economy that man cannot control.

3. The entire scene plays out in Matt. 26:7–15. Doubt is cast on Judas's deeper motive in John 12:6, where it is suggested that he is a thief.

4. Luke 2:1 (emphasis added).

5. See Luke 2:7.

§5. Identity politics is also concerned with the invisible spiritual economy that dwells alongside the visible economy. Much has been written about identity politics, but little of it comprehends identity politics as an attempted exposition, distorted though it may be, of the mysterious invisible economy that we cannot escape. Identity politics comprehends this invisible economy in terms of a relationship between transgression and innocence, between purportedly monovalent groups—white, heterosexual men, on the one hand; and blacks, women, persons who identify as LGBTQ, and persons who identify with still other identity groups, on the other. These groups are, of course, visible. This makes the calculus complicated. Identity politics is concerned with the invisible economy of transgression and innocence, but seeks to understand that invisible economy in terms of the relationship between visible groups. In the world that identity politics constructs, for example, it is axiomatic that the “systemic racism” of one visible group toward another runs so deep that it cannot even be measured. Although it is invisible, it is real. On the one hand, therefore, we are asked to ignore the visible economic relations between members of visible groups when, say, white, heterosexual men are considerably poorer than members of groups that identity politics declares to be among the innocents. On the other hand, when the economic relations are reversed, and white, heterosexual men are the economically wealthier group, identity politics declares that the deeper cause of the visible imbalance is the systemic racism in the invisible economy of transgression and innocence in which both groups are involved. Identity politics *always* maintains the purity of those it considers innocents and the stain of those it considers transgressors, regardless of any visible evidence to the contrary. White, heterosexual men, who are “the least among us,”⁶ are therefore invisible within the world identity politics constructs. That is why the devastation of the opioid crisis among whites in

6. Luke 9:48 and Matt. 25:40.

America has not captured the attention of those who live within the world identity politics constructs, and why Hillary Clinton ignored or castigated a vast swath of the American electorate and lost the 2016 presidential election. Adherents of identity politics are untroubled by the necessity of oscillating back and forth between ignoring the visible evidence, in the case of poorer white, heterosexual men, and singularly fixing on it, in the case of richer white, heterosexual men. In the world identity politics constructs, the visible economy either tells us nothing or is invested with a significance that the visible facts do not warrant. That is one of the consequences of attempting to render an invisible economy of transgression and innocence in terms of the relationships between visible groups. White, heterosexual men are either invisible or they are the hidden cause of every visible transgression in the world. The Democratic Party cannot win national elections if its candidates continue to think this way.

§6. This paradox and its political implications aside, the identity politics fixation on the invisible spiritual economy has not received the attention it deserves. The predominant account of identity politics today treats identity as if it pertains to differing *kinds* of people. This sort of analysis misses much. It has been long understood—as early as the 1830s, when Tocqueville wrote about it—that as we become more disconnected and our lives get smaller in the democratic age, the temptation to make distinctions between others and ourselves grows. When we are lost in the lonely crowd, we look for ways to distinguish ourselves. Our imagination wanders, and our pride demands more than numbing anonymity. Surely, we are more than a flickering soliloquy that emerges out of nothing and returns to the dust. To escape this fate, is it any wonder that so many Americans today turn to genetic-testing services like 23andMe in the hope of discovering who they really are? We do not want anonymity; we want to be somebody. Services like 23andMe tells us who we are. We are a little of this *kind* and a little of that *kind*.

§7. This need to have something that defines us and distinguishes us from the crowd is an important development, and certainly contributes to the fracturing of our politics. Loneliness and anonymity, however, are not the only reasons for the popularity of services like 23andMe. In addition to telling us about the larger kind of which we are an instance, we also want the assurance that some marker of our inheritance provides immutable proof that in the invisible economy from which we cannot escape, we can be counted among the innocents rather than among the transgressors.⁷ The need, so amply documented since the 1960s, to stand out from the lonely crowd,⁸ to express our individuality, is today intermixed with—if not eclipsed by—another need: the need to be counted as a member of an innocent group within the invisible economy of transgression and innocence on which identity politics fixes. Identity politics is not about who we are as individuals; it is about the stain and purity associated with who we are as members of a group.

§8. Identity politics is not satisfied with the Christian account that there will always be an imbalance of payments that only God can redress through His infinite mercy. Identity politics demands a complete accounting, so that the score can be settled once and for all—or, if it cannot be settled, then held over the head of transgressors like a guillotine, in perpetuity. That is why establishing what one group owes another is central to the identity politics enterprise. The complete accounting that is needed requires ongoing investigations that clarify just how stained the transgressors are, and how pure the innocents are. This now seems to be the singular task of our colleges and universities, which have thoroughly renounced their ancient charge,

7. See “Holiday Special,” YouTube video, 1:11, posted by South Park Studios, September 25, 2017, <https://www.youtube.com/watch?v=gKxtXzAgGew>.

8. See David Riesman, *The Lonely Crowd: A Study of the Changing American Character* (New Haven, CT: Yale University Press, 1963).

dating from the founding of Plato's Academy in 387 BC, of assisting students in ascending from mere opinion to knowledge and wisdom. Once many of our American colleges and universities were Christian. Increasingly embarrassed by this, over the course of the nineteenth and twentieth centuries, they adopted the Greek ideal of knowledge and wisdom. Now in the twenty-first century, they have returned to the Christian fixation on transgression and innocence.⁹ The new version of this Christian fixation, however, makes no allowance for the long-standing Christian way of understanding either transgression or innocence—namely, as a relationship first and foremost between God and man. God is nowhere to be found in the identity-politics accounting scheme. Neither is forgiveness, which would erase the score altogether, and leave us with no scores to settle. Defenders of identity politics often claim to be egalitarians concerned about existing inequalities; yet who among them, I wonder, could actually endure the radical equality that would result if we were to erase the debt and innocence points that we are now told, in the most precise terms,¹⁰ we owe or are owed, and meet one another unencumbered, face to face? Perhaps Christians who actually understand the fantastic claim that regardless of their kind, they are all equally *adopted sons and daughters of God* could do that.¹¹ Identity politics, notwithstand-

9. See Steven B. Gerrard, "The Rise of the Comfort College: At American Universities, Personal Grievances Are What Everyone's Talking About," Bloomberg, "Opinion," September 9, 2019, https://www.bloomberg.com/amp/opinion/articles/2019-09-09/free-speech-is-no-longer-safe-speech-at-today-s-elite-colleges?__twitter_impression=true.

10. See "Intersectionality Resources," Intersectionality Score Calculator, n.d., <https://intersectionalityscore.com/learn>. The site states: "We encourage you to learn more about the growing movement of intersectionality and how to use it in your daily lives. It is also important to teach our young people how to categorize people quickly by their intersectionality. This way, they won't become racist, homophobic, Islamophobic, sexist, or have other undesirable thoughts."

11. See John 1:12; Gal. 4:4–5; Eph. 1:15; and Heb. 2:10–13.

ing its debt to Christianity and its surface profession of faith both in equality and in the sanctity of the individual, wants only a hierarchy of transgression and innocence. Here is the tribalism that awaits us, based on our purportedly permanent inheritance of stain and purity. Christian radical equality—hoped for but not yet implemented on Earth—is, through its identity politics stepchild, currently being supplanted by a strange sort of antiegalitarian *spiritual eugenics*, according to which the pure and innocent groups must ascend and the stained transgressor groups must be purged.

§9. Other religions also use the language of purity and stain, of transgression and innocence, but our long familiarity with Christianity in America means that the invocation of these categories within identity politics derives from Christianity, and from Protestantism in particular. Most of this book is concerned with the deeply deformed relationship between identity politics and Protestant Christianity. Surveys may indicate that Americans have lost or are losing their religion; however, the fever of identity politics that now sweeps the nation suggests these surveys are looking in the wrong place and asking the wrong questions. Americans have not lost their religion. Americans have relocated their religion to the realm of politics.¹² The institutional separation of church and state may be largely intact, but the separation between religion and politics has largely collapsed. More precisely, with respect to the matter of presumption of guilt and innocence, they have traded places. Once, because of the doctrine of original sin, there was a presumption of guilt in the churches, and because of our legal history, a presumption of innocence in the realm of

12. An excellent treatment of the way in which American Protestant culture has not disappeared but rather taken up residence elsewhere can be found in Joseph Bottum, *An Anxious Age: The Post-Protestant Ethic and the Spirit of America* (New York: Random House, 2014). See also James A. Morone, *Hellfire Nation: The Politics of Sin in American History* (New Haven, CT: Yale University Press, 2004).

politics. Today, the abandonment of the doctrine of original sin has had the curious effect of lifting the burden of guilt in the churches—and of shifting it to politics. Whatever the law may say about our innocence, the presumption of identity politics is that man—or rather the white, heterosexual man—is guilty.¹³ This is a dangerous reversal of legal norms that in the Anglo-American world took centuries to develop and take hold.

§10. The “identity politics of innocence,” as I call it throughout this book, has transformed politics. It has turned politics into a religious venue of sacrificial offering. Ponder for a moment the Christian understanding of sacrificial offering. Without the sacrifice of Christ, the Innocent Lamb of God, there would be no Christianity. Christ, the Scapegoat, renders the impure pure—by taking upon Himself “the sins of the world.” In purging the Divine Scapegoat, those for whom He is the sacrificial offering are purified. Identity politics is a political version of this cleansing, for groups rather than for individual persons. The scapegoat identity politics offers up for sacrifice is the white, heterosexual man. If he is purged, its adherents imagine, the world itself, along with the remaining groups in it, will be cleansed of stain. Without exception, every major action item of the Democratic Party today is traceable to this supposition. The Democratic Party pushback against national borders; its unwavering insistence that fundamental political and economic transformations are necessary to address climate change; its disgust with “dirty” fossil

13. See Wesley Yang, “America’s New Sex Bureaucracy,” *Tablet*, September 24, 2019, <https://www.tabletmag.com/jewish-arts-and-culture/291105/americas-new-sex-bureaucracy>: “[We have before us today an] ideology [that] is a successor to liberalism. It brandishes terms that superficially resemble normative liberalism—terms like *diversity* and *inclusion*—but in fact seeks to supplant it. This new regime, in which administrative power has been fashioned into a blunt instrument of deterrence, marks off a crucial distinction—between the liberal rule of law, and the punitive system of surveillance rooted in identity politics known as ‘social justice.’”

fuels; its demand for wealth redistribution; and its resolve that every mediating institution in which citizens gather must be altered so as to become “inclusive”—all of these have at their root the supposition that the nation-state, market commerce, the petrochemicals that fuel it, the conventional generative family, our civic institutions, and our religious institutions are unclean or obsolete because of the hand white, heterosexual man has had in building and maintaining them.

§II. We can and should talk about the pressing issues before us. Self-government requires nothing less. Substantive deliberation cannot occur, however, if adherents of identity politics are animated by the angry need for *catharsis*, as the desire to scapegoat always involves. Calling someone a “racist,” “misogynist,” “homophobe,” “transphobe,” “Islamophobe,” “fascist,” “Nazi,” “hater,” “denier,” or any such name *is* cathartic. These words carry with them the power to banish and to exile. Once they have been uttered, the comportment of both the accuser and the accused visibly changes. The accuser beams with the iridescent light of discharged rage; the accused slinks into the darkness, shamed by the leprosy of his irredeemable stain. An unbridgeable chasm between the two has opened; they now stand on opposite sides of an impenetrable border wall within a community they were both members of a few short minutes ago. Identity politics adherents declare that *visible* borders between nations should be abolished. There will always be borders, however; abolish them in one place and they will emerge in another. Identity politics erects *invisible* borders between the pure and the stained. Too many of the political declarations we hear today intend only to banish fellow citizens. Neither conversations about nor actions taken in response to our pressing problems are possible if the deeper purpose of a political program—perhaps even more important than the political program itself, *which is but a pretext*—is to purge a group or humiliate its members into silence. However enfeebled today, Christianity has burned itself into the soul of Western man and, for

now at least, holds us back from the real impetus beneath identity politics, which is actual group purgation. We will see what the future brings. Christianity's deepest insight, perennially violated by Christians themselves, is that no mortal group can cover over the sins of another group. Historically understood, this insight is a staggering breakthrough, so rare as to be exceptional, since most of human history bears witness to the conviction that the catharsis of group scapegoating *does* restore the cleanliness of the community. Writing nearly a century before Tocqueville, Jean-Jacques Rousseau noted in 1759 that prior to the advent of Christianity,

political war was also theological war: the dominion of the gods were, so to speak, determined by the boundaries of nations. . . . Far from men fighting for gods, it was, as in Homer, the gods who fought for men.¹⁴

By this, Rousseau meant to give some indication of the rage that scapegoating another nation once involved. So cathartic was its ecstatic revelry that gods had to be invoked as a cause. Christianity, he mournfully declared, put an end to that, and had diminished politics ever since. Perhaps Rousseau was premature in his assessment that the ancient gods have died away.¹⁵

§12. We find ourselves at a remarkable impasse. Identity politics wishes to return us to the unexceptional condition, the pre-Christian condition: One group—in its current formulation, the white, heterosexual man—is avowed to be *the* transgressor. All others—women, blacks, Hispanics, LGBTQ persons—have their sins of omission and

14. Jean-Jacques Rousseau, bk. 4, "The Social Contract," chap. 8 in *The Major Political Writings of Jean-Jacques Rousseau*, trans. and ed. John T. Scott (Chicago: University of Chicago Press, 2012), 264–65.

15. See R. R. Reno, *Return of the Strong Gods: Nationalism, Populism, and the Future of the West* (New York: Gateway Editions, 2019).

commission covered over by scapegoating this group. Set against this is the exceptional Christian understanding that man's transgression, his "sin," is "original." This means it is always-already-there *before* any lineage or inheritance constitutes him as a *kind*, and therefore that group scapegoating cannot absolve him of his impurity. Hide quietly behind your "identity" if you wish; your anxiety about your own transgressions will not dissipate. Displace your anxiety by relentlessly aiming the arrow of accusation outward at other groups; the haunting specter of transgression will not disappear. Its source is deeper than identity politics comprehends.

§13. The arrangement that identity politics specifies has placed the scapegoated white, heterosexual man in a curious position, indeed. In order to escape cathartic rage, he must prove his innocence by virtue-signaling¹⁶—or more accurately, by *innocence*-signaling—his support for various social justice causes, so that he, like other groups of innocents, can be covered with righteousness. Only when covered in this way does the cathartic rage that brings social death *pass over* him and settle elsewhere, as it must. The Hebrews of ancient times were told by God that death would pass over their houses, and no one in their households would die, if they marked their front doors with the innocent blood of a slain lamb.¹⁷ Today in America, the white, heterosexual man must reenact a version of that innocence-signaling liturgy if social death is to pass over him. Jews in America celebrate Passover once a year; if cathartic rage is to pass over the white, heterosexual man, he must celebrate the identity politics version of that liturgy daily, by displaying signs of inno-

16. The term "virtue-signaling" does not capture what is really occurring. The task within identity politics is not to demonstrate virtue but to demonstrate innocence. Virtue is a category of Greek origin; innocence is a category of biblical origin.

17. See Exod. 12:13: "And the blood shall be to you for a token upon the houses where ye are: and when I see the blood, I will pass over you, and the plague shall not be upon you to destroy you, when I smite the land of Egypt."

cence on his front door—or, more likely, his office door—for all to see. If you doubt this, wander through the university and college buildings in America that house the offices of our professors. You will soon discover ample evidence of this strange identity politics Passover ritual. Decals that declare, “This office is Green”; pictures of Foucault; dated posters announcing Martin Luther King Jr. Day celebrations; an announcement about upcoming “Diversity Training”; yet another *New York Times* article taped to a professor’s office door that thinly masks its hatred of President Trump—if you display these symbols of your innocence, or of your sympathy with the innocents, social death will surely pass you by. The displays on the office doors of corporate America are no different.

Try as he may, however, the circumstance that the white, heterosexual man can never alter is this: because of his permanent transgressive status, he begins with a deficit of “innocence points,” and must fight his way back to a zero balance, which is as far as he can ever advance. In the Garden of Eden, Adam hid behind a fig leaf. In identity politics, the white, heterosexual man can attempt to hide behind the fig leaf of social justice to find temporary reprieve; but the leaf is see-through, and his nakedness is always visible for all to see. In the Garden of Eden, God could see Adam’s nakedness. So, too, can members of groups that identity politics counts among the innocents see the nakedness of the white, heterosexual man. Like God, they also declare his irredeemable guilt.

§14. By alerting the reader to the theological perversity of replacing the Divine Scapegoat of Christianity with the all-too-mortal white, heterosexual man as the scapegoat, I am *not* saying that the white, heterosexual man is innocent, as many who claim they are on the Alt-Right declare. Far from it. If anything, as the careful reader has already discovered, I wish to save the category of transgression, in all its depth, and I fear that both identity politics and the Alt-Right will end up stripping the category of its profound Christian significance,

which will deprive us of hope. On the contrary, I am saying that in the world that identity politics constructs, the white, heterosexual man becomes more than who he really is. He becomes a member of a scapegoated group that takes away the sins of the world, rather than being a mortal of mixed inheritance, like everyone else, involved in transgression and searching for redemption. The deepest mystery of transgression and innocence cannot be understood by focusing our attention on groups. That is the Christian claim. That was Martin Luther King Jr.'s claim. That is the claim made in this book as well. No one group is unequivocally pure or stained; and without the ability to establish such purity, just who the transgressors are and who the innocents are is impossible to determine. Identity politics stands or falls on the claim that groups are unities of transgressors or innocents; and that the invisible spiritual economy from which we cannot escape can be understood in terms of the purity or stain that inheres in each visible group.

§15. Throughout this book, I contrast the identity politics of innocence with “the liberal politics of competence.” Over the years, my colleagues at Georgetown and elsewhere have reminded me that the term “liberal” now belongs to the political left; and that the only political alternative to the Left in America today is captured by the term “conservative.” I stubbornly refuse to heed their admonitions because I think retrieving the liberal alternative to the identity politics of the Left and to the conservative politics of the Right can provide the only way out of our current morass. Since the French Revolution in 1789, the Left has wished to start over; hence its relentless attack on *inheritance*, broadly understood. Identity politics is the latest version of that attack. Edmund Burke's *Reflections on the Revolution in France* (1790) is the founding text of the conservative movement in America, precisely because of its compelling defense of inheritance. There is much to recommend in Burke, his book, and the conservative moment. Contrary to the claims of the Left, we cannot live without our inheritance.

Something is missing, however, in setting the French Revolution against Burke, and leaving it at that. Are these the only two alternatives: either an infinitely plastic world that has no necessary continuity and that man shapes in the image of his dreams (and his nightmares), or a fixed and identifiable inheritance from which man can securely build a durable world and which is free enough from fault that he can sleep well at night? Before the French Revolution prompted Burke to give the self-conscious defense of inheritance that is today the basis of conservatism, there was a nascent body of liberal thought that had a more mysterious and providential view of human affairs. In this view, historical development and inheritance are not so adamantly opposed. Here, man sees his past, present, and future “through a glass darkly.”¹⁸ He does not have the power or authority to shape history according to his will, nor can he fully understand the mixed inheritance that binds him. On this view, we build *from* our mixed inheritance *toward* a historical culmination we can neither wholly understand nor control. This humility about what we can know and what we can do has important liberal institutional implications. Because the institutions of society are the places where our inheritance is both fortified and challenged, the power of the state should intervene rarely, as its interventions are invariably heavy handed and clumsy, even when undertaken with the best of intentions. In the institutions of society, citizens develop the competence they need to fortify those societal institutions and to modify them. Our mixed inherited past and any number of possible futures converge in the deliberations and actions of competent liberal citizens, who build a world together. When the state steps in too often or too strongly, it undermines or destroys the liberal competence that we today so earnestly need.

§16. Many writers in the last half century have seen the danger that the administrative welfare state poses to liberal competence. They

18. 1 Cor. 13:12.

have proposed political and legal remedies to address it: free markets, small government conservatism, a return to federalism, a judiciary steeped in an understanding of the original intent of the Founders, and so forth. My approach stands apart in that it reckons that there is no expressly political or legal remedy to our problem. Identity politics reflects a confusion in our understanding about where the categories of transgression and innocence may properly be worked through. The identity politics of innocence is a wager that these categories belong in politics, and that the liberal politics of competence, now over three centuries in development and possibly at its end, which would attend to merit and developed competences alone, has conscience against it. How such a conclusion has been reached, and the implications of that conclusion, not least for black Americans, who are betrayed by it, occupy a significant portion of this book. This sort of investigation, more than prescriptive political or legal remedies, is the antidote needed to overcome the immense temptation of identity politics today. When our understanding changes, our politics will change.

§17. Upon completing what would have been a short, dense book on the inner logic of identity politics, it became apparent that merely proclaiming the need to return to the liberal politics of competence would not be enough. Identity politics is a formidable impediment to the return of liberal competence; but even if the fervor and enthusiasm of identity politics were to dissipate tomorrow, and Americans were to wake up and discover that they had been deceived by it, they would not return to health. Two immense obstacles would remain. Here, too, there is no expressly political or legal remedy for these obstacles. Citizens themselves are going to have to awaken to the challenges these obstacles pose—or not.

§18. The first obstacle that stands in the way of the return to liberal competence is what our psychologists and medical experts call “bipolarity.” In the twentieth century, it was known as “manic de-

pression.” Long before the invention of the field of psychology at the end of the nineteenth century, or before medical science concluded that man can be understood in terms of his brain chemistry, there were other ways of understanding the problem. I will say more about them later in the book. For reasons I will explain, I consider man’s bipolarity within the framework of what I call “management society and selfie man.” Liberal competence is undermined by the former because of its presumption that all our problems are too big for man to solve with his neighbors, and must be handed over to the global managers of his fate. In such moments, man feels small, impotent, and worthless. Liberal competence is undermined by the latter because selfie man has no neighbors with whom he *needs* to solve his problems. He is unfettered and alone. In moments like these, he feels grand, indefatigable, immune from harm, and so invincible that he is reckless in what he says to and about others. This, too, is a threat to liberal competence, which can only be developed with others, in real time. The configuration of management society and selfie man presumes that such competence is not necessary for man’s health and well-being. Management society and selfie man is an arrangement, anticipated by Tocqueville long ago, in which democratic citizens feel themselves to be “greater than kings and less than men.”¹⁹ This bipolar arrangement—in which, in exchange for the freedom we gain through social media to become selfie man, we renounce our liberty to address problems with our fellow citizens—is one of the defining characteristics of the post-1989 experiment. An entire generation of young Americans has grown up oscillating back and forth between feelings of extraordinary grandeur and utter impotence. One minute they make plans to “change the world” or “save the planet.” The next minute they are overwhelmed by a world so frightening and difficult to negotiate that they text message their friends rather than call them—in fear that an unscheduled call will

19. Tocqueville, pt. 4, chap. 6 in *Democracy in America*, vol. 2, 694.

be too much for either party to endure. This bipolar arrangement, increasingly lived out by the young and old alike, can be ameliorated only by face-to-face, real-time relations between citizens in the institutions of society. Drugs that treat bipolar disease or manic depression or whatever our healthcare professionals will call it next can mask the symptom, but they cannot cure the disease. We do not have a brain chemistry problem; we have a problem of human association. Pharmacology can offer supplements that help us begin to confront the disease, but we go too far when we believe that pharmacological remedies can substitute for a cure. “Pharmacological substitutism,” to coin a phrase, was the world Aldous Huxley gave us in his 1931 novel, *Brave New World*.²⁰ We would do well to go back and reread the book. Citizens enthralled by management society and selfie man, however, will likely see the real antidote they need—building a world of liberal competence together with their fellow citizens—as a poison from which they must flee. When we are ill, we are seldom drawn to the antidote that cures us, and instead seek palliatives that keep us alive without really bringing us back to life. This is a problem with no straightforward remedy.

§19. The second obstacle that stands in the way of the return to liberal competence is addiction. Here, too, I will sidestep the assessments offered by our psychologists and medical experts and treat this illness as more ancient and venerable authors did—as what I will call, “the problem of supplements becoming substitutes.” No recent writers have written about this as a general problem, though very many have written about its myriad, seemingly unrelated manifestations. These include: the opioid epidemic that is ravaging America; the exponential explosion in the number of empty plastic water bottles that will soon overwhelm us; the uptick in global obesity rates; declining birth rates and the increasing attentiveness to sexual

20. See Aldous Huxley, *Brave New World* (New York: Everyman's Library, 2013).

substitutes for the generative family; the empty promise of social media; the demolition of brick-and-mortar retailers by Amazon; the dubious value of online education; our fixation with Google Maps and driverless cars; the claim that the digital world can fully supplant the analog world; the empty hope that government alone can heal the wound of slavery and its aftermath, can guide the relations between the sexes with Title IX legislation, and can supplant citizen stewardship with environmental regulations; the dreamy view that national borders need no longer be observed; the belief that fiat currency does not invite staggering debt; and the misplaced longing to become global citizens. Every one of these developments, and more, should be understood as an instance in which a supplement has been turned into a substitute, an *addiction* in a more capacious sense. There is an immense temptation to turn supplements into substitutes, which cannot be overstated. When we succumb to this temptation, liberal competence is lost or degraded. Here, too, there is no political or legal remedy that will cure the general problem or its specific manifestations. The cure requires the sober recognition that when citizens turn supplements into substitutes, our immediate, ecstatic, addictive satisfaction is soon met—as the opioid addict well understands—with an emptiness that always follows. There are no shortcuts. Political and legal action may temporarily block us from taking them, but without getting to the root of the problem, closing off one shortcut will be followed by taking another.

§20. In the course of writing *American Awakening: Identity Politics and Other Afflictions of Our Time*, the one image that has illuminated the whole is that of *homo, ex ingenio celeritas quaesitor*: “the creature man, who always looks for shortcuts.” This problem had already been identified in the Hebrew Bible.²¹ Readers of Plato’s *Republic* may also recall that Socrates tells his impatient interlocutors that there is no

21. See Exod. 13:17.

shortcut to the Good.²² We only get to where we really need to go by taking the longer way. Eight hundred years after Plato, St. Augustine, one of the great Christian fathers, noted that because of his transgression, man could not by himself return to God—but that through Christ Incarnate, man was granted a shortcut back to God the Father.²³ In a historical irony befitting the creature man, who always looks for shortcuts, identity politics finds the Christian shortcut *too difficult to endure*, for it demands that man be hard on himself and admit both his stain and his inability to remove it without Divine assistance. The various shortcuts identity politics offers do not require that man be hard on himself; they only require that the white, heterosexual man be hard on himself.²⁴ The rest are innocents, who find a shortcut to purity by scapegoating him. Alas, once he has been purged, someone else—a former innocent—*must* take his place.

That is not the end of the matter, however. Management society and selfie man is a shortcut as well. The difficult labor of liberal citizenship can only be performed in community with others—not the

22. See Plato, bk. 6, 504b, 504c, and 533a in *The Republic*, trans. Richard W. Sterling and William C. Scott (New York: W. W. Norton, 1985).

23. See St. Augustine, bk. 9, chap. 15 in *City of God*, trans. Henry Bettenson (New York: Penguin Books, 1984), 361.

24. White, heterosexual men of the Left, who manage to feign guilt but expect others to pay the price, are the exception to this requirement. See William Voegeli, “Their Sin, Your Penance,” *American Mind*, April 22, 2019, <https://americanmind.org/features/justice-that-aint-it-chief/their-sin-your-penance/>: “There are no known examples of any white liberal giving up a tenured professorship or syndicated column so that the vacancy may be filled by a member of an oppressed, under-represented minority group. Though tormented by complicity in the oppression of victims, white liberals reliably devise penances that will be performed by other people. Their ferocity in denouncing housing discrimination, for example, is matched by their resourcefulness in keeping low-income housing out of liberal enclaves like Marin County, California.” See also Zach Goldberg, “America’s White Saviors,” *Tablet*, June 5, 2019, <https://www.tabletmag.com/jewish-news-and-politics/284875/americas-white-saviors>.

abstract universal community that is effortless to join, but the everyday community in which we actually live. The thoughts, words, and deeds we undertake in our actual communities offer ample evidence that we are less pure and more stained than we would like to imagine. The shortcut offered by management society and selfie man allows us to avoid that demoralizing realization. Through this shortcut, we achieve repose not by the hard work of building a world with others, but by bypassing that difficult labor altogether.

By turning supplements into substitutes, we find a shortcut, too. The problem of replacing supplements with substitutes, we will discover, is akin to the problem of replacing the meal with vitamins. We can take the latter to supplement the meal, but not as a substitute for it. We always must return to the meal, to the hard work of developing competence—whether it be the literal competence of cooking for and with our family or the development of competence beyond the confines of the household.

That we hunger for this meal is beyond question. Liberal competence alone can provide the meal and sate the hunger. The vexing question is why we nevertheless continue to opt for the hollow, addictive satisfactions associated with turning supplements into substitutes.

§21. Readers of *American Awakening: Identity Politics and Other Afflictions of Our Time* may wonder if I despair of the future after writing a book declaring not only that America is in the midst of an identity politics religious fervor that imperils it, but also that even if identity politics died down tomorrow, two immense obstacles would remain. To despair would be to admit that liberal competence is irretrievably lost. If I despaired, I would not have written this book in the first place. The title, *American Awakening*, in fact, carries a double meaning. On the one hand, it suggests that we are in the midst of a faux religious revival that can no more cure our illness than our exponentially increasing dependence on drugs can cure us of bipolarity and addiction. On the other hand, it suggests that we may be on the

verge of awakening from the slumber into which we have fallen as a result of identity politics, bipolarity, and addiction, and retrieving the satisfactions of liberal competence toward which I have pointed in these pages. I am hopeful—indeed, expectant—that the latter possibility is the real state of things.

unfolding no one can anticipate or arrest. Scientific and technological advances are an ineradicable aspect of that world. Our challenge as liberal citizens must be met in a different way. The way to meet it—the way that avoids first-phase contrived innocence and third-phase substitutism—requires, first, that we develop competence with the meal; second, that we amplify that competence through the addition of supplements; and third, that we exercise unwavering vigilance against taking the shortcut that substitutism offers. We must develop competence as citizens of our respective nations; only then can global concerns be adequately addressed. We must develop that mysterious competence called friendship; only then can the supplement of social media vastly extend that competence. History will not stand still. Scientific and technological advances will put new and undreamed-of supplements into the hands of future generations. *What will remain fixed is the configuration of the meal, the supplements to the meal, and the dangerous shortcut involved in turning those supplements into substitutes.* On this reading, imminent transhumanism is a consequence not of the reckless liberal embrace of scientific and technological advances, but rather of a fatal substitutism that abrogates the relationship between the always human meals through which we live, know, and find joy, and the supplements that can amplify but not replace them.

Q. THE THREE PILLARS OF RENEWAL

§100. I have considered the enticing but ultimately deadening shortcuts that tempt citizens away from liberal competence. What possible future might lie ahead if we have the fortitude and faith to take the longer way, the way that invites us to develop such competence, and to live out the sober satisfactions that attend it? In this matter, we should first heed Tocqueville's observation in *Democracy in America* that thinking along party lines will not help us see very far:

I did not intend to serve or combat any party; I have tried not to see differently but further than any party; while they are busy with tomorrow, I have wished to consider the whole future.³⁶

The party of the Left today invites us to embrace the identity politics of innocence, which, for all the reasons I have considered, is a political and theological dead end. The party of the Right has given us an untempered defense of purportedly free global markets, to the detriment of our middle class, and an unsavory commitment to democracy exportation abroad, to the detriment of our national security. The Left has shamelessly exploited the deep wound of slavery as a template to infinitely extend its power, by gathering together, and inventing,³⁷ groups of innocents it purports to protect and serve. This has turned it into a festering cauldron of grievance and resentment in which what matters is not the illuminating and productive ideas citizens and candidates might generate but the number of identity politics debt points it can amass. The Right, fearful that any reference to the deep wound of slavery would derail its commitment to a color-blind society, ignores the wound entirely, or speaks euphemistically about using “enterprise zones” as a way to “combat the problems of our inner cities.” Rightly or wrongly, this elision invites suspicion that it is the party that harbors racism. A renewed America will require more than either party can now provide.

§101. Liberal competence in America cannot develop and flourish unless we renew our commitment to the middle-class commercial republic our country was established to be. No middle class, no liberal competence. This must be the first pillar of a renewed America. The party of the Left speaks incessantly of the poor—not with a view to how they can become competent members of a vibrant middle

36. Tocqueville, author’s introduction in *Democracy in America*, vol. 1, 20.

37. See part 1, n. 50 on Mora’s description of the invention of the category “Hispanic.”

class but with a view to how state programs may provide them with “assistance.” For every problem, there is another government “service.” If such assistance does more than supplement the existing mediating institutions already around them, if it becomes governmental substitutism (see section 86), it invariably produces debilitating, drug-like dependency that is difficult to cure. If we really are concerned with the poor, we must do everything in our power to fortify the middle class, so that the poor may swell its ranks. The party of the Right has done no better on behalf of the middle class. A mono-maniacal focus on market efficiency and profit, on the “principles” of a free market, the contention that money is the measure of all things, the attempt to reduce to one single measure the necessarily multiple and conflicting goods a competent commercial enterprise must keep in mind—these are the ways, paradoxically enough, that Karl Marx talked about “capitalism.”³⁸ Adam Smith, supposedly one of the great luminaries of the Right, never argued, as Marx did, that money is the measure of all things. The very title of Smith’s magisterial work, *The Wealth of Nations*, alerts its readers that commerce and politics are two distinguishable domains. Smith’s apprehension, in fact, was that the productivity gains generated by the global division of labor and globally extensive markets would undermine the geographically circumscribed political unit that is the nation.³⁹ The political economist, he believed, must understand that there are trade-offs between what market efficiency demands and what political community requires—we do not live *in* a market, but rather *go to* the market; we

38. See part I, n. 147.

39. See Smith, bk. I, chap. II in *Wealth of Nations*, 275–78. In this short but extremely important passage, Smith asks who will look after the good of the nation. Of the three groups that Smith considers—landowners, workers, and businessmen involved in foreign trade—he concludes that only the landowners can have a deep and abiding concern for their nation. Workers could have that same concern, but they are too exhausted by their work to be able to demonstrate it.

are not “workers,” but rather “citizens who work.” Money is not the measure of all things. Our challenge today is precisely the challenge Smith worried about in his 1776 masterpiece: how to square the circle of global commerce and political health. The Right has ignored Smith’s difficult proposition for decades. It has its economists, but no political economists. This means—we should be clear on this point—there are some in its ranks who so revere market efficiency that they would be untroubled if the destruction of the American middle class was the necessary collateral damage of market efficiency. That was the recipe for the certain implosion of the Right, which Donald Trump set in motion during his 2016 campaign when he quipped, “Free trade is stupid trade.”⁴⁰

Squaring the circle of global commerce and political health will require more than rejiggering trade deals to shrink our balance of payments with China, more than rebooting the manufacturing sector here in America. America-centric trade deals, American net-export status, and a booming manufacturing sector will not, by themselves, generate liberal competence. Economists are concerned with *market value*: the patriotic among them want to square the circle by shifting the global balance sheet of market value in our direction. Liberal competence, however, requires that we be concerned with *use value*.⁴¹ Market value is one metric; use value is another. The former is a supplement to the latter, not a replacement for it. That is why squaring the circle will be such a challenge.

Why is the concern for market value not enough? A few examples will suffice. First, consider those citizens who live in the world identity politics constructs. In order to cover themselves with the fig leaf

40. “STUPID TRADE: Donald Trump Says There Is No Such Thing as Fair Trade (FNN),” YouTube video, 0:20, posted by NewsNOW from FOX, July 17, 2017, <https://www.youtube.com/watch?v=5xHzcbq-3-4>.

41. The distinction between use value and market value is integral to Smith’s analysis. See Smith, bk. 1, chap. 4 in *Wealth of Nations*, 32–33.

of innocence, venture capitalists and commercial enterprises today, also smitten with identity politics, underwrite or make products that they market to those citizens who are seeking to cover themselves with the fig leaf of innocence. These products have market value, but they will be of little use to liberal citizens intent on developing competence. Identity politics innocence-signaling may add market value to GDP, but it has little use value. America-centric trade deals, American net-export status, and a booming manufacturing sector that makes these sorts of products will not help restore the liberal politics of competence.

Second, consider those citizens who have given up developing liberal competence altogether, satisfied with living within the configuration of management society and selfie man. Believing themselves to be greater than kings and less than men, the middle-class commercial accoutrements of house and automobile ownership have little appeal. These citizens travel extensively rather than settle down, rent in cities rather than buy in suburbia or exurbia. When they do make their purchases, they consist less of “big-ticket items” that bind them to a place and community, and more of expensive gadgets with which they can peruse social media, play games, and otherwise distract themselves.⁴² The market value of these purchases may suggest robust economic health, but a world of liberal competence cannot be built with these purchases, because they are of little use in that undertaking.

Third, consider those citizens who are captivated by various substitutisms, through which they bypass the meal entirely and live exclusively on what should be only a supplement. The opioid crisis is illustrative, even if extreme: purchasing opioids may add market value to GDP, but it will not help restore liberal competence.

42. See Fluent, *Devices & Demographics 2017* (New York: Fluent, 2017), http://www.fluentco.com/wp-content/uploads/2017/01/Fluent_DevicesandDemographics_2017.pdf.

If we are to fortify our middle-class commercial republic, fixing our attention on market value is not going to be enough; we must instead ask the difficult question no one wants to raise: What will have use value for competent liberal citizens? To answer this question, we will have to proceed inductively, by living as competent liberal citizens, and rediscovering, as we go, what is useful and what is not. Liberal competence cannot be measured by market value quantities, only by use value qualities. That is a political rather than economic matter, because we cannot establish what is useful without at the same time asking the political question, How are we to live well with others and build a world together? To save liberal competence, we are going to have to make qualitative judgments about use value, rather than pretend that when the market value of what we bring into our country balances the market value of what goes out, all will be well.

§102. The earnest effort to heal the legacy of the wound of slavery is the second pillar on which a renewed America must rest. Throughout *American Awakening: Identity Politics and Other Afflictions of Our Time*, I have insisted that the wound of slavery is a singular wound in American history, and that identity politics has recklessly exploited that wound for the purpose of extending the political franchise of the Democratic Party. The argument here? Civil rights for black Americans leads to women's rights, to gay rights, to transsexual rights, to rights claims by innocent group identities in the future that we cannot currently imagine. This is scandalous. Legalized slavery deprived slaves of the one institution without which civilization grinds immediately to a halt: the generative family. No other American group underwent that deprivation, generation after generation. Going further, and adding insult to injury, in the world that identity politics constructs, the generative family that civilization needs to reproduce itself is neither necessary nor worthy because it is not sufficiently "inclusive." Racism is a charge thrown about so frequently that it has lost its meaning. In an effort to clarify its deeper

meaning, I proposed earlier that it involves the scapegoating of one group by another.⁴³ Surely, such scapegoating includes the ability of one group to determine the terms of engagement by which another group must live. By that definition, identity politics *is* racist—for it demands of black Americans that they sit in silence as identity politics castigates the generative family (and the churches that defend it), without which the legacy of the wound of slavery has no hope of healing. That is not all. Identity politics is guilty of cultural appropriation, by virtue of invoking the suffering of black America as a template to be used by other purportedly monovalent and innocent identity groups.⁴⁴ The supposed solidarity between black Americans and identity politics innocents who want to dismantle the generative family is contrived; the appearance of accord and unanimity has been purchased by the racism that silences black American voices.

There is more to say about healing the legacy of the wound of slavery. Identity politics, as I have suggested, requires a transgressor who will be used to cover over the transgressions of the innocents so that their own stains may remain hidden—to others and perhaps even to themselves. The deeper Christian foundation of identity politics would have it that all are stained, and that no mortal group can relieve us of our burden. Theologically compelling though this account may be, if we are all stained, then no distinctions or judgments about specific historically inflicted wounds can be made. If we are all stained, then our culpability can never be mitigated or erased by the wounds we have received at the hands of others. With this insight, we stumble toward a theology of the Cross, on the basis of which we would conclude that the glory of God is revealed through

43. See part 1, n. 20.

44. See “Dr. Umar Johnson Confronted by LGBT Feminist during Xseed in Life Program KC 2015,” YouTube video, 12:59, posted by Xseed in Life, February 20, 2015, https://www.youtube.com/watch?v=MBpu_MWxYt-M&feature=youtu.be.

the afflictions that we have patiently endured, regardless of the fact that the transgressions of others have been their proximal source.

And as Jesus passed by, he saw a man which was blind from his birth. And his disciples asked him, saying, Master, who did sin, this man, or his parents, that he was born blind? Jesus answered, Neither hath this man sinned, nor his parents: but that the works of God should be made manifest in him.⁴⁵

Looking down from the Divine height, it may be true that suffering itself, however great or small, without distinction, testifies to the glory of God; but from man's point of view, it does not. Distinctions must be made. Some have been harmed by the transgressions of others. The merely mortal man asks, "Why must I look to my own culpability when I have suffered at the hands of another?" Then he settles in with his wound and goes no further.

The legacy of the wound of slavery in America will not be overcome unless *both the Christian and the merely mortal view* are given their due. The haunting, paradoxical truth is that while we grow and are deepened by suffering, we must also mitigate the harm and suffering caused by transgression, by redressing the imbalance in the ledger book of justice where possible. With respect to this latter matter of redressing the imbalance, there is the additional problem that without humility, man's monstrous pride, which makes him blind to any cause but his own,⁴⁶ precludes us from clearly establishing just where the scales of justice *can* balance.

Setting aside the immense obstacle pride presents to balancing the scales of justice, who are the transgressors? And who are the innocents? There is no slavery in America today on the basis of which we can identify the specific parties to the crime. Slavery ended in 1865. If reparations are to be offered, to whom, and on what basis? By

45. John 9:1–3.

46. See Hobbes, pt. 1, chap. 5, sec. 3 in *Leviathan*, 23.

whom, and on what basis? If only these matters could be established! Yet they cannot. And even if they could be, what then? *Would the account be settled once the checks have cleared?*

Our problem is more intransigent, more ineffable. America lives with the legacy of slavery—an *aftermath* in which suspicions linger and trust is too often lacking. This has left America in limbo, neither indelibly stained nor without spot or blemish. This difficult intermediary condition must be given its due. The party of the Left tells us that America is indelibly stained, and that citizens must stand back and let government programs do their work. The party of the Right tells us we are without spot or blemish, and that citizens need do nothing at all. The one thing on which both parties agree is that citizens themselves are not accountable in this matter. That is not true. The truth is that the legacy of the wound of slavery must be addressed as all deep wounds must be addressed: with long and patient labor, goodwill, and a prayerful longing to heal what has been broken. Only through the liberal politics of competence can this be done. The identity politics of innocence, which calls out transgression and declares innocence but goes no further, cannot accomplish this. Nor, does it really intend to. Words echo in our dreams, but in the morning, we awaken to a world that is still stiff and unaltered. The identity politics of innocence promulgates those dreams. In the Hebrew Bible, Joseph is sold by his brothers into Egyptian slavery; then, through demonstrated competence, he helps restore his people.⁴⁷ Therein lies the way forward. In Robert Woodson's words:

The Josephs of our own day do not need charity. They need to be considered as 'friends.' The relationship of friends in every arena of society, working to pursue common goals, is a relationship that will allow Americans to heal and prosper.⁴⁸

47. See Gen. 37:2–50:26.

48. Woodson, chap. 5 in *Triumphs of Joseph*, 137. See also Shelby Steele,

Wounds are healed by *doing*, not by *sayings* that give citizens comforting dreams. There are no shortcuts. Let us all be those Josephs—or find them, work with them, and give them all the support we are able to provide.

§103. The third and final pillar on which a renewed America must rest is a modest foreign policy, of the sort that defenders of the “liberal world order” today find so unpalatable. “Liberal,” for these defenders, is universal. Anything that is not universal is its opposite—namely, parochial, local, and prejudicial; in short, authoritarian.⁴⁹ This simple, facile opposition has set the stage for the great battle of our time, between so-called liberal universalists and all others, without distinction.

Have we not been through variants of this Manichean-like struggle before; and each time we have, has it not amplified our military presence abroad and centralized our political power at home? Our two great military failures of the post-World War II period—the Vietnam War and our ongoing unsettling, ill-defined military engagements in the Middle East—have been justified on the basis of simple oppositions. Ponder Vietnam: Our leading lights were so entranced by the opposition between liberal universalism and communism that the idea that Vietnam was a postcolonial war of national independence was inconceivable. And the Middle East? Our leading lights have been so enamored by the opposition between liberal universalism and Islamic fundamentalism that the idea that the nations of the Middle East are involved in an internal wrestling match with modernity, which we cannot successfully referee, is unthinkable. Liberalism: the abstract universal “idea” against which the forces

“The Right and the Moral High Ground,” *Wall Street Journal*, March 31, 2019, <https://www.wsj.com/articles/the-right-and-the-moral-high-ground-11554057729?mod=e2two>.

49. See Robert Kagan, “The Strongmen Strike Back,” *Washington Post*, March 14, 2019, https://www.washingtonpost.com/news/opinions/wp/2019/03/14/feature/the-strongmen-strike-back/?utm_term=.f142d096f611.

of darkness align, and because of which never-ending wars must be authorized—against Vietnam after World War II; against Islamic fundamentalism after 2001; and soon, against authoritarianism in its various guises, from Trump and his deplorables to various figures in Britain and Europe who challenge the liberal world order. *Everyone* who does not believe in so-called liberal universalism is an authoritarian at heart. They differ among themselves only with respect to the political power they have at their disposal to implement their wretched prejudices.

What does so-called liberal universalism really amount to? Often the idea is not worked out in detail, but the general account of it is unmistakable: Liberal universalism is the fruit of the Enlightenment, and is taken to be synonymous with the French Revolution, and the “All men are created equal” clause of the American Declaration of Independence, which itself emerged from the writings of John Locke. This is an intellectually dubious genealogy. The Enlightenment was not one intellectual movement; it was many, each having distinct national characteristics. John Locke, perhaps the first great liberal thinker, wrote a century before the French Revolution, and *never* would have endorsed a revolution on the basis of abstract and universal rights, as the French Revolution was. The French Revolution sought to overthrow everything, even the Gregorian calendar. Locke remained a Christian throughout his life, and sought to defend property and the integrity of the (Christian) family. If Locke must be painted as a universalist, it ought to be as a Christian universalist—which is to say, he believed that God would unify His kingdom at the end of history.⁵⁰

50. Later, purportedly secular Enlightenment figures tried to strip away Locke’s Christianity and develop a universal theory of history based on the development of reason—notably, those ideas put forward by Hegel. In regard to his project, have we forgotten Nietzsche, who in the 1870s demonstrated, to the embarrassment ever afterward of German idealism, that Hegel’s universal history was Christianity, deformed and in disguise (see part 1, sec. 56)? The bitter fruit of Nietzsche’s revelation is the postmodern morass in which we now find ourselves.

What about America? Liberal universalists claim that she is a proposition that can be reduced to a single clause in the Declaration of Independence. The American Revolution, however, was unlike the French Revolution, not least because it did not end with the Terror—in which anyone who believed in particular truths rather than universal ones was subject to execution by guillotine. The American Revolution was undertaken with a view to citizen self-government, property rights, national self-determination, and the bourgeois prejudices by which universalists are repulsed. Edmund Burke, a conservative, defended the American Revolution and heaped scorn on the French Revolution.

Is liberalism really committed to abstract universal ideas? Perhaps *neoliberalism* of the sort so many of our global elites defend is, but the French and Anglo traditions of liberal thought are not. Neoliberalism is a sleight of hand that betrays its deeper origin. Alexis de Tocqueville, perhaps the greatest liberal thinker of all, had the French Revolution in mind when he wrote his unsurpassed masterpiece, *Democracy in America*. His father was imprisoned and narrowly escaped the guillotine during the Terror. He went into the dungeons with black hair and came out enfeebled and gray. Innumerable passages in *Democracy in America* speak to the danger of abstract universal ideas. Everything Tocqueville wrote about mediating institutions and about federalism was informed by what could be called the French Revolution problem—namely, that as social bonds get weaker, people have little reason to gather together or to count on one another. Their attention therefore drifts upward to abstract universal ideas (see section 68), and they become incapable of building a world with their neighbors and fellow citizens—those deplorable creatures who actually believe in the particular ideas that are always necessary if we are going to build a durable world together. Contemplating the challenge this would pose to liberty in the democratic age, Tocqueville wrote:

A nation can always establish great political assemblies, because it always contains a certain number of individuals whose under-

standing will, to some extent, take the place of experience in handling affairs. But the local community is composed of *coarser elements*, often recalcitrant to the lawgiver's activities. The difficulty of establishing a township's independence rather augments than diminishes with the increase of enlightenment of nations. A very civilized society finds it hard to tolerate attempts at freedom in the local community; it is disgusted by its numerous blunders and is apt to despair of success before the experiment is finished.⁵¹

Real liberalism is not universal. It is *plural*. It acknowledges that the existence of "coarser elements" does not mitigate against the development of liberal competence, but rather is the occasion for its development. Neoliberals who believe in universalism are appalled that this might be so, and express their contempt for anything that falls short of their own supposed universal measure. Authoritarianism *does* fall short of this measure, which is why they justifiably oppose it. But so, too, does Tocquevillian liberalism, which recognizes that plurality, from the local to the international level, is the only healthy and viable alternative to the bludgeoning soft authoritarianism of neoliberals on the left and the more hard-edged authoritarianism on the right, about which we should all be concerned. The profound error, indeed the profound danger, is to declare that all who oppose the abstract universal ideas are authoritarian without distinction.⁵² If we wish to understand precisely why global neoliberal elites were deposed in 2016, and why

51. Tocqueville, pt. 1, chap. 5 in *Democracy in America*, vol. 1, 62 (emphasis added).

52. See Yoram Hazony, *The Virtue of Nationalism* (New York: Basic Books, 2018). Unable to make the necessary distinctions, many neoliberals have failed to see that Hazony and the national conservative movement he is leading intend to recover a healthy understanding of nationalism that has been lost. The intellectual project underlying the national conservative movement involves retrieving the covenantal thinking of early modern authors such as the fifteenth-century author John Fortesque and the seventeenth-century author John Selden. The intellectual roots of authoritarianism cannot be found there.

they will continue to be deposed, we should look no further than this reckless and irresponsible claim, which proves beyond doubt that they are clueless about why they are being vigorously opposed and called out as charlatans who hover over the world and sleep well at night. Real citizens live in nations; they have particular understandings of family, politics, religion, and themselves. A truly liberal world order, unlike the *faux* liberal world order that neoliberals have constructed at great cost to everyday citizens but at no cost to themselves, can only be built around the ineluctable plurality in the world. When so-called enlightened universalists call such real citizens out with scorn and derision, eventually those citizens say, “Enough!”

Neoliberal universalism is not merely a conceptual problem; it inspires immodest military incursions abroad in the name of banishing the forces of darkness. A righteous empire can proceed along this course, but a middle-class commercial republic cannot. Presidents Washington and Jefferson were apprehensive about military engagements involving the affairs of Europe⁵³ because they understood them to be a threat to the republic they helped establish. So, too, did President John Quincy Adams, perhaps the last (and largely unrecognized) Founder:

[America] goes not abroad, in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own. She will commend the general cause by the countenance of her voice, and the benignant sympathy of her example. She well knows that by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice, envy, and ambition, which assume the colors and usurp the standard of freedom. The fundamental maxims of her

53. See Tocqueville, pt. 2, chap. 5 in *Democracy in America*, vol. 1, 227–28.

policy would insensibly change from liberty to force. . . . She might become the dictatress of the world. She would be no longer the ruler of her own spirit.⁵⁴

Liberal competence cannot develop when foreign threats, real or imagined, require that political and economic power be centralized and managed from above in order to gather together and coordinate the resources that war requires. For a time, the enterprise of centralization can succeed, but in the end it cannot, because the world is not ours to manage. The future is emergent, as I indicated early on in section 69. The prideful ambition of man is to know the future and direct it. The humbler course requires that we do all in our power to avoid endless military engagements abroad that tempt that prideful ambition, unless such engagements are necessary for national security, and declared so by the Constitution. The War Powers Act, passed by Congress in 1973, is not bulwark enough.⁵⁵ We do not live in a post-war world. Wars will have to be fought in the future. Let us have the finest, fiercest military available to engage with our enemies, one characterized by courage, and supplemented with strength. But let us deploy it with the humility that has long been absent.

A perennially ambitious military also poses a domestic threat, which we cannot ignore either. Military engagements abroad invariably produce a top-down domestic management enterprise that

54. John Quincy Adams, "Speech to the US House of Representatives on Foreign Policy" (speech, Washington, DC, July 4, 1821), <https://millercenter.org/the-presidency/presidential-speeches/july-4-1821-speech-us-house-representatives-foreign-policy>.

55. See Jeff Phillips, "Bring Back the War Declaration," *Washington Examiner*, July 27, 2019, <http://www.washingtonexaminer.com/opinion/op-eds/bring-back-the-war-declaration>: "While the War Powers Resolution was designed to prevent similar end-runs around the legislature, the law all but killed formal declarations of war, replacing them with authorizations of the use of military force. The United States hasn't had a declaration of war since."

stifles the liberty of citizens at home; domestic management “excels at preventing, not at doing.”⁵⁶ We stifle the emerging future by establishing such an enterprise. Without such a future, liberal citizens will have limited opportunity to rise to the challenge of newly emerging problems and demonstrate their competence. Perhaps, in the end, the question we must pose is this: Do we have the faith—perhaps even the courage—to try out the liberal politics of competence? Our current experiment with the identity politics of innocence has provided us with a way to avoid the difficult labor of working with our fellow citizens by placing as an insuperable obstacle between us—*our identities*. Management society and selfie man, along with various forms of substitutism, provides us with further shortcuts that avoid this difficult labor. Neoliberal universalism—a friend of management society and a form of substitutism—has neither the faith nor the courage to stand back and let the world be plural and emergent, at home or abroad. That is why the achievement of a modest foreign policy will be both cause and consequence of the revitalization of the liberal politics of competence at home.

§104. Looking to the future, I can dimly imagine an America that builds securely on the three pillars of renewal I have proposed here: refortifying our middle-class commercial republic; healing the legacy of the wound of slavery; and establishing and sustaining a modest foreign policy. That we are almost unable to imagine this future does not surprise me. The trails set before us—identity politics, the configuration of management society and selfie man, and substitutism in its multiple guises—are each a manifestation of man’s pride, which must be humbled if we are to see clearly. *Identity politics is the pride of believing that we ourselves are clean, that transgression is someone else’s problem, and not our own. The bipolar configuration of management society and selfie man is the pride of believing that we may live out our lives as Arcadian shepherds, without the need, really, of anyone who might trouble*

56. Tocqueville, pt. 1, chap. 5 in *Democracy in America*, vol. 1, 91.

us. Addictive substitutism in its multiple guises is the pride of believing that we may bypass the humble condition of sharing a meal together around the table. Pride is our shortcut; by indulging it, we dare to evade the difficult labors that beset our lives, which remind us of our frailty and culpability. All of the pillars of renewal I have proposed will involve difficult but necessary labors if the promise of America is to be fulfilled, and if the citizens of this country are to recover the sobriety and humility we so dearly need to live well, with a modest but justified hope for the future.

THE THREE-BODY PROBLEM

To derive a basic picture of cosmic sociology . . . you need two other important concepts: chains of suspicion and the technological explosion.

—Liu Cixin, *The Dark Forest*

THE FOOTHILLS OF A COLD WAR

In Liu Cixin's extraordinary science fiction novel *The Three-Body Problem*, China recklessly creates, then ingeniously solves, an existential threat to humanity. During the chaos of Mao's Cultural Revolution, Ye Wenjie, an astrophysicist, discovers the possibility of amplifying radio waves by bouncing them off the sun and in this way beams a message to the universe. When, years later, she receives a response from the highly unstable and authoritarian planet Trisolaris, it takes the form of a stark warning not to send further messages. Deeply disillusioned with humanity, she does so anyway, betraying the location of Earth to the Trisolarans, who are seeking a new planet because their own is subject to the chaotic gravitational forces exerted by three suns (hence the book's title). So misanthropic that she welcomes an alien invasion, Ye cofounds the Earth-Trisolaris Organization as a kind of fifth column, in partnership with a radical American environmentalist. Yet their conspiracy to help the Trisolarans conquer Earth and eradicate mankind is ingeniously

foiled by the dynamic duo of Wang Miao, a nanotechnology professor, and Shi Qiang, a coarse but canny Beijing cop.¹

The nonfictional threat to humanity we confronted in 2020 was not, of course, an alien invasion. The coronavirus SARS-CoV-2 did not come from outer space, though it shared with the Trisolarans an impulse to colonize us. The fact, however, is that the first case of COVID-19—the disease the virus causes—was in China, just as the first messages to Trisolaris were sent from China. Rather as in *The Three-Body Problem*, China caused this disaster—first by covering up how dangerous the new virus SARS-CoV-2 was, then by delaying the measures that might have prevented its worldwide spread. But then—again as in Liu Cixin’s novel—China sought to claim the credit for saving the world from the disaster it had started by liberally exporting testing kits, face masks, and ventilators to afflicted countries, and promising to do the same with any successful vaccine. Not only that, but the deputy director of the Chinese Foreign Affairs Ministry’s Information Department went so far as to endorse a conspiracy theory that the coronavirus had originated in the United States (see chapter 9).

It was already obvious in early 2019 that a new cold war—between the United States and China—had begun.² What had started out in early 2018 as a trade war—a tit for tat over tariffs while the two sides argued about the American trade deficit and Chinese intellectual property piracy—by the end of that year had metamorphosed into a technology war over the global dominance of the Chinese company Huawei in 5G network telecommunications; an ideological confrontation in response to the Chinese Communist Party’s (CCP’s) treatment of the Uighur minority in the Xinjiang region and the pro-democracy protesters in Hong Kong; and an escalation of old frictions over Taiwan and the South China Sea. In November 2019, Henry Kissinger himself—the master builder of Sino-American “coevolution” since 1971—acknowledged the new reality when I interviewed him at the Bloomberg New Economy Forum in Beijing. “We are,” he said, “in the foothills of a cold war.”³

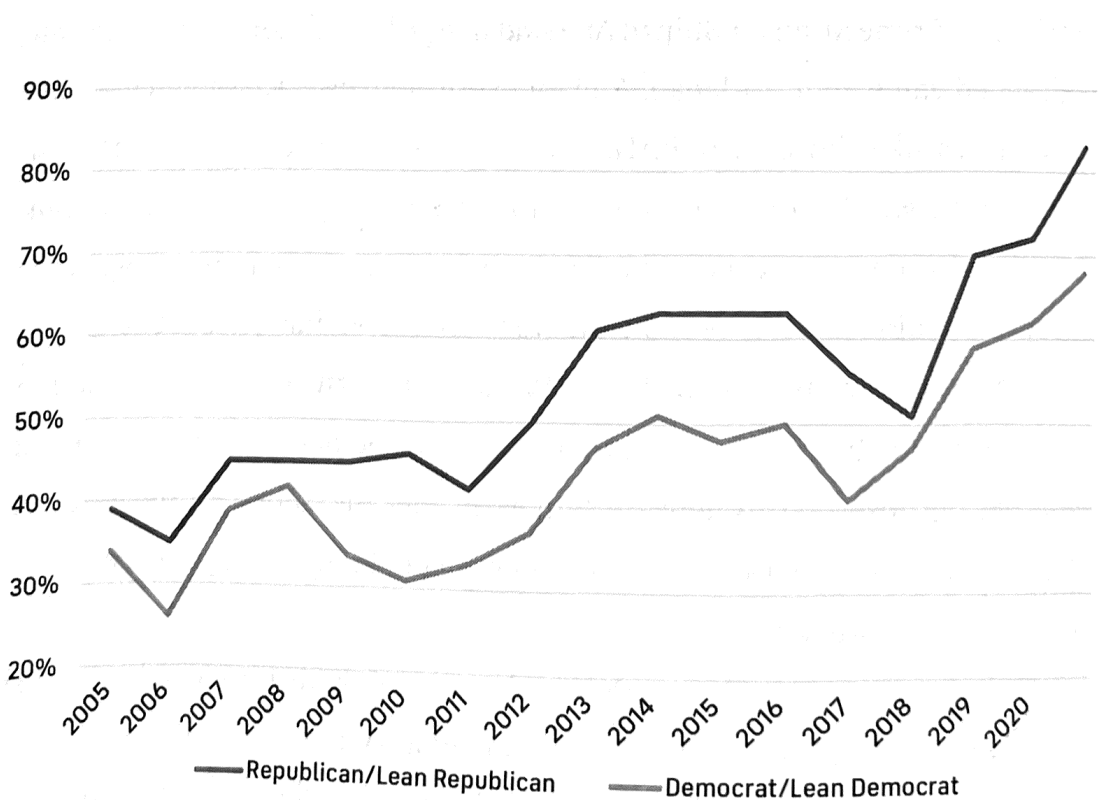
The COVID-19 pandemic merely intensified Cold War II, at the same time revealing its existence to those who previously doubted it was happening. Chinese scholars such as Yao Yang, a professor at the China Center for Economic

Research and dean of the National School of Development at Peking University, now openly discussed it.⁴ Proponents of the era of U.S.-China “engagement” after 1971 now wrote engagement’s obituary, ruefully conceding (in Orville Schell’s words) that it had foundered “because of the CCP’s deep ambivalence about the way engaging in a truly meaningful way might lead to demands for more reform and change and its ultimate demise.”⁵ A growing number of Western observers of China now accepted the Australian John Garnaut’s argument that Xi Jinping was in fact the doctrinaire Marxist-Leninist heir of Stalin and Mao.⁶ Critics of engagement were eager to dance on its grave, urging that the People’s Republic be economically “quarantined,” its role in global supply chains drastically reduced. To quote Daniel Blumenthal and Nick Eberstadt, “The maglev from ‘Cultural Revolution’ to ‘Chinese Dream’ does not make stops at Locke Junction or Tocqueville Town, and it has no connections to Planet Davos.”⁷ Moves in the direction of economic quarantine began in the spring of 2020. The European Union Chamber of Commerce in China said that more than half its member companies were considering moving supply chains out of China. Japan earmarked ¥240 billion (\$2.3 billion) to help manufacturers leave China. “People are worried about our supply chains,” Prime Minister Shinzo Abe said in April. “We should try to relocate high added value items to Japan. And for everything else, we should diversify to countries like those in ASEAN,” the Association of Southeast Asian Nations.⁸ In the words of Republican senator Josh Hawley of Missouri, “The international order as we have known it for thirty years is breaking. Now imperialist China seeks to remake the world in its own image, and to bend the global economy to its own will. . . . We must recognize that the economic system designed by Western policymakers at the end of the Cold War does not serve our purposes in this new era.”⁹ In early May, his state’s attorney general filed a lawsuit in a federal court that sought to hold Beijing responsible for the coronavirus outbreak.¹⁰

To be sure, many voices were raised to argue against a second cold war. Yao Yang urged China to take a more conciliatory line toward Washington, acknowledging what had gone wrong in Wuhan in December and January and eschewing nationalistic “wolf warrior” diplomacy. A similar argument for

reconciliation to avoid the “Thucydides Trap” (of war between a rising and an incumbent power) was made by the economists Yu Yongding and Kevin Gallagher.¹¹ Eminent architects of the strategy of engagement, notably Henry Paulson and Robert Zoellick, argued eloquently for its resurrection.¹² Wall Street remained as addicted as ever to the financial symbiosis that Moritz Schularick and I had christened “Chimerica” in 2007,¹³ and Beijing’s efforts to attract big U.S. financial firms such as American Express, Mastercard, J.P. Morgan, Goldman Sachs, and BlackRock into the Chinese market proceeded apace.¹⁴ Nevertheless, the political trend by mid-2020 was quite clearly in the other direction. In the United States, public sentiment toward China had become markedly more hawkish since 2017, especially among older voters.¹⁵ By 2020 there were few subjects about which there was a genuine bipartisan consensus in the United States. China was about the only one. On the eve of Cold War II, 51 percent of Republicans and 47 percent of Democrats had an unfavorable view of China. By July 2020, those shares had risen to, respectively, 83 and 68 percent.¹⁶

It was therefore to state the obvious that this new cold war would be the biggest challenge to world order, whoever was sworn in as president of the United



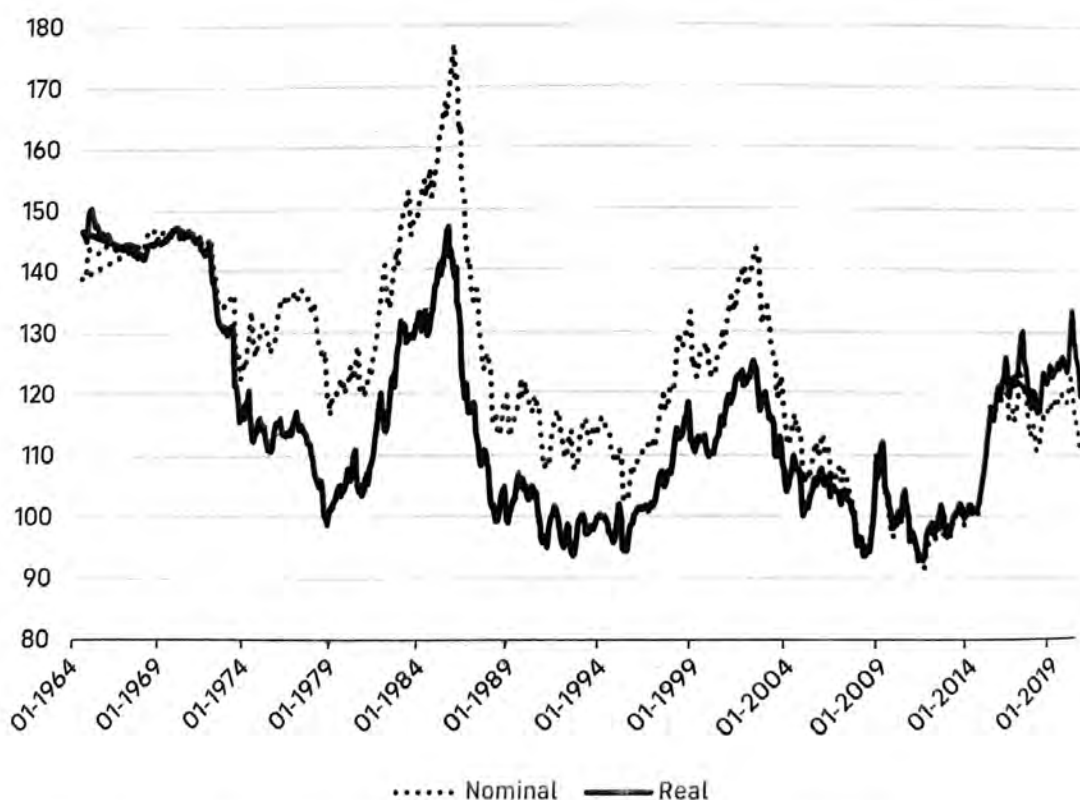
The one bipartisan issue. Percentages of Republicans and Democrats who say they have an “unfavorable” opinion of China. Most recent poll conducted June 16–July 14, 2020.

States in January 2021, for most of that person's term in office. Armed with John Bolton's new memoir—which revealed President Donald Trump to be privately a good deal more conciliatory toward his Chinese counterpart, Xi Jinping, than he had been in public—Joe Biden's campaign could claim that their man would be tougher on China than Trump.¹⁷ According to the Beijing-controlled *Global Times*, Chinese netizens had taken to mocking the American president as Chuan Jianguo, or “Build-up-the-country Trump”—a kind of parody Manchurian Candidate.¹⁸ By contrast, the language of some potential cabinet-level appointees in a Biden administration was so tough in 2020 as to be indistinguishable in places from that of the increasingly belligerent secretary of state Mike Pompeo. A *Foreign Affairs* article by Michèle Flournoy featured fighting words that might equally well have been spoken by the late senator John McCain.¹⁹ Indeed, they echoed the arguments made by McCain's former aide, Christian Brose, in his book *The Kill Chain*.²⁰

Commentators (and there are many) who doubted the capacity of the United States to reinvigorate and reassert itself implied, or stated explicitly, that this was a cold war the Communist power could win. “Superpowers expect others to follow them,” the former Singaporean diplomat Kishore Mahbubani told *Der Spiegel* in April 2020. “The United States has that expectation, and China will too, as it continues to get stronger.”²¹ In an interview with *The Economist*, he went further: “History has turned a corner. The era of Western domination is ending.”²² This view had long had its supporters among left-leaning or Sinophile Western intellectuals, such as Martin Jacques²³ and Daniel Bell.²⁴ The COVID-19 crisis made it more mainstream. Yes, the argument ran, the fatal virus might have originated in Wuhan; nevertheless, after an initially disastrous sequence of events, the Chinese government had brought its own epidemic under control with remarkable speed, illustrating the strengths of the “China model.”²⁵

By contrast, the U.S. had badly bungled its pandemic response. “America is first in the world in deaths, first in the world in infections and we stand out as an emblem of global incompetence,” the distinguished diplomat William Burns told the *Financial Times* in May 2020. “The damage to America's influence and reputation will be very hard to undo.”²⁶ The editor in chief at

Bloomberg, John Micklethwait, and his coauthor, Adrian Wooldridge, wrote in a similar vein in April.²⁷ “If the 21st century turns out to be an Asian century as the 20th was an American one,” argued Lawrence Summers in May, “the pandemic may well be remembered as the turning point.”²⁸ Nathalie Tocci, an adviser to the European Union’s high representative (foreign minister), likened the 2020 coronavirus crisis to the 1956 Suez crisis.²⁹ The American journalist and historian Anne Applebaum lamented, “There is no American leadership in the world. . . . The outline of a very different, post-American, post-coronavirus world is already taking shape. . . . A vacuum has opened up, and the Chinese regime is leading the race to fill it.”³⁰ The Princeton historian Harold James went so far as to draw an analogy between Trump’s America and the twilight of the Soviet Union.³¹ The Canadian anthropologist Wade Davis wrote of the “unraveling” of “a failed state, ruled by a dysfunctional and incompetent government.” “The hinge of history,” he concluded, “opened to the Asian century.”³² Those who took the other side of this argument—notably the columnist Gideon Rachman and the political scientist Joseph Nye—were in a distinct minority.³³ Even Richard Haass, who insisted that “the



U.S. dollar, nominal and real trade-weighted effective exchange rate since 1964.

world following the pandemic is unlikely to be radically different from the one that preceded it,” foresaw a dispiriting future of “waning American leadership, faltering global cooperation, great-power discord.”³⁴ Meanwhile, those who believed in historical cycles, such as the investor turned financial historian Ray Dalio, were already sounding the death knell of a dollar-dominated world economy.³⁵ Peter Turchin had made a similar argument on the basis of “structural demographic theory,” predicting in 2012 that the year 2020 would be “the next instability peak [of violence] in the United States.”³⁶ Who, under the circumstances of 2020, could blame the playwright David Mamet for being haunted by Cassandra’s prophecies?³⁷ Yet again, it seemed, we were doomed.

As Kissinger argued in an April essay, the pandemic would “forever alter the world order. . . . The world will never be the same after the coronavirus.” But how exactly would the international system change? One possible answer was that COVID-19 had reminded many countries of the benefits of self-reliance. In Kissinger’s words:

Nations cohere and flourish on the belief that their institutions can foresee calamity, arrest its impact and restore stability. When the Covid-19 pandemic is over, many countries’ institutions will be perceived as having failed. Whether this judgment is objectively fair is irrelevant.³⁸

Not everyone shared Daniel Bell’s ecstatic assessment of the performance of the Chinese Communist Party. True, COVID-19 was not likely to be Xi Jinping’s Chernobyl. Unlike its Soviet counterpart in 1986, the Chinese Communist Party had the ability to weather the storm of a disaster and to restart the industrial core of its economy. Yet by mid-2020 there was no plausible way that Xi could meet his cherished goal of a 2020 gross domestic product in China that would be double that of 2010: the pandemic necessitated the abandonment of the growth target that was necessary to achieve that. Nor did Xi look politically unassailable. A second major disaster—the collapse of the Three Gorges Dam when the summer floods were at their height, for example—would have posed a major threat to his and perhaps even CCP’s position: it would have seemed as if the Mandate of Heaven had been withdrawn. It was

a naive assumption that China would be the principal geopolitical beneficiary of the pandemic.

However, the United States hardly seemed likely to emerge from the pandemic with its global primacy intact. It was not just that Trump had bungled his response to the crisis, though he certainly had. Much more troubling was the realization that the parts of the federal government that were primarily responsible for handling such a crisis had also bungled it. As we have seen, this was not for lack of legislation or pandemic preparedness plans. As a consequence, the United States had fallen back on the 1918–19 playbook of pandemic pluralism—states did their own thing; in some states a lot of people died—but combined with the 2009–10 playbook of financial crisis management. The dumb reopening ensued, followed by an equally predictable slowing of the economic recovery. As this debacle played out, I sometimes felt I was watching all my earlier visions of the endgame of American empire—in the trilogy *Colossus* (2004), *Civilization* (2011), and *The Great Degeneration* (2012)—but speeded up.

A CATALOG OF CATASTROPHES

To each administration comes the disaster it is least prepared for, and most deserves. That, in any event, is one way of thinking about American history since the end of the Cold War.

Bill Clinton was elected in 1992 precisely because the forty-year contest with the Soviet Union had ended the year before. With every expectation of a “peace dividend,” the public no longer had need of George H. W. Bush’s exceptional experience in war, diplomacy, and intelligence. Bush had fought in World War II as a Navy pilot, narrowly avoiding death when his Grumman Avenger was shot down over Chichijima, north of Iwo Jima.³⁹ By contrast, Clinton had done his utmost to avoid being drafted during the Vietnam War. He had participated in protests against the war while a Rhodes Scholar at Oxford. Back in the United States, he had unsuccessfully sought to join the National Guard or the Air Force and had applied to join the Reserve Officers’ Training Corps (ROTC) program at the University of Arkansas purely to avoid

being sent to Vietnam. A philanderer, a saxophonist, a voracious consumer of chicken enchiladas, Clinton seemed ideally qualified to lead the baby boomers into an eight-year-long party. History handed him the breakup of Yugoslavia and the Rwandan genocide.

Clinton's administration intervened to end the war in Bosnia and Herzegovina only after years of procrastination and did nothing whatever to prevent mass slaughter in Rwanda.⁴⁰ When the issue of Bosnia was raised during the 1992 presidential campaign, Clinton argued that American troops should not be sent "into a quagmire that is essentially a civil war"—shorthand for "another Vietnam." His defense secretary, William Cohen, unwittingly gave a green light to Serbian attacks on Goražde when he declared that the United States would not enter the war to avert its fall.⁴¹ Only with the greatest difficulty did Tony Lake, Richard Holbrooke, and increasingly negative press convince Clinton that the United States could stop the war with a modest military effort.⁴² By that time, nearly 100,000 people had been killed and 2.2 million displaced.⁴³ In the case of Rwanda, the Clinton administration's attitude was determined, once again, by the fear of American casualties. The decision to send a risibly small force of two hundred U.S. troops to the Kigali airport in 1994 was based on the repulsive calculation that (as an American military officer told the head of the UN peacekeeping mission) "one American casualty is worth about 85,000 Rwandan dead."⁴⁴ Between half a million and a million people died in Rwanda between April and July 1994, most of them ethnic Tutsis murdered by their Hutu countrymen.

George W. Bush had campaigned in 2000 to reduce American commitments overseas. Then, in the first year of a presidency he had won only by a hair's breadth, came 9/11—an event prophesied by Richard Clarke, among others. In 1992, Clarke had been appointed by Bush's father to chair the Counterterrorism Security Group and sit on the National Security Council. Bill Clinton had kept Clarke and even promoted him to national coordinator for security, infrastructure protection, and counterterrorism. Despite repeated efforts, however, Clarke could not persuade the senior members of Bush's national security team to prioritize the threat posed by Osama bin Laden and al-Qaeda. "Al Qaeda plans major acts of terrorism against the U.S.," he told a

meeting of deputy secretaries in April 2001. “It plans to overthrow Islamic governments and set up a radical multination Caliphate.” Paul Wolfowitz was dismissive. Clarke would later argue that Wolfowitz and his boss, Defense Secretary Donald Rumsfeld, had already made up their minds to intervene in Iraq, and 9/11 merely furnished the pretext.⁴⁵ In the immediate aftermath of the attacks on New York and Washington, the Bush administration embarked on an ambitious strategy not merely to penalize the Afghan government for sheltering bin Laden—action that Al Gore might also have taken, had he been elected president—but also to reshape the “Greater Middle East” by overthrowing Saddam Hussein, the Iraqi dictator. Typical of the new mindset was a briefing given in November 2001 by CIA director George Tenet, Vice President Dick Cheney, and National Security Adviser Condoleezza Rice on the subject of al-Qaeda’s potential access to Pakistani nuclear weapons expertise. Cheney observed that the United States had to confront a new type of threat, a “low-probability, high-impact event,” and therefore, if there was “a 1% chance that Pakistani scientists are helping al-Qaeda build or develop a nuclear weapon, we have to treat it as a certainty in terms of our response. It’s not about our analysis. . . . It’s about our response.”⁴⁶ Allied to this “one percent doctrine” was a neocolonial hubris on the part of some administration officials. As the journalist Ron Suskind reported, an unnamed Bush adviser told him that

guys like me were “in what we call the reality-based community,” which he defined as people who “believe that solutions emerge from your judicious study of discernible reality.” I nodded and murmured something about enlightenment principles and empiricism. He cut me off. “That’s not the way the world really works anymore,” he continued. “We’re an empire now, and when we act, we create our own reality. And while you’re studying that reality—judiciously, as you will—we’ll act again, creating other new realities, which you can study too, and that’s how things will sort out. We’re history’s actors . . . and you, all of you, will be left to just study what we do.”⁴⁷

This was not the way most ordinary Americans thought, much as they thirsted to see bin Laden and his confederates brought to justice. "I think we're trying to run the business of the world too much," a Kansas farmer told the British author Timothy Garton Ash in 2003, "like the Romans used to."⁴⁸ To assuage such feelings of unease, President Bush declared on April 13, 2004, "We're not an imperial power. . . . We're a liberating power."⁴⁹ Secretary of Defense Rumsfeld echoed this. "We don't take our forces and go around the world and try to take other people's real estate or other people's resources, their oil," he told Al Jazeera. "That's just not what the United States does. We never have, and we never will. That's not how democracies behave."⁵⁰ Very few people outside the United States believed a word of such assurances.

The costs to Americans of the "global war on terror" were low by the standards of their country's Cold War conflicts. In "Operation Iraqi Freedom" (2003–10), 3,490 U.S. service personnel were killed in action and 31,994 wounded. A further 59 were killed in the Middle East in the subsequent operations "New Dawn" and "Inherent Resolve." In Afghanistan, the casualties were 1,847 killed in action and 20,149 wounded, plus another 66 killed and 571 wounded since the end of 2014, when "Operation Enduring Freedom" formally ended and "Operation Freedom's Sentinel" began.⁵¹ (These figures should be compared with those for the Korean and Vietnam wars, which together left 81,110 U.S. personnel dead from combat and 245,437 wounded.) It is not easy to argue today that these interventions were hugely successful, however, even if the counterfactuals of nonintervention are hard to imagine, much less compute. Certainly, if the goal was to remake Iraq and Afghanistan as prosperous democracies, aligned diplomatically with the United States, the outcomes fell far short. The human costs for those on the receiving end of these policies, by contrast, were much higher than were foreseen. According to Iraq Body Count, the total number of violent deaths since the U.S. invasion was 288,000, of whom between 185,000 and 208,000 were civilians.⁵² The Afghan death toll has been estimated at 157,000, including 43,000 civilians.⁵³ The total financial cost of these wars to the United States has been estimated at around \$6.4 trillion.⁵⁴ Yet the "one percent doctrine" turned out to apply

only to external threats. The Bush administration was caught flat-footed by Hurricane Katrina in August 2005 and entirely failed to anticipate the financial crisis that was already detectable in late 2006 but erupted into a full-blown run on the banking system with the bankruptcy of Lehman Brothers in September 2008. Strategic and financial risk management appeared to exist in two completely separate domains.⁵⁵

At a press briefing on February 12, 2002, Rumsfeld was asked a question about the administration's central and almost certainly erroneous allegation that there were ties between Saddam Hussein and al-Qaeda. The exchange was revealing:

JOURNALIST: In regard to Iraq weapons of mass destruction and terrorists, is there any evidence to indicate that Iraq has attempted to or is willing to supply terrorists with weapons of mass destruction? Because there are reports that there is no evidence of a direct link between Baghdad and some of these terrorist organizations.

RUMSFELD: Reports that say that something hasn't happened are always interesting to me, because as we know, there are known knowns; there are things we know we know. We also know there are known unknowns; that is to say we know there are some things we do not know. But there are also unknown unknowns—the ones we don't know we don't know. And if one looks throughout the history of our country and other free countries, it is the latter category that tend to be the difficult ones.⁵⁶

The idea of unknown unknowns can be traced back to a 1955 paper by the psychologists Joseph Luft and Harrington Ingham.⁵⁷ Rumsfeld himself attributed it to NASA administrator William Graham, with whom he had worked in the 1990s on the congressional Commission to Assess the Ballistic Missile Threat to the United States.⁵⁸ As we saw in chapter 8, NASA managers had good reason to be concerned about unknown unknowns. But they, like Rumsfeld, might have devoted more attention to the “unknown knowns”—perfectly obvious dangers (such as the risk of an O-ring failing or an insurgency in

post-Saddam Iraq) that decision makers unconsciously ignore because they do not accord with their preconceptions. Just over a year later, with Saddam gone and Iraq already descending into anarchy, Rumsfeld faced the press again. Looting in Baghdad, Rumsfeld explained, was a result of “pent-up feelings” that would soon subside. “Freedom’s untidy, and free people are free to make mistakes and commit crimes and do bad things,” Rumsfeld said. “Stuff happens.”⁵⁹

With Bush’s approval down to 25 percent by October 2008, the freshman senator Barack Obama—who had opposed the Iraq invasion—comfortably defeated a Republican nominee best known for his belligerent temperament. (John McCain did not help himself when he told an antiwar activist at a New Hampshire town hall meeting that the U.S. military could stay in Iraq for “maybe a hundred years” and that “would be fine with me.”⁶⁰) Yet it was easier said than done to extricate America from the Middle East. In August 2011, as revolution swept the Arab world, Obama told the Syrian dictator Bashar al-Assad to “step aside.” However, the president declined to will the means by arming the Free Syrian Army. The most he would do, in 2012, was to approve CIA training of ten thousand rebel fighters, who proved ineffectual at best. Between July 2012 and August 2013, the White House said that if Assad used chemical weapons he would be deemed to have “crossed a red line.” Chemical weapons were used anyway, but on August 30, 2013—after consulting only Denis McDonough, his chief of staff—Obama decided to call off the planned air strikes, to the dismay of his national security team. He then allowed the Russian government to broker a deal under which Assad handed over (some of) his chemical weapons. In an address to the nation on September 10, 2013, Obama announced that the United States was no longer the “world’s policeman.”⁶¹ Less than a year later, the terrorist group Islamic State (ISIS)—which had emerged from the ashes of al-Qaeda in Iraq after Obama withdrew U.S. forces—decapitated James Foley and other Western hostages, leading Obama to authorize joint air strikes with the Gulf states against ISIS in Syria. In September 2015, after a Russian proposal for joint action was rejected by Obama, President Vladimir Putin sent not only three dozen aircraft but also fifteen hundred troops to Latakia and warships to the Caspian Sea.

It was at around this time that the White House came up with the crude slogan “Don’t do stupid shit.” (According to Ben Rhodes, Obama’s deputy national security adviser for strategic communication, “The questions we were asking in the White House were ‘Who exactly is in the stupid-shit caucus? Who is pro-stupid shit?’”) Letting Putin into the Syrian conflict was referred to by Rhodes and others as the “Tom Sawyer approach”—meaning that “if Putin wanted to expend his regime’s resources by painting the fence in Syria, the U.S. should let him.”⁶² The consequences, as the Syrian Civil War dragged on, were a death toll of more than 500,000, nearly half of them civilians;⁶³ around 13.4 million forcibly displaced people, 6.6 million of them now outside Syria;⁶⁴ and a flood of two to three million refugees and migrants—not only Syrians but people from all over the Muslim world who seized the moment—pouring into Europe. The escalation of the conflict also had grave strategic consequences, not the least of which was the return of Russia to the region as a major player for the first time since the early 1970s. In short, the consequences of American nonintervention in Syria were, in many ways, as bad as the consequences of American intervention in Iraq, though far fewer American lives and dollars were expended.⁶⁵

There was rich irony here. In one of their preelection debates in 2012, Obama had taunted the Republican candidate Mitt Romney: “The 1980s are now calling to ask for their foreign policy back because the Cold War’s been over for twenty years.” The allusion was to Romney’s description of Russia as “our number one geopolitical foe.”⁶⁶ A year after his second inaugural, in January 2014, Obama complacently told the editor of *The New Yorker*, “I don’t really even need George Kennan right now,”⁶⁷ an allusion to the architect of the Cold War strategy of “containing” Soviet expansion. Before the following month was over, Russian troops had occupied Crimea, the annexation of which followed on March 18. Fighting over Donetsk and Luhansk, where Russian-backed separatists seized control of a significant amount of Ukrainian territory, continues to this day.

Yet the biggest disaster of the Obama presidency was not foreign but domestic. Though regarded by conservatives as a left-leaning Democrat at the time of his election, Obama presided over a profound socioeconomic crisis

that stemmed partly from the financial mess he had inherited and partly from longer-term trends. Measures intended to stimulate economic recovery, notably the Federal Reserve's program of "quantitative easing," indirectly benefited owners of financial assets. The share of total net worth held by the top 1 percent of Americans rose from 26 percent in the first quarter of 2009 to 32 percent in the last quarter of 2016.⁶⁸ Meanwhile, middle- and lower-class white Americans experienced not only economic stagnation but an epidemic of what the Princeton economists Anne Case and Angus Deaton called "deaths of despair," principally drug overdoses, alcohol poisonings, and suicides, as well as marked increases in disability, pain, and insecurity. According to Case and Deaton, had the white mortality rate "continued to fall at its previous (1979–1998) rate of decline of 1.8% per year, 488,500 deaths would have been avoided in the period 1999–2013."⁶⁹ Three waves of opioid overdoses (first of prescription opioids, then of heroin, and then of synthetic opioids such as fentanyl) produced a surge of deaths during the Obama presidency, more than doubling the opioid-related death rate from 6.4 per 100,000 in 2008 to 13.3 in 2016.⁷⁰ More than 365,000 Americans died of drug overdoses between 2009 and 2016. Each year saw more deaths than the year before. The most affected age groups were those between twenty-five and fifty-four, for whom the overdose rates in 2016 were between 34 and 35 per 100,000, which meant that the total of life years lost approached that of the 1918–19 influenza pandemic.⁷¹ It was rarely pointed out that a major source of synthetic opioids and fentanyl precursors was China.⁷²

Though the media assigned almost no blame to Obama for his administration's failure to deal with the opioid epidemic, such social trends did much to explain Donald J. Trump's success as a populist outsider in 2016, first in winning the Republican nomination, then in defeating Hillary Clinton to win the presidency itself. His argument that Middle America had experienced "carnage" resonated with many voters, especially key voters in midwestern swing states such as Michigan and Wisconsin; his skill was to use old populist tropes to channel popular resentment not against bankers—the preferred target of the populists of the left—but against China (globalization), Mexico (immigration), and Clinton herself, the personification of a wealthy liberal

elite, disconnected from the concerns of “real people,” sneeringly dismissing half of Trump’s supporters as a “basket of deplorables . . . racist, sexist, homophobic, xenophobic, Islamaphobic—you name it.”⁷³ Obama’s many admirers in the bureaucratic, academic, and corporate elites were appalled by Trump’s election. The most obvious manifestations of elite horror were protests such as the 2017 Women’s March, in which—according to one sample—more than half the participants had a graduate as well as a bachelor’s degree.⁷⁴

More subtle was the steady stream of briefings against Trump by Obama appointees. John MacWilliams, a former investment banker turned Department of Energy risk officer under Obama, warned Michael Lewis of five risks: a “broken arrow” (a lost or damaged nuclear missile or bomb), North Korean and Iranian nuclear aggression, an attack on the electrical power grid, and a “fifth risk”: a decay of government program management. The fifth risk, Lewis explained, was “the risk a society runs when it falls into the habit of responding to long-term risks with short-term solutions. . . . ‘Program management’ is the existential threat that you never really even imagine as a risk. . . . It is the innovation that never occurs and the knowledge that is never created, because you have ceased to lay the groundwork for it. It is what you never learned that might have saved you.”⁷⁵ It was, in short, Rumsfeld’s unknown unknown. But does this really explain what went wrong in 2020, when COVID-19 struck? Only if one has a somewhat ingenuous view of the way government works. For if any administration should have been ready for a threat made in China that could best be met by tight border controls, it was the anti-China, pro-borders Trump administration. The “Wuhan flu” should have been the ideal disaster for a populist president.

Commentators for whom life is wonderfully simple have, without hesitation, blamed Trump for the excess mortality in 2020 due to COVID-19. No doubt the buck of responsibility stopped with him, as with every president. Without question, Trump made matters worse. He downplayed the risk. He touted quack remedies. He made bad appointments. He disparaged masks. He tweeted downright lies. He campaigned with a callous disregard for the health of those around him. These sins of omission and commission far outweighed the things his administration got right, notably “Operation Warp

Speed.” Yet arguing that Trump could have *averted* the public health disaster is rather like saying that Bill Clinton could have prevented the dismemberment of Bosnia or the Rwandan genocide. It is like claiming that Bush could have saved New Orleans from Hurricane Katrina or avoided the 2008 financial crisis, or that Obama had the power to avert or end quickly the Syrian Civil War—or the capacity to save hundreds of thousands of Americans from opioid overdoses. All these arguments are versions of Tolstoy’s Napoleonic fallacy that do a violence to the complexity of political disaster by imagining the U.S. president as an omnipotent executive, rather than an individual perched atop a bureaucratic hierarchy that would appear to have become steadily worse at managing disasters over a period of several decades.

THE RETURN OF NONALIGNMENT

The truth is that the pandemic exposed the weaknesses of all the big players on the world stage: not only the United States but also China and, for that matter, the European Union.⁷⁶ This should not have surprised us. As we have seen, plagues are generally bad for big empires, especially those with porous frontiers (witness the reigns of the Roman emperors Marcus Aurelius and Justinian). City-states and small nation-states are better positioned to limit contagion. The key point is that there are diseconomies of scale when a new pathogen is on the loose. Yet Taiwan, South Korea, Singapore, New Zealand, and (initially) Israel—among the smaller states to handle the pandemic competently—could never be more than the modern equivalent of city-states; great-power status was beyond their grasp. The question remained: Who would gain from this demonstration that, in a real crisis, small is beautiful? China’s increasingly omniscient surveillance state might seem to have proved its superiority over decreasingly competent American democracy when it came to pandemic containment. On the other hand, the fate of Hong Kong was hardly an alluring advertisement for integration into the Chinese imperial panopticon. Moreover, the centrifugal forces unleashed by the pandemic posed, at least in theory, a more profound threat to a monolithic one-party state than to a federal system that was already in need of some decentralization.

As Kissinger observed, “No country . . . can in a purely national effort overcome the virus. . . . The pandemic has prompted an anachronism, a revival of the walled city in an age when prosperity depends on global trade and movement of people.” Ultimately, Taiwan could not prosper in isolation; no more could South Korea. “Addressing the necessities of the moment,” Kissinger wrote, “must ultimately be coupled with a global collaborative vision and program. . . . Drawing lessons from the development of the Marshall Plan and the Manhattan Project, the U.S. is obliged to undertake a major effort . . . [to] safeguard the principles of the liberal world order.”⁷⁷ This seemed to many like wishful thinking. The reputation of the Trump administration had sunk to rock bottom in the eyes of most scholars of international relations long before COVID-19. The president was seen as a wrecking ball, taking wild swings at the very institutions on which global stability supposedly depended, notably the World Trade Organization and, most recently, the World Health Organization, to say nothing of the Joint Comprehensive Plan of Action on Iran’s nuclear program and the Paris Agreement on climate change. Yet reasonable questions could be asked about the efficacy of all of these institutions and agreements with respect to the Trump administration’s core strategy of engaging in “strategic competition” with China.⁷⁸ If the administration was judged by its actions in relation to its objectives, rather than by presidential tweets in relation to some largely mythical liberal international order, a rather different picture emerged.⁷⁹ In four distinct areas, the Trump administration had achieved, or stood a chance of achieving, at least some success in its competition with China.

The first was financial. For many years, China had toyed with the idea of making its currency convertible. This had proved to be impossible because of the pent-up demand of China’s wealth owners for assets outside China. More recently, Beijing had sought to increase its financial influence through large-scale lending to developing countries, some of it (though not all) through its One Belt One Road initiative. The crisis unleashed by the COVID-19 pandemic presented the United States with an opportunity to reassert its financial leadership of the world. In response to the severe global liquidity crisis in March, the Federal Reserve opened two channels—swap lines and a new repo facility

for foreign and international monetary authorities (FIMA)—through which other central banks could access dollars. The first already applied to Europe, the UK, Canada, Japan, and Switzerland and was extended to nine more countries, including Brazil, Mexico, and South Korea. At its peak, the amount of swaps outstanding was \$449 billion.⁸⁰ In addition, the new repo facility made dollars available on a short-term basis to 170 foreign central banks. At the same time, the International Monetary Fund—an international institution the Trump administration showed no inclination to undermine—dealt with a spate of requests for assistance from about a hundred countries, canceling six months of debt payments due from twenty-five low-income countries such as Afghanistan, Haiti, Rwanda, and Yemen, while the G20 countries agreed to freeze the bilateral debts of seventy-six poorer developing countries.⁸¹ As international creditors braced themselves for a succession of defaults, reschedulings, or restructurings by countries such as Argentina, Ecuador, Lebanon, Rwanda, and Zambia, the United States was in a much stronger position than China. Since 2013, total announced lending by Chinese financial institutions to One Belt One Road projects amounted to \$461 billion, making China the single biggest creditor to emerging markets.⁸² The lack of transparency that characterized these loans—the failure to publish their terms and conditions—had for some time aroused the suspicions of Western scholars, notably Carmen Reinhart, now chief economist at the World Bank.⁸³

It was one thing to lament the dominance of the dollar in the international payments system; it was another to devise a way to reduce it.⁸⁴ Unlike in the 1940s, when the U.S. dollar stood ready to supplant the British pound as the international reserve currency, the Chinese renminbi in 2020 remained far from being a convertible currency, as Henry Paulson and others pointed out.⁸⁵ Chinese and European experiments with central bank digital currencies posed no obvious threat to dollar dominance. As for Facebook's grand design for a digital currency, Libra, as one wit observed, it had "about as much chance of displacing the dollar as Esperanto has of replacing English."⁸⁶ The most that could be said in mid-2020 was that the United States was lagging behind Asia, Europe, and even Latin America when it came to adopting new financial technology. But it was hard to see how the most ambitious alternative to the

dollar—a projected East Asian digital currency consisting of the renminbi, the Japanese yen, the South Korean won, and the Hong Kong dollar—would even come to fruition, in view of the profound suspicions many in Tokyo and Seoul felt toward the financial ambitions of Beijing.⁸⁷

The second area where U.S. dominance seemed likely (though not certain) to be reasserted was in the race to find a vaccine against the SARS-CoV-2 virus.⁸⁸ According to the Milken Institute, there were more than two hundred vaccine research projects under way at the time of writing, five of which were already in Phase III human trials. Eight candidates—including those of Oxford/Vaccitech and Moderna—were being given U.S. government funding as part of the Trump administration’s “Operation Warp Speed.”⁸⁹ True, three of the vaccines in Phase III trials were Chinese, but they were inactivated whole virus vaccines, an earlier generation of medical science than Moderna’s mRNA-1273.⁹⁰ As an April survey in *Nature* noted, “Most COVID-19 vaccine development activity is in North America, with 36 (46%) developers of the confirmed active vaccine candidates compared with 14 (18%) in China, 14 (18%) in Asia (excluding China) and Australia, and 14 (18%) in Europe.”⁹¹ It was possible one of the Chinese contenders might beat the odds and produce a vaccine. It was nevertheless worth remembering the recurrent problems the People’s Republic had experienced with vaccine safety and regulation, most recently in January 2019, when children in Jiangsu Province had received out-of-date polio shots,⁹² and before that in July 2018, when 250,000 doses of vaccine for diphtheria, tetanus, and whooping cough had been found to be defective.⁹³ It was only fourteen years ago that Zheng Xiaoyu, the former head of the Chinese State Food and Drug Administration, was sentenced to death for taking bribes from eight domestic drug companies.⁹⁴ Both Chinese and Russian vaccine projects seemed to be using 1950s methods of development and testing, with all the attendant risks.

Third, in 2020 the United States was pulling ahead of China in the “tech war.” The Trump administration’s pressure on allied countries not to use 5G hardware produced by Huawei began yielding results. In Germany, Norbert Röttgen, a prominent member of Chancellor Angela Merkel’s Christian Democratic Union, helped draft a bill that would bar any “untrustworthy” com-

pany from “both the core and peripheral networks.”⁹⁵ In Britain, Conservative MP Neil O’Brien, cofounder of the China Research Group, and a group of thirty-eight rebel Tory backbenchers succeeded in changing Prime Minister Boris Johnson’s mind about Huawei, much to the fury of the editors of *China Daily*.⁹⁶ More significant were the U.S. Commerce Department rules announced on May 15, and further tightened on August 17, that, from mid-September, cut Huawei off from advanced semiconductors produced anywhere in the world using U.S. technology or intellectual property. This included the chips produced in Taiwan by Taiwan Semiconductor Manufacturing Company (TSMC), the world’s most advanced manufacturer. The new U.S. rules posed a potentially mortal threat to Huawei’s semiconductor affiliate HiSilicon.⁹⁷

Finally, the United States’ lead in artificial intelligence research, as well as in quantum computing, began to look commanding, though the decision by President Trump to restrict H-1B visas for computer programmers and other skilled workers threatened ultimately to reduce that lead.⁹⁸ One 2020 study showed that while “China is the largest source of top-tier AI researchers . . . a majority of these Chinese researchers leave China to study, work, and live in the United States.”⁹⁹ An Oxford survey of the tech war concluded, “If we look at the 100 most cited patents since 2003, not a single one comes from China. . . . A surveillance state with a censored internet, together with a social credit system that promotes conformity and obedience, seems unlikely to foster creativity.”¹⁰⁰ If Yan Xuetong, dean of the Institute of International Relations at Tsinghua University, was correct that Cold War II would be a purely technological competition, without the nuclear brinkmanship and proxy wars that had made Cold War I so risky and so costly, then the United States must be the favorite to win it.¹⁰¹

It could hardly be claimed that the Trump administration was “safeguard[ing] the principles of the liberal world order.” That was never its *raison d’être*. It would nevertheless be fair to say that, in practice, the administration was quite effective in at least some of the steps it took to achieve its stated goal of competing strategically with China. There was, however, a potential flaw in the strategy. The great achievement of the various strategies of containment pursued by the United States during the First Cold War was to limit and ultimately

reverse the expansion of Soviet power without precipitating a third world war. Might strategic competition prove less successful in that regard? It was possible. First, there was a clear and present danger that information warfare and cyberwarfare operations, honed by the Russian government and now adopted by China, could cause severe disruption to the U.S. political and economic system.¹⁰² Second, the United States could find itself at a disadvantage in the event of a conventional war in the South China Sea or the Taiwan Strait, because U.S. aircraft carrier groups, with their F-35 fighters, were now highly vulnerable to new Chinese weapons such as the DF-21D (“the carrier killer”), the world’s first operational anti-ship ballistic missile.¹⁰³ One could imagine without too much difficulty an American naval defeat and diplomatic humiliation.¹⁰⁴ This would be disaster on a different scale from COVID-19, regardless of the death toll.

Third, the United States already found it difficult to back up words with actions. In the summer of 2020, China imposed new national security laws on Hong Kong, dealing a blow to the territory’s autonomy and surely violating the terms of the 1984 Sino-British Joint Declaration, which guaranteed the “one country, two systems” model until 2047. Adding various Chinese agencies and institutions to the Commerce Department’s entity list did not deter Beijing from going ahead. Nor did the broader economic sanctions threatened by indignant senators. Secretary of State Pompeo went out of his way to show friendliness toward the Taiwanese government in 2020, publicly congratulating President Tsai Ing-wen on her reelection in January. Even Richard Haass, a pre-Trump Republican and the personification of East Coast establishment strategy, argued for an end to the “ambiguity” of the U.S. commitment to defend Taiwan. “Waiting for China to make a move on Taiwan before deciding whether to intervene,” wrote Haass in September, “is a recipe for disaster.”¹⁰⁵ Yet how effectively could the United States counterattack if Beijing decided to launch a surprise amphibious invasion of the island? Such a step was openly proposed by nationalist writers on Chinese social media as the solution to the threat that Huawei will be cut off from TSMC. One lengthy post on this subject was headlined: “Reunification of the Two Sides, Take TSMC!”¹⁰⁶

The reunification of Taiwan and the mainland was and remained Xi Jin-

ping's most cherished ambition, as well as being one of the justifications for his removal of term limits. Xi may well have wondered if there would ever again be a more propitious time to force the issue than in late 2020, with the United States emerging from a lockdown-induced recession and with a deeply divisive election unlikely to reduce the country's internal frictions. While the Pentagon remained skeptical of China's ability to execute a successful invasion of Taiwan, the People's Liberation Army had been rapidly increasing its amphibious capabilities.¹⁰⁷ With good reason, Harvard's Graham Allison warned that the administration's ambition to "kill Huawei" could play a similar role to the sanctions imposed on Japan between 1939 and 1941, which culminated in the August 1941 oil embargo.¹⁰⁸ It was this and other economic pressure that ultimately drove the imperial government in Tokyo to gamble on the war that began with the surprise attack on Pearl Harbor.¹⁰⁹ If it were the United States that suddenly found itself cut off from TSMC, the boot would be on the other foot, as the Taiwanese company's new foundry in Arizona would take years to complete and, in terms of size, would be no substitute for the much larger facilities it had in Taiwan.¹¹⁰

Cold wars can deescalate in the process we remember as *détente*. But they can also escalate: a recurrent feature of the period from the late 1950s until the early 1980s was fear that brinkmanship might lead to Armageddon. At times, as John Bolton made clear, President Trump inclined to a very crude form of *détente*. There were important members of his administration who leaned in that direction, too. In mid-2020 there was occasionally melodious mood music about the Phase One trade deal announced late in 2019, despite abundant evidence that Beijing was far from fulfilling its commitments to purchase U.S. goods.¹¹¹ Yet the language of the American secretary of state grew increasingly combative. To be sure, his meeting with Yang Jiechi, the director of the CCP Office of Foreign Affairs, in Hawaii on June 17 was notable for the uncompromising harshness of the language used in the official Chinese communiqué released afterward.¹¹² But that might have been exactly what Secretary Pompeo wanted on the eve of his speech to the Copenhagen Democracy Summit, which was clearly intended to raise his European audience's awareness of the Chinese threat.¹¹³

How likely was it that the Atlantic Alliance could be resuscitated for the purpose of containing China? In some quarters not at all. The Italian foreign minister, Luigi Di Maio, was one of a number of Italian politicians all too ready to swallow Beijing's aid and propaganda in March, when the COVID-19 crisis in northern Italy was especially bad. "Those who scoffed at our participation in the Belt and Road Initiative now have to admit that investing in that friendship allowed us to save lives in Italy," Di Maio declared in an interview.¹¹⁴ The Hungarian prime minister, Viktor Orbán, was equally enthused. "In the West, there is a shortage of basically everything," he said in an interview with Chinese state television. "The help we are able to get is from the East."¹¹⁵ "China is the only friend who can help us," gushed Serbian president Aleksandar Vučić, who kissed a Chinese flag when a team of doctors flew from Beijing to Belgrade.¹¹⁶ However, mainstream European sentiment, especially in Germany and France, reacted very differently. "Over these months China has lost Europe," Reinhard Bütikofer, a German Green Party member of the European Parliament, declared in an interview in April.¹¹⁷ "The atmosphere in Europe is rather toxic when it comes to China," said Jörg Wuttke, president of the EU Chamber of Commerce in China. On April 17, the editor in chief of Germany's biggest tabloid, *Bild*, published an open letter to General Secretary Xi Jinping, entitled "You Are Endangering the World."¹¹⁸ In France, too, "wolf warrior diplomacy" backfired on the wolves. A late summer tour of European capitals by Chinese foreign minister Wang Yi was notably autumnal in its atmosphere.¹¹⁹ Survey data published in early October showed that it was not just in the United States but in all advanced economies, including the major EU countries, that anti-Chinese feeling had surged in 2020.¹²⁰

One reason for China's failure to increase its influence in Europe was that, after an initial breakdown in early March, when *sauf qui peut* was the order of the day, European institutions rose to the challenge posed by COVID-19.¹²¹ In a remarkable interview published on April 16, the French president declared that the EU faced a "moment of truth" in deciding whether it was more than just a single economic market. "You cannot have a single market where some are sacrificed," Emmanuel Macron told the *Financial Times*. "It is no longer possible . . . to have financing that is not mutualized for the spending we

are undertaking in the battle against Covid-19 and that we will have for the economic recovery. . . . If we can't do this today, I tell you the populists will win—today, tomorrow, the day after, in Italy, in Spain, perhaps in France and elsewhere.”¹²² His German counterpart agreed. Europe, declared Angela Merkel, was a “community of fate” (*Schicksalsgemeinschaft*). To the surprise of skeptical commentators, the result was very different from the cheeseparating that had characterized the German response to the global financial crisis. The “Next Generation EU” plan, presented by the European Commission on May 27, proposed €750 billion of additional grants and loans, to be financed through bonds issued by the EU and to be allocated to the regions hit hardest by the pandemic.¹²³ Perhaps even more significantly, the German federal government adopted a supplementary budget of €156 billion (4.9 percent of GDP), followed by a second fiscal stimulus package worth €130 billion (or 3.8 percent of GDP), which—along with large-scale guarantees from a new economic stabilization fund—was intended to ignite recovery with a “ka-boom,” in the words of finance minister Olaf Scholz.¹²⁴ Such fiscal measures, combined with large-scale asset purchases by the European Central Bank, hardly constituted a “Hamilton moment” analogous to the first U.S. Treasury secretary’s consolidation of the states’ debts in 1790. The European Recovery Fund did almost nothing to resolve the looming Italian debt crisis. It was not obvious that it could be repeated, if necessary, in the event of a second wave of COVID-19 (which the autumn duly brought as students returned to universities). However, the ERF did help to dampen support for the populist right in most EU member states.

This successful reassertion of the European solidarity—made easier by the departure of the United Kingdom from the EU—had an unexpected consequence from the vantage point of Washington. Europeans—especially young Europeans and especially Germans—had never, since 1945, been more disenchanted with the transatlantic relationship. This was true almost from the moment of Trump’s election. In one pan-European survey conducted in mid-March, 53 percent of young respondents said they had more confidence in authoritarian states than democracies when it came to addressing the climate crisis.¹²⁵ In a poll published by the Körber Foundation in May, 73 percent of Germans said that the pandemic had worsened their opinion of the United

States—more than double the number of respondents who felt that way toward China. Just 10 percent of Germans considered the United States to be their country's closest partner in foreign policy, as compared with 19 percent in September 2019. And the proportion of Germans who prioritized close relations with Washington over close relations with Beijing had decreased significantly, from 50 percent in September 2019 to 37 percent, roughly the same share as those who preferred China to the United States (36 percent).¹²⁶ Increased anti-Chinese sentiment, in other words, was offset by increased anti-American sentiment.

In Cold War I, it is sometimes forgotten, there was a Non-Aligned Movement, which had its origins in the 1955 Bandung Conference, hosted by Indonesian president Sukarno and attended by Indian prime minister Jawaharlal Nehru, Egyptian president Gamal Abdel Nasser, his Yugoslav counterpart, Josip Broz Tito, and the president of Ghana, Kwame Nkrumah, as well as North Vietnam president Ho Chi Minh, Chinese premier Zhou Enlai, and Cambodian prime minister Norodom Sihanouk. Formally constituted in 1956 by Tito, Nehru, and Nasser, the NAM's goal was (in the words of one Arab leader who joined the movement) to enable the newly free countries of the Third World "to safeguard their independence and remain a vocal force in a world where the rules are made by the superpowers."¹²⁷ For most Western Europeans and many East and Southeast Asians, however, nonalignment was not an attractive option. That was partly because the choice between Washington and Moscow was a fairly easy one—unless the Red Army tanks were rolling into a country's capital city. It was also because the NAM's geopolitical nonalignment was not matched by a comparable ideological nonalignment, a feature that became more prominent with the ascendancy of the Cuban dictator Fidel Castro in the 1970s, finally leading to a near breakup of the movement over the Soviet invasion of Afghanistan. The Arab leader quoted above was Saddam Hussein, who had intended to host the 1981 NAM conference in Baghdad, a plan stymied by his country's war with equally nonaligned Iran.

In 2020, by contrast, the choice between Washington and Beijing looked to many Europeans like a choice between the frying pan and the fire or, at best, the kettle and the pot. As the Körber poll mentioned above suggested,

"The [German] public [was] leaning toward a position of equidistance between Washington and Beijing." Even the government of Singapore made it clear that it "fervently hope[d] not to be forced to choose between the United States and China." "Asian countries see the United States as a resident power that has vital interests in the region," the Singaporean prime minister, Lee Hsien Loong, wrote in *Foreign Affairs*. "At the same time, China is a reality on the doorstep. Asian countries do not want to be forced to choose between the two. And if either attempts to force such a choice—if Washington tries to contain China's rise or Beijing seeks to build an exclusive sphere of influence in Asia—they will begin a course of confrontation that will last decades and put the long-heralded Asian century in jeopardy. . . . Any confrontation between these two great powers is unlikely to end as the Cold War did, in one country's peaceful collapse."¹²⁸

Lee was right in at least one respect. The fact that both world wars had the same outcome—the defeat of Germany and its allies by Britain and its allies—did not mean that Cold War II would end the same way as Cold War I, with the victory of the United States and its allies. Cold wars are usually regarded as bipolar; in truth, they are always three-body problems, with two superpower alliances and a third, nonaligned network in between. This may indeed be a general truth about war itself: that it is seldom simply a Clausewitzian contest between two opposing forces, each bent on the other's subjugation, but more often a three-body problem, in which winning the sympathies of the neutral third parties can be as important as inflicting defeat on the enemy.¹²⁹

The biggest problem facing the president of the United States today, and for years to come, is that many erstwhile American allies are seriously contemplating nonalignment in Cold War II. And without a sufficiency of allies, to say nothing of sympathetic neutrals, Washington may find this Second Cold War to be unwinnable.

THE DARK FOREST

The crux of the matter, in August 2020, is how fearful of China the rest of the world is—or can be persuaded to be. As long as Europeans believe that

Donald Trump started Cold War II, the urge to be nonaligned will persist. Yet that view attaches too much importance to the change in U.S. foreign policy since 2016, and not enough to the change in Chinese foreign policy that came four years earlier, when Xi Jinping became general secretary of the Chinese Communist Party. Future historians will discern that the decline and fall of Chimerica began in the wake of the global financial crisis, as a new Chinese leader drew the conclusion that there was no longer any need to hide the light of China's ambition under the bushel that Deng Xiaoping had famously recommended. When Middle America voted for Trump in 2016, it was partly a backlash against the asymmetric payoffs of engagement and its economic corollary, globalization. Not only had the economic benefits of Chimerica gone disproportionately to China, not only had its costs been borne disproportionately by working-class Americans, many of whose manufacturing jobs had gone there, but now those same Americans also saw that their elected leaders in Washington had acted as midwives at the birth of a new strategic superpower—a challenger for global predominance even more formidable, because economically stronger, than the Soviet Union.

I have argued that this new cold war is both inevitable and desirable, not least because it has jolted the United States out of complacency and into an earnest effort not to be surpassed by China in artificial intelligence, quantum computing, and other strategically crucial technologies. Yet there remains, in academia especially, significant resistance to the view that we should stop worrying and learn to love Cold War II. At a July conference on “The World Order After Covid-19,” organized by the Kissinger Center for Global Affairs at Johns Hopkins University, a clear majority of speakers warned of the perils of a new cold war. Eric Schmidt, the former chairman of Google, argued instead for a “rivalry-partnership” model of “coopetition,” in which the two nations would at once compete and cooperate, rather as Samsung and Apple have done for years. Graham Allison agreed, giving as another example the eleventh-century “frenmity” between the Song emperor of China and the Liao kingdom on China's northern border. The pandemic, Allison argued, had made “incandescent the impossibility of identifying China clearly as either foe or friend. Rivalry-partnership may sound complicated, but life is complicated.” “The es-

establishment of a productive and predictable US/China relationship,” wrote John Lipsky, formerly of the International Monetary Fund, “is a sine qua non for strengthening the institutions of global governance.” The last cold war had cast a “shadow of a global holocaust for decades,” observed James Steinberg, a former deputy secretary of state. “What can be done to create a context to limit the rivalry and create space for cooperation?” The Hoover Institution’s Elizabeth Economy had an answer: “The United States and China could . . . partner to address a global challenge,” namely climate change. Tom Wright, of the Brookings Institution, took a similar line: “Focusing only on great-power competition while ignoring the need for cooperation actually will not give the United States an enduring strategic advantage over China.”¹³⁰

All this talk of “coopetition” may seem eminently reasonable, if linguistically jarring, apart from one thing. The Chinese Communist Party is not Samsung, much less the Liao kingdom. Rather—as was true in Cold War I, when (especially after 1968) academics tended to be doves rather than hawks—today’s proponents of “rivalry-partnership” are overlooking the possibility that the Chinese are not interested in being “frenemies.” They know full well that this is a cold war, because they started it. When, in 2019, I first began talking publicly about Cold War II at conferences, I was surprised that no Chinese delegates contradicted me. In September of that year, I asked one of them—the Chinese head of a major international institution—why that was. “Because I agree with you!” he replied with a smile. As a visiting professor at Tsinghua University, in Beijing, I have seen for myself the ideological turning of the tide under Xi. Academics who study taboo subjects such as the Cultural Revolution find themselves subject to investigations or worse. Those who hope to revive engagement with Beijing underestimate the influence of Wang Huning, a member since 2017 of the Standing Committee of the Politburo, the most powerful body in China, and Xi’s most influential adviser. In August 1988, Wang spent six months in the United States as a visiting scholar, traveling to more than thirty cities and nearly twenty universities. His account of that trip, *America Against America* (published in 1991), is a critique—in places scathing—of American democracy, capitalism, and culture. Racial division features prominently in the third chapter.

For Ben Thompson, the author of the widely read *Stratechery* newsletter, the events of 2019 and 2020 were revelatory. Having previously played down the political and ideological motivations of the Chinese government, he came out in 2019 as a new cold warrior. China's vision of the role of technology, he argued, was fundamentally different from the West's, and it fully intended to export its antiliberal vision to the rest of the world.¹³¹ When Trump proposed a ban on the inane Chinese-owned video-and-music app TikTok in August 2020, Thompson was inclined to agree. "If China is on the offensive against liberalism not only within its borders but within ours," he wrote in July 2020, "it is in liberalism's interest to cut off a vector that has taken root precisely because it is so brilliantly engineered to give humans exactly what they want."¹³² To appreciate the danger of allowing half of American teenagers to provide their personal data to a Chinese app, consider how the Communist Party is using AI to build a surveillance state that makes Orwell's Big Brother seem primeval. (As we shall see, Xi's panopticon is actually more akin to the dystopia imagined in Yevgeny Zamyatin's 1920s novel *We*.) In the words of the journalist Ross Andersen, "In the near future, every person who enters a public space [in China] could be identified, instantly, by AI matching them to an ocean of personal data, including their every text communication, and their body's one-of-a-kind protein-construction schema. In time, algorithms will be able to string together data points from a broad range of sources—travel records, friends and associates, reading habits, purchases—to predict political resistance before it happens."¹³³ Many of China's prominent AI startups are the Communist Party's "willing commercial partners" in this, which is bad enough. But the greater concern, as Andersen says, is that all this technology is for export. Among the countries buying it are Bolivia, Ecuador, Ethiopia, Kenya, Malaysia, Mauritius, Mongolia, Serbia, Sri Lanka, Uganda, Venezuela, Zambia, and Zimbabwe.

The Chinese response to the American attack on TikTok gave the game away. On Twitter, Hu Xijin, the editor in chief of the government-controlled *Global Times*, called the move "open robbery," accused Trump of "turning the once great America into a rogue country," and warned that "when similar things happen time and again, the U.S. will take steps closer to its decline."

In a revealing essay published last April, the Chinese political theorist Jiang Shigong, a professor at Peking University Law School, spelled out the corollary of American decline. "The history of humanity is surely the history of competition for imperial hegemony," Jiang wrote, "which has gradually propelled the form of empires from their original local nature toward the current tendency toward global empires, and finally toward a single world empire." The globalization of our time, according to Jiang, is the "'single world empire' 1.0, the model of world empire established by England and the United States." But that Anglo-American empire is "unravelling" internally, because of "three great unsolvable problems: the ever-increasing inequality created by the liberal economy . . . ineffective governance caused by political liberalism, and decadence and nihilism created by cultural liberalism." Moreover, the Western Empire is under external attack from "Russian resistance and Chinese competition." This is not a bid to create an alternative Eurasian empire, but "a struggle to become the heart of the world empire."¹³⁴

If you doubt that China is seeking to take over empire 1.0 and turn it into empire 2.0, based on China's illiberal civilization, then you are not paying attention to all the ways this strategy is being executed. China has successfully become the workshop of the world, as the West used to be. It now has its version of Wilhelmine Germany's *weltpolitik*, in the form of One Belt One Road, a vast infrastructure project that looks a lot like European imperialism as described by J. A. Hobson in 1902.¹³⁵ China uses the prize of access to its market to exert pressure on U.S. companies to toe Beijing's line. It conducts "influence operations" throughout the West, including in the United States.¹³⁶

One of the many ways America sought to undermine the Soviet Union in Cold War I was by waging a "cultural cold war."¹³⁷ This was partly about being seen to beat the Soviets at their own games—chess (Fischer vs. Spassky); ballet (Rudolf Nureyev's defection); ice hockey (the "Miracle on Ice" of 1980). But it was mainly about seducing the Soviet people with the irresistible temptations of American popular culture. In 1986, Régis Debray, the French leftist philosopher and comrade in arms of Che Guevara, lamented, "There is more power in rock music, videos, blue jeans, fast food, news networks and TV satellites than in the entire Red Army."¹³⁸ The French left sneered at "Coca-

Colonization.” But Parisians, too, drank Coke. Now, however, the tables have been turned. In a debate I hosted at Stanford in 2018, the tech billionaire Peter Thiel used a memorable aphorism: “AI is Communist, crypto is libertarian.”¹³⁹ TikTok validates the first half of that. In the late 1960s, during the Cultural Revolution, Chinese children denounced their parents for rightist deviance.¹⁴⁰ In 2020, when American teenagers posted videos of themselves berating their parents for racism, they did it on TikTok.

The work of Jiang Shigong and others make it clear that China today understands itself to be in a cold war that, like the last one, is a struggle between two forms of empire. Yet the book that provides the deepest insight into how China views America and the world today is not a political text, but a work of science fiction. *The Dark Forest* was Liu Cixin’s 2008 sequel to *The Three-Body Problem*. It would be hard to overstate Liu’s influence in contemporary China: he is revered by the tech companies of Shenzhen and Hangzhou and was officially endorsed as one of the faces of twenty-first-century Chinese creativity by none other than Wang Huning.¹⁴¹ *The Dark Forest*, which continues the story of the invasion of Earth by the ruthless and technologically superior Trisolarans, introduces Liu’s three axioms of “cosmic sociology.” First, “Survival is the primary need of civilization.” Second, “Civilization continuously grows and expands, but the total matter in the universe remains constant.” Third, “chains of suspicion” and the risk of a “technological explosion” in another civilization mean that in space there can only be the law of the jungle. In the words of the book’s hero, the “Wallfacer” Luo Ji:

“The universe is a dark forest. Every civilization is an armed hunter stalking through the trees like a ghost . . . trying to tread without sound. . . . The hunter has to be careful, because everywhere in the forest are stealthy hunters like him. If he finds other life—another hunter, an angel or a demon, a delicate infant or a tottering old man, a fairy or a demigod—there’s only one thing he can do: open fire and eliminate them. In this forest, hell is other people. . . . Any life that exposes its own existence will be swiftly wiped out.”¹⁴²

Henry Kissinger is often thought of—in my view, wrongly—as the supreme American exponent of *realpolitik*. But this is something much harsher than realism. This is intergalactic Darwinism. It is not up to us whether or not we have a cold war with China, if China has already declared cold war on us. Not only are we already in the foothills of that new cold war; those foothills are also impenetrably covered in a dark forest of China's devising. The question that lingers—and the best argument in favor of Cold War—is whether or not we can avoid stumbling into a hot war in that darkness. If we do stumble into such a war, the outcome could be a disaster far greater in its impact than even the worst-case scenario for COVID-19.

Conclusion

FUTURE SHOCKS

"In fact," said Mustapha Mond, "you're claiming the right to be unhappy."

"All right, then," said the Savage defiantly. "I'm claiming the right to be unhappy."

—Aldous Huxley, *Brave New World*

WHAT DOESN'T KILL ME

"Can it be true . . . that whole countries are laid waste, whole nations annihilated, by these disorders in nature? The vast cities of America, the fertile plains of Hindostan, the crowded abodes of the Chinese, are menaced with utter ruin. Where late the busy multitudes assembled for pleasure or profit, now only the sound of wailing and misery is heard. The air is poisoned, and each human being inhales death, even while in youth and health, their hopes are in the flower. . . . Plague had become Queen of the World."

Toward the end of Mary Shelley's *The Last Man* (1826), the hero stands alone on the shore, the sole survivor of a catastrophic pandemic. Set in the late twenty-first century, the book describes how a new Black Death, originating in Istanbul and accompanied by extreme weather events, civil strife, and waves of religious fanaticism, has annihilated mankind. For close to two hundred years—from Shelley's pioneering work of dystopian fantasy to Margaret

Atwood's MaddAddam trilogy—writers have imagined the human race ending in some such fashion. We once read such books as works of science fiction, not prophecies. Amid a real pandemic, they exerted a ghoulish appeal, as did movies with the same theme. I cannot have been the only reader in 2020 who belatedly bought Emily St. John Mandel's novel *Station Eleven*, a contribution to the plague genre I had hitherto overlooked. Nor, as I prepared to leave town for a rural retreat, was I alone in thinking uneasily of Edgar Allan Poe's "Masque of the Red Death."

But COVID-19 turned out not to be the Red Death or the Black Death or even the Spanish influenza. At least that was how it seemed in August 2020. It was more like the influenza of 1957–58, a major crisis of global public health at the time, but fifty years later largely forgotten. It appeared that, with a regime of mass testing, contact tracing, social distancing, and targeted quarantining, a country could contain the spread of SARS-CoV-2, as the virus relied heavily on superspreaders for its transmission and disproportionately sickened or killed people past retirement age. The chances were that a vaccine would be widely available by the time this book was published, if not sooner. Unlike World War I, this pandemic might even be over, if not by Christmas, then by Easter. Similarly, there was a chance that the world economy would snap back to life once this became clear. True, there was a worse scenario, in which we would spend years playing whack-a-mole with an endemic, evolving SARS-CoV-2, with no vaccine that really worked and no immunity that really lasted. By the standards of past pandemics, this one might still be at an early stage—perhaps not even at the end of the first quarter. Further waves could not be ruled out, if the great pandemics of the past were any guide.¹ And perhaps COVID-19 would turn out to do more lasting harm to those who caught it—even when they were young and fit—than we yet realized. In the first week of August 2020, COVID-19 case numbers were rising in sixty-four countries. Still, it was hard to believe that it would ever join the elite of pandemics—the twenty or so in recorded history that killed upwards of 0.05 percent of humanity.² For some countries there had been no disaster worth talking about. Only a minority had experienced excess mortality higher than 25 percent above normal, and only for a few weeks. Only a handful of those nations that

have imagined the human race ending books as works of science fiction, they exerted a ghoulish appeal, as did I have been the only reader in 2020 who novel *Station Eleven*, a contribution ked. Nor, as I prepared to leave town ing uneasily of Edgar Allan Poe's

the Red Death or the Black Death or was how it seemed in August 2020. a major crisis of global public health gotten. It appeared that, with a re- distancing, and targeted quaran- d by SARS-CoV-2, as the virus relied and disproportionately sick- were that a vaccine was promised, if not sooner, not by Christmas, the economy would the scenario, in the world, evolving any that really at an early lives could and per- caught the week the

fought World War II had lost more people per day to COVID than they had lost to the Axis powers. The United States was one of those countries.³ This illustrated the central point of this book—that all disasters are at some level man-made political disasters, even if they originate with new pathogens. Politics explained why World War II killed twenty-five times as many Germans as Americans. Politics explains why COVID-19 has thus far killed eighteen times as many Americans as Germans.

This plague began as a gray rhino, predicted by many. It struck as a black swan, somehow completely unforeseen. Could it become a dragon king? As we have seen, disasters of any kind become truly epoch-making events only if their economic, social, and political ramifications amount to more than the excess mortality they cause. Could this medium-size disaster nevertheless alter our lives permanently and profoundly? Let me now hazard three guesses.

First, COVID-19 will be to social life what AIDS was to sexual life: it will change our behavior, though by no means enough to avert a significant number of premature deaths. I myself welcome a new age of social distancing, but then I am a natural misanthrope who hates crowds and will not greatly miss hugs and handshakes. Most people, however, will be unable to resist the temptations of post-lockdown gregariousness. There will be unsafe socializing just as there still is unsafe sex, even after more than three decades and thirty million deaths from HIV.

Second, and for that reason, most big cities are not “over.” Do we all now head from Gotham or the Great Wen to the villages, there to cultivate our vegetable gardens in splendid, rustic isolation? Do nearly half of us continue to work from home, as we did during the pandemic—more than three times more than before?⁴ Probably not. It takes a lot to kill a city. True, just over a century after Thomas Mann wrote *Death in Venice* (1912), Venice is pretty much dead. But it was not cholera that killed it—it was the shifting pattern of international trade. Likewise, COVID-19 will not kill London or New York; it will just make them cheaper, grungier, and younger. Some billionaires will not return. Some firms and many families will move to the suburbs or even farther afield. Tax revenues will drop. Crime rates will jump. As Gerald Ford supposedly did in 1975, when the city asked for a federal bailout, another

president may tell New York to “drop dead.” San Francisco will lose talent to Austin. But inertia is a powerful thing. Americans these days relocate less than they used to. Only a third of jobs can really be done at home; everyone else will still need to work in offices, shops, and factories. Workplaces will just be different—more spacious and campus-like, as they already are in Silicon Valley. Commuting will no longer involve being packed like sardines on a subway.⁵ No more unwelcome intimacies on elevators. Masks over most faces. No more tut-tutting at the hijab and the niqab. Perforce, we are all modest now.

What of the pandemic’s impact on the generational imbalances that had grown so intolerable in many societies by 2020? Was COVID-19 sent by Freya, the goddess of youth, to emancipate millennials and Generation Z from bearing the fiscal burden of an excessive number of elderly people? It is tempting to marvel at this ageist virus. No previous pandemic was so discriminating against the elderly and in favor of the young. But in truth, the impact of COVID-19 in terms of excess mortality will probably not be great enough to balance the intergenerational accounts. In the short run, the majority of old people will remain retired; relatively few will die prematurely—hardly any in the most elderly of countries, Japan. The young, meanwhile, will be the ones struggling to find jobs (other than with Amazon) and struggling almost as much to have fun. An economy without crowds is not a “new normal.” It may be more like the new anomie, to borrow Émile Durkheim’s term for the sense of disconnectedness he associated with modernity. For most young people, the word “fun” is almost synonymous with “crowd.” The era of distancing will be a time of depression in the psychological as well as the economic sense. The gloom will be especially deep for Generation Z, whose university social lives—half the point of college, if not more—have been wrecked. They will spend yet more time on electronic devices—perhaps an hour a day more than before the pandemic. It will not make them happier.

As I write, we cannot know for sure what the political and geopolitical consequences of the pandemic will be. Will the populist right benefit because the vital importance of national borders is no longer in doubt? Or will the left

now be able to make the case for even bigger government, despite big (but incompetent) government's conspicuous failure in the United States and the United Kingdom? Is Bruno Maçães right that, in the wake of "the great pause," we shall henceforth think of the economy more as a giant computer to be programmed than as a natural organism?⁶ Will we get to relive the Roaring Twenties? Or are we destined for a reprise of the 1970s, with the promise of modern monetary theory leading to the disappointment of stagflation lite?⁷ What will people prefer to the dollar: the euro, gold, or bitcoin? What will be the consequences—if any—of the wave of protest and flagellation that followed the killing of George Floyd in Minneapolis? Will the quality of American policing improve or deteriorate? Does Cold War II between China and the United States intensify? Does it even turn into a hot war over Taiwan? Following the outbreak of COVID-19, Russia and Turkey carved out zones of influence in Libya, Chinese and Indian soldiers skirmished hand to hand on their border, and Lebanon metaphorically (and the port of Beirut literally) blew up. Is peace at hand? Probably not. Did the Black Death stop the Hundred Years' War? Did the Spanish flu prevent the Russian Civil War?

Pandemics, like world wars and global financial crises, are history's great interruptions. Whether we consider them man-made or naturally occurring, whether they are prophesied or strike like bolts from the blue, they are also moments of revelation. A catastrophe divides us all up into three groups: the prematurely dead, the lucky survivors, and the permanently wounded or traumatized. A catastrophe also separates the fragile from the resilient and the antifragile—Nassim Taleb's wonderful word to describe something that gains strength under stress. (Remember Nietzsche: "What doesn't kill me makes me stronger.") Some cities, corporations, states, and empires collapse under the force of the shock. Others survive, though weakened. But a third, Nietzschean category emerges stronger. I suspect that, despite appearances, the United States is in category two, not one, while the People's Republic of China may ultimately prove to be in category one, not two, much less three. The Republic of China, Taiwan, is in category three—unless Beijing annexes it.

Plagues do not halt progress if progress is happening. The same London

that suffered the last great bubonic plague outbreak of 1665 (and the Great Fire the following year) was about to become the central hub of an extraordinary commercial empire, a humming hive of scientific and financial innovation, the pivotal city of the world for roughly two centuries. No pathogen could stop that. Our plague is likely to have the biggest disruptive impacts on places where progress had already ceased and stagnation had set in. First in line for disruption should be the bureaucracies that in some countries, including Britain and America, so badly failed to deal with this crisis. Next should be those universities that were more interested in propagating “woke” ideology than in teaching all that can profitably be learned from science and the human past. I would hope, too, that the second contagion—of lies and nonsense about the first one—will at last prompt a challenge to the current combination of monopoly and anarchy that characterizes the American (and hence much of the global) public sphere. The East India Companies of the internet have plundered enough data; they have caused enough famines of truth and plagues of the mind. Finally, the pandemic ought to force some changes on those media organizations that insisted on covering it, childishly, as if it were all the fault of a few wicked presidents and prime ministers. If stagnating institutions are shaken up by this disaster, there is just a chance that we shall see a return to progress in places where, up until 2020, the most striking trend had been degeneration. By killing those parts of our system that failed this test, COVID-19 might just make us stronger.

RUSSIAN ROULETTE

What disaster will come to test us next? Surely not another pandemic—that would be too obvious to be plausible history. It is nevertheless possible. A new strain of swine flu is never far away,⁸ nor some new Asian respiratory disease.⁹ Antibiotic-resistant microbes such as *Staphylococcus aureus* already exist;¹⁰ we await with trepidation an antibiotic-resistant strain of the plague.¹¹ If not one of these—alongside which COVID-19 may one day seem a mild distemper—then which global catastrophic risk will it be? There are many to choose from.¹² Already, as one disaster so often begets another, COVID-19—with the

break of 1665 (and the Great Plague) as the central hub of an extraordinary scientific and financial innovation over the next two centuries. No pathogen has had the biggest disruptive impacts on human history since stagnation had set in. First in the 17th century, and then with this crisis. Next should be the rise of a new paradigm in propagating “woke” ideology, learned from science and the history of contagion—of lies and non-truths that challenge the current comfort zone. This characterizes the American (and British) India Companies of the 17th century, the famines of truth in the 19th century, and the changes in the 20th century, as if it were a new paradigm: if stagnation is the worst, then the most striking change is the paradigm that

Then there is the continuing danger that steadily rising global temperatures could lead to disastrous climate change, as James Hansen and many others have warned.¹⁵ Since 2013–14, when the Intergovernmental Panel on Climate Change published its Fifth Assessment Report, the worst of its “representative concentration pathways,” RCP8.5, has grown more, not less probable, implying accelerating rises over this century in greenhouse gas emissions, temperatures, precipitation, and sea levels.¹⁶ The argument has been made that this is a slow-moving problem that can be addressed with affordable mitigation measures, and that some of the drastic remedies touted by youthful millenarians could do much more harm than good.¹⁷ Still, the uncertainties surrounding the future behavior of the complex system that is the world’s climate argue strongly against the current combination of procrastination and virtue signaling. In the late summer of 2020, large tracts of California were ablaze, though as much because of chronic forest mismanagement as because of abnormally high temperatures.¹⁸ An unusually rainy summer in China posed a meaningful threat to the integrity of the Three Gorges Dam.¹⁹ A small earthquake could have delivered the coup de grâce. Then again, a huge earthquake in California and Oregon could make wildfires seem a small problem, and would have nothing to do with CO₂ emissions. The eruption of the Yellowstone supervolcano,²⁰ the caldera of which is less than one hundred miles from where I sit, would render discussion of man-made climate change superfluous in the brief period before mass extinction ensued.

There could be other, even bigger surprises. Alien invasion—a favorite of conspiracy theorists as well as sci-fi writers—is the least likely of these. The

distances involved simply seem too vast.²¹ More likely are the extraterrestrial threats posed by fluctuations in solar or stellar activity, such as a coronal mass ejection or a gamma ray burst from a supernova or "hypernova."²² Also conceivable is another large, climate-altering asteroid strike.²³ Tiny black holes could swallow up the planet. Negatively charged stable "strangelets"—hypothetical particles of subatomic quarks—could catalyze the conversion of all the ordinary matter on Earth into "strange matter." A phase transition of a vacuum could cause the universe to expand exponentially.²⁴

In addition to these exogenous threats are the various technologies we as a species have devised or are devising that have the potential to destroy us. The world was always vulnerable; we have made it more so.²⁵ Since the late 1950s, we have had the capacity for suicide—or at least catastrophic self-harm—by means of nuclear weapons. A nuclear war between two major powers or a major act of nuclear terrorism could kill in a matter of hours more people than COVID-19 has in eight months, and without regard for youth. The nuclear winter that would follow a nuclear war would render large parts of the planet uninhabitable.²⁶ Biological weapons of the sort the Soviet Union contemplated could have comparably catastrophic consequences, were they to be deployed or accidentally released.²⁷ Genetic engineering is a more recent innovation that, like nuclear energy, could be used for malign as well as benign purposes. It was a revolutionary discovery that genes could be "edited" using the Cas9 protein and the "clustered regularly interspaced short palindromic repeats" (CRISPR) that characterize DNA.²⁸ Gene editing's great flaw is that, unlike nuclear fission, it is cheap to do. A "genetic engineering home lab kit" was available in 2020 for just \$1,845.²⁹ The danger here is not that someone will synthesize the master race, but that some kind of readily reproducible but undesirable modification could be created by mistake.³⁰

In the realm of computer technology, new dangers have also arisen or could shortly arise. The existing "Internet of Things" has created multiple vulnerabilities in the event of unfettered cyberwarfare, in the sense that a country's critical power, command, control, and communications infrastructure could be wholly or partly disabled.³¹ Artificial intelligence systems can already teach themselves how to beat human champions at games such as chess and go.

More likely are the extraterrestrial stellar activity, such as a coronal supernova or "hypernova."²² Also ring asteroid strike.²³ Tiny black ely charged stable "strangelets"—could catalyze the conversion of nge matter." A phase transition of nd exponentially.²⁴

are the various technologies we as have the potential to destroy us, made it more so.²⁵ Since the late de—or at least catastrophic self-lear war between two major pow-ld kill in a matter of hours more and without regard for youth. The war would render large parts of ones of the sort the Soviet Union atrophic consequences, were they genetic engineering is a more re-nd be used for malign as well as r genes could be "edited" dity interspersed short palin-nd the editing's great flaw nd genetic engineering home nd the danger here is not that nd of readily repro-nd like.³⁰

also arisen or multiple vul-nd country's nd could nd teach nd go.

However, artificial general intelligence—a computer as intelligent as a human—is still probably around half a century away. Eliezer Yudkowsky, who leads the Machine Intelligence Research Institute at Berkeley, argues that we may unwittingly create an unfriendly or amoral AI that turns against us—for example, because we tell it to halt climate change and it concludes that annihilating *Homo sapiens* is the optimal solution. Yudkowsky warns of a modified Moore's law: every eighteen months, the minimum IQ necessary to destroy the world drops by one point.³² A final nightmare scenario is that nanotechnology—molecular manufacturing—leads to some self-perpetuating and unstoppable process that drowns us in gloom.³³ One brave attempt to attach a probability to "human extinction or the unrecoverable collapse of civilization" happening in the next hundred years puts it at 1 in 6.³⁴ Life itself turns out to be Russian roulette, but with many different fingers randomly pulling on the trigger.

A number of authors have proposed ways in which humanity might protect itself against destruction and self-destruction, acknowledging that, as presently constituted, few if any national governments are incentivized to take out meaningful insurance against catastrophic threats of uncertain probability and timing.³⁵ One suggestion is that there should be official Cassandras within governments, international bodies, universities, and corporations, and a "National Warnings Office" tasked with identifying worst-case scenarios, measuring the risks, and devising hedging, prevention, or mitigation strategies.³⁶ Another proposal is to "slow the rate of advancement towards risk-increasing technologies relative to the rate of advancement in protective technologies," ensuring that the people involved in the development of a new technology are in agreement about using it for good, not evil, ends, and to "develop the intra-state governance capacity needed to prevent, with extremely high reliability, any individual or small group . . . from carrying out any action that is highly illegal."³⁷

Yet when one considers what all this implies, it turns out to be an existential threat in its own right: the creation of a "High-tech Panopticon," complete with "ubiquitous-surveillance-powered preventive policing . . . effective global governance [and] some kind of surveillance and enforcement mechanism that would make it possible to interdict attempts to carry out a destructive

act.”³⁸ This is the road to totalitarianism—at a time when the technologies that would make possible a global surveillance state already exist. In the economist Bryan Caplan’s words, “One particularly scary scenario for the future is that overblown doomsday worries become the rationale for world government, paving the way for an unanticipated global catastrophe: totalitarianism. Those who call for the countries of the world to unite against threats to humanity should consider the possibility that unification itself is the greater threat.”³⁹ According to the Israeli historian Yuval Noah Harari, “once we begin to count on AI to decide what to study, where to work, and whom to date or even marry, human life will cease to be a drama of decision making. . . . We are now creating tame humans who produce enormous amounts of data and function as efficient chips in a huge data-processing mechanism.” The advance of artificial intelligence, he argues, dooms mankind to a new totalitarianism, rendering liberal democracy and free-market economics “obsolete.” We shall soon be to data what cows are to milk.⁴⁰ Even that bleak prospect might be too optimistic. The track record of totalitarian regimes is that they kill as well as milk their helots.

DYSTOPIAN WORLDS

To all of these potential disasters it is impossible to attach more than made-up probabilities. So how should we envision them? The best answer would seem to be that we must strive to imagine them. For the past two centuries, since Mary Shelley, this has been the role of science fiction writers. A lethal plague is only one of many forms that mankind’s doom has taken in their imaginations.

Dystopian fiction reads as a history of the future—surely a contradiction in terms. In reality, whether their authors’ purpose was to satirize, to provoke, to sound a warning, or merely to entertain, imagined dystopias have echoed present fears—to be precise, the anxieties of the literary elite. To study science fiction is therefore to gain an understanding of past worries, some of which have themselves played consequential roles in history. Ray Bradbury once said, “I am a preventor of futures not a predictor of them.”⁴¹ But how many policy decisions have been influenced by dystopian visions? And how

often did those decisions turn out to be wise ones? The policy of appeasement, for example, was based partly on an exaggerated fear that the Luftwaffe could match Wells's Martians when it came to the destruction of London. More often, nightmare visions have failed to persuade policymakers to act preemptively. Yet science fiction has been a source of inspiration, too. When the pioneers of Silicon Valley were thinking through the potential applications of the internet, they often turned to writers such as William Gibson and Neal Stephenson for ideas. Today, no discussion of the implications of artificial intelligence is complete without at least one reference to *2001: A Space Odyssey* or the *Terminator* movies; just as nearly all conversations about robotics include a mention of Philip K. Dick's *Do Androids Dream of Electric Sheep?* or the movie it inspired, *Blade Runner*.

Now that the long-feared pandemic has arrived—along with rising sea levels, virtual reality, and at least prototypes of flying cars, not to mention levels of state surveillance undreamt of even by George Orwell—we can turn back to science fiction and ask: Who got the future most right? For the truth is that dystopia is (at least in some respects) now, not at some future date. The history of the future deserves our attention, partly because it may help us to think more rigorously about the shape of the next things to come. Historical data remain the foundation for all kinds of forecasting. Models based on theory may work, but without past statistics we cannot verify them. Yet future technological changes are not easy to infer from the past. Science fiction provides us with a large sample of imagined discontinuities that might not occur to us if we looked only backward.

In Mary Shelley's *Frankenstein* (1818), the eponymous scientist creates a synthetic man, the first of many such experiments in literature to go disastrously wrong. Like Prometheus, who stole the technology of fire, Frankenstein is punished for his presumption. Shelley followed this with *The Last Man* (1826), in which, as we have seen, a plague wipes out all but one specimen of humanity. With its vision of mass extinction and a depopulated world, *The Last Man* deserves to be regarded as the first true dystopian novel. It was not a commercial success. By the 1890s, however, H. G. Wells had established the popularity of the genre. In *The Time Machine* (1895), Wells envisioned a

nightmare future Earth—the year is 802,701—where the Eloi, an incurious vegetarian people, are preyed upon by the subterranean Morlocks. Speciation has occurred, in other words, dividing humanity into two degenerate halves: airhead cattle and rapacious troglodytes. Traveling ever further forward in time, Wells's protagonist witnesses the last gasp of life on an inert planet. In *The War of the Worlds* (1898), invading Martians annihilate Londoners with weaponry eerily reminiscent of the intra-terrestrial world wars that lay ahead. Humanity in this case is saved by a pathogen against which the invaders have no immunity.

In our time, anxieties about man-made climate change have promoted environmental disaster as a subject for dystopian fiction. Margaret Atwood's *Oryx and Crake* (2003) reprises Shelley's *Last Man* but with the addled "Snowman" as one of just a handful of survivors of a world ravaged by global warming, reckless genetic engineering, and a disastrous attempt at population reduction that resulted in a global plague. In Cormac McCarthy's *The Road* (2006), cannibals roam a blasted wasteland. Paolo Bacigalupi's *The Windup Girl* (2009) ingeniously combines rising sea levels with rampant contagion caused by genetic engineering gone wrong. These works, too, have their precursors. During the Cold War, visions of climatic disaster were key drivers of both the antinuclear and environmental movements. In *On the Beach* (1957), by Nevil Shute, regular people are entirely helpless in the face of the slowly spreading fallout from nuclear war. In J. G. Ballard's *The Drowned World* (1962), rising temperatures (owing to solar activity, not pollution) have submerged most cities underwater.

Finally, there are the dystopias inspired by mass migration. For example, in Michel Houellebecq's 2015 novel *Submission*, the French left sides with an Islamic fundamentalist party rather than help the right-wing Front National take power. The new government purges non-Muslims from state and academic positions, legalizes polygamy, and distributes attractive wives. The novel ends as the protagonist submits to the new order. Although Houellebecq was widely accused of Islamophobia at the time of its publication, the book is actually a satire of France's fragile institutions and of the urban intellectuals' failure to defend them.

—where the Eloi, an incurious
terrestrial Morlocks. Speciation
into two degenerate halves:
veling ever further forward in
sp of life on an inert planet. In
ans annihilate Londoners with
ustrial world wars that lay ahead.
gainst which the invaders have

climate change have promoted
 dian fiction. Margaret Atwood's
 fan but with the addled "Snow-
 of a world ravaged by global
 disastrous attempt at population
 Cormac McCarthy's *The Road*
 Paolo Bacigalupi's *The Windup*
 levels with rampant contagion
 these works, too, have their pre-
 disaster were key drivers of
 fiction. In *On the Beach* (1957),
 to the face of the slowly
 in *The Drowned World*
 (and pollution) have sub-

For example, the book is filled with anecdotes and stories with an emphasis on the human side of the story. From National Geographic, the author shares the story of the first AIDS case and the impact it had on the community. The book is a must-read for anyone who is interested in the history of the disease. The book is a must-read for anyone who is interested in the history of the disease.

As the example of *Submission* suggests, science fiction is as much concerned with political catastrophe as with the natural or technological variety. A recurrent dystopia since the 1930s has been that of a fascist America. This fear has persisted from Sinclair Lewis's *It Can't Happen Here* (1935) to Suzanne Collins's *The Hunger Games* (2008), by way of Stephen King's *The Running Man* (1982), Margaret Atwood's *The Handmaid's Tale* (1985), and Philip Roth's *The Plot Against America* (2004). The alternative political nightmare was of a Stalin-like totalitarianism. In Ayn Rand's *Anthem* (1937), the hero ("Equality 7-2521") revolts against an egalitarian tyranny by rejecting his fate as a street sweeper and striving for freedom. Evelyn Waugh's *Love Among the Ruins* (1953) depicts an absurd England of mass incarceration and state-run euthanasia centers. Ray Bradbury's *Fahrenheit 451* (published in 1953 but set in 1999) describes an illiberal America where the government has banned all books and the job of firemen is to burn prohibited literature. (Though the novel is sometimes interpreted as a critique of McCarthyism, Bradbury's real message was that the preference of ordinary people for the vacuous entertainment of television and the willingness of religious minorities to demand censorship together posed a creeping threat to the book as a form for serious content.) Of all these dystopian visions of totalitarianism, however, none has surpassed George Orwell's *Nineteen Eighty-Four* (1949) in its readership and influence.

In a remarkable letter written in October 1949, Aldous Huxley—who had been the young Eric Blair's French teacher at Eton—warned Orwell that he was capturing his own present rather than the likely future. "The philosophy of the ruling minority in Nineteen Eighty-Four," Huxley wrote, "is a sadism which has been carried to its logical conclusion. . . . Whether in actual fact the policy of the boot-on-the-face can go on indefinitely seems doubtful. My own belief is that the ruling oligarchy will find less arduous and wasteful ways of governing and of satisfying its lust for power, and these ways will resemble those which I described in *Brave New World*."⁴² In Huxley's 1932 novel, we arrive at a very different dystopia (in AD 2540): one based on Fordism plus eugenics, not Stalinism. Citizens submit to a caste system of rigid structural inequalities because they are conditioned to be content with the satisfaction

of their shallow physical desires. Self-medication ("soma"), constant entertainment (the "feelies"), regular holidays, and ubiquitous sexual titillation are the basis for mass compliance. Censorship and propaganda play a part, too, as in *Nineteen Eighty-Four*, but overt coercion is rarely visible. The West today thus seems much more Huxley than Orwell: there is a good deal more corporate distraction than state brutality.

Yet there are other and better fits than Huxley or Orwell when we seek to make sense of today's dystopias. China under Xi Jinping increasingly calls to mind Yevgeny Zamyatin's extraordinary *We* (written in 1921 but suppressed by the Bolshevik regime). Set in a future "One State" led by "the Benefactor," *We* depicts a surveillance state more chillingly effective than Orwell's (which it partly inspired, as it also inspired Ayn Rand's *Anthem*). All "ciphers"—who have numbers, not names, and wear standardized "unifs"—are under round-the-clock surveillance, and all apartments are made of glass, with curtains that can be drawn only when one is having state-licensed sex. Faced with insurrection, the all-powerful Benefactor orders mass lobotomization of all ciphers, because the only way to preserve universal happiness is to abolish the imagination. "What have people—from the very cradle—prayed for, dreamed about, and agonized over?" the Benefactor asks. "They have wanted someone, anyone, to tell them once and for all what happiness is—and then to attach them to this happiness with a chain."⁴³

Yet, on further reflection, none of these authors truly foresaw all the peculiarities of our networked world, which has puzzlingly combined a rising speed and penetration of consumer information technology with a slackening of progress in other areas, such as nuclear energy, and a woeful degeneration of governance. The real prophets turn out, on closer inspection, to be less familiar figures—for example, John Brunner, whose *Stand on Zanzibar* (1968) is set in 2010, at a time when population pressure has led to widening social divisions and political extremism. Despite the threat of terrorism, U.S. corporations like General Technics are booming, thanks to a supercomputer named Shalmaneser. China is America's new rival. Europe has united. Brunner also foresees affirmative action, genetic engineering, Viagra, Detroit's collapse, satellite TV, in-flight video, gay marriage, laser printing, electric cars, the de-

criminalization of marijuana, and the decline of tobacco. There is even a progressive president (albeit of Beninia, not America) named "Obomi."

With comparable prescience, William Gibson's *Neuromancer* (1984) anticipates the internet and artificial intelligence. Opening in the dystopian underworld of Chiba City, Japan, the novel has as its central characters a drug-addled hacker, a feline street samurai, and a damaged special-ops officer. But Gibson's real imaginative breakthrough is the global computer network in cyberspace called the "matrix," as well as the central plot device of the twin artificial intelligences Wintermute and Neuromancer. An especially popular book among Facebook employees in the company's early years, Neal Stephenson's *Snow Crash* (1992) foresees corporate overreach and virtual reality in an almost anarchic America. The state has withered away in California; everything has been privatized, including highways; the federal government is vestigial. Most people spend about half their time in a virtual-reality world, where their avatars have a lot more fun than they do in the real world. Meanwhile, vast flotillas of refugees and migrants approach the United States via the Pacific. These cyberpunk Americas seem much closer to the United States in 2020 than the authoritarian dystopias of Lewis, Atwood, or Roth.

If the United States is less Gilead than Chiba City, then to what extent is modern China really a version of Zamyatin's *We*? In Chan Koonchung's *The Fat Years* (2009)—which is banned on the mainland—tap water laced with drugs renders people docile, but at a cost. The month of February 2011 has somehow been removed from public records and popular memory. It turns out that this was the month when a series of drastic emergency measures had to be introduced to stabilize the Chinese economy, but also to assert China's primacy in East Asia. Chan is one of a number of recent Chinese authors who have tried to envision the decline of the United States, the corollary of China's rise. *The Fat Years* is set in an imagined 2013, after a second Western financial crisis has made China the world's number-one economy. In Han Song's *2066: Red Star over America* (2000), a terrorist attack destroys the World Trade Center and the rising ocean sweeps over Manhattan. And in Liu Cixin's *The Three-Body Problem* (2006), as we have seen, it is a Chinese nanotechnology expert and a Beijing cop who lead the global defense against an alien

invasion that is itself the fault of a misanthropic Chinese physicist. The Americans in the *Remembrance of Earth's Past* trilogy are either malicious or incompetent.

Yet even mainland-based Chinese authors are conscious of the People's Republic's deeply illiberal nature, as well as the recurrent instability of Chinese political history. The "problem" of *The Three-Body Problem* is introduced to the reader as a virtual-reality game, set in a strange, distant world with three suns rather than the familiar one. The mutually perturbing gravitational attractions of the three suns prevent this planet from settling into a predictable orbit with regular days, nights, and seasons. It has occasional "stable eras," during which civilization can advance, but with minimal warning these give way to "chaotic eras" of intense heat or cold that render the planet uninhabitable. The central conceit of Liu's novel is that China's history has the same pattern as the three-body problem: periods of stability always end with periods of chaos (*dong luan*).

Acute readers may also wonder if the ideology of the Earth-Trisolaris Movement (ETM)—the radically misanthropic organization dedicated to helping the Trisolarans conquer Earth—is a subtle parody of Maoism. The members of ETM "had abandoned all hope in human civilization, hated and were willing to betray their own species, and even cherished as their highest ideal the elimination of the entire human race, including themselves and their children." "Start a global rebellion!" they shout. "Long live the spirit of Trisolaris! We shall persevere like the stubborn grass that resprouts after every wildfire! . . . Eliminate human tyranny!" Little do these would-be collaborators know that the Trisolarans are even worse than humans. As one of the aliens points out, because of their world's utter unpredictability, "everything is devoted to survival. To permit the survival of the civilization as a whole, there is almost no respect for the individual. Someone who can no longer work is put to death. Trisolaran society exists under a state of extreme authoritarianism." Life for the individual consists of "monotony and desiccation." That sounds a lot like Mao's China.

True, the hero of the story is the foulmouthed, chain-smoking Beijing cop Shi Qiang. Chinese readers doubtless relish the scene in which he lectures a

that it happens. In *Foundation* (1951), Isaac Asimov imagined "psychohistory" as a fictional discipline that combined history, sociology, and mathematical statistics to make general predictions about the future. Though the late Israeli president Shimon Peres once assured me that Israeli scholars had succeeded in establishing a version of Asimov's "Prime Radiant," I am skeptical that such a discipline will ever exist. If the ultimate contribution of cliodynamics is just another cyclical theory of history, it will have betrayed its early promise.

History tells us to expect the great punctuation marks of disaster in no predictable order. The four horsemen of the Book of Revelation—Conquest, War, Famine, and the pale rider Death—gallop out at seemingly random intervals to remind us that no amount of technological innovation can make mankind invulnerable. Indeed, some innovations—like those fleets of jet airplanes that transported so many infected people from Wuhan to the rest of the world in January 2020—give the horsemen the opportunity to ride in their slipstream. Yet somehow the riders' arrival always takes us by surprise. For a moment, we contemplate the scenario of total extinction. We shelter in place, watching *Contagion* or reading Atwood. Perhaps the black swan becomes a dragon king and turns life upside down. But very rarely. Mostly, for the lucky many, life after the disaster goes on, changed in a few ways but on the whole remarkably, reassuringly, boringly the same. With astonishing speed, we put our brush with mortality behind us and blithely carry on, forgetful of those who were not so lucky, regardless of the next disaster that lies in wait. Think, if you doubt the truth of this, of Daniel Defoe's concluding doggerel from his *Journal of the Plague Year*:

A dreadful Plague in London was,
In the Year Sixty Five,
Which swept an Hundred Thousand Souls
Away; yet I alive!⁴⁴

You and the Atom Bomb

This material remains under copyright in some jurisdictions, including the United States, and is reproduced here with the kind assistance of [the Orwell Estate](#).

Considering how likely we all are to be blown to pieces by it within the next five years, the atomic bomb has not roused so much discussion as might have been expected. The newspapers have published numerous diagrams, not very helpful to the average man, of protons and neutrons doing their stuff, and there has been much reiteration of the useless statement that the bomb "ought to be put under international control." But curiously little has been said, at any rate in print, about the question that is of most urgent interest to all of us, namely: "How difficult are these things to manufacture?"

Such information as we – that is, the big public – possess on this subject has come to us in a rather indirect way, apropos of President Truman's decision not to hand over certain secrets to the USSR. Some months ago, when the bomb was still only a rumour, there was a widespread belief that splitting the atom was merely a problem for the physicists, and that when they had solved it a new and devastating weapon would be within reach of almost everybody. (At any moment, so the rumour went, some lonely lunatic in a laboratory might blow civilisation to smithereens, as easily as touching off a firework.)

Had that been true, the whole trend of history would have been abruptly altered. The distinction between great states and small states would have been wiped out, and the power of the State over the individual would have been greatly weakened. However, it appears from President Truman's remarks, and various comments that have been made on them, that the

bomb is fantastically expensive and that its manufacture demands an enormous industrial effort, such as only three or four countries in the world are capable of making. This point is of cardinal importance, because it may mean that the discovery of the atomic bomb, so far from reversing history, will simply intensify the trends which have been apparent for a dozen years past.

It is a commonplace that the history of civilisation is largely the history of weapons. In particular, the connection between the discovery of gunpowder and the overthrow of feudalism by the bourgeoisie has been pointed out over and over again. And though I have no doubt exceptions can be brought forward, I think the following rule would be found generally true: that ages in which the dominant weapon is expensive or difficult to make will tend to be ages of despotism, whereas when the dominant weapon is cheap and simple, the common people have a chance. Thus, for example, tanks, battleships and bombing planes are inherently tyrannical weapons, while rifles, muskets, long-bows and hand-grenades are inherently democratic weapons. A complex weapon makes the strong stronger, while a simple weapon – so long as there is no answer to it – gives claws to the weak.

The great age of democracy and of national self-determination was the age of the musket and the rifle. After the invention of the flintlock, and before the invention of the percussion cap, the musket was a fairly efficient weapon, and at the same time so simple that it could be produced almost anywhere. Its combination of qualities made possible the success of the American and French revolutions, and made a popular insurrection a more serious business than it could be in our own day. After the musket came the [breech-loading rifle](#). This was a comparatively complex thing, but it could still be produced in scores of countries, and it was cheap, easily smuggled and economical of ammunition. Even the most backward nation could always get hold of rifles from one source or another, so that Boers, Bulgars, Abyssinians, Moroccans

– even Tibetans – could put up a fight for their independence, sometimes with success. But thereafter every development in military technique has favoured the State as against the individual, and the industrialised country as against the backward one. There are fewer and fewer foci of power. Already, in 1939, there were only five states capable of waging war on the grand scale, and now there are only three – ultimately, perhaps, only two. This trend has been obvious for years, and was pointed out by a few observers even before 1914. The one thing that might reverse it is the discovery of a weapon – or, to put it more broadly, of a method of fighting – not dependent on huge concentrations of industrial plant.

From various symptoms one can infer that the Russians do not yet possess the secret of making the atomic bomb; on the other hand, the consensus of opinion seems to be that they will possess it within a few years. So we have before us the prospect of two or three monstrous super-states, each possessed of a weapon by which millions of people can be wiped out in a few seconds, dividing the world between them. It has been rather hastily assumed that this means bigger and bloodier wars, and perhaps an actual end to the machine civilisation. But suppose – and really this the likeliest development – that the surviving great nations make a tacit agreement never to use the atomic bomb against one another? Suppose they only use it, or the threat of it, against people who are unable to retaliate? In that case we are back where we were before, the only difference being that power is concentrated in still fewer hands and that the outlook for subject peoples and oppressed classes is still more hopeless.

When [James Burnham wrote *The Managerial Revolution*](#) it seemed probable to many Americans that the Germans would win the European end of the war, and it was therefore natural to assume that Germany and not Russia would dominate the Eurasian land mass, while Japan would remain master of East Asia. This was a miscalculation, but it does not affect the main

argument. For Burnham's geographical picture of the new world has turned out to be correct. More and more obviously the surface of the earth is being parcelled off into three great empires, each self-contained and cut off from contact with the outer world, and each ruled, under one disguise or another, by a self-elected oligarchy. The haggling as to where the frontiers are to be drawn is still going on, and will continue for some years, and the third of the three super-states – East Asia, dominated by China – is still potential rather than actual. But the general drift is unmistakable, and every scientific discovery of recent years has accelerated it.

We were once told that the aeroplane had "abolished frontiers"; actually it is only since the aeroplane became a serious weapon that frontiers have become definitely impassable. The radio was once expected to promote international understanding and co-operation; it has turned out to be a means of insulating one nation from another. The atomic bomb may complete the process by robbing the exploited classes and peoples of all power to revolt, and at the same time putting the possessors of the bomb on a basis of military equality. Unable to conquer one another, they are likely to continue ruling the world between them, and it is difficult to see how the balance can be upset except by slow and unpredictable demographic changes.

For forty or fifty years past, Mr. H. G. Wells and others have been warning us that man is in danger of destroying himself with his own weapons, leaving the ants or some other gregarious species to take over. Anyone who has seen the ruined cities of Germany will find this notion at least thinkable. Nevertheless, looking at the world as a whole, the drift for many decades has been not towards anarchy but towards the reimposition of slavery. We may be heading not for general breakdown but for an epoch as horribly stable as the slave empires of antiquity. [James Burnham's theory](#) has been much discussed, but few people have yet considered its ideological implications –

that is, the kind of world-view, the kind of beliefs, and the social structure that would probably prevail in a state which was at once unconquerable and in a permanent state of "cold war" with its neighbours.

Had the atomic bomb turned out to be something as cheap and easily manufactured as a bicycle or an alarm clock, it might well have plunged us back into barbarism, but it might, on the other hand, have meant the end of national sovereignty and of the highly-centralised police State. If, as seems to be the case, it is a rare and costly object as difficult to produce as a battleship, it is likelier to put an end to large-scale wars at the cost of prolonging indefinitely a "peace that is no peace".

Tribune, 19 October 1945



FOREIGN AFFAIRS

Xi Jinping Says He Is Preparing China for War

The World Should Take Him Seriously

BY JOHN POMFRET AND MATT POTTINGER **March 29, 2023**

JOHN POMFRET, former Beijing Bureau Chief for *The Washington Post*, is the author of [The Beautiful Country and the Middle Kingdom: America and China, 1776 to the Present](#).

MATT POTTINGER is Chair of the China program at the Foundation for Defense of Democracies. From 2019 to 2021, he served as Deputy National Security Adviser.

Chinese leader Xi Jinping says he is preparing for war. At the annual meeting of China's parliament and its top political advisory body in March, Xi wove the theme of war readiness through four separate speeches, in one instance telling his generals to "dare to fight." His government also announced a 7.2 percent increase in China's defense budget, which has doubled over the last decade, as well as plans to make the country less dependent on foreign grain imports. And in recent months, Beijing has unveiled new military readiness laws, new air-raid shelters in cities across the strait from Taiwan, and new "National Defense Mobilization" offices

countrywide.

It is too early to say for certain what these developments mean. Conflict is not certain or imminent. But something has changed in Beijing that policymakers and business leaders worldwide cannot afford to ignore. If Xi says he is readying for war, it would be foolish not to take him at his word.

WEeping GHOSTS, QUAKING ENEMIES

The first sign that this year's meetings of the National People's Congress and the Chinese People's Political Consultative Conference—known as the “two-sessions” because both bodies meet simultaneously—might not be business as usual came on March 1, when the top theoretical journal of the Chinese Communist Party (CCP) published an essay titled “Under the Guidance of Xi Jinping Thought on Strengthening the Army, We Will Advance Victoriously.” The essay appeared under the name “Jun Zheng”—a homonym for “military government” that possibly refers to China's top military body, the Central Military Commission—and argued that “the modernization of national defense and the military must be accelerated.” It also called for an intensification of Military-Civil Fusion, Xi's policy requiring private companies and civilian institutions to serve China's military modernization effort. And riffing off a speech that Xi made to Chinese military leaders in October 2022, it made lightly veiled jabs at the United States:

In the face of wars that may be imposed on us, we must speak to enemies in a language they understand and use victory to win peace and respect. In the new era, the People's Army insists on using force to stop fighting. .

.. Our army is famous for being good at fighting and having a strong fighting spirit. With millet and rifles, it defeated the Kuomintang army equipped with American equipment. It defeated the world's number one enemy armed to the teeth on the Korean battlefield, and performed mighty and majestic battle dramas that shocked the world and caused ghosts and gods to weep.

Even before the essay's publication, there were indications that Chinese leaders could be planning for a possible conflict. In December, Beijing promulgated a new law that would enable the People's Liberation Army (PLA) to more easily activate its reserve forces and institutionalize a system for replenishing combat troops in the event of war. Such measures, as the analysts Lyle Goldstein and Nathan Waechter have noted, suggest that Xi may have drawn lessons about military mobilization from Russian President Vladimir Putin's failures in Ukraine.

The law governing military reservists is not the only legal change that hints at Beijing's preparations. In February, the top deliberative body of the National People's Congress adopted the Decision on Adjusting the Application of Certain Provisions of the [Chinese] Criminal Procedure Law to the Military During Wartime, which, according to the state-run *People's Daily*, gives the Central Military Commission the power to adjust legal provisions, including "jurisdiction, defense and representation, compulsory measures, case filings, investigation, prosecution, trial, and the implementation of sentences." Although it is impossible to predict how the decision will be used, it could become a weapon to target individuals who

oppose a takeover of Taiwan. The PLA might also use it to claim legal jurisdiction over a potentially occupied territory, such as Taiwan. Or Beijing could use it to compel Chinese citizens to support its decisions during wartime.

Since December, the Chinese government has also opened a slew of National Defense Mobilization offices—or recruitment centers—across the country, including in Beijing, Fujian, Hubei, Hunan, Inner Mongolia, Shandong, Shanghai, Sichuan, Tibet, and Wuhan. At the same time, cities in Fujian Province, across the strait from Taiwan, have begun building or upgrading air-raid shelters and at least one “wartime emergency hospital,” according to Chinese state media. In March, Fujian and several cities in the province began preventing overseas IP addresses from accessing government websites, possibly to impede tracking of China’s preparations for war.

XI’S INNER VLAD

If these developments hint at a shift in Beijing’s thinking, the two-sessions meetings in early March all but confirmed one. Among the proposals discussed by the Chinese People’s Political Consultative Conference—the advisory body—was a plan to create a blacklist of pro-independence activists and political leaders in Taiwan. Tabled by the popular ultranationalist blogger Zhou Xiaoping, the plan would authorize the assassination of blacklisted individuals—including Taiwan’s vice president, William Lai Ching-te—if they do not reform their ways. Zhou later told the Hong Kong newspaper *Ming Pao* that his proposal had been accepted by the conference and “relayed to relevant authorities for evaluation and

consideration.” Proposals like Zhou’s do not come by accident. In 2014, Xi praised Zhou for the “positive energy” of his jeremiads against Taiwan and the United States.

Also at the two-sessions meetings, outgoing Premier Li Keqiang announced a military budget of 1.55 trillion yuan (roughly \$224.8 billion) for 2023, a 7.2 percent increase from last year. Li, too, called for heightened “preparations for war.” Western experts have long believed that China underreports its defense expenditures. In 2021, for instance, Beijing claimed it spent \$209 billion on defense, but the Stockholm International Peace Research Institute put the true figure at \$293.4 billion. Even the official Chinese figure exceeds the military spending of all the Pacific treaty allies of the United States combined (Australia, Japan, the Philippines, South Korea, and Thailand), and it is a safe bet China is spending substantially more than it says.

But the most telling moments of the two-sessions meetings, perhaps unsurprisingly, involved Xi himself. The Chinese leader gave four speeches in all—one to delegates of the Chinese People’s Political Consultative Conference, two to the National People’s Congress, and one to military and paramilitary leaders. In them, he described a bleak geopolitical landscape, singled out the United States as China’s adversary, exhorted private businesses to serve China’s military and strategic aims, and reiterated that he sees uniting Taiwan and the mainland as vital to the success of his signature policy to achieve “the great rejuvenation of the Chinese ethnos.”

In a speech on March 6, Xi appeared to be girding China’s industrial base

for struggle and conflict. “In the coming period, the risks and challenges we face will only increase and become more severe,” he warned. “Only when all the people think in one place, work hard in one place, help each other in the same boat, unite as one, dare to fight, and be good at fighting, can they continue to win new and greater victories.” To help the CCP achieve these “greater victories,” he vowed to “correctly guide” private businesses to invest in projects that the state has prioritized.

Xi also blasted the United States directly in his speech, breaking his practice of not naming Washington as an adversary except in historical contexts. He described the United States and its allies as leading causes of China’s current problems. “Western countries headed by the United States have implemented containment from all directions, encirclement and suppression against us, which has brought unprecedented severe challenges to our country’s development,” he said. Whereas U.S. President Joe Biden’s administration has emphasized “guardrails” and other means of slowing the deterioration of U.S.-China relations, Beijing is clearly preparing for a new, more confrontational era.

A day earlier, on March 5, Xi gave a speech laying out a vision of Chinese self-sufficiency that went considerably further than any of his previous discussions of the topic, saying China’s march to modernization is contingent on breaking technological dependence on foreign economies—meaning the United States and other industrialized democracies. Xi also said that he wants China to end its reliance on imports of grain and manufactured goods. “In case we’re short of either, the international market

will not protect us,” Xi declared. Li, the outgoing premier, emphasized the same point in his annual government “work report” on the same day, saying Beijing must “unremittingly keep the rice bowls of more than 1.4 billion Chinese people firmly in their own hands.” China currently depends on imports for more than a third of its net food consumption.

In his third speech, on March 8 to representatives from the PLA and the People’s Armed Police, Xi declared that China must focus its innovation efforts on bolstering national defense and establish a network of national reserve forces that could be tapped in wartime. Xi also called for a “National Defense Education” campaign to unite society behind the PLA, invoking as inspiration the Double Support Movement, a 1943 campaign by the Communists to militarize society in their base area of Yan’an.

In his fourth speech (and his first as a third-term president), on March 13, Xi announced that the “essence” of his great rejuvenation campaign was “the unification of the motherland.” Although he has hinted at the connection between absorbing Taiwan and his much-vaunted campaign to, essentially, make China great again, he has rarely if ever done so with such clarity.

TAKING XI SERIOUSLY

One thing that is clear a decade into Xi’s rule is that it is important to take him seriously—something that many U.S. analysts regrettably do not do. When Xi launched a series of aggressive campaigns against corruption, private enterprise, financial institutions, and the property and tech sectors, many analysts predicted that these campaigns would be short-lived. But

they endured. The same was true of Xi's draconian "zero COVID" policy for three years—until he was uncharacteristically forced to reverse course in late 2022.

Xi is now intensifying a decadelong campaign to break key economic and technological dependencies on the U.S.-led democratic world. He is doing so in anticipation of a new phase of ideological and geostrategic "struggle," as he puts it. His messaging about war preparation and his equating of national rejuvenation with unification mark a new phase in his political warfare campaign to intimidate Taiwan. He is clearly willing to use force to take the island. What remains unclear is whether he thinks he can do so without risking uncontrolled escalation with the United States.

CORRECTION APPENDED

An earlier version of this article incorrectly stated the sequence of two Xi Jinping speeches, referring to a March 6 speech as Xi's first and a March 5 speech as his second.

Copyright © 2023 by the Council on Foreign Relations, Inc.

All rights reserved. To request permission to distribute or reprint this article, please visit [ForeignAffairs.com/Permissions](https://www.foreignaffairs.com/Permissions).

Source URL: <https://www.foreignaffairs.com/united-states/xi-jinping-says-he-preparing-china-war>

THE SOURCES OF SOVIET CONDUCT

By X

THE political personality of Soviet power as we know it today is the product of ideology and circumstances: ideology inherited by the present Soviet leaders from the movement in which they had their political origin, and circumstances of the power which they now have exercised for nearly three decades in Russia. There can be few tasks of psychological analysis more difficult than to try to trace the interaction of these two forces and the relative rôle of each in the determination of official Soviet conduct. Yet the attempt must be made if that conduct is to be understood and effectively countered.

It is difficult to summarize the set of ideological concepts with which the Soviet leaders came into power. Marxian ideology, in its Russian-Communist projection, has always been in process of subtle evolution. The materials on which it bases itself are extensive and complex. But the outstanding features of Communist thought as it existed in 1916 may perhaps be summarized as follows: (a) that the central factor in the life of man, the factor which determines the character of public life and the "physiognomy of society," is the system by which material goods are produced and exchanged; (b) that the capitalist system of production is a nefarious one which inevitably leads to the exploitation of the working class by the capital-owning class and is incapable of developing adequately the economic resources of society or of distributing fairly the material goods produced by human labor; (c) that capitalism contains the seeds of its own destruction and must, in view of the inability of the capital-owning class to adjust itself to economic change, result eventually and inescapably in a revolutionary transfer of power to the working class; and (d) that imperialism, the final phase of capitalism, leads directly to war and revolution.

The rest may be outlined in Lenin's own words: "Unevenness of economic and political development is the inflexible law of capitalism. It follows from this that the victory of Socialism may come originally in a few capitalist countries or even in a single capitalist country. The victorious proletariat of that country, having expropriated the capitalists and having organized Socialist production at home, would rise against the remain-

ing capitalist world, drawing to itself in the process the oppressed classes of other countries."¹ It must be noted that there was no assumption that capitalism would perish without proletarian revolution. A final push was needed from a revolutionary proletariat movement in order to tip over the tottering structure. But it was regarded as inevitable that sooner or later that push be given.

For 50 years prior to the outbreak of the Revolution, this pattern of thought had exercised great fascination for the members of the Russian revolutionary movement. Frustrated, discontented, hopeless of finding self-expression — or too impatient to seek it — in the confining limits of the Tsarist political system, yet lacking wide popular support for their choice of bloody revolution as a means of social betterment, these revolutionists found in Marxist theory a highly convenient rationalization for their own instinctive desires. It afforded pseudo-scientific justification for their impatience, for their categorical denial of all value in the Tsarist system, for their yearning for power and revenge and for their inclination to cut corners in the pursuit of it. It is therefore no wonder that they had come to believe implicitly in the truth and soundness of the Marxian-Leninist teachings, so congenial to their own impulses and emotions. Their sincerity need not be impugned. This is a phenomenon as old as human nature itself. It has never been more aptly described than by Edward Gibbon, who wrote in "The Decline and Fall of the Roman Empire": "From enthusiasm to imposture the step is perilous and slippery; the demon of Socrates affords a memorable instance how a wise man may deceive himself, how a good man may deceive others, how the conscience may slumber in a mixed and middle state between self-illusion and voluntary fraud." And it was with this set of conceptions that the members of the Bolshevik Party entered into power.

Now it must be noted that through all the years of preparation for revolution, the attention of these men, as indeed of Marx himself, had been centered less on the future form which Socialism² would take than on the necessary overthrow of rival power which, in their view, had to precede the introduction of Socialism. Their views, therefore, on the positive program to be put into

¹ "Concerning the Slogans of the United States of Europe," August 1915. Official Soviet edition of Lenin's works.

² Here and elsewhere in this paper "Socialism" refers to Marxist or Leninist Communism, not to liberal Socialism of the Second International variety.

effect, once power was attained, were for the most part nebulous, visionary and impractical. Beyond the nationalization of industry and the expropriation of large private capital holdings there was no agreed program. The treatment of the peasantry, which according to the Marxist formulation was not of the proletariat, had always been a vague spot in the pattern of Communist thought; and it remained an object of controversy and vacillation for the first ten years of Communist power.

The circumstances of the immediate post-revolution period — the existence in Russia of civil war and foreign intervention, together with the obvious fact that the Communists represented only a tiny minority of the Russian people — made the establishment of dictatorial power a necessity. The experiment with "war Communism" and the abrupt attempt to eliminate private production and trade had unfortunate economic consequences and caused further bitterness against the new revolutionary régime. While the temporary relaxation of the effort to communize Russia, represented by the New Economic Policy, alleviated some of this economic distress and thereby served its purpose, it also made it evident that the "capitalistic sector of society" was still prepared to profit at once from any relaxation of governmental pressure, and would, if permitted to continue to exist, always constitute a powerful opposing element to the Soviet régime and a serious rival for influence in the country. Somewhat the same situation prevailed with respect to the individual peasant who, in his own small way, was also a private producer.

Lenin, had he lived, might have proved a great enough man to reconcile these conflicting forces to the ultimate benefit of Russian society, though this is questionable. But be that as it may, Stalin, and those whom he led in the struggle for succession to Lenin's position of leadership, were not the men to tolerate rival political forces in the sphere of power which they coveted. Their sense of insecurity was too great. Their particular brand of fanaticism, unmodified by any of the Anglo-Saxon traditions of compromise, was too fierce and too jealous to envisage any permanent sharing of power. From the Russian-Asiatic world out of which they had emerged they carried with them a skepticism as to the possibilities of permanent and peaceful coexistence of rival forces. Easily persuaded of their own doctrinaire "rightness," they insisted on the submission or destruction of all competing power. Outside of the Communist Party, Russian society

was to have no rigidity. There were to be no forms of collective human activity or association which would not be dominated by the Party. No other force in Russian society was to be permitted to achieve vitality or integrity. Only the Party was to have structure. All else was to be an amorphous mass.

And within the Party the same principle was to apply. The mass of Party members might go through the motions of election, deliberation, decision and action; but in these motions they were to be animated not by their own individual wills but by the awesome breath of the Party leadership and the overbrooding presence of "the word."

Let it be stressed again that subjectively these men probably did not seek absolutism for its own sake. They doubtless believed — and found it easy to believe — that they alone knew what was good for society and that they would accomplish that good once their power was secure and unchallengeable. But in seeking that security of their own rule they were prepared to recognize no restrictions, either of God or man, on the character of their methods. And until such time as that security might be achieved, they placed far down on their scale of operational priorities the comforts and happiness of the peoples entrusted to their care.

Now the outstanding circumstance concerning the Soviet régime is that down to the present day this process of political consolidation has never been completed and the men in the Kremlin have continued to be predominantly absorbed with the struggle to secure and make absolute the power which they seized in November 1917. They have endeavored to secure it primarily against forces at home, within Soviet society itself. But they have also endeavored to secure it against the outside world. For ideology, as we have seen, taught them that the outside world was hostile and that it was their duty eventually to overthrow the political forces beyond their borders. The powerful hands of Russian history and tradition reached up to sustain them in this feeling. Finally, their own aggressive intransigence with respect to the outside world began to find its own reaction; and they were soon forced, to use another Gibbonesque phrase, "to chastise the contumacy" which they themselves had provoked. It is an undeniable privilege of every man to prove himself right in the thesis that the world is his enemy; for if he reiterates it frequently enough and makes it the background of his conduct he is bound eventually to be right.

Now it lies in the nature of the mental world of the Soviet leaders, as well as in the character of their ideology, that no opposition to them can be officially recognized as having any merit or justification whatsoever. Such opposition can flow, in theory, only from the hostile and incorrigible forces of dying capitalism. As long as remnants of capitalism were officially recognized as existing in Russia, it was possible to place on them, as an internal element, part of the blame for the maintenance of a dictatorial form of society. But as these remnants were liquidated, little by little, this justification fell away; and when it was indicated officially that they had been finally destroyed, it disappeared altogether. And this fact created one of the most basic of the compulsions which came to act upon the Soviet régime: since capitalism no longer existed in Russia and since it could not be admitted that there could be serious or widespread opposition to the Kremlin springing spontaneously from the liberated masses under its authority, it became necessary to justify the retention of the dictatorship by stressing the menace of capitalism abroad.

This began at an early date. In 1924 Stalin specifically defended the retention of the "organs of suppression," meaning, among others, the army and the secret police, on the ground that "as long as there is a capitalist encirclement there will be danger of intervention with all the consequences that flow from that danger." In accordance with that theory, and from that time on, all internal opposition forces in Russia have consistently been portrayed as the agents of foreign forces of reaction antagonistic to Soviet power.

By the same token, tremendous emphasis has been placed on the original Communist thesis of a basic antagonism between the capitalist and Socialist worlds. It is clear, from many indications, that this emphasis is not founded in reality. The real facts concerning it have been confused by the existence abroad of genuine resentment provoked by Soviet philosophy and tactics and occasionally by the existence of great centers of military power, notably the Nazi régime in Germany and the Japanese Government of the late 1930's, which did indeed have aggressive designs against the Soviet Union. But there is ample evidence that the stress laid in Moscow on the menace confronting Soviet society from the world outside its borders is founded not in the realities of foreign antagonism but in the necessity of explaining away the maintenance of dictatorial authority at home.

Now the maintenance of this pattern of Soviet power, namely, the pursuit of unlimited authority domestically, accompanied by the cultivation of the semi-myth of implacable foreign hostility, has gone far to shape the actual machinery of Soviet power as we know it today. Internal organs of administration which did not serve this purpose withered on the vine. Organs which did serve this purpose became vastly swollen. The security of Soviet power came to rest on the iron discipline of the Party, on the severity and ubiquity of the secret police, and on the uncompromising economic monopolism of the state. The "organs of suppression," in which the Soviet leaders had sought security from rival forces, became in large measure the masters of those whom they were designed to serve. Today the major part of the structure of Soviet power is committed to the perfection of the dictatorship and to the maintenance of the concept of Russia as in a state of siege, with the enemy lowering beyond the walls. And the millions of human beings who form that part of the structure of power must defend at all costs this concept of Russia's position, for without it they are themselves superfluous.

As things stand today, the rulers can no longer dream of parting with these organs of suppression. The quest for absolute power, pursued now for nearly three decades with a ruthlessness unparalleled (in scope at least) in modern times, has again produced internally, as it did externally, its own reaction. The excesses of the police apparatus have fanned the potential opposition to the régime into something far greater and more dangerous than it could have been before those excesses began.

But least of all can the rulers dispense with the fiction by which the maintenance of dictatorial power has been defended. For this fiction has been canonized in Soviet philosophy by the excesses already committed in its name; and it is now anchored in the Soviet structure of thought by bonds far greater than those of mere ideology.

II

So much for the historical background. What does it spell in terms of the political personality of Soviet power as we know it today?

Of the original ideology, nothing has been officially junked. Belief is maintained in the basic badness of capitalism, in the inevitability of its destruction, in the obligation of the proletariat

to assist in that destruction and to take power into its own hands. But stress has come to be laid primarily on those concepts which relate most specifically to the Soviet régime itself: to its position as the sole truly Socialist régime in a dark and misguided world, and to the relationships of power within it.

The first of these concepts is that of the innate antagonism between capitalism and Socialism. We have seen how deeply that concept has become imbedded in foundations of Soviet power. It has profound implications for Russia's conduct as a member of international society. It means that there can never be on Moscow's side any sincere assumption of a community of aims between the Soviet Union and powers which are regarded as capitalist. It must invariably be assumed in Moscow that the aims of the capitalist world are antagonistic to the Soviet régime, and therefore to the interests of the peoples it controls. If the Soviet Government occasionally sets its signature to documents which would indicate the contrary, this is to be regarded as a tactical manœuvre permissible in dealing with the enemy (who is without honor) and should be taken in the spirit of *caveat emptor*. Basically, the antagonism remains. It is postulated. And from it flow many of the phenomena which we find disturbing in the Kremlin's conduct of foreign policy: the secretiveness, the lack of frankness, the duplicity, the wary suspiciousness, and the basic unfriendliness of purpose. These phenomena are there to stay, for the foreseeable future. There can be variations of degree and of emphasis. When there is something the Russians want from us, one or the other of these features of their policy may be thrust temporarily into the background; and when that happens there will always be Americans who will leap forward with gleeful announcements that "the Russians have changed," and some who will even try to take credit for having brought about such "changes." But we should not be misled by tactical manœuvres. These characteristics of Soviet policy, like the postulate from which they flow, are basic to the internal nature of Soviet power, and will be with us, whether in the foreground or the background, until the internal nature of Soviet power is changed.

This means that we are going to continue for a long time to find the Russians difficult to deal with. It does not mean that they should be considered as embarked upon a do-or-die program to overthrow our society by a given date. The theory of the inevitability of the eventual fall of capitalism has the fortunate

connotation that there is no hurry about it. The forces of progress can take their time in preparing the final *coup de grâce*. Meanwhile, what is vital is that the "Socialist fatherland" — that oasis of power which has been already won for Socialism in the person of the Soviet Union — should be cherished and defended by all good Communists at home and abroad, its fortunes promoted, its enemies badgered and confounded. The promotion of premature, "adventuristic" revolutionary projects abroad which might embarrass Soviet power in any way would be an inexcusable, even a counter-revolutionary act. The cause of Socialism is the support and promotion of Soviet power, as defined in Moscow.

This brings us to the second of the concepts important to contemporary Soviet outlook. That is the infallibility of the Kremlin. The Soviet concept of power, which permits no focal points of organization outside the Party itself, requires that the Party leadership remain in theory the sole repository of truth. For if truth were to be found elsewhere, there would be justification for its expression in organized activity. But it is precisely that which the Kremlin cannot and will not permit.

The leadership of the Communist Party is therefore always right, and has been always right ever since in 1929 Stalin formalized his personal power by announcing that decisions of the Politburo were being taken unanimously.

On the principle of infallibility there rests the iron discipline of the Communist Party. In fact, the two concepts are mutually self-supporting. Perfect discipline requires recognition of infallibility. Infallibility requires the observance of discipline. And the two together go far to determine the behaviorism of the entire Soviet apparatus of power. But their effect cannot be understood unless a third factor be taken into account: namely, the fact that the leadership is at liberty to put forward for tactical purposes any particular thesis which it finds useful to the cause at any particular moment and to require the faithful and unquestioning acceptance of that thesis by the members of the movement as a whole. This means that truth is not a constant but is actually created, for all intents and purposes, by the Soviet leaders themselves. It may vary from week to week, from month to month. It is nothing absolute and immutable — nothing which flows from objective reality. It is only the most recent manifestation of the wisdom of those in whom the ultimate wisdom is supposed to reside, because they represent the logic of history.

The accumulative effect of these factors is to give to the whole subordinate apparatus of Soviet power an unshakeable stubbornness and steadfastness in its orientation. This orientation can be changed at will by the Kremlin but by no other power. Once a given party line has been laid down on a given issue of current policy, the whole Soviet governmental machine, including the mechanism of diplomacy, moves inexorably along the prescribed path, like a persistent toy automobile wound up and headed in a given direction, stopping only when it meets with some unanswerable force. The individuals who are the components of this machine are unamenable to argument or reason which comes to them from outside sources. Their whole training has taught them to mistrust and discount the glib persuasiveness of the outside world. Like the white dog before the phonograph, they hear only the "master's voice." And if they are to be called off from the purposes last dictated to them, it is the master who must call them off. Thus the foreign representative cannot hope that his words will make any impression on them. The most that he can hope is that they will be transmitted to those at the top, who are capable of changing the party line. But even those are not likely to be swayed by any normal logic in the words of the bourgeois representative. Since there can be no appeal to common purposes, there can be no appeal to common mental approaches. For this reason, facts speak louder than words to the ears of the Kremlin; and words carry the greatest weight when they have the ring of reflecting, or being backed up by, facts of unchallengeable validity.

But we have seen that the Kremlin is under no ideological compulsion to accomplish its purposes in a hurry. Like the Church, it is dealing in ideological concepts which are of long-term validity, and it can afford to be patient. It has no right to risk the existing achievements of the revolution for the sake of vain baubles of the future. The very teachings of Lenin himself require great caution and flexibility in the pursuit of Communist purposes. Again, these precepts are fortified by the lessons of Russian history: of centuries of obscure battles between nomadic forces over the stretches of a vast unfortified plain. Here caution, circumspection, flexibility and deception are the valuable qualities; and their value finds natural appreciation in the Russian or the oriental mind. Thus the Kremlin has no compunction about retreating in the face of superior force. And being under the com-

pulsion of no timetable, it does not get panicky under the necessity for such retreat. Its political action is a fluid stream which moves constantly, wherever it is permitted to move, toward a given goal. Its main concern is to make sure that it has filled every nook and cranny available to it in the basin of world power. But if it finds unassailable barriers in its path, it accepts these philosophically and accommodates itself to them. The main thing is that there should always be pressure, unceasing constant pressure, toward the desired goal. There is no trace of any feeling in Soviet psychology that that goal must be reached at any given time.

These considerations make Soviet diplomacy at once easier and more difficult to deal with than the diplomacy of individual aggressive leaders like Napoleon and Hitler. On the one hand it is more sensitive to contrary force, more ready to yield on individual sectors of the diplomatic front when that force is felt to be too strong, and thus more rational in the logic and rhetoric of power. On the other hand it cannot be easily defeated or discouraged by a single victory on the part of its opponents. And the patient persistence by which it is animated means that it can be effectively countered not by sporadic acts which represent the momentary whims of democratic opinion but only by intelligent long-range policies on the part of Russia's adversaries — policies no less steady in their purpose, and no less variegated and resourceful in their application, than those of the Soviet Union itself.

In these circumstances it is clear that the main element of any United States policy toward the Soviet Union must be that of a long-term, patient but firm and vigilant containment of Russian expansive tendencies. It is important to note, however, that such a policy has nothing to do with outward histrionics: with threats or blustering or superfluous gestures of outward "toughness." While the Kremlin is basically flexible in its reaction to political realities, it is by no means unamenable to considerations of prestige. Like almost any other government, it can be placed by tactless and threatening gestures in a position where it cannot afford to yield even though this might be dictated by its sense of realism. The Russian leaders are keen judges of human psychology, and as such they are highly conscious that loss of temper and of self-control is never a source of strength in political affairs. They are quick to exploit such evidences of weakness. For these

reasons, it is a *sine qua non* of successful dealing with Russia that the foreign government in question should remain at all times cool and collected and that its demands on Russian policy should be put forward in such a manner as to leave the way open for a compliance not too detrimental to Russian prestige.

III

In the light of the above, it will be clearly seen that the Soviet pressure against the free institutions of the western world is something that can be contained by the adroit and vigilant application of counter-force at a series of constantly shifting geographical and political points, corresponding to the shifts and manœuvres of Soviet policy, but which cannot be charmed or talked out of existence. The Russians look forward to a duel of infinite duration, and they see that already they have scored great successes. It must be borne in mind that there was a time when the Communist Party represented far more of a minority in the sphere of Russian national life than Soviet power today represents in the world community.

But if ideology convinces the rulers of Russia that truth is on their side and that they can therefore afford to wait, those of us on whom that ideology has no claim are free to examine objectively the validity of that premise. The Soviet thesis not only implies complete lack of control by the west over its own economic destiny, it likewise assumes Russian unity, discipline and patience over an infinite period. Let us bring this apocalyptic vision down to earth, and suppose that the western world finds the strength and resourcefulness to contain Soviet power over a period of ten to fifteen years. What does that spell for Russia itself?

The Soviet leaders, taking advantage of the contributions of modern technique to the arts of despotism, have solved the question of obedience within the confines of their power. Few challenge their authority; and even those who do are unable to make that challenge valid as against the organs of suppression of the state.

The Kremlin has also proved able to accomplish its purpose of building up in Russia, regardless of the interests of the inhabitants, an industrial foundation of heavy metallurgy, which is, to be sure, not yet complete but which is nevertheless continuing to grow and is approaching those of the other major industrial

countries. All of this, however, both the maintenance of internal political security and the building of heavy industry, has been carried out at a terrible cost in human life and in human hopes and energies. It has necessitated the use of forced labor on a scale unprecedented in modern times under conditions of peace. It has involved the neglect or abuse of other phases of Soviet economic life, particularly agriculture, consumers' goods production, housing and transportation.

To all that, the war has added its tremendous toll of destruction, death and human exhaustion. In consequence of this, we have in Russia today a population which is physically and spiritually tired. The mass of the people are disillusioned, skeptical and no longer as accessible as they once were to the magical attraction which Soviet power still radiates to its followers abroad. The avidity with which people seized upon the slight respite accorded to the Church for tactical reasons during the war was eloquent testimony to the fact that their capacity for faith and devotion found little expression in the purposes of the régime.

In these circumstances, there are limits to the physical and nervous strength of people themselves. These limits are absolute ones, and are binding even for the cruelest dictatorship, because beyond them people cannot be driven. The forced labor camps and the other agencies of constraint provide temporary means of compelling people to work longer hours than their own volition or mere economic pressure would dictate; but if people survive them at all they become old before their time and must be considered as human casualties to the demands of dictatorship. In either case their best powers are no longer available to society and can no longer be enlisted in the service of the state.

Here only the younger generation can help. The younger generation, despite all vicissitudes and sufferings, is numerous and vigorous; and the Russians are a talented people. But it still remains to be seen what will be the effects on mature performance of the abnormal emotional strains of childhood which Soviet dictatorship created and which were enormously increased by the war. Such things as normal security and placidity of home environment have practically ceased to exist in the Soviet Union outside of the most remote farms and villages. And observers are not yet sure whether that is not going to leave its mark on the over-all capacity of the generation now coming into maturity.

In addition to this, we have the fact that Soviet economic de-

velopment, while it can list certain formidable achievements, has been precariously spotty and uneven. Russian Communists who speak of the "uneven development of capitalism" should blush at the contemplation of their own national economy. Here certain branches of economic life, such as the metallurgical and machine industries, have been pushed out of all proportion to other sectors of economy. Here is a nation striving to become in a short period one of the great industrial nations of the world while it still has no highway network worthy of the name and only a relatively primitive network of railways. Much has been done to increase efficiency of labor and to teach primitive peasants something about the operation of machines. But maintenance is still a crying deficiency of all Soviet economy. Construction is hasty and poor in quality. Depreciation must be enormous. And in vast sectors of economic life it has not yet been possible to instill into labor anything like that general culture of production and technical self-respect which characterizes the skilled worker of the west.

It is difficult to see how these deficiencies can be corrected at an early date by a tired and dispirited population working largely under the shadow of fear and compulsion. And as long as they are not overcome, Russia will remain economically a vulnerable, and in a certain sense an impotent, nation, capable of exporting its enthusiasms and of radiating the strange charm of its primitive political vitality but unable to back up those articles of export by the real evidences of material power and prosperity.

Meanwhile, a great uncertainty hangs over the political life of the Soviet Union. That is the uncertainty involved in the transfer of power from one individual or group of individuals to others.

This is, of course, outstandingly the problem of the personal position of Stalin. We must remember that his succession to Lenin's pinnacle of preëminence in the Communist movement was the only such transfer of individual authority which the Soviet Union has experienced. That transfer took 12 years to consolidate. It cost the lives of millions of people and shook the state to its foundations. The attendant tremors were felt all through the international revolutionary movement, to the disadvantage of the Kremlin itself.

It is always possible that another transfer of preëminent power may take place quietly and inconspicuously, with no repercussions anywhere. But again, it is possible that the questions involved may unleash, to use some of Lenin's words, one of those

"incredibly swift transitions" from "delicate deceit" to "wild violence" which characterize Russian history, and may shake Soviet power to its foundations.

But this is not only a question of Stalin himself. There has been, since 1938, a dangerous congealment of political life in the higher circles of Soviet power. The All-Union Congress of Soviets, in theory the supreme body of the Party, is supposed to meet not less often than once in three years. It will soon be eight full years since its last meeting. During this period membership in the Party has numerically doubled. Party mortality during the war was enormous; and today well over half of the Party members are persons who have entered since the last Party congress was held. Meanwhile, the same small group of men has carried on at the top through an amazing series of national vicissitudes. Surely there is some reason why the experiences of the war brought basic political changes to every one of the great governments of the west. Surely the causes of that phenomenon are basic enough to be present somewhere in the obscurity of Soviet political life, as well. And yet no recognition has been given to these causes in Russia.

It must be surmised from this that even within so highly disciplined an organization as the Communist Party there must be a growing divergence in age, outlook and interest between the great mass of Party members, only so recently recruited into the movement, and the little self-perpetuating clique of men at the top, whom most of these Party members have never met, with whom they have never conversed, and with whom they can have no political intimacy.

Who can say whether, in these circumstances, the eventual rejuvenation of the higher spheres of authority (which can only be a matter of time) can take place smoothly and peacefully, or whether rivals in the quest for higher power will not eventually reach down into these politically immature and inexperienced masses in order to find support for their respective claims? If this were ever to happen, strange consequences could flow for the Communist Party: for the membership at large has been exercised only in the practices of iron discipline and obedience and not in the arts of compromise and accommodation. And if disunity were ever to seize and paralyze the Party, the chaos and weakness of Russian society would be revealed in forms beyond description. For we have seen that Soviet power is only a crust concealing an

amorphous mass of human beings among whom no independent organizational structure is tolerated. In Russia there is not even such a thing as local government. The present generation of Russians have never known spontaneity of collective action. If, consequently, anything were ever to occur to disrupt the unity and efficacy of the Party as a political instrument, Soviet Russia might be changed overnight from one of the strongest to one of the weakest and most pitiable of national societies.

Thus the future of Soviet power may not be by any means as secure as Russian capacity for self-delusion would make it appear to the men in the Kremlin. That they can keep power themselves, they have demonstrated. That they can quietly and easily turn it over to others remains to be proved. Meanwhile, the hardships of their rule and the vicissitudes of international life have taken a heavy toll of the strength and hopes of the great people on whom their power rests. It is curious to note that the ideological power of Soviet authority is strongest today in areas beyond the frontiers of Russia, beyond the reach of its police power. This phenomenon brings to mind a comparison used by Thomas Mann in his great novel "Buddenbrooks." Observing that human institutions often show the greatest outward brilliance at a moment when inner decay is in reality farthest advanced, he compared the Buddenbrook family, in the days of its greatest glamour, to one of those stars whose light shines most brightly on this world when in reality it has long since ceased to exist. And who can say with assurance that the strong light still cast by the Kremlin on the dissatisfied peoples of the western world is not the powerful afterglow of a constellation which is in actuality on the wane? This cannot be proved. And it cannot be disproved. But the possibility remains (and in the opinion of this writer it is a strong one) that Soviet power, like the capitalist world of its conception, bears within it the seeds of its own decay, and that the sprouting of these seeds is well advanced.

IV

It is clear that the United States cannot expect in the foreseeable future to enjoy political intimacy with the Soviet régime. It must continue to regard the Soviet Union as a rival, not a partner, in the political arena. It must continue to expect that Soviet policies will reflect no abstract love of peace and stability, no real faith in the possibility of a permanent happy coexistence

of the Socialist and capitalist worlds, but rather a cautious, persistent pressure toward the disruption and weakening of all rival influence and rival power.

Balanced against this are the facts that Russia, as opposed to the western world in general, is still by far the weaker party, that Soviet policy is highly flexible, and that Soviet society may well contain deficiencies which will eventually weaken its own total potential. This would of itself warrant the United States entering with reasonable confidence upon a policy of firm containment, designed to confront the Russians with unalterable counter-force at every point where they show signs of encroaching upon the interests of a peaceful and stable world.

But in actuality the possibilities for American policy are by no means limited to holding the line and hoping for the best. It is entirely possible for the United States to influence by its actions the internal developments, both within Russia and throughout the international Communist movement, by which Russian policy is largely determined. This is not only a question of the modest measure of informational activity which this government can conduct in the Soviet Union and elsewhere, although that, too, is important. It is rather a question of the degree to which the United States can create among the peoples of the world generally the impression of a country which knows what it wants, which is coping successfully with the problems of its internal life and with the responsibilities of a World Power, and which has a spiritual vitality capable of holding its own among the major ideological currents of the time. To the extent that such an impression can be created and maintained, the aims of Russian Communism must appear sterile and quixotic, the hopes and enthusiasm of Moscow's supporters must wane, and added strain must be imposed on the Kremlin's foreign policies. For the palsied decrepitude of the capitalist world is the keystone of Communist philosophy. Even the failure of the United States to experience the early economic depression which the ravens of the Red Square have been predicting with such complacent confidence since hostilities ceased would have deep and important repercussions throughout the Communist world.

By the same token, exhibitions of indecision, disunity and internal disintegration within this country have an exhilarating effect on the whole Communist movement. At each evidence of these tendencies, a thrill of hope and excitement goes through

the Communist world; a new jauntiness can be noted in the Moscow tread; new groups of foreign supporters climb on to what they can only view as the band wagon of international politics; and Russian pressure increases all along the line in international affairs.

It would be an exaggeration to say that American behavior unassisted and alone could exercise a power of life and death over the Communist movement and bring about the early fall of Soviet power in Russia. But the United States has it in its power to increase enormously the strains under which Soviet policy must operate, to force upon the Kremlin a far greater degree of moderation and circumspection than it has had to observe in recent years, and in this way to promote tendencies which must eventually find their outlet in either the break-up or the gradual mellowing of Soviet power. For no mystical, Messianic movement — and particularly not that of the Kremlin — can face frustration indefinitely without eventually adjusting itself in one way or another to the logic of that state of affairs.

Thus the decision will really fall in large measure in this country itself. The issue of Soviet-American relations is in essence a test of the over-all worth of the United States as a nation among nations. To avoid destruction the United States need only measure up to its own best traditions and prove itself worthy of preservation as a great nation.

Surely, there was never a fairer test of national quality than this. In the light of these circumstances, the thoughtful observer of Russian-American relations will find no cause for complaint in the Kremlin's challenge to American society. He will rather experience a certain gratitude to a Providence which, by providing the American people with this implacable challenge, has made their entire security as a nation dependent on their pulling themselves together and accepting the responsibilities of moral and political leadership that history plainly intended them to bear.

The contents of Foreign Affairs are protected by copyright. © 2004 Council on Foreign Relations, Inc., all rights reserved. To request permission to reproduce additional copies of the article(s) you will retrieve, please contact the Permissions and Licensing office of Foreign Affairs.



COMMON SENSE SOCIETY

1455 PENNSYLVANIA AVENUE NW, SUITE 400 • WASHINGTON, D.C. 20004 • 202-949-7900 • COMMONSENSESOCIETY.ORG