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The Subjects and Objects of Cultural History

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No true historical analysis is possible without the constant interpretation of meaning. In order to begin an analysis, there must already by a synthesis present in the mind. A conception of ordered coherence is an indispensable precondition even to the preliminary labor of digging and hewing.

—Johan Huizinga, "The Task of Cultural History"

While, as men of a definite epoch, we must inevitably pay our passive tribute to historical life, we must at the same time approach it in a spirit of contemplation.
—Jacob Burckhardt, *Reflections on History*

Cultural history conjures up different ideas about the objects of its study. One can look at art, dance, music, furniture, architecture, myth, religion, books, clothing, pottery, or jewelry to understand a facet of this enigmatic word we call "culture," yet this would only provide a fragment of an otherwise greater whole. To these material objects we must also add the immaterial: theology, philosophy, literature, poetry, and politics, to name a few. Still, the material objects and immaterial objects (what we call the "thought") of an epoch are not separate from each other: religion mirrors theology, music mirrors philosophy, art and architecture mirror both theology and philosophy. None of these areas of thought is self-sufficient, for they rely on the others to form themselves: politics and philosophy; theology and philosophy; art, literature, and philosophy—all of them have a symbiotic relationship with infinite permutations. What results is a web of connections between the material and immaterial elements of culture that demonstrate the intricacy, but also the complexity, of culture.

A reasonable implication from this statement is that to truly understand any one of these facets of culture we need to understand the others. Culture, after all, encompasses a totality. Cultural history, then, is not just the study of an individual feature of culture, helpful and important as that may be, but it aims to grasp a comprehensive understanding of a time and place. This is not to say that specific analysis is to be avoided within cultural history for the sake of broad-stroke analysis. Quite the contrary: it is only from specific study that we can come to infer things about the whole; yet, we are not often compelled to study a particle of history for its own sake, rather we have an idea of something greater in

our mind to which this particle speaks. Cultural history aims to teach about a time and place to others who are far removed from it. No task could be more difficult for the researcher and professor who is confronted with such an endeavor, but no task is greater at testing his skills as both researcher and professor while demanding humility and open-mindedness as he enters a foreign world from his own. And here we come to an unavoidable element: the irremovable presence of *meaning* within culture and history.

Meaning conveys the importance of culture because both are forms of understanding that frame something overarching within the context of something specific. Meaning, just as culture, must be personal, experiential, memorable, and palpable. When meaning and culture are preserved in an object, material or immaterial, we can only appreciate and understand it through an historical study that entails *contemplation*. As opposed to *thinking* or *analyzing,* contemplation taps into our imagination as much as it does our reasoning faculties and encourages an action that is seldom appreciated in academic study: sympathizing. In his 1904 work *Mont Saint Michel and Chartres*, a study of medieval art and philosophy in France, Henry Adams averred "Truth, indeed, may not exist; science avers it to be only a relation; but what men took for truth stares one everywhere in the eye and begs for sympathy." A haunting line if ever I saw one.

What good is sympathy in our academic studies? Rousseau may have defended sympathy in politics, and sympathy may be a tenet of ethics that allows us to connect with another person, but what is the effect of sympathy in historical analysis? We must first understand that Adams was not referring to sympathy purely as an emotion provoked by pity. Adams is not asking us to lament the past. He is asking us to *understand* it. Understanding, as we now conceive of the word, means simply to know, to comprehend. It implies a type of epistemic awareness that originates in our internal minds' processes. The etymology of the Old English *understandan* provides a slightly different definition that is based on our physical position. Rather than "beneath," *under-* in Old English (derivative from Proto-Germanic) meant "between," "amidst," or "among"—like the Latin *inter* or Sanskrit *antar* which mean the same. In this sense, *understandan* means literally to "stand among" or "amidst" something. To *understand,* then, means *to stand in the midst of.* It is similar to the Greek verb *epistanai*, which means "to know" or "to understand" but literally means "to stand on."

This literal translation from the etymology of the word *understand* clarifies Adams' point. The process of *understanding* history is less about cognitive or critical reasoning, and more about positional *proximity* to the object (or objects) among which we seek to "stand." It is an immersive endeavour. In other words, one cannot fully understand medieval art by reading books about it from the comforts of a San Francisco library. One must also *see* it in person to complete the picture. Of course, this is not always possible—many objects that we study no longer exist or are locked away in remote locations. Here, the concept of *standing among* and having *positional proximity* turns figurative but retains its values, hence the need for *contemplation and imagination* in cultural historical study. Seeking proximity to the objects of our study entails a frame of mind (facilitated through contemplation and imagination) that aims to discover and learn about the object without imposed judgment or presentist concerns; it entails respect for contextual conditions, and deep intention to make a concerted effort to familiarize oneself with those conditions almost as if to enter another paradigm, difficult as that may be. To wit, in Adams' apt word choice, it entails *sympathy*.

Let us now move on to the subjects of cultural history. What kind of person undertakes this form of study? Thinking back on our college years, none of us have probably ever met a cultural historian. In truth, the wide-ranging demands of cultural history are less valued in an age of hyper-specialization within academia. More seriously, the *premises* of cultural history are doubted if not outright rejected. The idea that a time and place could have anything "comprehensive" about it is absurd, we'd say, for when we look at society all we can see is difference, variety, and plurality in all the elements, material and immaterial, mentioned above. We have various types of art, different religions, many poetic traditions, etc. The very thought of unity—of anything that ties our disparate lives and minds together—is considered an illusion.

Perhaps it is our conception of unity that renders it so illusory. Contextual particularity and an overarching unity in history seem like two elements that are difficult to reconcile. But the form of unity of which I speak in cultural history, and the one visible in the essays featured in this edition, pertains to the uni-

ty that arises from approaching historical studies sympathetically: it produces an attitude that constantly seeks synthesis because it views the world as connected across time and place. It therefore treats its cultural subject matter as an extension of our own humanity. Sympathy and understanding cultivate unity in their process, which is also a collective enterprise—the product of historians and those interested in reading their work. Synthesis, then, will never be absolute, but it will be a constant effort in the mind of the cultural historian that is worked and reworked over the years.

Historical study is pursued to help resolve our own issues. Cultural history still has these aims, though it circumvents the direct relation of presentist approaches to history by leaving the window for resolution open to future discovery whenever it may come, if it comes at all. While some historians study the past with the belief that in so doing we will immediately learn something of practical application for our own age, the cultural historian does not require immediate gratification for his study. Some of the best-known cultural historians, which include Jacob Burckhardt, Johan Huizinga, Fustel de Coulanges, and Henry Adams, lack a direct normative agenda in their works. Of course, we must acknowledge that their interest and desire to go back in time, as it were, and understand a foreign age is not a casual and involuntary choice. Burckhardt studied Renaissance Italy, Huizinga the Middle Ages in France and the Netherlands, de Coulanges ancient Rome and Athens, and Adams the Middle Ages in France. These are not random or accidental choices. All these thinkers had their reason to study the periods of their choosing; there were questions pressing on their minds that led them to their studies. Many of these questions and reasons, moreover, had a relation to their present day, for it is said that if we want to understand ourselves, we must understand our past. But cultural historians warn against hastily drawing a linear relationship between our studies of the past and the present day. Consider de Coulanges' statement in the introduction to his magnum opus, *The Ancient City* (1864/2022, 18-19):

> Our current forms of education, which teach us to live from childhood among stories of the Greeks and Romans, lead us to compare ourselves to them constantly, to judge their history according to ours, and to explain our revolutions by theirs…We have difficulty considering them foreign. Almost always we see *us* in *them…* Nothing in modern times looks like them. Nothing in the future will resemble them. To explore the patterns by which these societies were governed is to see that the same patterns can no longer govern humanity… If the patterns of human association are no longer what they were in antiquity, this because something has changed in people.

From this text we can see how cultural history often entwines itself with the history of ideas. To understand the "foreignness" of the past, we must look at the changes in people's minds that render it foreign in the first place. We must study ideas in their own paradigm, as de Coulanges tells us in an argument not dissimilar to Thomas Kuhn's idea of incommensurability between ages.

Now, I am aware there might be an apparent contradiction with what I've written so far. If synthesis and unity is so central to cultural history, why cite a historian who appears to be saying the exact opposite? Yes, all history is foreign, and studying it properly requires understanding its fundamental difference from our own age. That said, this distance that we must keep between ourselves and the times we study does not inhibit our immersion to *understand* (stand amidst) their different paradigm; in fact, it makes for a more effective immersion because recognizing the fundamental differences between another age and ours is what allows us to enter the mind of another era without carrying the biases from our own. Indeed, this is precisely what de Coulanges does in his study of religion and the family in ancient Greece and Rome. The synthesis and unity that emerges because of this distance—not despite it—is the natural consequence of closely studying any time period with sympathy.

The question of unity in history is not yet fully answered. The final component of this concept of unity is elucidated by Friedrich Nietzsche. Although a critic of cultural history, we must turn to him to understand this final component. Nietzsche's famous essay, "On the Uses and Disadvantages of History for Life" (1874) in his *Untimely Meditations*. Nietzsche describes most history as "a costly superfluity and luxury"

that deserves our hatred. Juxtaposing *history* with *life*—what has to do with the past with what has to do with the present and future—Nietzsche's essay criticizes two main forms of history, monumental and antiquarian, for their tendency to inhibit cultural development in the present through their emphasis on the past. Writing almost a decade after Fustel de Coulanges, Nietzsche (1997, 61) is identifying a continuing 19th century concern that revolves around questions over the use of history, the acquisition of historical knowledge, and the proper method for historical study. The curse of remembrance that he identifies throughout his essay, which beckons us to look to the past as a source of knowledge, is an affliction that needs to be overcome:

> Man…braces him self against the great and ever greater pressure of what is past: it pushes him down or bends him sideways, it encumbers his steps as a dark, invisible burden which he can sometimes appear to disown and which in traffic with his fellow men he is only too glad to disown, so as to excite their envy.

Nietzsche's criticism of historical knowledge is connected to culture. Of the three types of historical studies he identifies—monumental, antiquarian, and critical—the first two inhibit the development and creation of new culture because, so he argues, they direct our attention to culture in the past. Critical history, instead, offers a way out of this predicament. Although he is writing largely in response to Hegel's philosophy of history, Nietzsche manages to raise several important questions in this essay: can an excessive attention to the past (if there is even such a thing) inhibit creation and development in the present? Can a culture ever stifle or remain idle? One of Nietzsche's criticisms against the German culture of his day is that it lacked vigor because it was so caught up in the past.

Nietzsche's piercing questions can be addressed by the two cultural historians whose epigraphs frame this introduction, Jacob Burckhardt and Johan Huizinga. Nietzsche actually had correspondence with Burckhardt, which reveals his complex relationship with the Swiss historian. Nietzsche viewed Burckhardt as the paradigmatic historian, calling him "*unser grosser grösster Lehrer*"—our great greatest teacher (Large 2000). He attended Burckhardt's lectures, and wrote about him in his *Assorted Opinions and Maxims* when he describes a historian as "a man ... who, in contrast to the metaphysicians, is happy to harbor in himself, not 'an immortal soul,' but many mortal souls" (quoted in Large 2000, 6). Here, Nietzsche understands the role of the cultural historian not as someone who seeks something transcendent or immortal in history, but is rather capable of capturing, preserving, and presenting that which is mortal across the ages. In another work, *David Strauss, the Confessor and the Writer* (1873), Nietzsche wrote that "Culture is, above all, unity of style in all the expressions of the life of a people" (quoted in Large 2000, 12). Large rightly summarizes this statement:

> Culture, in other words, is an organic, collective work of art, and this, I would argue, is the concept of culture ('*Kultur als Kunstwerk*') that Nietzsche 'inherits' from Burckhardt. Strictly speaking, culture is a meta-artwork that encompasses all the otherwise disparate art forms and transcends them. Culture, if you like, is—like life itself—an emergent property, except that it is not a property; culture is not something you have or can acquire, like a material possession, it is something you are (and without knowing it; a self-reflexive culture is a contradiction in terms). (Large 2000, 12-13).

The unity that arises from historical studies of culture is the unity that the historian can identify as the synthesis of a culture's many visual and intellectual (material and immaterial) objects. For this reason, the concept of cultural history in Burckhardt and Adams' works has been described as "a commitment to a method of research that presumes that there is an interconnectedness that binds together the personalities, events, monuments, and so forth, of a certain time and place" (Holly 1988, 210). We can certainly add Huizinga to this list of people who understood cultural history in this way. Huizinga's own essay "The Task

of Cultural History," published in 1929, makes two key observations. One, that historical study requires interdisciplinary knowledge: "in the historical discipline, with its necessarily unsystematical character, currents in thoughts are constantly moving in divergent directions. Only a very few of all these studies seem to point toward a central core of knowledge" (Huizinga 2018, 4). It also requires collaboration between historians, for no one is self-sufficient: "In every intellectual period there is an actual homogeneity of historical thought, though that homogeneity is not realized in the brain of any one thinker" (Huizinga 2018, 8).

From these two observations, Huizinga is able to offer a direct regutation of Nietzsche's critique of cultural history that is best read in his own words:

> If, then, one recognizes the existence of a discipline of history as an objective spirit, a form of understanding the world which exists only in the minds of countless persons taken together, and of which even the greatest scholar has, to speak in the language of the old mystics, received "only a spark" that leads to a heartening consequence. Such a recognition implies the rehabilitation of the antiquarian interest spurned disdainfully by Nietzsche as an inferior form of history. The direct, spontaneous, naïve zeal for antiquated things of earlier days which animates the dilettante of local history and the genealogist is not only a primary form of the urge to historical knowledge but also a full-bodied one. It is the impulse toward the past.

You see, while Nietzsche describes these three forms of historical studies as separate methods or attitudes towards history, Huizinga understands that they are connected and, perhaps more importantly, that they *build on one another*. What Nietzsche dismisses as insignificant "antiquarian" history is in reality the "primary form of the urge to historical knowledge," which is "the impulse toward the past." All historians begin with some form of interest that we can label as antiquarian insofar as it takes place in the past and its relevance for our own times is unclear. However, Huizinga (2018, 12) does agree with Nietzsche that historical study as pure re-creation of the past is not possible, nor is it salutary. Consider the following remarks by Huizinga:

> Even the best and most complete tradition is in itself amorphous and mute. It only yields history once questions have been put to it. And it is not enough of a question to approach it with a general desire to know *wie es eigentlich gewesen*, how it really was. Ranke's famous phrase—minsunderstood and misused, for it has been lifted out of the context in which the master used it in passing and has been interpreted as an adage—has obtained the tone of a program, which from time to time threatens us to reduce it to a false slogan for sterile historical research…In the same way, the *es* in *wie es eigentlich gewesen*, if it is to have "meaning," must be determined beforehand by a conception of a certain historical and logical unity one is attempting to delineate more precisely. That unity can never lie in an arbitrary slice of past reality itself. The mind selects from tradition certain elements it synthesizes into a historically coherent image, which was not realized in the past as it was lived.

Huizinga and Nietzsche would both be considered critics of any hyper contextualist historical study that would produce "sterile" historical research. However, Huizinga is not espousing the type of critical history that Nietzsche proposes as the solution for the proper use of history. The type of critical history that Nietzsche describes is meant to take the past, deconstruct it—through the dividing and choosing of elements that are "useful" versus "not"—and bring it to contemporary relevance through this deconstruction. Instead, Huizinga agrees with Ranke's misunderstood adage about the purpose of history being rooted in the desire to know "how it really was" in a certain time and place, but he emphasizes the importance of the "it"—of the object—that we are aiming to study. In order for this object to have *meaning*, we must engage in this historical study with a preconceived notion, even if imprecise, of some form of unity in history that guides and orients our thinking about the past. If we are too contextualist, Huizinga adds in the penulti-

mate sentence, then we lose sight of the biggest picture, since "unity can never lie in an arbitrary slice of past reality itself." The last sentence in Huizinga's observation above mimics Burckhardt's idea of culture as a work of art (*Kunstwerk*) when he writes that our minds select certain elements from tradition—form history—and synthesizes them into "a historically coherent image." Huizinga tells us, moreover, that the validity of such a process lies in the fact that no age can be so self-aware as to know the things that tie it together; it is the job of historians who come after those ages to look back and synthesize the seemingly disparate facts of our ages; just as we have done with Classical Antiquity, the Middle Ages, and the Renaissance—and *continue to do.* Without a doubt, the same will be done with our own age.

Given the importance of cultural history, why focus on its political lessons for this edition? Burckhardt considered culture to be one of the three great powers of civilizations, alongside the state and religion (Burckhardt 1979). Culture, in other words, often finds itself connected to questions of politics. Those who study the history of political thought, as I do, will know well that the entire canon of our field is replete with thinkers whose thought often considers culture and religion as inextricable elements of anything we might call "political." Any sound political thinker must be aware of the culture in which he or she is writing, whether they affirm it or whether they criticize it. Huizinga raised the cultural over the political, however, insofar as "it concentrates on deeper, general themes" (Huizinga 2018). He contrasts cultural history to political and economic history, for example, because "the state and commerce exist as configurations, but also in their details. Culture exists only as a configuration. The details of cultural history belong to the realm of morals, customs, folklore, antiquities, and easily degenerate into curios" (Huizinga 2018, 14). This is the reason why culture must always be studied with some preconception of synthesis or unity. In showcasing several excellent essays that discuss cultural history in relation to political lessons that we can draw from it, it is my hope that the importance of culture will protrude by virtue of its relevance to the pressing political questions that all of these papers raise. At the very least, if cultural history seems too broad and foreign of a field, perhaps opening the door through its connection to political thought will beckon some curious readers.

The papers featured in this guest edition discuss or treat the topic of cultural history and its connection to political thought in different ways. Ferenc Hörcher's piece, "Cultural History as Political Thought: Johan Huizinga's Engagement with the Dutch Townscape" provides a helpful discussion of Huizinga's relationship to cultural history and expands on what has already been said in this introduction. Hörcher tells us from the outset that cultural history's connection to political thought is often overlooked; he focuses on the role of the Dutch cityscape in Huizinga's historical writing to show how his political thinking was significantly shaped by his cultural studies. Something as prevalent as the spaces that we inhabit daily—their layout, aesthetic, function, etc.—shape our own thinking and, the more we reflect on them, offer us an opportunity to understand our relationship to them. Hörcher also elaborates on a facet of Huizinga that we often seek to explain as historians or students of major figures: that is, the connection or link between a figure's professional studies and their concerns about the political events of their time. Is there any connection between Huizinga's work on the Middle Ages and the politics of his own day? Hörcher's paper provides several observations about Huizinga's life that help to answer this question, which also expand the scope of the purpose of cultural history.

Luke Phillips' essay, "The Unionist Paradigm and the American Civil Religion: Two Heuristics on American Nationhood in Historical Imagination" brings the conversation of cultural history to the United States context. The question of identifying the subjects and objects of cultural history helps Phillips consider some pressing questions in modern history that are still relevant to our own politics and socio-cultural debates: What is a nation? What is nationhood? What does it mean to identify the "culture" of a nation, and what are the implications? Using the United States as a prime example of the complexities and challenges of answering such questions, Phillips points to American history and its influence on American identity to posit an answer which requires understanding the role of cultural history for the ongoing process of identifying the evolving process of "nationhood" and the culture within it.

The topic of nationalism is also treated by Tomáš Nikodym in the context of the Czech Republic. He posits that the persistence of Czech nationalism can be explained by its relationship to cultural history. Nikodym also raises an important point through his treatment of the connection between culture and nationalism: culture narrowly understood as material products eventually develop into culture broadly understood as the way of life of a nation. The relationship between "narrow" culture and "broad" culture, then, is one of close dependence. In other words, similar to Huizinga's argument, Nikodym's paper articulates why historians must pay attention to the weight of cultural objects like folk art, literature, science, etc., to understand their bearing on the more abstract elements of national culture that we describe as "values" or "habits" and "traditions"—concepts that are much more difficult to define if we don't understand their components.

An observation of Phillips and Nikodym's essays is in order: it is not a coincidence, it seems to me, that a call for papers on the topic of "cultural history and its political lessons" should produce papers on the topic of nationalism, for nationalism is a term riddled with cultural and political associations whose connotations we cannot yet fully agree on. Nations and nationhood, both essential components of identity, are connected to culture and history, but the point at which they become connected to a "political" stance—the sovereignty of a nation, the right to self-determination of peoples, the prioritization of the nation over other places, etc.—it becomes a topic that taints our understanding of culture by politicizing it. Both papers treat this predicament that is the *politicization of culture*—which is distinct from *using culture to elucidate politics*—with necessary nuance. There is an important distinction to be made here, and all of the papers in this edition positively convey the proper side of this distinction, which is that there is a fundamental difference between studying the past *politically* (i.e., intentionally framing our historical and cultural study around a political question) and recognizing the *political significance* of studying the past (i.e., studying the past for its own sake without imposing any of our own political biases, and using the information we have to deepen our own understanding of politics).

Which leads us to the final featured essay in this edition. Ishaan Jajodia's essay, "Artefacts of Culture: The Constitutional Theories of Edmund Burke and Benjamin Disraeli" looks at the ways in which the English constitution, as a particular cultural artefact, and its theoretical strand of constitutionalism prioritize the role of culture and history in politics in a way that other intellectual traditions like Enlightenment rationalism and utilitarianism do not. The abstract rights and principles of these other intellectual traditions, Jajodia argues, "disavow the impact of the particular development of polities and their peoples." He wits, "one cannot understand the constitution of a country without recourse to the constitution of its peoples, and thus cultural history becomes more than a simple flourish on top of long political struggle." Central to Jajodia's analysis is the view that culture turns into something politically concrete, such as a constitution, that embodies those traditions. Jajodia's essay provides an additional account, still connected to the other three papers, of how culture impacts politics: It is not just the effect that culture has on our minds that shapes how we think about political questions, but it is also the case that culture is *already* embedded in many of our political institutions and documents in ways that we cannot ignore or ever fully remove from them.

All of these papers posit distinct, though connected, answers to the questions that this edition set out to explore: How does the study of cultural history help us "politically"? How practical are the lessons that reading cultural history imparts? Or, is it the case that cultural history serves no purpose beyond sustaining a collective recollection of a bygone age? It was a pleasure to engage with such different essays and to now put them in conversation with each other on this topic of cultural history and its political lessons. Most important are the readers, whose interest in this topic does not go unappreciated.

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Cultural History as Political Thought: Johan Huizinga's Engagement with the Dutch Townscape

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Abstract: This paper defends a single and simple thesis. This is the claim that the connection between cultural history as a discipline and political thought as another one is more significant than is usually recognized. If it is true that politics is embedded in a certain culture, then by reconstructing a certain culture, it should be possible to draw conclusions about the politics which is possible within this framework.

This thesis will be illustrated with the example of the life and work of Johan Huizinga. Huizinga's whole oeuvre can be read as an attempt to show that the major force behind much of Dutch civilisation from the period of the late Middle Ages and the Renaissance up until at least the 17th century, the so-called Golden Age of Dutch culture (the historical epochs of his first and last great masterwork, respectively), was its middle-class culture. If that is true, it shows that through his engagement with cultural history, Huizinga was in fact representing a variety of conservative political thought. Through his research into the cultural history of his homeland, and in particular into the urban artifacts of that past, he proved that he was committed to preserving the essential elements of that particular culture—his understanding of cultural history in this sense had a conservative overtone. This second thesis is linked to the first: through Huizinga's work in cultural history he championed a type of liberal conservatism, proving that through cultural history it is possible to articulate one's own political thought. This way Huizinga, the cultural historian is interpreted here as an implicit political philosopher.

INTRODUCTION

This paper will present and argue for a single and simple thesis. This is the claim that the connection between cultural history as a discipline and political thought is more significant than is usually recognized. To put it more precisely: through one's work in cultural history one can actually present one's views on politics, in a refined way. This is not so much a statement about cultural history, a discipline which has often irritated the methodologically meticulous. Rather, it concerns the relationship between politics and cultural history. If it is true that politics is embedded in a certain culture, then by reconstructing a certain culture, it should be possible to draw conclusions about the politics which is possible within its framework.

I will attempt to prove this thesis with the help of a single example: certain parts of the oeuvre of the well-known and still popular Dutch historian of culture, Johan Huizinga. Alongside Jacob Burckhardt, Huizinga is perhaps the most widely read and most beloved authors among the classics of cultural history.

Huizinga was quite conscious of his contribution to the development of the discipline. This is obvious from a programmatic lecture he delivered on *The Task of Cultural History* in 1926 as well as an independent publication he authored, entitled *Cultuurhistorische verkenningen* (Cultural Historical Knowledge 1929; Huizinga 1984, 1929). Both of these works were, of course, preceded by his opus magnum, the work which is primarily associated with his name, *Herfsttij der Middeleeuwen* (Autumntide of the Middle Ages), published in 1919, one year after the end of WWI, and first translated into English in 1924. (Hereafter, I will refer to it as *Autumntide*).[1] Considering this work, together with his late classic, *Dutch Civilisation in the Seventeenth Century*, I would further argue that through his engagement with cultural history, Huizinga was in fact defending a variety of conservative political thought (Huizinga 1972). This second thesis is linked to the first: through Huizinga's work in cultural history he championed a type of liberal conservatism, proving that through cultural history it is possible to articulate one's own political thought.

In what follows I will first present a short summary of the emergence of cultural history, highlighting some of the protagonists who played a crucial role in the part of that process which concerns us here. This short narrative will help to position Huizinga in this development, while supporting my thesis about the link between cultural history and political thought. A telling clue about this connection can be found in the subtitle of his magnum opus, which refers to "forms of life, thought and art" as its basic topic, in the fourteenth and fifteenth century, in Burgundy.

Huizinga's oeuvre contains recurring references to Dutch cities and their citizens, and to the way of life of the Dutch burghers and the different communities, which flourished within the city walls. Therefore, it is no exaggeration to say that this was an all-important theme for Huizinga throughout his career. In fact, he seems to have embarked on a project to establish an entire political ideology, based on the historical reconstruction of the role of the middle classes in Dutch culture. Huizinga's whole oeuvre can be read as an attempt to show that the major force behind much of Dutch civilisation from the period of the late Middle Ages and the Renaissance up until at least the 17th century, the so-called Golden Age of Dutch culture, was its middle-class culture. This invites the question of what role *Autumntide* could play in this respect, dealing as it does with medieval courtly and Christian-chivalric matters. Some of Huizinga's critics have claimed that this historical reconstruction contradicts many of his other writings, in that it pays relatively little attention to the rising urban culture. (Dumolyn and Lecuppre-Desjardin 2019) Instead, the book concentrates on the Burgundy court and its outdated medieval values and feudal forms of life. In fact, it can be argued that there is no contradiction between Huizinga's late writing about the middle-class dimension of Dutch culture and this early masterpiece, which consists chiefly of a patchwork of medieval historical episodes. As I interpret them, both Huizinga's first and last great works serve to trace back the historical roots of his own personal, early 20th century Dutch middle-class culture, and of his own aristocratic Christian self-understanding. The earlier work, *Autumntide,* reaches back as far as the Middle Ages, and recalls a declining culture of the chivalric ethic, which, as I see it, would also be crucial for the modern bourgeois ethos in a similar fashion to the English notion of the gentleman, as developed by John Henry Newman, among others (Begley 1993).

The second one of Huizinga's master works, *Dutch Civilisation in the Seventeenth Century*, deals with post-Reformation Holland, presenting a historical account of the culture of the first successful bourgeois society in Europe (Huizinga 1969). Huizinga argues that both of these periods are relevant for making sense of the Netherlands of the first half of the 20th century. In fact, both of these reconstructions form parts of Huizinga's aristocratic and bourgeois conservative heritage. His ancestors were Baptist ministers, while his father was a university professor of physiology; in short, he belonged to the cultural elite of Dutch society. As such, he was committed to preserving the essential elements of that particular culture—his understanding of cultural history in this sense had a conservative overtone. He sought to propagate a return to the heyday of European culture after World War I, and even more so, before and during World War II, based on the

urban tradition of this part of Europe. Both the late medieval and the early modern episodes in Huizinga's narratives are important parts of his conservative criticism of his own age, dominated as it was by the militant forces of the totalitarian ideologies of Communism and Nazism. As we shall see, his emphatically European-style, moderate and liberal conservatism was a position which allowed him to sharply criticize both the right- and the left-wing totalitarian regimes of his age.

Arguing that throughout his career, Huizinga was "defending"—i.e. offering as a model for the present—the historical Dutch urban culture, we shall concentrate on some of the instances when he deals with cityscapes. There are two reasons for this focus: first, because for him the visual element was crucial in the reconstruction of the past, and second, because the *urbs*, the urban architectural ensemble, is crucial if we are to understand a "burgerlijk" (burgher-like) way of life and thought, including urban politics. In other words, his references to the value of the architectural remnants of the past can be understood as a visual metaphor of his concentration on the middle classes in his historical narrative.

HUIZINGA AND CULTURAL HISTORY – A CRASH COURSE

The most frequent way of defining what one means by the term cultural history is to give a shorthand historical overview of its growth. While the story usually starts in the 18th century, either with French or German authors, I would prefer to start the with the figure of Giambattista Vico (1668-1744). Vico's importance was stressed by 20th century thinkers like Croce and Gadamer, yet for some reason he does not appear in the mainstream reconstructions of the birth of cultural history. On the other hand, if we accept Peter Burke's working definition of cultural history, as "a concern with the symbolic and its interpretation", then Vico is, no doubt, part of that canon, himself establishing "an approach to the past in terms of symbolism" (Burke 2004/2008, p. 3). Moreover, Vico's criticism of the Cartesian method of scientific enquiry is a prefiguration of the *Methodenstreit* of German philosophy in the late 19th and early 20th century, a debate which was also crucial for Huizinga. Yet it is important to note that cultural history as a scientific methodology, was not born but only perfected in the era of late German Enlightenment and of classical idealism. The narrative usually starts with Herder's ideas of historicism, and with his pronounced anti-Kantian position. Kant's anti-historical frame of mind found its counterbalance in Herder's sense of history. These two opposite directions were to meet in the colossal philosophical system of Hegel, which has both an analytical and a historical pillar.

I do not, however, propose to make sense of the birth of cultural history as a simple denial of Enlightened rationality, even if Vico played a part in Berlin's intellectual history of anti-Enlightenment thought, as set out in his book *Against the Current* (Berlin 1981). It is important to note that Vico, while being embedded in Neapolitan culture, was also part of the more general late humanist rhetorical discourse. His interest in art and poetry can also be seen as a political stance, just as it had been for Cicero, probably the most important forefather of cultural history for our present purposes. After all, it is to Cicero's work that we can trace back the concept of culture as the cultivation of the mind, and the concept of *decorum*, the behaviour expected from people of good taste and propriety. Also, it was Cicero who demonstrated the political relevance of a veneration for the great achievements of the past and of our predecessors, as expressed by the notion of *mos maiorum*. This term is a reference not only to the unwritten code to which people had to accommodate themselves, but also to the honour of one's family and wider circle of ancestry. Most fundamentally, however, it was counted among the pillars, which sustained the Roman state: it

> must be guarded by its leaders and defended even at the risk of death: religious rites, the auspices, the powers of the magistrates, the authority of the senate, the laws, mos maiorum, the courts, legal authority, good faith, the provinces, the allies, the good reputation of our empire, military affairs, the treasury (Cicero 2006, p. 99).

Cicero's interest in the Roman past was, however, not simply an antiquarian's interest: he also attributed political significance to this traditional honour of ancestral authority. Frequently referring to the cultural achievements of Roman history (including Roman law), he presents a repertoire of the normative standards and demands required from both present and future generations alike. In other words, in the Ciceronian paradigm both law and politics became embedded in ancient Roman culture.

It is telling that Herder does the same thing with the German past that Cicero did with the Roman past—in this sense he is not an innovator; he simply transplants the Roman paradigm and Vico's Neapolitan appropriation of it into the German historical soil. Vico himself theorized the notion of the nation, inspired in part by the meaning of the term *patria* in Cicero and partly by the ideology of Roman greatness. Cicero's cultural historical ideas about Roman culture directly informed his political ideas. Interestingly, however, neither Vico nor Herder stressed the political consequences of their cultural history. It was Lord Shaftesbury and the British tradition, which would explicitly connect the ancient Roman cultural-historical idiom and what came to be called the Republican political tradition.[2] The German way, as Gadamer points out, once again turns this discussion into an apolitical one: "in Germany the followers of Shaftesbury and Hutcheson did not, even in the eighteenth century, take over the political and social element contained in sensus communis" (Gadamer 1975; 1989, p. 24)

After Herder, the next major thinker to mention in connection with the birth of cultural history is, of course, Jacob Burckhardt. It was he who, in his work *The Civilization of the Renaissance in Italy* (1860) provided the first general account of the culture of a particular period at a particular geographic location. The road from Herder to Burckhardt leads through Romanticism and historicism. While both Herder and Burckhardt worked to elaborate a general (i.e. universal) philosophy of history, providing a metanarrative which helps to explain particular historical events, ideas and forms of life, both of them also emphasized the importance of the particularities of a historical situation. The influence of classical German idealism also undermines the primacy of political history in their vision of the historian's task. Burckhardt was, in fact, directly challenging Ranke's understanding of history being driven by political history scholarship based simply on empirical data mining and data hunting. Yet Burckhardt's vision of the birth of the modern individual was also perfectly compatible with the view of human nature provided by classical liberalism. Both Burckhardt and the paradigm of classical liberalism suggest that the primary unit of both politics and art is the individual, who has a rational capacity, a strong will in politics, and an originality and imagination approaching that of the genius in a number of other spheres of life.

It was not only to counter the exaggerated belief in the individual's talent of innovation which Burckhardt claimed to have uncovered in the Italian Renaissance that Huizinga developed his own version of cultural history. It was also as a riposte to the progressivist, Whiggish teleology discernible in Burckhardt's philosophy of history that Huizinga wrote his great work about the final phase of the Middle Ages in the context of the declining medieval Burgundy court. Burckhardt, the child of the 19th century, chose to concentrate on the future-oriented, constructive aspect of cultural heritage. (The original German title of his work was, of course, *Die Kultur der Renaissance in Italien*, 1860). Huizinga, during and after WWI was able to show that almost the same period could be presented in a different light, concentrating instead on the survival and decline of earlier paradigms in the late medieval cultural matrix.

Huizinga shared Burckhardt's approach to history: the Swiss historian of art tried to understand the period of the Renaissance in both the South and the North of Europe respectively, by painting an "aesthetic" picture of the whole culture of a population. As his theoretical writings make clear, for Burckhardt, a search for the "forms of life and thought" of a period of the past was the result of an inspiration directly rooted in German idealism, with the Hegelian notion of *Geist* (spirit) at its centre. As a historian, he was also able to paint the full panorama of the selected period, with all the minute historical details necessary to make the picture both vivid and easily comprehensible.

Beside Burckhardt, Huizinga was familiar with the later developments in historiography, and more particularly by Ranke's influence on the discipline. He was fascinated by the so-called *Methodenstreit* (debate about method) initiated by Karl Lamprecht's "cultural history-based" approach to history. Behind that

debate, we should be aware of the epistemological consequences of Dilthey's hermeneutic account of the humanities, including history. Dilthey famously developed the working methods of the humanities, with a sense of history and a specific, historically informed form of understanding and interpreting human thought and action. He is responsible for the distinction between the humanities and the natural sciences, as far as their research methods are concerned—a key development for Huizinga, who was also interested in the methodological issues of his discipline.

Most importantly for our present purposes, however, was Huizinga's effort to make use of painting, drawings, buildings and sculptures in historical investigations. For him art did not simply mean paintings and drawings: he was just as interested in the objects of daily life, in its commodities and utensils, as well as in the built environment, houses, streets and even towns as a whole. As he saw it, if we are interested in the life and thought of an age, we should draw on any historical resources available to us as historians. His approach was hermeneutic, but his interest in the past was not limited to texts: images in the most general sense of the word were just as important for him. In a certain sense, the world of objects was perhaps even more important than that of words. The advantage of objects, when compared to texts, is that we can directly contact them: we can experience them through our sensitive apparatus, without the need to rely on the rational faculty to decode them, as is the case in the interpretation of the signs of natural language. If Huizinga's history writing is close to poetry, it is not simply because he used a refined style and an evocative language: rather, it is the result of his interest in the "objective correlatives" of the thought and feelings of the people of his selected period.[3] His historical reconstruction reminds us of the way art works, because it provides an enjoyable replica, or re-presentation of the world of the objects of an age.

In fact, his historical description can easily become a virtual theatrical performance. Like the planned scenery and props in the theatre, the flags and reliefs, masks and costumes, the trumpets and other musical instruments together with the toys of the children, the jewellery of the ladies or the tombs of the dead, all help him to enliven in a very vivid way vanished forms of life. He refers to a childhood memory from 1879 of the masquerade of the Groningen student fraternity celebrating its anniversary, recreating the entry of Count Edzard of East Friesland into the city of Groningen in 1506. His recollections of his childish impressions of these events, against the backdrop of the streets of Groningen are portrayed in the most colourful language in Huizinga's late autobiographical piece:

> The pageant was the most beautiful thing I had ever seen. I could still recount plenty of details about it: that the procession set out from Marktstraat, hence very close to our house on the corner of Ossenmarkt and Lopende Diep, that the wind was blowing hard, and a flagpole broke near our house, so that the flag wound itself around a horseman—but I'll restrain myself... I'd been gripped by my first contact with the historical past, and it was deep and unwavering.[4]

His general historiographical claim is that humans have a specific sense for approaching the past—which he calls "historical sensation" in his theoretical account of cultural history (Huizinga 2014, pp. 51-55). In a review of a recent book by Otterspeer, Ankersmit highlights the meaning of Huizinga's idea of historical sensation with the help of a threefold classification of the human ability to experience the world by the "sensitivist" literary critic, Lodewijk van Deyssel (1864-1952), one of Huizinga's favourite writers. According to Ankersmit, "observation" gives one quite a distant view of the world, while "impression" gets closer to it, but it is a "sensation" which actually provides a vivid experience. Just as van Dijssel wanted literature to reach this third level, so Huizinga had the same aim with his own history writing. He strove to make it possible for us, the readers, that "we may actually 'lose ourselves', so to speak, in the world" which the historian reawakens (Ankersmit 2007, pp. 252-253).

Regarding this visually sensual element in historical reconstruction, one more concept in Huizinga is also crucial: visibility (*aanschouwelijkheid*), which is close to "perceivability" in English, or simply paraphrases vividness and clarity (Dumolyn and Lecuppre-Desjardin 2019, p. 79). In another work he quotes Windelband, to explain the term: "vividness (*Anschaulichkeit*), i.e. the individual liveliness of the ideal

presence (*individuelle Lebendigkeit der ideellen Gegenwart*), is just as important for the eye of the spirit as it is for that of the body" (Windelband 1894).[5] In other words, it is possible to have a similar sensual experience in intellectual cognition as in the visual perception of a real physical object. As we shall see, through this aesthetic apprehension, advocated by Huizinga, as the central element of the work of the historian, he succeeds in connecting the past once again with the present. This is true not only in a temporal sense (i.e. making present what has passed away), but also in a normative sense: the reconstruction of the past, which is the telos of the work of the historian, can become an argument in present debates. At this point, it is worth examining how Huizinga himself actually practices this sort of argumentation through a reconstruction of the past.

CROSSING DISCIPLINARY BOUNDARIES: FROM CULTURAL HISTORY TO POLITICAL THOUGHT

Historians often criticize Huizinga, yet readers keep on reading and enjoying him. Everyone can feel that his perspective on the past is wider than that of a positivist historian. While he shares the professional historians' engagement with true empirical data, his narrative aims to achieve more. Most of the time in his works he seems to be is in search of an elusive spirit of the age. It is perhaps for this very reason that the view is common that "Huizinga could certainly be regarded more as a 'thinker' than as a historian" (Dumolyn and Lecuppre-Desjardin 2019, p. 74). On the one hand this is, of course, a criticism of his self-reflective manner of practising history writing. Yet a theoretical reflection on one's profession is not necessarily a fallacy. Ankersmit, who is among the most theoretically refined of the present generation of historians, claims that "Huizinga was not a philosopher", but adds immediately that he was "an amazingly profound thinker" (Ankersmit 2007, p. 248). This debate between philosophy and history is not only somewhat scholastic, but also misguided: after all, can one not be a thoughtful historian or a historically sensitive philosopher at the same time?

Attempting to understand Huizinga's actual disciplinary engagement is also important for another reason: it is helpful for revealing more about the way his cultural history was able to work as an implicit political philosophy. According to Ankersmit, Huizinga is both a thinker and a historian. On the other hand, in his theoretical reflections he defends the sensual character of his own historical prose, which indeed resembles an artistic use of language, characteristic of literature, far removed from the conceptual language of philosophy. In order to reconstruct the past lives and thoughts of a historical period, his prose needs to have an evocative power: his history is not simply a dry list of political events, including battles, coronations and revolutions, nor is it a collection of historiographic terms and artificial categories. Instead, it is a colourful mosaic of sensual delights and real shocks, describing church buildings, local festivals and communal mourning.

By embarking on a project to reconstruct the whole pattern of life in a given period, in other words to recreate its entire culture of it, Huizinga is also offering us a particular political philosophy—an attitude to the past in which the past is also important for present concerns. What does this entail? For Huizinga, history does not equate to an antiquarian interest in the past for the sake of the past. His vivid re-enactment of the past is a refined form of the criticism of the devaluation of the present—and in this way it provides all the major requisites for a cultural conservative's way of thought. By being able and ready to awaken the past in the present, one enlists it as a partner in the present debates, too. Also, by making historical choices, one is able to allude to one's potential present choices. Finally, in claiming that the past is of interest for the present, this is clearly a tradition-based view of politics.

Let me summarize in an abstract form the chain of argument I presented above, connecting cultural history with political thought, in Huizinga's oeuvre:

- to recover the overall culture of a given period it is necessary to encounter the life and thought of the people concerned—this is the task of the cultural historian;

- by reviving the whole mentality of an age, one undergoes a vivid, sensory experience of the way people were thinking, feeling and acting in that age—including their political thought, feelings and action;
- surely, if that is such a vivid experience, it will have an impact on the way we think of the past;
- in this way the cultural historian is, in fact, joining in the debates of his own age, using the material he has excavated, and drawing on his archives.

In what follows, I will argue that Huizinga's interest both in the cultural life of the 15th century Burgundy court, and in the mentality of 17th century Dutch burghers, were expressions of his discomfort with his own age. Huizinga's cultural history offers more than a history of ideas alone, going beyond simply recreating an age which has passed. Through helping us to have an aesthetic perception of the past, it has a major impact on our way of thinking, and thus serves as an implicit political philosophy—one which is critical of recent political phenomena.

THE CONCEPT OF HOMESICKNESS—HUIZINGA AND THE URBAN PAST

An interesting thesis has been put forward recently by Thor Rydin (2021). Starting out from the notion of homesickness (*heimwee*), he argues that his experience of urban demolition in his own time may have inspired Huizinga's impressive description of the culture of the 15th century Burgundy court as a culture in decay. As Rydin (2021, p. 737) points out, "between 1903 and 1905, Huizinga witnessed a large-scale destruction of early-seventeenth-century architecture in Amsterdam so as to make way" for a modernization of the urban space as well as to allow the building of new housing areas.

From an early age, Huizinga had an interest in the past forms of life in Dutch towns. From 1905 onwards he wrote works of local history about Haarlem and Groningen, cities where he lived and which he loved.[6] (Huizinga 1948b, 1948c) While these works were not so much part of his project of cultural history, and were instead local history writing, his interest in the topic of urban renewal was more than a passing interest. He felt an experience of personal loss when encountering these changes. "The developments had instilled in him a feeling of 'heimwee', Huizinga wrote in a letter to his friend and author Willem Bijvanck" (Rydin 2021). Huizinga agreed with his old friend and co-author at the Christian-socialist journal, De Kroniek, the artist and art critic Jan Veth, that both art and architecture depend on the past. Their creative intentions should always take into account the prehistory of their activity, and avoid what he calls "the tyranny of the present", with its "ruthless sledgehammers" (Veth 1916, pp. 524, 512). Quite in tune with his friends' published laments about the loss of the common heritage of the past, Huizinga also voiced his own worries, going so far as to admit that the whole transformation of the face of the city caused him stomach aches.[7] As Rydin explains, "The similarity of their conservative conception of cultural creativity—that is, of a creativity relying on a continued dialogue with the past—is apparent in 'Autumntide', which Huizinga had been working on since 1906…"[8]

One should be careful to draw hasty conclusions from Rydin's use of the adjective "conservative". In this context, it is merely a reference to Huizinga's conception of the relevance of the past. As he saw it, human creativity is never a brand-new creation from ground zero. Instead, it is much more of a dialogue with the ancestors, based on reflection on one's position, embedded as it is within a continuous line of transformations. This idea of the dialectic of transformation and continuity was to be a theme, which ran through *Autumntide*.

Take for example the traditional cityscape described in the very first chapter of the book:

A medieval town did not lose itself in extensive suburbs of factories and villas; girded by its walls, it stood forth as a compact whole, bristling with innumerable turrets. However tall and threaten-

ing the houses of nobleman or merchants might be, in the aspect of the town the lofty mass of the churches always remained dominant (Huizinga 2010, p. 2).

Huizinga's critics claim that he disregarded here the rising bourgeois element, and focused simply on the surviving feudal elements, including the power of the church. There is "No mention of belfries, guild-halls or marketplaces in this depiction. The town is dominated by churches, their height, their verticality, and their conquest of space by the peeling of their bells" (Dumolyn and Lecuppre-Desjardin 2019, p. 77). Obviously, Huizinga is aware of the rising spending power of not only the urban aristocracy, but also of the merchant class, yet he prefers to emphasize the traditional elements of this culture, represented by the still dominant position of the church within the cityscape, as opposed to the novelties of the medieval city in this age. It is tempting to read into this description a criticism of his own era, which was moving in the opposite direction in urban architectural development. What Huizinga sought was the ideal of the medi-eval town, and that ideal was built to a large extent on the supposition that the focal point in a town is the tower(s) of the church(es).

It should also be borne in mind that Huizinga was less interested in the transitory, ephemeral face of the town, and more in its ideal one. In fact, Dumolyn and Lecuppre-Desjardin also claim that this was Huizinga's main concern, when a few lines earlier they give the following *ekphrasis* of the painting Madonna with the Chancellor Rolin:

> the city situated at the bottom of the hill near the river, where people cross the bridge to visit a market, a church, their home, where they moor boats, keep watch at the gate, etc., is not an iden-tifiable town. It is, instead, the idea of the town, or more precisely the idea of the town in the fif-teenth century, the crystallization of daily urban life and a spiritual ideal (Dumolyn and Lecuppre-Desjardin 2019, p. 77).

What the two critics are doing here is, in fact, a rather Huizinga-like effort to evoke the city as a vivid, thriv-ing whole, including both its architectural elements and the citizens in the midst of their ordinary activity. One can find the original of this simulacrum in the *Hersttij*, quoted by Huizinga from Durand-Gréville:

> the surprised eye discovers, between the head of the divine child and the Virgin, a city replete with gables and beautiful church steeples, a large church with numerous buttresses, a spacious square cut into two parts in its whole width by a staircase, and on the square come, walk, run, innumer-able brush strokes that signify an equal number of living figures; our eye is attracted to a bridge formed like the back of a donkey (dropping off on both ends) that is crowded with groups of people thronging and crossing each other's paths; our eye follows the bends of a river where microscopi-cally small barks travel…[9]

This description, however, points in the other direction: it is meant to show that van Eyck's insistence on providing a detailed, and therefore vivid overview of the life of a city, was a mistaken concept. The paint-er was unable to unify the motives, so they disintegrate and fall apart, as the centre does not hold. This is, therefore, a negative proof of Huizinga's main theme: that in fact you need something in the centre, like the tower of the local church, which can help to hold together the myriad of details, which build up a city. Disintegration is crucial in Huizinga's project, anyhow: the main—political—question of his book is how to hold a community together in the time of a crisis. No doubt, it was for a long time the court, but later it turned out to be the town, providing within its walls a unifying force for a whole community.

THE ROLE OF THE CITYSCAPE IN THE BIRTH OF THE IDEA OF THE *AUTUMNTIDE*

It is worth recalling yet another significant example of the description of a whole city in Huizinga's oeuvre. In his 1943 autobiography, he recalls the birth of the idea of the *Autumntide* as follows:

> Strangely enough, I do not have an exact time frame for this spiritual event, which I could best describe as a spark. It must have been between 1906 and 1909, probably 1907. In the afternoons, when my wife's time was taken up by the care of the small children, I often went for a walk alone outside the city, which at that time still led on all sides straight into the wide countryside around Groningen. On such a walk, along or around the Damsterdiep, on a Sunday, I think, an insight came to me: the late Middle Ages not as the announcement of what is to come, but as the dying away of what is to go. This thought, if one may speak of thought, circled above all around the art of the Van Eyck's and their contemporaries, which at the time uncommonly occulted my mind.[10]

Huizinga's narrative does not share with us the particular details of the view of the town which the walker-by actually enjoys on his route. Yet we can have no doubt that the view opening up in front of the *flâneur* of the city and its countryside must have played a major role in the birth of the idea. Evidently, we can imaginatively draw the picture with the help of his references to the cityscapes of the van Eyck brothers. This recollection comes from an overview he wrote late in his professional career, when he himself was a victim of the war. In this memoir, Groningen is a recurring theme. His other writings mention that he took habitual afternoon walks out of the city. In connection with these walks, he emphasizes the rather exceptional mood or feeling he had during these walks, approaching a kind of inspiration.

> In the afternoons, when the medical friends had their practical sessions, I used to wander out of the city on my own, until we gathered again around cocktail hour. During these walks I usually fell into a sort of light trance, which I cannot quite name when I think about it, let alone describe the state of mind. It was not really thinking that I was doing, at least not about certain things, my mind just sort of floated outside the boundaries of daily existence in a kind of aetheric enjoyment, which was most akin to nature, and which quickly faded away and succumbed to the sober day.[11]

Nonetheless, the fine description of the birth of the idea of the book itself—in a certain way recalling Rousseau's epiphany about the theme of his first great work, *Discourse on the Sciences and Arts,* when walking to Vincennes—is memorable, as it succeeds in collecting all the details of the book into the view of a single moment. Just as all the significant details of the city are collected into a cityscape when viewed from a distance, so he collects with the help of the city scape all the major motives of his book into this symbolic birth history of the book. Similarly, the old buildings of the city disappear after some time, the same way a period declines, and a new one is born. Yet the city survives, ensuring the survival of the basic traditions, the urban constitution and the local customs. Even if the late medieval period was a period of decline, it represents an important part of the past of the Dutch political community, as was the new golden age of the 17th century. The two episodes are seemingly so different, yet they are parts of the same story, embodying two of its major historical threads.

THE HOUSE, THE STREET AND THE CITY

Another author, Judit Gera, also argues, in her introduction to a selection of Huizinga's work in Hungarian, that for Huizinga, the Dutch town has a special relevance. (Gera 1999). She refers to a short essay entitled *Nederlands geestesmerk* (1934) which starts with a short recollection of the historian's personal relationship

to Haarlem, a typical town in the North of Holland. The way he presents this memory is in the form of a focusing sequence: he starts with the city, then zooms into the street, and finally identifies a particular house.

This "zooming in" is even more interesting, because the house chosen is not exceptional in any obvious sense. On the contrary. The word used by Huizinga to characterise it is: "*bescheiden*", which means something like modest or simple. The term has, of course, a specific meaning in architecture, too: as opposed to the cathedrals of Dutch towns, or the often ostentatious town halls, the private, family homes seem particularly modest. Simplicity thus becomes a key feature of the burgher, the member of the middle class. He has a property, a family house, but one which does not strive to excel, does not seek to outshine the other buildings. One's house provides a good overview both of one's personal character and that of one's family. In this sense, it has a symbolic value. When describing a person's character, the adjective *bescheiden* means a character in balance, keeping the right proportions and avoiding the extremes (Gera 1999, pp. 31-32). Such an individual possesses the values of propriety, moderation and restrain. Balance and proportion are, of course, mathematical terms, but they occur in the architectural discourse as well.

The cityscape of a Dutch city shows the geometrical equivalents of such personal balance and proportion, in the relationships between buildings, streets and squares. The same is true if we look at the inhabitants of a city: they too have well-defined relationships to each other. An examination of genre paintings reveals that the Dutch middle classes were able to keep balance in possessing earthly values, while still keeping the Calvinist version of Christianity as their creed. This is true even if the moral critics of the age often criticised the growing tendencies towards materialism, and arguably, Huizinga, too, was critical of certain fashionable luxuries.

The house in Zijlstraat street, in the beloved city of Haarlem, was, however, simple and modest. Even so, it bore inscriptions. They claim: "Int soet Nederlant" (In the dear Netherlands) "Ick blyf getrou" (I will remain faithful), "Ick wyck nyet af" (I will not swerve). Huizinga recalls in his essay the days when every time he passed (once again, like a *flâneur*) by the house, he looked at the inscriptions and tried to find out their history. The owner of the house chose to display this message in the early 17th century, according to a guess by a historian, as an expression of love of the *patria*. The Dutch historian interprets the inscription as the direct message of the past to us. He takes it as a convincing proof that our forefathers were ready to initiate a conversation with us.

This example of Huizinga as cultural historian is also revealing about his working method. In his narrative, he presents himself as an engaged observer reading the signs of the town in order to make sense of its past. In other words, he claims that in the towns of his patria he lives among the tangible remnants of the past, the signs of which he is able to read. His acquaintance with the language of the built environment, the architectural semantics of the familiar streets, squares and houses helps the reading of the signs of the city for him.

When he describes the way of thought and life of his political community, Huizinga again refers to houses, streets and cities, because they bring us in direct contact with the mentality of our ancestors. Their houses offer us a visual and tactile experience of a certain way of life—that of the modest city dweller, who kept his commercial success in balance with the expectations of his community and—at least theoretically—the demands of Christian moral teaching.

The virtue of a house in a Dutch city reminds Huizinga of the virtues of a Dutch burgher in his political and denominational circle. In the very same essay he identifies the spirit of Holland with that of the burgher. "We Dutch are all bourgeois, from the notary to the poet and from the baron to the proletarian. Our national culture is bourgeois in every sense that one wants to attach to the word" (Huizinga 1935, Chapter 3, Burgerlijk karakter van het nederlandsche volk, p. 11). This is presages his last book about 17th century Dutch civilisation. He identifies the Dutch spirit as that of the city dweller, the burgher.

Importantly, this acclaimed bourgeois nature of the whole community excludes tendencies towards both tyrannical and totalitarian power, where:

"Bourgeois" (and the corresponding "*burgerlijk*") became the worst defamation of all. For both the socialists and the artists, the "bourgeois" became the scapegoat, and has remained so until now. Fascism too has incorporated the concept in the garland of its execrations (Huizinga 1935, Chapter 3, Burgerlijk karakter van het nederlandsche volk, p. 9).

Here, Huizinga makes it clear that his reconstruction of 17th century Dutch national character is not politically innocent: it is a moderate, liberal-conservative position, which is in direct confrontation with both the Socialist and the Fascist extremes.

Van der Lem recalls Huizinga's note from 1907, which underlines that "first of all and still up until today, old houses talk" (Lem 1997). This is because the town as a built environment (*urbs*), the product of architecture, is always necessarily connected to the city (*civitas*) as a political community of the citizens, once again the product of history. In this essay he makes it explicit that there is no political cohesion without a sense of a common past. "The life of a nation is history, as the particular human being's life is that as well" (Huizinga 1935, Chapter 1, De wording van onze nationaliteit, p. 3). This approach to the political community, as understood from the perspective of its history, renders Huizinga's political thought as paradigmatically conservative. Judit Gera refers to Huizinga's political stance as "the platform of a kind of enlightened, European conservatism" (Gera 1999, p. 91).

THE MIDDLE-CLASS, THE CITY AND THE DUTCH NATIONAL CHARACTER

In the 1930s, Huizinga continued to lecture on 17th century Dutch culture. Finally, however, he felt compelled by the cruel reality of the war to write his thoughts down in a more detailed and concrete form. The resulting book, *Dutch Civilisation in the Seventeenth Century* (*Nederland's beschaving in de zeventiende eeuw,* 1968*)* appeared in 1941. It is not comparable to the *Autumntide* in its breadth and panorama. Yet it serves as Huizinga's silent rebellion against the Nazis' invasion of Holland. Even so, it is certainly not a political pamphlet or an open attempt at political agitation. Instead, it is an indirect protest and an encouragement for the Dutch to preserve the best traditions of their political culture. The term civilisation (*beschaving*) can be translated either as culture or as civilisation, but it is close to the English term of being polished or accomplished. This concept connects the book to the great debate about civilisation and culture in the interbellum period, as they were distinguished in the influential works by Norbert Elias (1939). While Elias's starting point in his historical sociological reconstruction is courtly society, in Huizinga's book he discusses what he labels as the middle-class culture of the Netherlands. Reading it, we should not forget about his account of the culture of the Burgundy court in the background.

Huizinga agreed with the common claim that shipping and commerce dominated 17th century Dutch culture. "Land of shipping and trade now means land of city life. There had been important trading centres here even before the cities of the Middle Ages had appeared" (Huizinga 1948d, p. 420). In other words, he confronts here, in addition, the question posed in *Autumntide*, of whether cities were relevant already in the late Middle Ages, and answers it with a definite yes. His main point is not a historical one this time, however—it is only an argument in defence of his claim that by the 17th century cities had already established a major role in the life of the Dutch national and regional communities. Or to put it more precisely: Huizinga shows in this late work that the role of the cities was not something new and innovative, as claimed by those who—misunderstanding Weber—connected the rise of capitalism with the Reformation, or who accepted Burckhardt's account of the individualist ethic of the Renaissance. Huizinga demonstrates that early modern urban liberty was founded on the medieval liberties and privileges these communities had enjoyed. The medieval notion was not about independence or autonomy or rights—the communities of medieval townspeople enjoyed only privileges granted by the king or the bishop, but they were free to act together, and together they felt much stronger than alone. As Huizinga saw it, public administration

remained stuck in those extremely limited forms which in the Middle Ages were called freedom, i.e. each small unit acting independently, strict prohibitions within its own circle, obstruction of outsiders as much as possible, but no restrictions imposed by a central authority (Huizinga 1948d, pp. 426-427).

This old-fashioned, but still valuable way of self-governance went hand-in-hand with some ancient practices of commerce, including the idea of the freedom of trade. "Amsterdam was rightly in favour of free trade, not because of any theory, as this did not yet exist, but because its most tangible interest here corresponded to the medieval-conservative heritage" (Huizinga 1948d, p. 427).

This traditionalist mentality was also present in the sphere of politics. There, too, there was not yet anything corresponding to Locke's progressive ideas of individual rights and social contract. Instead, there was again a survival of medieval ways of proceeding:

> The state, too, was thoroughly conservative, built on old traditions, clinging to old rights. The sense of freedom was alive and well, but the idea of freedom was that of the Middle Ages: freedom conceived as a set of freedoms, and freedoms equated with a number of rules, each valid within a limited area (Huizinga 1948d, p. 429).

At this point Huizinga approaches the idea of civic association, so characteristic of Otto von Gierke's account of what he calls "medieval civic freedom" in the German context. This is how Gierke describes this form of medieval urban liberty in the Holy Roman Empire: "its basis was the old Germanic free fellowship; this became a civic community by assimilating the notion of free union and amalgamating it with the principle of the community of the mark…" (Gierke 1990, p. 32). While clearly the Dutch experience was not exactly the same as the German one, the remnants of the spirit of medieval urban freedom was crucial for Huizinga, too.

Even so, these conventional ways of handling public affairs, including commerce, public administration or governance, which had to do with the rule of the patricians, were to some degree in decline—just as the culture of the Burgundy court showed signs of decay in *Autumntide*. Yet the achievements of the Golden Age were to be long lasting, and its manifestations only began to disappear in Huizinga's childhood years. Here we arrive back at what Thorin called "*heimwee*": with Huizinga's concern about the urban devastation he saw in the Dutch cities of the early decades of the 20th century. Unlike Paris, for a long time Amsterdam was able to preserve its built heritage. What is more, the whole Dutch network of flourishing cities survived for a long time. As Huizinga recalls it, there were

> flourishing cities all the way up to Hoorn and Enkhuizen, each with its own type and atmosphere. It would be a melancholic task to enumerate which Dutch cities have retained the charm of their seventeenth-century past the longest. Up until fifty or sixty years ago, actually all of them. Only the tram lines, the concrete, the asphalt and the motor traffic have violated them (Huizinga 1948d, pp. 441-442).

Clearly, Huizinga was writing as a cultural critic in this passage. His criticism concerns the modern principles and practices of urban planning and construction, expressions of the technological bias of our modern civilisation, which, he claimed, may even cast a long shadow on our civility itself. There can be little doubt from this that the unheroic heroes of the seventeenth century serve as the control group for Huizinga, when he criticizes the culture, or the lack of it of the alienated 20th century. In his narrative, the traditional Dutch cityscape serves as a balance to counterpoise modernist demolitions and the geometrical mind-set of the urban planners and the spiritless nature of the new products of factory-built housing.

Beside such references to the urban milieu, Huizinga also directly addresses the issue of Golden Age Dutch Art. He makes the sociological claim that it is because of the bourgeois and urban nature of this cul-

ture that painting occupies such a disproportionately large place in it. This was not exactly a demand and thirst for the contemplation of beauty, as expected by the church fathers. Instead, he identifies "a zest for life and an interest in things" (Huizinga 1948d, p. 480) among the urban folks, which sounds—somewhat surprisingly—like a repetition of much of what Burckhardt had to say about the attitude to life in the Italian Renaissance. In both the Italian Renaissance and the Dutch 17th century Golden Age, there was a growing market for painting and other forms of artistic production, as a sign of a rise in capitalist consumerism. Huizinga also mentions "a hunger and thirst for the image", which included the "direct representation of landscape, building, household goods, people or animals" (Huizinga 1948d, p. 481). By his time the opposition between the Baroque style of the schools in the Southern, Catholic parts of the Netherlands and the modest and simple style of the Northern parts was well established. Apparently, the 19th century movements of Biedermeier and realist tastes also inspired Huizinga, when he characterized the works of the Golden age Dutch masters: "All power of expression was absorbed by the intimate suggestion of humble reality and the dreamlike view (*aanblik*) of silent distances" (Huizinga 1948d, p. 483). His descriptions, as usual, are full of sympathy with the mentality he investigates: the art of description, so characteristic of the Dutch painters, fits very well into Huizinga's own style of history writing. In both, the effect of visualisation is crucial.

In order to give a realistic account of the realism of Dutch painting, Huizinga also had to consider the role of Protestantism in Dutch culture. As the Church was no longer among the main supporters and sponsors of art, painters had to adjust their subject matter accordingly. The new sponsors, the patrician and middle-class clients turned towards new themes, and that is why the new genres rose in popularity. Generally speaking, the focus of interest turned towards the simple things of ordinary life. Corporations, guilds, clubs and associations ordered paintings to decorate the walls of the headquarters of corporations, such as guildhalls or the barracks of the militia companies, while court rooms or the halls of the council-houses also competed with each other in the way they were artistically furnished. Therefore, either mythological themes, ancient or Biblical, or sometimes even national symbolism were mobilized, to communicate religiously or culturally recognized abstract values or standards. Most of the time, however, Huizinga argues, Dutch burghers did not want to achieve more than simply representing what was actually visible. They were "firmly convinced of the absolute reality of all that exists and of every particular thing" (Huizinga 1948d, p. 485). This is true of Frans Hals just as much as it is of Vermeer, even if the latter adds to this realistic level of representation a certain poetic overtone, with the visionary colours of blue, green and yellow of his figures inhabiting an elegiac dream world. Huizinga's judgement finds Rembrandt the best representative of the Dutch culture of the age. Even the painter's main failure, an unsuccessful struggle for the grand style, monumentality and classical harmony, allows Rembrandt to embody the mentality of the age, and its "burgerlijk" (burgher-like) quality.

After evaluating the art of Rembrandt, Huizinga returns to urban architecture to explain the general spirit of the age. Once again, this is the architecture of the middle-classes. As the Church and the aristocracy were no longer placing the orders, the burghers took their place as the main builders of the urban context. The burgher's house is a family home, providing accommodation for three generations. Although a building of this size does not allow for great extravagance, a simple and pure form of expression was in any case general in the Dutch urban context. What a shame it is, Huizinga complains, that so many of the best urban architectural ensembles were demolished in the 19th century—he gives the example of the earlier Grote Markt in Groningen. Just as with painting, so too with architecture: the main sponsors were private individuals or groups within civil society. Huizinga provides a list of the types of buildings characteristic in the age. "The new buildings required in addition to the bourgeois family houses were neither palaces nor cathedrals, but town halls, orphanages, headquarters for the militia, warehouses, in some prominent towns a merchant's exchange, the warehouses for the large overseas companies, and finally the numerous country houses for the wealthy merchants" (Huizinga 1948d, p. 496). This social background to building made it obvious that Dutch architecture did not tend toward the monumental. Instead, it served public or private

interests and could correctly express the life and thought of the members of the family, in the case of private houses and of the citizens in their different associations, in the case of public buildings.

According to Huizinga, we can best understand the essence of the century through the architectural heritage we inherited from them. In the same way, the Dutchmen of the 17th century could best make sense of their environment through the beauty of the urban architecture which surrounded them. He mentions the examples of the cityscapes by Van der Heyden, Berckheyde, Beerstraten and Vermeer. Huizinga explains the miraculous effect of their vedutas on the viewer the following way: "Nowhere, perhaps, does the happy sun shine so brightly for us from that time as in the cityscape (*stadsgezicht*), which can sometimes fill us with nostalgia (*heimwee*) for this past of healthy-natural living with a simple thought system and a firm belief" (Huizinga 1948d, p. 498). As we can see, at this point in his analysis, Huizinga is trying to summarise his main message: that the spirit of Dutch simplicity is best preserved through the burgher's houses in the historical districts of the cities of his age, although these were often demolished in the 19th century, or else through the cityscapes of contemporary painters. This loss of past value is crucial for deciding how far the past determines the present, but it also shows that a historian's reconstruction of a by now disappeared past can cause serious changes in the present day—and Huizinga was writing this in the midst of WWII.[12]

Taken all together, the 17th century preserves its magic character in the eyes of Huizinga throughout his life. It is symbolic that he finishes his story with the burning down of the old, medieval town hall of Amsterdam, which makes necessary the building of a new one, according to the plans of Jacob van Campen—which would itself become one of the wonders of the world. Even so, the loss is obvious and unrepairable.

CONCLUSION

In this essay, I aimed to show that the cultural historian Johan Huizinga practised a kind of cultural history which also served as a medium for and embodiment of his political thought. As a Dutch historian, interested in the past of his political community, he was engaged in a project to understand the "meaning" of that history, in order to show the ideal embedded in that past. His first and most famous work, *The Autumntide of the Middle Ages*, still focused on the court life and high art of the 14th and 15th century France and Netherlands. His last greater work, *Dutch Civilisation in the Seventeenth Century*, presented the Golden Age of Dutch Art, as it flourished after the Reformation, in the context of regaining the liberty of the Netherlands. While a critical interpretation might miss in Huizinga's *Autumntide* a substantial reference to the middle-class urban culture of the late medieval period, I have attempted to show that this is not an arrogance and blindness towards the middle classes on his part. Rather, it is a conscious choice on the part of the author to concentrate on the Christian religious, the chivalric, and the artistic elements in that particular period of European culture.

I also implied that there is no contradiction or shift in values between his first and last great work. Huizinga, whose major research field was and remained the Middle Ages, but who was just as interested in the most successful, early modern period of Dutch culture from very early on in his career, could point at two important pillars of the Dutch cultural heritage with the help of these major works. On the one hand, he identifies the medieval, Burgundian, Christian and chivalric ideal and on the other hand he cites the early modern, post-Reformation, patriotic, urban component. Pointing at these two different, but connected sources of value in modern Dutch culture and civilisation, he tried to paint a deeper, historically rooted account of the attributes of this culture. By referring to both the chivalric and the middle-class building blocks of this communal cultural package, he offered a criticism of his own century. In this, he was not simply a positivist historian of past culture—he harboured an ambition to offer cultural criticism as well. He had serious problems with the modernist intentions to "liberate" the contemporary world from the burden of the past and its legends. Beyond that dislike of modernist artistic and urbanist aspirations, he also proved to be a dedicated critic of the two sorts of totalitarian ideologies, characteristic of his own age in Europe.

Huizinga saw National Socialism and Communism as dangerous revolutionary movements, which were actually quite close to each other, and as such, he hated both of them. His younger relative, the well-known essayist Menno ter Braak, accused him of having retreated to the ivory tower of historical studies in an age of political crisis (Krul 1990). It was crucial for him to convince his younger and more rebellious colleague of the opposite. In a letter addressed to ter Braak in September 1936, Huizinga wrote: "today's extremist nationalism, with its antagonistic twin, bolshevism, is the disaster of our age" (Huizinga 1936, p. 73). Such a direct formulation of his political stance was quite rare, and restricted most of the time to personal correspondence, but nonetheless it is unquestionable that he held principled, anti-totalitarian political views, and further on, that his political conviction can be labelled as a liberal conservative position. One can make an even stronger claim, in agreement with Wessel Krul: that Huizinga also thought that Dutch society needs to remain, what it had always been: conservative, moderate, "burgerlijk" (Krul 1990). All of this shows that his political persuasion was that of a principled conservative, which enabled him to recognise the conservative element in the Dutch tradition. He found the conservative element in the history of Dutch culture, and with the help of it, he came to argue for the relevance of the past for his own day. As a conservative cultural critic of his day, he identified himself in a way as a late representative of the supposed conservative inclinations in pre-modern Dutch culture.

One way to show the connection between these two, the conservative element of Dutch culture, and his own conservatism, is to consider his account of Dutch cityscapes, and his own experiences of the Dutch urban landscape. Huizinga showed that architecture provides the best direct, sensation-based access to the past, which is why the demolition of parts of Amsterdam awakened him to the fact that a culture was threatened with disappearance because of the hubris of modernity—a fact which must have strengthened the conservative inclination in him. The recognition of the relevance of the Dutch cityscape, both in its physical reality, and in its artistic reproduction, as it was painted or drawn in the Middle Ages or in the Golden Age, is a recurring element of Huizinga's oeuvre. The typical Dutch urban milieu in which he was brought up helped him to research the specific way of life and thought of the Dutch urban environment, from explicit local histories, like the ones he wrote about Haarlem and Groningen, through the memorable *Autumntide*, to cultural historical pieces, perfected in his late piece about seventeenth century Dutch civilisation. The overall claim of this paper has been to show that an appreciation of the Dutch cityscape led Huizinga to an aesthetically geared re-creation of the "burgerlijk" Dutch past. This interest in the past reveals him as an implicit political philosopher, with an outlook which might be labelled in the context of the 20th century as a political stance of urban, liberal conservatism.

NOTES

1 The book's most up-to-date and most detailed English translation: Huizinga 2020.

2 Here I follow Gadamer's narrative, in his introductory chapter on the guiding concepts of humanism: Gadamer 1975, 1989, p. 18.

3 This is the term made famous by T. S. Eliot, first introduced in his essay on Hamlet and His Problems.

4 As Huizinga (1969) was not available to me, I used the following translation available online: J. Huizinga: My Path to History. On an Interest in History. Tr. Diane Webb, http://docs.letterenfonds.nl/frag/Unedited-English-Huizinga-Mijn-weg-tot-de-historie.pdf

5 Huizinga quotes Windelband in Dutch in: Huizinga: Verzamelde Werken, vol. 7. p. 21. available at: https://www.dbnl.org/arch/huiz003gesc03_01/pag/huiz003gesc03_01.pdf

6 According to Dumolyn and Lecuppre-Desjardin, "this early work was certainly not cultural history" (Dumolyn and Lecuppre-Desjardin 2019, p. 66).

7 Huizinga (1989); Veth (1916, p. 181).

8 Rydin refers to Huizinga's autobiography, which claimed that the driving idea of the book was conceived "between 1906 and 1909, probably in 1907" (Huizinga 1947, p. 39).

9 I quote this *ekphrasis* of the city from the following English translation: Huizinga 1996, p. 334.

10   Mijn weg tot de historie, Verzamelde werken. Deel 1. Oud-Indië. Nederland, p. 39.

11   Mijn weg tot de historie, Verzamelde werken. Deel 1. Oud-Indië. Nederland, p. 19.

12   See also his essay: My Path to History, in: Huizinga (1969).

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The Unionist Paradigm and the American Civil Religion: Two Heuristics on American Nationhood in Historical Imagination

LUKE NATHAN PHILLIPS

Abstract: Contemporary arguments on the nature of American national identity tend either to consider America to be a nation in a classical cultural sense, or in a primarily ideational sense. These, however, are inadequate framings of American nationhood, which is rooted more in process than in identity. To better understand the processes by which American national identity has been constructed historically, and thus the dynamics of ongoing American life, heuristics offered up by David C. Hendrickson and Walter McDougall—"the Unionist Paradigm" and "the American Civil Religion"—can help one imagine America as an international system built on compromise, and then as a fractious universalist church in constant theological dispute. Looking at the span of American history through the lens of these heuristics, the fundamental contingency and shifting nature of American identity becomes clearer, as does the centrality of collaborative and compromising habits to the American political character, and thus of flexibility to American historical memory. America as living tradition, political experiment, and historical memory are all thus emergent, collaborative processes, which do form something worth designating as "nationhood" but this requires an explicit stepping-back-to-observe process. Cultural history and political practice can thus support each other in helping both actors and thinkers understand the ongoing process of America.

PART 1: THE INSUFFICIENCIES OF PRESENT APPROACHES TO CONSIDERING AMERICAN NATIONHOOD

Power when wielded by abnormal energy is the most serious of facts… Roosevelt, more than any other man living within the range of notoriety, showed the singular primitive quality that belongs to ultimate matter—the quality that mediaeval theology assigned to God—he was pure act… The effect of unlimited power on limited mind is worth noting in Presidents because it must represent the same process in society… — Henry Adams on Theodore Roosevelt (Adams 1918).

For if historians aim to explain change over time, then the United States is the most swiftly moving target of all, because nowhere else has more change occurred in so short a span. America was not just born of a revolution, it is one.—Walter McDougall on writing American history (McDougall 2004).

American Heritage and American Ideals as Insufficient

Most conceptions of American nationhood common these days, conceive of America to be a nation in far too simplistic a sense. On the one hand, they take the standard definitions of nationhood and nationalism—shared language, culture, essential values, homeland, political principles, etc., and a common historical experience commonly agreed upon—and apply it to the American historical experience clunkily. They exclude and contort realities given us by the evidence, to the degree that the actual words and experiences of the historical figures chronicled soon bear little resemblance to the figures our patriotic historians draw; or, they throw out the standard definitions of nationhood as too physical and too experiential, and argue that the unique character of American nationhood is its being specifically and exclusively an idea, an "American creed" based on fundamental principles of government and human nature glorious in their scope and, in the end, only aspirational in their reality.

Within these two approaches to American nationhood—we could call them the "hearth and home" approach, and the "America is an idea" approach—we find most contemporary polemical and popular, and even some scholarly, perspectives on the character of the United States of America. A representative pure form of the "hearth and home" approach is to be found in the writings of Wilfred McClay, whose textbook "Land of Hope" (McClay 2019) drew up a nostalgic and appreciative read on America as a homeland and a culture. A representative pure form of the "America is an idea" approach is to be found in the writings of Jill Lepore, whose "These Truths" (Lepore 2018) and other writings look at America as a nebulously abstract ideal, occasionally flashing to light in movements towards justice or freedom at particular points, and only unfolding deeply over the fullness of time.

These categories extend to historical polemic, as well, the most famous examples of such in the modern context being the *New York Times Magazine*'s 1619 Project and the Trump Administration's 1776 Commission; the vast majority of these take an approach looking at America as having some essential characteristics of a hearth culture, and requiring some essential characteristics of an ideal for it to be redeemed. The 1619 Project famously argues the essence of America lies in white supremacy and the legacies of slavery and segregation, and compares that sordid reality to the high and grandiose ideals Americans have held for themselves, while concluding that those ideals may well be real, but that America is unworthy of them. The 1776 Commission Report has a far more positive and optimistic historiography of the American cultural and historical experience, but attributes the best of the American identity's potential to fundamentally spiritual and ideological ideals and principles. There is also a negative and reverse version of this, seen in critical reactionary and radical arguments about America; folks associated with the "postliberal" side of conservatism, most famously Patrick Deneen (Deneen 2018), have argued that America is a very specific idea, an enlightenment rationalist version of liberalism gone mad, and that inasmuch as America is an idea, it is pernicious and dehumanizing. A quick overview of other "American identity" projects—the Claremont Institute's programs and the writings of some of their leading lights, and the American Academy of Arts

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and Science's Our Common Purpose report from 2017, demonstrate in their own ways this dynamic—a view of America as an essentially cultural, experiential nation, *and* as an idealistic ideological creed, but harmonizing these in a way that gives credence to either one or the other, usually to "American ideals."

All of this is useful enough as heuristic, particularly for its pedagogical benefits for those who are incapable of seeing there being *any* national community at all in the United States of America. But the more one spends time with the heart-and-hearthstone paradigm and with the America-is-an-idea paradigm, the more problems one finds in each, and the less either makes any coherent sense in the context either of the historical evidence, or our contemporary lived experiences.

For one thing, one is struck by the sheer diversity of America, and not just the fashionable diversity hawked in polite company nowadays, but the actual, deep, sometimes problematic and oftentimes impenetrable levels of divergences—across class, geographic, ethnic, sectarian, ideological, professional, racial, and so many other lines—not just in the present day, but at every moment in the nation's history. These do not quite make cultural nationhood impossible, but they do pose huge problems for simplistic renderings of it. This diversity might make identity-in-ideals nationhood more plausible; but the epistemic divergences and deep counter-interpretations of fundamental meaning it implies, render that sort of shared ideological identity clunky at best. Furthermore, just as many American institutions over the centuries have promoted and deepened aspects of national unity, many have also worked against and opposed it.

For another thing, there appears to be an intrinsically political and active component to American national identity, as the centrality of Tocqueville's (Tocqueville, Mansfield & Winthrop 2002) and Publius's (Hamilton, Madison, Jay, Cooke 1961) works to much American self-conception implies. American identity is thus in some sense emergent from the political process. If America were a cultural hearth and coherent nation alone, this self-creative and self-regulatory aspect would either make no sense, or would actively destroy and degrade the existing nationhood; but clearly it does not. If America were a clear and consistent set of ideals, political contestation—which of course has always involved different interpretations of ideals and sometimes different ideals, rather than the much-vaunted "shared ideals" we are told of—would only matter inasmuch as such contestation brought the nation closer to those ideals. Not being a Whig Historian myself, I simply cannot read the historical evidence as supporting this interpretation consistently.

These do not begin to exhaust the inconsistencies, revealed both by the historical record and by best practices of sociology, political science, and cultural development studies, between the heart-and-hearthstone approach to nationhood and the America-is-an-idea approach, and the realities of American nationhood itself.

Nor can the problems with these two approaches be resolved by combining them with each other in some balance or other; as demonstrated above, most approaches to American national identity are essentially an attempt to resolve the apparent dialectic of ideal vs. real, heritage vs. principles, and most of those cram the two heuristics into a system deeply favoring the "principles" sides of things in one sense or another. (The few versions that favor the heritage side, such as McClay's, tend towards antiquarianism, and there is little that is uniquely American about most of them).

In previous investigations, I labored under the assumption that a creative approach to the real-vs.-ideal dialectic in American ideological framings and historiography would be the missing link and key to developing an accurate reappraisal of American identity studies. I no longer subscribe to this assumption, because I believe that in their basic forms and common manifestations, the heart-and-hearthstone framework and the America-is-an-idea framework are simply too simplistic to be useful building blocks for rendering an accurate portrait of America. They obviously are quite usable and useful for public education and political-legitimacy purposes, but they are not strictly true in themselves. The fact that they are useful while incomplete, offers a hint to the nature of American identity in itself; its process-based and discursive character.

So mere cultural nationhood is out, and mere ideological creedal nationalism is out as well. What's left?

THE UNIONIST PARADIGM AND THE AMERICAN CIVIL RELIGION: TWO HEURISTICS ON AMERICAN NATIONHOOD…   **27**

What is a Nation?

A deeper look at the origins of most nationhoods is in order, and fortunately we have the excellent work of Liah Greenfield (1992) Ernest Gellner (1983) and Ernst Renan (1882) to guide us. In a nutshell, nations are not *really* the holistic, romantic, nonrational splurges of social life and cultural existence, impermeably subjective to the point of being undefinable by the outside, which the 19th Century originators of nationalist political thought can somewhat accurately be accused of purveying.

Instead, the "nation" as typically defined, is insufficient to describe the actual historical experiences of most extant nations. Rather than being coherent and self-defined wholes, definable monoliths, nations instead are constructed from smaller components, and linked by abstract communities of imagination; and even as they become coherent and attain coherent Weberian states, their internal definitions and dynamics do not escape these pluralist and civil-religious dynamics of negotiations. That is, nationhood is neither a monolith, nor a given, nor a solution of any particular sort. The entities we think of as nations are always political processes with historical memory, and in our own American situation, this is very much the case, as much as any other.

As Greenfield and Gellner demonstrate, nationalism and the construction of nationhood is a historical process which happens in very specific historical context, sometimes but not always a post-imperial context, and is different in every case. The relation of elites and masses, of regions to regions, of locals to foreigners, of traditional society to advancing technological and economic modernity, and every other thing is neither mechanically determined nor foreordained by some kind of onward-unveiled spirit of things, but is in some senses *a negotiated and improvised compromise over time,* the tentative and evolving result of which is *some political, social, and cultural entity which thinks of itself, and is thought of by others, as a nation*. Yoram Hazony's work in *The Virtue of Nationalism* (2018) distorts much more than it clarifies, but his framing of the Twelve Tribes of Israel becoming the Nation of Israel, and his assertion that this is a natural heuristic in most national developments, also helps sophisticate what exactly it is we are talking about when we talk of these things.

That question of self-conception is central, not peripheral, to the development of nationhood as well. Benedict Anderson famously suggested that nations are "imagined communities," (Anderson 1983) and it is regrettable that turn of phrase has often been used in subsequent decades to imply a sort of illegitimacy to nationalism, a fakeness to nationhood. Quite the opposite—nations are literally socially constructed in historical time, and as such are among the most real and lasting and deeply, broadly participatory political and cultural units in world history. And so as Ernst Renan demonstrates, "a nation is a soul, a spiritual principle." Every nation is essentially in some sense a faith, not a faith merely in the sense of rational tenets assented to or dissented from, but in the relation of such tenets to broader narratives and theologies and understandings, the relation of those to particular symbols and codes, and then to customs and traditions and hierarchies and institutions, and the meanings, problems, and understandings all of these together imply for a particular way of life, for the peoples linked under it. Once such a self-conception has been constructed, and if it is accepted and gives identity to the lives of enough people, you could say a nation exists.

Obviously these two frameworks of nationhood—that of complex historical context and development of a whole from lesser parts, and that of creedal development based on a thick conception of human experience and subjectivity rather than a mere tenet-based faith of principles—are at odds with the simpler framings much American historical polemic utilizes these days. But they are related to the "heart-and-hearthstone" and "America-is-an-idea" framings, albeit more deeply contextualized and sophisticated.

In the right corners of American historiography, there are deeper framings of the American identity question that, while focusing exclusively on the American national experience, strikingly parallel the frameworks Greenfield, Renan, and others offer up on the question of national identity.

American Nationhood as Political Process, and Two Guides to It

The first of these framings is what we will call the Unionist Paradigm, following the work of David C. Hendrickson (2003) who has argued that for much of United States history, America has functionally been a sort of international system upon the North American continent; I go further than him in arguing that, while this was an accurate framework for understanding American domestic politics all the way up until the end of Reconstruction in 1877, it is still an accurate framework for understanding the undercurrents of American domestic politics up to the present day. The unionist paradigm essentially follows Federalist No. 10 in assuming there is a very large (and, theoretically, it is possible for it to be infinite) diversity of essentially self-acknowledging communities and polities within the American union, and that the task of American politics is keeping them together in this union. Madison writes "extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their strength, and to act in unison with each other" (Hamilton et al., 1961, pg. 64.)

The basic approach of the unionist paradigm, is to look at America as something like an international system with multiple sovereign actors whose interests must be balanced, if anything resembling union is to be made real, and the internal harmony of all preserved.

The second of these framings is what we will call the American Civil Religion paradigm, following the work of Walter A. McDougall (1997) who has argued that much of American political turmoil can be best understood as a secularized reforming Protestantism that unites American self-interest and American moral fervor in all public causes. I go further than him in arguing that this civil-religious dispensation is far more pervasive than merely questions at the national level, and is not solely confined to explicitly religious and ultimate questions alone, but permeates all the way down the American political ladder, in all things social and cultural; it explains much of the feverish character of much of American politics. As religious sociologists like Peter Berger (2014) and others have suggested, often the most important social attributes of faiths are the subconscious ones which manifest culturally, and thus this paradigm more or less ignores the more positive, national-unity versions of "civil religion" bandied about every few years, and uses the heuristic as a framing to explain behavior instead.

The basic approach of the American Civil Religion paradigm, is to imagine America as something like a civilization in the midst of religious revival and holy war, and to consider how some relative secularity might be maintained without letting any of the warring faiths destroy each other or the entire polity.

It should be noted that *these are both essentially descriptive rather than prescriptive approaches* to American national identity questions; neither is particularly aspirational or appreciative, and to the degree that there's a kind of didacticism inherent in either, it is more a cautious warning of the excesses of small-minded factionalism and sectarianism on the one hand, and messianic hustling on the other, than it is any sort of positive and forward-looking program of national construction, reform, or appreciation. They are not "objective" per se, but they do look with the eye of an analyst more than a poet, and are calculated to make the proud patriot consider the excesses of his countrymen as much as their virtues.

The remainder of this paper will introduce and elaborate the Unionist Paradigm and the American Civil Religion Paradigm, and demonstrate their usefulness for considering American national history. Then it will consider what their practice—in political action, and in historical interpretation—might look like, and consider the degree to which America as union and faith might still justifiably be considered a "nation."

The broader purpose of this paper is to articulate a framing of American national identity studies that places its key focus on the active processes of conflict and compromise in creedal and factional disputes, and the institutions in which those are conducted and the virtues conducive to them, rather than on given qualities of any sort, abstract or concrete. This in turn will be a framing of American nationhood that is not only more honest to the historical record and respectful of the generations of patriots and dissidents before us, but also more useful for the working historical interpreter, policy wonk, and political entrepreneur ac-

tive in American public life today. It will give them a lens to see the past as having been a stage of action just as their present is such a stage, and perhaps a vantage point to see the bigger pictures in the currents of history in their own time.

PART TWO: AMERICA AS INTERNATIONAL SYSTEM: THE FEDERAL UNION, PLURALISM, AND THE CONSTRUCTION OF CONSENSUS

America is Not a Nation

Pause a moment and consider that there *is* no American nation. It isn't hard to do; almost any definition of nationhood relying upon a certain homogeneity or internal agreement, is an impossible definition to apply strictly to the United States of America.

If you define nationhood in cultural terms, you need only consult the long history of regionalism, immigrant amalgamation and endurance, the linguistic variations and the political habits of heart that differ from North to South, East to West, river valley to river valley and port to port; you don't need to be a deconstructive multiculturalist to note the deep impact of French and Spanish and African culture upon certain pockets of America (Meinig 1986) or the contradictory impacts of different English cultures, best depicted by David Hackett Fischer in his always-cited, rarely-annotated opus, *Albion's Seed* (1989): "Even as the ethnic composition of [the various regions of the United States] has changed profoundly, regional cultures themselves have persisted, and are still very powerful even in our own time. All of them derive from folkways that were planted in the American colonies more than two centuries ago…" (pg. 10.)

If you define nationhood in political terms, the placement of sovereignty and the correct adjustment of loyalties, you obviously are confronted with the political realities of America's federal system, of divided sovereignty between the federal government and the state governments, and the very real, complex, and enduring divisions of loyalty and responsibility across that complex system. "…Congress had sovereignty, the supreme lawmaking power, in regard to the matters entrusted to it; the states had sovereignty in regard to matters entrusted to them; and the people reserved sovereignty in still other matters, refusing to entrust it to government at any level" (McDonald 2000, pg. 4.) The whole of American constitutional thought assesses these sorts of questions. Additionally, you are confronted by the reality of multiple political parties with national breadths and constituencies, yet opposing and contradictory ideological understandings of American nationhood and politics.

If you define nationhood in economic terms, you are confronted with multiple systems of political economy extant in the American national economy, some of which are more regionally bounded and others of which are more nationally or internationally open, some of which focus on abstract financial and creative flows, others of which focus on concrete resource extraction and development and logistical flows, and all of which operate on their own logics while still being essentially interdependent with others. Some of these political economies are more bound to the international commercial world, while others are far more self-sufficient on the American continent. All of them employ and are managed by Americans who, in their professional orientations, begin to take on different sorts of values and virtues based on the superstructure of their means of production.

If you define nationhood on social terms, you are confronted with the enduring existence of class distinction in America, of the many forms it takes in built environments and cultural habits (Baltzell 1964.) You also, of course, witness the sheer mobility and individuality and agency that has, at many times, characterized American life, in migration and entrepreneurialism and protest and other things, and the creative instability that wreaks. "From the conditions of frontier life came intellectual traits of profound importance… that coarseness and strength combined with acuteness and inquisitiveness; that practical, inventive turn of mind, quick to find expedients; that masterful grasp of material things, lacking in the artistic but powerful to effect great ends; that restless, nervous energy; that dominant individualism, working for good and for evil, and withal that buoyancy and exuberance which comes with freedom..." (Turner 1893, pg. 37.)

You do not, however, discover anything resembling a general equality of condition, beyond the absence of aristocracy Tocqueville noted (and even that real phenomenon is counterbalanced by the informal aristocracies of familial notoriety and wealth, and credentialed expertise, which seem always to be emerging in American life, exist a couple decades, and are in due time replaced by others.)

Moreover, on all four of these measures on which American unitary nationhood is far more tenuous than one would expect in a united nation, a look both at the historical record back to earliest times, and a look around the conditions of our present and recent times, demonstrates that American life has generally been this divided, this plural, this *non-national*, for the entirety of American history. Pluralism, heterogeneity, division, and all the confusion of public order, the rage of faction, and the creative potential of such tensions, are the *starting point* of American public life; we have never had anything resembling "national unity" or "general consensus" in anything other than a semantic or sentimental sense, and to the degree any ever existed in embryo, it was consciously aided and constructed by the conscious action of American nationalist elites at various times in our history. The very term "era of good feelings," applied as it sometimes is to the 1810s and the 1990s alike, after the fact, suggests the emotive and cherrypicked nature of such interpretations of unity. Both decades, of course, had their tumults.

Many historians of American national identity start with the assumptions 1) that America *is* a nation and 2) that the American system of government created a nation-state. Even if these two suppositions are true—and I believe they are—they encourage habits of mind that look for unities, not for harmonies and, importantly, not for dissonances, and they thus are often less confident in the ability of the American system's ability to channel and contain foundational dissent, and see treason behind many more corners than is warranted. At a political level that is bad enough; at the level of historical interpretation, that is malpractice, and dishonest to the historical reality of American life.

Consider instead, that 1) America is not a nation, but a veritable international system and international order, with cultural, political, economic, and social sovereignties all in conflict together within it just as Europe and the Middle East and Asia have had their international orders under various imperiums and agreements; and 2) that the American system of government created a *peace pact*, to use David C. Hendrickson's fantastic term—an international system, and a means for mediating and resolving disputes between overlapping and competing sovereignties. Hendrickson, a sort of diplomatic historian of American domestic order, suggests we "view the making of the union as an experiment in international cooperation, as a working out, under the novel conditions and circumstances of North America, of the peace plan tradition in European thought" (2003, pg. 24.) Consider as well that this is not merely something that happened in history—say, between 1754 and 1877 or so—but in fact is the general and ongoing nature of American social and public life, even up to our present discontents.

Aside from being useful in diplomatic and constitutional thought, this thesis can inform historiographic thought on American politics and American national identity through the 19th and 20th centuries, and can be applied to institutions such as the party system (Hofstadter 1969, Rossiter 1960, DiStefano 2019) and the development of countervailing power in American economic life (Galbraith 1952, Lind 2020) among other things.

Reading History through Hendrickson's Unionist Paradigm

"Peace Pact: The Lost World of the American Founding", and "Union, Nation, or Empire: The American Debate Over International Relations, 1789-1941" (Hendrickson 2009) together offer up a useful revisionist account of American political history that takes seriously the notion of American federalism not only in constitutionalism, but in diplomacy. They contend that for most of early American political history, and in key ways for much of American political history since Appomattox, unitary nationhood has been a very thin veneer, and the American reality has been a *system of states* resembling an *international system* as much as a national unit. (This is not intrinsically a "state's rights" analysis, but it does put that tradition in broader context, as it does the unionist tradition and other understandings of American politics). (McDonald 2000).

Hendrickson offers up what he calls "The Unionist Paradigm" as a fundamental tradition of early and subsequent American political thought, at least as coherent and influential as the "Republican" tradition tracked by Gordon Wood (1991) and Bernard Bailyn (1967) and the "Liberal" tradition tracked by others. Where the Liberal tradition in American political thought looks to essential fundamental rights of citizens and restraints on governments as central, and the Republican tradition looks to popular sovereignty and civic virtue as the ordering principles of a free regime, the Unionist tradition or paradigm assumes the multiplicity of sovereignties in geographic space, and sees their cooperation together for certain broader ends, and the systems and rules by which they govern their collective action, and the new and larger identities and attitudes formed by this federative process, as being integral to the American political tradition in ways not always well-enough appreciated. Hendrickson explains "Americans… belonged to multiple communities and had multiple identities and loyalties, and it was the relationship among these communities, and loyalties that constituted the essence of their political problem…" (Hendrickson 2003, pg. 17.)

The United States of America, Hendrickson argues, has been formed by a series of unions. He explicitly suggests the First and Second Continental Congresses' governing processes, the Articles of Confederation, and then finally the U.S. Constitution itself were, in their own ways and with different orientations towards national sovereignty and the nature of the component parts, successive experiments in national union arising both from the functional consent of the factions and institutions composing the union to its rules, and the said unions' maintenance and adaptation through various upheavals and challenges. Rather than a compact theory, this is a complex and functionally internationalist argument. In terms of international relations theory, it falls in line with the "Grotian" or "Liberal" school rather than the "Realist" or "Idealist" schools. The American states, and the people and institutions in them, had self-interested and sometimes vicious reasons for their actions, but they also had fundamental collective interests and reciprocal obligations to each other. They also had obligations to other states and peoples, from the British and French and Spanish empires to the Native American tribes on the American frontier, and were generally guided by the Lex Mercatoria and the Law of Nations (McDonald 1979) as much as by their own self-interest. The formation of the national union was as much an exercise in managing these obligations and channeling the various local interests into a cohesive national interest and process; there was not a unitary top-down nation-state formed at any one point, either in 1789 or onward. Instead there was a whole system of politics that more closely resembled international politics across a continental sphere.

The analogy he makes is to a "peace pact" or international system, like the famed Westphalian Peace of 1648 or the European international system established at the Congress of Vienna in 1815. Those were international orders and systems formed in the aftermath of catastrophic continental wars, established by mutually consenting sovereignties with broader goals of peace and harmony in mind. The American Constitution of 1787 similarly was established by mutually consenting sovereignties—drafted by delegations from the states, ratified by conventions of the people—with peace and harmony in mind, with two important caveats: the process of ratification, through ratifying conventions rather than by the states forming the Union, muddied the waters of the fundamental source of sovereignty and power, and so the states were bound up in the Constitution not by their own sovereignty, but by the sovereignty of "the People," and, the American Constitution as peace pact was formed in anticipation of and for the preclusion of disunion and prospective civil war, rather than in a civil war's aftermath.

Dynamics of Union through the Paradigm- Sectional, Ideological, Partisan

The implication of all this is not merely the trite "the federal government and the states are both sovereign" framing on domestic policy and constitutional law all American schoolchildren are taught and which often mediates most public discourse on the nature of American government. The implication is far more profound: the United States of America has domestically exhibited the characteristics of a competitive and collaborative international system within the broader international system of the Americas and the Atlantic world, and the dynamics of American national life have had as much functionally geopolitical competi-

tion as classically political competition. The national institutions of American government, resting on public opinion as much as anything else, cannot assume a cohesive national public opinion and merely work aligned with it, but must prudentially balance various regional, institutional, and other geographically-dispersed bodies of opinion and legitimacy, and practice a coalition-and-compromise statecraft to preserve and advance it, not only for the intrinsic Jeffersonian goods of representation and accountability and democracy, but for the existential Hamiltonian goods of national survival and domestic peace themselves (Lind 1997). The alternative we forget, but which the framers could not free their minds from, was anarchic international politics and dissolution into civil war. We must imagine the horrors of civil war if we are to appreciate the sheer boldness of the sometimes-mundane-seeming American system.

American politics, per Hendrickson, is the most successful attempt at an international system of peace and unity ever devised. The fact that it seems like a national unit is testimony to its success. Read in this light, the life-work of Henry Clay and John J. Crittenden later in the 19th Century, and perhaps the work of Franklin D. Roosevelt and William F. Buckley Jr. in the 20th Century, assumes a more grand-strategic cast than the petty logrolling politics they are often remembered for.

It seems to me that to Hendrickson's succession of unions, we ought add a few before, and a long train afterwards. The first significant inter-colonial cooperation among the colonies that would become the American states, happened in the early 1750s, as continental and global war between Britain and France loomed; the Albany Congress, summoned by Benjamin Franklin to coordinate colonial relations with the frontier Indians, proposed the famous Albany Plan of Union on the part of most of the Northern and Middle Colonies; while a young George Washington marched a force comprised of Virginian militia and South Carolinian regulars into the Ohio Country, accidentally touching off the Seven Years' War. These, both happening in July 1754, partly under British imperial and partly under cooperative colonial auspices, might be thought of as the first collective action by the colonists, a proto-union. Such collaborations increased throughout the war years, and in the aftermath of that war, when the British government imposed the Stamp Act and various other legislation upon the colonies, the Stamp Act Congress of 1765 and the successive activities it inspired among various coalitions of colonists up until the calling of the Continental Congress in 1774, gradually brought such plans of union further into the forefront.

After the experience of the Continental Congresses, the Articles of Confederation, and the writing and ratification of the U.S. Constitution, which together forged the essential logic of American union and our Unionist paradigm, the progress and process of American government took on increasingly *sectional, ideological, and partisan* characteristics, characteristics which have defined every era since 1789, in different proportions age by age, and which still essentially define our present politics. This is not and never was an aberration from the unionist politics of the Colonial and Revolutionary Eras—it has been instead merely their consummation and application under conditions of independence. So American politics since 1789 has been an expansion of the logic of confederated and collaborative national union in different ways, as that union has developed through successive economic and social revolutions and political upheavals and strategic expansions.

Whereas the "peace pact" of the American union was at first between colonies and states, it gradually became a peace pact between the increasingly fractious and divergent geographical sections of the country, laced together by law and economy but divided in culture and economy in different ways century by century; in time a peace pact between the major ideological dispensations, both popular and elite, which have long had their roots in various religious and cultural dynamics from before the Founding, but have twisted and evolved and reformed over time; and most successfully a peace pact and working system between great national parties with mass memberships and sophisticated political operations, capable of mobilizing millions of Americans and organizing government at continental levels. The fact that this unionist system—balancing and managing such conflicts as East and West, North and South, Free State and Slave State, Industrialist and Labor, Conservative and Liberal, Progressive and Populist, Republican and Democrat, Woke and MAGA, and all the rest in our grand historical succession—has generally kept all factions on the

American scene committed enough to its processes to squabble inside the system rather than outside it, and has only fallen into catastrophic total war once, and never again after, is a good sign of its promise.

Sectional

One of the main and most famous axes over which the union has been preserved, has been geographic space, and in particular the distinct regional cultures, regional economies, and regional political units—sometimes machines and patronage networks, sometimes nascent semi-nations like Texas or "The South" or "New England," and sometimes mere cultural habits distinct to one area but with political implications, like the strange libertarian-progressive history of the Mountain West—which mediate much of American political conflict. The most famous, of course, is the long domestic cold war between northern free states and southern slave states in the antebellum, rumbling in 1819, 1831, and 1850, and exploding apocalyptically in 1861, with a full resolution not secured, by some measures, until 1877. The distinct political culture of the West, as Frederick Jackson Turner (1893) has argued helped mediate and transform that conflict, but by the later 19ᵗʰ Century, one of the major pressing divisions in American politics had become the conflict between the industrial northeast's financial and industrial elites and the agrarian Midwest's, resource-extracting West's, and post-slavery South's elites (Lind 2004). By the 1950s, much of the former regionalism had lost its independent power— the Second World War's nationalizing tendencies, in economy and communications and even in-built environments, had opened a truly national scene where conflicts looked more similar in any two parts of the country than they ever had—but even under these conditions, regional identities and their political implications still linger as much as state identities and their political implications. In any case, an America where the two most populous urban forms—dense metropolitan areas and their suburbs, and sprawling exurban areas branching into small towns and the countryside—have become regional cultures with political implications themselves, is an America still beset by regionalist dynamics, for which the unionist paradigm remains a useful balm.

Fischer's and McDougall's works usefully trace American "hearth cultures" across time and in their emergent complexities. As McDougall notes, it matters that the central ring of North America was settled by Anglo-Protestant hustlers rather than Catholic Spanish or French conquerors; similarly, it matters to subsequent American domestic politics that the descendants of Yankee Puritans laid down the cultures of the upper Midwest, while those of Pennsylvanian Quakers and Germans peopled the Midwest and Great Plains, and a mix of Southern aristocracy and Scots-Irish mountainfolk were at the forefront of conquest and expansion across most of the American South, West, and Southwest. These have not been independently determinative on the subsequent developments of the rings of the country where they have gone, but they have been an important factor in broader context. Centuries later, the folkways of the original Anglo settlers have continued to echo in various regions' political dispensations and even built environments; the reactions of different Anglo hearth cultures to successive waves of American modernity, too, has been integral in the formation of subsequent political identities (Fischer 1989). Most importantly, these are the cultures which subsequent generations of American immigrants and domestic migrants have assimilated or integrated into, sometimes consciously and fully, but far more often partially and subconsciously. It is through and against these regional cultures, too, that distinct minority cultures—African-Americans, Native Americans, religious dissenters like Mormons and Amish, and all distinct and lingering immigrant cultures from the Jews and Italians and Irish once upon a time to the Asian-Americans and Latino-Americans of today—have defined themselves (Lind 1995). The amalgamative mix of American social life, broadly speaking, has taken place on these cultural-regional terms, *not* primarily on explicitly racial or ideological terms, and their echoes still abound in culture and politics today. One of the reasons there is no central and easily definable "American identity", is precisely this; and to best manage it, we have a unionist paradigm to consider.

Ideological

Another of the main axes over which the union has been preserved, and one which has always been relevant but which has become increasingly relevant over the past hundred-fifty years or so, is the ideological axis. Political ideologies and political spectrums do not objectively exist in principle, but rather are the product of the historical imaginations and political creativities of those thinking about their own times. They may make reference to principles and ideas more or less timeless and universal, whether pulled from thin air by madmen in authority or coolly discerned by mature deliberations and reflection and choice; but functionally, they are the heuristics and tools of political actors first, and the nation's motive forces only second (DiStefano 2020). In the American context, however, the heavy ideological focus of many interpretations of our national life, the democratic accessibility of our general public discourse, and the Anglo-Protestant and Liberal-Republican roots of the American public mind, intensify their sway.

Particularly with the containment and channeling of regionalist power between the 1860s and the 1930s, ideological force has gradually become a more and more potent organizing factor in American politics, with the same trends towards disunion requiring sagacious unionist statecraft for their containment and productive channeling for union. Part of this has been due to the successive revolutions in media technology, from mass-printed newspapers to the telegraph and radio to television and the internet (Gurri 2018) which turned the divisions and vagaries of public opinion into a far more professionally institutional force than they had been in the days of the *American Aurora* and *Porcupine's Gazette*. Part of this has been due to the successive "Great Awakenings" occasionally roiling American social and political life with a secularized spirituality equal in fervor to those of George Whitfield or Charles Grandison Finney. Additionally, the parties themselves, and American civil society in general, were long mass-membership organizations of national scope, as Theda Skocpol (2003) has demonstrated. This sort of organization has proven as capable of disciplined ideological politics as the vanguard cliques of more elitist political ages, such as that of the Founders, and our own.

Whatever the case, most casual reference to national division or divorce, political dysfunction, and fears of disunion or civil war, has specifically referred to ideological divides, even if mediated by partisan or sectional, or class or cultural, vessels. This has been the case, certainly, during the politics of the modern political parties, whether one considers them to have been formed in the 1930s or in the 1970s (DiStefano 2020, Lind 2020). It has very real predecessors and echoes in the decades before the election of Franklin D. Roosevelt in 1932, albeit mixed with more traditional factionalism and partisanship. Despite the ethereal, abstract, and in principle unresolvable nature of ideological disputes, however, experience—both in the formation of parties and coalitions comprising multiple ideologies, and in practical statecraft and policymaking—the unionist paradigm, of the essential legitimacy of each interested component parts of the whole recognized by all such parts, provides the basis of navigation for ideological politics at all times and in our own time.

Partisan

The last axis over which the union has been continually preserved, and arguably the one most integral to its preservation and continuation, is the partisan axis, that of political parties as major national institutions, comprising the "party system" in any age. The single most important thing the Founding Fathers of this country got wrong, regarding political theory (and there were several) was their distrust in and opposition to political parties, and their stated belief—clung to throughout the 1790s and beyond—that political parties were threatening to American constitutionalism, liberty, and union (Hofstadter 1969). Quite to the contrary, the parties they reluctantly built, and the parties that subsequently evolved to replace those parties, and their successors, have been the crucial organs of representative government, through which the living blood of democracy has flowed and without which the skeleton of the constitutional system could have no life. Other civil society and advocacy organizations have played similar roles, but none have been anywhere

near as lasting, as broad-based, and at times as stately as the political parties have been. They have been a source of division, often fiercely so; but they have also helped manage that division and turbulence very well. More than the sectional and ideological divides, the partisan divide has closely resembled a unionist sort of diplomacy, when managed well. As Rossiter (1960, pg. 1) neatly sums it up: "No America without democracy; no democracy without politics; no politics without parties; no parties without compromise and moderation."

Political historians and political theorists have noted America's lasting and resilient two-party system, its tendency to realign and readjust every several decades, and the interlocking dynamics of intraparty elite factionalism, grassroots mass-movement activism, and charismatic individual party leadership, at these points. I contend that the two-party system—including, as it does, both the complex coalitions of each party, *and* dissident third-party and nonaligned political movements, organized in ways both promoting some cooperation and conciliation, but allowing the cutthroat power-jostling competition central to politics—is, in every epoch in American history, the most salient mechanism of the ongoing unionist paradigm. When the party system is well-balanced, competitive, representative, and otherwise responsible and healthy, the national union is typically stable. When the party system is imbalanced, unrepresentative, and uncompetitive, the union is far less stable. When the party system broke down in the 1850s, with the splintering of the Democratic Party, the demise of the Whig Party, and the rise of the Republican Party without a fully organized counterparty, formal secession quickly ensued after a few years of combined stagnation and intensification. After the Civil War, when the party system was reconstructed, channels of dissent and conflict were better managed, and they have been pressured and renewed every few decades since.

There have been, in my reading, at least six party systems. In order, these are: The First Party System, of Federalists and Jeffersonians, 1789-1824; The Second Party System, of Whigs and Jacksonian Democrats, 1824-1854; The Third Party System, of Lincoln Republicans and Bourbon Democrats, 1854-1896; The Fourth Party System, of Progressive Republicans and Bryan Democrats, 1896-1932; The Fifth Party System, of New Deal Democrats and Rockefeller Republicans, 1932-1976; The Sixth Party System, of Liberal Democrats and Conservative Republicans, 1976-2020s. It is not the place of this paper to theorize whether we are presently in a party realignment, or what our political parties after such another realignment might look like (DiStefano 2020). It is sufficient to note the existence of the dynamic.

Because, more so than in the case of institutions managing regional and ideological divisions, individual leaders in the party system actively and visibly can exert power, make compromises, and push for new realities, this is the axis of American divides most conducive to unionist statecraft and understandings. Mass-membership political parties are by nature national units, and are essentially agnostic ideologically; their function is to get members of their parties elected to offices at all levels of American government, which requires building coalition and when possible consensus across both geographic, sectional lines, and very often across ideological lines. In several of the earlier party systems mentioned, this also required consensus or cooperation across class lines. Hofstadter (1969) reminds us, in "The Idea of a Party System," that various thinkers in the 19th century—Frederick Grimke, Jabez Hammond, Francis Lieber, and George Bancroft, among others—were quite aware of both the conciliatory effects of such parties, and their capacity to better represent all American factions, including new ones that would come into being with ongoing developments and social and technological change.

That very capacity has made most American "national" political identity, to be essentially a partisan and ideological political identity—for example the national vision of the Whigs and the national vision of the Democrats in antebellum times synthesizing diverse regional and cultural and ideological coalitions, and the 20th century conservative movement's and liberal mainstream's pretensions to speak for all "real" Americans. On the one hand, this can be quite dangerous, in creating national identities based on the heresy and exclusion of half the country. On the other hand, it increases the size and reach of the factions with which unionist statesmen and activists can work, and makes for a somewhat stable, if sometimes tense, bipolar system. When these interests are harnessed in the name of union, there is nothing that can stop them.

All of this is to say, the American nation, to the degree it exists and has existed, has never been particularly coherent as an ideal-type; it has always been constructed from smaller parts, most of which have some intrinsic relationship to each other, but which have also been fundamentally at odds, incompatible. But our very national life has been created by institutions that help mediate that incompatibility, and create new realities as the union glides from age to age. Once the division was between the literal sovereignties of the states; it has transferred in spirit and practice to the functional sovereignties of American regions, ideologies, and parties, exactly as raucous and borderline-violent as the states were once upon a time. But the political logic of union still remains the best way to keep them all, as President Lyndon Baines Johnson is said to have said, "inside the tent pissing out."

Hendrickson's unionist paradigm heuristic is a helpful way to check the nationalist bias Americans in the 20th and 21st Centuries have typically brought to assessing American history. There are some ways it is literally true, and other ways it is an exaggeration, but in all of these ways it is an important counterpart to the assumption that there *is* a certain unity and homogeneity requisite for American civil politics. Thinking of America as an international order composed of multiple related sovereignties, thinking of those subcomponents of America—the parties, the regions, the ideological movements—as fundamentally constitutionally legitimate, whose balance and order must be preserved lest the union dissolve into catastrophic international war amidst itself, puts the questions at stake helpfully.

But there is another tendency in American historical interpretation that is equally unhelpful and distortive, and equally requires conscious antidote; this is the notion that America is an "idea" unfolding in time, or a set of emergent truths. To counter this unhelpful habit of historical memory, rather than counterpose its opposite (as with theorizing America as an international system rather than a nation,) I shall take this idea seriously on its own terms, and extend it to its logical implications. To aide in that, we shall turn for help to McDougall, critical theologian of the American Civil Religion.

PART THREE: AMERICA AS CRUSADING FAITH: CIVIL RELIGION, POLITICAL THEOLOGY, AND THE CONSTRUCTION OF NATIONAL MYTHOS

What if America *is* an Idea?

Pause a moment and consider that America is, in fact, *an idea*. It's not hard. It comes almost naturally. In recent decades especially, but going all the way back to before the Founding itself, there's been a longstanding tendency to interpret America not only as an experiment or a process, but as a set of truths, or an unfolding reality, a dream and an ideal more than anything else. G. K. Chesterton is often quoted as having called America "a nation with the soul of a church" and given the almost scriptural propensity by which Americans think on their "ideals," this is fitting enough. There are others who have seen America as a church unto itself; and that framing we ought to take seriously.

America certainly has a civil religion, and it has certainly behaved as though it believed it were on a holy mission to redeem mankind for the entirety of its history (McDougall 2004). But as a civil religion, it has never been particularly unified; across the American body politic there have always been dozens, even hundreds of sects, both in terms of literal religious denominations, and in terms of spiritually-charged political movements preaching and acting on the public stage as though they were revivalist movements or missionary causes, working to redeem mankind or to damn the heretics and infidels (McDougall 2008). Moreover, even the most self-avowedly secular and anti-religious and post-religious figures and movements in American political history, have functionally wound up sounding like they were delivering jeremiads or recasting the Sermon on the Mount. More interestingly, much of the most memorable and powerful American political rhetoric has been infused with a gospel-preacher sort of style and even language (Bellah 1967, Gorski 2017). At best, this has inspired a sort of original-sin-aware humility, per Abraham Lincoln, while at worst it has fired or cloaked grand hubristic pretensions to righteousness, per Woodrow Wilson. But it has certainly always been present, and not always conscious.

Most assessments of "American Civil Religion" stumble when they look at the concept as something potentially unificatory, that can help bring meaning to American patriotism (Gorski 2017). It is potentially unificatory, in a way, but the concept is in practice something political, a tool to be assessed, not a godhead to be admired. Various historians and thinkers—Walter McDougall and Richard M. Gamble most importantly, but others as well—see it descriptively rather than prescriptively. All notions that America is an "idea" or a set of truths, or a process unfolding, or a promise or a dream or a hope, implicitly and necessarily follow one branch or another of the American civil religion. There are two frameworks one must grasp, if one is to understand the American relationship to religiosity, secularity, political order, spiritual redemption, and world destiny inasmuch as it might be thought of as a general national characteristic requiring explanation. The first is historical, sociological, somewhat theological, and well-documented in a number of cases by various helpful and disciplined historians. The second is an aphorism delightful in its simplicity and foreboding in its implications.

Reading History through Walter McDougall's Civil Religion Paradigm

First, America is—in its roots at its early foundings, in its social hearth as it has developed historically, and in a couple of sociological senses that should be looked at descriptively rather than as having any specific moral valence—America is a Protestant nation. The three most important American hearth colonies, in terms of their influence on subsequent American national culture generally, were Puritan Massachusetts Bay, Quaker Pennsylvania, and vaguely-Anglican Virginia (McDougall 2004). The contrasting approaches to religious life in those colonies set the pattern for most of the other colonies, while the deep impact on political understandings of justice and freedom and order, and the social shaping these understandings exerted in centuries past and still exert today, are recognizably Protestant in their origins. The vast majority of Americans for much of early American history were Protestants, and that led to very particular traits being stamped in the American social soul, even after Protestantism ceased to be the de facto personal religion of most Americans (Kurth 1998). All this is to say, Americans think like Protestants in recognizably the same way English privateers sailing under the Tudor banner in 1603 thought like Protestants (McDougall 2004).

David Hackett Fischer, as usual, is one of the best guides to this dynamic. The Puritans of Massachusetts Bay, and the other dissenting sects that settled the New England area, practiced a strict, stringent, personally and socially radical form of dissenting Christianity. The social effect of it was a far more proudly self-governing church, demanding not only outward piety, but also inward grace and redemption, of all its members; it was simultaneously intolerant and redemptive, crusading and egalitarian (Fischer 1989). The fiery piety of the first generations of Puritan settlers ebbed and cooled over time, but it had at least two broader effects: first, everywhere influenced by later New England settlement would be populated by less pious, but still-industrious and self-governing, cultural descendants of this stock. (Most of the America Alexis de Tocqueville gleefully surveys in the 1830s, is such a Yankee America, a New England town meeting writ large). Second, every few generations of Americans, including an 18th-Century generation of post-Puritan heirs, would be gripped by a feverish redemptionism, a "Great Awakening," a phenomenon fueled in part (though not in full) by the lingering fumes of the Puritan hearth (DiStefano 2020).

The Quakers of Pennsylvania, merchant oligarchs of their time, practiced a far more socially tolerant Christianity that was as egalitarian and as personal as that of the Puritans, but with fewer bulwarks of social order and public spiritual discipline. The Anglican planter-aristocrats of Virginia, by all accounts, seem to have been even more lax in their actual piety, but did keep up an established church and frame most of their ideas of liberty and self-ownership in accordance with its precepts (Fischer 1989). In these two hearths, the American heritage of religious tolerance and pluralism eventually grew into institutional form, as a general practice in Pennsylvania and as an extrapolation of ideas of political liberty in Virginia. New England's, Pennsylvania's, and Virginia's colonial ideas of freedom—*ordered liberty, reciprocal liberty,* and *hegemonic liberty* respectively, as articulated by Fischer—have been crucial to the American political culture for four centuries (Fischer 1989, McDougall 2004). But they arose not solely by political practice alone, but in tan-

dem with the religious situation in those colonies, as early generations of Americans navigated church and state, god and mammon, in their new world (Mead 2008).

Even during colonial times, American religious life was far more diverse than this, and would only become more so after the American Revolution and into modernity. But the fact that it was a series of Protestant hearths—each of them a minority on the continental and national stage, working to stay true to their own teachings and practicing a necessary toleration amongst each other—ensured that that hearth would be both comparatively stable and shockingly dynamic. And given the particular cultural habits of American Protestantism—James Kurth lists a spiritual elevation of the individual over the parish community, an elevation of the individual's conscience over the church hierarchy, and a special reverence for the written word of scripture as the most direct way an individual might attain salvation, as three of the most important factors in what would eventually become "The American Creed"—the transition from American anti-hierarchical, anti-communalist, pro-scriptural Protestant individualism, to American anti-hierarchical, anti-communalist, pro-scriptural civic-republican ideologies of politics, is straightforward (Kurth 1998).

Kurth tracks this in his excellent Orbis essay, "The Protestant Deformation and American Foreign Policy." He argues that over the course of the centuries, Protestantism as a social force shed more and more of the traditional theology of the original faiths, in the American context eventually attaining a "salvation by works" understanding precipitating the Social Gospel, de-emphasizing the trinitarian God and becoming a unitarian faith, and in due time becoming almost entirely secularized, promoting the American ideology of freedom, equality, opportunity, progress, and democracy as a kind of worldly redemption. All this, a development of American Civil Religion. His understanding of the Protestant roots and influences of American political ideologies is astute, but he stops before going deeply into some of the important divisions within American Protestantism and how they have manifested themselves in American political factions and causes in our history.

The second framework deals with outlooks. The functional way the American civil religion at all times, in all its forms, has manifested itself in American social and political life, is straightforward. McDougall calls us the nation "that prides itself equally on its idealism and pragmatism, and likes to believe they are identical" (McDougall 1997, pg. 9.) The nice way to say this is that Americans are "*practical idealists.*" The less-nice way to say it, is that Americans are *messianic hucksters*. As a slur or a description, neither term is specific to any particular political dispensation, region, era, tradition, or even profession in American life, and none are bereft of or immune to it. They are the admiring and detracting versions of a social type, with a particular ethos and prospect, that America produces in spades, and which in turn forms America further onward. That propensity of ours to be simultaneously technical wizards and self-righteous scolds, rapacious hustlers and genuine philanthropists, and for that unity of moral purpose and practical skill to pervade all our self-conceptions of our institutions and our own worth as a force in human history—is perhaps not uniquely American, but it certainly is our most constant and explicit trait. Give Americans a choice of two good things and we'll insist on taking both; frame up a tragic dichotomy and we'll invent a new model circumventing our way to a happy ending. This unity of self-interest and moral purpose—what Walter Russell Mead (2008) has memorably described as a hustle for "God and Gold"—has been key to America's constant ability to transform itself, and its deep faith in its own ability to transform the world. It has also led us to our cruelest and most ridiculous excesses, and is the single most important factor in making American political discourse and polemic far more apocalyptic and totalizing than, on the basis of the merits of the issues at any given time, one would expect it to be.

This is nothing particularly new. The occasional paroxysms and constant freakouts of American political culture, the save-the-world mentalities of American activist and philanthropic culture, the deep sense of disgust and injustice with which American political sectarians view their trespassing, blaspheming, heretical rivals, the tendency of every single presidential election to appear, to those living through it, as a "stand at Armageddon," battling for the Lord, per Theodore Roosevelt's phrase—all of these are as excessive as they are, because they are our ongoing and continuing practice, mentally and emotionally, of a cul-

tural disposition towards bringing forth some sort of improvement towards perfection on Earth, which has long been our quietly instinctual approach to politics. Machiavelli says the statesman must love his country more than his soul, and Thomas More dies the state's good servant, but God's first; but the way of the American Civil Religion, is to see no tension between reason-of-state and civic creed, between the public good and moral righteousness.

Structure and Dynamics of American Civil Religion—Great Awakenings and Great Crusades

The American Civil Religion is practiced subconsciously, in terms of its effects, although it does have some formal and conscious trappings. The great major documents of American public life—the Declaration of Independence, the U.S. Constitution, the famous orations and addresses of Abraham Lincoln, Franklin Roosevelt, John F. Kennedy, Martin Luther King Jr. (Gorski 2017) and some select others—provide much of its formal scripture, while there is a long tradition of folk scripture alongside it. It is straightforwardly republican in its adoration of popular sovereignty, public virtue, the wisdom of the people, and the virtue of rulers who trust in democracy; it is straightforwardly liberal in its deep faith in natural rights, in the necessity of limited government and the centrality of freedom in all things (McDougall 2016). It has other themes as well—equality and justice, a faith in prosperity, and a generally pragmatic can-do approach, and distaste for complexity and tragedy.

While it has evolved continuously since the Founding, a few things have been true throughout. The President of the United States has typically served as a sort of high-priest function, and presidential inaugurations and farewells are something like sacred public rituals (McDougall 2016). The loss of American soldiers has tended to be cast as a sacrifice for principles that redeem all mankind, rather than merely as a defense of country and home; and that attitude has been mimicked in other aspects of public life as well. Most government officials in elected and some appointed offices have held a formal role in this; and the combination of public architecture and the public square, and public ceremony in America's patriotic holidays, far from being mere pageants or displays, have served to demonstrate the "dignity, enterprise, vigor, and stability," to use Pat Moynihan's words, of the American system of government. It is a civic faith that draws as much from classical as biblical tropes and sources—note the Roman styling of many of our federal buildings and monuments, the very term "Senate," and the fasces that dot American public architecture. But it is also a faith that weds faith in popular government and ordered liberty, with a faith in the redemptive messianic potential of American destiny.

These are only the formal outward and formally-acknowledged parts, the things which are explicitly said and acknowledged in inaugural addresses and oaths of office, and which polemicists and opinionmakers of all political stripes uncritically endorse as necessary for national unity. The more tumultuous and important aspects of the American Civil Religion, are those internecine sectarian fights amongst its different sects over how it ought evolve, what should be tolerated or endorsed in the public square and what should not, which definitions of equality and freedom and virtue are the proper ones for American life in any age. These struggles more closely resemble somewhat-contained versions of the wars of religion in early modern Europe than modern ideological warfare (McDougall 2020, Vlahos 2009). A quick tour through America's revivals and awakenings should illustrate the point.

The best way to demonstrate this concept, is to showcase moments in American history that, for all their secular and mundane political importance, cannot fully be understood without reference to the moral fervor here being examined. A useful way to think about it might be, that there are moments in American history with a comparatively settled public life and public order, where frustrations with established order curdle around the sidelines and begin to mount, until some great shocks or great decays unleash new possibilities in politics and social life. Controversies reopened by these transitions offer up a new field for the moral and religious imaginations of the public to explore, to consider new possibilities and imperatives, to establish new societies and movements. These societies and movements then grow in size and vehemence and fervor as those shocks further destabilize the system, and they bounce not only off the mainstream but

off of each other; the great moral conflicts and political epics in such moments, and especially the mass movements, with their conversions and their witness and their sermons and their righteous fury, as well as whatever political and institutional and social changes they might fight for, are what we think of as "Great Awakenings." These Great Awakenings, meanwhile, often so upend older public moralities as to establish the new public moralities of succeeding times. The energies and results of Great Awakenings sometimes coincide with or even worsen and precipitate grave national crises, and when they happen to flow directly into a great national crisis, the energies of various furiously competing sects of the American civil religion only deepen and heighten. Such situations might be thought of as "holy wars" or "Great Crusades," and while these are not nearly the only examples of civil-religious energy in American life, they certainly are the most sharply and painfully profound (DiStefano 2020).

It is not clear whether or not the First Great Awakening of George Whitefield, John Wesley, and Jonathan Edwards, which swept up and down the colonies in the 1730s, had deep political effects, given especially that it happened before a deep sense of intercolonial union had taken root, and that it does not appear to have enflamed any of the colonies' ambitions for expansion or power. The imperial crisis, starting in 1765 with the Stamp Act and running through the American Revolution, did take on aspects of a Great Crusade of sorts, and preachers in the era did energetically preach God's blessing on the cause of Independence. But the first Great Awakening and the first American "holy war" *do not* seem to have been directly related. The energies of American patriots in the Revolution were ideological and fueled by the rage of the American civil religion, but in a somewhat more subdued sense than would be the case in subsequent cases.

The two subsequent Great Awakenings, by contrast, did flow very directly into Great Crusades, and in the first case probably helped bring it about.

The Second Great Awakening famously had many of its deepest roots in the burned-over district in upstate New York, where Charles Grandison Finney conducted much of his ministry, and from which the dissidents who would become Mormons got their initial start. But rather than remaining confined to Puritan and Yankee-descended areas, this second awakening soon had revivalist fervor sprouting all over the American countryside in the South and West as well, and in the urbanizing areas of the East. Aside from the great camp meetings and the specifically spiritual revivalism of the Methodists, Baptists, Congregationalists, and new denominations like the Mormons and Shakers, the energies of this spiritual awakening flowed into new spiritualities (and the Transcendentalist movement should be seen as a part of it) as well as into new social movements, promoting temperance, abolition, women's rights, and other moral reforms. Some of these would soon be enflaming American politics more generally.

The rapid ascent of abolitionism and its growing currency as a political force in the antebellum, combined against the corresponding revivalist fervor southern denominations brought forth in defense of the expansion of slavery, were central to the intensification of sectional tensions in the runup to the crisis of the 1850s. Other movements with spiritual fervors fueling populist energies rose in these times as well—the "Anti-Masonic" and "Know-Nothing" and "Free-Soil" parties in the north, various visionary expansionists and advocates of Manifest Destiny in the West, and more—but the image of southern preachers defending slavery on scriptural grounds, and William Lloyd Garrison burning a copy of the U.S. Constitution and condemning it as a "covenant with Hell," more definitively showcased the power of civil religious energies in American politics than anything prior. Jacksonian Democracy was not known for its piety, but it certainly grew in part due to new fervor and new energy brought out by the revivals. The Civil War itself became something of a holy war (Gamble 2019) in part due to President Lincoln's decision to make emancipation a war aim halfway through, but far more importantly because of the existing energies of domestic factions, north and south, that saw their causes as transcendent already. Julia Ward Howe's messianic verses in Battle Hymn of the Republic—"As he died to make men holy, let us die to make men free!"—capture the fire well. The union was preserved, slavery was abolished, over half-a-million Americans died, and the greatest trauma on the American psyche and the greatest test of the American system of government was endured.

The Third Great Awakening had some of its roots in the advances in science in the 19th Century—Darwin's theory of natural selection in particular forced crises of confidence and subsequent theological searchings in various denominations—and also in the ongoing developments in industrial society, as new conceptions of human social life and economic justice began spreading. The famous Social Gospel Christianity of much of the American industrialist class and Protestant mainline was one response, as was the Pentecostalism that began with the Asuza Street Revival in 1906. New, ostensibly scientific and mysticist, sects were set up, Christian Science being one of the extant ones from the period. But as with the Second Great Awakening, much of the most potent energy of this spiritual awakening was in spiritually-enflamed social movements and their political analogues.

Many, many social movements emerging from this Third Great Awakening flowed directly into new political dispensations. The granger movement in the American Midwest was the direct predecessor and prologue to the Populist Movement, and William Jennings Bryan was as much a champion of the Midwestern farmer and laborer as he was an early fundamentalist and revivalist. The social reform movements in the American industrial core, aimed at improving conditions for the poor, at encouraging temperance and sometimes at banning alcohol entirely, and of encouraging preparedness and physical fitness as part of a comprehensive spiritual discipline, emerged from the same sources as the Progressive Movement, with its obsessions with political reform, public health, rational management of resources, and the like. Sometimes these distinct and divergent manifestations of American Civil Religions were in conflict, sometimes they cooperated; but they did deepen American political interest, participation, anger, and involvement, and the moralism in their approaches strongly shaped American politics in their time.

When the United States was drawn into the First World War in 1917, President Woodrow Wilson became something no American president, not even Abraham Lincoln, had quite been—a sort of high priest of the American Civil Religion during a major national mobilization (Gamble 2003). He, and a nation teetering at the edge of world power, went all-in on it, having had a dress rehearsal in the moral fervors of Progressive Imperialism (culminating in the colonial project of the Spanish-American War of 1898) just a few decades prior (McDougall 1997). The "war to end all wars," with a sacred mission to "make the world safe for democracy," were not typical national war aims, but much of America hopped in behind them. McDougall depicts the broad and excited institutional support for the road to war in his Wilson chapters of "The Tragedy of U.S. Foreign Policy," while Richard M. Gamble showcases the excitement of American clergy in the same cause in "The War for Righteousness." Ultimately the Wilson Administration failed to follow the Allied Victory with the promised League of Nations Treaty's ratification due to domestic opposition (Hendrickson 2009) and the plague year of 1919 was full of panic over subversion ending in duds.

The American Civil Religion's Third Great Awakening did not quite die with the Treaty, though. In 1919 a longstanding revivalist cause, the prohibition of alcohol, was ratified, and would not be repealed until 1933. This was as much a success of a sect of the American Civil Religion as any, although the active social turbulence of the Third Great Awakening was the decline. So America mobilized itself against the Great Depression in the New Deal, against the Fascist Axis powers in the Second World War, and against world Communism in the early phases of the Cold War, without the sheer moral fervor with which it had mobilized in decades prior; the New Deal was as much an exercise in management politics as it was in movement politics, and the American people were not champing at the bit to engage either the Fascists or the Communists in the 1930s and 1940s, and had to be dragged into world leadership by their Presidents. Much of the romance and color of these times has come only with memory; it seems that the certainties of prior times died in 1919, and what might've been a series of holy wars was instead borne by American grit rather than American fervor.

There was not a formal theological "Great Awakening" in the middle of the Cold War, although it seems that some historians have argued that splits in various American denominations over great questions of modernity did produce an awakening-like environment (McDougall 2016.) However, various trends in American social controversy at the time—the Civil Rights Movement and its ecumenical social action, the Counterculture and Antiwar protests during the Vietnam War, and all the social and spiritual experimen-

tation and liberation they brought forth onto the mainstream of national culture, the conservative intellectual movement and its various mass forms, including McCarthyism and the rise of the religious right in the age of Billy Graham and Jerry Falwell, and the backdrop of rising mainstream secularization in which all these modern trends took place—were powerful and widespread enough, with enough cultural and spiritual driving forces, and enough social and political effects, that they might accurately be called a Fourth Great Awakening themselves.

But this Great Awakening, though it did take place in historic times, does not seem to have taken place amid much of a cataclysmic holy war the way the prior two did. If anything, the civil-religious revival that gave birth to the New Left and the Conservative Movement, shaped the American domestic order just as the Cold War was ending, stewarded by the very non-revivalist George H. W. Bush Administration, as Francis Fukuyama prophesied a new age (Fukuyama 1989). The children of the Fourth Great Awakening did, it seems, have some impact on American and world affairs in the subsequent era, but it seems to have been more of decadence and incompetence than of messianic zeal; an awakening ended with a whimper and not a bang.

But various writers in our own times—Tara Isabella Burton (2020) most capaciously, and others like Joshua Mitchell (2020) and Wesley Yang—have noted similar functionally-religious revivalist trends in movements in the politics and social movements of our own day. Whether the diverse multitudes Burton profiles in "Strange Rites" and Mitchell polemicizes on in "American Awakening" are rumblings of a Fifth Great Awakening or merely aftershocks of the unresolved Fourth Great Awakening, it is not the place of this paper to assess. It is enough to demonstrate that whatever we think of the discontents of our own time, their present quasi-religious dynamics are nothing particularly novel.

My purpose in framing American history as a contest of rival faiths, or rival sects of an overarching faith, is to demonstrate the implications and consequences of the ideational reading of American identity and history; the limitations of creedalism and the excesses inherent in the ideas-first read on U.S. history; and to deliver a heuristic that can help explain the unique vehemence in American ideological politics across times and orders.

I offer up McDougall's American Civil Religion heuristic as a helpful check against the sanguine creedalist bias Americans in the 20th and 21st Centuries have typically brought to their assessments of American history. The heuristic is in some ways clarifyingly true, though in most ways a helpful exaggeration, but it makes a useful counterpart to the assumption that American idealism is an unalloyed good and a total blessing. Thinking of America as a conversation, a particularly self-righteous and supremely confident, sometimes uncharitable and unreflective, conversation, between ideas and sects, frames any social or political controversy in American life at any time in a somewhat starker lens.

Having offered up these two heuristics, I will proceed to explain their combined utility for a more reasonable understanding of American nationhood.

PART FOUR: TOWARD A HEURISTICALLY SOUNDER CONCEPTION OF AMERICAN NATIONHOOD

Practical Usage of the Two Heuristics

The fundamental problem in American politics, is that our diverse sovereignties and factions in the "international system" of the federal union must be balanced and maintained through compromise and diplomacy; but the diverse sects of the American civil religion, which inform the sense of identity and purpose of those factions and sovereignties, tend towards messianic and uncompromising civic faiths that want to impose a unified order upon the world. The fundamental problem in American historiography is much the same; all American historiography takes place in this same context, and more often than not, merely picks one civic faith or another as its guide to reading history, absorbs its blinders and biases and prejudices, and writes them into histories. These histories are used and cited by contemporary political actors with one in-

tention or another; and both political use of history, and historical interpretation of American politics itself, wind up being functions of particular factions and sects in the American union, and missing the union itself. This essay is an attempt to articulate heuristics by which we might recognize these factions and sects and their dynamics, and perhaps with such awareness, go forth in our own historical interpretations and political advances with a broader view and a somewhat more impartial judgment, inasmuch as those are possible. And meantime, we can only arrive at a more accurate and impartial understanding of the meaning of America in cultural history, if we take these same steps, and first admit, and then hold in proper place, our own inner barriers to deeper understanding.

Dialectics are useful at the nexus of identity studies and political theory, so long as one uses them for their heuristical utility rather than their literal truth. Willmoore Kendall's (1985) juxtaposition of the Two Majorities in American politics—representative in Congress, plebiscitary in the Executive Branch—and Forrest McDonald's alignments of Republicans vs. Nationalists (1985) and of Madison's distrusting balance and Hamilton's confident energy as central to their constitutional scruples (1979) are examples as useful in their impact as they are limited in their scope.

So the frameworks of America-as-international-system and America-as-fractious-faith might be helpful too, and not only for better understanding the dynamics of division, coalition, compromise, and unity in their surprising complexity across American history, but also for considering different styles of leadership and political action by which American citizens, leaders, factions, coalitions, and parties have at various times tried to push their own aims and ends in the American political system, and shaped that system and the practice of politics itself in the process.

The Virtues of Diplomats for Union

If we take the paradigm of America as international system within a continental union, replete with overlapping sovereignties, fluid but distinct cultural hearths and regional economies, and all the complexities of interest and faction and representation diversity that emerge from sprawling societal diversity and a federal system of geographic representation, we look upon a reality where, as Madison theorized in Federalist No. 10, the multiplication of factions creates a unique prospect for flexibility and stability. The art of compromise, coalition-building, and the gradual formation of consensus becomes the sum of the art of politics; everything that can be argued over, can be compromised over, and every faction represented can have its spot at the trough, giving and taking and helping build support for broader programs and agendas while maintaining its honored spot in the tapestry of society.

The dispensation that encourages all factions—especially geographically-represented ones, but with direct relevance to economic classes and factions, different levels of government, and more broadly all social interests—to view themselves as professional representatives in government with limited and discrete aims, concrete and measurable interests, and a penchant for barter and dealmaking, and a casual seriousness about the realities of power—is most closely associated with the virtues and habits of legislators, on the one hand, and Tocquevillian citizen-representatives, on the other hand. This is *not* a morally unserious dispensation by any means, but it does generally assume a comparative coolth of moral ardor on any set of issues and a preset faith in the power of reason and interest to take the building blocks of national political coalitions and turn them into wholes greater than the sums of their parts, while preserving the interest and integrity of each of their component parts, and in turn making them more capable of coalitional governance with factions outside their coalitions as well.

So American politics, as practiced as an exercise in international diplomacy or business dealmaking, is notoriously and beautifully pragmatic. Its critics call it shallow and transactional, willing to sell all principle at the altar of power; its advocates call it prudent and responsible, imbued with a higher institutional sense, grandly statesmanlike for the preservation of order itself. Functionally, it is notoriously capable of assimilating radical and revolutionary critiques of itself and making them into functional, responsible governing actors; and it is capable, with some work, of being adjusted and balanced sufficiently, that it might

integrate previously unrepresented or underrepresented social orders into its operations, thus providing social balance and pulling the rug out from under broad-based dissent against it. Much of American history has been the story of the ebbing and flowing of the representativeness of America's governing institutions and their non-government analogues in the exercise of social and economic power.

In general, this sort of politics is best practiced and managed by individuals or factions one might think of as "domestic diplomats"—leaders in the Senate and the House and the state legislatures, leaders of the political parties, administrators in the federal bureaucracies whose role involves reconciling contrary interests, leaders in public-facing civil society organizations, newspaper editors, prominent civic leaders, and others whose essential role is the gradual construction of compromise and consensus, and whose basic commitments are to institutional preservation and the fruits thereof, as well as the principles their institutions stand for. Across American history, the kind of secular dealmaking skill associated with this has been attributed to folks as diverse as Henry Clay, Lyndon Johnson, Booker T. Washington, Samuel Gompers, Franklin Roosevelt, and more, many of whom have also often come under attack for being insufficiently principled.

The Virtues of the Prophets for Union

Those who accuse the "domestic diplomats" and their style of politics as being excessively realistic and insufficiently principled, far from being wild-eyed idealists, are as integral a part of the American political tradition as are the prudent compromisers. They merely are playing on another spectrum, another field—the field of American politics as a fundamentally schismatic civil religion. That civil religion, buttressed by the individualistic creativity and instability intrinsic to American faith, and by the messianic and redemptionist ambitions that American faith has long held to redeem the world and unite interest and virtue in the name of any number of American causes and principles, makes American politics both endlessly self-transformative and incredibly ideological, when the civil-religious aspects of any social or political question emerge in American politics. In the past half-century, these have tended to emerge mainly on what contemporary thinkers have called "culture war" issues, but in truth this dynamic has existed in American politics on any number of issues in previous party systems, long predating the emergence of modern "socially conservative" traditionalists and "socially liberal" modernizers.

On all issues affected by American civil-religious impulses, though, the dynamic is much the same. American politics polarizes into at least two and sometimes more camps levied against each other, with primary identification being positions on the said civil-religious issues. These issues either commence as or soon become foundational to the political identities of the factions and coalitions involved, and often are constructed as all-or-nothing propositions in which complete victory, and the moral affirmation of one side of a question and the moral destruction of the other becomes the essential goal, if the public discourse on such subjects is to be believed. Being integral to the identities of those invested—and thus incredibly powerful tools for coalition maintenance and political mobilization—these issues often become quite deeply polarized, and are sometimes mistaken for the stuff of politics itself. The advocate of one side in an issue will see their position as a fundamental right or a fundamental signal of dignity which cannot be denied without a certain denial of right or dignity; the opponent of that same side often sees those same "fundamental rights" or "dignity" as at best an overpuffed interpretation of a minor and revokable privilege, or at worst as a licentious conspiracy against life, liberty, or self-government by sanctimonious hypocrites seeking to dupe the public in bad faith. This pattern—which itself is shaped similarly to the American colonists' rhetorical logic on 'taxation without representation' in the crisis of the 1760s and 1770s (Bailyn 1967)—holds shockingly well for any number of moral issues across American history, from gun control, abortion rights, censorship and free speech, and the nexus of issues touching racial and gender identity in our own day, to the debates that raged over banking and currency from the 1790s to the 1890s, the civil rights debates of the 1870s to the 1960s and the slavery debates before them, and the vast majority of controversial, party-coalition-shaping questions in American life at all times.

Issues that have become so polarized have always become so polarized with very good reason—at the core of American identity and self-perception in the practice of government, has been some version of the self-perception of *a self-governing people protecting its rights and privileges and managing its own destiny through the art of representative government* (Kendall 1970). There is thus a mixed republican and liberal ethos in American political philosophy and civil religion, which tends to erase the distinction between rights and self-government and insist on their unity, and looks with scorn or horror on what it sees as attempts to restrict either rights or self-government, as the tyrannical revocation of both. Given that American ideologies are constantly reinventing themselves and developing further, it is only natural that they tend to see each other as heretical usurpers striving to attain absolute power and destroy dissent. Sometimes they are correct.

This dispensation encourages all creeds and sub-creeds within the American civil religion to view themselves as moral witnesses to righteousness and redemption in a sordid and irredeemable order, and both encourages a noble moral clarity—a moral clarity that makes inspired mass movement politics possible, and often provides the energy for comprehensive reformations of various social problems and systems—while putting up barriers and artificial divisions against practical collaboration, indeed often setting whole classes and regions of Americans against each other over abstract principles. At best it can promote social transformation and new moral consensuses, and ground future public opinion in stabler sets of norms and understandings; at worst it can put people at each other's throats, divide those who might otherwise have more interests in common than not, and drive politics to an inconsequential pettiness that precludes meaningful participation beyond cultural signaling. Much of American history has been the steady train of civil-religious issues coming forth across the American stage, occasionally resolving social controversies, other times deepening extant divisions to no avail.

In general, this sort of politics is best managed and directed by individuals one might think of as "domestic prophets"—party leaders, charismatic presidents or other executive figures, great preachers or celebrity-poets and artists, leaders of social movements and powerful activists, whose primary field of understanding is in the moral and cultural controversies and issues of any given time, whose basic commitment is to some broad form of moral uplift or preservation, and the power and dignity of moral causes rather than particular institutions. These charismatic figures, high priests of a sort, practice a different sort of statecraft than the transactional coalition-balancing and compromising of the domestic diplomats; they work, through powers of rhetoric on one hand and of the management of perceptions of moral discourse on the other, to balance and reconcile and occasionally transform civil-religious causes and coalitions in American life. They are the crafters, sometimes, of ideologies for parties or movements, and sometimes of not-explicitly-political social dispensations; and in their work they navigate the moral dramas not so much through practical compromise as through coexistence and a shifting of the moral grounds. This is a very different politics than that of transactional haggling, and sometimes has higher stakes. Some notable practitioners of it have included Abraham Lincoln, Franklin Roosevelt, Martin Luther King Jr., Ronald Reagan, William F. Buckley, William Jennings Bryan, John C. Calhoun, and Thomas Jefferson.

These two styles and types of politics are of course not incompatible, and in fact they are always occurring simultaneously on the American public stage, with some periods marked by comparative consensus and creative haggling, others marked by strong dissensions and stagnant compromises. Moreover, it is certainly possible for individual leaders, ideological and political factions, social and intellectual movements, public or public-private institutions, and other self-aware actors in American politics and public life, to practice both sorts of politics comparatively well, as the malleability of various factions in our political parties and the genius of various past American statesmen demonstrates. It is simply very difficult, for it requires some deep level of understanding of the politics of one's own time in multiple dimensions, dimensions which do not necessarily mirror or parallel each other easily. It is certainly possible for pragmatic compromisers to make great cultural leaders, or great transformative high-priests of the American civil religion to be coalitional wizards; the greatness of Abraham Lincoln and Franklin Roosevelt can, in some senses, be traced to their simultaneous coalitional pragmatisms and transformative moral grammars. But

far more common are those who, like Richard Nixon and Lyndon Johnson, might be consummate political managers and terrible high-priests, or like Woodrow Wilson, might be charismatic and transformative high-priests incapable of disciplined coalitional management.

But moreover, these frameworks have a deep promise for those striving better to understand the workings of American political and cultural dynamics—divides over cultural and political issues, the construction of working consensuses, the operations of individual and institutional actors in political time working to achieve the possible in tumultuous times, etc. And they open a mode of analysis that can help us understand the construction of nationhood in the past by understanding our divisions in the present, and vice-versa.

America as Faith, Union, and Ultimately Still a Nation

The two heuristics explored at length above—the notion that America might be thought of as something resembling an international system with its own domestic geopolitics, and that America might be thought of as a field of warring messianic faiths—are advanced not to tear down the notion of American nationhood, but to strengthen it, by showcasing the fundamental fact of *process* of negotiation, collaboration, and construction of higher national purpose from diverse regional, factional, and sectarian parts, as more important than some given, unchosen *essence* of identity or principle, in thinking about the American historical experience, and what it implies for American historical memory and identity studies. In lived practice, both in historical times and in our present time, America *is each of these* things—a union across geography, and a crusading civil religion—simultaneously, *and also* a nation. The dynamics of continental union and fractious church characterize American nationhood in all its forms, be they past historical memory, present lived experience, or political experiment ongoing towards the future. American pretensions to being a noble set of truths and ideas or a pleasant hearthstone are spurious at best.

No nation and no historical entity can be understood outside the context of its self-conception of its own historical experience, and human nature being as it is, there are always multiple dimensions by which that historical experience can and should be understood. America has always featured multitudes of civil-religious understandings and geocultural polities, struggling against each other and cooperating with each other to secure their ends and forging recombinant coalitions and new institutions that have framed the destinies of American life. American institutions and American culture have both been shaped by, and have themselves shaped, this essential and fundamental coalitional pluralism; and it has been across the many dimensions of this pluralism, that what we think of as "The American Creed," "The American Constitutional System," and "The American Nation" have been forged and negotiated and renegotiated over time. It is a system which has had no final solutions, no ultimate truths, no prerequisites for participation. It is probably too much to say that *political action* in these domains is the ultimate motive power of American national identity; it is not too much to say that one can only begin to understand American national identity, if one has a healthy respect for American political action in the construction of civil religion and pluralistic union, and the ways and purposes to which it has been used.

I hope to help preserve the conceptual integrity of American "cultural nationhood" by emphasizing culture as an emergent process, negotiated constantly and involving constant choice, reflection, and tolerance of the unfinished, and by de-emphasizing culture as a given state, a passive inheritance, or a solid and nonnegotiable substance. I believe this is both more faithful to a sober interpretation of the historical evidence and the moral arcs of American life, and more practical as a general maxim for approaching problems in American public life. The essence and essential substance of American national identity, seems to me to be somewhere out there in the restless motion, tension, and balance American culture is constantly cycling through.

America *is* a nation, in the important senses of that word, but not in all the strict senses of that word. America demonstrates— with its founding deeds and crimes and all its growing pains not shrouded by the hazy past, but written bright and clear in the blaze of modern history—the fact of the construction of or-

der and mythos as a fundamentally political act, and thus as something of a grand improvisation, an ongoing series of seriously-stumbled-into accidents. It is not within the limits of this paper for me to attempt to assess whether such constructions, across geographic space and ideational division, are the forge of *all* nations, or *all* political orders. But the process of building a living nationhood through processes of geopolitical diplomacy and sectarian compromise, does present an interesting argument for the essential contingency of all order and all human life. History thus is not an unfolding of necessary truths from extant hearths, nor is history the progressive construction of rational order discernible by the mind; it instead is a great holding-pattern, one as defined by frailty and hustle as by grandeur and nobility. It is this half-conscious great experiment of the construction of order over time, and posterity's remembrance of it—more than our great experiments in self-government and liberty and egalitarianism, perhaps even more than our great experiment in union—which may in due time prove the greatest gift America delivered to mankind, at the dawn of the modern age. For every society, whatever its values and its ordering principles and no matter how far removed they are from ours, must consider itself. Our own forgetfulness has cloaked the great lessons our nationhood might teach.

Other writers have advanced similar pluralist, non-idealist understandings of American nationhood in their works on nationalism. Samuel P. Goldman (2021), the most thoughtful critic of new nationalism and Michael Lind (2020), the most thoughtful advocate of new nationalism, both functionally integrate it into their thought and writing. Their integrated commentaries (best expressed by Goldman in "After Nationalism," and best expressed by Lind in several of his books, including "The Next American Nation," "What Lincoln Believed," and "Land of Promise") are sober and balanced, and in my opinion are as close to decent comprehensive assessments on the nationhood question as it is possible to get nowadays, especially given the lingering prevalence of ideational understandings of American nationhood and the increasingly common simplistic framings of cultural nationhood now returning to vogue.

But whereas Lind's and Goldman's understandings emerge from long study and reflection, I think it is imperative for rising and oncoming generations of historical thinkers, as well as policy thinkers, political and social activists, and all who aspire to leadership in American public life and public discourse, to rather quickly internalize something resembling the basic frameworks Lind and Goldman have set forth. McDougall's and Hendrickson's contrary heuristics, by the shock value of their suggestions, may help train imaginations toward serious assessments of what disunity under union has meant, both at the founding of our institutions of government itself, and at the various pressure points throughout subsequent American history when union and pluralism have been tested, up to and including the present. This active cultivation of historical imagination, which at best can engender what Baltasar Gracian calls "sympathy with the great" in a statecraft sense, is a tool that deserves broader appreciation, and deeper articulation, in our own times.

A well-cultivated historical imagination, one which avoids or amends the blinders typical to one's own time and country without reverting to maladjusted excesses in the opposite directions, is crucial for seeing the dynamics and patterns of any hazy past flowing into the present. Such an imagination in the American case, informed by good cultural history, can illuminate the constructive, collaborative, compromise-making and consensus-building dynamics beneath all American national life. It demonstrates these dynamics, moreover, regardless of whether one looks at the historical memory of the past, and the multiplicity of its interpretations, or at the lived experience of the present, in all its divisions and harmonies, or at the ongoing experiment of political participation. That is to say, by deconstructing the monolithic forms of nationhood so common in our discourse, and replacing them with non-national heuristics based on irresolvable conflict, pluralism, and coexistence, one can discern a process-based model which simultaneously very well explains American historical development, American political conduct and habits, and American lived experience; that is to say, a model of American nationhood, of American national identity.

It is not the purpose of this paper to theorize whether this process of American nationhood is a model of how all human political organizations are constructed, nor to formulate an ethical program for American public life based on its precepts and divisions. It is merely to theorize an imaginative model of plurality amid union, and national life as a process in itself. And it is the opinion of this author, that the early selec-

tion of the American national motto, *E pluribus, unum*, From many, one, was more prophetic than anyone could have known.

NOTES

1   It is notable how convinced many of the Framers were that civil war would be the inevitable result of ratification's failure. Hamilton in an unpublished essay in late September 1787: "…it is probable the discussion of the question will beget such struggles animosities and heats in the community that this circumstance conspiring with the *real necessity* of an essential change in our present situation will produce civil war…"

2   Colin Woodard's books on "nations" in American life have been decent enough as popularizers of the notion of American domestic regional-cultural diversity, but they have been distortive and sometimes approach monocausality. *Albion's Seed* by Fischer remains the superior work on regionalism in America.

3   In this author's estimation, the Populist/Progressive Era was a third such Great Awakening, and the Counterculture, Civil Rights Movement, and Conservative movement of the 1960s and 70s was a fourth.

4   Plunkitt of Tammany Hall, faced with this formulation, might add, "no compromise and moderation without honest graft."

5   The author, a Catholic himself, confesses to having no opinions about this.

6   The Spanish Flu epidemic, the collapse of the League of Nations treaty ratification contest, the wave of anarchist and socialist bombings that led to the First Red Scare, the resurgence of white supremacist violence across the South, and various other dynamics all conspire to make 1919 a still-underappreciated year in the resilience of American society amid centrifugal forces.

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The Persistence of Nationalism in the Czech Republic

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Abstract: This paper aims to explain the persistence of nationalism in the Czech Republic and its political consequences. I argue (a) that the persistence can be interpreted as a matter of culture and cultural history is thus capable of explaining this phenomenon over various historical periods—from the 19th century, over the communist dictatorship to the present time; (b) that narrowly defined culture in the form of folk art, literature and science carried nationalistic features and developed into commonly shared values, habits, attitudes, i.e. broadly defined culture; and (c) that these shared values contain common understandings of various political concepts, such as democracy, state, etc., and if the formal institutions are to be aligned with the culture, they should also bear these specific cultural features. This brings political consequences which are addressed in the second half of the paper.

1. INTRODUCTION

"It's the culture, stupid!", Steve Pejovich (2003) argued when trying to explain the differences in the results of the transition from communism to market democracies of various Central and Eastern European countries. I will demonstrate that the persistence of nationalism can also be understood as a matter of culture. I use culture narrowly defined (folk art, literature and science) as a starting point and show how it developed into broadly defined culture, i.e. commonly shared values, habits, attitudes, values or prejudices. Not only do they govern the interactions between people within a specific group but also between various social groups. Culture became identical and commonly known through the process of socialization by which it is unified, maintained and communicated.

Once developed, unlike other social institutions, culture persists over time, changes less frequently and evolves rather spontaneously (Williamson 2000, pp. 597–598). Moreover, as James Scott puts it, culture is an important component of what he calls *Mētis* (Coyne and Boettke 2006, pp. 54-55) which also includes skills, norms and conventions. Since it is "common knowledge", I would also add that it includes a common understanding of various concepts, such as democracy, state, etc. *Mētis* as such provides the knowledge necessary for individuals in various social groups to coordinate around specific aims and ends. In addition, *Mētis* has to be aligned with formal institutions otherwise they will fail. In this paper, I try to explain how nationalism became a part of the Czech culture and how it was

preserved over time. In this respect, the relation of culture (in the narrow and the broad sense) as a component of *Mētis* to the organization of state and political institutions, is of high importance because nationalism is interlinked with other phenomena like populism leaning towards authoritarianism (Bieber 2018, p. 522). In other words, if formal institutions are to be aligned with culture, they should also bear specific cultural features. This conclusion brings political consequences.

Of course, the debate on nationalism is global. For example, Hazony (2020, p. 1) discusses the turn towards nationalism in Britain and in the United States. He claims that while many people are worried about this development, nationalism has some virtues too. This is, of course, informed by his understanding of nationalism as the opposite of imperialism and globalism (Hazony 2020, pp. 3, 6). In his view, the nation is a natural grouping of several tribes with a common language, religion and history of *acting as a body*. He even claims that the ideal of the national state is promoted in the Bible, and that the members of a nation should regard one another as brothers (Hazony 2020, pp. 18-19, 225-226). In contrast, liberal theories cannot provide any sense of nationhood, while he insists that "each of us in fact wants and needs something else in addition; which I suggest we call collective self-determination: the freedom of family, tribe; or nation. This is the freedom that we feel when the collective, to which we are loyal, gains in strength; and develops those special qualities and characteristics […]" (Hazony 2020, p. 9). While nationalism should be a *natural position*, according to Bieber (2018, p. 537), there is no clear evidence that nationalism is on the rise globally despite the fact that there are many countries where we can observe the rise of nationalistic politics expressed by the rise of new nationalistic parties, the success of nationalist candidates or the shift of public discourse established parties.

Whether on the decline or on the rise, it is not my ambition to elaborate on the world-wide level of nationalism. Rather, I focus on the causes and mechanisms of the persistence of nationalism. I will try to illustrate this mechanism using the example of the Czech Republic, the former Czechoslovakia and Czech lands. However, this mechanism might be potentially applied to other post-communist countries because the formal institutional framework imposed by the Communist parties in the Eastern bloc affected informal institutions and culture (in the broad sense). The relation between cultural nationalism and communism will be discussed in Section 3, but simply said, the argument emphasizes the collectivist nature of both nationalist and communist culture. In this respect, a cultural argument might be developed for example in the case of Poland, where Jaroslav Kaszynski promoted the collectivist "Christian nationalist" value system (Magyar and Madlovics 2020, pp. 65, 190). In Hungary, the rise of nationalism is usually understood as a consequence of the Treaty of Trianon (Magyar and Madlovics 2020, p. 596), but it might have deeper causes. There is also potential to study Ukrainian nationalism which is often discussed with reference to the 2022 Russian attack. While it is usually argued that the motto "Glory to Ukraine" has its origins in Stepan Bandera's nationalistic movement, its origin is in the 19th century cultural sphere (see for example Shevchenko 1860). Slovaks, as explained by Hilde (1999, p. 649), understand themselves as an interdependent cultural unit from Czechs. Moreover, the proposed historical-cultural mechanism can be potentially used for the explanation of nationalism within so called "collectivist" societies or countries (today's developing countries). As Greif (1994, p. 913) explained, the structure of such societies is segregated in the sense that individuals socially interact mainly with the members of a specific ethnic, religious or familial group. These societal structures reflect specific cultures (Greif 1994, p. 914) and thus provide potential topics for further historical-cultural analyses.

The proposed mechanism should also be able to explain the political consequences observed in the past, which have persisted until the present day. When talking about past political consequences, I would especially point out the forming of the independent Czechoslovak state after 1918 and then the fall of the democratic regime in 1948. Of course, I am aware that the mechanism is not the only one that can explain the aforementioned historical events, but it brings a deeper understanding of these events. The same applies for current events; consider the recent debates over Czech nationality and whether it should be returned back to the constitution as a state-building principle or not. I will also elaborate on the observations outlined in Bieber (2018, p. 537) in the Czech Republic, especially the latest trends in the 2021 election with an

emphasis on the shift of the public discourse of established parties and the rise of new nationalistic parties. Moreover, the global Covid-19 pandemic and the increased anti-foreigner sentiments could play an important role here (Bartoš, Bauer, Cahlíková and Chytilová 2021, p. 10).

2. NATIONALISM AND CULTURE

The Czech National Revival movement in the 19th century is a natural starting point for the study of the roots of Czech nationalism. In this section, I will describe how Czech culture was intentionally built and promoted. Quite paradoxically, the Czech National Revival movement followed German philosophy and culture. Johann G. Herder's ideas played a crucial role here. In his understanding, culture is always a national culture and as such, culture is the framework of all the values; it is *Volkgeist*—the spirit of the people. But, what creates *Volkgeist*? In Herder's opinion it was folk literature, poetry and other forms of folk art (Blažke 1999, pp. 29-30) that gave rise to this phenomenon. Inspired by Herder, the Czech National Revival relied on collecting folk art and creating a positive image of Czech history and a well-developed culture.

In the first wave of the National Revival (turn of the 18th/19th century), authors focused primarily on the defense of the national language by trying to show that the Czech language and its expressive abilities were comparable to other languages of nations with 'developed' culture. These authors wrote mostly textbooks and dictionaries, for example: *The Defense of the Slavic languages (especially Czech)* (1775) written by Bohuslav Balbín; *The History of the Czech Language and Literature* (1792) and *Grammar Textbook of the Czech Language* (1809) by Josef Dobrovský; *The History of the Czech Literature* (1825) and *Czech-German Dictionary* (1839) by Josef Jungmann. As Rádl (1909, p. 522) explained, the emphasis on language led to debates as to whether there is also a specific Czech culture and Czech science. "Czechness" was equal to "Czech language" which meant common history and roots. Both culture and science were *organically* connected with language and history. The German *Naturphilosphie* played its role here as well. While in Germany there was an attempt to Germanize Latin scientific terminology, there were similar attempts in the Czech lands. "National life was resurrected via science; while poets wrote about scientific mysteries, scientists like Purkyně[1] wrote poems", Rádl (1909, p. 529) ironically commented on the first wave of the revival movement. It is also worth mentioning that Purkyně used Darwin's work to explain the animosity between Czechs and Germans. In addition, another biologist Frič studied "Czech biology".

In later stages of the National Revival, these ideas were preserved, but the authors focused more on creating a positive picture of Czechness. In fact, it did not matter whether this picture was true or false. For example, Jan Kollár, one of Herder's followers, tried to create a picture of peace-loving Slavs that was obviously false. He also expected that Czech/Slavic culture would become the Europe-leading culture and "its science and folk culture would be popular from the Elbe to the Seine" (Kollár 2011, p. 47). According to Blažke (1999, p. 73), Kollár's ideas became the leading ideas of national collective memory/culture. In trying to build collective memory, his work was more history-oriented. Černý (1995, p. 19) understood his approach as "one huge historic nostalgy" rooted in the Czech feeling of inferiority. In addition to Kollár's picture of peace-loving Slavs, František Palacký, another one of Herder's followers, described the "Slavic spirit" as a "spirit of democracy" (Havelka 2001, p. 36). How this idea of a democratic spirit affected the presidents of independent Czechoslovakia will be shown later.

The democratic spirit and the peace-loving culture were not the only ideas that were preserved in the Czech intellectual environment. For example, Josef Kajetán Tyl also emphasized social aspects in his drama *John Huss* (1848). It did not matter that the drama was not historically accurate (Novák 1946, p. 234), but Tyl was able to present Czechs as radical democrats in the socialistic understanding of this term. This means democracy was not meant only as a political system; but economic too; including the democratization of property, for example. In this respect, John Huss was later pictured as the first Czech socialist/communist.

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1   Physiologist, anatomist, biologists.

The continuity of democratic-nationalistic-socialist ideas in Czech culture are quite visible. Of course, it is necessary to understand the mechanism of how these ideas were preserved.

From what has already been said, the transmission mechanism starts with the intentional building of national culture and science. At this stage, I refer to culture in the sense of various forms of art, especially literature, poetry and plays. However, these artistic forms intentionally bore specific values in order to raise national awareness. Thanks to the intentional, everyday exposure to these ideas and values (in schools and public events), these ideas and values became culture in the broadest sense: shared knowledge, beliefs, values and attitudes. I especially want to emphasize the understanding of democracy which was embedded within the National Revival movement, explained in *organistic* terms under Herder's influence. Moreover, consider Tyl's drama, *John Huss*. Not only did it bear democratic-nationalistic ideas, it emphasized social questions as well. Later, John Huss's movement became a symbol of socialistic-nationalistic-democratic values of the Czech people not only by democratic parties; but by the communist party as well.

While the National Revival played a crucial role in establishing "national ideology", the ideology was fully politically utilized after the birth of the independent Czechoslovakia in 1918. In the following sections, I focus on the nationalistic ideas in Czech thinking as well as the political consequences of the post-war periods (1918-1938; 1945-1948). The emphasis will be focus on the ideology promoted by the first Czechoslovak president Masaryk and his successor Beneš. They intentionally sought to create a convincing popular narrative explaining the past (with the emphasis on the Czech relation to the Germans) and linking it to the building the post-war states, the new, 'purer' nation states (Wingfield 2000, p. 246).

3. NATIONALISM AND THE BIRTH OF THE CZECHOSLOVAK STATE (1918)

The First World War and the fall of the Austrian Empire in 1918 led to the declaration of Czechoslovak independence and the creation of a new state. Despite the fact that we can hardly talk about a nation-state at this point, there were attempts to create an illusion that Czechoslovakia was somehow homogeneous. Firstly, Edvard Beneš (1918, p. 12) tried to downplay the issues with minorities claiming that there were 12 million Czechoslovaks in the newly created country. In fact, the official statistics were very different. According to the statistics from 1921, there were 13,6 million inhabitants in Czechoslovakia of which 6,79 million were Czechs, 1,97 million were Slovaks and the rest of the population were minorities, mostly of German nationality (Hájková and Horák 2014, p. 301). Secondly, the fact that there were almost 3 million Germans in the former Czech lands (without Slovakia) led to the need to create the idea of "Czechoslovakism", legitimizing the joint state of Czech and Slovaks and to define the relation to the German minority (Hudek, Kopeček and Mervart 2019).

Addressing the "Czechoslovak nation" for the very first time, President Masaryk defined the relation to the German minority as follows: "When talking about Germans in our countries, our program is well-known—the land inhabited by Germans is our land and will remain ours […]. I repeat, we created our state and defined the legal status of our Germans which originally came to our country as colonists" (quoted in Rádl 1928, p. 205). While the basic rights minorities were protected, their participation in the organization of public life was limited. In other words, the legal and political system prevented "the tyranny of the majority" but definitely did not, and could not, solve the deeply rooted antagonism between Czechs and Germans (Rákosník and Noha 2012, pp. 219-221).

President Masaryk's statement illustrates quite well how the concepts of nation and nationality were transformed into the concept of state. It can, of course, be understood as a political consequence of culture since nationalism was an integral part of narrowly conceived (literature, science) and broadly (*Mētis*) conceived culture as described above. In this cultural setting, there was almost no distinction between nation and state which can be illustrated via Czech antagonism towards Germans.

3.1. German Origins of Czechoslovak Animosity Towards Germans and Their Political Consequences

From the political proclamations made by top politicians like President Masaryk or Edvard Beneš, it seemed there was an unbridgeable gap between Czechs and Germans. Martin Myant (1981, p. 7), a Scottish historian, described the new Czechoslovakia as an "Anti-German State" because of the intellectual direction set by first two presidents Masaryk and Beneš. According to both Masaryk and Beneš, to be a Czech was the antithesis to being a German. Moreover, there were specific values hidden behind the concept of "Czechism" and "Germanism". While "Czechism" represented positive values, such as social progressivism, a democratic way of life and the rule of reason, "Germanism" represented the ideal of *junker* capitalism, imperialism, rule of sentiments, etc. (Brenner 2015, p. 195).

The aforementioned perception of Germans was based on the "official" interpretation of Czech history created mainly in the National Revival period and politically utilized after the creation of the independent state, but even in the very first Czech-written chronicle from the beginning of the 14th century, *The Chronicle of Dalimil,* there were strong cultural-nationalistic tendencies and elements of anti-Germanism. It is important to note that there were three versions of the chronicle—Latin, German and Czech. The characteristic feature of the Czech version is its understanding of "foreigners", which differs from the Latin and German versions. "Foreigners" are interpreted only as Germans, but, even more importantly, this term only refers to Germans living and coming to the Czech lands as colonists; not Germans living in Germany or anywhere abroad (Uhlíř 2015, pp. 13-14).

According to the "official" history, this perception was also preserved during the period of Charles IV (1316–1378), John Huss's era and all the oppression by Germans which culminated after the Battle of White Mountain (1620) when Germans/Habsburgs took control of the Czech lands (Uhlíř 1944, pp. 5-7). John Huss's era also played a crucial role when forming Czechoslovak democracy after the birth of the state. The Hussite movement was interpreted as the precursor of people's democracy, and the creation of the independent state in 1918 and also in 1945 understood as its restoration.

A crucial point of this official history was that the Czech-German animosity was not caused by oppression during their shared history but by the *innate instincts* of both Czechs and Germans (Beneš 1916, pp. 2-3). In other words, as explained by Presidents Masaryk and Beneš, the official history claimed that the differences and animosities are given by nature, i.e. by different nationalities.[1] Especially Edvard Beneš's explanation of the concept of Nation is worth mentioning. I am intentionally using Masaryk and Beneš as examples since their ideas had real effect upon the policies of Czechoslovakia and thus "normalized" these ideas. Moreover, both became personified symbols of the independent state.

On Beneš's understanding, when studying nations and nationalities, we have to start with racial issues. In his own words, "the basis for all national differences and nationalities is always race" (1909, pp. 1-2). To be more precise, the nation is formed by the blood-kinship starting with the family. As the family distended and personal ties weakened, tribes were created. And all tribes from the original family created a *Nation* (Hájková and Horák 2014, p. 98). Beneš continued his argument by mentioning that this knowledge of kinship and blood-relation is always supported by other features: members of a nation understand each other, due to the same language. To sum it up, the (natural) nation was interpreted by the blood-kinship with the common external sign in the form of a language. Of course, as Beneš realized over the course of history, no natural nation preserved its pure form. During the interaction of natural nations, so-called *artificial* nations were created. These artificial nations were represented not only by features like race and language, but also by shared history in the form of habits, traditions and national culture. While the identification of the members of natural nations is quite simple, the identification of the artificial nations has to be recognized via sentiments. In other words, the questions "Am I Czech?"; "Am I German?" or "Am I Jewish?" can be answered only via a sense of affiliation to a specific national culture (Beneš 1909, pp. 1-2). This does not mean that one can choose their nationality freely. As Beneš claimed, "In every case, we cannot talk about Czech Jews, German Jews, etc. […] Everyone can only be either a Jew or Czech. I am either Czech with all my sentiments and existence, or I have remains of Jewishness and then I am not a Czech" (Hájková and

Horák 2014, p. 82). Moreover, according to Beneš, there was no culture other than national culture and only through the nation does culture became humane (Kessler, Pehr and Vašek 2015, p. 73). The strong elements of cultural nationalism are clearly visible.

Up to this point, I've only addressed the general concepts of nations and nationalities as explained by Czech leaders. The real issue here is that these concepts were also applied to the concept of the State. "The nation and the nationality are huge spiritual and cultural values and untouchable factors of modern state life and statesmanship […]," Beneš (2005, p. 66) explained the role of nationality in the concept of the State. It is also important to note that Beneš admitted that Czechs adopted the concept of the relation of culture, nation and the state from Herder, who influenced the Czech National Revival as mentioned above.[2]

The blurred concept of the Nation and the State will be analysed in the next sub-section.

3.2. Nationalism and the Concept of Democracy

In the previous section, I explained that the basis of Czech animosity towards Germans was deeply rooted in the Czech concept of nation and culture. It is quite anecdotal that these concepts were mostly influenced by Germans, and therefore the Czech animosity towards Germans was of German origin. This is illustrated by Czech historian Jan Tesař (2014, pp. 144-145) who ironically summarized Czech animosity towards Germans during World War II the following way: "The Czechs hated the Germans not as the representatives of the occupational regime, as oppressors, Nazis and Henleiners, but simply because they were Germans."

In this section, I elaborate briefly on the relation between the concept of nation and democratic state because there is, of course, different versions of the concept of democracy. Various states can be considered as democracies, but the organizational principles may differ.

The constitution usually sets the fundamental principles of State organization and determines how the State is governed. The original Czechoslovak constitution can be used as an example of deeply rooted ethic nationalism. When writing the Czechoslovak constitution, the original idea was to use the basic principles of the constitution of the United States of America, but there are significant differences even in the preamble. While the American constitution emphasizes the general ideals of justice, defence and welfare for all people, the authors of the Czechoslovak constitution were not able to transform these ideals into the Czechoslovak constitution. The famous "We, the People of the United States […]" was replaced by phrase: "We, the Czechoslovak Nation, in order to strengthen the perfect unity of the Nation […]" (Rádl 1928, p. 100). According to Rádl, even President Masaryk, recognized as a great humanist, was under the influence of so-called tribal nationalism. Let us recall his statement in which he claimed that "this land is ours". Moreover, he understood the State as the "uniformed organism with one (Czech) language". These principles were, according to Masaryk (1930, p. 528), the best expression of democracy. In other words, the State was the "Czechoslovak state" only for "Czechoslovak nationality" which arose from two tribes—Czechs and Slovaks. For all other nationalities, it was not possible to be an integral part of the national state although they were allowed to be minorities within the State. Rádl summarized that tribal nationalism was much stronger in Czechoslovakia than in Germany because the Czechs were not able to distinguish between the Nation and the State (Rádl 1928, p. 100). When using Czechoslovak historical terms, one needs to distinguish between American democracy, which was based on *contractual principles* (i.e. *contractual democracy*) and Czechoslovak democracy, which was strongly influenced by German democracy based on the *organistic principles* (i.e. based on ethnicity and national culture).

There were, of course, political consequences both during the First Republic and during the period after World War II (so-called Third Republic). Right after the birth of the State, the debate about the rights of minorities took place. While Woodrow Wilson's famous principles of national self-determination were commonly accepted, there were several exceptions for the German and Hungarian minorities living in Czechoslovakia. For example, the Prime Minister Karel Kramář claimed that he fully respected self-determination according to national principles, but these principles could not apply to Germans because they were "only colonists" (Peroutka 1991a, p. 305). The famous Czech journalist, Ferdinand Peroutka (1991b, p.

707), argued that the limitation of the German right to self-determination was necessary due to economic reasons. Since Germans, as a minority, had their own state right next to the Czechoslovak state, self-determination was understood as a threat to the Czechoslovak economy. Moreover, Edvard Beneš and Rudolf Bechyně (a social-democratic politician), argued that the self-determination of the Germans would be unjust because their position and economic wealth was created by the Czech proletariat. A similar position was taken by President Masaryk (1930, pp. 703-704, 825-826). He added that the limitation of self-determination of the German minority was a matter of "historical rights" (Masaryk 1930, p. 525). On the other hand, when arguing against the self-determination of the Hungarian minority in Czechoslovakia, Masaryk and others were using natural rights arguments (Peroutka 1991b, pp. 706-707). Finally, it was admitted by President Beneš that the Czech "immaculate democracy" was not always fair to minorities (Kessler, Pehr and Vašek 2015, pp. 14-15).

Quite paradoxically, the aforementioned approach turned against the Czechs as well. During the Czechoslovak census of 1921, citizens had to choose their nationality, but the term nationality was not clearly defined. There were Czech-born citizens who self-determined themselves as Germans because their husbands/wives were German. They were speaking German at home and their kids could speak German better than Czech. However, the census commissioners did not accept such answers and these people were sentenced to prison for "lying" that they were German or selecting an "inappropriate nationality" (Kladiwa 2014, pp. 89-116). When preparing the census, there was an agreement to determine the nationality via native language, but there was a change in the very last moment stating that the nationality should be determined "directly" (without a clear definition of what "directly" means). Language was still understood as the main feature of nationality. This fact led to confusion and some people thought they could freely select any nationality they preferred. The disputable cases were decided in many ways by the census commissioners and the courts, but the decisive principles were of ethnic and racial origin. For example: 1) who speaks better Czech than German is Czech; 2) who was born to Czech parents is Czech regardless the language; 3) if the father is German and mother Czech, the children are Czech; 4) anyone with a Czech-sounding name is Czech; 5) physical appearance matters—there was a difference between a Czech and German "face", etc. (Rádl 1929, pp. 47-48).

Moreover, Czechoslovak ethnic nationalism turned against Jewish citizens as well. In both the first and the third republics, the Jews were understood to be bearers of foreign culture and a threat to the national revolution and the national state (Strobach 2015, pp. 68-76). While after the First World War the major threat was seen as Jewish bolshevism, right after World War II, Jewish citizens were associated with a German type of capitalism. As Brenner (2015, pp. 167-168) explains, there was something like a parallel between the words "German—Jewish—capitalist" after World War II. During the periods after both wars, the aim was to eliminate all possible undesirable threats to national culture and in this respect, Jewish loyalty to the Nation and the State was perceived as rather low (Frankl and Szabó 2015, p. 123). For example, when discussing the restitution of Jewish property after World War II, the communist minister Nosek expressed himself as follows:

> Not only will we deal with the enemy who harmed and destroyed our Nation in cooperation with Hitler, but we will also deal economically with those who subverted our national existence through the Germanization and similar acts, even though they did not cooperate with the Nazis. […] Some of them were imprisoned because they were of Jewish origin and therefore also suffered under the Nazi terror, but we must also examine how these individuals behaved during the (first) republic, and if they Germanized or supported German schools, their property should belong the State and therefore must be confiscated (Brenner 2015, pp. 167-168).

Sergej Ingr, a minister in Beneš's London government in exile, had a similar approach. On the one hand, he would allow Jews to move back to Czechoslovakia, but on the other hand, he would not allow access to their properties confiscated by the Nazis (Němeček et al 2014, p. 475). According to general percep-

tion, the Jews could not contribute to rebuilding the Czechoslovak state after World War II because they were just traders of dubious morality. Moreover, that someone was imprisoned in a concentration camp did not automatically indicate that he/she was a State-reliable person (Němeček et al 2015, p. 783).

Czechoslovak nationalism also had its "economic" features as well. Right after World War II, there was a consensus of opinion that Czechoslovakia should find its own specific brand of socialism. Even the Communist Party, closely cooperating with the Soviet Union, refused, at least officially, a simple overtaking of the Soviet experience with Marxist socialism. On the contrary, the Communist Party agreed that Czechoslovakia should choose its own national way (Marjinová 1997, p. 455). They even tried to convince people that the Communist Party followed up Masaryk's humanitarian and democratic principles (Rataj 2003, p. 23). Klement Gottwald, a communist leader, claimed that the first post-war task was to complete the national revolution, not the socialist one (Gottwald 1949, p. 382). This illustrates just how deeply Masaryk's ideas were rooted in Czechoslovak society, so much so that even the Communist party could not reject these ethnic-nationalistic tendencies.

President Beneš and his Czech National Socialist Party also followed Masaryk's legacy. The party's programme was based on the so-called inseparable trinity—Socialism, Nation, Democracy (Kuklík 2010, p. 283). One of the party members, František Kovárna, emphasized the role of the Nation in the future socialist development in Czechoslovakia. "We are not praising nationalisation as nationalists but as progressive socialists who know that the path to humanity in inseparable from the Nation and only via Nation it is natural and fruitful" (Kovárna 1946, p. 9). Moreover, fully in line with President Masaryk, President Beneš also understood nationalism as an "antechamber" of humanity and freedom (Hník 1946, pp. 89, 104). While the party agitated for socialism, they refused Marxism partially because of Marx's German nationality. As Petr Zenkl, the leader of the party, reminded: "The Czechs basically have to decide between two types of socialism—between Marxism and [Czechoslovak] National Socialism. Marx was of German origin and what remained from his teaching is still close to the German soul" (Zenkl 1946, p. 1; see also Osuský 1925, pp. 30-31).

What is even more important is that President Beneš and the Czech National Socialist Party underestimated the economic problems of socialism simply because they just believed that the specific national characteristics of the Czechoslovak people were fully sufficient to make socialism viable.[3] Brenner (2015, p. 100) summarized that the socialism of the Czech National Socialist Party was something like an *organistic fantasy* (using Rádl's term)—Czech society freed from national enemies, social injustice, and ideological fragmentation. Their ideal of national homogenous commonwealth was deeply rooted in the 19th century's nationalistic-psychological debates about the characteristic features of the Czech nation.

It is also important that Klicperová and Feierabend (2007, pp. 125-126) claim that ethnic nationalism, which was characteristic of Czechoslovakia, was incompatible with a democratic system. While I have interpreted the failure of Czechoslovak democracy as an issue of the incompatibility of the political (democratic) system with the economic (socialist) system (Nikodym 2020), my claim can be supplemented by Klicperová's analysis. In this sense, it might be understood as one of the political consequences this paper deals with. To be more precise, I do not claim that it was only ethnic nationalism that was responsible for the fall of the democratic regime in 1948. My point is rather that these were the specific features of Czechoslovak democracy and its *organistic* understanding, which undermined democratic principles. While ethnic nationalism could not be responsible for the fall of the post-war democratic system on its own, it can be understood as one of the small pieces which led to the destruction of democracy. As explained by Rádl (2003, p. 100), for example, ethnic nationalism and its principles are not compatible with individual liberty and its intellectual principles, which are overlapping with the democratic principles in modern understandings of the term. These are mainly an individual's independent mind, freedom of choice and conscience. In an *organistic democratic* state, these principles are suppressed in the name of the affiliation to the nation and the individual is defined only by this affiliation, as seen by the quote below:

Freedom! Freedom! Three hundred years of chains are broken, people shouted in the streets and read in the news. Three hundred years of the nation's bonds, the nation's freedom…what is this Nation? A natural force? National instinct? The heritage of ancestors? And lost in this freedom of nation, man wanders […] freedom of the nation! Be it, but what about your own freedom? Freedom of your neighbour? Didn't you forget it? (Rádl 1928, p. 101).

This quote illustrates the suppression of individualism, the lack of confidence, the submissiveness, and the commonly shared belief that the world is ruled by effects outside the individual's own will and control. This is also in line with so-called "totalitarian" and "post-totalitarian syndrome" which was, according to Klicperová-Baker and Feierabend (2007, pp 71-72), typical for the Czech society during the communist and post-communist period—but I argue that it is actually a syndrome of the collectivist culture. One of the features of both syndromes is generalized distrust and the lack of commonality outside one's own social group. Moreover, one of the crucial features of post-totalitarian syndrome is the very simplified understanding of the world which leads to populism, xenophobia and strengthened nationalism.

4. COMMUNIST REVOLUTION: BREAKING THE CHAINS WITH THE PAST?

It might seem, at first sight, that the communist revolution simply meant to interrupt the continuity and set a new path for development of the country. In the communist revolution in Czechoslovakia of 1948 that was not that case: the ethnic/cultural nationalistic features rooted in the culture are of a collectivist nature. The same applies to communist ideology. In this respect, Rádl's aforementioned quote is quite important because it indicates the position of the individual within the State organized on *organic* principles. The individual is defined by an affiliation to a nation which is the highest principle in the organization of social life. As already mentioned, according to President Beneš, this affiliation cannot be denied by the individual because these features are given by nature and culture. As Rádl explained, the connection between socialism, fascism and national socialism lies in this conception of the state and the role of the individual within the state (Nikodym 2020, p. 50). The role was basically the same, but the justification differed: while in one system the highest principles were that of ethnic origin and national culture, in the second one it was an affiliation to social class.

From this point of view, Rádl's explanation was quite close to the interpretation later provided by Hayek (1964, pp. 191-206; 1976, pp. 167-180), who claimed that all forms of socialism regardless the ideology (national, communist/international), are of collectivist nature. Hayek tracked the history of this thought especially back to Hegel and later to Comte who, according to Hayek, even surpassed Hegel and claimed that only society as a whole is real, and the individual is only an abstraction (Hayek 1964, p. 198). Moreover, the role of Herder, who influenced not only Presidents Masaryk and Beneš, but also the Czech National Revival movement, is clearly visible in Comte's work because Comte understood himself as a follower of Herder (Hayek 1964, p. 248).

In this respect, even the communist revolution in 1948 did not break chains with the past and was fully in line with the collectivist nature of Czech culture where the individual was identified via affiliation to the nation / class. If this was true, then the roots of Czech culture were not questioned during the whole communist era because there was no possibility to reconsider the past and the culture, and there should have been consequences even after the fall of the communist regime.

A similar development can be observed in the former East Germany. Like the Czechs, the East Germans did not have a chance to reconsider their culture which they probably had in the former West Germany after World War II. Today, we can observe the success of the nationally-oriented *Alternative für Deutschland* party, way bigger in the East than in the West (Pesthy, Mader and Schoen 2021, p. 70). Also, the level of nativism, i.e. protecting the interests of natives over foreigners/immigrants, is significantly higher in the former East Germany in all age-categories (Pesthy, Mader and Schoen 2021, p. 85). The Czech election results will be discussed in the following sections.

Not only was communism and its culture not in contradiction with the Czech culture, but in fact it could strengthen the nationalistic effects of culture. As Berggren and Jordahl (2006, pp. 144-149) explained, there is causal effect going from the institutions of the free society to (generalized) trust, when one can trust people he/she does not know or know anything about. Since a communist society, according to the approach used in this paper, can't be understood as a free society, it has, in fact, a negative effect on trust in society. Together with nationalistic culture, the effect of communism even strengthened the distrust of unknown and foreign people. Let me also reiterate the totalitarian and post-totalitarian syndrome of Section 3 which seems to be in line with Berggren's and Jordahl's causal interpretation.

5.   A FEW NOTES ON CZECH LIBERALISM

Before I move my attention to the contemporary trends, let me briefly comment on Czech liberalism (in the classical understanding of this term). On the historical example of Karel Engliš, one of the prominent liberals, I will try to illustrate how the cultural nationalist features were present even in the classical liberal thought. However, it should not be surprising since Czech liberalism was historically tightly linked to the ideal of political self-determination (Šíma and Nikodym, 2015, p. 275).

Nonetheless, let me start with an etymological note which can partially explain the Czech inclination towards nationalism. Language, as an integral part of culture, may affect the social development in specific language areas. Some examples include the paper by Bergh and Bjornskov (2011), which shows how language affects social trust, or the paper by Chen (2013) which explains the country differences in rate of savings by the number of tenses in specific languages. According to Brouk (2011, pp. 27-28), the Greek and Latin word for *Liberty* was derived from the Indo-Germanic word *leudheros*. In its original meaning, the word *leudheros* meant "arising from the tribe", or "from the nation". In German and Slavic languages, this word did not transform into the word "liberty", but into "people" (*Leute* in German, *lidé* in Czech), while, as mentioned above, in Latin it was transcribed as *liber/libertas* and was later used in various modern Romance languages. From English, we also know another term for *Liberty* with a Germanic origin: *Freedom*. As Brouk explains, its origin was in the Indo-European word *pri* which meant "to love", but in German "to love" was related only to the members of the family, tribe and nation. Moreover, the same applies to the Slavic word *svoboda,* which was derived from *svůj* meaning a relation to family, tribe and nation. Not only is this fully in line with the intellectual environment described above, but these features can also be found in the works of Czech liberals.

For example, Karel Engliš was, and in fact still is, rightly considered one of the prominent classical liberals (Nikodym 2020, pp. 89-90; Šíma and Nikodym 2015, p. 278). Nevertheless, even in his work are we able to find significant features of ethic nationalism. "The nationality is a mighty state-forming component", Engliš stated (1923, p. 3). What is more important is that even in his understanding, nationality was based on the blood relations of its members and common culture. He interpreted culture not only as common history (determined by a racial basis), old national literature, etc., but also as the contemporary feature of a nation. The nationalistic feeling, Engliš claimed, is one of the deepest and the most powerful sentiments which could control men's behavior. All the other sentiments such as family love, material needs and even the love of an individual's own life is subordinated to the love of the Nation. To secure the harmonic development of national culture, Engliš (1923, p. 7) believed that the Nation needs its own State, through which the Nation cares for its national culture. There was, according to Engliš, an indivisible relation between the Nation and the State. Moreover, when Engliš was talking about protecting culture, he had in mind not only culture in the broad sense, but also in the specific sense of folk art, music, folk costumes, architecture and social manners (Engliš 1923, p. 11). One can argue that Engliš's statements were made during a euphoric time just after the birth of the independent state; but when reading Engliš's work carefully, it is obvious that he was consistent throughout his career. In his book called *The Eternal Ideals of Mankind,* written in 1956, Engliš distinguished between various forms of government via the relation of the nation and the state. If a nation rules itself, it is democracy, while if the nation is a subject to another's rule, it is tyranny, dictatorship or au-

thoritarian regime (Engliš 1992, pp. 115, 142). The nation, as an ethnic and cultural commonwealth of people, has to be protected by the national state. National self-determination was, according to Engliš (1992, p. 142), possible only within the national state.

In addition, it is understandable that after the First World War Engliš had a deep respect for President Masaryk, who already became a symbol of the Nation during his presidency. He was one of members of parliament who proposed the establishment of a Czech-speaking University in Brno and named it after President Masaryk. As described in the document deposited in the foundation stone of the University, the University should, among its other aims, foster the scientific and cultural development of the Nation and the State (Engliš 2021, p. 25). In his memoirs, Engliš reminisced about his talks with Masaryk as follows: "When I talk to the president, I feel like I am talking to God" (Engliš 2021, p. 50). Of course, this deep respect for the president cannot fully explain the elements of ethnic-cultural nationalism mentioned above, but together with his understanding of the relation of the Nation and the State it indicates that these ideas were deeply rooted even in the mind of a prominent liberal.[4]

It is also worth mentioning that Engliš is considered to be one of the members of the so-called *Bráf's school* because he was a student of the "first Czech economist" Albín Bráf. Both Bráf and Engliš believed there were collective agents (social entities/organisms) that had their own will. In Bráf's understanding, social organism was not just an aggregate of individuals but some kind of *higher entity* (Gruber and Horáček 1913, p. 11; pp. 18-19; Bráf 1908, p. 6). In this respect, both Bráf and Engliš rejected the individualism of the Austrian school, while they are still often associated with the school; Bráf is often linked to Menger (methodologically) and Engliš to Hayek and Mises (through teleology). Bráf in fact emphasized the necessity to *create* the nation and to organize its economy on national principles and to limit German influence over the Czech nation. The similar applies to another Czech economist, František Čuhel, who was widely recognized by the members of the Austrian school including Böhm-Bawerk, Mises, Robbins and Machlup (Hudík 2007). He is currently often considered a liberal just because of his recognition by the members of the Austrian school. He is, for example, listed in the book called *Enemies of the State* (Tětek 2021). In fact, he was an economic nationalist and tried to diminish German economic influence via nationalization (Jančík and Kubů 2011). Even contemporary liberals are probably trying too hard to find some "national liberal heroes."

6. CONTEMPORARY TRENDS

In the introduction, I mentioned hostility towards foreigners during the Covid-19 pandemic (Bartoš, Bauer, Cahlíková and Chytilová 2021), but as Kliperová (2022) points out, the cultural setting of specific parts of the population affects other matters, such as willingness to be vaccinated or the propensity to believe in hoaxes concerning Covid-19. In her research, Klicperová discovered that the part of population, which identifies itself with the Slavic/Eastern culture, is about twenty percent less vaccinated than the part which identifies itself with Western democratic culture. In addition, people who identify themselves with the Slavic culture, are up to three times more prone to believing hoaxes (Dohnalová 2022). Finally, Klicperová put these trends together with the support of Czech political parties. People, who identify themselves with the Eastern culture are also voters of parties like *Free bloc*, *Tricolor* or *Freedom and direct democracy*—parties of a nationally-oriented inclination (Klicperová 2022). Leaning towards Eastern culture, Slavism and Putin's Russia are amongst the trends described by Craiutu and Kolev (2021, p. 820). In my opinion, this inclination lies in a similar cultural setting to that of the Eastern European countries. These are rather collectivist cultures with strong emphasis on the national element. As, for example, Verkhovsky (2007, p. 125) explains, ethnic nationalism is on the rise in Russia under Putin's rule. Some would rather explain the inclination towards Putin's Russia as nostalgia for the communist regime, but, in my view, it is a matter of cultural similarity.

Other contemporary trends described by Craiutu and Kolev (2021) are in line with Bieber's (2018, p. 537) conclusions about the rise of nationalism in some countries, especially in the form of the shift of public

discourse of established parties and the rise of new nationalistic parties. According to Craiutu and Kolev (2021, pp. 819-820, 822), it is surprising that many conservative thinkers, who defended constitutionalism and limited government in the past and who are currently loudly supporting *illiberal democracy,* come in fact from the Central and Eastern European region. In the Czech Republic, they are using Václav Klaus, the former president who openly supported free-market liberalism in the 1990s and turned into a sympathizer of far-right politics (for example the German *Alternative für Deutschland* party), Putin's Russia or Orbán's type of "authentic statesman who truly represents his nation." Even Hans-Olaf Henkel, one of the founders of the *Alternative für Deutschland* party who left the party when it turned openly racist and nationalistic, wondered how it was possible that Václav Klaus did not pay attention to the intellectual shift of the party from liberalism to racism and nationalism (Břešťan 2019). I have to emphasize that it is not my intention to suggest that this development is always necessary, but I claim that the cultural mechanisms described above can explain these "surprising" shifts in the intellectual development of people like Klaus. They simply recognized the cultural setting in society and tried to utilize it in politics.

An exceptional attempt to utilize the cultural settings in politics was carried out by the former Prime Minister Andrej Babiš. A few months before the 2021 elections, he published a book in which he aggressively tried to convince voters to vote for him and his party which he proudly calls "the movement". In this book, Babiš (2021) stressed the importance of national-cultural heritage and played on a very nationalistic note when opposing, for example, solidarity with immigrants. According to Babiš (2021, p. 8), these are people with "different thinking and culture" and anyone who supports immigration is "voting against one's own country." He also emphasized his own contribution when rejecting the migrant-quotas in the EU. "No! No!! No!!! […] Not even one migrant. Just NO," Babiš wrote (2021, p. 9) trying to arise fear amongst the voters.[5] Moreover, Babiš asked Viktor Orbán (2021, p.10) to write a note praising Babiš's anti-immigration policy: "It is clear that he [Babiš] is one of those who are not followers of any ideology which should save the World. He prefers simple things like Nation and Family." Moreover, he emphasized the financial costs of integration of immigrants into society and, while quoting the Dalai Lama, he proposed to send all immigrants to their former homes and to rebuild their own countries. Regarding migration, it is important to note that almost all anti-migration statements were against migrants from countries with "different culture", mainly Muslim countries. The usual argument is that different cultures are incompatible with each other and thus it is not possible to assimilate such migrants into society. When comparing different migration waves, there were striking differences, and not only in numbers. During the massive 2015 European migrant crisis, 1,235 migrants applied for asylum in the Czech Republic (Bourgeais and Juchno 2016, p. 2). While it was unacceptable for the majority of people to even imagine a peaceful cohabitation with a small number of Muslims, in the case of the migration wave from Ukraine due to the 2022 Russian attack, the reaction was completely: people were supporting migrants from Ukraine in various ways—from sending money and material help to offering accommodation in their homes. According to the statistics (Migrants in numbers, 2022) of *People in Need* NGO, over 300,000 migrants came from Ukraine to the Czech Republic. An explanation of this kind of extensive support was that these migrants are culturally closer to Czechs. However, when Ukrainian Roma people came to Czech Republic, the reaction was rather negative with reference to them being a different culture.

Babiš (2021, pp. 44-69) then moved his attention towards the demographic problems of Central and Eastern Europe. He showed that the low natality rates in the region, inspired by Orbán's birthrate measures, explained that an ideal family is a family of three kids, while at least 2.1 kids per woman would ensure that "the nation will not have died out." Finally, Babiš also emphasized the role of cultural heritage in both understandings used in this paper. Amongst others, he stressed the role of Charles IV who built famous castles, bridges and squares and also founded Charles University in 1348. According to Babiš (2021, p. 280) he also established "our national identity". In the following page (2021, p. 283), he highlighted the importance of the builders of the National Museum, who were "the biggest brains and talents of the nation, who fought for our national identity". To summarize the book as the core of the election campaign, it strongly emphasized the role national identity, national state and traditional values of the society. Why? In Babiš's case,

the explanation should be straightforward. While he is known as "the man of no values," he simply tried to utilize the cultural-nationalistic tendencies within the Czech society. It does not really matter whether he really believed in the national idea or not, he simply believed that this strategy would win him the election.

According to various pre-election surveys,[6] the voting potential of Babiš's party was about 30% before the elections, therefore he simply believed that these are the topics and ideas which are of interest for a large segment of the population. With the voting potential of the newly established nation-conservative and nationalistic parties (*Free bloc*, *Tricolor* party for which democracy is "a national matter" and seeks inspiration in Orbán's Hungary and conservative Poland) and the established parties with shifted public discourse (*Party of Free Citizens*, formerly classical-liberal/libertarian party) and already existing nationalistic parties (*Freedom and direct democracy*), the "nationally oriented election potential" was usually slightly above 40% from 2017 to 2021. The voting potential was almost fully utilized, as the parties together received 40.77 % of votes and Babiš's party had the largest number of mandates in the House of Commons. Moreover, one of the slogans of the Communist party was "Patriotism in not a crime". The communist presidential candidate also described himself as the "candidate of Czech Patriots". As in the 1940s, today's Communist party recognizes the cultural setting of the large part of Czech population as well.

Despite the difference among these parties, they have at least something in common; they are offering simple and fast solutions for all social problems. They are offering specific nationally-oriented types of policies; from anti-immigration policy to proposals of food and energy self-sufficiency. Bryan Caplan has noted that almost all democratic countries have policies that harm their own citizens; for example, protectionist and anti-immigration policies. This is because voters are choosing the parties and programs under false ideas of efficiency of these policies. Therefore, while some people criticize democracy because it *will not give people what they want*, according to Caplan (2006, pp. 1-4), democracy fails because *it gives people what they want*, even if it is a harmful policy like protectionism. If this is true, then nationalism has significant political consequences as shown in the example of 2021, when even "the man of no values" Babiš and his party recognized and tried to utilize the nation-oriented cultural setting. The same applies to the former classical liberals Klaus and Miroslav Ševčík, one of the founders of the Czech *Liberal institute* in 1989, who was a candidate for the *Tricolor* party in 2021 elections. When criticizing the anti-covid measures, Ševčík also used the aforementioned anti-Germanism so popular in Czech public debates: "Following Germany's or Austria's anti covid measures? Let me remind you of the history. Ševčík expressed himself (Tran 2021) as follows "Germans brought Marxism, Nazism and two World Wars to us. It is [in anti-covid measures] a German thing and it is used in the same way as the Nazi ideology. It is an ideology of covidism […]".

The question of Czech nationality was also discussed before and during the Senate election campaign in 2018. One of the candidates, a former dean of the Faculty of Law in Prague, proposed to return to the definition of "nation" as the basis for statehood back into the Constitution. He argued that even in the Czechoslovak federation, the constitution stated that Czechoslovakia was a state of two brotherly nations—the Czech nation and the Slovak nation. Moreover, he also referred to the aforementioned preamble of the first Czechoslovak constitution (Šulcová 2016). In addition, he argued that while the rights of minorities are protected in the Charter of Fundamental Rights and Freedoms, the protection of Czech nationality and Czech language is underestimated (Martinek 2018). According to Gerloch, this protection is even more urgent in a time of globalization and extensive migration (Veselovský 2016). When trying to explain why he proposed such a measure, Gerloch argued that it is unusual that everyone can freely choose whether to be part of the Czech nation or the national or ethnic minority. He stressed the importance of history and the contribution of Czech nationality to the building of the independent state. With a proper definition of Czech nationality and acknowledgment of Czech language in the Constitution, Gerloch believed that the Czech national identity would be restored: "The major impact of this change will be that we are going to realize that the Czech Republic is not only a sum of citizens, that means whoever is in any relation to the Czech Republic, but also that there exists a historical element—the Czech nation" (Janáková 2018).

7. CONCLUSION

In this paper, I've showed how nationalism, in its cultural/ethnic understanding, has become part of national culture, and how it has persisted over various historical periods and how it still has political consequences. The historical-cultural approach used in this paper can provide a deeper understanding of the persistence of nationalism. For example, Ochsner and Roesel (2020) show how an influx of Austrian Nazi extremists escaping from Soviet occupation zone to the American zone affected election results until the present time. This is an extremely valuable study showing the intergenerational transmission of values and beliefs, but it is rather limited to transmission within families and local party branches than within society via culture (Ochsner and Roesel 2020, p. 1138). Another approach to the study of nationalism was recently suggested by Jurajda and Kovač (2016). According to their study, names carry an informative signal about nationalist values. This approach focuses on cultural expression and religious identity through name choices rather than via the effect of culture itself. Given names can be also used as a measurement of the success of intentional nation-building policies as suggested by Kersting and Wolf (2021). The focus on nation-building by the elites is quite similar to the approach used in this paper, but I emphasize that the culture itself provides the basis for the elites' behaviour. Moreover, the latter approach does not attempt to explain the persistence of nationalism over time. In this respect, the historical-cultural approach used in this paper helps to explain it.

Regarding the nationalistic ideas of the Czech Republic, the cultural origins were identified in the intentionally built culture via various forms of folk art and specifically "Czech" science, and became politically utilized after the birth of the independent state after the First World War in 1918. Even the communist revolution in 1948 and the following 41 years of the communist era did not break the chains with the past and in turn the development of culture. On the contrary, it preserved its collectivist nature. In the euphoria after the fall of the communist regime, it seemed that the "national idea" lost its importance and transformed into civic nationalism (Klicperová 2007, pp. 126-149). But in the past few years, the "national idea" is slowly returning to its cultural understanding. It was shown how the "national idea" was utilized in various elections in the past few years. This utilization is probably a worldwide trend in the time of large migration waves (see the overview of literature on effects of migration in Gorinas and Pytlíková 2017, pp. 419-421) and worldwide globalization (see the overview of literature on effects of globalization in Rodrik 2021). These trends, globalization and mass migration, were discussed very critically in Czech public discourse and the contemporary trends are integral part of defensive response of Czech society. The reaction, due to the nationally oriented cultural setting, is very strong; one would say even inadequate to the actual state of affairs. Moreover, only the negative aspect of both globalization and especially mass migration are being discussed, while the positive effects are underestimated in public discourse (Stojanov, Klvaňová, Seidlová and Bureš 2021, p. 3). Adéla Jurečková (2020) asked, how it is possible that the hostility toward foreigners could come from any part of the political spectrum; from the right-wing openly nationalist parties to the left-wing Social democracy or Communist party. According to her explanation, aversion toward immigrants is rooted in the "post-revolution ethos of individualism". This explanation, in my opinion, is wrong and as argued in this paper, there is a strong nationally-oriented element with collectivist leaning in the Czech culture which could lead to the outcomes described by Jurečková.

Can cultural history also bring a better understanding of what nationalism is? Unlike other approaches, cultural history emphasizes not only the intellectual contributions of the elites, but also focuses on the shared values of "ordinary people". Nationalism/nationalistic thinking today is not fashionable among a few intellectuals, but it is deeply rooted in the shared values within society. In this respect, the cultural-historical approach is capable of building a bridge from the intellectual contributions of elites' intentional building of the national culture to the commonly shared and persistent values of society. It integrates culture in the form of folk art and science (culture in narrow sense), but also shared habits, attitudes, values or prejudices (culture in a broad sense).

NOTES

1   A similar point of view was also taken by Beneš' foreign biographers. From the biographies written by Compton Mackenzie and Edward Hitchcock it looked as if Beneš was born anti-German. Mackenzie (1947, p. 39) emphasied Beneš' nationalistic and anti-German poems written at a young age, his fights with German boys, etc. Hitchcock (1947, pp. 3, 23) also mentioned that "Beneš sounds like a good Czech name so everyone immediately recognizes that he's Czech," or that "[…] intact blood of his ancestors flows in his veins. Beneš is Slav and Czech.

2   See the detailed interpretation of Herder's work on the concept of Nationality see Iggers (1988, pp. 7-35).

3   See the debate over Czechoslovak socialism in Nikodym (2020, pp. 53-74).

4   As Krištofory (2017) points out, Czech historians of (economic) thought interprets Engliš' work in the Czech/Czechoslovak context. For example, his complex work was interpreted as the beginning of "the new era in the scientific work of our Nation". Also, his later student Vencovský understood Engliš' systems as the development of the original Czech system of economics. Kristofory (2017) adds that Engliš had close contacts not only with the younger German historical school, but also with people like Othmar Spann—an Austrian nationalist (as described by Weyr), who was Engliš' contemporary in Brno before the First World War. In his preliminary analysis, Kristofory shows the similarities in the works of Engliš and Spann, especially in the classification of the sciences and meaning of sociology (society/Nation as organism). Both authors referred to Georg von Mayr's *Begriff und gliederung der Staatswissenschaften. Zur Einführung in deren Studium* (1910). Later, Engliš referred directly to Spann.

5   As Mošovský (2021) points out, the debate about Czech migrant-quotas was completely overvalued. According to the quotas, 2,978 migrants moved to the Czech Republic, equal to 0.03 % of the population.

6   For the summary of the surveys see here: https://www.seznamzpravy.cz/clanek/pocitame-sance-kdo-vyhraje-volby-144566. The website contains surveys of surveys and election models as well as the overall election results.

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Artefacts of Culture: The Constitutional Theories of Edmund Burke and Benjamin Disraeli

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Abstract: Edmund Burke and Benjamin Disraeli defend an understanding of the English constitution that values culture and cultural history against the attacks of Enlightenment rationalists and utilitarians, which promote theories of abstract right and principle that disavow the impact of the particular development of polities and their peoples. One cannot understand the constitution of a country without recourse to the constitution of its peoples, and thus cultural history becomes more than a simple flourish on top of long political struggle. Engaging with Burke and Disraeli's constitutional defences, standing athwart English Romanticism, reflect a political understanding where constitutions can only be understood with recourse to culture, and thus constitutional history takes the form of cultural history, and vice-versa. In looking toward France, and especially the aftermath of the French Revolution, Burke and Disraeli find a constitution and politics that is completely alienated from French culture and cultural history, thus condemning it to failure, if not perpetual tyranny, and Disraeli extends this criticism to other countries, reflecting the pitfalls of blindly copying constitutions when culture cannot support it. Thus cultural history and constitutional history are deeply and fundamentally intertwined for Burke and Disraeli, and to understand one, it is necessary to know the other equally well.

I.   A CONSTITUTION OF CULTURE

How do we define what a constitution is? It seems like a rather obvious question to which a simple answer can be suggested: it is a set of agreed-upon laws stipulated for political societies as their fundamental rulebook. But such a barebones definition of a constitution is misleading and has formed the core of one of the oldest debates in the history of political philosophy, to which Burke and Disraeli make a valuable addition. The Victorian critic Matthew Arnold, to whom the pithy aphorism 'politics is downstream from culture' is often attributed, was far from the first to aver that politics was deeply intertwined with culture. What the dominant strand was and is, however, has been a matter of dispute for as long as Aristotle tried to define what a constitution meant in his *Politics*. Aristotle criticises Plato's *Laws* as containing "hardly anything but laws; not much is said about the constitution" (Aristotle, *Politics* II.6, 1265a1-2). In the fifth book of the *Politics*, dedicated largely to faction and revolution, Aristotle concludes that "the best laws, though

sanctioned by every citizen of the state, will be of no avail unless the young are trained by habit and education in the spirit of the constitution" (Aristotle, *Politics* V.9, 1310a14-16). The Aristotelian solution to the problem of defining a constitution and the role that culture plays in it, however, is lifelong education in the arts, which habituates the young and shores up the old, and makes culture the problem of the legislator (Lord 1982, pp. 35, 84, 154f). Politics existed within the substratum of culture, a tool that the legislator used in service of the ultimate goal—making virtuous citizens out of ordinary men. That is, for lack of a better phrase, the 'classical' solution to the problem we are faced with. History played no part in this solution, and attempts to incorporate history into the equation have oftentimes led to relativism through the historicising of every concept worth studying, thus confining it to the dustbin of irrelevance (Strauss 1953, pp. 120-64).

For Benjamin Disraeli and Edmund Burke, however, this was not an option; historicism would confine that which they treasured—custom and tradition—into the past, and take it away from the domain of the living. Burke and Disraeli stand apart from these 'moderns', who are conscious of their past, and the role that it has played in shaping them, without suggesting that constitutions are merely historical artefacts with no relevance today. For Burke and Disraeli, the crucial difference was seeing constitutional and cultural history as a tool to understand the present; the world was only intelligible in the form of what already existed and could be easily perceived by an astute reader, not in the speculative designs of abstract principles, or, as Burke famously decries, of economists, sophisters, and calculators. Who are we? Where do we come from? How have we found ourselves in our present pickle? The slow accretion of custom has not only informed the character of their beloved Englishmen, but also formed the regime which they cherish and prize. The son of Jewish parents who was baptised after his father had a falling out with his synagogue, Disraeli was an unlikely candidate to locate his cultural inheritance mainly in the origin and character of the laws. Edmund Burke, too, represented the quintessential outsider—a well-adjusted one, yes, as David Bromwich points out, but an outsider from the margins of Britain nonetheless (Bromwich 2014, p. 27ff). Being outsiders to English society and culture was essential to the perspicuous clarity that enabled Burke and Disraeli to stand athwart their peers and examine closely that which had been taken as granted, the English constitution. For them, the English Constitution meant a lot more than a mere assemblage of laws that had come together by a series of fortuitous accidents. This is a resting place that Benjamin Disraeli revisits time and time again, in *Vindication of the English Constitution* (Disraeli 1835) and *Sybil, or the Two Nations* (Disraeli 2017 [1845]), though he continues to subscribe to it over the course of his political career, even as Prime Minister. Burke expresses this throughout his career, but nowhere is this more prominent than in his *Reflections on the Revolution in France* (Burke 1987 [1790]).

Burke and Disraeli are paradigmatic figures for English Romanticism; what the tutor started, the disciple brought to fruition. While they agree significantly on more general questions, including *how* a constitution ought to be defined and the role culture placed in it, Burke and Disraeli were partisans of opposing parties, and they had crucial differences in the particular ways they mobilised this understanding of constitutional history as cultural history. Burke defended the Glorious Revolution of 1688, while Disraeli railed against the Whig Ascendancy and decried it as the coming of a Venetian oligarchy, to name one stark difference. However, for the moment, the specific question—*how* Burke and Disraeli use constitutional history and cultural history, and how they inexorably intertwine them together—is of interest to us.

In order to do so, we turn first to the problem of definition: what is the English constitution, and what is a constitution in general? The constitution, I will suggest, is for both of them a cultural inheritance that can only be justified with recourse to the particular rights of Englishmen existing in their organic polity. After we consider Burke and Disraeli's answers, we move to the problem of the common law. While Pocock seems to suggest that Burke is railing against the excesses of law as pure reason received from Hobbes' reduction of the common law as reason, Disraeli attacks the brute calculus of the utilitarian creed (Pocock 1960, pp. 133-34; Disraeli 1835, pp. 3-13). But lurking behind their rhetorical enemies is the understanding that the common law is a unique product of the English, a serious cultural entail, and that there is a reason why Englishmen refer time and time again to their 'reverend antiquity', to borrow from Coke. What is the common law, then, and are Burke and Disraeli's accounts of common law anything more than accounts of

cultural history? I seem to suggest not—legal history, constitutional history, and cultural history are joined at the hip, and cannot be separated from each other. In doing so, I hope to show that for Burke and Disraeli, the constitution (and the problem of politics) is a decidedly cultural one, and vice-versa: politics cannot be understood without recourse to cultural history, and vice-versa. Concluding this discussion of Burke and Disraeli is a consideration of the extent to which history can be made and remade at the inkwell, which briefly addresses the differences between Burke and Disraeli, and the problems raised by it.

Cultural history, as we shall see, for Burke and Disraeli becomes a nebulous term. Matthew Arnold was wrong, Burke and Disraeli would say: politics is not downstream from culture—it is a part of it, and vice-versa. If, as I suggest later, a constitution is the way of life of a people—a way that includes its beliefs, literature, communities, resting-places, taboos, and almost everything else—then separating what is strictly constitutional from that which is strictly cultural is a futile exercise, and providing an account of culture devoid of politics, and vice-versa is impossible. If a separation must be made, however, returning to the barebones definition of a constitution proffered in the opening lines of this essay, then the domain of culture stops when formal laws and governing arrangements are stipulated. But even such a definition is wholly unsatisfactory. Law becomes culture through custom—and custom becomes law through the forces of common law. Culture begins in the non-legal domain, but it never remains there, and thus the problem of defining, for Burke and Disraeli, what culture is and how it relates to the definition of a constitution, and thus of their individual and joint histories. We can only know the constitution and culture through their pasts. In their quest to understand the present, Burke and Disraeli are compelled to look to the past and explain their constitutional arguments through an appeal to culture and its history. Thus, constitutional history and cultural history are ill-defined terms because they cannot be understood without the other, or even as distinctive entities with separate existences.

In searching for the answer to the preeminent political question—'what must we do, how must we act, *now*?'—Burke and Disraeli turned instinctually to the past. Indeed, the question could only be answered through an appeal to tradition. Another answer was simply not possible. In charting the course of cultural history for wider audiences, Disraeli found his moment in the sun: the *Vindication* launched his career as a viable political candidate, earning the favour of Lord Lyndhurst and his acceptance at the Carlton Club. Disraeli is no historian of the laws in the way that Coke and Blackstone were, with their painstaking attention to legal minutiae; neither is he the historian of the English-speaking peoples, as Churchill was to be. Rather, for Disraeli, what mattered was the whole: where did politics and culture fit into the world? His answer was found in the English constitution, a living, breathing document. But he conceived of his task in the historical idiom and monopolised a significant trend in thinking not only about what it means to be 'English' but also how our past forged the way that we ought to look to the present. And Disraeli's present was anything but pleasant, tarred with the soot of manufacturers who were callous and would stop at nothing in the pursuit of money, and aristocrats who refused to see that property had its duties as well as its privileges. But Disraeli was also harkening back to another figure—Burke—and oftentimes borrowed not only his cadence and tenor, but, as Anthony Quinton points out, "Burke's actual words" (Quinton 1978, p. 80). For Burke, the particular development of the English peoples had given them rights and duties, associations and privileges, that no one else could have. But Burke, too, like Disraeli, was looking back to Coke and Blackstone, theorists of the common law responsible for the profound commonplace of "reverend antiquity" that animated these discussions. Both Burke and Disraeli both consciously frame cultural history in explicitly constitutional terms, and it is this that deserves further attention.

Burke and Disraeli stand in stark opposition to the French *philosophes* of abstract principle and the utilitarians, respectively, who have in common the denial of culture and custom and tradition. In the words of Michael Oakeshott, the task they had at hand was the refutation of rationalists in politics. Oakeshott describes the rationalist as a man who thinks he "is freed from the idols and prejudices of a tradition" and engages in the politics of the *tabula rasa*: every day is a blank slate to build the world anew, and the past must be thrown off like the yoke of an oppressive burden (Oakeshott 1962, p. 27*n*). Burke writes sadly but confidently that the rationalist attack in France has all but destroyed the country. "All the pleasing illusions

which made power gentle and obedience liberal, which harmonized the different shades of life, and which, by a bland assimilation, incorporated into politics the sentiments which beautify and soften private society," he notes, "are to be dissolved by this new conquering empire of light and reason" (Burke 1987 [1790], p. 67). The vacuum this creates will help craft a culture that will countenance "preventive murder and preventive confiscation" and help create a "long roll of grim and bloody maxims" (Burke 1987 [1790], p. 68). In the utilitarians' perverse moral philosophy, for Disraeli, "it is the interest of man to be a tyrant and a robber," and anything that could not be justified with reference to a blank slate was condemned and discarded (Disraeli 1835, p. 11). Inheritances of anything but money do not pass the smell test for the rationalist. In talking of the utilitarians and rationalists Burke only mentions Jeremy Bentham and the Marquis de Condorcet by name respectively, but pays no attention to the specifics of either, and treats them as stock figures rather than individuals who must be treated seriously, much like an errant child (Disraeli 1835, pp. 2o; 41). Both Burke and Disraeli were profoundly shaped by the denial of culture and the rejection of cultural history they encountered.

What Burke and Disraeli were specifically engaged in is a quest that cultural historians oftentimes seek to do without making explicit mention of: an attempt to shape their cultures for posterity. In Burke and Disraeli, we see cultural history deployed for political, nay, nakedly partisan ends—and by understanding these unique texts in relation to each other, we see cultural history, understood somewhat at a distance from the way that Burckhardt manifested it, come to bear rather differently. Some of J. G. A. Pocock's early work on Burke's traditionalism and conception of the 'ancient constitution' has pointed us to the relationship between custom and the common law, but much is left to be said about how Burke picks and chooses his rhetorical strategies, and how constitutional defence is intrinsically an exercise in cultural history (Pocock 1960; Bromwich 1991). One of the most prominent contemporary interlocutors of Burke, Pocock's exegesis of the foundations of Burke's political thought, particularly in the *Reflections*, forms an important part of this essay. As for Disraeli, he has been either made out to be the arch-romantic nostalgist who traffics in reactionary politics or the quintessential politician who mobilises grand rhetoric to ensure electoral success (Blake 1967, p. 762; Disraeli 1914).

II.   THE CULTURE OF CONSTITUTIONS

What is the English constitution? Unlike the American constitution, organised neatly by articles, clauses, and amendments in a single text, the English constitution lacks the clear definition and the ease through which it can be defined. But even the American constitution is never read on its own: it is read with the *Federalist Papers* and Supreme Court decisions, along with debates at the Constitutional Convention, among other texts. As we shall see, both Burke and Disraeli repeatedly serve up appeals to the English constitution, but when they do so, they talk as much of the constitution of Englishmen as they do of the unwritten constitution of England. The "most important fact in the history of English political behaviour," for Burke, is the fact that "Englishmen have always been concerned to establish their rights by appeal to their own past and not to abstract principles" (Pocock 1960, p. 128). Constitutional appeals are, in other words, appellations to the cultural history of Englishmen, and the particular inheritances that stem from the Magna Carta, which stands as the point of departure for both Burke and Disraeli.

In the *Reflections*, Burke defines a constitution as "the engagement and pact of society," but leaves open the question of where this 'engagement and pact' starts and ends (Burke 1987 [1790], p. 18). In the passage in which it is contained, it is used to suggest that neither the Houses of Parliament nor the monarchy can give up power when expedient; each has its role, and without the proper functioning of each there is no constitution. But there is more to this—Burke is not simply suggesting that the constitution enumerates the relationship between the whole and the parts, between those who rule, and those who are ruled. If we left it at that we would be doing him a disservice by not looking carefully as to how he deploys this in the *Reflections*.

In another prominent passage from the *Reflections*, he asserts that:

> The [Glorious] Revolution was made to preserve our *ancient*, indisputable laws and liberties and that *ancient* constitution of government …. If you are desirous of knowing the spirit of our constitution … pray look for both in our histories, in our records, in our acts of parliaments, and journals of parliament … (Burke 1987 [1790], p. 27).

Burke emphasises the antiquity of the English constitution, but he structures his rhetorical approach to show that the 'laws and liberties' of Englishmen might from a part of, but not the entirety of the English constitution. To mistake the part for the whole, we can observe, would be to make a categorical error. We know that the laws and liberties of Englishmen are important and integral enough to its functioning that they cannot be separation from the constitution, but they are not the spirit of the constitution, as we learn from the following sentence. If we must try to get to the bottom of the "spirit of our constitution," we ought to look first to "our histories" and then "in our records, in our acts of parliament, and journals of parliament" (Ibid.). In the *Reflections*, particularly when he talks about the constitution, history, tradition, and cultural history provide his readers with a distinction without a difference; in doing so, he is able to move from each category to the other while admitting that they do not form congruous, discrete entities that can be understood in the abstract, much like the whole they are projected as parts of, the constitution.

While Pocock holds this to be a simultaneous appeal that does not rank and order these various sources of understanding for the spirit of the constitution, there is ample evidence in the following lines to argue that the key operative in this sentence is first "our histories," and the rest, important as they are, derive from this historical approach (Pocock 1960, pp. 127–28). The second half of the paragraph is worth quoting below in its entirety:

> We wished at the period of the Revolution, and do now wish, to derive all we possess as *an inheritance from our forefathers*. Upon that body and stock of inheritance we have taken care not to inoculate any cyon alien to the nature of the original plant. All the reformations we have hitherto made have proceeded upon the principle of reverence to antiquity; and I hope, nay, I am persuaded, that all those which possibly may be made hereafter will be carefully formed upon analogical precedent, authority, and example (Burke 1987 [1790], pp. 27-28; emphasis original).

What is this inheritance that Burke speaks of? It rests upon "the principle of reverence to antiquity," Burke says, and the recourse to antiquity comes from the primacy of cultural accounts over strictly legal accounts. Pocock recognises correctly that Burke has "made the State a family … in the sense in which a family is relation in law," but by taking the law to be more important than the ties that bind individuals together in this community, Pocock disorders the relationships that Burke prescribes (Pocock 1960, p. 131). The spirit of the constitution rests first in history, and later in law; it is the cultural entail of each and every Englishman. Burke's idiom in the aforementioned passage—that the constitution is an inheritance—implies the existence of a family. But, as Bromwich seems to suggest, Burke operates on the spectrum between law and culture, and seeks to weaponize culture to suit his critical ends (Bromwich 1991, p. 316-17).

Throughout the *Reflections*, Burke continues to stress the inherited traditions and culture of Englishman that transforms into the idiom of laws and liberties. When he speaks specifically of the continuity between the Magna Carta and the Glorious Revolution, he joins them together through the thread of "an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity—an estate specifically belonging to the people of this kingdom, without any reference whatever to any to any other more general or prior right" (Burke 1987 [1790], p. 29). The constitution is not only the embodiment of a peoples' culture, it also works analogously in this account. Thus, Burke can speak of the rights of Englishmen in reference to the American Revolutionaries whilst simultaneously declaiming abstract right and principle: when the colonists left England, they did not forsake their Englishness, but rather sought to affirm it across the Atlantic (Burke 2000 [1777], p. 181). Harvey Mansfield tries to establish the two poles of the Burkean constitution as between popular government and the rule of gentlemen, but in doing so we lose to either the agent that

binds it together: that of custom, of cultural entail that is observable through the estate everyone inherits by virtue of being an Englishman (Mansfield 2013, pp. 123-200; 164).

The formal definition of a constitution, to which Mansfield resorts in his exegesis of Burke's constitutional thought, is rejected by Burke, as we saw above. In denouncing the National Assembly of the French revolutionaries, he writes, "I do not mean its formal constitution, which, as it now stands, is exceptionable enough, but the materials of which, in a great measure, it is composed, which is often thousand times greater consequence than all the formalities in the world" (Burke 1987 [1790], p. 35). Here the word 'constitution' serves a dual purpose. In one sense, Burke refers to, as he admits, the "formal constitution" of the National Assembly, the individuals of which it is comprised, those who, to borrow an old formula, rule and are ruled in turn. However, Burke reminds us that this is largely irrelevant; it would do little, he says, to clarify what it really was made of, and what it stood for.

A system of authority, he remarks, is defined by "God, and nature, and education, and their habits of life" (Ibid.). A constitution is, in other words, the way of life of a people—a way that includes its beliefs, literature, communities, resting-places, taboos, and almost everything else. In other words, it is the cultural history and entail of a people. The poet Alexander Pope and the jurist John Selden are both integral parts of the English constitution (Burke 1987 [1790], pp. 153; 28). While Burke's literary interests have been widely traced, particularly through his literary and philosophical debut, *Philosophical Enquiry into the Origins of our Ideas of the Sublime and Beautiful* (1757), it is important to observe that he was not afflicted with the increasingly rigid separation between disciplines that informed many of his contemporaries. It is hard to put it better than David Bromwich, who writes that in reading Burke, "his early aphorism, 'custom reconciles us to every thing' [from the *Enquiry*], and his late aphorism, 'art is man's nature,' are meant to be taken together" (Bromwich 2014, pp. 16-17). The aesthetic bent of the early Burke is very much present in the political writings of the later Burke, where it is presented in the all-encompassing concept of culture and its history. Those who seek to depart from that cultural history "do not hold the authority they exercise under any constitutional law of the state" (Burke 1987 [1790], p. 145). As we have seen above, then, for Burke a constitution far exceeds in scope the particular rules that apply to its governing arrangements: it is an account, a realisation, of the cultural history of a people. It is more protean than procrustean.

Disraeli follows a similar line of argument in his *Vindication of the English Constitution*, a text, Anthony Quinton notes, borrowed much in tone and form from Burke's *Reflections* (Quinton 1978, pp. 80-81). Like Burke above, he provides us an account of the gulf between a constitution and a set of laws and governing arrangements. In doing so, he casts the English constitution as the estate of Englishmen passed down as an inheritance—the same idiom that Burke uses—and compares the nation to a family. He points to the American constitution as having English roots, but goes further in showing the folly of others who tried to adopt the American constitution without the prior habits and entails of the English. The United States of America, he reminds us, was not founded in 1776. He views the French 'constitution' as an anomaly and declaims the revolutionaries for permanently destroying the entail of all Frenchmen, causing a bloody revolution to take place every fifteen years. From the examples he provides of the French 'constitution' and the other constitutional arrangements he considers, we can, like we get from Burke, an account of the constitution as the realisation and actualisation of the cultural history of a people. Let us consider each in turn.

For Disraeli, like Burke, it would be a categorical error to regard the design of ruling arrangements as the entirety of the constitution. "In speaking of the English constitution," he reminds his readers, "I speak of that scheme of legislative and executive government consisting of the King and the two Houses of Parliament; but this is a very partial view of the English constitution" (Disraeli 1835, p. 67). But what else is included in this list? Disraeli adds to it not only other "established associations," but themes as varied as "Trial by Jury" and "the compulsory provision of the poor" (Disraeli 1835, pp. 67-68) and the important role of associative life at the most local level, in language evocative of Burke's statement about the love we have for "the little platoon we belong to in society" (Burke 1987 [1790], p. 35). "The political institutions of England," Disraeli tells us, "have sprung from its legal institutions," which owe everything to custom, and to law, which he also identifies with custom, à la Coke and Blackstone (Disraeli 1835, p. 68). Disraeli circles

back to this and emphasises it in the closing pages of the *Vindication* by condemning any view of the constitution as existing solely of the governing arrangements as a "superficial view of the nature of the English constitution" (Disraeli 1835, p. 203). It is the "political condition of the country" and the "state of our society" that matters as much as ruling arrangements (Disraeli 1835, p. 203).

While Disraeli adopts Burke's idiom of the nation as a family, he ensconces it explicitly in terms of cultural history. Disraeli writes, "They looked upon the nation as a family, and upon the country as a landed inheritance. Generation after generation were to succeed to it, with all its convenient buildings, and all its choice cultivation, its parks and gardens, as well as its fields and meads, its libraries and its collections of art, all its wealth, but all its incumbrances" (Disraeli 1835, p. 24). Disraeli is speaking of the wise statesman who rules in accordance with the constitution of his people and the constitution of the land, and though he casts the relationship between man and state in terms of "filial piety," it has more to do with the acceptance, preservation, and propagation of a particular ideal that transcends the mere transactions of politics (Ibid.).

The idea of the constitution and culture as a specific entail, like Burke, is projected very easily onto the Americans, but not quite so for the French. Disraeli refers to Washington and the framers of the American constitution as "Anglo-Americans," and claims that the Pilgrims on the Mayflower brought with them "the laws of England, and a republican religion; and blended together, these formed the old colonial constitution of Anglo-America" (Disraeli 1835, p. 59). There is, in Disraeli, like Burke, the distinct sense that the American revolutionaries were not that revolutionary at all, and Disraeli puts it more succinctly than Burke does when he observes that "the Anglo-Americans did not struggle for liberty: they struggled for independence; and the freedom and the free institutions they had long enjoyed, secured for them the great object of their severe exertions" (Ibid.). The inheritance of the Englishman remained with him when he left the shores of England and sailed across the seas; if it were merely a legal covenant, one that rested upon the King and the Houses of Parliament, it would make no sense for appeals to be made in the vein of what Eric Nelson calls 'Patriot Royalism' (Nelson 2011).

Like Burke, Disraeli consistently applies the totalising view of the constitution as an artefact and product of cultural history to considerations of other constitutional arrangements and criticises the South Americans and the French for their constitutional innovations, which consisted either of lifting constitutions wholesale from other countries, or trying to inflict radical change upon a preexisting polity in accordance with abstract principles and little consideration of cultural and political realities. "Why has the republican constitution flourished in New England, and failed in New Spain?" Disraeli asks (1835, p. 57). The answer is twofold: first, that "the constitution of the United States had no more root in the soil of Mexico, and Peru, and Chili, than the constitution of England in that of France, and Spain, and Portugal," and second, that "it was not founded on the habits or the opinions of those whom it affected to guide, regulate, and control" (Ibid.). Paying close attention to the structure of the argument, it can be observed that in Disraeli's view, there was nothing really in the 'soil of the United States' than the cultural artefacts brought over by the Pilgrims to the United States; thus the continual usage of 'Anglo-Americans' to describe the United States. To take a permutation of an English constitution and thrust it upon a people with no English inheritance would be to fan the flames of revolution and rebellion (Ibid.). Mexico, Chile, and Peru lack the habituation that the entail of every Englishman has provided for them. A wise legislator would mould a constitution from the people and their culture, whilst an intelligent but unwise legislator would merely copy wholesale the constitution of the United Kingdom or the United States, in Disraeli's view.

The "anecdote" that Disraeli repeats about the Pasha of Egypt serves the same purpose as that of the example of the Latin American nations which sought to emulate the American constitution but achieved nothing but discord and strife (Disraeli 1835, pp. 102-6). The Pasha, having learnt of the Houses of Parliament, is praised for his prudence in instituting two chambers, but they embody the principle of "representation without election" (Disraeli 1835, p. 105). Disraeli goes on to praise the "healthy seeds of a popular government" the Pasha set up and commends the Pasha for permitting the lower house to petition without debate, and restricting the upper house to debate without voting on a particular course of action. Disraeli is sensitive to changing manners, and like Burke, would rather promote slow, measured change instead of bloody,

violent revolution. Constitutions are encumbered and profoundly shaped by culture, and while political shifts can and do occur, it is better done in small steps such that culture can assimilate and participate in it. Radical departures are siren songs for revolutionaries and bloodshed, but slow change can accommodate the need for change and conservation, as Burke also reminds us, and is vital to the health of a constitution (Burke 1987 [1790], p. 19).

Like Burke, Disraeli attends to the question of France, but writing in 1835, he has more to say than predict the rise of a Napoleonic figure. Louis XVIII gave way to Charles X, and with that, a more limited monarchy gave way to a full-blown revival of the *ancien regime*, with all the ills that precipitated its demise. Disraeli provides a lengthy analysis of the French constitution bifurcated by the Revolution. Following Burke's lead, Disraeli notes that the *ancien regime* had "all the elements of a free constitution," in which he gives prominent place to "custom, in its ancient states" (Disraeli 1835, p. 28). Of the Revolutionaries he remarks, "they not only destroyed law and custom, but they destroyed their country" (Disraeli 1835, p. 29). The geometrical division of provinces in France was despicable because it paid no heed to the "variety of manners, or diversity of temperament" (Ibid.). In other words, the French Revolution was not very French at all to begin with—it was Parisian in tone, tenor, and substance, we are reminded, and blind to the culture, habits, and manners of the country, which stands apart from the shibboleths of a small, stratified urban elite (Disraeli 1835, pp. 29–30). Even a genius of Napoleon's stature, Disraeli reckons, could not fix this:

> The Emperor of the French was not one of your abstract-principle gentlemen. His was eminently a practical mind. He looked about for the elements of government, and he could discover no better than those which had been created by the national character, and hallowed by the national habits. Even his sagacious mind deferred to the experience of ages, and even his unconquerable will declined a rivalry with the prescriptive conviction of an ancient people. He reestablished the tribunals; he revived chivalry; he conjured up the vision of a nobility; he created the shadow of a church (Disraeli 1835, pp. 30-31).

The idiom of "national character," "national habits," "experience of ages," and "conviction of an ancient people" all point us to the cultural history and mores of the French. The French constitution is inseparable from the cultural history of the French; it captures the totality of being, of every Frenchman from Lorraine or Toulouse. Having never had a representative assembly of the calibre of the House of Commons, Louis XVIII is compared to "the lunatic with a crown of straw" for being a faithful copier of the Houses of Parliament, but without the work it would take to mould it in the vein of the French (Disraeli 1835, pp. 31-32). The Pasha of Egypt is praised for being inspired by the Houses of Parliament and adapting it to his peoples, while Louis XVIII commits the categorical error of supposing that "the English constitution consists merely of two rooms full of gentlemen, who discuss public questions, and make laws in the metropolis at a stated season of the year" (Disraeli 1835, pp. 32-33).

Disraeli consistently uses this cultural idiom in attempting to define not just a constitution but also the English constitution, and as we saw above, he provides us more examples than Burke does, largely because Burke is writing before the Age of Revolutions, while Disraeli has more than two score years to draw upon to mock and belittle, criticise and pillory. And nowhere is this totalising view of the constitution as an artefact and part of the cultural history of a people more evident than in the closing pages of the *Vindication*, where he tells his readers that the English constitution is "founded not only on a profound knowledge of human nature, but of human nature in England," while recent constitutional attempts recognise neither the universal nor the particular French aspects of it (Disraeli 1835, pp. 206-7). That aspect of human nature shaped by the culture of a particular people and country becomes integral to constitutionalism of any kind; to ignore it would be to set up a constitution that will not and cannot work because it simply ignores the long sweep of cultural history.

III. CULTURE AND LAW: ENGLISH HISTORY AS THE HISTORY OF THE LAWS

Burke and Disraeli write of 'law and custom' repeatedly, and though they both find themselves following the footsteps of Coke and Blackstone, they add a dimension to it: that of Englishness. As we saw above, a constitution does not merely provide an account of governing institutions—it extends far beyond that. This enables Burke to emphasise the idiom of the 'spirit of our constitution' whilst Disraeli can wax eloquently about the "character of our constitution" (Burke 1987 [1790], p. 27; Disraeli 1835, p. 1). This is not to say, however, that law does not form an integral part of the constitution, or that it does not matter what ruling arrangements are if it cannot produce a tenable and continuous strand of justice that joins past, present, and future. Burke and Disraeli both hold that it is through custom that law is able to mediate through culture, and therefore the curious mix of positive prescription and common law that makes the English constitution unique is a peculiar cultural artefact. An account of the laws, then, is no different from an account of one of the most integral parts of culture.

Both Burke and Disraeli point to the antiquity of the laws, not to say that the laws were formed immemorial and thus have been handed down to us, but rather that they had positive beginnings and a history that is found in the breast of every Englishman. Thus, a history of the laws becomes a history of the English peoples, of the Saxons, the Normans, and everyone else that moulded Albion. Burke argues that repeated appeals to the ancient origins of English laws "demonstrates the powerful prepossession toward antiquity, with which the minds of all our lawyers and legislators" (Burke 1987 [1790], p. 28). Disraeli, like Burke, reminds us of "this deference … to 'reverend antiquity'," and is effusive in his praise for jurists and historians of the law (for they seem to be the same) (Disraeli 1835, p. 25).

But a healthy love for history does not condemn both to historicism, understood by Strauss as the belief that everything was historically determined and is and always be an artefact of the time it was produced and nothing more, and therefore the on-ramp to the highway of relativism, as Leo Strauss reminds us in his comparison of Burke with Cicero: like Cicero, "Burke traced the excellence of the British constitution to the fact that it had come into being 'in a great length of time' and thus embodies 'the collected reason of ages'" (Strauss 1953, p. 321-22). For Burke and Disraeli, antiquarianism run amok was not the solution to ahistoricism, and they both warn against it. While Burke explicitly voices his discontent with it, it is through Disraeli's "philosophical statesman" that he structures his criticisms of the historicist fetish.

Burke, in his fragmentary 'Essay towards an History of the Laws of England,' warns his readers against mistakenly conflating the antiquity of English laws with the false idea that "English law has continued very much in the same state from an antiquity" (Burke 1997a [1757], p. 323). What use is history if nothing has changed since time immemorial, Burke asks the reader, deploring the state of "the leading science in every well-ordered commonwealth" (Ibid.). Law, he says, ought not to be "confined and drawn up into a narrow and inglorious study," a study that is content only on recording the minutiae of certain legal proceedings (Ibid). Pocock is right in pointing out that in the aforementioned fragmentary essay, "the course of change in the law can be historically explained by relating it to the operation of factors outside the law and independently known," but Pocock does not admit into his evidence the key qualifier: that law conforms and shapes culture and represents more than the mere comings and goings, the prosecutions and disputes, of a growing society (Pocock 1960, p. 139).

The common law, even though it provides an account of custom and is the embodiment of accreted custom, in the conventional idiom used to conceive of English law, is, in Burke's account, "compounded, altered, and variously modified, according to the various necessities, which the manners, the religion, and the commerce of the people, have at different times imposed" (Burke 1997 [1757], p. 325). Insofar as law is worth studying, it is not the study of the letter of the law and those specific legal decisions that have provided important resting places for lawyers and judges, but rather the cultural forces that shaped it into what it is now.

Disraeli's 'philosophical statesman' stands in contrast to the beleaguered antiquarian because he seeks, like Burke, not the letter but the spirit of the law. Thus, he is compelled to turn to the "essential character of their [the law's] history" and the "principles of ancestral conduct" (Disraeli 1835, p. 17). The philosophical

statesman, to whom the *Vindication* is ostensibly addressed, would do well to learn the principle of English history. "There is, throughout the whole current of our history, a most salutary legal flavour," a flavour so strong that even "arbitrary monarchs and rebellious parliaments … alike quote precedent and cling to prescription" (Disraeli 1835, p. 22). English history is for Disraeli legal history, but in the same expansive sense that Burke, as we saw above, uses.

Nowhere is this more evident than in *Sybil, or the Two Nations*, the middle novel of Disraeli's middling 'Young England' trilogy. At the heart of *Sybil* is a class conflict. Industrialisation has created an underclass with pitiable living conditions and no representation, ruthlessly exploited to the point where even its more knowledgeable members strongly believe that they do not live in the same nation as those better off than they are. Charles Egremont, the protagonist of the novel, encounters two strangers in the ruins of Marney Abbey, and the conversation veers toward inequality and the breakdown of communal life in England. The stranger reminds Egremont, that England is currently comprised of two nations:

> Two nations; between whom there is no intercourse and no sympathy; who are as ignorant of each other's habits, thoughts, and feelings, as if they were dwellers in different zones, or inhabitants of different planets; who are formed by a different breeding, are fed by a different food, are ordered by different manners, and are not governed by the same laws (Disraeli 2017 [1845], II.5).

These two nations, of course, as the nations of "THE RICH AND THE POOR" (Ibid.). One would not be amiss if one only read the first and the last phrase in that flowing sentence, but between those two nations, Disraeli is trying to remind us, there is no common culture, no common ground remaining upon which people can meet. Thus, they "are not governed by the same laws" (Ibid.). The Stranger is able to bemoan the division of a once-united country into two because there was once a resting place that was common to all—the monasteries and abbeys that served as the foundation of communal life. The dispute here is framed as laws *and* culture. Similarly, when the stranger reminds Disraeli of Henry VIII's dissolution of the monasteries, he is able to criticise the dissolution by remarking that while it seemed plausible that religion could be changed, in reference to the Magna Charta's very first clause that guarantees the independence of the established Church, Henry VIII had no right, no jurisdiction, to sack and dissolve the monasteries, for those were not only "a matter of religion, but [also] as a matter of right" (Ibid.). But the stranger associates with the old church because, as he reminds us, the monasteries tended to and cared for his people: the trodden underclass. Culture, here, picks up a "most salutary legal flavour," and vice-versa (Disraeli 1835, p. 22). We see this repeatedly in *Sybil*, where the dramatic tension between the rich and the poor, between the upper and the lower classes, is repeatedly cast in legal terms. The Chartist agitators, fighting for the rights of the lower classes, want to add to the charter of the land, and "issued a decree that labour was to cease until the charter was the law of the land" (Disraeli 2017 [1845], VI.6). When Disraeli enters into an extended digression more pertinent to the politics of his day—perhaps the dire influence of Sterne's *Tristam Shandy*—he criticises the Reform Act of 1832 by asking, "Has it cultured the popular sensibilities to noble and ennobling ends?" (Disraeli 2017 [1845], I.5)

Accounts of law and culture are never too far away from each other in the accounts Burke and Disraeli provide to us. Indeed, cultural conflicts are legal conflicts, too, as Disraeli's *Sybil* shows us through its adoption of the idiom of law as a remedial tool between two cultures that have since departed from each other. In Burke, we see an added defence of custom and the common law, which is identified with it. The law, like the constitution, is a cultural relic, and to provide an account of law, we are forced to resort to custom and, through that, to culture. To know culture, we must study its history; we must see where it comes from and how it has evolved. To know law without legal history is a grave error in a system where common law is extremely important; to know culture without considering its history is a comparable act of folly when one considers how cultural history and legal history are deeply and inseparably intertwined.

IV. THE LIMITS OF CULTURAL REMAKING

The journeys that Burke and Disraeli embark upon are similar, and have many of the same resting places, but ultimately, they are not the same; they do not lead us to the same destination, and it would be amiss to not mention it. But there is something valuable hidden behind this. Culture is slow in changing. Its resting places, its defining contours, its peaks and vales, change about as quickly as they did in the pre-industrialised world. In that it keeps mostly with its premodern characteristics, though it cannot be left unsaid that technological advancement has opened up, and to a large extent, accelerated the speed of change, in ways that might jeopardise the vitality and existence of constitutional orders all over the globe. To force rapid cultural change in a short period of time is to ask the Sirens to wreck the nation and cause political instability.

For Burke and Disraeli, there is scarcely any distinction to be made between the constitutional history of England and its cultural history and underpinnings. If there is, it is a distinction without a substantive difference. This framework of understanding is extended to other countries as well, making it hard to criticise Burke and Disraeli for applying one standard to their own constitution and laws and another to foreign constitutions and laws. This basic agreement, however, masks a fundamental disagreement that lurks beneath the surface. Burke and Disraeli represent two bookends to English Romanticism, and in certain ways they stand opposed to each other. Burke vociferously defends the Glorious Revolution of 1688, while Disraeli attacks it as a settlement brought about by an oligarchy run amok. Burke defends the rights of returned Members of Parliament to set up government without interference from the monarch, while Disraeli is a staunch advocate of royal prerogative. These are but two small differences; plenty more exist. Disraeli is far more strident in his championing of "those who will not follow the beaten track of a fallacious custom," raising the prospect that there is, in the first place, even such a thing that exists (Disraeli 2017 [1845], VI.13).

Both Burke and Disraeli, it is clear, engage in selective historiography. Isaiah Berlin writes of Disraeli's *Vindication* and *Sybil*: "This was the material out of which his own historical, or pseudo-historical, imagination constructed the personality with which he faced England and the world" (Berlin 2013, p. 337). Berlin seizes on the right word to describe what Disraeli and Burke were up to. Sins of omission—for instance, neither Burke nor Disraeli venture to mention the enclosure of the commons in the 17th century—are plentiful. While Burke is more attentive to the multifaceted sources of English law and custom, and consequently culture, especially in his fragmentary essay on the laws, he still steamrolls over differences, and paints a serene image of a picture-perfect society. Disraeli, on the other hand, seems more attentive to the violation of first clause of the Magna Charta guaranteeing the independence of the Church by Henry VIII, especially in *Sybil* (II.5), but he takes the fiction of legal continuity nonetheless and adopts it as an important stratum of his idiom. And neither deign to mention the many republican elements in English thought and life.

Burke and Disraeli might use cultural history, but to get a fuller picture of the cultural history of the English one ought not to solely rely on them. On the other hand, Burke and Disraeli matter immensely for the course of English political thought. Whatever the merits of Heraclitus' famous utterance might be, after Burke and Disraeli, it is impossible to step into the same river again, so to speak. Phantasmagorias can be potent—and Burke and Disraeli are exponents of that form. But this does not take away from the vitality of culture and tradition that they both drawn on and mould significantly. Their failings as cultural historians do not negate their success in crafting a vision of politics that has culture at its heart, in stark contrast to the rationalist, who negates the importance of culture and, if he does admit it, seeks to tear it down and dismantle it with the lustful, vengeful eye of an iconoclast.

So far, we have considered Burke and Disraeli as political thinkers, not partisan pawns. In returning both Burke and Disraeli to their more nakedly partisan realms in which they existed, it becomes important to consider the extent to which they make and remake history. Neither are professional historians, though they do not lack in learning. But the ends to which cultural history can be mobilised are various, and indeed, oftentimes contradictory. By the mid-nineteenth century, however, the early Victorian Conservatives had carefully adopted Burke into their pantheon, in no small part due to the influence of Disraeli and had

become a staple of the Tory periodicals (Roberts 1979, p. 66). Burke's Whiggism was toned down, and the great cultural-and-constitutional historian was made a Tory in all but name. 'Tory Men, Whig Measures' was only second to the 'one-nation' idiom that Disraeli coined in *Sybil*, and it seemed that what was once a satirical statement had taken a life of its own, a decade before *Sybil*, in the *Vindication* and the legion of followers it drew to the Tories.

It would do us well to pay more heed to our duo's close mapping between constitution and culture. We speak oftentimes of the best constitution possible, and part of this particular mode of utterance has been to keep (rightly) the question of the best constitution alive but refusing to see that at its root is culture. To impose a constitution upon a people is an act of folly. The Aristotelian solution in light of the best city was to use culture to habituate citizens to fit the best possible constitution, but we seem to have obscured and forgotten the vital role of *paideia* in political life. Polities do not simply appear from thin air. And this is what Burke and Disraeli, among countless others, have tried, since reverend antiquity, to point out, time and time again. The best constitution in the United States is not the same as that in Chile or Afghanistan. When constitutions are imposed, one ought to be more sensitive to the spirit and substance of the culture upon which they are imposed, whether it is through the cunning of the ballot box or at the wrong end of the gun. Intelligence, perhaps, might demand Westminster Parliamentarism, but it is wisdom that is required. And it is wisdom that demands that we pay attention to culture—not merely as a tool for constitutional design, but also as a defining feature of constitutions and law.[1]

NOTES

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Postscript: A Note on the Painting

NAYELI L. RIANO

The featured image is *The Allegory of Sight* (1617) by Flemish masters Jan Brueghel the Elder and Peter Paul Rubens. It is one of five paintings in a series titled *The Five Senses*, all housed at the Prado Museum in Madrid. The cover of this journal only captures a portion of the painting: the full work depicts the interior of a vast room typically described in art as a "cabinet of curiosities." These cabinets were often included in the homes of wealthy families and royalty, and they became a popular topic to paint for their ability to showcase an array of items from different parts of the world and from different cultures in one location. For those who could not see such wonders in person, these paintings sufficed. These cabinets held many objects and antiques, including art, scientific tools, furniture, animals, flowers, plants, jewelry, money, maps, tapestries, clothing, and everything in between.

The woman in the painting is the goddess Venus, accompanied by Cupid holding up a painting. The painting on which her gaze is fixed is "The Healing of the Blind Man," which depicts a scene from the Gospels (John 9: 1-12) where Jesus gives sight to a blind man from Siloam. The small painting is similar in composition to the paintings by Sebastiano Ricci (c. 1712-1716) or El Greco (c. 1567) of the same subject. The painting is anachronistic, moreover: a Roman goddess is viewing a painting about Christ, almost as though she were viewing a painting of an action that took place in the past. The painting is also mythical, however, in the sense that both Venus and Christ are figures from art and history that are commonly depicted as indicative of a tradition or an ideal. Venus represents love and beauty; Jesus represents hope and salvation.

Amidst this room full of curiosities—accumulations from history and cultures—what is the only thing that captures Venus? This painting. The sensory overload we might get from first viewing *The Allegory of Sight* is placated when we see Venus lost in thought with one painting as the object of her fixation. We might ask ourselves, then, what is the allegory? The story of the healing of the blind man is itself allegorical, after all. Most likely, the message lies in this story. In the Bible, the story of this man who was born blind but healed is meant to parallel the nature of faith as something one comes to possess upon encountering God as the "light of the world."

Anyone in Brueghel's time would have been familiar with this Biblical story, but besides its more overtly religious significance we can also expand the message of his painting. Amidst all the material distractions around us, from history and our present day, there are special objects—such as a painting—that convey the parables necessary to make sense

of the world. We can extend this message further, to describe the purpose of cultural history: historical study, with all its "curiosities", is meaningless unless we, like Venus, have our sight fixed on an overarching reason for our interest in studying them, something Burckhardt and Huizinga understood. "The Healing of the Blind Man" represents a compass of perspective that guides our reason for studying such peculiar things as those that pique our respective interests as scholars, students, and—most importantly—readers of history. It is the hermeneutic that grants understanding in the original meaning of the word as *standing upon* and *among* these objects we study. The purpose of cultural history is not for us to get lost in this palace of time, though it does invite us to wander its halls for some time. The reason for our time dwelling in the past is to use these artefacts of our civilization to seek, through contemplation and sympathy, the sources of meaning that depict our world as something whole, connected, and therefore purposeful.

Publication Trends in *Cosmos + Taxis* and *Studies in Emergent Order* 2011-2022

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Abstract: *Cosmos + Taxis* occupies a unique place among scholarly journals, operating at the intersection of economics, philosophy, political science, and psychology. All readers of this journal will agree that this nexus provides an essential and vibrant part of each discipline, as well as an area that offers special insight into issues of continuing importance in political and constitutional theory, public policy, the theory of knowledge and the philosophy of science. This article uses publications in *Cosmos + Taxis* and *Studies in Emergent Order* to rank institutions by research productivity in Hayekian studies and complex adaptive systems. An incidental byproduct is a ranking of scholars. Ranking methodology is developed based on the established literature for ranking economics and political science programs. Implications for the future evolution of Hayekian interdisciplinary studies are suggested and discussed.

INTRODUCTION

This paper ranks institutions based on scholarly productivity measured by articles published in *Cosmos + Taxis* (C+T) and its predecessor *Studies in Emergent Order* (SIEO) from 2011-2022. This has been a period marked by both political and economic turmoil and renewed interest in emergent order and robust political economy. At the end of the decade, unprecedented lockdown and quarantine responses to the COVID-19 pandemic triggered the sharp, brief 2020 recession. Policy responses have invariably favored inflexible design orders that further concentrate power and influence in an unaccountable bureaucratic elite.

This study looks at publications and downloads from *Studies in Emergent Order* and *Cosmos + Taxis*, the only refereed academic journals devoted exclusively to research in Hayekian spontaneous order. The journals' scholarly impact is indicated by the over 150,000 downloads since 2019. *Studies in Emergent Order*, *Cosmos + Taxis*'s predecessor, was founded in 2008 and first edited by Gus diZerega. *Studies in Emergent Order* was an annual journal which published until 2014, with the final volume presenting five multi-paper symposia, each dedicated to a recent book. Under diZerega's editorship *Studies in Emergent Order* often presented broader and more diverse applications of Hayek's theory of knowledge, spontaneous order, and philosophy of science than would generally be found in any economics journal at that time. *Cosmos + Taxis* has displayed a similarly expansive appreciation for Hayekian insights and the

breadth of their applications. Both journals featured frequent guest-edited special topics issues and symposia discussing relevant books or scholars. *Cosmos + Taxis* initially published three issues in 2014's volume 1, but also published the first issue of volume 2 that same year. Thus C+T has been at least a quarterly journal from the start. The founding editors[1] may not initially have anticipated the quality and number of submissions C+T has attracted from the start. Although 2016 only saw a single combined double issue, 2017 saw six numbered issues, one a double issue. Since 2019, C+T has published at least six times each year, typically in double issues numbered from 1+2 to 11+12.

Rankings of scholars based on solely on publications in the two journals alone may introduce significant bias which comes from disregarding books and other significant publications on spontaneous order appearing in any other journals or venues. Program rankings are more reasonable and subject to less systematic bias, especially since *Cosmos + Taxis* is the leading—if not the only—journal in this important interdisciplinary area. However, while institutions with graduate programs with faculty specializing in complex emergent orders and related areas appropriately and expectedly rank very high, many other academic institutions either do not offer graduate degrees, and of those that do, few offer any distinctive specialization in spontaneous order.

The geographic diversity of authors published in SIEO and C+T is very broad, though dominated by North America first, Europe second, particularly the UK, Italy, and Germany, and Australia third. Government and other non-academic institutions are also well represented, including think tanks, nonprofit organizations, and private firms. It is also gratifying to note that because of the open access nature of C+T, underserved territories (Africa, South America and the Far East) have seen a jump in downloads.

METHODOLOGY AND LITERATURE REVIEW

The literature ranking academic programs in the social sciences dates to Fusfeld's (1956) study of Allied Social Science Associations annual meeting programs, which led in short order to Cleary & Edwards's (1960) study of publications in the *American Economic Review*, and Yotopoulos's (1961) study adding publications in the *Journal of Political Economy* and the *Quarterly Journal of Economics*. These rankings did not aspire to the comprehensiveness of many later studies, and were designed to supplement annual graduate surveys by the American Political Science Association, the American Economic Association, the Carnegie Foundation, and the Ford Foundation. More recently, similar rankings have been published by the U.S. National Research Council, an affiliate of the U.S. National Academy of Sciences, *Maclean's*, and *U.S. News & World Report*.

The second generation of ranking articles, examining roughly the 1960s, were similarly limited to the top three economics journals. Siegfried (1972) and Moore (1973) ranked doctoral programs in economics by the publishing performance of their faculty, also presenting regression analyses attempting to analyze factors that might account for his findings. Hogan (1973) ranked economics Ph.D. programs by the publishing performance of graduates for 1960-1969. Smith and Gold (1976) ranked Southeastern U.S. economic departments for the 1968-1971 and 1970-1974 periods, and Niemi (1975) also ranked them for 1970-1974. This reflected what was then a new emphasis on publishing adopted by leading regional institutions. Ladd and Lipsett (1979) surveyed perceptions of institutional reputation, the approach adopted for *Maclean's* rankings of Canadian universities, but the the ranking literature has always emphasized quantitative approaches.

The third generation of ranking studies typically relied on broader samples of top journals, typically relying on 20-40 publications. These included Graves, Marchand, and Thompson (1982), Medoff (1989), Berger and Scott (1990), Conroy, Dusansky, and Kildegard (1995), Miller (1996), Scott and Mitias (1996), Dusansky and Vernon (1998), and Feinberg, Grilliches, and Einav (1998). Like Siegfried (1972) and Moore (1973), Graves, Marchand, and Thompson (1982) provided regression analyses to identify determinants of program rankings. Each of these studies reviewed the growing body of ranking literature, and often attempted to address perceived limitations of earlier papers. Tschirhart (1989) and Tremblay et al (1990)

ranked economics departments by subfield. Medoff (1989) and Durden and Marlin (1990) used 1973-1987 publications in *Public Choice* and the *Journal of Law & Economics*. Miller, Tien, and Peebler (1996) ranked political science departments. Ellison (2002) proposed a model to explain how journal articles evolved over time. The inaugural issue of the *Journal of the European Economic Association* published a number of alternative rankings of European and international programs: Combes and Linnemer (2003), Coupe (2003), Kalaitzidakis et al (2003), and Lubrano et al (2003).

Palacios-Huerta and Volij (2004) ranked individual scholars and their impact, rather than departments. Sobel and Turner (2004) constructed rankings based on thirty years of publications in *Public Choice*, finding that leading authors changed frequently, as would be expected in a rapidly-progressing field. Congleton, Marsella, and Cardazzi (2022) ranked authors and programs publishing in *Constitutional Political Economy*, concluding that downloads provided an equally useful impact measure as an alternative to impact factors, the ratio of citations to publications. This finding is especially important for rankings based on C+T articles, because C+T relies on article downloads as its principal impact measure. The journal provides download statistics by article at https://cosmosandtaxis.org/masthead-2/download-metrics/.

This study counted all articles in *Studies in Emergent Order* and *Cosmos + Taxis* over the 2011-2022 period, including book reviews, books reviewed, and interpretive articles contributed by guest editors of special issues. Books reviewed in *Cosmos + Taxis* were treated as equivalent to an article. Unweighted rankings attribute one equal point to each appearance of an author or co-author over the period. As a result, in unweighted rankings, co-authored articles are weighted more heavily, with one full point for each co-author and their institution. Weighted rankings attribute one point divided equally among co-authors and their institutions. This allows comparisons of rankings based on the number of appearances as an author or co-author, with rankings weighting sole authorship more highly. The two journals' twelve volumes (SIEO volumes 5-8 and C+T volumes 1-10, with 64 numbered issues of C+T through volume 10, number 11+12) account for 454 scholarly artifacts contributed by 359 authors, with 542 separate instances of authorship or co-authorship.

RANKING SCHOLARS

Individual scholar rankings are presented in table 1. Both weighted and unweighted rankings are presented. Unweighted rankings weight authors of co-authored and singly-authored artifacts identically. The larger an institution's departments of political science, economics, related social sciences, philosophy, and law school, if any, the stronger represented the institution is likely to be, and the weaker any potential bias from ignoring unreviewed books or scholarship on complex emergent orders published in other journals.

Table 1 shows the top 62 researchers by publications in SIEO and *Cosmos + Taxis*, including everyone who has published two or more sole authored articles or the equivalent over the twelve-year period considered.

Table 1 — Scholar Ranking

	Scholar	Weighted Rank	Weighted Count	Unweighted Rank	Unweighted Count
1	Adair-Toteff, Christopher	1	9.00	1	9
2	DiZerega, Gus	1	9.00	1	9
3	Novak, Mikayla	2	8.20	1	9
4	Koppl, Roger	3	6.25	2	7

	Scholar	Weighted Rank	Weighted Count	Unweighted Rank	Unweighted Count
5	Camplin, Troy	4	6.00	2	7
6	Wagner, Richard E.	4	6.00	3	6
7	Boettke, Peter J.	5	5.50	3	6
8	Ikeda, Sanford	5	5.50	3	6
9	Paniagua Prieto, Pablo I.	6	5.33	3	6
10	Coyne, Christopher J.	7	5.00	3	6
11	Frederick, Danny	7	5.00	3	6
12	Turner, Stephen	7	5.00	4	5
13	Klein, Daniel B.	8	4.25	4	5
14	Callahan, Gene	9	4.00	3	6
15	Alexander, James	9	4.00	5	4
16	Andersson, David Emanuel	9	4.00	5	4
17	Dobuzinskis, Laurent	9	4.00	5	4
18	Marsh, Leslie	10	3.50	4	5
19	Block, Walter E.	10	3.50	5	4
20	Butos, William N.	10	3.50	5	4
21	Lewis, Paul	10	3.50	5	4
22	Dekker, Erwin	11	3.00	5	4
23	Fuller, Timothy	11	3.00	6	3
24	Gaus, Gerald	11	3.00	6	3
25	Horwitz, Steven	11	3.00	6	3
26	Hudik, Marek	11	3.00	6	3
27	Mulligan, Robert F.	11	3.00	6	3
28	O'Sullivan, Noël	11	3.00	6	3
29	Scruton, (Sir) Roger	11	3.00	6	3
30	Smith, Brian A.	11	3.00	6	3
31	Jace, Clara E.	12	2.50	6	3
32	Lewin, Peter	12	2.50	6	3
33	Lewis, Ted G.	12	2.50	6	3
34	McQuade, Thomas J.	12	2.50	6	3
35	Scheall, Scott	12	2.50	6	3
36	Potts, Jason	13	2.20	6	3
37	Gordon, Peter	14	2.00	6	3
38	Hardwick, David F.	14	2.00	6	3
39	Lemke, Jayme S.	14	2.00	6	3

	Scholar	Weighted Rank	Weighted Count	Unweighted Rank	Unweighted Count
40	Abel, Corey	14	2.00	7	2
41	Bruni, Luigino	14	2.00	7	2
42	Burczak, Theodore	14	2.00	7	2
43	Campagnolo, Gilles	14	2.00	7	2
44	Chamlee-Wright, Emily	14	2.00	7	2
45	Chartier, Gary	14	2.00	7	2
46	Cheung, Chor-Yung	14	2.00	7	2
47	Di Iorio, Francesco	14	2.00	7	2
48	Ellerman, David	14	2.00	7	2
49	Erion, Gerald J.	14	2.00	7	2
50	Graham, Gordon	14	2.00	7	2
51	Hall, Lauren K.	14	2.00	7	2
52	Martin, Adam G.	14	2.00	7	2
53	Mendenhall, Allen P.	14	2.00	7	2
54	Norman, Jesse	14	2.00	7	2
55	Nubiola, Jaime	14	2.00	7	2
56	O'Sullivan, Luke	14	2.00	7	2
57	Paganelli, Maria Pia	14	2.00	7	2
58	Page, Scott E.	14	2.00	7	2
59	Trimçev, Eno	14	2.00	7	2
60	Weimer, Walter B.	14	2.00	7	2
61	Weinstein, Jack Russell	14	2.00	7	2
62	Zúñiga y Postigo, Gloria	14	2.00	7	2

Scholars can also be ranked according to downloads, provided in tables 2 and 3. These rankings are especially valuable because downloads are C+T's principal impact metric. Although C+T only provides download counts since 2019, they are provided for all articles going back to the first issue of SIEO in 2008.

Table 2 gives the twenty most downloaded articles for the years 2019-2022. Individual articles and whole issues of C+T have been downloaded 154,672 times up to the end of 2022. This number would be impressive for any journal.

Table 2—Most Downloaded Articles 2019-2022

	2022	n	2021	n	2020	n	2019	n
1	Horwitz (2015) 3: 1	19,875	Horwitz (2015) 3: 1	1,934	Alexander, (2020) 8: 2-3	1,026	Horwitz (2015) 3: 1	287
2	van de Haar (2022) 10: 11-12	3,869	Finn & Jakobson (2021) 9: 5-6	660	Scheall (2019) 7: 1-2	780	Callahan & Ikeda (2014) 1: 3	257
3	Pegg (2022) 10: 9-10	3,323	DiZerega (2019) 7: 3-4	536	Lewis & Lewin (2015) 2: 2	654	DiZerega (2020) 7: 3-4	252
4	Masini (2022) 10: 11-12	3,044	Callahan & Ikeda (2014) 1: 3	530	Boettek (2020) 7: 5-6	645	Mulligan (2018b) 6: 1-2	191
5	Jonsson (2022) 10: 11-12	3,014	Camplin (2017) 4: 1	523	Callahan & Ikeda (2014) 1: 3	615	Camplin (2017) 4: 1	175
6	Gregg (2021) 9: 9-10	1,377	DiZerega (2021) 9: 7-8	518	DiZerega (2020) 8: 2	544	Smith (2017) 4: 4	152
7	Studebaker (2022) 10: 11-12	1,311	Gregorio (2018) 6: 1-2	463	Lewis (2014) SIEO 4	531	Erion (2017) 4:4	142
8	Nichol & Zellen (2022) 10: 10-10	859	Rayamajhee et al (2021) 9: 5-6	451	Lewis (2020) 7: 5-6	523	Schneider (2017) 4: 4	141
9	Lee (2022) 10: 9-10	770	Devereaux (2019) 7: 1-2	442	Mayorga (2020) 8: 4-5	510	Simons (2017) 4: 4	141
10	Nientiedt (2022) 10: 11-12	767	Cheung (2014) 1:2	364	Frederick (2019) 6: 6-7	481	Guarino (2017) 4: 4	140
11	Burns (2022) 10: 9-10	592	Scheall (2019) 7: 1-2	340	Koppl (2019) 7: 1-2	474	Cheung (2014) 1: 2	139
12	Kunle Oyerinde (2022) 10: 11-12	557	Lewis & Lewin (2015) 2: 2	334	Camplin (2017) 4: 1	464	Kearns (2017) 4: 4	138
13	Callahan & Ikeda (2014) 1: 3	531	Gulker & Magness (2021) 9: 5-6	293	Horwitz (2015) 3: 1	401	Zúñiga y Postigo (2017) 4: 4	137
14	Grassl (2017) 4: 4	504	Haack (2020) 8: 6-7	289	Frantz (2020) 7: 5-6	400	Grassl (2017) 4: 4	136
15	Jace (2018) 6: 1-2	429	Cheung (2014) 1: 2	288	Gregorio (2018) 6: 1-2	381	Lüthe (2017) 4: 4	135
16	Finn & Jakobson (2021) 9: 5-6	411	Novak (2021) 9: 7-8	287	Cowen (2020) 7: 5-6	374	Żełaniec (2017) 4: 4	132
17	Nichols (2022) 10: 9-10	383	Chamberlin & Block (2019) 6: 6-7	268	Novak (2020) 7: 5-6	352	Zúñiga y Postigo & Erion (2017) 4: 4	131
18	Coyne & Hall (2022) 10: 9-10	346	Kearns (2017) 4: 4	261	Mulligan (2018b) 6: 1-2	326	Simons (2017) 4: 4	131
19	Block (2022) 10: 3-4	333	Martin & Storr (2014) SIEO 1	251	DiZerega (2020) 7: 3-4	298	Woleński (2017) 4: 4	130
20	Gregorio (2018) 6: 1-2	324	Alexander (2020) 8: 2-3	242	Cheung (2014) 1: 3	297	Gregorio (2018) 6: 1-2	117
	Total 2022 downloads:	**68,701**	**Total 2021 downloads:**	**36,281**	**Total 2020 downloads:**	**39,581**	**Total 2019 downloads:**	**10,109**

Note particularly from Table 2 that annual downloads grow significantly larger as time passes. Table 3 provides cumulative download numbers up to 2022. Individual articles were downloaded 130,771 times—in Table 3, these downloads are attributed to the individual authors or coauthors. These numbers are conservative because they exclude the 23,901 downloads of whole issues.

Table 3—Most Downloaded Scholars, 2019-2022

	Scholar	Downloads		Scholar	Downloads
1	Horwitz, Steven	22,853	37	Nicol, Heather N.	859
2	van de Haar, Edwin	3,869	38	Zellen, Barry S.	859
3	DiZerega, Gus	3,684	39	Lüthe, Rudolf	847
4	Pegg, Scott	3,323	40	Turner, Stephen	846
5	Lewin, Peter	3,229	41	Żełaniec, Wojciech	843
6	Lewis, Paul	3,194	42	Marsh, Leslie	829
7	Masini, Fabio	3,044	43	Woleński, Jan	824
8	Jonsson, Hjorleifur	3,014	44	Dekker, Erwin	801
9	Ikeda, Sanford	2,776	45	Jace, Clara E.	784
10	Camplin, Troy	2,342	46	Lee, Michael	770
11	Novak, Mikayla	2,300	47	Nientiedt, Daniel	767
12	Callahan, Gene	2,295	48	Potts, Jason	752
13	Frederick, Danny	2,040	49	Haack, Susan	728
14	Cheung, Chor-Yung	1,970	50	Page, Scott E.	714
15	Alexander, James	1,893	51	Mayorga, Rosa Maria	703
16	Simons, Peter	1,662	52	Devereaux, Abigail N.	697
17	Zúñiga y Postigo, Gloria	1,658	53	Paniagua Prieto, Pablo I.	667
18	Erion, Gerald J.	1,654	54	Kuchař, Pavel	640
19	Gregg, Samuel	1,596	55	Hardwick, David F.	609
20	Scheall, Scott	1,450	56	O'Sullivan, Noël	595
21	Studebaker, Benjamin	1,311	57	Friedman, Mark D.	593
22	Boettke, Peter J.	1,291	58	Burns, Sarah	592
23	Block, Walter E.	1,290	59	Rayamajhee, Veeshan	586
24	Gregório, Inês	1,285	60	Klein, Daniel B.	583
25	Andersson, David Emanuel	1,276	61	Frantz, Roger	579
26	Mulligan, Robert F.	1,253	62	Chamberlin, Anton	566
27	Martin, Adam G.	1,241	63	McQuade, Thomas J.	560
28	Dobuzinskis, Laurent	1,133	64	Kunle Oyerinde, Oyebade	557
29	Grassl, Wolfgang	1,116	65	Cozzolino, Stefano	554
30	Finn, Victoria	1,071	66	Adair-Toteff, Christopher	541
31	Storr, Virgil H.	1,069	67	Butos, William N.	540
32	Koppl, Roger	951	68	Fuller, Timothy	534
33	Kearns, John T.	923	69	Gaus, Gerald	534
34	Smith, Sandra	909	70	Cowen, Nick	533
35	Guarino, Nicola	894	71	Hudik, Marek	533
36	Schneider, Luc	877	72	Rajagopalan, Shruti	530

	Scholar	Downloads		Scholar	Downloads
73	Coyne, Christopher J.	505	87	Wilson, David Sloan	380
74	Candela, Rosolino A.	489	88	Murphy, Jon	376
75	Moroni, Stefano	487	89	Corey, David D.	365
76	Desrochers, Pierre	480	90	Gulker, Max	362
77	Shera, Marcus	444	91	Magness, Phil	362
78	Duncan, Thomas K.	442	92	Wagner, Richard E.	358
79	Pakaluk, Christina Ruth	438	93	Geloso, Vincent J.	351
80	Lewis, Ted G.	433	94	Langlois, Richard N.	349
81	Kolev, Stefan	423	95	McCloskey, Deirdre N.	340
82	Hall, Abigail	422	96	Norman, Jesse	333
83	Berg, Chris	412	97	Grube, Laura E.	327
84	Salter, Alexander W.	405	98	Haeffele, Stefanie	327
85	Murtazahsvili, Ilya	403	99	Lofthouse, Jordan K.	327
86	Nichols, David A.	383	100	Bruni, Luigino	321

RANKING PROGRAMS

The real value in ranking publication output is less to rank individual scholars, but departments and institutions. Institutional rankings are presented in Table 4. In the unweighted ranking, co-authored articles receive one point for each author, and because co-authors often come from the same institution, this might be a source of bias. If so, it is not a very strong, as the eight highest-ranked institutions are the same in both lists.

Table 4— Institution Ranking

	Institution	Weighted Rank	Weighted Article Count	Unweighted Rank	Unweighted Article Count
1	George Mason University	1	37.50	1	49
2	University of South Florida	2	15.00	2	15
3	Royal Melbourne Institute of Technology	3	10.00	2	15
4	SUNY Purchase	4	8.50	3	11
5	The University of British Columbia	5	8.00	3	11
6	King's College London	5	8.00	5	9
7	New York University	6	7.75	5	9
8	Syracuse University	7	7.25	6	8
9	UK House of Commons	8	6.00	7	6
10	Troy University	8	6.00	6	8
11	Loyola University New Orleans	9	5.00	7	6
12	American Institute for Economic Research	10	4.50	8	5
13	University of Texas Dallas	10	4.00	8	5

	Institution	Weighted Rank	Weighted Article Count	Unweighted Rank	Unweighted Article Count
14	Bilkent Üniversitesi	10	4.00	9	4
15	Denison University	10	4.00	9	4
16	International Business School Suzhou	10	4.00	9	4
17	Liberty Fund	10	4.00	9	4
18	Simon Fraser University	10	4.00	9	4
19	Università di Torino	10	4.00	9	4
20	University of Hull	10	4.00	9	4
21	Arizona State University	11	3.50	9	4
22	Trinity College	11	3.50	9	4
23	University of Arizona	11	3.50	9	4
24	Politecnico di Milano	12	3.00	8	5
25	Mississippi State University	12	3.00	9	4
26	Australian National University	12	3.00	10	3
27	Carleton University	12	3.00	10	3
28	Colorado College	12	3.00	10	3
29	Metropolitan State University of Denver	12	3.00	10	3
30	Rochester Institute of Technology	12	3.00	10	3
31	SUNY Buffalo	12	3.00	10	3
32	Universidade Católica Portuguesa	12	3.00	10	3
33	University of Queensland	12	3.00	10	3

The distribution of articles by country is given in Table 5. Fifty-eight percent of scholarly artifacts in both journals originated in the U.S., with sixty-four percent from the U.S. and Canada.

Table 5— Geographic Distribution

	Country	Weighted Rank	Weighted Count	Unweighted Rank	Unweighted Count
1	USA	1	266.46	1	324
2	UK	2	44.83	2	49
3	Canada	3	26.50	3	34
4	Australia	4	20.00	4	25
5	Italy	5	19.00	5	23
6	Germany	6	7.83	6	9
7	China	7	7.00	8	7
8	Netherlands	8	5.50	7	8
9	Brazil	9	5.33	7	8

	Country	Weighted Rank	Weighted Count	Unweighted Rank	Unweighted Count
10	Spain	10	4.50	9	5
11	Czech Republic	11	4.00	10	4
12	France	11	4.00	10	4
13	Turkey	11	4.00	10	4
14	Ireland	12	3.00	11	3
15	Israel	12	3.00	11	3
16	Poland	12	3.00	11	3
17	Portugal	12	3.00	11	3
18	Argentina	13	2.00	11	3
19	Austria	13	2.00	12	2
20	Greece	13	2.00	12	2
21	Hong Kong	13	2.00	12	2
22	Singapore	13	2.00	12	2
23	Switzerland	13	2.00	12	2
24	South Africa	14	1.00	12	2
25	Chile	14	1.00	13	1
26	Colombia	14	1.00	13	1
27	Hungary	14	1.00	13	1
28	Iceland	14	1.00	13	1
29	Japan	14	1.00	13	1
30	Malaysia	14	1.00	13	1
31	Mexico	14	1.00	13	1
32	Slovakia	14	1.00	13	1
33	Sweden	14	1.00	13	1
34	Bahrain	15	0.50	13	1
35	Estonia	15	0.50	13	1

Table 6 shows the distribution of U.S.-produced artifacts by state. There appears to be a nearly equal division between red and blue states where most American C+T scholars are located.

Table 6— Distribution by U.S. State

	U.S. State	Weighted Rank	Weighted Count	Unweighted Rank	Unweighted Count
1	Virginia	1	40.50	1	52
2	New York	2	39.50	2	46
3	Texas	3	23.25	3	28
4	Florida	4	20.50	5	21
5	California	5	17.75	4	22

6	Indiana	6	9.00	9	9
7	New Mexico	6	9.00	9	9
8	Massachusetts	7	8.44	7	11
9	North Carolina	8	7.67	8	10
10	Alabama	9	7.49	8	10
11	Arizona	10	7.00	10	8
12	Louisiana	10	7.00	10	8
13	Colorado	11	6.00	12	6
14	District of Columbia	12	5.83	11	7
15	Michigan	12	5.83	11	7
16	Wisconsin	13	5.75	11	7
17	Connecticut	14	5.50	12	6
18	Pennsylvania	15	5.38	6	14
19	Ohio	16	5.00	13	5
20	Georgia	17	4.50	13	5
21	North Dakota	18	3.33	14	4
22	Mississippi	19	3.00	14	4
23	Illinois	19	3.00	15	3
24	Rhode Island	20	2.00	15	3
25	Oklahoma	20	2.00	16	2
26	Washington	20	2.00	16	2
27	Nebraska	21	1.00	16	2
28	Tennessee	21	1.00	16	2
29	Maryland	21	1.00	17	1
30	Maine	21	1.00	17	1
31	Minnesota	21	1.00	17	1
32	New Hampshire	21	1.00	17	1
33	Utah	21	1.00	17	1
34	Kentucky	22	0.50	17	1
35	Missouri	22	0.50	17	1
36	Kansas	23	0.25	17	1

DISCUSSION

The top of the lists offer no surprises—George Mason University produces a large number and quality of Hayek scholars and Hayekian scholarship is clearly held in high regard there. GMU averages more than three artifacts each year. The University of South Florida publishes more than one annually on average. Scholars from the Royal Melbourne Institute of Technology, the State University of New York at Purchase, The University of British Columbia, which publishes *Cosmos + Taxis*, King's College London, Syracuse University, New York University, the House of Commons of the United Kingdom, and Troy University have averaged more than one artifact every two years.

Some institutions are lower ranked here also because Hayek scholars are not well represented on their faculties of political science, economics, philosophy, psychology, law, or related fields. This bias tends to be reinforced because faculty on hiring committees have a natural tendency to overvalue their own subfields

and schools of thought, thus focusing searches on supporting established areas of emphasis, as opposed to remedying existing weaknesses, or exploiting opportunities to expand into a growing field.

The geographic and institutional diversity is particularly staggering. These findings highlight the importance of C+T and its conferences. Such fora offer essential feedback, support, and networking opportunities, but also contribute to constituting an intellectual community of interdisciplinary Hayek scholars.

CONCLUSION

Clear trends are evident that research performance within Hayek scholarship is dominated by a small number of strong and increasingly vibrant graduate programs and a number of public policy research foundations and think tanks. Further growth in the study and application of complex emergent orders will likely come from continued progress from these institutions and the expansion of competing graduate programs with faculty and allied researchers who are active Hayek scholars.[2]

APPENDIX: ALL SCHOLARS REPRESENTED BY COUNTRY AND INSTITUTION

Argentina

Universidad Austral Buenos Aires
Crespo, Ricardo F.

Universidad Nacional de Rosario
Chaumet, Mario Eugenio
Meroi, Andrea A.

Australia

Australian National University
Novak, Mikayla
Shearmur, Jeremy

Macquarie University
McIlwain, David

Royal Melbourne Institute of Technology
Allen, Darcy W.E.
Berg, Alastair
Berg, Chris
Jowett, Kiersten
Novak, Mikayla
Potts, Jason

University of Queensland
Crowe, Jonathan
D'Agostino, Fred
Markey-Towler, Brendan

University of Technology Sydney
Lozano-Paredes, Luis Hernando

Austria

Austrian Economics Center
Nelson, Scott B.

Universität Wien
Kelsen, Hans

Bahrain

Bahrain Ministry of Defense
Al Mannai, Waleed I.

Brazil

Fundación Para el Progreso
Paniagua Prieto, Pablo I.

Universidade do Vale do Rio dos Sinos
Albornoz Stein, Sofia Inês
De Brito, Adriano Naves
Naves de Brito, Adriano

Universidade Federal do Rio de Janeiro
Herdy, Rachel

Canada

Blockchain for Social Impact Coalition
Hrelja, Marko

Carleton University
Marriott, Shal
Pender, Casey
Peralta-Greenough, Quinton V.

Parks Canada
MacDonald, Graham A.

Ryerson University
Valliere, Dave

Simon Fraser University
Dobuzinskis, Laurent

Supreme Court of Canada
Brown, Russell

Trent University
Nicol, Heather

Trinity Western University
Havers, Grant

Université du Québec Montréal
Nadeau, Robert

The University of British Columbia
Cho, John
Cockram, Nathan Robert
Hardwick, David F.
Marsh, Leslie
Simard, Suzanne

University of Calgary
Migotti, Mark

University of Ottawa
Jacobsen, Peter J.
Lazar, Nomi Claire
Robitaille, Christian

University of the Fraser Valley
Dart, Ron

University of Toronto
Desrochers, Pierre
Szurmak, Joanna

Chile

Pontifica Universidad Catolica de Chile
Carrasco, Maria Alejandra

China

International Business School Suzhou
Andersson, David Emanuel

Southeast University China
Di Iorio, Francesco

University of Nottingham
Scheffel, Eric M.

Colombia

Universidad de Medellín
Vargas-Vélez, Orión

Czech Republic

CEVRO Institute
Kosec, Jernej

Charles University Prague
Hudik, Marek

University of Economics Prague
Hudik, Marek

Estonia

Tallin University
Jakobson, Mari-Liis

France

Aix-Marseille Université
Campagnolo, Gilles

École des Hautes Études en Sciences Sociales
Petitot, Jean

Université Paris Cité
Bronner, Gérald

Germany

Bavarian Academy of Sciences & Humanities
Hanke, Edith

ILS Research Institute of Regional & Urban Development
Cozzolino, Stefano

Rheinisch-Westfälische Technische Hochschule Aachen
Lüthe, Rudolf

Universität des Saarlandes
Schneider, Luc

Universität Greifswald
Trimçev, Eno

Universität Leipzig
Hoffmann, Andreas

Westsächsische Hochschule Zwickau
Kolev, Stefan

Greece

University of Crete
Tegos, Spiros

University of Ioannina
Drosos, Dionysis G.

Hong Kong

City University of Hong Kong
Cheung, Chor-Yung

Hungary

Pázmány Péter Catholic University
Hörcher, Ferenc

Iceland

Reykjavík University
Mallett, Jacky

Ireland

Irish Centre for Poetry Studies
Williams, Kevin

Trinity College Dublin
Simons, Peter

University College Cork
Dockstader, Jason

University College Dublin
Crowley, Timothy J.

Israel

Hebrew University
Podoksik, Efraim

Shalem College
Lifshitz, Joseph Isaac

University of Haifa
Landau, Iddo

Independent
Nathaniel Wolloch

Italy

ISTC-CNR Laboratory for Applied Ontology Trento
Guarino, Nicola

Istituto Bruno Leoni
Mingardi, Alberto

Libera Università Internazionale degli Studi Sociali Guido Carli
Antiseri, Dario
Infantino, Lornezo

Libera Università Maria SS. Assunta Roma
Bruni, Luigino

Politecnico di Milano
Cozzolino, Stefano
Minola, Luca Andrea
Moroni, Stefano
Porqueddu, Elena

Sapienza Università di Roma
Garzarelli, Giampaolo

Università del Molise
Di Nuoscio, Enzo

Università di Firenze
Ciampini, Gabriele

Università di Pisa
Cubeddu, Raimondo
Menon, Marco

Università di Torino
Becchio, Giandomenica
Birner, Jack
Mornati, Fiorenzo
Zanetti, Roberto

Università Gabriele d'Annunzio Chieti-Pescara
Oliverio, Albertina

Università Roma Tre
Masini, Fabio

Japan

Ritsumeikan University
Dumouchel, Paul

Malaysia

Center for Market Education
Ferlito, Carmelo

Mexico

Universidad Anáhuac
Miotti, Ana Luisa Ponce

Netherlands

Erasmus Universiteit Rotterdam
Dekker, Erwin

PBL Netherlands Environmental Assessment Agency
Buitelaar, Edwin
Sorel, Niels

Universiteit Leiden
Finn, Victoria

Universiteit Amsterdam
Schliesser, Eric

Poland

Jagielloñian University Kraków
Brożek, Bartosz
Woleński, Jan

University of Gdańsk
Żełaniec, Wojciech

Portugal

Universidade Católica Portuguesa
Espada, João Carlos
Gregório, Inês
Sampieri-Cabál, Rubén

Singapore

National University of Singapore
O'Sullivan, Luke

Slovakia

F. A. Hayek Foundation Bratislava
Posvanc, Matus

South Africa

Free Market Foundation
van Staden, Martin

Rational Standard
Woode-Smith, Nicholas

Spain

Universidad de Alicante
González Lagier, José Daniel

Universidad de Navarra
Nubiola, Jaime

Universitat de Girona
Ferrer, Jordi Beltrán
Ramos, Vítor Lia de Paula

Sweden

Institutionen för Industriell Ekonomi Och Organisation Stockholm
Palmberg, Johanna

Switzerland

Università della Svizzera Italiana Lugano
Mulligan, Kevin

Universität Zürich
Beckstein, Martin

Turkey

Bilkent Üniversitesi
Alexander, James

United Kingdom

Cambridge University
Bourke, Richard
Skjönsberg, Max
Studebaker, Benjamin

Cardiff University
Boucher, David

Edinburgh Sacred Arts Foundation
Graham, Gordon

King's College London
Kuchař, Pavel
Lehto, Otto
Lewis, Paul
Paniagua Prieto, Pablo I.

Liverpool University
Kuchař, Pavel

London School of Economics & Political Science
Meierhenrich, Jens
Hodgson, Geoffrey M.

Open University
Plassart, Anna

UK House of Commons
Letwin, (Sir) Oliver
Norman, Jesse (Rt. Hon)
Scruton, (Sir) Roger

UK House of Lords
Ridley, Matthew White (Viscount)

University of Brighton
Boehnert, J.

University of Exeter
Hampsher-Monk, Iain

University of Glasgow
Grant, Robert
Smith, Craig

University of Hull
Fear, Christopher
O'Sullivan, Noël

University of Kent
Pabst, Adrian

University of Lincoln
Cowen, Nick

University of Manchester
Jones, Emily

University of Southampton
O'Hara, Kieron

University of St. Andrews
Whatmore, Richard

United States

Acton Institute
Gregg, Samuel

Albany State University Georgia
McCabe, Joshua Thomas

Alexander Hamilton Institute
Cheeseman, Thomas J.

American Enterprise Institute
Rohac, Dalibor

American Institute for Economic Research
Davies, Stephen
Magness, Phil
Mulligan, Robert F.

American University
Mussler, Alexandra L.

Arizona State University
Jonsson, Hjorleifur
Scheall, Scott

Ashford University
Zúñiga y Postigo, Gloria

Assumption University
Wheatland, Thomas

Austin Community College
Briggeman, Jason

Ball State University
Horwitz, Steven

Bard College
Kettler, David

Bates College
Geloso, Vincent J.

Baylor University
Bodeau, Abigail
Corey, David D.

Bellevue College
Padvorac, Meggan

Belmont Abbey College
O'Gorman, Farrell

Beloit College
Chamlee-Wright, Emily
Grube, Laura E.

Berry College
Salter, Alexander W.

Boston College
Hanley, Ryan Patrick

Bowling Green State University
Vallier, Kevin

Bridgewater State University
Skoble, Aeon J.

Brown University
Lemke, Jayme S.

Catholic University of America
Pakaluk, Christina Ruth

Chapman University
Ott, Jordan

Clark Atlanta University
Oyerinde Kunle, Oyebade

College of the Holy Cross
Schaefer, David Lewis

Colorado College
Fuller, Timothy

Columbia University
Simons, Oliver

Connecticut College
Coats, W.J.

Creighton University
Thomas, Diana W.
Thomas, Michael D.

CUNY Hunter College
Lee, Michael

Demographia
Cox, Wendell

Denison University
Burczak, Theodore
McHugh, John
Slaboch, Matthew W.

Duke University
Caldwell, Bruce

East Carolina University
Currie-Knight, Kevin

Elmira College
Seybold, Matt

Eureka College
Eisenberg, David A.

Fayetteville State University
Wenzel, Nikolai G.

Florida International University
Xerohemona, Kiriake K.

Florida State University
Benson, Bruce L.
Ruse, Michael

Gardner-Webb University
Amato, Elizabeth

George Mason University
Bedi, Joshua K.
Boettke, Peter J.
Candela, Rosolino A.
Coyne, Christopher J.
Crepelle, Adam
Dekker, Erwin
Geloso, Vincent J.
Goodman, Nathan
Haeffele, Stefanie
Hall, Abigail R.
Herzberg, Roberta Q.
High, Jack
Jace, Clara E.
Jones, Garett
Klein, Daniel B.
Lambert, Karras J.
Lavoie, Don
Leeson, Peter T.
Lofthouse, Jordan K.
Murphy, Jon
Shera, Marcus
Stein, Solomon M.
Storr, Virgil H.
Veetil, Vipin P.
Wagner, Richard E.

Georgetown University
Brennan, Jason
Riano, Nayeli L.

Global Policy Institute
Whimster, Sam

Gustavus Adolphus College
Podemska-Mikluch, Marta

Indiana University
Nichols, David

Indiana University East
Bose, Feler

Indiana University Indianapolis
De Waal, Cornelis
Pegg, Scott

Johns Hopkins University
Rosenthal-Pubúl, Alexander

La Sierra University
Chartier, Gary

Liberty Fund
Den Uyl, Douglas J.
Smith, Brian A.

Loyola University New Orleans
Block, Walter E.
Capaldi, Nicholas
Chamberlin, Anton

MarketUrbanism.com
Hamilton, Emily

Medaille College
Erion, Gerald J.

Metropolitan State University of Denver
Abel, Corey
Cachanosky, Nicolás

Miami Dade College
Mayorga, Rosa Maria

Mississippi State University
Davis, Ellen
Peterson, Lindsey
Shoup, Brian
Williamson, Claudia R.

New York University
Callahan, Gene
Devereaux, Abigail N.
Kirzner, Israel M.
McQuade, Thomas J.
Morrone, Francis
Nientiedt, Daniel

North Dakota State University
Rayamajhee, Veeshan

Northeastern University
Aldrich, Daniel P.

Northern Michigan University
Prychitko, David L.

Northwestern University
Bodon, Hermino

Notes on Liberty
Christensen, Brandon

Oklahoma State University
Bylund, Per L.
Monteiro C. d'Andrea,
   Fernando A.

Pennsylvania State University
Weimer, Walter B.

Radford University
Duncan, Thomas K.

Rhodes College
Carden, Art

Rochester Institute of Technology
Burns, Sarah
Hall, Lauren K.

Sam Houston State University
McIntyre, Kenneth B.

Samford University
Trepanier, Lee

San Diego State University
Frantz, Roger

San Jose State University
Foldvary, Fred E.
Skarbek, Emily C.

Savannah Technical College
Granado, Michael

Seattle University
Risser, James J.

South Texas College
Wilson, Aaron Bruce

St. Joseph's College
Callahan, Gene

St. Norbert College
Grassl, Wolfgang

Stanford University
Herzog, Lisa

SUNY Binghamton
Wilson, David Sloan

SUNY Buffalo
Kearns, John T.
Muldoon, Ryan
Smith, Sandra

SUNY Purchase
Callahan, Gene
Ikeda, Sanford
Rajagopalan, Shruti

Syracuse University
Koppl, Roger
Rasmussen, Dennis C.

Temple University
Collier, Benjamin L.

Texas Tech University
Martin, Adam G.
Powell, Benjamin W.

Trinity College
Butos, William N.

Trinity University
Paganelli, Maria Pia

Troy University
Beaulier, Scott A.
Mendenhall, Allen P.
Miller, William Gordon
Smith, Daniel J.
Sutter, Daniel

Tufts University
Shrestha, Shikhar

Tulane University
Powell, Lawrence N.
Thompson, Martyn P.

U.S. Council of Economic Advisors
Goodspeed, Tyler Beck

U.S. Naval Postgraduate School
Lewis, Ted G.

University of Alabama
Wolloch, Nathaniel

University of Arizona
Gaus, Gerald
Tarko, Vlad

*University of California
Los Angeles*
Davis, William L.

University of California Riverside
Ellerman, David

University of California San Diego
Wiens, David

*University of California
Santa Barbara*
Digeser, P.E.

University of Chicago

Smith, Adrian

University of Connecticut
Langlois, Richard N.
Zellen, Barry S.

University of Dallas
Hooten Wilson, Jessica

University of Illinois Chicago
McCloskey, Deirdre N.

University of Kentucky
Barnett, Barry J.

University of Mary
Jankovic, Ivan

University of Miami
Haack, Susan

University of Michigan
Page, Scott E.

University of Minnesota
Bix, Brian H.

University of New Hampshire
Wible, James R.

*University of North Carolina
Charlotte*
Carmichael, Ted
Hadžikadić, Mirsad

University of North Dakota
Weinstein, Jack Russell

University of Pittsburgh
Bustamante, Pedro
Gomez, Marcela
Krisnamurthy, Prashant
Madison, Michael J.
Murtazashvili, Ilia
Murtazashvili, Jennifer
Mylovanov, Tymofiy
Weiss, Martin

University of South Florida
Adair-Toteff, Christopher
Heydt, Colin
Turner, Stephen

University of Southern California
Gordon, Peter

University of Tampa
Hall Blanco, Abigail R.

University of Texas Austin
Rueda, Beckett

University of Texas Dallas
Elliott, Euel
Lewin, Peter
Turner, Frederick

University of West Georgia
Lane, Robert

University of Wisconsin Madison
Wagner, Michael
Wright, Erik Olin

University of Wisconsin Milwaukee
Neufeld, Blain

Ursinus College
Burns, Scott

Utah Valley University
Peppers, Shawn F.

Virginia Polytechnic University
Plotica, Luke Philip

Wake Forest University
Otteson, James R.
Whaples, Robert M.

Washington University St. Louis
Watson, Lori

Wayne State University
Scaff, Lawrence A.

Western Michigan University
Crutchfield, Parker

Whittier College
Chihara, Michelle

Wichita State University
Devereaux, Abigail N.

NOTES

1   C+T's honorary founding editors were Joaquin Fuster of UCLA, the late David F. Hardwick of The University of British Columbia, Lawrence Wai-Chung Lai of the University of Hong Kong, and Frederick Turner of the University of Texas at Dallas.

2   It should be noted that this paper was *not* solicited by anyone associated with *Cosmos + Taxis.*

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Technical or political?
A reply to Lopes's (2021) account of the socialist calculation debate from complexity economics

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Free Market Institute, Texas Tech University

Abstract: This article challenges Lopes's (2021) view of the socialist calculation debate and his conclusions. In a recent paper, Lopes argues that Oskar Lange provided scientific proof of the feasibility of socialism, according to standard economics, that refuted Mises's theory. Moreover, he contends that the subsequent Austrian rebuttal in the debate diverged from standard economics, thus using unscientific language and political arguments. Following this analysis, Lopes concludes that socialism cannot be scientifically rejected but only politically. In response to Lopes, we maintain that mainstream economics is evolving into complexity economics, and a new scientific consensus points to the infeasibility of central planning and the rejection of Walrasian equilibrium, on which Lange's position is based. Therefore, we conclude that the Lange-Taylor socialism can now be considered unscientific, while the Austrian position can be regarded as a scientific interpretation of the debate, given the parallelism between complexity and Austrian economics. In this way, we reach opposed conclusions to those of Lopes and emphasize that any historical interpretation alluding to the scientific value of a theory needs to account for the evolution of science, since it can entirely change the historical interpretation itself.

Keywords: socialist calculation debate, history of economic thought, complexity economics, paradigm shift.

JEL codes: B10, B51, B53

INTRODUCTION

In a recent paper, Lopes (2021) presents a new analysis of the historical socialist calculation debate. His main thesis is that Oskar Lange demonstrated the technical feasibility of socialism following standard economic theory, which helped create a scientific consensus about this issue in favor of the viability of central planning. With this, Lopes claims that defenders of capitalism could not reject socialism on scientific terms, which led one of the schools participating in the debate, the Austrian school, to deviate from mainstream economics and create an own economic framework from which to oppose socialism. In fact, Lopes attempts to show that Austrian economics abandoned Mises's scientific challenge to socialism due to the superiority of Lange's argument and advocated Hayek's position based on political reasons. This ultimately means, Lopes argues, that late

Austrian arguments are mainly political, and thus the Austrian account of the socialist calculation debate cannot be uncritically accepted. Finally, he concludes that one of the accepted truths revealed by the debate is that "socialism cannot be scientifically rejected, but only politically by those whose economic interests are opposed by it" (Lopes 2021, p. 807). As we disagree with this analysis and conclusions of the socialist calculation debate due to interpretative and theoretical reasons, we shall devote this article to analyze and challenge Lopes's view.

We are aware that there is already a reply to Lopes's paper (Bylund, Lingle, and Packard 2022). However, although that article makes some significant contributions in terms of interpretation that significantly help address Lopes's view, and will indeed be used in this work, there is still room for further discussion on some relevant ideas from his paper. Concretely, the assumption that Lange offered an accurate demonstration of the feasibility of central planning according to the said "standard economics" and for the "scientific community and consensus". In this paper, we ask: what if a new growing scientific consensus in economics had shown that Lange and standard economics of that time were wrong about the feasibility of central planning, and in turn, that Austrians and their own paradigm were right? Precisely, as we shall develop below, this is what has happened with the development of complexity economics, which makes Lange's argument untenable, falling outside of what is deemed "scientific", while supporting Austrian arguments during the debate, including Mises's, as the now scientific position regarding central planning. In this sense, we will see how Lopes's "scientific" and "consensus" view of the socialist calculation debate may turn against his own conclusions.

The socialist calculation debate is a significant fact in the history of economic thought and is still alive. For this reason, we consider that any new interpretation of the debate, such as Lopes (2021), deserves profound analysis and discussion. This is the *raison d'être* of this article. That said, we will first present Lopes's analysis in section 2, to subsequently comment on his contribution and elaborate on our arguments in section 3. Section 4 concludes.

LOPES'S ANALYSIS OF THE SOCIALIST CALCULATION DEBATE

Lopes (2021) begins his article by noting the relevance of Ludwig von Mises's (1935) contribution to the socialist calculation debate, which is considered to have initiated the historical event. Before Mises (1935), Lopes remarks that, although economic planning had become an important topic in political economy, supporters of either capitalism or socialism had developed their arguments in political terms. Therefore, the dispute could not be resolved on technical or scientific grounds. In this context, Mises's great achievement was to attempt to address the matter in an objective technical way, in a genuinely scientific arena. That is to say, separating the economic analysis from the political argument. Thus, the Austrian economist showed that, if we want to determine which system is superior, we first need to ask whether an economic system without private property of the means of production is technically and rationally feasible. And this is precisely what Mises did. In his 1920 article, Mises (1935) showed that the absence of private property of the means of production prevents prices for those factors to appear, which means that the necessary information to attain a rational allocation of resources is missing. In turn, this makes rational central planning and socialism theoretically and technically impossible.

According to Lopes, one of the merits of Mises's contribution is the attempt to discuss the issue of economic planning according to the economics and scientific consensus of the time. Concretely, Lopes states:

> It is extremely important that Mises took pains to promote his cause based on what was universally accepted as sound economics (…) Therefore, he had to show, within the framework of economics of his time, that socialism is unable to achieve rational economic accounting (…) Based on what was then accepted as scientific economics, he argued that economic calculation in socialism would not drive society to an outcome of abundance, but to a scenario of scarcity and chaos and hence non-survival (Lopes 2021, p. 791).

His ambitious intention was to end that debate once and for all by showing that rational economic accounting under socialism is impossible. He did not seek to do this by developing a new branch of economic science or a parallel school of thought, but by using universally acknowledged economic science. He assumed every economist had to follow his idea since they all used the same framework. He aimed to have the final word on the issue: rational economic calculation under socialism must be excluded from the realm of the possible by the standard theory accepted by the entire scientific community of economists (Lopes 2021, p. 792).

The continuous reference to terms such as science, scientific consensus, or a standard scientific theory is central in Lopes's analysis of the debate. As it appears from the paper, the author attaches a special value to arguments built within the limits of science. It is not enough to hold objective or technical theories, devoid of value judgments. Additionally, it is necessary to develop scientific arguments, which means theories elaborated according to a common conceptual framework, a language, accepted and shared by what is considered science or a scientific community in a particular moment. In this case, Lopes does not refer to a scientific method, but mainly to an accepted theory or framework. That is, an argument is considered scientific insofar as it is based on concepts shared by a community of scientists. This is the very reason why Lopes regards Mises's article so relevant, because as we have just quoted above, "Mises took pains to promote his cause based on what was universally accepted as sound economics" (Lopes 2021, p. 791). Likewise, this focus on scientific arguments later leads Lopes to assert that Oskar Lange's (1936, 1937) rebuttal of Mises, as it was made scientifically according to standard economics, is superior to subsequent Austrian replies to Lange (Hayek 1940, 1944; Lavoie 1981, 1985) regardless of how technical they may have been, given that these replies were founded on a divergent economic theory from standard, scientific economics. Let us dig deeper into this.

After dealing with the thesis and relevance in scientific terms of Mises (1935), Lopes introduces the most famous reply to it. This is Oskar Lange's (1936, 1937) *On the Economic Theory of Socialism*. In these two articles, Lange managed to use the same neoclassical general equilibrium framework supposedly employed by Mises, based on an early work of Taylor (1929), to refute the Austrian hypothesis of the infeasibility of socialism. He argued that Mises was right in describing the phenomenon of economic calculation but erred in stating that it is impossible for central planning to carry it out. This is because the process of information gathering can be performed by the State through a "trial and error" method, which can be seen as a *tâtonnement* process in which planners adjust supply and demand constantly. Therefore, both the socialist and the capitalist system have the same equations to solve, which means that economic calculation can be performed in a centrally planned economy. Here, again, the virtue of Lange's contribution, according to Lopes, lies in showing that central planning is feasible, by using a common, scientific framework; that of standard, neoclassical economics. As the author puts it: "Instead of trying to elaborate his own methodological approach separate from the general outlines of orthodox economics, Lange simply pointed out where the standard economic theory contradicts Mises' claim (…) Lange was aware that failure to remain within what was recognised as orthodox economics meant defeat in the debate (Lopes 2021, p. 792). This helped to create a scientific consensus about the feasibility of socialism in mainstream economics, which constitutes the standard interpretation of the socialist calculation debate (Bergson 1948; Samuelson 1948; Schumpeter 2006). Thus, Lange's work proved that socialism cannot be rejected in technical nor scientific terms, contrary to what Mises attempted to do.

Several Austrian economists subsequently criticized Lange's theory, but they did it differently from Mises. Robbins (1934) and Hayek (1935) moved away from Mises's conclusion about the impossibility of rational economic planning and instead asserted that central planning is unfeasible in practical terms. There can be a purely theoretical solution, but the general equilibrium model assumes certain unrealistic conditions and requires particular dispersed information that is difficult to acquire. With this, these two Austrians implicitly conceded that Lange was right in defending that socialism is feasible according to general equilibrium, neoclassical economics, which parallelly implies a defeat for Mises (Lopes 2021). Having experienced how Lange scientifically demonstrated the superiority of his arguments, the Austrians were left

with two alternatives. On the one hand, they started to raise political reasons against socialism, as was ex-emplified by Hayek (1944). On the other hand, they needed to develop additional technical arguments out of standard economics, creating their own branch of economic science. These arguments underlined the dynamic character of the economy and the dispersed, tacit nature of knowledge (Hayek 1945; Lavoie 1985). Indeed, they gave rise to a reinterpretation of the debate done by Lavoie (1981), who in contrast to the "non-innocent reading" of the debate made by "neoclassical theorists" (Lavoie 1981, p. 72), argued in favor of a continuity between Mises's and Hayek's positions. Lavoie thus emphasizes that both Mises and Hayek criti-cized central planning based on a dynamic perspective opposed to the static general equilibrium theory. In consequence, this reinterpretation points out that Lange's response does not affect Austrian (Mises and Hayek) arguments, given that it rests on a different paradigm; that of neoclassical, general equilibrium eco-nomics.

According to Lopes (2021), the main problem with the new Austrian rebuttal is that it was entirely based on unscientific grounds: political arguments and an alternative economic branch that explicitly re-jects standard economics. Lopes does not deny the relevance of a dynamic analysis and the role of tacit knowledge,[1] but he asserts that these points do not "address the essentials of what had been established by the debate during the 1930s and 1940s" (Lopes 2021, p. 800). He adds that these arguments:

> Arise in the later history of the debate (and of the Austrian School's development outside main-stream economics) and so cannot be retroactively inserted into the earlier history in order to force through a change to the standard interpretation. In the original historical context, there was no distinction between 'official economic science' and Austrian economics. Consequently, it is inad-equate to argue that the then standard static equilibrium model could not have been used suc-cessfully against Mises. Since there was no clear position separating Austrian economics from the standard economic theory, the socialists were using the same tools as the anti-socialists in order to defend their cause (Lopes 2021, p. 803).

This means that when Austrian economists claim a victory in the debate, they do so "in the sense of their own school of thought" (Lopes 2021, p. 803), not in the sense of economic science "as it is studied and taught in the main economic institutions of the world" (Lopes 2021, p. 802). Contrariwise, as the author repeatedly asserts, standard economics already concluded that central planning cannot be rejected from a scientific perspective, demolishing Mises's attempt, and declaring a victory for Lange and the socialist side.

Lopes finally remarks that the Austrian reinterpretation fails since it reveals how the Austrians needed to build a separate branch in economics to criticize socialists, denoting a clear political purpose. He then concludes with a phrase we quoted in the introduction: "If I were to select one accepted truth revealed by the debate, it would be that socialism cannot be scientifically rejected, but only politically by those whose economic interests are opposed by it" (Lopes 2021, p. 806).

WHY CAN SOCIALISM BE TECHNICALLY AND SCIENTIFICALLY REFUTED?

As we discussed above, Lopes's analysis of the socialist calculation debate gives a central role to the is-sue of science; namely, that a theory is scientific, meaning that a community of scientists accepts it. Here, the author does not refer so much to following a scientific methodology as to using a shared conceptual framework. That is why he considers Lange's scientific arguments superior to the unscientific position of late Austrian economists such as Hayek or Lavoie. Yet, this focus on the scientific character of ideas as the source of theoretical validity may turn against Lopes's own conclusions. What if economics has developed and a new scientific paradigm regards central planning as unfeasible? Even more, what if there is evidence proving that Mises's first arguments pertained to an elementary form of this new paradigm? How can this affect the interpretation of the debate?

There are authors talking of a paradigm shift in economics, *à la* Kuhn (Beinhocker 2007). This is that, as Kuhn (1970) outlined, science evolves through revolutions, through abrupt changes in paradigms once anomalies appear in the predominant theory. Economics is no less affected by this process, which leads Beinhocker (2007) to stress that economics is undergoing a scientific revolution which he calls the "Complexity Economics revolution". At the same time, other authors have argued that economics is experiencing a fundamental shift, although not in a Kuhnian sense, but more from an evolutionary, Lakatosian perspective (Lakatos 1999). Unlike Beinhocker (2007), Colander et al. (2004) point out that what is occurring in economics today is not a sudden paradigm shift, but a cumulative, evolutionary process that will be seen as a revolution someday in the future. This process occurs gradually, and changes usually come from within the mainstream rather than from without, as the Kuhnian view tends to hold. In this sense, Holt et al. (2011) believe that new concepts and methods in economics are paving the way to a new era, which they call "the complexity era". Whatever the case, either abruptly or gradually, the truth is that a confluence of economists is indicating a change in mainstream economics. And, precisely, both perspectives point to the so-called *complexity economics* as the new face of mainstream economics.

COMPLEXITY AS A NEW PARADIGM IN ECONOMICS

In 1987, a group of economists, physicists, biologists, mathematicians, and computer scientists was assembled in a workshop at the Santa Fe Institute, New Mexico. The purpose of the meeting was to see how economics could benefit from the latest advances in the rest of the disciplines aforementioned. The group of economists, led by Kenneth Arrow, presented the state of the art in the economics of the time to the other group of physical scientists, led by Philip Anderson. Physical scientists at the workshop then were surprised by how unrealistic and restrictive the assumptions of mainstream economics were, which even led Anderson to ask: "You guys really believe that?" (Waldrop 1992, p. 142). The physicists were especially shocked at assumptions such as perfect rationality or equilibrium, which were central to mainstream, neoclassical economics.

Neoclassical economics assumptions reminded physicists of the classical, Newtonian paradigm, which basically described the world as a vast clockwork mechanism. Reversible and deterministic laws explain that world, and it is possible to anticipate any phenomenon with certainty since the universe is supposed to be in equilibrium. However, the revolutions of quantum mechanics and relativity, and later, chaos and *complexity theory,* proved that fundamental processes of the universe are irreversible and stochastic, and that the world can be in states far from equilibrium. Therefore, most phenomena are unpredictable, and so uncertainty gained a fundamental role (Nicolis and Prigogine 1977). From this new vision of the world, as it is logical, physical scientists were puzzled by mainstream economics, which was still largely based on outdated metaphors and parallels with mechanical physics[2] (Hodgson 1993). For instance, physicists strongly criticized the assumption of perfect rationality during the meeting, since it implies perfect foresight and certainty about the future, which is quite unrealistic, especially in chaotic phenomena and nonlinear systems (Waldrop 1992).

Hence, inspired by the new complexity paradigm in science, both groups of economists and physical scientists started to work on a first research paper series which was published in 1988 under the title "The Economy as An Evolving Complex System" (Anderson, Arrow, and Pines 1988). In this way, the scientific revolution that had taken place in physical sciences came to economics through the Santa Fe workshop. Here, *complexity economics* was born as a paradigm aimed to improve the unrealistic theories of the by then mainstream, neoclassical economics, as it previously occurred in science with mechanical physics.

The term *complexity economics* designates a wide movement integrated by diverse theories and methods from heterodox economics (Potts 2000). Complexity is not a theory, an ideology, or a research method; it is rather a new way of looking at the economy (Arthur 1999). Indeed, there is not a universally accepted definition of complexity. Yet, Holt et al. (2011) find it pertinent to mention three definitions. First, the general view of Simon (1991), who pointed out that a complex system is "one made up of a large num-

ber of parts that interact in a non-simple way. In such systems, the whole is more than the sum of the parts (…)" (Simon 1991, p. 267). Second, the computational complexity perspective, which is based on the Church-Turing thesis (Church 1936; Turing 1937), Shannon's (1948) information theory, and the algorithmic information theory of Kolmogorov, Solomonoff, and Chaitin (Chaitin 1987; Kolmogorov 1968, 1983). This approach attempts to define the complexity of certain models or phenomena in computational terms, determining whether a problem is computable indeed. And third, dynamic complexity, which focuses on the interaction of heterogeneous agents, out-of-equilibrium processes, and emergence (Rosser 2009). This is the most used concept of complexity in economics, and adopted Day's (1994) definition: "A dynamical system is complex if it endogenously does not tend asymptotically to a fixed point, a limit cycle, or an explosion" (Rosser 1999, 170). Complexity economics contrasts with neoclassical economics in several regards. Generally speaking, Arthur (2021) points out that the complexity approach relaxes the assumptions of neoclassical theory, especially those of homogeneous, representative agents; perfect rationality; optimal behavior; equilibrium; and well-defined situations. For its part, complexity economics tries to model agents realistically, assuming heterogeneity in their behavior, and bounded rationality. Equilibrium is not presupposed as in neoclassical theory, but there is a special focus on the emergence and the formation of economic networks and structures. In complexity economics, history and path-dependence matter, which can lead to increasing returns. The contrast with neoclassical economics is captured in this assertion from Arthur (1999, p. 109): "Complexity therefore portrays the economy not as deterministic, predictable, and mechanistic but as process dependent, organic, and always evolving". Consequently, in a sense, it could be said that neoclassical theory is a special case of the more general economics proposed by the complexity approach. And, interestingly, Arthur finally adds: "I see this shift in economics as part of a larger shift in science itself. All the sciences are shedding their certainties, embracing openness and process, and asking how structures or phenomena come into being. There is no reason that economics should differ in this regard" (Arthur 2021, p. 143).

Gradually, mainstream economics has incorporated many heterodox models and methods that form the complexity approach. Rosser (2021) mentions several of these types of work, also named in Colander et al. (2004) and Holt et al. (2011):

- Evolutionary game theory is reconceiving how to include institutions in the economic analysis.
- Ecological economics is shedding new light on how nature and the economy are interrelated from a transdisciplinary approach.
- Behavioral economics is reconceiving the concept of rationality.
- Econometrics is addressing the limitations of classical statistics and so it is affecting economists' thinking about empirical proof.
- Complexity theory is broadening economic understanding beyond general equilibrium, attempting to explain economic dynamics.
- Experimental economics is redefining how economists think about empirical work.
- Agent-based computational economics (ACE) is offering an alternative to traditional tools such as Dynamic Stochastic General Equilibrium (DGSE) models, through agent-based models (ABMs).

Indeed, from all those points, we could say that it is through computation and simulation, in the guise of ABMs, that complexity economics or ACE are changing the way economists model (Axtell and Farmer 2021). Since the Great Recession, which evidenced the failure of DSGE models to anticipate economic events, many voices within economics claimed for new tools such as ABMs (Farmer and Foley 2009; Colander et al. 2009; A. Kirman 2010). After several years, ABMs are becoming very influential in the economics literature (Chakrabarti, Pichl, and Kaizoji 2019).

Complexity economics' models and simulations have been helpful in studying the computability of important parts of neoclassical economic theory, concluding that many of them, such as Walrasian equilibria (Lewis 1992), Nash equilibria (Tsuji, da Costa, and Doria 1998), or general macroeconomic aspects (Leijonhufvud 1993) can be not computable. Moreover, they have allowed us to draw richer conclusions

beyond neoclassical theory with the analysis of increasing returns and path-dependence in technological lock-in contexts (Arthur 1989, 1994), spatial trading networks (A. P. Kirman 1997), bubble chaotic dynamics in financial markets (Brock and Hommes 1997), or a network, knowledge-based approach to economic development (Hausmann and Hidalgo 2011; Hausmann et al. 2013; Moreno-Casas 2021). In short, they have exerted a strong force in the direction of the paradigm shift, causing the use of concepts and tools of complexity to spread in the economics profession.

What does complexity economics say about central planning?

Having presented complexity economics as the new mainstream paradigm, or at least, as the most likely future mainstream economics, we now wonder what complexity economics can say about central planning and the socialist calculation debate.

If we go to the very features of the economy as a Complex Adaptive System (CAS), as described by the Santa Fe complexity (Arthur, Durlauf, and Lane 1997), we can find the following: (1) dispersed interaction among heterogeneous agents; (2) no global controller in the economy exploiting all opportunities, mechanisms of competition and coordination operate instead; (3) cross-cutting hierarchical organization with tangled interactions; (4) continual adaptation and learning; (5) perpetual novelty; and (6) out-of-equilibrium dynamics since "the economy operates far from any optimum or global equilibrium" (Arthur, Durlauf, and Lane 1997, p. 4). Note that there are at least two points that have to do with the issue of central planning. First, point 2 clearly states that there can be no global controller in an economy conceived as a CAS, which explicitly rejects the viability of central planning from a complexity view. In contrast, the economy works through decentralized processes of competition and cooperation. Second, point 6 excludes the possibility of attaining a global optimum. Precisely, central planning is claimed as a more efficient method than the market in that it can achieve an optimal point in terms of resource allocation. Moreover, central planning, in Lange's (1936, 1937) sense, is based on the Walrasian general equilibrium. This contrasts with the complexity position stating that the economy cannot reach a global equilibrium, but it is formed by out-of-equilibrium dynamics and emergence. Thus, just from the very features of the economy as a CAS, one can infer that complexity economics rejects the feasibility of central planning as based on the Walrasian general equilibrium, à la Lange.

Curiously enough, there are several complexity economists that have already drawn implications for the socialist calculation debate from their more general theories. This is the case of da Costa and Doria (1994), who deal with undecidability, incompleteness, and non-computability. They found that it may be impossible to compute Nash equilibria in finite non-cooperative games, which is formally equivalent to determining equilibrium prices in a competitive market, meaning equilibrium prices in competitive markets are not *always* computable. Still assuming that equilibrium will be reached, it cannot be computed beforehand in general. They apply this result to the socialist calculation debate, since Lange's argument is that equilibrium prices are *always* computable—even more so with the aid of powerful computers (Lange 1967)—, which leads the authors to explicitly conclude that "the main argument in favor of a planned economy clearly breaks down" (Costa and Doria 1994, pp. 38-39).

Likewise, Velupillai (2000), regarded as the most relevant figure of computational complexity in economics (Rosser 2009), makes a similar interpretation of the debate and argues that the fundamental points raised by Mises, Robbins, and Hayek can be interpreted in computational complexity terms. In this sense, Velupillai asserts that Austrian economists in the debate "were making the obvious point that certain processes were computationally intractable" (Velupillai 2000, p. 19). More explicitly, he adds: "I conjecture that the tools of algorithmic and computational complexity theory can be used to indicate the computational infeasibility of the institutions of so-called socialist market economies based on Lange–Taylor type arguments" (Velupillai 2000, p. 164). These conclusions have been reproduced and echoed in subsequent complexity works (Tsuji, da Costa, and Doria 1998; Koppl 2008, 2010; van den Hauwe 2011; Velupillai 2005).

As shown, the complexity paradigm not only rejects the idea of general optimum, on which Lange's socialism is based, but clearly concludes that central planning in the Lange-Taylor fashion is unfeasible. Therefore, if complexity economics is the new standard economics, or at least is on the way to becoming mainstream in the future (Colander, Holt, and Rosser 2004; Beinhocker 2007; Fontana 2010; Holt, Rosser, and Colander 2011), Lopes's (2021) analysis and conclusions are compromised. As we already described, Lopes advocates a scientific interpretation of the socialist calculation debate, meaning that the strength of an argument is determined by its scientific character, by being under a common framework accepted by a community of scientists. That is why he believes that Lange defeated Mises, and why the unscientific Austrian rebuttal is off-target. However, the current evolution of economics into a new scientific paradigm changes this conclusion. While the previous scientific paradigm backed Lange's theory, a new scientific consensus in economics is indicating that central planning is unfeasible (Tsuji, da Costa, and Doria 1998; Koppl 2008, 2010; van den Hauwe 2011; Velupillai 2000, 2005). Now, science does not back Lange and his Walrasian equilibrium. What does this imply?

First, contrary to Lopes's assertion that "socialism cannot be scientifically rejected, but only politically by those whose economic interests are opposed by it" (Lopes 2021, p. 807), now central planning can be and is indeed being rejected in scientific terms, separated from any political argument. Then, it could be said that Lopes bases his conclusion on an outdated—unscientific, to use his own preferred terminology—view of the state of economic science. This brings us back to a similar situation as at the start of the socialist calculation debate, when Mises attempted to conclude that socialism is technically and scientifically unfeasible. Moreover, apart from this relevant point, the paradigm shift also conditions the interpretation of the debate. Now, the so-alleged unscientific Austrian rebuttal by Hayek, Lavoie, and others can be regarded as scientific. Recall that Lopes criticizes Austrians for creating a new branch of economics, opposed to the standard, neoclassical equilibrium theory, to re-elaborate their critique of socialism after Mises. This new branch rejected the static equilibrium analysis, and advocated a dynamic view, clarifying that the problem of central planning is not static, but dynamic (Lavoie 1981, p. 1985). Apparently, the new Austrian branch resembles complexity economics and its critique of neoclassical theory.

According to Foss (1993), the Austrian rebuttal of Walrasian market socialism is broader than it looks at first. In reality, the Austrians rose up against "the emerging lock-in of unlimited rationality and equilibrium as the dominant economic tools" (Foss 1993, p. 154). Concretely, Foss names (1) the static character of Walrasian models, (2) the epistemological assumptions of those models, such as perfect rationality, and (3) the view of economic behavior as just maximizing. All those points coincide with complexity economics' critique of neoclassical theory sketched above, which ultimately supports the idea that the late Austrian reply in the debate was a complexity perspective. This hypothesis is confirmed insofar as computational complexity economists have pointed out how Austrian arguments in the socialist debate can be interpreted from a computational viewpoint (Velupillai 2000, p. 19), and also in light of the abundant works linking complexity and Austrian economics (Montgomery 2000; Koppl 2006, 2009; Rosser 2015; Barbieri 2013). In those works, Hayek and Lavoie are included in the complexity approach, specially Hayek, who is regarded as a forerunner of complexity theory in general (Rosser 2010, 2012). In this regard, Rosser (2012) mentions that Hayek managed to combine the *emergentism* of dynamic complexity with that of computational complexity in his argument against central planning, thus foreshadowing evolutionary-complex subsequent works of important figures such as Langton (1992), Wolfram (1984), Kaufmann (1993), and Mirowski (2007).

Applying Lopes's logic, the complexity paradigm shift in economics makes Lange's theory and Walrasian market socialism unscientific, while placing the Austrian reinterpretation in mainstream, standard economics. This exposes socialism to scientific criticism again, beyond mere political grounds. Actually, the fact that the Walrasian paradigm appears outdated in light of the complexity paradigm may be the reason why the new round in the socialist calculation debate is taking place away from the concept of general equilibrium. Two major current proponents of central planning, Cottrell and Cockshott (1993), elaborate their argument from a computational complexity perspective,[3] even rejecting Walrasian equilib-

rium and Lange's arguments (Cottrell and Cockshott 2007). This means that the new round in the socialist calculation debate is occurring in the complexity arena, in the new possible economics paradigm.

That said, an important question remains in this analysis of the socialist calculation debate. What about Mises's position from complexity economics? If we stick to Lopes's interpretation of Mises, we can say the same as with Lange, namely, that his arguments become obsolete due to the paradigm revolution, since Mises argued in the same scientific language as Lange. However, this is Lopes's account of the debate and of Mises's participation. In fact, Bylund et al. (2022) show that Lopes bases his interpretation only on Mises's *Economic Calculation in the Socialist Commonwealth* (1935), overlooking Mises's *Socialism: An Economic and Sociological Analysis* (2012), in which Mises expanded and consolidated his arguments. This leads Lopes to portray a wrong image of Mises by saying that he took part in the debate using the same language and framework as Lange. In reality, Mises held a dynamic view about the market process, stressing that economic calculation is only present in dynamic conditions, and that the problem of socialists was their static viewpoint. Bylund et al. (2022) support this with several quotations such as the following:

> As far as most socialists are concerned, recognition of these problems is obstructed, not only by their rigid adherence to the labor theory of value but also by their whole conception of economic activity. They fail to realize that industry must be constantly changing: their conception of the socialist community is always static (Mises 2012, p. 212).

Moreover, Bylund et al. go on to demonstrate that there was not such a thing as a retreat from Mises's position by Hayek. They prove this with another quotation from Mises, in which it is clear that Hayek's argument is not a retreat nor a development, but an alternative charge against socialism:

> Hayek has also pointed out that the possibility of using the equations describing the state of equilibrium for purposes of economic calculation presupposes a knowledge of the future scales of preferences of consumers. But here he has in mind only a complication of the practical task of applying the equations, and not a fundamental and insuperable obstacle to their use for any such process of calculation (Mises 2000, p. 30).

Even after the debate, Mises continued writing from this dynamic approach to economic phenomena, by emphasizing the promoter or entrepreneur as the driving force of the market *process* (not equilibrium), understanding that the market process can never be static; it does not cease to operate (Bylund 2018, 2020). Therefore, Mises's view can also be included with Hayek's and Lavoie's as a scientific complexity standpoint in the socialist calculation debate.[4]

CONCLUSIONS AND IMPLICATIONS

From what we have discussed, we can draw several conclusions. In the first place, we have seen how the new economic paradigm of complexity shows the infeasibility of central planning and the obsolescence of the Walrasian equilibrium as a theoretical framework. Taking this into account, Lopes's logic turns against his own conclusions. Thus, Lange's position and Walrasian socialism can be regarded as unscientific according to complexity economics. At the same time, Austrian arguments can be considered scientific insofar as they parallel the complexity charge against socialism and its general theoretical framework. Hence, the Austrian reinterpretation of the debate now becomes the standard interpretation, provided that complexity economics is understood as the new scientific paradigm, as several authors already do (Colander, Holt and Rosser 2004, 2011; Beinhocker 2007). This is precisely a conclusion opposite to Lopes (2021).

In contrast to Lopes's resounding assertion that socialism cannot be rejected scientifically but only politically, complexity economics paradigm presents scientific arguments against the viability of central planning. In fact, the socialist calculation debate is still open, and is taking place in the complexity arena. For

this reason, it would still be bold to claim that complexity economics completely rejects socialism in technical terms. However, recent works point out that there are inevitable problems that central planning faces from a complexity approach, such as the issue of self-reference (Moreno-Casas, Espinosa and Wang 2022), that socialist authors have not resolved yet. This may constitute a scientific, at least temporary, rejection of socialism –in the sense of a consensus among scientists–.

Furthermore, our analysis can have implications beyond the interpretation of the debate and a critique of Lopes's work. On the one hand, as we identify the Austrian position in the debate as a complexity standpoint, the socialist calculation debate may be seen as a clash of paradigms, concretely, the first clash between neoclassical economics and complexity economics, the latter in an elementary form through the Austrian position. Obviously, this idea needs to be expanded and elaborated in subsequent works, which means that this article may stimulate future research. On the other hand, on a more general level, we can draw the implication that any historical interpretation appealing to the scientific value of theories, beyond its technical or objective validity, needs to account for the evolution of scientific paradigms. What was scientifically true in the past may be scientifically rejected in the present. This, as shown in this article, may completely change any historical interpretation.

NOTES

1   Lopes does not disregard these non-standard Austrian arguments but rebuts them through three reasons. First, that it is possible to convert the traditional static equilibrium to a dynamic theory (Crookes and De Wit 2014). Second, that authors such as Adaman and Devine (1996) have already tackled the issue of tacit knowledge by proposing a model of participatory planning. And third, that the socialist theory incorporated the essentials of the neoclassical paradigm as developed since the Marginal Revolution, which leads Lopes to say that Lange's argumentative strategy fully absorbs Mises's (1998) magnum opus, Human Action.

2   In fact, many economists believe that neoclassical economics originated at the end of the 19th century as a metaphorical adaptation of the mid-19th century mechanical physics, concretely, energetics (Mirowski 1989, 1991).

3   They base several arguments on fundamental computational complexity theories mentioned above: the Church-Turing thesis (Cottrell and Cockshott 2007), Shannon's (1948) information theory (Cockshott and Cottrell 1997), and Chaitin's (1987) algorithmic information theory (Cottrell and Cockshott 2007).

4   It is worth noting that Mises (2012) is wrong when asserting that central planning is feasible under stationary conditions. As treated in this article, the non-computability of equilibrium prices in a competitive market equally applies to that Mises's assertion (Doria 2017).

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Addressing Air Pollution Through Property Rights and Nuisance Law

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Abstract: Our thesis is that the best way to deal with the challenge of air pollution is on the basis of private property rights and nuisance law. In this perspective, pollution of the air is akin to a trespass, not a negative externality or external diseconomy. Thus, pollution of the air is not an instance of a market failure. Rather, the opposite is the case: it constitutes government failure.

Keywords: Pollution; externalities; property rights; law

JEL category: Q51, Q52

In the US, much of today's political dialogue focuses on climate change and the environment—a worthy concern considering the number of scientists who warn of its damaging and irreparable consequences. Often this debate on environmental issues places the onus to save the planet on private actors. That is to say, on manufacturers, energy producers, transportation industries, fisheries, and consumers; they are often blamed for pollution and the destruction of natural environments. Perhaps this culpability is reasonably directed. After all, 70% of global greenhouse gas emissions, which are the primary climate change contributors, come from energy production and utilization, industry, manufacturing, and transportation.[1] This gaslighting of private actors, though, ignores the coordination problem which explains the difficulties of organizing disparate and remote groups with wide-ranging interests. Every environmental actor has an interest in enhancing his own position and it is nearly impossible to coordinate every industry and consumer around environmental issues.

The only group that has the power and enforcement capability to compel coordination is the state, which has consistently failed to protect the environment.[2] So long as the government allows private actors to pollute without penalty, air quality will continue to worsen. In the US, easements are given to industries that move into towns and poison air and water sources. Eminent domain allows companies with some claimed semblance of public value to seize property and expose outlying areas to undue risks with the government's approval. If one seeks injunctive relief to the violation of one's property rights, one is denied because of a perverse weighing of social equity. Ultimately, the legal standards for holding environmental violators accountable often don't allow victims to seek justice, propping up groups who pollute.

Some argue the solution to environmental challenges is to give the state more coercive power to control polluters. This paper will argue that there is an alternative approach based on the proper enforcement of property rights. Murray Rothbard's (1982) paper, "Law, Property Rights, and Air Pollution", outlines how an alternative normative legal philosophy based on libertarian values can tackle one of the more controversial environmental property rights violations: air pollution.

For many, the idea of free enterprise rules saving the environment is, at first glance, absurd. Aren't markets what got us into this mess? No. The problem is that, in the US, property rights have been stripped of their enforceable capacities. The philosophy of private property rights has failed the environment because the government and legal systems have prevented it from operating. A reordering of environmental law and property rights would allow individuals to hold polluters accountable. In looking at how this would work, it is easy to see how an oil spill or the disposal of toxic waste would constitute an enforceable property rights violation, but oftentimes it can be hard to conceptualize how the same principles apply to air pollution. This paper outlines a new normative approach to property rights, air pollution, and torts based on Rothbard's libertarian approach and will attempt to address the unanswered concerns of those unconvinced by free market environmentalism.

LEGAL STANDARDS

Before establishing a libertarian analysis of property rights and environmentalism, it is important to acknowledge the current legal standards for private nuisance violations—an interference in someone's ability to use or enjoy his land. The two often cited cases on the issue are *Madison v Ducktown Sulphur, Copper, & Iron Company*[3] and *Hulbert v California Portland Cement Company*.[4] In the first, Tennessee law outlined nuisance violations and the Tennessee Supreme Court acknowledged that the Ducktown mining company pollutants were affecting the complainants' ability to use their farms and land as they did prior to the mining company's arrival. The complainants sought injunctive relief, but the courts refused, arguing that, in balancing the social equities of the two parties, the mining company was just too important to the town. Although the courts allowed Madison to sue for damages, they effectively stripped the complainants of their property rights and minimized their damages to the actual estimated costs. Similarly, in *Hulbert*, the California Portland Cement Company was releasing cement particles through the air to Hulbert's property. The dust crusted all of the complainant's plants and found its way through the house vents, making life unpleasant. The court, in its decision, emphasized the size of the cement company's payroll and denied injunctive relief as a balancing of suffering. This approach to nuisance violations strips people of their property rights and is the reason pollution goes largely unpunished. Although the courts do sometimes allow for victims of nuisances to sue for damages, it is important to recognize that most only receive compensation for only monetary damages, which often doesn't properly describe a property owner's valuation of damages.

The libertarian alternative to this system of weighing social efficiencies would give each person absolute property rights that extend to nuisance violations. The standardized enforcement of these property rights would lead to more accountability against polluters who would prioritize the proper negotiation, management, and minimization of pollutants in order to avoid costly litigation or injunctive relief. In order for this reality to take shape, though, a normative approach to property rights must have clear boundaries and be consistently enforced. Rothbard offers a concise understanding of what this would look like: "No action should be considered illicit or illegal unless it invades, or aggresses against, the person or just property of another. Only invasive actions should be declared illegal, and combated with the full power of the law. The invasion must be concrete and physical" (Rothbard 1982, p. 127).

Though effective in outlining a basic standard, there are holes in this legal approach to which Rothbard and libertarian theory adequately fill relating to, burden of guilt, causality, and liability. On the burden of proof, libertarian theory tells us that this should fall squarely on the plaintiff.[5] If the axiom of libertarian law is that no person should threaten or initiate an act of aggression against other persons or their property and that everything else should be allowed, then it should follow that punishable acts of aggression should

be overt. In any cases where it is unclear whether or not the defendant is guilty, nothing should be done. The plaintiffs, if they want the present state of affairs changed, must prove that they have been wronged. At present, this line can be hard to draw, but, with clear and defined property rights, a bright line should be more easily distinguishable.[6] Contrary to contemporary law, libertarian theory holds that the presumption of innocence for defendants and the strict burden of proof for plaintiffs in criminal cases should also apply to civil tort cases. Rothbard (1982, p. 138) explains this saying "For libertarians, the test of guilt must not be tied to the degree of punishment." The coercive nature of guilt in tort suits requires, for supporters of this philosophy,[7] the same standard of proof as contemporary criminal cases.

Regarding Causality, Rothbard (1982) suggests the rigid proof beyond a reasonable doubt test. That means that correlation and, according to Epstein,[8] "substantial factors" have little to do with proximate causation. In the case of air pollution, if an insensible pollutant is released at a level deemed insignificant to one's health, despite that chemical being cancerous in large quantities, the polluter cannot be considered at cause for a property rights violation. If, however, a certain level of that pollutant is found to have statistically significant damaging effects to one's health, exceeding natural risk factors beyond a reasonable doubt, a polluter would be at fault for depositing a greater amount than that level into someone's air. This may seem like an insurmountable causality standard for the layperson, and perhaps it is under the current legal system. It is easy for lawyers who specialize in air pollution law to cast doubt on the causality of pollution to health risk when judges and juries have no knowledge or expertise on the issue. Libertarian legal theory, however, would implement a system of private courts[9] which would allow jurists to specialize in specific areas of law that the public court system simply doesn't have the capacity to fulfill. These private courts are presently common in some industries and allow expert judges who know the issues at play to more efficiently decide cases between industry insiders (Richman, 2004). This would create more uniform expectations and causality standards for air pollution cases.

HOMESTEADING AND NUISANCE LAW

Ultimately, enforcing air pollution property rights violations is an issue plagued by unclear and degraded property rights. As it stands, courts have thrown out individual's rights to injunctive relief in most air pollution related torts.[10] Reframing property rights using libertarian values would help create clear and defined understandings of air pollution rights and violations. The two bedrock values of libertarian theory, according to Rothbard (1982, p. 145), are "Everyone has an absolute property right over his or her own body; and (b) everyone has an absolute property right over previously unowned natural resources that he first occupies and brings to use." This "homesteading" principle prioritizes the first use of land or resources as the mechanism for ownership. That is to say, staking off land does not imply ownership; mixing labor with the land and/or resource utilization does.[11] As much as property rights focus on land and tangible property, one can also homestead the right to emit noise, divert water, or even pollute. The common example of this is that of an airport. Airports emit noise at a level that can severely impact people's ability to use and enjoy their land. Property near airports is consistently valued lower than might otherwise be the case for this reason. If an airport is built in the middle of nowhere, it has every right to land and send off the loudest planes it can find. They are not violating anyone's right to reasonable noise levels as there was no one around before them to disturb. In mixing their labor with the land, so to speak, the airport created a noise easement right that extends to whatever maximum decibel they were contributing before the surrounding areas developed. Although the airport might only own the land its buildings and runways rested upon, their noise easement extends as far as does the noise it had first emitted. Anyone who correspondingly homesteaded the airport's surrounding areas knows what they are getting into and has no right to quiet.[12]

In applying the homesteading principle to air pollution, the same rules apply. Air is unique, though, in that its utilization is often less well defined. There are several theories of ownership for air. The first is the *ad coelum* rule which says that a person owns all the land above and below his property, in the form of a decreasing sized triangle downward, and an increasing sized triangle upward. This obviously is not compat-

ible with the homesteading principle, which requires a person to contribute value to the miles of land and airspace above and below in order to own them.[13]

Another suggests that private airspace should be scrapped altogether. Unfortunately, clean and uncrowded air is a scarce resource and planes buzzing just a couple hundred feet above head would constitute a clear violation of the use and enjoyment of a person's land. The logical implication here is that planes may of course take off and land near airports, at increasing or decreasing altitudes, since they have homesteaded that right by being the first to do so. However, when they are flying over other people's property not under the aegis of homesteading, they must fly at a high enough height so as to not interfere with the property rights of those located below.

The third, which is often applied in law is a "zone" theory that grants the lower airspace above one's head to ownership. Prosser (1971, p. 70) defines the zone as "so much of the space above him as is essential to the complete use and enjoyment of the land" This understanding of airspace aligns well with the homesteading principle and would certainly grant someone ownership of the immediately visible and consumable airspace they had homesteaded.

So, if an industrial factory is built in an unoccupied area, they have every right to pollute as much as they desire up to the limit when they do so at an amount or in a fashion that aggresses against another person's prior appropriated zone of airspace. That factory could emit cancerous chemicals into the air, but the more quantity it emits the more likely those chemicals are to travel further into prior appropriated areas owned by others. This system of property rights would force polluters to choose between building in areas where their smog wouldn't affect others or properly managing and minimizing pollutants. Because each person has an absolute right against invasions to their property, a polluter who wanted to build in an occupied area would have to negotiate terms with each and every person whose property would be affected by their pollution or risk tort action against them. Unlike the current legal system, there would be no weighing of subjective social benefits in tort suits which overwhelmingly sway in favor of polluters.

Even clearly defined property rights are only as good as the uniformity and degree of their enforcement. The current method for enforcing air pollution violations is nuisance law which generally involves the intangible invasion that interferes with a person's economic use or enjoyment of property. Unlike trespass, which requires an invasion by a tangible mass, nuisances require damages in order to be enforceable. Intangible objects such as noise, odors, air pollution, excessive light, or other disturbances of comfort must be damaging to the use or enjoyment of property in order to be considered a nuisance. For example, radio waves carry satellite tv and radio channels across various frequencies, which invade people's property. They do not, however, constitute a nuisance as they are insensible and do not cause damage to anyone's health or property. If, however, a new factory begins emitting smog, visible and odorous, onto a person's property, the unsettling gas would be a clear nuisance violation subject to tort action. Similarly, insensible but objectively harmful pollutants or radiation would constitute nuisances as they are damaging to a person's health. Air pollution that is neither detectable nor damaging to a person's health or property, though, does not constitute a nuisance as it does not damage, or interfere with the use and enjoyment of property. Air pollution of this variety, therefore, should not constitute an act of aggression.

It is important, also, to note that no person has the right not to be affected by nuisances of nature.[14] This is to say that no person is responsible for naturally occurring damages or nuisances on their property that affect their neighbors. If a privately owned volcano erupts, discarding a foot of soot onto a neighboring property, the volcano owner has no responsibility for damages. Tort action should only be taken if there is strict causality between a property owner's actions and an act of nature.

DISPELLING MYTHS AND CONCERNS

So far, this paper has set forth a libertarian approach to property rights and air pollution that establishes homesteading as the mode of absolute ownership of property, defines nuisances, distinguishes aggression from legal and allowable pollution, and properly extends the burden to prove strict causality at the door of the plaintiff. Under this normative approach to air pollution, people aggressed against by smog, toxic pollutants, or other damaging air pollutants would be able to seek both injunctions and damages. Better yet, polluters without prior appropriated pollution easements would be encouraged to negotiate the terms of their existence before polluting. Ultimately, this would internalize environmental "externalities" and force responsibility onto those who wish to pollute. This would incentivize research into cleaner alternatives to transportation, manufacturing, and energy extraction and development while manifesting stricter pollution management standards. The remainder of this essay will seek to dispel various concerns about the efficacy of free market environmentalism in addressing air pollution.

If homesteading rules applied and public and unowned land were all of a sudden up for grabs, wouldn't there be a dash to claim that land and establish pollution easements? Wouldn't all polluters rush to establish as many pollution easements as possible?

There quite possibly might be an influx of industries, which might want to establish pollution easements on newly privatized land before others arrive. Currently the federal Government owns 28% of land in the US-about 640 million acres (Vincent, 2020). One could only assume that there are many investors salivating at the prospect of being able to utilize the vast forests and resources found on this land. Of course, potential polluters will have to compete with the millions of other actors who might consider moving to, developing, or farming this land. The more individual owners who stake claims on newly privatized land, the more polluters who want to move to nearby locations will have to negotiate their entrance. This concern, though, minimizes the huge number of current polluters who would, all of a sudden, be held to new pollution standards. Any person who held his property before a nuisance polluter's entrance in an airspace could seek injunctive relief against them. Most already established polluters would have to minimize pollutants to inactionable levels, negotiate the terms of their polluting, or relocate. This would, likely, more than offset any new polluters that might take advantage of unclaimed land.

It cannot be denied, however, that a sudden move in the direction of the libertarian legal code would indeed introduce more than just a little bit of chaos. But this would not constitute the dreaded "market failure," the bane of free enterprise. Rather, disorder is the result of *any* unexpected and abrupt change in the legal code, whether an improvement or the very opposite. For example, when alcohol prohibition was introduced in the United States, and, then, again, when it was rescinded, upon both occasions disorder and confusion ensued.

Wouldn't this system of homesteading and nuisances inhibit the creation of new businesses that pollute? How could anyone ever pollute under this system?

New industries that sought to pollute would be expected to negotiate payments and pollution terms with the neighboring property owners for as far as their pollution travelled, to be sure. This would raise the barrier costs of entry for those industries that expect to pollute at nuisance levels. Thankfully, markets are flexible, and polluters would innovate new methods of production, energy extraction, and pollution management that are cleaner. Those industries that cannot adapt can find relief from the burdens of negotiating with large numbers of property owners by working with "sky trusts" (Torres, 2001). These negotiate, collect, and manage fees for air pollution disposal and pay persons whose property is adversely affected. Of course, a refocusing of property rights is always going to be at the expense of those actors and industries that benefited from their degradation. Many polluters, who have been propped up by a coercive legal system, will in-

evitably have new costs imposed upon them associated with their nuisance and trespass violations. What is wrong with that, though? Increased costs to new polluters are the cost of justice in the absence of coercion.

It is important to distinguish, though, that not every industry or factory that pollutes will be liable for nuisance violations. Only those that emit particularly dangerous or sensible gases into other's property would be held responsible. Many pollutants, in low quantities, pose no danger to anyone's health. Nature, including humans themselves, emit carbon dioxide and other chemical pollutants at low levels. The expectation should be that each person is allowed to pollute at reasonable levels below the threshold of damaging a neighbors' health.

Air pollution comes from so many places, how can people possibly protect their property from every polluter when each one is responsible for just a fraction of total pollutants?

Oftentimes, smog, noxious air, etc. is a result of many individual polluters who might be polluting at insignificant levels. The best example of this is transportation. Millions of cars around the world contribute significant amounts of soot, nitrogen oxides, carbon monoxide, and sulfur dioxide. Especially in cities, cars are one of the main contributors to dangerous air quality. It would be impossible, though, to sue every car owner in New York City for the quality of air as each, individually, contributes an inactionable amount of pollution. Rothbard aptly indicates that private roads[15] hold the answer. In a free market system that prioritizes homesteading as the mode of ownership, all roads would be privatized. Busy roads that produced a lot of pollution would be responsible for the amount that entered neighboring properties. Although a case could be made for suing the individual automobile owners as well,[16] it is much more feasible to bring a tort action against the road owner. Road owners, in turn, would have an economic incentive to minimize car pollutants on their roads. In order to do this, they can exact penalties on those cars that produce more pollutants and provide discounts for those that run cleanly.

Transportation is relatively unique, though, as most polluters own the land from which they emit. In cases where many individual factories that which each pollute at reasonable levels collectively contribute dangerous levels of pollutants, mass torts could be applied. This would look different than joinder cases which, conveniently for plaintiffs, combine multiple defendants who acted in concert with each other into one tort. Most nuisance cases involve several individual defendants who separately contribute to the nuisance. These defendants may differ in variety, percentage and quantity of pollutants and the injuries are, therefore, separate. It is up to the plaintiff, then, who bears the burden of proof, to appropriate fractional damages among the various defendants in multiple torts. Plaintiffs must be able to show a systematic approach to the appropriation. This can be an arduous task- especially when some defendants might have homesteaded their low-level pollution easement prior to others.

Rothbard, himself, notes that plaintiffs might accomplish very little if proof beyond a reasonable doubt is strictly adhered to. Again, though, a system of private courts would be able to more technically approach data and air pollution science. Perhaps that plus clear and well-defined property rights, and some experimentation in mass nuisance cases involving individual torts, can work to create a universal standard for apportioning damages in such cases. This, however, is the job of an air pollution jurist.

Air pollution can travel across the world. How can property rights help reduce air pollution from other countries?

As it stands, very little is stopping global polluters from spilling greenhouse gases and toxic chemicals into the atmosphere. Worldwide environmental agreements such as the Paris climate accord include no enforcement mechanisms and underwhelmingly constitutes nothing more than a set of goals. There have been many other overlapping international treaties signed throughout the 20th century that outline property and liability rules relating to the environment.[17] These treaties, collectively, establish some semblance of international tort law and private actors would have an interest in preserving these systems. These tort laws might

be helpful in dealing with nuisances like air pollution, but oftentimes they are not enforceable and the only thing holding international polluters accountable are reputation mechanisms. Perhaps leading by example and showing other states how the enhancement of property rights can positively impact the environment is the best we can do.

How could the poor afford to litigate against massive polluters with much more money?

Again, private courts could be more efficient and tailored to fit the needs of a particular industry.[18] Private courts would not be bogged down with procedure of overloaded dockets and the jurists would become expert fact finders in whatever industry they worked in. Similarly, clear and succinct understandings of universal property rights and their normative enforcement would take much of the uncertainty out of court deliberations. Environmental lawyers would often know, more certainly than now, whether a tort case was winnable and may provide their services for free on the assumption that they would receive a percentage of winnings on a contingency basis. Normative property rights and air pollution standards, too would help avoid the litigation process. Polluters, who would know whether they were violating their neighbor's property rights, would have a financial incentive to negotiate their entrance to an area before they polluted. Collectively, these factors would significantly lower the costs of resolving pollution disputes.

Even better, due to the nature of air movement, it is rare that there is only one victim of damaging air pollution. So long as the victims are of a common, singular interest, class action lawsuits can pool the damages of many individuals into a single suit, which could be more efficient and convenient for victims. Class actions are almost always free for victims to hop on to and are little risk to those who sign on.

The poor would have affordable paths to litigation against even the biggest national polluters because reputation is highly important in this field. Let the word get out that the Acme Court favors rich litigants over poor ones, and that would pretty much end its continued operation. Also, there is the matter of comparison. Do government courts never favor the wealthy vis a vis the impoverished. Of course they do. It is, alas, part of the human condition. So, the question is not whether private courts would succumb to this sort of evil.[19] It is, rather, which institution would be *more* vulnerable to it. Here, the free enterprise system looks good in comparison, in that it is based on voluntary contributions and payments, not coercive taxation. A government court, no matter how corrupted, has never gone out of business. This would not at all apply to private counterparts.

What about pollutants that don't constitute a nuisance, but contribute to climate change?

Carbon dioxide in the atmosphere is the main contributor to climate change. In turn, climate change can cause massive destruction of property in the form of more intense and unpredictable storm seasons, sea level rise, and temperature changes. These all present themselves as acts of nature, but can be exacerbated by global carbon polluters. This is tricky because, of course, carbon polluters cannot be held responsible for every out of season hurricane or statewide freeze in Texas. Under the burden of strict liability, it is nearly impossible to tie polluters to these acts of nature. Carbon dioxide pollutants, in large quantities, can cause headaches, dizziness, and fatigue, but rarely does it pool in large enough quantities to cause this health damage. Outside of locations immediately proximal to mass carbon polluters, then, property owners have no recompense against the creators of climate change. In this sense, climate change is difficult for free market environmentalism to address.

Normative property rights enforcement can, hopefully, reduce carbon pollution that brings smog to neighboring property and, in doing so, reduce overall carbon emissions. As other pollutants that are more obviously damaging to health become more expensive to emit, the development of clean energy technologies will be accelerated, too. These technology alternatives can replace carbon emitting technologies in time. Perhaps this is better than current environmental legal standards, which have no answer to climate change outside of coercive regulation and subsidies, which act as transfer payments.

In saying the foregoing in this section, we are allowing, arguendo, that climate change is anthropomorphic. There is an alternative view, however. It is that these claims of left wing socialist environmentalists are false, merely an attempt to blame capitalism and promote central planning. In the 1970s, these critics claimed there was actually global cooling, and it was all the fault of economic freedom. In the 1990s, the charge was global warming, and again the free enterprise system was the culprit. Earlier in this century, the criticism of laissez faire capitalism[20] was that it brought about temperature change. The indictment kept changing, but the verdict stayed the same. It is difficult to take these reproaches seriously.

CONCLUSION

Ultimately many concerns about free market environmentalism boil down to a distrust of capitalism. They are rooted in a philosophy that the government can save the environment more adequately and efficiently. If that were the case, though, would the government not have saved the environment by now? Instead, the state props up polluters by degrading their nuisance liabilities and removing their financial incentives to research for cleaner alternatives.

This paper has presented an alternative normative model for property rights and nuisance torts that relies on libertarian theory to effectively moderate air pollution. This Rothbardian approach prioritizes homesteading as the mode of ownership, absolute rights of individuals to use and enjoy their property free from interference, strict burden of proof on plaintiffs who allege damages against that right, and the normative enforcement of these standards by private courts.

Ultimately, this will lead to less air pollution and financial incentives to innovate cleaner alternatives to dirty industries. While doing so, it would create a more just system of individual liberty without coercion. Torts against polluters have been stripped of their teeth for centuries and a reframing of property rights and nuisance law is absolutely necessary if we want to see a cleaner and more just world.

NOTES

1   Global Greenhouse Gas Emissions Data 2021.

2   The "market failure" literature is so gigantic we need not cite it. For the alternative, "government failure," see Boettke 1995; Boettke, Coyne and Leeson 2007; Buchanan and Tullock 1962; Thornton 2009; Winston 2006.

3   113 Tenn. at 331, 83 S.W. at 658 (1904)

4   161 Cal. 239, 118 P. 928 (1911)

5   Here libertarian legal theory and contemporary law are consistent.

6   "More easily" but rarely definitively. There are often continuums (Block and Barnett 2008). Definitive cases are not typically adjudicated by courts.

7   For an explanation of, and the case in favor of, libertarianism, see Bergland 1986; Bloc 1976, 2009, 2010; Hoppe 1993; Hueber 2010; Kinsella 1995, 1996; Narveso 1988; Nozick 1974; Rothbard 1973a, 1978, 1982; Woolridge 1970.

8   For a discussion on the strict liability suggested in this paper read Epstein (1973).

9   The continued success of private courts relies on their reputation of fairness and strict adherence to normative law. For more about reputational mechanisms for private courts, see Benson 1990, 2002; Friedman 1979, 1989; Hoppe 2001; Osterfeld, 1989; Peden, 1977; Richman, 2004; Rothbard, 1973B, 1982, 1991; Stringham, 1998-1999; Tannehill and Tannehill 1984; Woolridge 1970.

10   The judge in the Holman (1919) case went so far to avert that when pollution is the result of ordinary business practices it is plain and simple "not actionable."

11   On homesteading, see Block 1990, 2002a, 2002b; Block and Edelstein 2012; Block and Nelson 2015; Block and Yeatts 1999-2000; Block vs Epstein 2005; Bylund 2005, 2012; Gordon 2019a, 2019b; Grotius 1625; Hoppe 1993, 2011; Kinsella 2003, 2006a, 2006b, 2007, 2009a, 2009b, 2009c; Locke 1948; McMaken 2016; Paul 1987; Pufendorf 1673; Rothbard 1969, 1973a; Rozeff 2005; Watner 1982.

12   If they sue for noise abatement, their claim should be rejected on the ground that they are "coming to the nuisance."

13   Looking upward, this doctrine would play havoc with airplane travel. The carrier would have to have overflight permission from millions, tens of millions, of people for many trips.

14   https://wt.ca/a-primer-on-the-law-of-nuisance/

15   For a discussion on the transition to and the efficacy of road privatization see Block 2009.

16   Not a very good case. After all, victims do not sue night club attendees for after-hours noise pollution. Rather, they bring suit against the owner of this facility. And, it is not because he has "deeper pockets." Some of the participants may be wealthier than him. It is due to de minimus considerations. The law, properly, does not take into account trifles.

17   For examples of treaties involving international property rights, air pollution, and torts see Conybeare (1980).

18   See fn. 9, op. cit.

19   Of course they would.

20   As if this system were then in place.

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