

A PREFACE TO AMERICAN POLITICS



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Abstract:

This article combines the first four lectures written in 1990 to introduce a semester-long course on American Government at Hope College. They were originally followed by the four lectures that make up America's Federal Constitution, published here in 2018. These lectures were used more recently for a course on State and Local Government at Liberty University from 1998 until 2007. Apart from minor changes, only the last part have been updated and reorganized.

"NOW WE SEE THROUGH A GLASS, DARKLY"

THE PARABLE OF THE GREAT FISH

And it came to pass that God looked down upon the Great Fish and inquired: "You are a wise old fish. Tell me, what is this thing, water, in which you swim?"

*And the fish thought for a moment, and replied: "I can neither taste, nor smell, nor see it. I know not what water is, Oh Lord".
And many months passed.*

And lo, one day black clouds rolled across the sky and blotted out the Sun, and there came a great squall, and a tempest, and a storm which washed the Great Fish onto the land.

The Great Fish struggled mightily, but the waves grew calm and the tide receded and left him landward.

And as the clouds parted, and the Sun's rays began, first to warm, and then to bake his scales, the Great Fish looked skyward and said, "Dear God, I know now what is «water»"¹.

¹ Paul Stephen Dempsey, *The Social and Economic Consequences of Deregulation* (New York: Quadrangle, 1989), xiii.

We are like fish in water. Like other creatures, we human beings tend to be oblivious to or detached from our immediate circumstances. If everything seems normal, then it is "business as usual". We are not likely to notice the air we breathe unless we can see it or it chokes us.

Consider the water we drink from the tap; the steady drone of city noises; or the news we read in the newspaper and see on television. There is something abstract, predictable, and reassuringly normal even about the endless international crises, scandals, murders, and natural disasters that fill the headlines. Contemplating the calamities of life, what do we do? We may wince for a moment but the cloud quickly passes and we distance ourselves from them. Without much thought people set out the garbage, send the children off to school, take the bus to work, pay the insurance premiums, or telephone a distant friend. Yet all of these ordinary activities are not only affected by political circumstances beyond our personal control but also help shape the general political climate. Politics may not be everything, but it affects everything we do.

What Is politics and why should we study it? Let us begin by defining our terms. Here we quickly discover that the concept is too broad to define in concrete terms. Politics may be defined very simply as the pursuit and exercise of power. Politics is also called the art of the possible. The vagueness of these non-definitions suggest that politics is not a thing but rather an abstract concept or an invisible process that seldom calls attention to itself.

Let us focus on one ingredient: power. In the political sense of the word, power is the ability to influence or control the behavior of others. Although we might believe that politics is a specialized pursuit, such as campaigning for political office or debating public issues, it is actually an inescapable part of our everyday lives, like the air we breathe, the water we drink, and the city noises that drone monotonously in the background.

The Spanish philosopher, Jose Ortega y Gasset, wrote that "I am I and my circumstance"². He here points to the importance of the milieu or context in which we live. We are inescapably a part of the life and activity of the world around us and it is inescapably a part of ourselves. There are no "self-made men". As the poet John Donne noted, "no man is an island".

Consider the many ways politics affects our air, water, and our habitat generally through laws, regulations, taxes, subsidies, privileges, punishments, and other exchanges. The study of politics should offer fresh perspectives on the common problems we face as members of various political communities, such as cities, counties, states, families, churches, and businesses.

CITIZENS AND HOUSEHOLD STEWARDS

THE PREREQUISITES OF FREE GOVERNMENT

To make a government requires no great prudence. Settle the seat of power; teach obedience: and the work is done. To give freedom is still more easy. It is not necessary to guide; it only requires to let go the rein. But to form a free government; that is, to temper together these opposite elements of liberty and restraint in one consistent work, requires much thought, deep reflection, a sagacious, powerful, and combining mind – Edmund Burke³.

Given the earlier definition, it may be surprising that politics includes "private" along with "public" organizations. But the distinction between public and private matters is less clear today than ever. And politics – particularly the statist variety which refuses to recognize limits to the authority of the state – is at least part of the reason.

² See Julian Marias, *Jose Ortega y Gasset: Circumstance and Vocation* (Norman, OK: University of Oklahoma Press, 1970), 361.

³ Edmund Burke, *Reflections on the Revolution in France*, ed. J. G. A. Pocock (Indianapolis: Hackett, 1987), 216.

Let's turn to a thirty-year old illustration. Consider the limited liability corporation, whose owners and managers are protected against many of the financial costs of risky ventures, thus shifting these costs to consumers, creditors, and ultimately the general public. Some estimates in 1990 suggested that the cost of the savings and loan bailout would eventually surpass \$500 billion. This came to around \$2000 for every man, woman, and child in America at that time.

This naturally raises questions. Why should the general public pay for the foolish mistakes – not to mention the stupidity and greed – of some of its members? The fact that certain causes lead to certain effects is something we ignore at our peril. Somebody pays the bill. But here we encounter a problem: Who should pay? In our society, lawmakers have chosen to socialize or spread out the costs of various economic activities, including much of what we call private enterprise. Have they and those who elected them made a sound choice? This is a political issue. Here we need to flesh out the concept of politics with some content. Let us begin by injecting some economics.

For the ancient Greeks and Romans, politics – by definition – had to do with the public affairs of the city (the Greek *polis*). Such words as citizen, bourgeois, Burgess, urbane, and metropolitan derive from various roots that mean “city” and indicate belonging as well as guardianship or service. Aristotle defined man – civilized man – as a political animal: that is, a creature (or creation) of the city. For the ancients, citizenship also meant participation in the religious cult. Our word religion comes from the Latin *religare*: what binds society together.

Economics, on the other hand, concerned the private affairs of the household (the Greek *oikos*). Such words as ecology, ecumenical, domicile, domestic, possession, habitation, tenure, and house derive from roots that refer to the having or exclusive holding of property.

The mixing of public and private affairs was thought to breed corruption: the opposite of the kind of public virtue (moral

strength or self-government) America's founders wished to cultivate. The public trust is violated when a public office is used for personal gain as if it were private property, just as the conscience is violated by perjury. A public official holds no property claim to his office but is a representative or trustee: that is, a steward or servant.

This public-private dichotomy is not simply a secular distinction. It is also part of the Judeo-Christian background of western civilization. In Proverbs 31, King Lemuel described the household economy of the virtuous woman, who traded in the marketplace and helped the needy, while her husband sat at the city gates and engaged in public service. The Bible has a great deal to say about politics and government, but primarily as a ministry in relation to the divine "economy". Jesus counseled his disciples to be ministers or servants rather than act like the gentile magistrates who lord it over their people. Joseph, Daniel, Mordechai, and Nehemiah were elevated to offices of trust by foreign kings and proved themselves to be wise stewards. The prophets frequently condemned the misuse of political power as "oppression" and "unrighteousness".

Modern ideologues tend to belittle the household as something withheld from the public sphere or commonwealth. The 19th century French anarchist, Pierre Proudhon, for example, wrote that "property is theft!". But there is a place for both community and individuality, commonwealth as well as personal property.

Christianity, for example, teaches that both elements – the city and the household or the public and the private spheres – are ultimately brought into harmony at the end of history in the heavenly city of Jerusalem (Heb. 11:16), which is "prepared as a bride" (Rev. 21:2). Jesus gave the household a place of honor by taking it as the model of his kingdom – "in my Father's house are many mansions" (John 14:2) – and then giving pride of place to the household servants by calling them friends (John 15:15) and adopting them as sons (John 1:12; Gal. 4:5-6).

Civil government is given the calling and authority to restrain the misuse of personal property and liberty. The Apostle Paul noted that even the heirs of the household must submit to tutors and governors until they have been prepared for their responsibilities. Internal self-government must precede external liberty.

James Madison acknowledged this connection between moral self-government and liberty. He also understood its political significance when he maintained that "conscience is the most sacred property". Our conscience ultimately belongs to God. So when Jesus said, "Render therefore unto Caesar the things which be Caesar's and unto God the things that be God's" (Luke 20:25), he meant that we do not owe everything to Caesar or anybody else. No one is "free" to sell his conscience. It is a denial of liberty.

Even so, too often we cross moral boundaries and trespass on the affairs of others. Consider how we today tend to confuse these two spheres, the public and the private. Harold Lasswell has given us one of the classic definitions of modern politics in the form of a question: "Who gets what, when, how?"⁴. The "what" may well be a private benefit – for individuals or groups rather than society as a whole. The "how" may include use of the public treasury to reward friends and punish enemies. Such a definition inevitably enlarges the scope of politics. Frederic Bastiat characterized this as "legal plunder"⁵. Albert Jay Nock described the modern state – as opposed to "government" – as a mechanism for expropriating by political means what had already been produced by economic means⁶. In other words, the art of the possible can become the art of trespassing on others by using the state as an instrument of power.

Political science too often divorces itself from moral or ethical considerations in favor of expediency. Political decisions often involve life and death issues. Yet the quality of the decision

⁴ Harold Lasswell, *Politics: Who Gets What, When, How?* (Cleveland, OH: Meridian Books), 1958.

⁵ http://bastiat.org/en/the_law.html.

⁶ Albert Jay Nock, *Our Enemy, the State* (Tampa: Hallberg, 1995 [1935]), 58-59.

making, like the decision makers themselves, may be dismayingly irresponsible. What is profitable to some may risk considerable harm to others.

By ignoring the ethical dimension a tension is introduced right at the heart of Lasswell's definition. In part it is because we tend to confuse the interest of individuals with the benefit of society. This is the problem of the one and the many⁷. *Cui bono?*: Who benefits (and who pays the bill)? The individual? The group? This problem may be seen in our attempts to reconcile liberty and authority. Who has the right to decide? The individual? Groups? Experts? From a pragmatic perspective, the interests of the one and the many remain always in tension.

This assumes there must be a conflict of interests. In game theory, this type of interplay is called a zero-sum game. What one party gains, another must lose. Yet is this the whole story? Must every transaction an "either/or"? Can there also be a "both/and"? For a Christian, these two poles – unity and diversity – find their ultimate expression and reconciliation in the Godhead, in the Holy Trinity. At the level of friendship we might also reflect on the motto of the Three Musketeers: "One for all and all for one". In genuine love – in a covenantal unity of mutual obligation based on consent – a loss of individuality is not required. In a free market, everyone may profit. In other words, the zero-sum is not the only game in town.

Just as the model of economic man regards us all as the sum of our appetites, so the model of political man reduces politics to a contest of wills. But economics and political science, which focus on individuals and aggregates, ignore the ties that bind only at their peril. Reconciling conflicting interests may require trade-offs but this is the common bond that establishes and regulates government through consent of the governed. It enables strangers to cooperate as neighbors.

⁷ See Rousas John Rushdoony, *The One and the Many: Studies in the Philosophy of Order and Ultimacy* (Fairfax, VA: Thoburn Press, 1978 [1971]).

For cementing people into a resilient community, a consensus that grows out of a common culture and gives legitimacy to the political order is a far stronger and more effective bond than coercion, fear, or greed. Here, as Edmund Burke recognized, we may find a basis for civil liberty:

Men are qualified for civil liberty in exact proportion to their disposition to put moral chains on their own appetites; in proportion as their love of justice is above their rapacity; in proportion as their soundness and sobriety of understanding is above their vanity and presumption; in proportion as they are more disposed to listen to the counsels of the wise and good, in preference to the flattery of knaves. Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things, that men of intemperate minds cannot be free. Their passions forge their fetters⁸.

INESCAPABLE CONCEPTS

It is useful to examine some of the attributes of our common humanity before examining the American political system and its distinct characteristics. What follows is a model developed by R. J. Rushdoony, who maintains that human nature is such that we cannot escape knowing some basic concepts built into creation. These inescapable concepts, as he calls them, raise critical questions: theological, political, legal, and economic.

Man is inescapably religious. He may deny God, but all the categories of his life remain religious, and all are categories borrowed from the Triune God. Since the only world man lives in is the world God created, his thinking even in apostasy is inevitably conditioned and governed by a God-given framework.

⁸ Quoted in Wilhelm Roepke, *A Humane Economy: The Social Framework of the Free Market* (Chicago: Henry Regnery Company, 1960), xiii. See <https://oll.libertyfund.org/titles/burke-further-reflections-on-the-french-revolution>.

They may deny God's sovereignty, but they cannot stop believing in sovereignty; they merely transfer it to man or to the State. Total law and planning, i.e. predestination, is inescapable; denied to God, it is simply transferred to the scientific socialist State which predestinates or totally governs or plans all things; if deity be denied to the God of Scripture, it merely reappears in man or the State. And if the church ceases proclaiming the Gospel, then religion does not perish; it reappears as politics or economics, and salvation continues to be offered to inescapably religious man⁹.

Sovereignty: Who is in charge? What is the ultimate governing authority? This is a foundational question that embraces all the others: means and ends, truth and consequences, causes and effects. It is a question about reality that raises ethical as well as practical issues: Who or what creates or sets up the situation, establishes rules and standards, initiates action, devises appropriate procedures, determines the outcome, and judges success or failure? While it is a question about ultimate things, it can also be applied to mundane concerns.

During the formative years of the United States, rival claims to sovereignty by the central government and the states were tried by war and answered in favor of the national government. Even so, a considerable degree of federal decentralization was retained. International organizations like the European Union and the United Nations make similar claims to ultimacy. Yet local self-government remains an important part of the western political tradition, particularly in federal republics.

Besides the tension between central and local governments, we must deal with the tug of war between the One and the Many: individuals and groups, unity and diversity, private interests and the public welfare.

The American political, moral, and religious culture emphasizes a number of governing principles: the value of individuality, self-government, integrity of character, the claims of conscience,

⁹ Rousas John Rushdoony, "The Society of Satan", *Biblical Economics Today* (October/November 1979), 1.

limited government under the rule of law, local initiative, and a voluntary unity or consensus based on common values.

Salvation [Ends]: What is the goal? What are the benefits? In business, politics, and law, what ends and whose purposes are being sought? This question concerns our vision of the good life, health, wealth, security, or salvation. Our answers also reflect our view of truth or reality. Is history moving inevitably toward some final resolution, as both Marxists and Christians believe? Or is life simply a struggle for survival, whose great object is to eat and not be eaten?

Predestination [Means]. If there is a goal, how do we get there? If there are ends, what are the appropriate means? Is there some kind of game plan, set of blueprints, or rational method? Or do natural forces operate according to an invisible hand, tacit dimension, or spontaneous order? If the ends reflect our vision of the good life, the means concern our practical options for pursuing it.

Infallibility [Truth]. Then there is the question of how we know what we think we know and how we respond to the claims our awareness makes on us?

*The concept of **infallibility**, when denied to God and His word, does not disappear; instead, it is transferred to another area. Historically, as Christendom turned to Aristotle and to natural law, the concept of infallibility came into a new prominence as church, state, and school claimed it for themselves¹⁰.*

Here we must consider matters of evidence. What standard or measure do we have for determining truth, justice, or morality? In philosophy, this question belongs to epistemology, the theory of knowledge. It raises questions of reality, judgment, and discernment because again and again we must entrust our lives to people and circumstances we may not control. Errors in judgment often prove fatal. Here we must also consider moral questions about personal

¹⁰ Rousas John Rushdoony, *Infallibility: An Inescapable Concept* (Vallecito, CA: Ross House Books, 1978), 8.

character and conscience, bringing us finally to the question of responsibility.

Liability [Consequences]. What are the costs? After the evidence has been considered, what is the verdict? What are the consequences of our actions and who suffers them? In other words, who pays the bill and, just as importantly, who should pay? It is a matter of applied ethics in relation to the means and ends we choose.

In reality, living with the fact that the universe and our world carry always unlimited liabilities is the best way to assure security and advantage. To live with reality, and seek progress within its framework, is man's best security.

The purpose of limited liability laws is to limit responsibility. Although the ostensible purpose is to protect the shareholders, the practical effect is to limit their responsibility and therefore encourage recklessness in investment. A limited liability economy is socialistic. By seeking to protect people, a limited liability economy merely transfers responsibility away from the people to the state, where "planning" supposedly obviates responsibility... In reality, payment [of the costs] is simply transferred to others¹¹.

We always face the necessity of making judgments and the demand to do justice. In law, we talk about liability. In business administration, it is about accountability. Very often this brings us back to the first question: "Who is in charge?". In other words: "Where does the buck stop?". President Harry Truman had a sign on his desk that said "The Buck Stops Here": an implicit claim of sovereignty. When refusing to take responsibility for our acts of commission and omission we tacitly agree with Cain, who dismissively deflected his guilt: "Am I my brother's keeper?".

Such questions are raised by every political, legal, philosophical, and ethical system. As Richard Weaver put it: *Ideas Have Consequences*¹².

¹¹ Rousas John Rushdoony, *The Institutes of Biblical Law* (The Craig Press, 1973), 664.

¹² Richard Weaver, *Ideas Have Consequences* (Chicago: University of Chicago Press, 1948).

CULTURE HEARTHHS

The original thirteen colonies fell into three regional groups: New England, the Middle Atlantic, and the South. These correspond to three political subcultures that Daniel Elazar has identified: moralistic (New England), individualistic (Middle Atlantic), and traditionalistic (the South)¹³. Wilbur Zelinsky identifies them with the three principal culture hearths of the colonial period: New England, the Midland, and the South¹⁴.

The western backcountry of the Blue Ridge and Appalachian highlands developed into a fourth distinct region: an area that has been characterized by greater clannishness than the others. Taken together, these four regions were initially settled by immigrants from four separate British religious and regional subcultures, which David Hackett Fischer calls folkways¹⁵. The Puritans of New England in the 1630s were characterized by strong religious moralism that gradually secularized. The Cavaliers and indentured servants of the tidewater South in the 1650s planted a traditional society of classes and orders. The Quakers and Anabaptists of Pennsylvania in the 1680s emphasized social equality and favored greater individualism. The border country English and Scots settled the Appalachian backcountry in the half century before the War for Independence and fought to defend hearth and home. Each folkway left its mark on the landscape there and elsewhere as the people who were forged in each region migrated and mingled, first, westward, then from farms and ranches into the industrial cities, and, more recently, from the “Rust Belt” to the “Sunbelt” with the decline of manufacturing.

¹³ Daniel J. Elazar, *American Federalism: A View from the States* (New York: Thomas Y. Crowell, 1966), 85-140.

¹⁴ Wilbur Zelinsky, *The Cultural Geography of the United States*, revised ed. (Englewood Cliffs, NJ: Prentice-Hall, 1992), 117-28.

¹⁵ David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989).

THE IDEA OF AN AMERICAN CHARACTER

SCHOPENHAUER ON THE MANNERS AND MORALS OF PORCUPINES

One very cold day, a group of porcupines huddled close together for warmth. However, their spines made proximity uncomfortable, so they spread out again and got cold. After shuffling in and out for some time, they eventually found a distance at which they could warm each other fairly well without getting pricked. This distance they henceforth called decency and good manners¹⁶.

The definition of behavioral norms, political boundaries, and units of social distance is a cultural function. Expectations vary from one culture to another. An early observer of the American scene, Alexis de Tocqueville, coined the word individualism to describe the new type of character he saw represented by the Americans. He distinguished it from selfishness:

Selfishness is a passionate and exaggerated love of self, which leads a man to connect everything with himself, and prefer himself to everything in the world. Individualism is a mature and calm feeling, which disposes each member of the community to sever himself from the mass of his fellows, and to draw apart with his family and friends; so that, after he has formed a little circle of his own, he willingly leaves society at large to itself¹⁷.

It is an unfortunate description of the American character but accurate enough, as can be seen from the migratory life on the frontier, which undercut the traditions of civility and further fragmented the church. The founders designed a political system that requires the active participation of its citizens while contriving to check and balance their passions. That is to say, the

¹⁶ Arthur Schopenhauer, cited by Paul Leyhausen, "The Sane Community - A Density Problem?", *Discovery*, September 1965, p. 32.

¹⁷ Alexis de Tocqueville, *Democracy in America*, ed. and abridged Richard D. Heffner. New York: New American Library, 1956.

system encourages both active cooperation and a more passive separateness. Unfortunately, this individualism has aided a tendency toward the concentration of political power into fewer hands. Yet along with a greater detachment from public affairs, individualism has also enabled a fuller expression of personal talents and contributed to the general prosperity.

Changes in the American character are reflected by changes in the values of the political culture during the last 350 years, including a decline in the sense of community. Americans have striven to make up for the slackening of family and community ties in circumstances that put a premium on mobility.

CHARACTER TYPES

Changes in the economic order and the decline of formal religiosity changed how society ensures conformity to its rules as these become increasingly fluid. In the last several hundred years of western civilization, we have moved from what David Riesman called the tradition-directed character of pre-capitalist societies to the inner-directed character of the early capitalists and the Puritans to the other-directed character of the modern organization man who seeks a sense of community through approval and direction from others¹⁸. These changes may be seen in a pattern that is often typical of the newer immigrant families.

Immigrants from tradition-directed cultures of fixed statuses have generally been the most family-oriented of all, often continuing to practice their folkways in the security of urban ghettos and distinct regions of settlement, such as the Dutch settlements of western Michigan and the German areas of the Texas Hill Country.

¹⁸ David Riesman, with Nathan Glazer and Reuel Denney, *The Lonely Crowd: A Study of the Changing American Character*, abridged (Garden City, NY: Doubleday, 1953 [1950]), 23. A fourth character type, called "autonomous", was held up as the ideal.

The inner-directed children of immigrants often make a place for themselves by leaving home, climbing the economic ladder, and achieving professional status. They must be highly disciplined, self-governing individuals in order to survive the fierce competition of the marketplace. They must likewise be adept at making personal adjustments that allow them to form voluntary and temporary associations.

Later generations of other-directed Americans are often left hungering for a sense of community that they may barely glimpse in the lives of their elders. Some take up pursuits that are better designed to express their artistic creativity and their need for roots, as Simone Weil called it¹⁹.

Absence of a Feudal Tradition America was born at a time when feudal, aristocratic landholding patterns in Europe were being replaced by early mercantilist and capitalist institutions. While the first generation of Massachusetts Bay Puritans and Chesapeake Bay Cavaliers had been caught up in of the political and religious struggles that characterized the Protestant Reformation and the rise of the middle classes, later generations were the products of a frontier society that enjoyed a freedom unknown elsewhere. John Locke's social contract idea personified what became the great American myth: that people voluntarily come together to form a social contract.

Status vs. Contract The values of a traditional society emphasize status, hierarchy, and social stability. With modernization, as Henry Maine observed, contract began taking the place of status as the chief social cement.

America's emphasis on economic competition and experimentation has resulted to some degree in a meritocracy, in which personal success is better rewarded than family ties. It has been expressed differently through the various stages in the growth of the American political culture. In recent years, with the

¹⁹ Simone Weil, *The Need for Roots: Prelude to a Declaration of Duties Toward Mankind* (New York: Harper Colophon, 1971).

rise of new forms of wealth and welfare, status in the form of special privileges and government entitlements has re-emerged as a major political force.

THE LIBERAL TRADITION IN AMERICA

Perhaps the most important feature of American life is what Louis Hartz calls the "liberal tradition"²⁰, which became increasingly dominant after 1775.

One of the central characteristics of a nonfeudal society is that it lacks a genuine revolutionary tradition, the tradition which in Europe has been linked with the Puritan and French revolutions: that it is "born equal", as Tocqueville said. And this being the case, it also lacks a tradition of reaction: lacking Robespierre it lacks Maistre, lacking Sydney it lacks Charles II. Its liberalism is what Santayana called, referring to American democracy, a "natural" phenomenon. But the matter is curiously broader than this, for a society which begins with Locke, and thus transforms him, stays with Locke, by virtue of an absolute and irrational attachment it develops for him, and becomes as indifferent to the challenge of socialism in the later era as it was unfamiliar with the heritage of feudalism in the earlier one²¹.

Most Americans have never been burdened with feudal institutions designed to thwart their economic and social ambitions. Still, a long history of racially and religiously discriminatory laws stand out as an exception that many believe disproves the rule.

For John Locke, political society began as a voluntary arrangement. Adopting the natural rights theory, Locke began with certain assumptions about human nature which blended

²⁰ Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought Since the Revolution* (New York: Harcourt Brace Jovanovich, 1955), 5-6.

²¹ *Ibid.* 5-6.

Christian and rationalist viewpoints into an early statement of classical liberalism. Thus men are rational creatures created in God's image but they are also fallen creatures and hence selfish. People are by nature free and equal. But in the originative state of nature – what Locke called "the state of perfect freedom" – men enjoy both liberty and equality, but little security. The social contract thus involves a trade-off. In order to hold property and better protect their lives, men give up a portion of their liberty to a common pool.

*When any number of men have so consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest"*²².

The contract established a limited government that was to act according to delegated powers rather than on its own authority.

Within the liberal tradition, the ordinary means of minimizing discontent is to follow the principle of majority rule. But this must be accompanied by respect for minority rights, such as the rights of the individual to life, liberty, and property. The chief end of government is the preservation of property, including one's own person. Thus political society must provide what the state of nature lacks: an established, known, settled law (rule of law); a known and indifferent judge (impartial justice); and a due execution of sentences (law enforcement). These correspond with the three chief functions of government: legislative, judicial, and executive. These in turn correspond with the three offices of divine government expressed in Isaiah 33:22: "The Lord is our judge; the Lord is our lawgiver; the Lord is our king, it is he who will save us".

If government should seize tyrannical power, however, the people retain the right to resist its unlawful actions. Some forms

²² Alpheus Thomas Mason, *Free Government in the Making: Readings in American Political Thought*, 3rd ed. (New York: Oxford University Press, 1965), 27. This is a paraphrase of §96 of Locke's *Second Treatise of Government*.

of resistance have come to be institutionalized, as in the electoral process and the courts. Other forms have arisen from time to time and been exercised intermittently, such as interposition by a lower-ranking official, nullification, secession, civil disobedience, and revolution. Precedents for civil disobedience may be found in the Middle Ages with the excommunication of rulers and interdiction of their realms by the papacy. Later Protestant leaders developed theologies of resistance to tyranny.

The Age of Revolution. It should be added that natural law and social contract theory led in more radical directions during the eighteenth century Enlightenment, known as the Age of Reason. French philosophes and political activists, like the Marquis de Condorcet, taught a new "gospel of progress" and urged that intellectuals flatter the people in order to reconstruct society. Jean-Jacques Rousseau added the concept of the general will, which permits the state to act in what it perceives as the best interests of the people and even demand a consensus – taking a step toward justifying totalitarianism in the name of the people. Rousseau anticipated the French Revolution (1789-1799) and became a model for Maximilien Robespierre's revolutionary Jacobins. Georg Wilhelm Friedrich Hegel, who believed that history is defined by heroic movers and shakers, subsequently attempted to justify the Revolution as an expression of the spirit of the age.

Nineteenth-century Europe witnessed the decline of Christianity and the rise of nationalist and internationalist revolutionary ideologies. Religious fervor was redirected into new secular movements like positivism, utilitarianism, idealism, nationalism, humanitarianism, socialism, and communism.

American Adaptations. Many of these ideas, which spread through Europe through a series of revolutions, were adopted in distinct pockets of America. The radical Unitarian (humanitarian) and idealist movement known as Transcendentalism transformed New England intellectual life before the Civil War. Around the turn of the century, the utilitarian and pragmatic political and

educational movement called Progressivism had an even wider and lasting influence.

Roughly four phases may be discerned in the development of American political and social institutions. These may be termed the Protestant Ethic (or Biblical Tradition), Frontier Individualism (or the Republican Tradition), Industrial Individualism (or the Economic Tradition), and the Social Service State (or the Therapeutic Tradition)²³. In terms of economic history, they correspond roughly with the stages of mercantilism, free enterprise capitalism, corporate capitalism, and the mixed economy.

THE BIBLICAL TRADITION

Although the early colonists were not political liberals, the exigencies of the wilderness favored a greater degree of self-government, property ownership, and private enterprise. Whether they had been gentlemen, yeoman farmers, artisans, landless tenants, or indentured servants, circumstances compelled them to adopt practices that anticipated the principles of free market capitalism. Many settlers in New England and Pennsylvania held to a Biblical Christian cultural tradition: what Max Weber labeled "the Protestant ethic". Dissenters like the Pilgrims and Puritans, who already practiced ecclesiastical self-government, developed their own civil governments with written constitutions.

Upon settling, the Plymouth Pilgrims practiced communal farming but soon concluded it was better to break the agreement with their sponsors and institute family farming than to starve. Colonies were expected to supply the mother country with raw materials and in turn purchase its manufactured items exclusively. This prevented them from establishing their own factories. As a

²³ See Charles R. Adrian and Michael R. Fine, *State and Local Politics* (Chicago: Lyceum Books, 1991), 35-62; Bruce L. Shelley, *The Gospel and the American Dream* (Portland, OR: Multnomah Press, 1989), 45-71; Robert N. Bellah and others, *Habits of the Heart* (New York: Harper & Row, 1985), 150.

consequence they were rendered dependent on England. The subsequent Navigation, Stamp, and Sugar Acts all reflected the idea of mercantilism: that the object of economic activity is to fill the national treasury. Mercantilism would remain the prevailing economic philosophy until Adam Smith wrote *Wealth of Nations* in 1776. Even so, the colonists prospered and multiplied in large part because they adhered to the biblical work ethic. The Puritan concept of a holy commonwealth energized the efforts of individuals and communities alike to apply themselves to building a godly culture: a "new Israel".

Following the principle of local self-government, these colonies became the experimental laboratories of the Protestant Reformation. The most striking experiment of all was the effort by a few of them to apply biblical law to governing all areas of their lives. Though the remnants of this system have been scorned as "blue laws", they helped limit many unsavory practices by keeping them away from public view. Disciplined in their use of time and the resources at their disposal, the colonists prospered but also strained against the encumbrances created by the mercantilist laws.

The Puritan influence began to wane after the Stuart Restoration. Although later generations of colonists continued to draw upon the Biblical Tradition, people's focus shifted toward individualism. Still, the highly disciplined work habits of Benjamin Franklin and others, as well as the raising of large families, generated considerable growth and prosperity. The Great Awakening of the 1730s and 1740s slowed down and temporarily reversed secularizing trends. Periodic revivals were to extend the influence of Biblical Christianity well into the nineteenth century.

In the 1760s, following the French and Indian War, the British government began restricting colonial liberties. At last, finding themselves taxed without their consent contrary to a long tradition of English law, the colonists cut the mother country's apron strings and declared independence.

THE REPUBLICAN TRADITION

The second phase, frontier individualism or the republican tradition, flowed out of the first. The dominant values of this period dovetailed well with those of classical liberalism: individual initiative, natural rights, competition, and limited government.

Evangelical Christianity, typified by revivalist awakenings, camp meetings, and the spread of Methodists and Baptists, by now lay at the heart of the popular culture. Individual conversion experiences and, very often, moral perfectionism were its chief attributes. This evangelical concern for personal conversion – adopted from the Puritans – displaced the Puritan emphasis on church discipline and cultural transformation.

Building on a long tradition of self-help and charitable activity, voluntary associations sprang up everywhere in the early decades of the nineteenth century. Moral crusades were launched to promote temperance, encourage international peace, end dueling, abolish slavery, send missionaries abroad, reform prisons, help the poor and disabled, extend educational opportunities, and emancipate women.

The rise of frontier individualism roughly corresponded with the rise of the Thomas Jefferson's Republican Party, which, with its successor, Andrew Jackson's Democratic Party, dominated the American political scene from 1800 to 1860. Alexander Hamilton's Federalist Party was too clearly tied to Eastern commercial interests to thrive in the socially and economically fluid nation that expanded along a rapidly advancing frontier.

The loss of the British protective umbrella freed the economic system from many earlier controls and allowed free enterprise to emerge. Although some degree of state economic enterprise always remained, courts began striking down existing monopolies and modified traditional property laws. While they continued to uphold the right of contract, the overall result was a "release of

energy"²⁴ from earlier legal impediments. Property rights began to change in favor of those who put their property to new uses, even when – in the case of mills – they caused appreciable harm to surrounding property. Through such inducements the first American industrial revolution was well underway by 1820.

It was the era of ocean and river port cities²⁵. These early cities served as the hubs of regional economic activity. Employers and employees lived close together, all within walking distance of dock-based jobs. Frontier settlements dotted the landscape along roads, rivers, and – by the 1820s – canals. Besides being fairly open and free in the North, society became highly egalitarian. Yet Hamilton's vision of a thriving national economy through the encouragement of manufacturing was still far from being a reality.

The colonial experience had left bitter memories of taxation without representation and high-handed interference with trade. To prevent any repeat of such policies, states placed constitutional restrictions on the power of governors and legislatures. Although Congress created two national banks in succession, many states prohibited the chartering of banks except for a state bank. Today, only North Dakota has a state bank, which is a holdover from the heady days of agrarian radicalism.

The long ballot – which increased the number of elective offices – was introduced as a reform measure meant to prevent corruption by weakening executive power in administrative affairs. By the end of the 1820s, the major states had abolished property restrictions on the right to vote.

Vested interests of all sorts were held suspect. Efforts by medical societies to be entrusted with the authority to set fee schedules and standardize medical practices were rolled back by the time of Andrew Jackson because of a preference for free

²⁴ James Willard Hurst, *Law and the Conditions of Freedom in the Nineteenth-Century United States* (Madison: University of Wisconsin Press, 1956), 7.

²⁵ See the periodization used in Jay S. Goodman, *The Dynamics of Urban Government and Politics*, 2nd ed. New York: Macmillan, 1980, 15-29.

enterprise. One unfortunate result is that quacks and snake-oil merchants began to proliferate. By 1838, New York abortionists had discovered the power of newspaper advertising, a practice which soon spread throughout the country.

Fears of anarchy or tyranny – national or local – persisted following independence. Nullification of congressional laws and even secession from the Union – recently drawn from a long tradition of political resistance – became hotly contested political issues, primarily over the issues of liberty of conscience, trade restrictions, high protective tariffs, and the practice of slavery.

States' rights became an issue first in the North as more clearly nationalistic economic practice of subsidies and obstructions began to advance. Even before the War of 1812, Thomas Jefferson's trade embargo with Britain and - at times - France hurt the northern shippers and industrialists. Tariffs designed to protect the country's fledgling industries stirred much resentment in the more predominantly agricultural South and West, which had to bear the resulting the added costs. But then the West also found that it could prosper at public expense. It benefited from the construction of public roads and canals under Henry Clay's American System.

The 1830s were the heyday of Andrew Jackson and free-wheeling capitalism. But these years also saw the growth of the spoils system in public administration as well as the beginnings of state-supported public education in Massachusetts and Connecticut. Hints of Prussian statism - subordinating everything to "reason of state" - were already in the air, disguised as reform. What began as voluntary associations increasingly sought to use the coercive powers of the state to promote their programs. Theological liberalization began chipping away at the earlier Christian consensus. For some reformers, like the Transcendentalists, true religion meant rejecting orthodox Christianity and using the mighty arm of the state as a vehicle of moral improvement. Thus Transcendentalism became the advance guard of a new nationalism that brought the burgeoning Economic Tradition to the fore.

THE ECONOMIC TRADITION

Industrial individualism or the economic tradition grew out of the earlier frontier individualism and the industrial revolution it launched. The optimistic tone of the new era found popular expression in a growing self-help literature, like Russell Conwell's *Acres of Diamonds* and the stories of Samuel Smiles and Horatio Alger. The culture of camp meetings and lyceums gave way to chautauquas and endowed benefactions.

By now evangelical Christianity had waning public influence and a new secularism arose out of the evolutionary intellectual movement associated with Charles Darwin's *The Origin of Species*. Among the products of this intellectual revolution were: 1) the introduction of German-style universities and graduate schools following the Civil War; 2) the development of science-based professions, professional schools, and professional organizations in medicine, education, business, and engineering; 3) the rise of the new social sciences, including experimental psychology; and 4) the promotion of new social ideologies, either in a *laissez faire* form of Social Darwinism, as commended by Herbert Spencer and William Graham Sumner, or an interventionist Progressivism (partly an outgrowth of Fabian Socialism), as promoted by Theodore Roosevelt, Herbert Croly, and Woodrow Wilson.

This stage of development roughly corresponds to the period of Republican Party dominance from 1860 to 1930. The Republican Party began its life in the mid-1850s as the party of radical reform. The Democratic Party was economically conservative up until the 1890s. But as the conservatives lost power, radical reformers began favoring a stronger executive. The office of governor, for example, came to be regarded as either strong or weak according to the degree of its policy-making and administrative power.

The Reconstruction (1865-1877) that followed the Civil War resulted in considerable concentration of economic power. Slavery was abolished, but other forms of peonage arose. The southern states were left behind economically. Inefficiencies in state enterprises also bolstered arguments for the use of government subsidies rather than direct control over economic development.

Much of this period was an era of steam and rail technology. Railroads in particular were beneficiaries of rich grants of land and other subsidies from the national government in order to hasten settlement of the country and make the newly acquired western territory more defensible. The railroads further encouraged a westward shift in the population from the East Coast and Ohio Valley across the Mississippi into what has become the Great Plains bread basket.

Frederick Jackson Turner later claimed that the American character was largely shaped by the large role played by an advancing frontier and immigration. The existence of the open range and abundant lands for settlement probably reinforced many existing equalizing influences, stimulating a period of freer enterprise and freer trade than this country had ever seen – or has seen since. But even as Turner formulated his famous "frontier thesis" in the 1890s, the frontier was vanishing, although mobility remained high. Immigration crested around the same time and continued strong until the First World War.

Immigrants from Germany and Scandinavia in particular were quickly shuttled from the East coast to Midwestern farms and small towns in Wisconsin, Minnesota, the Dakotas, Iowa, and Nebraska. The subsidized transcontinental railroads were soon enough regarded as Old World-style land barons. The Midwest, Deep South, and Great Plains became a center of Populism and agrarian radicalism late in the century as farmers found their markets depressed and freight costs on the rise. First came the Grange movement as farmers organized for mutual assistance. Then came the People's (or Populist) Party and the rise of Populism within the Democratic Party. It represented a rural

western backlash against the business interests of eastern cities, which grew as the political influence of farmers declined. Over time Populism gradually adopted the rhetoric – although little of the substance – of socialism.

The legal forms of corporations and trusts were put to novel uses and began to displace small shops and cottage industries as the leading actors on the economic stage. Legal restraints on them began to be struck down in the courts. Through the due process clause of the Fourteenth Amendment, judicial power came to be used to defend property rights against state regulation. Through limited liability provisions in their charters, corporations became a privileged class with a special legal status. Courts acted as guardians of business enterprise and were often staffed by ex-corporation lawyers.

One result was a growth in official corruption. The post-war Republican administration of Ulysses S. Grant was tainted by scandal. This period also saw the rise of urban political machines that helped assimilate newcomers to the city from the countryside and overseas. The most important of them were Democratic machines, such as Tammany Hall in New York. Bosses and ward leaders gained political clout through their ability to gain votes in return for providing jobs and other services. At all levels, political bosses used their machines to milk government treasuries and even broker the election of Presidents.

The Progressive movement in the early 1900s represented a resurgence of the educated middle class in city politics and the adoption of reform as a vehicle for the rising middle-classes to wield political power in national life. Most of the reforms were designed to curb the influence of political parties, particularly the immigrant-based political machines. The earliest of these reforms – the Australian secret ballot and the merit system of Civil Service – actually predated the Progressive movement reflected the values of classical liberalism.

Ideas about reform also changed. The shift from the classical liberalism of the Republican Tradition to the economic

nationalism of such Progressives as Theodore Roosevelt and Woodrow Wilson is a case in point. Earlier reformers introduced the long ballot to make elections more democratic. But the average citizen, finding it difficult to stay informed about minor political officers, tended to rely on endorsements by the press or political party leaders. So later Progressive reformers introduced the short ballot, which converted many elective offices, such as judgeships and administrative positions, into appointive offices. This gave governors and mayors the kind of strong executive powers enjoyed by the President.

In strengthening the appointment powers of governors and mayors, reformers sought to eliminate the middlemen. Reformers attempted to remove judges from partisan politics by having them appointed by governors or elected on nonpartisan ballots. They also streamlined the removal of judges from office through the recall process, which permits voters to circulate a petition to put the issue of removal on the election ballot.

Recall is often associated with a turn of the century Progressive reform package known as the Oregon system, which is based on the ancient democratic practice of holding plebiscites to register popular sentiment. Its chief components were the initiative and the referendum. The initiative, which has been adopted by many states, particularly in the West, permits voters to circulate petitions in order to have a proposed law or amendment placed on the election ballot. The referendum, in which the legislature refers a matter to the voters at election time, is also used to ratify constitutional amendments.

Direct primary elections were also introduced around the turn of the century as another means of breaking control by political party bosses and machines. Primaries permitted general voters to choose among several candidates who sought their party's nomination. The victorious candidate would then become the official nominee of the party for the general election.

Richard Hofstadter connected Progressive ideology with the emergent public influence of the modern university during the last three decades of the nineteenth century.

In the Progressive era the primary function of the academic community was still to rationalize, uphold, and conserve the existing order of things. But what was significant in that era was the presence of a large creative minority that set itself up as a sort of informal brain trust to the Progressive movement. To call the roll of the distinguished social scientists of the Progressive era is to read a list of men prominent in their criticism of vested interests or in their support for reform causes.

(...) The professors had their intimate experience with and resentments of the plutocracy [the moneyed class] – which illustrates Walter Weyl's apt remark that the benefactions of the millionaires aroused almost as much hostility as their evil works.

If the professors had motives of their own for social resentment, the social scientists among them had special reason for positive interest in the reform movements. The development of regulative and humane legislation required the skills of lawyers and economists, sociologists and political scientists, in the writing of laws and in the staffing of administrative and regulative bodies. Controversy over such issues created a new market for the books and magazine articles of the experts and engendered a new respect for their specialized knowledge. Reform brought with it the brain trust²⁶.

The Progressive movement embodies the shift away from the more libertarian phase of the modern era to the liberal and somewhat socialistic phase that has been largely dominant since the 1930s. Generally the small entrepreneur suffered from the shift to large organizations, such as holding companies and chain

²⁶ Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Vintage Books, 1955), 154, 155. On this power elite, see James Burnham, *The Managerial Revolution* (New York: John Day, 1941) and subsequent works by Thomas Sowell, Angelo Codevilla, Joel Kotkin, and many others.

stores. These changes pitted the conservative small businessman against the liberal organization man. Gradually small businesses were squeezed out of the productive sector into the service sector of the economy.

Around urban centers, commuter suburbs gained in popularity, many of which were racially or economically segregated through zoning, redlining, and other local practices. The population became increasingly mobile as the country moved into an era of mixed rail and automotive transportation.

THE THERAPEUTIC TRADITION

The rise of the Social Service State under Franklin Roosevelt's New Deal was a natural outgrowth of a growing emphasis on collective effort through legislation and government intervention. It enabled America to become the "arsenal of democracy" during the Second World War through overwhelming displays of economic and military prowess. Military preparedness remained the watchword throughout the Cold War that followed. Decolonization, the sponsorship of a global system of trade, and a series of proxy wars shaped a protracted conflict that reshaped subsequent generations.

It is the era of the automotive city. Mass public transportation fails to keep up with the demand. Many smaller cities are facing problems of traffic gridlock that were largely confined to the larger metropolitan areas a few years ago. The nearly 70-year-old interstate highway system is overburdened. Urban and rural infrastructure is crumbling. Partisan political gridlock intensifies.

The Therapeutic Tradition coincides with a period of Democratic Party dominance at the national level that began in 1933 and has further centralized government, both nationally and even globally through the country's sponsorship of a new international order after 1945. Since then, the use of politics as a tool to achieve various economic and social ends has come to be so widely accepted that the once independent citizens and

institutions of the Republican Tradition have been converted into clients that fight for a place at the public trough.

The major political parties, legislators, and administrative agencies serve as power brokers and turnstile operators on behalf of diverse groups that seek either some positive payoff, such as a new program, or to protect their interests. One factor that characterizes the politics of this period is the translation of people's search for security, recognition, and affluence into the creation of massive clientele groups which benefit directly from various government programs and are able to lobby Congress for or against appointees, programs, and specific benefits.

Popular psychotherapies that reinforce the status quo have been a prominent part of a larger cultural shift – outgrowths of a self-actualizing individualism that found earlier expression in the conversion narratives of evangelical Christianity and the self-help narratives of Samuel Smiles and Horatio Alger. Among the icons of what Philip Rieff calls *The Triumph of the Therapeutic* are advice columns, Norman Vincent Peale's *The Power of Positive Thinking*, the mainstream media, the New Age counterculture, and the entertainment industry. Christopher Lasch labeled this period *The Culture of Narcissism*. The 1980s were designated the "Me Decade" by Tom Wolfe.

Somehow the inner-directed self-help philosophy gave way to a collective other-directed human potential experiment. Led by a new secular clerisy, individual or group therapy is presented as another "release of energy". Now it means to release the pleasure principle and one's creative imagination from personal inhibitions and social prohibitions. But what begins as a hedonistic exploration becomes a moralistic obligation. Pitirim Sorokin described the result as a "chaotic syncretism"²⁷.

One literary trope of this guilt-manipulating sensibility is a plausible fear that people might be transformed into ciphers within a nightmarish totalitarian order, as in Ken Kesey's *One Flew*

²⁷ Pitirim Sorokin, *The Crisis of Our Age: The Social and Cultural Outlook* (New York: E. P. Dutton, 1941), 247-52.

Over the Cuckoo's Nest or Aldous Huxley's *Brave New World*. Both writers, who figured prominently in the drug scene of the 1950s and 1960s counterculture, gave expression to fears that were not limited to politics. The proliferation of underworld subcultures of "sex, drugs, and rock and roll" lifestyles guarantee that entrapment, complicity, and shame will be among the chief tools those who lust for power use to keep people pliant and submissive.

Increasingly, modern politics presents the fearful visage of Big Brother – a character in George Orwell's *Nineteen Eighty-Four* – who is now equipped with cellphones and drones to convert cities into Benthamite panopticons. Comparing the alternative political visions of Jeremy Bentham and Edmund Burke, one scholar has commented: "one is struck by the degree to which [Bentham] presaged the development of scientific formalism in social thought, the turn to behavioral forms of social control to assure institutional efficiency, and the emergence of an interventionist state"²⁸. This is an apt description of modern Progressivism²⁹.

AFTERWORD: WITH 2020 HINDSIGHT

Constitutional safeguards were long ago short-circuited. Fiscal and monetary discipline has lately been quashed. Political processes have sunk into an imperious disdain for compromise. For all the talk of massive bureaucratic cutbacks during the Reagan Administration, the biggest cuts were made in taxes, not in expenditures and benefits. The now well-established pattern of mortgaging the future of a rapidly aging population while birth and immigration rates recede even faster is occasionally enlivened by a kind of legislative joy-riding: crisis-excused opportunities for

²⁸ Robert A. Heineman, *Authority and the Liberal Tradition: A Re-examination of the Cultural Assumptions of American Liberalism* (Durham, NC: Carolina Academic Press, 1984), 33.

²⁹ See Steven Alan Samson, "Revolt of the Disdained: America's 2016 Presidential Election", *Western Australian Jurist*, 9 (2018): 33-56. <https://walta.net.au/wajurist/vol9/revolt-of-the-disdained-americas-2016-presidential-election/>

massive spending sprees. Let off the hook by political empire-builders, employers are able to shift the risks and burdens of training employees to academically deficient government-operated schools and skills centers. Industry has been outsourced to cost-cutting, lower-wage offshore centers. Minimum wage laws squeeze out low-skilled, entry-level jobs. Rent control encourages gentrification of the cities. Crime, homelessness, and blighted lives abound.

Radical social reformers extend their reach into state and local politics while pushing for new national entitlement programs. New Left and Counterculture activists of the 1960s remain well-poised to take the reins of political power whenever the opportunity arises. Public expenditures for college education, day care centers, and health care play much the same political role as promises of improved welfare and public school programs did in the 1960s. This trajectory assumes a continuing willingness by taxpayers to pay for large-scale social programs despite a taxpayer revolt that bubbles just beneath the surface.

In sum, the now visibly aging Therapeutic Tradition portends reversion to a type of mercantilist thinking in which the central government – in cooperation with major corporate entities – imposes national (and international) goals and guidelines for cradle to grave superintendence. Yet neither the truth of human nature nor any consequence of its denial is thereby suspended. Security, stability, and prosperity remain forever elusive in a world subject to war, contagious diseases, and economic dislocation. Social-scientific positivism – concerned only with what can be measured – can trim the edges of human behavior but not reprogram the original design. The age-old Promethean urge to seize sovereignty and redirect the great wheel of history onto a more congenial path never succeeds.

During the late nineteenth and early twentieth century critics like Max Weber, Hilaire Belloc, and Roscoe Pound warned of a new "house of bondage", a "servile state", or a "new feudalism". We hear the same today. After a century of Progressive politics, an increasingly restless public may be simply looking for a way forward out of all this progress.