

Vol. 3 No. 2 Fall 2024

# PIETAS

A Journal of Tradition, Place, and Things Divine



## Ellis Sandoz: In Memoriam

Remarks at the Sandoz Panel, the EVS Annual Meeting, 2024  
by Martin Palouš

Common Sense and the Rule of Law: Returning Voegelin to Central Europe  
by Martin Palouš

The Continued Significance of Political Sermons of the  
American Founding Era  
by Philip D de Mahy

Ellis Sandoz, American Patriot:  
How and Why He Celebrated a Christian, Lockean Founding  
by Glenn A. Moots

Ellis Sandoz and Chinese Quest for Liberty  
by Promise Hsu

In Defense of Civilization: Scientism and the Covid 19 Response in the U.S.  
by David N. Whitney

## Book Reviews

Reviews of Patrick J. Deneen's *Regime Change*  
by Ethan Alexander-Davey  
by Tiffany Miller  
by Ben Peterson  
by Luke C. Sheahan



# PIETAS

A Journal of Tradition, Place, and Things Divine

---

Volume 3    Number 2    Fall 2024

## Articles

Remarks at the Sandoz Panel, the EVS Annual Meeting, 2024  
Common Sense and the Rule of Law: Returning Voegelin to Central Europe  
*Martin Palouš 1*

The Continued Significance of *Political Sermons of the  
American Founding Era*  
*Philip D de Mahy 39*

Ellis Sandoz, American Patriot:  
How and Why He Celebrated a Christian, Lockean Founding  
*Glenn A. Moots 44*

Ellis Sandoz and Chinese Quest for Liberty  
*Promise Hsu 59*

In Defense of Civilization: Scientism and the Covid 19 Response in the U.S.  
*David N. Whitney 65*

## Book Reviews

Up from Populism: A Review of Patrick J. Deneen's *Regime Change*  
*Ethan Alexander-Davey 83*

Patrick Deneen's "Unsustainable Liberalism" is Unsustainable  
If What Actually Happened Matters  
*Tiffany Miller 95*

Getting Over the "Blue Laws" Blues: A Review of Patrick J. Deneen's *Regime Change*  
*Ben Peterson 107*

Public Policy for a New Regime: A Review of Patrick J. Deneen's *Regime Change*  
*Luke C. Sheahan 115*



## Letter From the Ciceronian Society



*Dr. Ellis Sandoz Jr.*

*February 10, 1931 - September 19, 2023*

Fittingly held in the shadow of Independence Hall, a panel honoring the life and work of Ellis Sandoz convened as part of the Eric Voegelin Society's program at the annual American Political Science Association meeting in Philadelphia. Featuring a diverse group of former students and colleagues, the panel covered a wide range of topics including the struggle for liberty in Czechoslovakia and China, the political sermons of the Founding period, Locke and the American Founding, and the response to COVID-19 in the United States. In spite of the seemingly disparate topics, several themes unite the works. First is the recognition of Sandoz as a *partner* in the quest for truth. From undergrads to grad students to colleagues and those outside of academia, Sandoz did not discriminate in the invitation to join him in the Eric Voegelin Society, a group he started 40 years ago shortly after the death of Voegelin. Second is the recognition that the quest for truth often requires active resistance to untruth and tyranny in all of its forms. The motto of the Eric Voegelin Society, in defense of civilization, embodies the spirit of its namesake and its founder. Third is the love of liberty and love of the country that explicitly embraced it in its founding. Importantly, liberty is conceived as a divine gift that requires a response from man. Finally, there is a focus on the practical and possible. Philosophy must be grounded in common sense and experience.

## PIETAS

Martin Palouš, former Czech ambassador to the United States and the United Nations, and one of the original signatories of Charter 77, recounts the centrality of Jan Patočka's work to the movement. As the most important philosophical figure in Czechoslovakia, Patočka answered the call by Vaclav Havel to serve as a spokesperson for Charter 77, putting himself in peril for the cause of liberty and truth. Palouš notes the importance of Voegelin's work to the group in the early 80's and Sandoz's enormous impact in the formation of the newly formed Czech Republic. He ends with some provocative questions regarding the legacy of Voegelin.

Philip de Mahy, a former undergraduate student of Sandoz who currently serves as a Professor of Practice in American Politics at Tulane, writes about the continued significance of *Political Sermons of the American Founding*. He argues Sandoz understood the revivalism of the eighteenth century to include a reorientation toward divine truth and an affirmation of the common-sense experience of everyday citizens, a noetic revolution that continues to ground the American project into the present. While publishing the sermons constituted a major academic achievement, the practical importance should not be overlooked. De Mahy argues the sermons at least partially point us in the direction of recovering the common sense necessary to resist untruth in today's political climate.

Glenn Moots, who received his PhD under Sandoz's direction and currently serves as a Professor of Political Science and Department Chair of Northwood University, poses two main questions: how Lockean is America and what is the relationship with Protestantism? Moots notes the evolution of Sandoz's own attitude towards Locke, from echoing Voegelin's critique early in his career to seeing Locke as more or less continuous with the Classical and Christian tradition in his later works (at least as read through the eyes of the Founders). The section on Protestantism shows an even clearer break with Voegelin regarding the centrality of it to the American Founding. Voegelin characterizes the Puritan Revolution as a Gnostic movement. He laments the millennialism and pneumatic excesses that are characteristic of the Reformation. In contrast, Sandoz seems to embrace the religious fervor of the American Protestants, noting that a cool rationalism might declare independence, but would not inspire one to fight for it. Moots ends with a story that parallels the argument in relation to Sandoz's personal attachment to America.

## LETTER FROM THE CICERONIAN SOCIETY

Promise Hsu, a former foreign affairs journalist for China's state television and current doctoral candidate in history at Emory University, recounts his first correspondence with Sandoz via email in 2006. Hsu wanted to know how individual liberty, under rule of law, could be implemented in China. Through Sandoz's mentorship, he was able to publish a book on the topic and is continuing to pursue the question in his dissertation, incorporating the role that Christianity could play in the process.

David Whitney, who received his PhD under Sandoz's direction and currently serves as Professor of Political Science and Department Chair at Nicholls State University, writes about the response to COVID-19 in America. Whitney argues the response can best be understood as a manifestation of scientism, a spiritual and intellectual disease that Voegelin likened to an inescapable asylum over 75 years ago. Whitney recounts some of the public policy responses during the pandemic, along with their justifications, and also catalogs some of the consequences of the policies. He ends by outlining what must be changed in order to better meet future challenges related to science and society, such as climate change and artificial intelligence.

\* \* \*

Many thanks to Glenn Moots, who recommended the publication of this festschrift, and to David Whitney, who provided its introduction. And we also thank Ethan Alexander-Davey, Tiffany Miller, Jacob Wolf, and Luke C. Sheahan, who wrote our book reviews for this issue. They provide insights into and criticisms of *Regime Change*, the recent book by Patrick J. Deneen, who is frequently cited as one of the most influential conservatives in America today.

The Ciceronian Society





Remarks at the Ellis Sandoz Panel: the Eric Voegelin Society  
Annual Meeting, 2024

Martin Palouš

I

MY REMEMBRANCE OF THINGS PAST. THE VOEGELINIAN REVOLUTION OF ELLIS  
SANDOZ IN OUR PHILOSOPHICAL DISCUSSIONS DURING THE 1970S AND 1980S

First, the original context of my encounters with Ellis and his Voegelinian world<sup>1</sup>: the regular meetings of Kampademia (just a small group of friends, our *Geistkreis*, in Voegelin's terminology<sup>2</sup>). What brought us together in this setting? What was on our agenda? What do we want to achieve? We were trying—as with many other related and personally interconnected initiatives of this kind—to respond *philosophically* to the greatest burden of our lives: to the late (advanced) form of totalitarian government that ruled in the 1970s and 1980 in Czechoslovakia.<sup>3</sup>

What was a distinct feature of our “philosophizing”? Measured by the standards used in the environment of Western academic institutions, it was not more than a private activity of a bunch of lovers of knowledge—individuals who were united by their shared desire to know (certainly not all of us had diploma in philosophy), kicked out from universities and dwelling underground. For me personally, participation in it was a kind of *consolatio philosophiae*—a form of philosophical activity invented and named by Boethius more than 1500 years ago now and adopted for our current uses.<sup>4</sup>

---

<sup>1</sup> The whole story of my relationship to philosophy as it evolved in my life in dissent is described in two letters, written in 2009 and 2010 for my parents and my brother on the occasion of their birthdays. They can be found in my philosophical autobiography *Traces in the Sand* (Palouš M. Stopy v písku. Pokus o filosofickou autobiografii (Kodudek Praha, 2022)). Their English translation is attached.

<sup>2</sup> T.R. Korder (pseudonym R. Palouš), *Voegelin & Patočka: výběr záznamů průběhu bytového filosofického semináře paralelní kultury v Československu* (Purley: Athenaeum-Rozmluvy, 1988); Hledání aktuálního pojetí dějin [*In search of a modern concept of history*]. *Záznam bytového filosofického semináře* (Prague, 1984).

<sup>3</sup> This is Václav Havel's analysis of this phenomenon; see, e.g., *The Power of the Powerless*, trans. John Keane, ed. Paul Wilson (Armonk, New York: M. E. Sharpe, 1985).

<sup>4</sup> See Zdeněk Neubauer, *Consolatio philosophiae hodierna: k šestnácti dopisům Václava Havla* (Praha: Knihovna Václava Havla, 2010).

**THE PLACE OF JAN PATOČKA AND OF HIS IDEAS IN OUR CONVERSATIONS**

There is no doubt that within all miniscule philosophical platforms existing in Czechoslovakia in these times, including our **Kampademia**, Jan Patočka was recognized as a great authority, our principal philosophical teacher, or even I can say The Philosopher. We all, even those who didn't agree with our "Master's Voice" in everything and all the time, were in the position of his disciples, junior partners in philosophical dialogue to which he was inviting us in his lectures and writings.

In 1970, i.e., in the last phase of his philosophical life, Patočka set himself a bold task: to formulate a philosophy of history departing from and reflecting on our own current situation: a philosophy of history not just as an academic discipline practiced at universities in their various departments but as a personal response to the current spiritual and political crisis—as a kind of Socratic call directed not only to professional academic philosophers, but talking to all Czechoslovakian citizens. It would be a philosophy of history that would invite each one of them "to be engaged," to use the formulation of Eric Voegelin, "in an act of resistance against the personal and social disorder of (his/her) age."<sup>5</sup> This would be an act of resistance in Czechoslovakia in the time of Husak's "normalization" and in the midst of profound spiritual crisis of European mankind in the 20th century.

As a devoted pupil of his great teacher, Patočka proceeded in his search in three fundamental steps:

- a. Starting from Edmund Husserl's *Philosophie als Strenge Wissenschaft* that was formulated in his early logical writings and accepting the basic principles of Husserl's transcendental phenomenology as his own philosophical point of departure.<sup>6</sup>
- b. Being aware of the fundamental insufficiency of Husserl's transcendentalism to reach into the deep elementary structures of the human "natural world" and to analyze "the movements of human existence" in it, he turned to Heidegger's *Dasein Analyze*.

---

<sup>5</sup> Eric Voegelin, "Reason: The Classic Experience," in *The Collected Works of Eric Voegelin, vol. 12: Published Essays, 1966-1985*, ed. Ellis Sandoz (Columbia, MO: University of Missouri Press, 1990), 265.

<sup>6</sup> Edmund Husserl, *Logische Untersuchungen*, 2 vols. (Leipzig: Veit, 1901), *Die Idee der Phänomenologie: Fünf Vorlesungen*, ed. Walter Biemel (Den Haag: Martinus Nijhoff, 1950); or *Ideen zu einer reinen Phänomenologie und Phänomenologische Philosophie* (Halle a.d.S: Max Niemeyer, 1913).

## PALOUŠ REMARKS AT SANDOZ PANEL, EVS ANNUAL MEETING, 2024

- c. Finally, Patočka's philosophy of history in the *Heretical Essays* incorporated Hannah Arendt's analysis of the three different forms of human active life: labor, work and action.<sup>7</sup> He contraposed the *bios philosophikos* and *bios politikos*: on the one side the life of the solitary observer of human matters, walking, in the words of ancient poem of Parmenides, "far from the beaten paths of humans,"<sup>8</sup> and on the other side the human life lived among other human beings, or turning attention to the fundamental conflict between the uniqueness of each human being and the elementary fact of human plurality in the world.

One more thing, however, must be added here, and maybe it is the most important aspect of Patočka's philosophical method. At least for three generations of his Czech students, Patočka was not perceived just as a phenomenologist from Husserl's school of thought but was recognized as the most qualified teacher and interpreter of classical Greek philosophy—from presocratic thinkers to Plato and Aristotle and their schools.

And it was his search for a philosophy of history that inspired him to balance "positive platonism"—the interpretation of classical Greek philosophy the origins of which can be traced back to the Platonic Academy—with a "negative platonism"—seeing Plato not as the author of a philosophical doctrine that must be recognized as the fundamental basis of Western rational scientific thought but as a disciple of Socrates. Instead of keeping his focus on the realm of immovable eternal ideas dwelling somewhere beyond the habitat of mortal humans, Patočka set himself on the Socratic path of philosophizing.<sup>9</sup>

And here, at the very end of his life story, is when Patočka proved that he was essentially a Socratic philosopher. When asked by Václav Havel in the fall of 1976, he accepted the role of one of the first three spokespersons of Charter 77. He left his philosophical study, his desk full of papers and his library full of great books, and entered the public space

---

<sup>7</sup> Jan Patočka, *Heretical Essays in the Philosophy of History*, trans. Erazim Kohák, ed. James Dodd (Chicago: Open Court, 1996); Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1958).

<sup>8</sup> Parmenides, in *Die Fragmente der Vorsokratiker*, ed. Hermann Diels 2 vols. (2<sup>nd</sup>, Berlin: Weidmannsche Buchhandlung, 1906), B1, 2–3, 27.

<sup>9</sup> Marcus Tullius Cicero, *Tusculanarum disputationum: libri quinque*, ed. C.F. Muller (Leipzig: Freitag, 1904), 5.4.10–11: "*Socrates autem primus philosophiam devocavit e caelo, et in urbibus conlocavit et in domus etiam introduxit et coegit de vita et moribus rebusque bonis et malis quaerere* (Socrates was the first who "called philosophy down from heaven, and placed in the cities, and introduced it even in homes, and drove it to inquire about life and customs, and things good and evil").

## PIETAS

inhabited by “dissidents”—and died after he suffered brain attack exhausted by police prolonged interrogations.

### VOEGELIN AND SANDOZ IN KAMPADEMIA

Like most of the participants in the Czechoslovak underground philosophical movement of the 1970s and 1980s, the members of Kampademia following Patočka’s death were unable, as “registered enemies of state,” to travel abroad. The activities of this small *Geistkreis*, however, were certainly not isolated from the outside world. Thanks to the initiative of Oxford University and the Jan Hus Foundation (with one branch office based in London and the other one in Paris), we could participate in all sorts of projects from Patočka’s “flying university” and thus welcome in our seminars a number of great contemporary thinkers, who contributed in their own way to the grand dialogue of mankind taking place in the free world behind the Iron Curtain. Here are some of the names of those who visited us in these troubled times, gave lectures, and participated in our discussions: Jacques Derrida, Daniel Dennett, André Glucksmann, Jürgen Habermas, David Levy (who was familiar with the work of Voegelin and belonged to the circle of Voegelinians), Jean Francois Lyotard, Emmanuel LeRoy Ladurie, Paul Ricoeur, Roger Scruton, Jean Pierre Vernant, Charles Taylor, and Ernst Tugendhat. Through the clandestine “parallel” communication channels, we also received books that enlarged our horizons and kept us in the loop of ongoing global philosophical conversations. One of us, for instance, got his hands on Voegelin’s *New Science of Politics*, and another one received *The Voegelinian Revolution* by Ellis Sandoz. I was fortunate to get first four volumes of Voegelin’s *Order and History*.

Voegelin’s strong rejection of Husserl’s transcendentalism and his approach to the philosophical problem of the relationship between order and history problematized the fundamental thesis of Patočka’s *Heretical Essays*. The idea that human history began with emergence of the Greek polis and the philosophy in it immediately attracted our attention. In 1983 and 1984 we spent the whole semester discussing Voegelin’s ideas and his criticism of current philosophical schools of thought, including Husserlian phenomenology. The relation between Patočka’s philosophy of history articulated in *Heretical Essays* and Voegelin’s version of it—with his theory of consciousness grounding a “new science of politics”—became particularly strong and from time to time a very hot topic in our endless

## PALOUŠ REMARKS AT SANDOZ PANEL, EVS ANNUAL MEETING, 2024

conversations. A transcript of those dialogues and the conclusions we arrived at were later published in London, but unfortunately only in Czech; so far, they are unavailable to English readers.<sup>10</sup>

The Jan Hus Foundation sent us more than professors and books. In the mid-1980s it introduced an educational project whose aim was to enroll young dissidents in selected fields of study in Western European universities—a clear sign that times had started to change. I decided to use that program for the completion of my own philosophical education. I contacted professor Thondt, the director of the Higher Institute of Philosophy (L’Institut Supérieur de la Philosophie) at the Catholic University of Leuven in Belgium, the seat of Husserl’s archives, and I sent him a proposal for a dissertation on “Phenomenology and History.” My plan was—departing from our conversations in Kampademia—to write a substantive study about the relationships, entanglements and controversies between the positions of Patočka, Arendt and Voegelin. To my surprise and great joy, I soon received a reply that my proposal was accepted and that I could come to Leuven and start working on it at my earliest convenience. On top of that, this reply came less than year before the 1989 Velvet Revolution opened the world beyond the enclosed borders behind the Iron Curtain, so seemingly nothing could have prevented me from throwing myself into it.

But paradoxically, the things started to change for me in the new world after the collapse of communism. Instead of going to work on my dissertation in Leuven, I found a new role in the political realm of transition from totalitarianism to democracy and never finished what I promised to do in in my proposal. Was it a mistake, an omission or even betrayal of my philosophical teacher Jan Patočka? I will try to answer this quite painful personal question in the second part of this text, which highlights the role that Ellis Sandoz played in my future philosophical life from 1990 until his death in 2023. As my teacher in the field of political thought, he himself was a staunch Voegelinian and American patriot, but at the same time he was a tolerant partner in our non-ideological and always illuminating philosophical conversations that took place in the middle of fundamental historical change. Regardless, whether we liked it or not, we found ourselves together in a new world that started to emerge after the abrupt end of the short 20th century. But I must stress again and again: Ellis became

---

<sup>10</sup> See T.R. Korder, *Patočka & Voegelin*.

## PIETAS

a friend of mine in this situation, exactly in the spirit and tradition of *philosophia peri ta anthropina* of Aristotle, articulated and coined in his ethical writings.

## II

### **The role of Voegelinian ideas in the moment of our transition from totalitarianism to democracy: my first personal encounter with Ellis Sandoz and the communications with him and other Voegelinians in the new world**

The closed world in which I lived with all my friends before the revolutionary changes of the miraculous year 1989 was gone. Suddenly, I had a brand-new passport in my hands that enabled me to travel abroad. Looking back now, I must say that I traveled a lot, indeed, and with great joy and pleasure, in the first post-revolutionary years—after long decades spent in Czechoslovakia as if in a big cage. On January 2, 1990 I accompanied newly elected President Havel on his official visit to two German states. Two weeks later we flew with Ivan Havel, the president's brother, to the United States as two representatives of Civic Forum, our revolutionary political body. We spent two weeks in New York and Washington meeting many people, some of them our old friends from the times of dissent, but also making new and important contacts and laying out our political goals and intentions. Shortly we returned to Prague, but I travelled across the Atlantic Ocean once again, this time as the head of the advanced team preparing the first official trip of President Havel to the United States. I participated as a member of his delegation in February. I could go on and on reporting my travel adventures in these joyful times, but I will mention here only two of them that took place in 1990. The first was a two-week trip to Leuven in the spring, in the hopes that I would be able to start my studies there in the beginning of the next year. I was a member of Czechoslovak Parliament at that time, and two weeks was the maximum length of time I was allowed to be absent from its sessions. The second was a trip to San Francisco in the first week of September to attend a panel at the annual conference of the American Political Science Association on the current Central European political situations. While I presented the Czechoslovak case there, I also learned that that Eric Voegelin Society had its annual meeting there as well. So, I went to the meeting room where it took place and saw Ellis Sandoz, the founding president of EVS, and other Voegelinians for the first time face to face.

## PALOUŠ REMARKS AT SANDOZ PANEL, EVS ANNUAL MEETING, 2024

I tried to explain to them why I was there, and I was welcomed heartily and immediately. Without hesitation I was invited to join the club.

So, the history of my membership in EVS began. I think that with one exception I participated in all its annual meetings between 1990 and 2023, and here I am again, my thirty-fourth appearance (if I am counting well). The EVS membership means a lot to me, and I would like to thank all of you for your kind behavior toward me, your inspiring thought, and most of all for your friendship. And without any doubt it is Ellis Sandoz who must be remembered today and thanked first, because he was not just the founding president of EVS, but for long decades its spiritual father and guardian of its soul.

I will treat the Voegelinian school of thought—still well and alive today in the internet magazine *Voegelin View*—in the third part of this paper. But first I will turn to another area of Ellis Sandoz's scholarship, the tremendous work he did as one of the leading experts in political theory and religion of the American Founding. He possessed deep knowledge of the dilemmas and challenges accompanying the American Revolution and the first decades of the constitutional history of the United States. He kindly offered us—Czech underground philosophers trying to get a basic orientation in their new situation—a possible point of departure for our own mature political thought.

In the 1990s it was a great honor for me to cooperate with Ellis in a number of conferences in Prague and Olomouc that focused on contemporary Czech constitutional problem, namely, the restoration of liberty based on laws in our post totalitarian society. We brought to our discussions American and British ideas that opened up fundamental debates that had substantively contributed to the constitution of Western mind. I especially remember an event in 1992 that I organized in Štířín Castle (the facility operated by the Czech Foreign Ministry) where all members of Kampademia were present. There Ellis Sandoz met for the first time president Václav Havel, who participated in one of the panels and got into a very deep and illuminating conversation with Ellis.

When preparing for this panel discussion I opened my private “archive,” the paper boxes stored on the bottom shelves of my library, and discovered in them a host of materials and personal notes from these conferences. Most of them, thanks to Ellis, were financially supported by Liberty Fund, which enabled us to bring many important participants, both American and European, to our conversations. Here I see now one of my current tasks, a

## PIETAS

mission still to be accomplished: to sort these papers out properly and turn them into a special, still unwritten chapter in the history of our transition from communism. The main hero of this story is Ellis Sandoz and his genuinely philosophical deeds. One of my most cherished memories from my encounter with Ellis, who acted not only as my great teacher, but also as a great gate-opener for me, is from February 2013, only a couple of months before his retirement. He invited me to Louisiana State University to give a series of lectures to his students about our Czech Revolution, its significance and the philosophical questions generated by it. As far as I can tell, this lecture, entitled *Resisting Tyranny and Making the Velvet Revolution*, was quite a success. In Ellis's students I discovered a very nice, educated, and open-minded audience, young people ready to learn and ask good questions. And I can proudly report that I received from this occasion a great recognition: I became the first recipient of "the Order of Merit" of the Eric Voegelin Society since its establishment in 1985.

### III

#### THE FUTURE OF VOEGELINIAN LEGACY. QUESTIONS I RAISED IN MY PAPER WRITTEN FOR ELLIS SANDOZ MORE THAN TWENTY YEARS AGO

Because my presentation is already too long, I will be very brief here. The whole argument made in my three points can be found in my chapter in *Philosophy, Literature and Politics*, a collected volume of essays honoring Ellis Sandoz on the occasion of his seventieth birthday, edited by Charles R. Embry and Barry Cooper and published in 2005.<sup>11</sup>

Its first point was the "immortalization" of a philosopher. For years I observed a similar process in the camp of Voegelinians and Patočkians: the publication of their collected works, volume after volume. For years I participated both in a number of conferences about Patočka and regularly attended the annual meetings of Eric Voegelin Society. For years, however, I couldn't escape a troubling question: isn't it true, as the history of the relationship between Plato and Aristotle—his most important disciple—demonstrates, that only *in the moment when the Master's teaching is overcome, when he is—to use a figure of speech—struck from the heavens to the earth, does the philosopher gain his place in the dialogue engaged in by*

---

<sup>11</sup> Martin Palouš, "Common Sense and the Rule of Law: Returning Voegelin to Central Europe," in *Philosophy, Literature, and Politics: Essays Honoring Ellis Sandoz*, eds. C.R. Embry and B. Cooper (Columbia, MO: University of Missouri Press, 2005), 258–84, was written in 2004, during my tenure as the Czech Ambassador to the United States.



## PALOUŠ REMARKS AT SANDOZ PANEL, EVS ANNUAL MEETING, 2024

*great, “immortal” thinkers across the borders of civilizations and centuries?* And in that sense, are we doing enough for our great teachers in this regard? I think that whether we like it or not, this question is still undecided and thus relevant. I wrote:

Where will the Voegelinian debate and research be, let us say, thirty years from now? Can we imagine that? Will Voegelin be still recognized as a great, truly “revolutionary” philosopher of the period at the great turn of history as his immediate disciples believe? Or, will this image be whittled by the passage of time, and Voegelin “only” remembered as one of those educated Central Europeans, born at a tragic time, uprooted from their domestic environment, living their lives on the periphery of the big world, leaving behind only faded photographs, collected volumes of their works, and gradually disappearing traces of their personal struggles, which were heroic and that is why respectable, but did not make a real difference from the point of view of the universal history of the spirit?<sup>12</sup>

The second point was Voegelin’s escape from Central Europe. In his *Autobiographical Reflections* (edited by Ellis Sandoz) Voegelin vividly describes his first encounter with America, thanks to a Laura Spelman Rockefeller Memorial Fellowship. His exposure to American “common sense” made him, according to his own words “unfit for further existence in Central Europe” after he returned to Vienna with its current social and political atmosphere. Wasn’t this precisely what Ellis Sandoz tried to teach us after the collapse of communism, motivated by his tireless efforts to finally bring common sense there? Wasn’t the return of common sense to Central Europe, the spirit that Eric Voegelin missed there in the 1930s, what he wanted to bring back to life, to resurrect through our cooperation?

The third and final point is Voegelin’s course of jurisprudence taught at LSU from 1954 to 1957. Isn’t this sphere of law, of legal theory and philosophy, an extremely important and even central battlefield for Voegelin’s ideas? And were they not brought to us by Sandoz Ellis, Voegelin’s great disciple and an associate in the struggle for the defense of European civilization against the spiritual diseases that plagued the twentieth century and brought communism and Nazism to our part of the world?

So Ellis, once more: I can’t thank you enough for your friendship, for everything you have done for us. The very fact that the other participants on this panel who organized to honor you are much younger than me proves clearly that your basic message is still alive and

---

<sup>12</sup> Palouš, “Common Sense and the Rule of Law,” 260.

## PIETAS

well. It is here with us. I was most likely wrong when raising the above-quoted skeptical question about Eric Voegelin's—and, I can add, also *your*—process of immortalization.

# Common Sense and the Rule of Law: Returning Voegelin to Central Europe

Martin Palouš

*Athanatoi thnétoi thnétoi athanatoi, zóntes ton  
ekeinón thanaton, ton de ekeinón bion tethneóntes  
(Mortals are immortals and immortals are mortals, the  
one living the others' death and dying the others' life)  
-- Heraclitus<sup>1</sup>*

## THE “IMMORTALIZATION” OF A PHILOSOPHER

An elementary fact in the history of thought is the emergence of philosophical schools around prominent thinkers. The disciples of a Master strived to preserve his work for the future, to carry through his basic intention and to continue in the implementation of the task pursued, but unattained by him in his lifetime. Nevertheless, there is another elementary fact in the history of thought. Such schools did not last usually more than one generation. After some time, the most talented disciples started seeing through the limitations of the standpoint from which their teacher approached philosophical problems and realized the unattainability of the tasks he had set for himself. At a certain moment in time, they concluded that it was not possible to continue on the road marked out by him; that they were finding themselves at a new crossroads where they had to make new decisions, to unveil the open questions and issues behind all the answers the Master's philosophical “teaching” contained. By paradox, this moment of destruction of the teacher's legacy, however, does not necessarily mean its absolute end, its retreat from the human world and its fall into oblivion. On the contrary, it is exactly here where we can find the key to his potential immortality, and this is the third elementary fact in the history of thought. Only when overcome and problematized, when—to use a figure of speech—struck from the heavens to the earth, does the philosopher gain his place in the dialogue engaged in by great, “immortal” thinkers across the borders of civilizations and centuries.

---

<sup>1</sup> Heraclitus, B62, trans. in John Burnet, *Early Greek Philosophy* (London: Adam and Charles Black, 1892), 138.

## PIETAS

To guess at this point in time what place in the overall spiritual context of the twentieth century will belong to Eric Voegelin (1901–1984), whether it will be namely he who will be given credit for the fundamental shift in the sphere of political thinking—as his disciples and followers seem to believe—would in my opinion be somewhat precipitate. At the same time, however, let it be stated that it is to their credit that the open-ended process of Voegelin’s possible immortalization has started. Voegelin is undoubtedly one of those contemporary thinkers who—probably against their will and despite their own warning that philosophy will not allow itself to be closed into any systematic philosophical teaching—did create a kind of philosophical school. During his academic career in the United States and later in Germany, Voegelin influenced decisively a significant group of philosophers, theologians, political scientists, cultural anthropologists, etc.—now finding themselves at the summit of their professional careers—who are convinced that the principal task of their own work is to keep Voegelin’s philosophical legacy alive. They publish the collected works of Eric Voegelin, organize Voegelin conferences and write studies or even whole monographs on him. They founded the Eric Voegelin Society, which has held since 1985 its annual meetings as a part of the annual conventions of the American Political Science Association.

All this demonstrates more than clearly that Voegelin was indeed an exceptionally successful and influential teacher, and that his legacy represents a very powerful inspiration. In the course of years, a global network of Voegelinians has been created, a chain of people as if united by a single philosophical will, sharing Voegelin’s fundamental conviction that it is still Plato, Aristotle and other classical thinkers who should teach us what is (and what is not) philosophy; and that it is philosophy in this classical sense that remains at the moment of contemporary European crisis as the single most important weapon to be used “in defense of civilization.” The aim which these contemporary Platonists (a kind of Platonic Academy operating in the post-modern environment of today’s globalizing world) strive for seems to be guided by a single intention: to initiate a Renaissance of classical political thought, to rediscover the liberating power of classical political ideas, to retrieve the dimension of philosophical dialogue for our current political discourse.

Nevertheless, time and tide wait for no man. First-generation Voegelinians have already reached their “acme,” and one might pose the question of the further fate of their project. What will become of Voegelin’s legacy in the long-term perspective, from the point of view

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

of the dialogue of mankind across the borders of civilizations and centuries?<sup>2</sup> Despite all the disciples' endeavor to disseminate the ideas of their Master, the "Voegelinian Revolution" in political thought, as announced in 1982 in a book of the same name by Ellis Sandoz,<sup>2</sup> one of the most prominent American followers of Voegelin and today apparently the main guardian of the Voegelin legacy, seems yet to be completed. It is realistic and fair to admit that Voegelin's influence on the current mainstream political thought remains limited. This state is illustrated by texts on Voegelinian themes produced, presenting almost exclusively a positive, i.e. accordant interpretation of Voegelin's teaching. The fact that Voegelin is still usually presented in the role of great guru and unrivaled Master in matters of thought demonstrates that the destructive, critical phase of work on his philosophical legacy—the true test of his actual greatness and key phase of the process of his "immortalization"—has not yet arisen, and if it has, then it is evidently still at a very timid, initial stage. Where will the Voegelinian debate and research be, let us say, thirty years from now? Can we imagine that? Will Voegelin still be recognized as a great, truly "revolutionary" philosopher of the period at the great turn of history as his immediate disciples believe? Or, will this image be whittled by the passage of time, and Voegelin "only" remembered as one of those educated Central Europeans, born at a tragic time, uprooted from their domestic environment, living their lives on the periphery of the big world, leaving behind only faded photographs, collected volumes of their works, and gradually disappearing traces of their personal struggles, which were heroic and that is why respectable, but did not make a real difference from the point of view of the universal history of the spirit?

### ANAMNESIS

Raising all these hardly answerable questions, I am aware of my serious limitations as far as my possible contribution to the on-going Voegelinian debate. To clarify my perspective, I must depart from my own personal anamnesis. I will begin in socialist Czechoslovakia in the 1980s when my own introduction to the world of Western philosophy and my first encounters with Eric Voegelin's thought took place. Then I will focus on the radical change brought by the Velvet Revolution of 1989 that has reopened our society kept closed for more

---

<sup>2</sup> Elis Sandoz: *The Voegelinian Revolution: A Biographical Introduction* (Baton Rouge, LA: Louisiana State University Press, 1981).

than four decades and offered to all its members an opportunity to take part in the political process of rebuilding democracy. In the light of new experience, I have been forced to reexamine my approaches to and my reading of the fundamental problems of classical political philosophy, and finally, enabled to start communicating with the international Platonic Academy of Voegelinians.

I ran across the name of Eric Voegelin for the first time in the early 1980s, in the meetings of “Kampademia,” a small group of friends who got together with a bold, and somewhat quixotic intention to “revive” the tradition of Socratic/Platonic thought in the midst of a “small” Czech society stricken in the second half of the twentieth century by the totalitarian plague. Our common teacher was Jan Patočka, one of the last students of Edmund Husserl and undoubtedly the greatest Czech philosopher of the twentieth century. He decided to take a bold, genuinely Socratic step toward the end of his life. Almost seventy years old, he became one of the first three spokespersons of Charter 77 and died only two months after the Charter’s original declaration on January 1, 1977 due to a heart attack he suffered after a series of prolonged police interrogations. Patočka’s phenomenological research of the “natural world of human existence” (Husserl’s *Lebenswelt*)<sup>3</sup> and especially his philosophy of history—elaborated step by step in his private lectures in 1970 and finally sketched in the form of six “heretical essays”<sup>4</sup>—represented one of the principal points of departure and maybe the most frequent topic of our disputes and conversations. Through Patočka and under his guidance, we were all introduced not only to the basic ideas of phenomenology formulated by his great teacher, but also studied and discussed the works of many other contemporary philosophers and political thinkers: for instance, Hannah Arendt, Eugen Fink, Martin Heidegger, Karl Jaspers, Emanuel Levinas, Paul Ricoeur, Leo Strauss, and last but not least Eric Voegelin. I remember well lively exchanges after the presentations of Pavel Bratinka who gave us the introduction to “New Science of Politics,” or Zdenek Neubauer who talked about the “Voegelinian Revolution,” inspired by the above-mentioned book by Ellis Sandoz. I also made my own contributions to this debate, being the lucky one in our group and having in my private holdings the first four volumes of *Order and History*. I

---

<sup>3</sup> Jan Patočka, *Přirozený svět jako filosofický problém* [*The Natural World as a Philosophical Problem*], in *Fenomenologické spisy I* (Praha: Oikoymenh, 1996), 127–261.

<sup>4</sup> Jan Patočka: *Kacířské eseje o filosofii dějin*, in *Péče o duši III* (Praha: Oikoymenh, 2002), 11–144; *Heretical Essays in the Philosophy of History*, ed. James Dodd, trans. E. Kohák (Chicago: Open Court, 1996).

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

received them thanks to the Jan Hus Foundation that not only sent us many books in the 1980s, but also sponsored the visits in Prague of dozens of renowned Western scholars (including Charles Taylor, Roger Scruton, David Levy, Jurgen Habermas, Ernst Tugendhat, Richard Rorty, Norman Podhoretz, Paul Ricoeur, Jacques Derrida, Jean-Pierre Vernant, Jean-François Lyotard, Emmanuel LeRoy Ladurie, Andre Glucksman, Alain Finkelkraut and Pierre-Jean Labarriere) to give lectures and to challenge our naïve and sometimes uninformed enthusiasm for philosophy that was conceived by Patočka as “*new possibilities of life in that shaken situation*”<sup>5</sup> by their professionalism and expertise.<sup>6</sup>

How then did the thought of Voegelin fit into our “academic” context at that time? What were we searching for in our on-going dialogue(s)? What were the main questions we were occupied with during the last years of European communism? Some of our seminars from 1983–1984 were recorded, transcribed and published.<sup>7</sup> I re-read them recently when I was collecting all necessary background materials for this piece. With all the reservations and doubts that such a “recherche du temps perdu” can raise twenty years later, it was, indeed, an interesting reading. To characterize the inquisitive atmosphere of our seminars and the fundamental aim of our “philosophizing,” I can use the blunt formulation used as the title of one of the chapters of Voegelin’s *Autobiographical Reflections*, “Why Philosophize? To Recapture Reality!”<sup>8</sup> We all would have subscribed to Voegelin’s blunt statement that the motivations of his work arose “from the political situation”:

Anybody with an informed and reflective mind who lives in the twentieth century since the end of the First World War, as I did, finds himself hemmed in, if not oppressed, from all sides by a flood of ideological language—meaning thereby the language symbols that pretend to be concepts, but in fact are unanalyzed *topoi* or topics. Moreover, anybody who is exposed to this dominant climate of opinion has to cope with the problem that language is a social phenomenon. He cannot deal with the users of ideological language as partners in a discussion, but he has to make them the object of investigation. There is no community of language with the representatives of the dominant ideologies. Hence, the community of language that he himself wants to use to

---

<sup>5</sup> Jan Patočka: *Heretical Essays in the Philosophy of History*, 41.

<sup>6</sup> The Prague activities of Jan Hus Foundation in Prague are described in Barbara Day, *The Velvet Philosophers* (London: Claridge Press, 2000).

<sup>7</sup> T. Korder, *Voegelin & Patočka: výběr záznamů průběhu bytového filosofického semináře paralelní kultury v Československu* (Purley: Athenaeum–Rozmluvy, 1988).

<sup>8</sup> Eric Voegelin: *Autobiographical Reflections, Revised Edition with Glossary*, ed. Ellis Sandoz (Columbia, MO: University of Missouri Press, 2012), 118.

## PIETAS

criticize the users of ideological language must first be discovered and, if necessary, established.<sup>9</sup>

We certainly were not resisting only “a flood of ideological language,” but also its political incarnation in the form of an “advanced totalitarian regime.”<sup>10</sup> This regime tried desperately to preserve its power in the changing international environment in Europe—influenced first by the so-called “Helsinki process,” and since 1985, by the policies of “perestroika” of the new Soviet leader Mikhail Gorbachev—and in this context, to destroy our “parallel polis,” founded by the declaration of Charter 77, by all available means. No matter how complicated and sometimes even dramatic the circumstances might have been, we were trying to do in our regular “academic” meetings what Voegelin suggested in the above quoted passage: to discover, and if necessary to establish an alternative “community of language” in order to understand ourselves and our current situation in the world; in order to find again and explore our place on the spiritual map of emerging global mankind and to connect our personal stories—in which we all have fallen, to a great extent thanks to the influence of Patočka, for philosophy—with philosophy of history.

The reason why I threw myself into the study of Voegelin’s “Order and History” was clear and simple: I was struck from the first pages by the power of his arguments and found the way he worked with the classical texts and ideas congenial with and complementary to the style of philosophical work of our teacher. Both Patočka and Voegelin pursued their own philosophical projects by summoning up all their education and spiritual strength. They both formulated their big questions and proceeded—methodologically and step by step—on the original paths of their thought that ran quite close to each other and, indeed, were at the same time, thanks to their unusual seriousness and existential urgency, “lying,” in the words of Parmenides, “far from the beaten paths of humans.”<sup>11</sup> Nonetheless, as genuine philosophers, they both were excellent interpreters of the history of ideas, true guardians of the authenticity and integrity of philosophical language, originating in the efforts of concrete men and women of the past to articulate their finite experiences of encounter with the

---

<sup>9</sup> Voegelin: *Autobiographical Reflections*, 118.

<sup>10</sup> Václav Havel: *Stories and totalitarianism*, in *Open Letters, Selected Writings 1965-1990*, ed. P. Wilson (New York: Knopf, 1991), 328-50.

<sup>11</sup> Parmenides, “On Nature,” in *Die Fragmente der Vorsokratiker*, ed. Hermann Diels 2 bd. (Berlin: Weidmannsche Buchhandlung, 1906), B1.



## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

transcendent source of order within their concrete historical societies. Under their guidance, we were being introduced to a philosophy that was not a metaphysical doctrine consisting of true propositions about eternal and unmovable Being, but a way of life, a kind of movement of human existence, whose aim was to “live in truth,” to keep open the possibility of human life to “escape one’s own ignorance.”<sup>12</sup> In other words, both Patocka and Voegelin were able to open, even for a layman or dilettante like me, the forgotten and largely unnoticed layers of the Western spiritual tradition. They helped me to rediscover the meaning of basic concepts and symbols used in philosophical discourse. They shook me out of the shell of my presumed certainties to realize the metaphysical depth under the surface of facts and data that had to be explored and known by anyone who wished to understand and to articulate meaningfully our concrete situation within the universal horizon of human history.

Reexamining the contributions I made in our seminars from 1983–1984, I certainly cannot have any illusions about their quality or even the originality of their message. On the contrary, their language betrays not only the lack of skill and experience of the contributor, but the power of Baconian “Idols of the Market Place”—the case when “the ill and unfit choice of words wonderfully obstructs the understanding”<sup>13</sup>—no matter how strong my desire to overcome them or at least get them under control. There is one thing, however, that should not be overlooked here and that bears witness: what is and what is not the true philosophy. Being inspired and taught by genuine philosophers like Patocka or Voegelin, we were invited—despite all flaws, imperfections and evident amateurism of our academic conversations and in the context that was determined by our current political existence in Central Europe—to the society of classical thinkers like Socrates, Plato and Aristotle and many others. Thanks to this apprenticeship, we could participate, in our own way, using our modest resources and capabilities, in the never-ending dialogue of mankind initiated in ancient Greece and other centers of the civilized world many centuries ago. The Socratic appeal to care not so much about “money and honor and reputation” but rather about “wisdom and truth and the greatest improvement of the soul”<sup>14</sup> meant in the interpretation of Patocka or Voegelin much more than a superficial invitation to take up moral philosophy caricatured by Hegel in his *Lectures on the History of Philosophy*:

---

<sup>12</sup> Aristotle, *Metaphysics*, I.982b19–20 (*dia to feugein tén agnaian efilosofésan*).

<sup>13</sup> Francis Bacon, *The New Organon* (New York: The Liberal Arts Press, 1960), 49.

<sup>14</sup> Plato, *Apology*, 30a–30b.

## PIETAS

Because Socrates in this way gave rise to moral philosophy, all succeeding babblers about morality and popular philosophy constituted him their patron and object of adoration, and made him into a cloak which should cover all false philosophy. As he treated it, it was undoubtedly popular; and what contributed to make it such was that his death gave him the never-failing interest derived from innocent suffering.<sup>15</sup>

What was clearly at stake here for us was the future identity of Europe's "heart," the power of great ideas and symbols of the past to be mobilized in the concrete situation of our "polis" that was finding itself in the 1980s in one of its worst crises.

The Velvet Revolution in November 1989 brought a radical change into our world. Thanks to the collapse of communism, Central Europe reemerged as an active player in the field of international relations and her fragmentation in the decades of the Cold War's "frozen" system of national societies had been offered a new opportunity: to set out on a journey from totalitarianism to democracy. The new situation terminated for obvious reasons the existence of the dissidents' "parallel polis" and brought a new challenge to what I have always considered the most important part of my public engagement: to assist the rebirth of classical political ideas in our current context and to enhance with their help our capacity of understanding. Our philosophical "Kampademia" still exists, holding its regular quarterly "conventions." Nonetheless, its original pathos of resistance is lost irretrievably, and our aging conversations are taking place in a climate of ideas that is not so much conducive to the "remembrance of things past" but rather to realize again and again the dangerously growing "gap between past and future."

The new social and political context shaped by the newly gained freedom could not let my reading of Voegelin go untouched. On the one hand, I have had the chance to become acquainted with the activities of a global network of Voegelinians and have benefited greatly from it. I have gained an opportunity to study Voegelin's "Opera Omnia" volume after volume, to read the abundance of the secondary Voegelinian literature, to participate in the on-going Voegelinian dialogue within a group of distinguished scholars, and to present my own insights, comments and eventual "discoveries" at the regular annual meetings of the Eric Voegelin society. On the other hand, being pushed forward in the irreversible historical

---

<sup>15</sup> Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy*, trans. E.S. Haldane (London: Routledge & Kegan Paul Ltd., repr. 1955), 388.

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

time—growing older and becoming more and more perplexed not only by all the difficulties of our own transition to democracy, but by all the intricacies of the New World Order emerging from the ruins of the Old One—I had to realize that my perception of political ideas has also been changing. I had to admit that in the current situation I am simply unable to read Voegelin in the way I had originally; that I have some difficulties with my original understanding of the Voegelinian project aiming at the “defense of civilization”; that in spite of the indisputable fact that it is among Voegelinians where one can find a living political thought today, there is something problematic, at least from my own point of view, in the prevailing focus and style of the current Voegelinian research.

Struggling with my personal loss of direction, I have started looking for a new point of departure. Surprisingly, I did not find it in the realm of ideas, among Voegelin’s fascinating insights into their history, that made him without any doubt one of the greatest philosophers of the twentieth century, but in his *Autobiographical Reflections*, that could be published only thanks to the persistence of Ellis Sandoz, one of his most talented students and undoubtedly the most influential herald of the “Voegelinian revolution.” Voegelin’s escape from Central Europe and his encounter with American “common sense” have led me to raise the following questions: Is it not here, in Central Europe where Voegelin’s anabasis—that began in the 1930s when totalitarianism, once characterized by him as a “*cadaveric poison*” released by Western civilization and now “*spreading its infection through the body of humanity*,”<sup>16</sup> was on the rise—must come to its end? Is not this potential homecoming—rather than all these efforts to summarize the results of Voegelin’s Herculean “search for order,” all attempts to compare or confront them with the products of other philosophical schools and traditions—that represents the biggest challenge for Voegelinian legacy at the beginning of the twenty-first century? Is it not amid singular, passing human matters, and eventually not only in Central Europe, where we should be looking for Voegelin’s proverbial Rhodos and where the question of the potential immortality of his teaching must be tested?

My plan as far as the rest of this essay is concerned is as follows: In section III, I will reflect on Voegelin’s encounter with pragmatism in American philosophy and will try, using the example of William James, to answer the question, why the “pluralistic view”—an integral

---

<sup>16</sup> Voegelin, *The Origins of Totalitarianism*, in *The Collected Works of Eric Voegelin, vol. 12 Published Essays, 1966-1985*, ed. Sandoz (Columbia, MO: University of Missouri Press, 1990), 15.

## PIETAS

part of American “common sense,” that rejects the “monistic” epistemology of neo-Kantian provenance but lacks the historical depth that would stem from the connection of this “school of thought” with any established European tradition—could inspire Voegelin to rediscover the lost treasure of classical philosophy, tragically absent in the contemporary European political discourse. In section IV, I will depart from a concrete, almost technical problem Voegelin was confronted with during his sixteen-year-long teaching experience at the Louisiana State University in Baton Rouge: to explain the nature of law to his American students. I will argue that it is the Voegelinian jurisprudence informed by classical political philosophy and influenced by the American tradition of “common sense” that should inspire the Central European search for new identity in the world after “11/9” (11/9/1989—the fall of Berlin Wall) and “9/11” (9/11/2001—the terrorist attack of Al Qaeda in the United States).

### **ESCAPE FROM CENTRAL EUROPE AND DISCOVERY OF AMERICAN COMMON SENSE**

Let us depart from the known facts of Voegelin’s biography. Born on January 3, 1901, in Cologne in Germany in 1910, he moved with his parents to Vienna. This is where Voegelin received his education—first at the Gymnasium and then at the University of Vienna where he studied political science at the Faculty of Law with Hans Kelsen. International events led to a radical change of the Viennese scene during Voegelin’s studies. At the time of the monarchy, Vienna had the relatively liberal, cosmopolitan atmosphere of a world metropolis. Defeat in the First World War, however, resulted in the disintegration of the Austro-Hungarian Empire and in the emergence from its ruins in 1918 of a republic, albeit one lacking the free republican spirit. The liberalism typical of the Viennese imperial era was replaced by petit bourgeois narrow-mindedness and grievances over historical injustice. Instead of the cosmopolitan tolerance typical of the “world of yesterday” of the former rulers of Central Europe (described so persuasively from a Jewish perspective in Stefan Zweig’s autobiography), there arose small Austrian chauvinism, xenophobia, ideologically motivated encounters of antagonistic social classes and general spiritual decline and loss of direction. There were, of course, deeper reasons for this transformation; it was not merely the hangover of military defeat resulting in the retreat from the position of power, but also the omen of deep spiritual and social crisis which in the post-war period started to engulf the whole European continent, culminating in the assumption of power by totalitarian political

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

movements and resulting in another world war. It was namely this shift that framed Voegelin's political experience and the elementary existential point of departure of his philosophy.

The academic environment—and Voegelin moved around almost exclusively in that environment—was, of course, relatively more resistant to the general decline. Reading about the way in which he planned his academic training, all the names of the people who taught him, all the places where he studied and the different disciplines, one cannot but be amazed by all the possibilities which were available to a young scholar, by the quality of contemporary spiritual life, and by the criteria of university education in Austria of those days, a country politically and spiritually in decline. Nevertheless, the “decline of the West,” as clearly implied in Voegelin's reflection, was felt not only as a political problem, but was becoming increasingly apparent in the intellectual milieu, too. Maybe that is one reason why Voegelin's intellectual striving was so inseparably linked with private seminars held within a circle of friends calling itself “Geistkreis.” The group included, for instance, Alfred Schütz, with whom Voegelin exchanged a written discussion of Husserl's phenomenology, as well as a few others whom Voegelin later met again in American exile. “Geistkreis” was nothing more than a group of young enthusiasts who discussed everything that aroused their inquisitive minds, yet the mere existence and mission of the group reflected the shifts occurring in the world of Austrian academia, inconspicuously at first, but later moving slowly the center of authentic intellectual life into the private sphere, still free from any manipulation by the state.

Even though Voegelin received the core of his education from an impressive line of German and Austrian professors who introduced him to the world of European learning, a major influence in Voegelin's academic maturing was apparently his trip to the United States in 1924–1925. As a Laura Spellman Rockefeller Fellow, Voegelin was given his first opportunity to become acquainted with the American university environment and compare it with his hitherto European experience. The encounter with America became his destiny. This is where he encountered “common sense,” which “spoiled” him, according to his own words, to such a degree that from that time onwards he was no longer able to exist non-problematically in Central Europe and within the framework of her venerable and cultivated philosophical traditions. Whereas the European discussion of political and social phenomena turned round in the vicious circle of contending philosophies and schools (mainly of neo-Kantian provenance) and de facto neglected the increasingly gloomy

## PIETAS

contemporary political situation, the American manner of political thinking was quite different. It did not lean primarily on one or another philosophical school and tradition but let itself be inspired by concrete political events, namely the foundation of the American republic, the adoption of its Constitution, which from that time onwards became the source of the “good life” of American citizens and whose further development and protection were generally perceived as the basic guarantee of freedom and human dignity. In brief, America presented itself to Voegelin as an amazing synthesis of classical thought, which he had striven in vain to restore in his Central European environment, and of the best components of the Christian tradition which European Modernism, in his view, was also desperately lacking. The pragmatism of William James and John Dewey, the philosophy of George Santayana, Whitehead’s lectures at Harvard University, and also solid American theory of law or government, which consciously abstained from the attainment of heights of philosophy—all that had such a strong impact on Voegelin that he returned to Europe (to use his own expression) a changed man, unable to exist further in the increasingly restricted, increasingly narrowing, increasingly philosophically sterile European environment.

Voegelin’s philosophical diagnosis of the crisis of European civilization in the twentieth century turned him into an open, uncompromising critic of emerging totalitarian movements and especially of national-socialist policy. His reputation in this respect, however, placed him at the time of the Austrian Anschluss in immediate jeopardy. If it was originally his conversion to Anglo-Saxon “common sense,” that made Voegelin, to quote his own words, “unfit for further existence in Central Europe,” it was the German Nazis with their project of “the Thousand Years Reich” that forced him to leave Vienna and become an exile. In March 1938, he fled under rather dramatic circumstances to Switzerland, and from there after a short time he departed for the United States.

Why did American “common sense” alienate Voegelin not only from contemporary European politics, but also from a certain tradition of European political thought which became dominant in the last three centuries, i.e., in the modern period of European history? Why was it in the United States of America—in a democratic republic of the “New World” which took upon herself more than once in the twentieth century the burden of the defense of Western civilization against the totalitarian barbarity that originated on the “old

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

continent”—where Voegelin rediscovered the liberating power of classical, i.e., pre-modern political thought?

To answer these questions, let us look briefly at the way in which the problem of “common sense” is approached by one of the great figures of American “pragmatism,” William James. In his lectures of 1906–1907 (published in 1907 under the title *Pragmatism: A New Name for Some Old Ways of Thinking*), James stated clearly what he understood as “common sense”: “*our fundamental ways of thinking,*” discovered already by “*exceedingly remote ancestors, which have been able to preserve themselves throughout the experience of all subsequent times,*” used till now and forming “one great stage of equilibrium in the human mind’s development.”<sup>17</sup>

The fundamental philosophical question analyzed by James was the problem of noesis, the problem of knowledge and knowing: What does it mean to know something? What kind of relationship is established between “knower” and “things to be known”? What ontology is commensurate with the world in which man is able to live as a rational being? Can the classical philosophers, who for the first time formulated the great ontological questions and discovered the fundamental ideas of our Western thought, help us in our efforts to understand better our contemporary situation and improve our capacity to use our own “common sense”? According to James, there are two alternative approaches to the problem of noesis: monism, which corresponds to the perennial philosophical quest for the world’s unity, or pluralism. In his lecture “The One and the Many” James says:

The *great monistic denkmittel* for a hundred years has been the notion of *the one Knower*. The many exist only as objects for his thought—exist in his dream, as it were; and *as he knows* them, they have one purpose, form one system, tell one tale for him. This notion of *an all-enveloping noetic unity* in things is the sublimest achievement of intellectualist philosophy.<sup>18</sup>

The hypothesis of the universe’s “oneness,” the hypothesis of one world consisting of things seen by an omniscient knower “as forming one single systematic fact,” the hypothesis of the actual world being present to the senses of a human spectator always within the finite horizon of his mortality, but “complete eternally,” has important implications. Its discovery and

---

<sup>17</sup> William James, *Pragmatism: A new Name for Some Old Ways of Thinking* (New York: Longmans, Green & Co., 1907), 170.

<sup>18</sup> James, *Pragmatism*, 145.

## PIETAS

conscious acceptance signal a genuine revolution in the historical process of human self-understanding. From this moment on, any theory of knowledge, any plausible answer to all concrete questions emerging from the fact that man is endowed with the capacity of reasoning—that he is able to distinguish in his own noetic activities between pure reason (dealing with matters of truth and untruth), ethical, i.e., practical reason (working primarily with the distinction between good and bad) and aesthetic reason (attributing the qualities of beautiful and ugly to the things in the human world)—has no other choice but simply to take the “monistic” hypothesis into consideration. The “knowing” man must get rid of everything that does not comply with it. He has to leave, as if forced by its coercive power, his pre-critical past behind and enter into a new universalistic era dominated and wholly permeated by his modern “science.” In short: the necessary consequence of the “Copernican turn” made in European history by Immanuel Kant is the birth of the modern European spirit with its progressivist understanding of human history. The most important implication of this was the ontological degradation or even conscious denial of all human knowledge that had previously helped man to orient himself in the world: his “common sense.”

The stance of pragmatic American philosophers must be seen as a gentle and thoughtful rejection not of the value of Kantian arguments, which were praised highly by William James, but of that absoluteness with which the monistic philosophy was presented. Against the ontological hypothesis which enthrones the one Knower “conceived either as an Absolute or as an Ultimate,” the pragmatists raise “the counterhypothesis that the widest field of knowledge that ever was or will be still contains some ignorance.... Some bits of information always may escape”:

This is the hypothesis of *noetic pluralism*, which monists consider so absurd. Since we are bound to treat it as respectfully as noetic monism, until the facts shall have tipped the beam, we find that our pragmatism, though originally nothing but method, has forced us to be friendly to the pluralistic view. It may be, that some parts of the world are connected so loosely with some other parts as to be strung along by nothing but the copula *and*. They might even come and go without those other parts suffering any internal change. This pluralistic view, of a world of *additive* constitution, is one that pragmatism is unable to rule out from serious consideration. But this view leads one to the farther hypothesis that the actual world, instead of being complete “eternally,” as the monists assure us, may be eternally incomplete, and at all times subject to addition or liable to loss.<sup>19</sup>

---

<sup>19</sup> James, *Pragmatism*, 165–66.



## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

When we adopt a pluralistic view of the world, several fundamental things will change. First, we will lose from our sight the systematic, i.e., static conception of noesis, seen by the one omniscient knower, consisting of individual pieces, the validity of which has been “scientifically” tested and which are assembled into a coherent, i.e., non-contradictory whole. Instead, we will tend to focus more on the problem of noesis as a process, on the dynamic aspects of the life of the mind we are part of, in spite of our finite bodily existence. We will start discovering the temporal dimensions of the fundamentally human situation which was discovered first by Socrates and two generations later philosophically analyzed by Aristotle, who defined humans as those who do not possess the divine knowledge of the One Knower but are always striving to escape their ignorance they are aware of, because “by nature (they) desire to know.”<sup>20</sup>

Our minds thus grow in spots; and like grease-spots, the spots spread. But we let them spread as little as possible: we keep unaltered as much of our old knowledge, many of our old prejudices and beliefs, as we can. We patch and tinker more than we renew. The novelty soaks in; it stains the ancient mass; but it is also tinged by what absorbs it. Our past apperceives and co-operates; and in the new equilibrium in which each step forward in the process of learning terminates, it happens relatively seldom that the new fact is added raw. More usually it is embedded cooked, as one might say, or stewed down in the sauce of the old.<sup>21</sup>

This figurative description of the process within which human knowledge is acquired, grows and is altered in the course of time, clearly implies an utterly different, much more positive attitude of the “pragmatist” towards “common sense” than was the position of monism. At the same time, pragmatism has an incomparably higher appreciation for the singular facts given in the immediate experience of individual human beings, living in the presence of the known past, but open towards the unknown future. In short: pragmatism as a noetic stance is much more embedded in the concreteness of human life than in the abstract generalities apprehended by those who subscribe to a “monistic” school of thought. It simply respects the fundamental fact of our noesis, that the bulk of our knowledge is inherited from our ancestors, from our family or tribe, from the society, culture and civilization we were born into. At the same time, however, pragmatism is ready to test the truths that we received from

---

<sup>20</sup> Aristotle, *Metaphysics*, 980a21: “pantes anthrōpoi tou eidenai oregontai fysei” (All men by nature desire to know).

<sup>21</sup> James, *Pragmatism*, 168–69.

## PIETAS

the past and believe in, against the changing realities of our life, against all these challenges we are exposed to as free human beings, who had no choice but to act on their own, to use their own capacity of judgment and to make, at the right time, the right decisions.

In this regard, the distinction made by James between the use of “common sense” in practical talk—as man’s “gumption” and “good judgment” and in philosophy which understands by “common sense” the “use of certain intellectual forms and categories” inherited from the past—is not as great as it might look from his own distinctions and definitions.<sup>22</sup> Pragmatists are indeed sincerely interested and want to explore what “our fundamental ways of thinking” are “which have been able to preserve themselves throughout the experience of all subsequent times”—as customs or habits of thought, as our beliefs—because they are well aware that without these discoveries, sometimes of our “exceedingly remote ancestors,” our capacity for good judgment and good action would be seriously damaged or even utterly paralyzed. Truth as the supreme noetic category and “good” as the basic orientation point of our practical life, come in the pragmatic perspective together again, bridging the gap between them and other “*transcendentalia*” (*esse, verum, bonum, pulchrum*), which opened in Western civilization with the advent of the Modern Age.

Truth is *one species of good*, and not, as it is usually supposed, a category distinct from good, and coordinate with it. *The true is the name of whatever proves itself to be good, in the way of belief and good, too, for definite, assignable reasons.*<sup>23</sup>

‘What would be better for us to believe?’ This sounds very like a definition of truth. It comes very near to saying ‘what we *ought* to believe’: and in *that* definition none of you would find any oddity. Ought we ever not to believe what it is *better for us* to believe? And can we then keep the notion of what is better for us, and what is true for us, permanently apart?<sup>24</sup>

To sum up in the context of analysis: It is this shift from the “monistic” perspective, which has long dominated modern European thought, to the point of view adopted by American pragmatism, that can heal, according to Voegelin, our contemporary spiritual disease. It is so because the move from monism toward pragmatism opens the door again to classical political

---

<sup>22</sup> James, *Pragmatism*, 171.

<sup>23</sup> James, *Pragmatism*, 75–76.

<sup>24</sup> James, *Pragmatism*, 77.

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

thought, which can help to restore the impaired balance of the European political mind. From the pragmatic perspective, one can rediscover under the conditions of modernity the classical Socratic question concerning the human good and making humans “give an account” of their lives and care about “the greatest improvement of the soul,” to repeat once more the above-quoted passage from Plato’s “Apology.” One can recapture for contemporary use the meaning of the classical concept of politics as a form of life of free human beings, the meaning of the classical concept of law, the only ruler capable of making all citizens equal, the meaning and scope of natural rights which are inalienable because they are not the product of human activity but have been established by God.

All this explains why “pragmatism” is a genuine American philosophy and why it is a pragmatic attitude that characterizes more than anything else the frame of the American political mind. But more than that: It is my conviction that it was the rediscovery and new “pragmatic” reading of Aristotle and of the other classical political philosophers by American “founding fathers” that served as one of the major spiritual inspirations for the American Revolution.

Whereas the fundamental orientation of Voegelin’s philosophy remained the same as in his Viennese period, the political circumstances of his work—Voegelin became an American citizen already in 1944—dramatically changed. The United States, according to Voegelin, was the only country which could save politically the threatened Western civilization and whose reality at the same time offered a solution for that civilization’s spiritual rebirth. Whereas residence in crisis-stricken Central Europe called for an existence of a more Socratic type, life in America made him adopt a Platonic perspective, trying to explore the phenomenon of the crises of European civilization in its full scope and with all ontological implications and penetrate to the very heart of contemporary problems. In order to understand the blind alley in which mankind was finding itself in the middle of the twentieth century, and to help to cure the illness destroying the European spirit, Voegelin was ready to study the vast amount of material belonging to the discarded spiritual heritage—both European and non-European—using not only all the instruments he brought with him to America from his Central European past, but also the American inspiration of “common sense” which served him as a beam of light in the Dark Times of European civilization. His task, however, was enormous. Not being designed as a regular academic project, but rather as an emergency operation in

## PIETAS

defense of civilization, it can evoke in the mind of a pessimist the memory of eternal punishment of mythical king Sisyphos, or at least—in the mind of a more optimistic observer—one of the legendary heroic labors of Heracles.

Relentlessly and earnestly, Voegelin tried to battle his way through the whole history of mankind and finish his work on the new science of politics—on the new philosophy of history—the central theme of which is the never-ending struggle within human society between the forces of order and disorder. What we see, however, when we examine the results of his efforts, is not the hero returning victorious from his battles, but an excellent, profound philosopher whose results are endowed with power to generate insights. But alas, when they are built into an opus, they seem to be disintegrating in the author's hands. Voegelin returns humbly, again and again, to his point of departure and tries to embrace the accumulated material mastered with unparalleled “bravura” into his grandiose thought-construction. Instead of the originally planned history of political ideas, he produces a study of the relation between history and order. But even this project he does not finish. The never-ending search for order is increasingly interrupted by the classical philosophical theme of preparation for death and meditation aimed beyond the sphere of ephemeral human affairs.

### COMMON SENSE AND THE RULE OF LAW

Let us go through Voegelin's intellectual biography once more again with special focus on the question of the law. It is my contention that it is exactly here, where the need to reflect on Voegelin's life experience and “return” Voegelin to Central Europe is indeed topical. It is the realm of jurisprudence that Voegelinian ideas should be studied and possibly “applied” in the first place if Central Europeans want to understand better their totalitarian past, reexamine their historical identity and vision of the world, and reformulate their political programs for the transition from the twentieth to the twenty-first century.

Voegelin studied law at the University of Vienna under Hans Kelsen, who was undoubtedly one of the most important European jurists of the twentieth century and, as the author of *Pure Theory of Law*, the founder of a school of legal thought of enormous influence, especially in Central Europe.<sup>25</sup> Sharing with Voegelin the fate of political refugee,

---

<sup>25</sup> In the Czech Republic, Kelsen's students (František Weyr, Ota Weiberger, Václav Chytil, Vladimír Kubeš, Zdeněk Neubauer, Karel English, Jaroslav Kaláb, Jaroslav Krejčí, Josef Kepert, Adolf Procházka, Jaromír Sedláček, just to name the most accomplished ones among them) formed the so-called “Brno School of Theory of Law” (Brněnská škola právní

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

Kelsen also spent the second half of his life in America, but intellectually their paths diverged. Voegelin, however, never committed real “parricide” and did not fully abandon his great teacher, who represented for him the end of a certain European tradition, a tradition that had to be properly understood within its own historical context and limits. This is, however, exactly the reason why, according to Voegelin, it is Kelsen’s “pure theory of law” where we should start the search for the way out of the current impasse; where we should start testing our capacity to understand our own situation as far as the idea of law and its place in human society is concerned; where we should be looking for “a point of departure for an advancement towards the reconstruction of a complete political science.”<sup>26</sup>

From the American perspective, wrote Voegelin in a small article published in 1927 with the aim of introducing Kelsen’s *Allgemeine Staatslehre* to the American public,<sup>27</sup> the least comprehensible trait of Kelsen’s legal thought is its foundations in neo-Kantian positivistic logic. In his basic arguments Kelsen departs from the Marburg School of Simmel and Windelband. What determines the character of data we are primarily dealing with in the realm of law—be it legal codes or statutes, procedural rules, case-law, etc.—is according to him not their material content, but a form in which they are given, their specific *a priori*, in Kantian terminology, antecedent to all forms of experience. Before studying or eventually constructing any positive legal system one must be aware of the fundamental distinction between the “original categories” of *Sein* (being, Existence, referring to the realm of what is) and *Sollen* (ought, Essence, referring to the realm of what should be). This point of departure becomes clearer when we move from the ontological to the epistemological level: The distinction between *Sein* and *Sollen* is translated into the distinction between the causal method of natural sciences (studying the causal relations between existent things), and the normative method applied in cultural sciences (dealing with all various aspects of cultural objectification).

The basic aim of Kelsen’s “pure theory” is to approach the law strictly as a positively given normative system, i.e., as a structured, hierarchically (top-down) organized and

---

teorie). Its influence is still remarkable and has a profound effect on our current post-communist jurisprudence and constitutional discussion.

<sup>26</sup> Voegelin, “Pure Theory of Law and of State,” in *The Collected Works of Eric Voegelin, vol. 7: Published Essays, 1922-1928*, trans. M.J. Hanak, eds. Thomas W. Heilke and John Von Heyking (Columbia, MO: University of Missouri Press, 2003), 98.

<sup>27</sup> Voegelin, “Kelsen’s Pure Theory of Law,” in *The Collected Works of Eric Voegelin, vol. 7: Published Essays, 1922-1928*, 182-91.

## PIETAS

complete whole, composed of elementary legal rules (maxims) derived from the basic norm (*Die Grundnorm*), the first and supreme legal maxim, articulating the primordial will of the sovereign, i.e., the state. The simplest analytical element of this system, the norm, must have a clear formal structure corresponding to the normative a priori of *Sollen*. The norm, *Rechtsatz*, must be, explains Voegelin to his American readers,

composed of two parts: The first contains a statement concerning unqualified human behavior, the second makes a statement concerning the coercive behavior (*Zwangsakt*) of the state official. The complete rule is a hypothesis making the coercive behavior of the state official dependent on the previous occurrence of the behaviors and events stated in the first part of the rule.<sup>28</sup>

Consequentially, Kelsen's concept of the state, laid down and developed in his *Staatslehre*, also departs from the neo-Kantian paradigm. The state is fully identified with its law. It is conceived as a materialization of the will of a concrete human society to erect the protective walls of legal order around all manifold forms of its life. The state should not be built, justified, explained as a shelter of its national, i.e., religious, cultural or linguistic identity, but only as the sole source of its law and the guarantor of its sovereignty. According to Kelsen, the theory of the state has to cope first with the question of its origin and its position within international society under international law; then it proceeds to its basic law, the state constitution, whose task is to provide the overall composition or anatomy of the state body; then to the state organs performing their diverse functions in the process of creation of norms and their enforcement; then to all concrete forms and procedures of how the principle of "Rechtstaat" is realized in all diverse relations between the citizens and the state and between the citizens themselves.

From the beginning, however, it is evident that the above-indicated reduction of legal orders to "a system of postulates in the realm of *Sollen*"<sup>29</sup>—that can indeed, as Voegelin pointed out, "*surprise the American lawyer who is accustomed to a wealth of rights, duties, privileges, powers, liabilities, and disabilities*"<sup>30</sup>—was problematic and in a way self-defeating. No matter how purified Kelsen's theory could be from any non-normative content and from any remnants of state doctrines originating in natural law, it never could be fully dissociated

---

<sup>28</sup> Voegelin, "Kelsen's Pure Theory of Law," 185.

<sup>29</sup> Voegelin, "Kelsen's Pure Theory of Law," 184.

<sup>30</sup> Voegelin, "Kelsen's Pure Theory of Law," 185.

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

from the reality of human society it was supposed to form and order. The legal theories of his predecessors—German jurists such as von Gierke, Laband, Gerber or Jellinek—reflected the rise of Bismarck to power and went along with his ambition to unify Germany and to rebuild it as a modern constitutional federal state. For Kelsen, the main point of reference was the reality of dismemberment of the Austro-Hungarian Empire, defeated in the Great War 1914-1918. His “pure theory of law” based on the categorical distinction between *Sein* and *Sollen*, pretending to isolate normative legal order from any undesirable interference of the supreme echelons of “naturally ordered” human society, simply could not remain isolated from the real events happening in the human world. Can one imagine a better illustration of the fundamental problem of the neo-Kantian foundations of Kelsen’s legal doctrine than the fact that Kelsen, who had been asked to draft the new Austrian Constitution and proceeded as much as possible in conformity with the principles of his “pure theory,” had to see his finished magnum opus changed profoundly by the empirical, historically determined Austrian political reality?

Nonetheless, no matter whether the result of the genesis of the Austrian constitution was “pure” or rather “tainted,” in 1927, Voegelin still speaks about it in unambiguously positive terms. He evaluates Kelsen’s practical achievements not only as “the most important event in the modern history of constitutions from the point of view of legal technique,” but “with its background of the pure theory of law,” as “a remarkable contribution to the development of democracy.”<sup>31</sup>

He concludes his article with a kind of summary of Kelsen’s position that does not seem to be showing any sign of the approaching spiritual crisis:

By transferring the legal system into an ideal realm of meanings and reducing it to an instrument, Kelsen destroys any undue respect for existing legal institutions. The content of law is shown to be what it is: not an eternal, sacred order, but a compromise of battling forces—and this content may be changed every day by the chosen representatives of the people according to the wishes of their constituencies without fear of endangering a divine law.<sup>32</sup>

No state entity hides behind the law and issues the legal rules; every rule can be traced back to its origin in a definite governmental agency, which again is but a part in the machinery set up for turning out legal rules in accordance with the desires of different

---

<sup>31</sup> Voegelin, “Kelsen’s Pure Theory of Law,” 190.

<sup>32</sup> Voegelin, “Kelsen’s Pure Theory of Law,” 190.

## PIETAS

social groups. The pure theory of law thus signifies not only an important progress in legal analysis and technique, but also a development from the half-absolutistic philosophy of the German empire towards the spirit of the new democracy.<sup>33</sup>

“The spirit of the new democracy,” however, prevailing in the years after World War I, did not have a long duration in Europe. The totalitarian movements seized power first in Italy and then in Germany, and in both countries a profound change of form of government took place by means of constitutional amendments, i.e., in the continuity of the existing legal order. Austria was first transformed from a democratic republic into an authoritarian state and a couple of years later annexed to Germany. Both Kelsen and Voegelin had to escape from Central Europe and found new homes in America. Kelsen devoted his time to the new international law initiated by the creation of the United Nations. Voegelin focused on the history of political ideas and tried to elaborate the foundations of his “new science of politics.” He returned to the fundamental questions concerning the nature of the law and jurisprudence in his courses taught at the Louisiana State University from 1954 to 1957.

The historical events that took place in the world during the three decades that passed between the publication of Voegelin’s article about Kelsen in 1927 and the appearance of an above-mentioned mimeographed “temporary edition exclusively for the use of students registered in Voegelin’s course on the nature of the law”<sup>34</sup> in 1957 changed substantively the situation of mankind, and consequently, influenced his thought heavily.

The world after Auschwitz could not, as it was plainly stated by Karl Jaspers, become the same again as it had been before the German Reich started implementing its hegemonic plans and waged war upon anyone who dared to oppose them—in the end upon the whole world of Western, i.e., Judeo-Christian civilization. The unprecedented crimes against humanity committed by the Nazi regime that showed total disrespect for elementary human compassion and the absence of “common sense” had a mobilizing effect and catalyzed a strong international response. As Voegelin put it in his famous review of Hannah Arendt’s “Origins of Totalitarianism”:

---

<sup>33</sup> Voegelin, “Kelsen’s Pure Theory of Law,” 191.

<sup>34</sup> Robert Anthony Pascal, James Lee Babin, and John William Corrington, eds., “Introduction,” *The Collected Works of Eric Voegelin, vol. 27: The Nature of the Law and Related Legal Writings* (Baton Rouge, LA: Louisiana State University Press, 1991), xiii.



## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

What no religious founder, no philosopher, no imperial conqueror of the past has achieved—to create a community of mankind by creating a common concern for all men—has now been realized through the community of suffering under the earth wide expansion of Western foulness.<sup>35</sup>

But what happened after the war was also far from satisfactory. On the one hand, the main war criminals were tried before the International Court of Justice and a new international organization of the United Nations was created with the intention to eliminate wars and to enhance peaceful relations among all nations of the world. The problem, however, was that the Soviet Union, one of the winners of the war, was one of the main disseminators of the totalitarian disease. The new internationalism under the aegis of the United Nations—raising hopes in many people that mankind was finally finding itself on the way to the realization of Kant’s old project of “perpetual peace”—was simply not based on a realistic assessment of the emerging international situation because it did not reflect at all its crucial aspect: the Soviet threat. For a political realist like George Kennan, who was the first to make this point in his famous long telegram from the American Embassy in Moscow, and who was later assigned to formulate the basic principles of US postwar foreign policy, the right response to the emerging challenge was not a utopian belief in the persuasive power of Kantian ideals, but a very clear message to be sent to the Soviet enemies of American values and Western civilization: the policy of “containment.” The result was what was realistically achievable, i.e., a “bipolar political architecture” in Europe with the following implication for Europeans: her Western inhabitants enjoying freedom and gradually progressing from the painful postwar reconstruction towards prosperity under the American security umbrella; her Eastern nations (including a large part of what used to be Central Europe) being deprived of freedom and united with the Soviet Union “forever,” as one of the favorite ideological slogans of totalitarian rulers went, sentenced to life in the totalitarian prison under Soviet domination.

In short: observing the international developments in the 1950s, when Voegelin was teaching in Baton Rouge, there was only one evident conclusion if one did not want to abandon the requirements of “common sense”: World War II did not bring the solution to the world crisis caused by the emergence of totalitarianism. Soviet communism was not a partner for the countries of the Free World to be appeased and invited to participate at the

---

<sup>35</sup> Voegelin, “The Origins of Totalitarianism,” in *The Collected Works of Eric Voegelin, vol. 11: Published Essays, 1953-1965*, ed. Sandoz (Columbia, MO: University of Missouri Press, 2000), 15.

## PIETAS

dialogue concerning the new world order, the dialogue of mankind that has been constituted “through the community of suffering under the earth wide expansion of Western foulness.” On the contrary, the rise of the Soviet Union to the position of world power was an ominous sign, demonstrating how challenging it was going to be to protect the spiritual foundations of Western civilization for the future.

In 1924 Voegelin was a young, talented and well-educated man, whose basic aim was to build a bridge between his Central European background and the newly discovered American experience, and who still could believe optimistically that the Great War of 1914–1918 gave a historical opportunity to “the spirit of the new democracy.” Thirty years later, he was already an accomplished and respected scholar in the field of political science and philosophy, whose own life experience demonstrated clearly the depth of the current spiritual and political crisis of European humanity; a classicist par excellence whose fundamental objective was to reexamine the richness of classical political ideas and symbols of the past and bring them back to life, to start with their help a new chapter in the dialogue of mankind. He was in the middle of a successful academic career in America and discovered in the United States a “promised land” of pluralistic common sense practiced in American politics and jurisprudence. Moreso, being confronted with various aspects of life in his new home, it was here that Voegelin gained, according to his own words, “an understanding ... of the plurality of human possibilities realized in various civilizations, as an immediate experience, an experience *vécue*.”<sup>36</sup> It was exactly his enlarged understanding of American common sense that opened before him a vast field of the never-ending search for order as it unfolds and exists in human history. When he distributed the mimeographed synopsis of his course among his students—“Voegelin’s only comprehensive and systematic text on law”—he already had an articulate knowledge of both method and objective in his own research. As it is stated clearly in the editor’s introduction to Volume 27 of Voegelin’s *Collected Works*:

It is a product of the mature Voegelin. He wrote it at a time when he had settled upon the necessity of abandoning his original plan of writing a history of political ideas, published “The New Science of Politics”, and the first three volumes of “Order and History”, and taught the course of jurisprudence four years. He had to come to realize that ideas do not have a history, that only people do, and that their history consists of their successes and failures in the differentiation of their noetic and pneumatic experience of life under God. For the same reason, he had to come to realize that law

---

<sup>36</sup> Voegelin: *Autobiographical Reflections*, 60.

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

cannot have a history apart from the history of the society whose order it articulates, and that its essence, or nature, is the structure of the society whose law it is.<sup>37</sup>

The way in which Voegelin opened his inquiry into the nature of the law had to be surprising for an average American student unprepared for philosophical arguments and accustomed to standard pragmatic American jurisprudence, where the meaning and content of all concepts were perceived primarily in relation to their ability to organize the thought of practicing lawyers. What makes the law the law, what is its essence, in spite of the fact that there is “a plurality of legal orders accepted as valid in a corresponding plurality of societies”?<sup>38</sup> In order to answer this question, however, we are not advised to start directly comparing different laws and legal systems, but depart from the phenomena of law, as they are given in our daily, pre-analytical experience, as they exist in the world in which we live and understand ourselves with the help of our “common sense.”

Voegelin starts his quest accepting for the moment Kelsen’s view that the law is a system, “an aggregate of rules,” enforced in a concrete historical society, but characterized by their timeless validity. Observing how a legal system functions, we see immediately that the validity of its rules does not stay the same but rather “comes and goes,” appears and disappears in time. The legal order is not a static system but rather an entity that finds itself in the permanent process of change. It obviously cannot change all its parts at once. When we say, “it changes,” it necessarily means that its own “essence” is of a “historical” nature; that “there is always, from one change to another, an unchanged corpus of rules, sufficiently large to retain the identity of the order.”<sup>39</sup>

Formerly valid rules (rules that have been derogated or abrogated by new ones) and rules that are going to be valid (rules *de lege ferenda*) simply cannot be treated as invalid rules without further qualification, argues Voegelin. The identity of legal order, the source of validity of its norms, is inseparably connected with the fundamental fact that it has not only its presence as “an aggregate of rules” but also its past and its future.

The temporal character of legal order becomes even more obvious when we raise the question of its validity not *in abstracto*, but in the context of a concrete legal action, let us say

---

<sup>37</sup> Pascal, Babin, and Corrington, “Introduction,” *The Collected Works of Eric Voegelin*, vol. 27, xiii.

<sup>38</sup> Voegelin, *The Nature of the Law*, 7.

<sup>39</sup> Voegelin, *The Nature of the Law*, 12.

## PIETAS

a concrete decision of some court. “The court decision is the point at which the law becomes valid for the concrete case.” If we started from the law as “an aggregate of valid norms” and had to cope with the problem of its change, here we would be confronted with the problem that reminds one of the paradoxes of Zeno:

If we remember the aura of uncertainty that surrounds every serious litigation, we must admit that we never know what the aggregate of valid rules is as long as the court has not handed down its decision in the concrete case. Once the court has reached its decision, the particular aggregate whose validity has become complete with the decision, and thereby incorporates the decision itself, already belongs to the past. If therefore, validity is “of essence of the law” and if every aggregate of rules in the series called legal order belongs either to the past in which it is no longer valid or to a future in which it is not yet valid in the decisive concrete case, then “the law” seems to have disappeared altogether from the realm of existents.<sup>40</sup>

So, what is the law? Just to sum up once more Voegelin’s answer to his American students: The law cannot be conceived as a separate entity. It must be always analyzed and understood in the context of social order. The attention that is usually paid only to the content of norms or eventually to their practical use in concrete situations should be directed also, and maybe primarily, to those structures within which the law is given to us on the pre-analytical level of our experience. The law in the sense of the aggregate of valid rules that has come into existence in the process of lawmaking defined and regulated by the highest, i.e., constitutional norms, must be reconnected with the pre-analytical understanding of the law within a concrete historical society that is being ordered by the law; a society that respects and guards the law as the very substance of its order, as its fundamental value and *conditio sine qua non* of its own existence.

Such a reconnection between the law and the pre-analytical experiential basis in the context of which the law is originally given opens a new field of inquiry and generates a new set of questions. If the above mentioned Zenonic argument brings to our attention the temporality of the law—the fact that it is not primarily a static aggregate of norms but a process whose fundamental objective is to order a society and to make its individual members free and equal—the emphasis on the phenomenological approach in the field of jurisprudence points to the problem to be singled out in Voegelin’s examination: “the equivocal use of ‘the

---

<sup>40</sup> Voegelin, *The Nature of the Law*, 16-17.

## COMMON SENSE AND THE RULE OF LAW: RETURNING VOEGELIN TO CENTRAL EUROPE

law’ in the sense of valid rules made by organs of government and ‘the law’ that somehow pervades the existence of man in society.”<sup>41</sup>

What is preserved in this pale equivocation of our everyday language is the profound insight, rarely to be found in contemporary legal theory, that “the law” is the substance of order in all realms of being. As a matter of fact, the ancient civilizations usually have in their language, a term that signifies the ordering substance pervading the hierarchy of being, from God, through the world and society, to every single man. Such terms are the Egyptian *maat*, the Chinese *tao*, the Greek *nomos*, and the Latin *lex*.<sup>42</sup>

One does not need to keep going in the train of thought well known to Voegelin’s reader, which only demonstrates the central message of his jurisprudential course: to realize that one cannot inquire into the nature of the law without being able to raise the fundamental questions concerning Western history that can be formulated only by means of Western philosophy. I have no way of knowing how Voegelin’s American students reacted to this turn from the realm of experience they could examine with the help of the American brand of “common sense” to the vast area of ontological problems that can be identified within the open field of the universal history of mankind. Nonetheless, what is evident is that their teacher was a genuine philosopher who did not want to miss a single opportunity to challenge the way in which people he had some business with become used to perceiving and understanding their “matters,” to shake them out of their shells; to lure them from the *terra firma* of their alleged commonsensical certainties to the depths that open by virtue of fundamental philosophical questions; to tell them that they should “care for their souls”, i.e., not to have opinions only, but to seek true knowledge if they wanted to act prudently, to serve the “common good” of their societies and to keep them open and free.

Looking back on what has happened in and with Central Europe in the past fifteen years, one must admit, first of all, that the situation has gotten much more complicated, the impact of the collapse of Communism being much wider and farther reaching than it looked in the heyday of the revolutions that set the whole region on the path of democratization. We certainly need to accept the “rule of law” as the main principle to rebuild our states and the whole region to complete our return from our Babylonian captivity to Europe—to reintegrate

---

<sup>41</sup> Voegelin, *The Nature of the Law*, 24.

<sup>42</sup> Voegelin, *The Nature of the Law*, 24.

## PIETAS

ourselves into the transatlantic community of open societies, respecting unalienable human rights and freedoms, allowing our economies to be regulated by market forces and not by governments, and accepting the culture and form of democratic government. We certainly need “common sense” to overcome or at least to reconcile ourselves with all these unfortunate Central European traditions—dying hard and changing slowly—that caused us both many troubles and individual suffering in the past century. We desperately need it to make the right choices here and now on the current historical crossroads, in the context of new threats to the Western freedom that global mankind is confronted with at the beginning of the new millennium. However, to absorb and “metabolize” the novelty of our situation we need a renaissance of classical philosophy in Central Europe, as it is gravely needed in the rest of the world. We need to listen attentively and to respond to that call that is connected with the great Central European philosophers of the twentieth century such as Jan Patočka and Eric Voegelin. Their greatness and their potential immortalization is based on the fact that they both were classicists who understood the message that is conveyed in the fragment of Heraclitus that is used as epigraph in this essay: mortals are immortals and immortals are mortals. How should we understand this cryptic statement? What does it mean? It turns our attention to the middle term between mortality and immortality. It does not turn us away from our transient political matters. It just reminds us, just as old Socrates did, that we should care first for something that is more important than “the greatest amount of money and honor and reputation”: “wisdom and truth and the greatest possible improvement of the soul.” Whether this message with which he himself failed, when tried by the Athenians, is persuasive enough to be taken seriously by a sufficient number of Central Europeans, still remains to be seen. But it is certain that if it were missed altogether and fell only on deaf ears, our hope for freedom and all the efforts to reintroduce democracy to our region after the collapse of Communism in 1989 would be in vain.

# The Continued Significance of *Political Sermons of the American Founding Era*

Philip D. De Mahy

*The ethics of resistance is the ethics of hope.*—Ellis Sandoz<sup>1</sup>

In the three decades following the publication of *Political Sermons of the American Founding Era, 1730-1805*, the body of early American sermons that Ellis Sandoz described as “extraordinarily abundant and extraordinarily little known”<sup>2</sup> is now studied in academic subfields of American History, Political Science, and English Literature. Alongside this resurgence of sermon studies, research aimed at developing a more nuanced understanding of the political and religious complexity of the Founding Era has grown increasingly specialized.

Over this period, scholarship has tended to avoid rehashing either-or debates more common in the twentieth century about the primacy of Enlightenment theory, Christian belief, or economic expediency in the American Founding. While perspectives have grown more eclectic, the sheer range of material has sometimes left room for caricatures to reemerge that portray eighteenth-century American political actors as either naively pious or shrewdly willing to employ religious means for secular ends. The consensus, however, has moved toward a greater recognition of the crucial role of religious revivalism during the American Founding, and the study of unpublished sermon manuscripts continues to shed new light on how Christian communities shaped and were shaped by the political climate of their time.

Amidst these developments, over thirty years later, *Political Sermons of the American Founding Era* remains the authoritative collection of political sermons published during the period. Given the scope of Ellis Sandoz’s scholarship, it is worth revisiting briefly how his collection related to his larger intellectual project.

---

<sup>1</sup> Ellis Sandoz, “The Crisis of Civic Consciousness: Nihilism and Political Science as Resistance,” *The Political Science Reviewer*, 25, The State of Political Science: A Twenty-Fifth Anniversary Symposium (1996): 37.

<sup>2</sup> *Political Sermons of the American Founding Era, 1730-1805*, ed. Sandoz, 2 vols. (Indianapolis, IN: Liberty Fund, 1998), 1:xii.

## PIETAS

On a purely practical level, re-presenting the published sermons as an area of political study demonstrated that religious belief was in fact intimately intertwined with the American Revolution and its claim for what many then called sacred liberty. Furthermore, by prioritizing a sermon collection beyond the more common New England sources and covering the broad range of political and regional voices of the time, Sandoz showed how these voices had begun to coalesce into a truly national phenomenon.

As an Aristotelian political scientist, Sandoz understood the importance of beginning from the living language of everyday citizens when articulating political principles. He approached the sermon literature as, in a sense, particular expressions of these communities' *politeiai*—not literal constitutions, but articulations of a shared moral and spiritual foundation grounding the politics of the day. It was through engaging with these texts in their particularity that broader claims, such as the one in Israel Evans's election sermon that "The true spirit of the gospel contains the true spirit of liberty," could be evaluated in context and in its own terms.<sup>3</sup>

More fundamentally, Sandoz's project went beyond merely staking a historical claim. The centrality of his sermon anthology to his overall project can only be understood in light of a scholarly mission that was at once philosophical and practical. In his final published essay, "The Philosopher's Vocation," Sandoz articulates the insight of his mentor Eric Voegelin that, "within the limits of possibility and persuasion, the philosopher is called actively to resist untruth through searching noetic critique, grounded as in Aristotle in robust common sense which is the foundation of prudential rationality and of political science itself."<sup>4</sup> It was Sandoz's insight that the early sermonic literature was fertile ground for developing an articulation of a particularly American critique that could serve as the spiritual foundation for a commonsense politics of resistance against the ideologies of the day. He understood the revivalism of the eighteenth century in America to be a reorientation toward philosophical truth and an affirmation of the lived experience of everyday citizens—in line with a noetic revolution that extended to the origins of Western Civilization and continued to ground the American project into the present. His first comprehensive articulation of this project, *A Government of Laws*, developed out of his engagement with the sermonic

---

<sup>3</sup> Israel Evans, "A Sermon Delivered at the Annual Election," in *Political Sermons of the American Founding*, 1062.

<sup>4</sup> Sandoz, "The Philosopher's Vocation: The Voegelinian Paradigm," *The Review of Politics* 71, no. 1 (Winter 2009): 57.



## THE CONTINUED SIGNIFICANCE OF ELLIS'S *POLITICAL SERMONS*

literature and established a mode of inquiry that he would develop throughout his mature work.

It's crucial to note that these were not political claims he would have understood as simply traditionalist, or conservative, or necessarily exclusive to evangelical faith, or even Christian religion. Rather, he understood the particular Christian expression of the early American sermons to be in continuity with the universal truths of human existence. He likewise diagnosed the historical sources of disorder as something more than an imbalance between competing interests or ideologies, but as a more fundamental rupture in the fabric of what constituted a shared political vision.<sup>5</sup> The shared vision that coalesced in the Founding era was complex, nuanced, and evolving, but what held it together was a shared spiritual foundation. He was in agreement with G.K. Chesterton's often-quoted line that "America is the only nation in the world that is founded on a creed. That creed is set forth with dogmatic and even theological lucidity in the Declaration of Independence."<sup>6</sup> Sandoz's claim was that this political creed concerning human affairs was rooted in common sense that reflected the religious insights expressed in the early American sermon literature.

Following his mentor Eric Voegelin, Sandoz understood the idea of common sense to be best exemplified by the Scottish philosopher Thomas Reid. It was his writings that articulated most clearly how the spiritual and philosophical foundations of the Founding Era were connected by shared classical origins. In an interview conducted by Ellis Sandoz, Voegelin recollected, "This English and Scottish conception of common sense as a human attitude that incorporates a philosopher's attitude toward life without the philosopher's technical apparatus, and inversely the understanding of Classic and Stoic philosophy as the technical, analytical elaboration of the common sense attitude, has remained a lasting influence in my understanding both of common sense and Classic philosophy."<sup>7</sup> In Sandoz's account, it was Reid who was able to most effectively argue against the skepticism of Hume by affirming that man's widely recognized capacity to act freely entailed the responsibility to act justly.<sup>8</sup> This common sense case for liberty was rooted in a shared Christian recognition

---

<sup>5</sup> See Sandoz, *A Government of Laws: Political Theory, Religion, and the American Founding* (Baton Rouge, LA: Louisiana State University Press, 1990), chap. 4, "Power and Spirit in the Founding."

<sup>6</sup> G.K. Chesterton, *What I Saw in America* (New York: Dodd, Mead and Company, 1922), 7.

<sup>7</sup> Eric Voegelin, *Autobiographical Reflections*, ed. Sandoz (Baton Rouge, LA: Louisiana State University Press, 1989), 56-57.

<sup>8</sup> See *A Government of Laws*, 169-70.

## PIETAS

of divine moral authority, as the reality of judgment presupposed the ability to act freely. The claim that such principles of liberty were common, therefore, did not entail that they could not be obscured or collectively forgotten.

Common sense, an essential aspect of the American project as Sandoz understood it, must be continually cultivated and inherited through community—communities that inculcate it through habit and custom, as well as through sermonizing. Sermons therefore served both individual and collective political function. They foster the community's common sense principles by affirming the individual's experience of liberty, and with that liberty the shared accountability to act justly.

The fact that published sermons, rather than the more typical unpublished sermons that were preached to congregations, were formalized literature did not detract from their communal character. Cotton Mather was known to distribute published copies of his sermons to people and emphatically say, "Remember that I am speaking to you, all the while you have this book before you!"<sup>9</sup> His conception of personal encounter through the reading of texts underlines the communal significance of these more formalized published sermons. In his decision to limit his collection to sermons that were published, Sandoz argued that he was including the best and most significant work available.<sup>10</sup> Published sermons had the advantage of being official, on the record statements delivered by the most respected preachers of the time, representing their most refined and carefully crafted work.

It is significant that an alternative approach to the study of American sermons had already emerged by the time Sandoz was assembling his collection. This growing critique of relying too much on published material, most clearly articulated by Harry S. Stout, argues that the unpublished manuscripts of sermons best represent what was most frequently heard by the people of the day. Speaking of how rare published sermons were, he writes, "In the real world of colonial public assembly, such sermons often occurred only six or seven times a year in the life of any particular church—a figure representing less than ten percent of the total sermons preached."<sup>11</sup> He argues that published sermons were more polished and comparatively less critical of the English government, and generally more conservative in

---

<sup>9</sup> Michael Warner, *Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge, MA: Harvard University Press, 1990), 44.

<sup>10</sup> Sandoz, *Political Sermons of the American Founding*, 1:xxi.

<sup>11</sup> Harry S. Stout, *The New England Soul: Preaching and Religious Culture in Colonial New England* (Oxford: Oxford University Press, 1986), 4–5.

## THE CONTINUED SIGNIFICANCE OF ELLIS'S *POLITICAL SERMONS*

tone. Furthermore, most unpublished manuscripts were the product of a collective effort, transcribed by listeners and refined by members of the congregation, thereby representing a shared expression of a religious community.

While much significant scholarship continues to produce new insights through engagement with unpublished manuscripts, the argument for restricting the collection to published sermons extends beyond the claim that these works were the most representative. The majority of the sermons in the collection were delivered on occasions commemorating significant past events, observing days of fasting or thanksgiving, or as election sermons that affirmed the roles and responsibilities of both citizens and their governors. Fostering communities of common sense involved deliberate and collective effort to memorialize and recollect key moments in their shared history and to connect that history with the social and political events of the present. It is in this particular way that the promulgation of published political sermons fostered a shared common sense that functioned as an accrued resistance to error and ideological deformation.

The act of affirming a philosophy of common sense and resisting the revolt against basic truths of the human condition was the central aim of Ellis Sandoz's reflections on the American political sermons. He argued that a politics of resistance cannot be affirmed in the abstract; that it can only be understood by reflecting on the responses of individuals to the crises of particular communities.<sup>12</sup> This requires engaging with and encountering these earlier articulations of reason and faith, not merely as dogmatic pronouncements of the past but as articulations of principles that continue to inform and partially constitute the political present.

---

<sup>12</sup> Sandoz, *The Politics of Truth and Other Untimely Essays*, "The Crisis of Civic Consciousness," 134.

**Ellis Sandoz, American Patriot:  
How and Why He Celebrated a Christian, Lockean Founding**

Glenn A. Moots

Ellis loved his family, hunting, and America. He could write and lecture professionally on this last topic, of course, though off-the-clock he was pleased to hold forth on the other two with friends. This was often done on his back porch as he watched the backyard wildlife, sometimes with amusement and sometimes behind a rear sight. The last conversation we had, a month before he died and two states away from his back porch, was about his family and the birds outside his window.

Over several decades, Ellis took advantage of his vocation to write many essays which, while academic, are beautiful panegyrics evincing his love of America. Many were first published in academic journals, or given as lectures, but then later published in books. His *A Government of Laws* (1990) was my first acquaintance with Ellis, a collection of his essays on America published between 1971 and 1990. I bought it as an undergraduate in Ann Arbor on my way out to LSU where Russell Kirk had recommended me for graduate school. Such Halcyon Days when books like that were stocked on bookstore shelves!

While Ellis addresses many essential questions in American political thought in these essays, my essay focuses on two in particular: what is the influence of both Locke and Christianity on America, and what should we make of that influence? Ellis's arguments and conclusions in these essays are defensible by the highest academic standards, but I have selected these topics because I believe that they also demonstrate his patriotic faith in Founding-era Americans to whom he felt a great debt. In this essay I demonstrate Ellis's faith in the Founders' patrimony, the "good works" that followed from his faith in those Founding Fathers, and how that faith even led him to quietly dissent from another father of a sort, his mentor Eric Voegelin.

**HOW LOCKEAN WAS AMERICA?**

In an essay first published in the *Review of Politics* in 1971, Sandoz asserts that the American use of John Locke's *Second Treatise* reflected "the broader traditions of Western civilization

## ELLIS SANDOZ, AMERICAN PATRIOT

and English constitutional history,” but this praise is muted compared with the significant criticism he directs at Locke. Sandoz argues that Locke taught Americans to symbolize existence through what Sandoz called (with some implicit disdain) the Market Society.<sup>1</sup> Along with Hobbes, Sandoz explains, Locke reduced symbolism to Property and Contract: a community of lusts, fear of violent death, self-preservation as the law of nature, and government merely as a “protective agency.” This symbolism of the Market Society left out the “upper ranges of man’s existence” by which Sandoz means the spiritual dimensions and potentialities of human existence.<sup>2</sup> Furthermore, Sandoz says, Locke’s emphasis on *property* perverted the Christian conception of *person*.<sup>3</sup> Finally, the Market Society’s acquisitiveness came at the expense of “the ancient tradition” and abandoned the common law view of English law and constitutionalism as a salutary myth traced to a time out of mind.<sup>4</sup>

In 1972, Ellis followed with a more devastating and explicitly Voegelinian critique of Locke in the *Journal of Politics*. Sandoz accuses Locke of effecting a “profound break with both the classical and Christian teachings ... [that laid] the groundwork for reductionist doctrines.”<sup>5</sup> Offering no “scientific” (*Wissenschaft*) view of reality, Locke provided only a politics of opinion (*doxa*) through naturalistic (purely empirical) reasoning.<sup>6</sup> Furthermore, Sandoz asserts, Locke exploits both constitutional and Christian traditions to concoct a “novel universal symbolism.” Of Locke’s social contract, Sandoz asserts it is no theory at all but instead a “vulgar opinion or dogma (*doxa*) valuable in a myth but useless to political theory.”<sup>7</sup> Furthermore, Locke advances a “radical privatization of the life of the spirit” and a “radically immanentist conception of human existence” that, once mediated by the

---

<sup>1</sup> Ellis Sandoz, *A Government of Laws: Political Theory, Religion, and the American Founding* (Baton Rouge, LA: Louisiana State University Press, 1971/1990), 44. Sandoz capitalizes “Market Society,” but not consistently. A note on citation: I include the original publication date of all the cited essays, some of which were reprinted later in these volumes and some of which were original to the volumes. I do not provide original bibliographic information; that can be found in the volumes. I consistently include only the original publication date of the essays if readers want to join me in speculating about some kind of chronological development of Sandoz’s thought on these ideas, something that I think is justified but don’t make much explicit effort to do so here.

<sup>2</sup> Sandoz, *A Government of Laws*, 32-33 (1971).

<sup>3</sup> Sandoz, *A Government of Laws*, 31 (1971).

<sup>4</sup> Sandoz, *A Government of Laws*, 44-45 (1971).

<sup>5</sup> Sandoz, *A Government of Laws*, 52 (1972).

<sup>6</sup> Sandoz, *A Government of Laws*, 71 (1972). Sandoz’s critique of Locke sometimes reflects Eric Voegelin’s own. For example, on Locke advancing a politics of *doxa* rather than *episteme*, see Voegelin, *The Collected Works of Eric Voegelin*, 34 vols. (Baton Rouge, LA: Louisiana State University Press, 1989-2007), 12:256-64. Here I do not (unlike the following section of the essay) take pains to demonstrate a departure from Voegelin by Sandoz on the subject of Locke.

<sup>7</sup> Sandoz, *A Government of Laws*, 79 (1972).

## PIETAS

(Enlightenment) *philosophes*, enabled “totalitarian democracy.”<sup>8</sup> Sandoz softens this harsh criticism somewhat insofar as he believes that the more pernicious effects of Locke’s philosophy were moderated by the self-interpretation of Anglo-American societies.<sup>9</sup> Also, he excuses some of Locke’s transgressions insofar as Locke was attempting a solution to “the vexed problems of political existence of his day,” which were religious enthusiasm and violence.<sup>10</sup>

Criticizing Locke is a cottage industry for political theorists, and American political theorists familiar with accusations of Locke’s political philosophy as pedestrian, pragmatic, or subversive usually trace them to Leo Strauss’s *Natural Right and History*. But while most Straussians have sustained over half a century a seemingly inexhaustible dogma of intrigues about Locke and a Lockean Founding, Sandoz later sidelined this criticism of Locke.<sup>11</sup> He gave Locke’s ideas and their influence in America an increasingly charitable and optimistic reading, one that saw Locke as sustaining the tradition that came before him. While I think there are good academic reasons for Sandoz to have rethought his earlier critique, I attribute this change to another cause: Sandoz’s refusal to be the kind of scholar that looks down from

---

<sup>8</sup> Sandoz, *A Government of Laws*, 81–82 (1972).

<sup>9</sup> Sandoz, *A Government of Laws*, 52 (1972).

<sup>10</sup> Sandoz, *A Government of Laws*, 52, 81 (1972). I think that Locke’s significance for religious toleration is regularly overstated, but this is common among political theorists because most know a relatively narrow range of texts. See Glenn A. Moots, “Why Does America Have Religious Liberty,” *The American Reformer*, April 23, 2024. The Thirty Years War had been over for a generation or more. Louis XIV’s 1685 revocation of the Edict of Nantes and French intolerance did not reignite wars of religion, and The Nine Years’ War had not yet begun, assuming that it had anything to do with enthusiasms. Locke surely felt the impact of religious enthusiasms in the English Civil War in which his father served, but his initial reaction to that conflict (a common move among Anglicans) was to assert magisterial authority over ecclesiastical adiaphora in his (unpublished) *Two Tracts* (1660–1662). Only later did he begin to work out a solution through toleration: his *Fundamental Constitutions of Carolina* (1669) or *Essay on Toleration* (1667) preceding the famous *Epistola de tolerantia* (1689). Two other problems arise with casting Locke as providing a philosophical solution to a theological problem, as some theorists do: his arguments relied on contemporary ecclesiology or theology used by Protestant dissenters, and those dissenters would have been heard before Locke was heard. See, for example, Andrew Murphy’s dissent on Locke’s significance in *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park, PA: Penn State University Press, 2001). For a much broader view of what was happening in the Protestant British transatlantic on toleration, see Mark Valeri’s excellent *The Opening of the Protestant Mind: How Anglo-American Protestants Embraced Religious Liberty* (New York: Oxford University Press, 2023). Finally, it wasn’t as if Locke barred violence for religious reasons; his “Appeal to Heaven” in the *Second Treatise* not only relies on the Old Testament case as his phrase for resistance to tyranny, but mentions a ruler’s moves against the faith of others as a justification for it. Locke writes that if the people are “persuaded in their consciences, that their laws, and with them their estates, liberties, and lives are in danger, and perhaps their religion too, how they will be hindered from resisting illegal force, used against them, I cannot tell” (§ 209).

<sup>11</sup> For prominent examples of the Straussian dogma on the American Founding, Locke, and Christianity, see (for example) Thomas L. Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (Chicago: The University of Chicago Press, 1988) or Michael Zuckert, *The Natural Rights Republic* (Notre Dame, IN: University of Notre Dame Press, 1996).

## ELLIS SANDOZ, AMERICAN PATRIOT

a lofty perch to hubristically insist on his own dogmatic reading regardless of how novel or inconsistent it may be compared with past readings.<sup>12</sup>

Ellis refused to see Founding-era Americans as unknowing dupes of a subversive and radical Lockean project; he prefers, instead, to read Locke as *they* read him. That reading precludes the esoteric or abstract reading. For example, Sandoz argues in an essay published in 1990, “However analytically cogent the modern analysis may or may not be, to polarize as incompatible the politics of Locke’s *Second Treatise* and the theology and cosmology of the Old and New Testaments was simply unthinkable to the American Founders.”<sup>13</sup> In an essay published a few years later, he wrote, “In sum, John Locke (read as a Christian philosopher; even as an Aristotelian in his political theory), the Bible, and Coke’s version of the Lancastrian constitution of England formed the heart of the political, theological, and constitutional theory pervasive in America during the founding era.”<sup>14</sup> In short, good enough for the Founders is good enough for Sandoz.

This reading of a Christian and salutary Locke demonstrates, I think, how Sandoz later summarized the Founding-era generation: “Their sources of truth were experience, common sense, reason, and revelation,” all of which they found in Locke.<sup>15</sup> Sandoz’s American reading of Locke makes him a Christian Whig *opposing* both Hobbes and Filmer. Sandoz asserts continuity between the “Lockean formula” of lives, liberties, and estates with Puritan John Winthrop. Locke even serves, Sandoz argues, as a way station from Magna Carta to the Declaration of Independence and the Fifth and Fourteenth Amendments.<sup>16</sup> He even comes to compare Locke’s conception of property favorably with Thomas Aquinas’s.<sup>17</sup> In an

---

<sup>12</sup> It is reasonable to ask what persuasive evidence do we have of Locke being a platform for totalitarian democracy elsewhere? Was Locke *substantially* appropriated by Rousseau or Marx to the end of creating the General Will or the Dictatorship of the Proletariat? No. And if Locke is, as Sandoz accuses him in 1972, guilty of inspiring “Humean skepticism and malaise,” what should we make of Hume’s desire (and successful effort) to preserve the British constitution? A straight line cannot be drawn between religious or metaphysical skepticism and constitutionalism in that case.

<sup>13</sup> Sandoz, *A Government of Laws*, 114 (1990).

<sup>14</sup> Sandoz, *Republicanism, Religion, and the Soul of America* (Columbia, MO: University of Missouri Press, 2006), 56 (1994).

<sup>15</sup> Sandoz, *A Government of Laws*, 155 (1990).

<sup>16</sup> Sandoz, *A Government of Laws*, 116–17 (1982).

<sup>17</sup> Sandoz even puts Jefferson in the stream of Christian political thought, connecting him to Aquinas long before Kody Cooper and Justin Dyer in their recent *The Classical and Christian Origins of American Politics: Political Theology, Natural Law, and the American Founding* (New York: Cambridge University Press, 2022). Sandoz’s placement is partly owed to Lord Acton calling Aquinas the “first Whig,” see *The Politics of Truth and Other Untimely Essays: The Crisis of Civic Consciousness* (Columbia: University of Missouri Press, 1999), 37, 119 (1995, 1999).

especially explicit disagreement with many Straussians, Sandoz takes seriously Locke's assertion that man is God's property, including the natural law's admonition to pursue the good.<sup>18</sup> Sandoz even goes so far as to put Locke in the tradition linking the higher law and *salus populi* found in Gratian, Aquinas, and John Selden.<sup>19</sup> He explicitly brushes aside endless Straussian controversies about Locke and a radically innovative American Founding with a terse and profound dismissal: the Americans' reading of Locke resembles Strauss's reading of Burke the conservative. The Americans' reading did not resemble at all Strauss's accusation of Locke the radical.<sup>20</sup>

### HOW CHRISTIAN WAS AMERICA?

In the Straussian reading of Locke's America, of course, Locke subverts Christianity's role in the American ethos. Sandoz rejects that reading of Locke to be sure, saying clearly that Americans read him to be a Christian.<sup>21</sup> But there still remains the question of what role Protestantism (and the Christian tradition generally) played in the Founding.

There are many reasons to presume that Sandoz, not only based on his earlier essays but also based on his Voegelinian training, would *not* defend a Protestant Founding. For example, his halfhearted defense of Locke's reductionism in 1972 emphasized Locke's attempt at peacemaking in the wake of strife and division ignited by the Reformation. Such strife and division did not make for a commodious politics. The schism of Christendom introduced, Sandoz says, an extensive spiritual crisis in which "the religion of love" became an excuse to "annihilate the human race."<sup>22</sup> In the earlier 1971 essay, Sandoz indicts the collapse of the medieval *Christianitas* and the resulting plurality of contending churches and nation-states as breaking the "givenness of existence."<sup>23</sup>

Furthermore, from a Voegelinian perspective, would biblical revelation even be necessary for a good polity, let alone a biblical tradition (Protestantism) that readily appropriated the Old Testament to political circumstances and tempted what Voegelin called

---

<sup>18</sup> Sandoz, *A Government of Laws*, 20 (1983).

<sup>19</sup> Sandoz, *A Government of Laws*, 196-97 (1988).

<sup>20</sup> Sandoz, *A Government of Laws*, 191-95 (1988).

<sup>21</sup> Sandoz, *The Politics of Truth*, 111 (1999).

<sup>22</sup> Sandoz, *A Government of Laws*, 18 (1983).

<sup>23</sup> Sandoz, *A Government of Laws*, 29 (1971).



“theocratic consciousness” confusing the state with the Kingdom of God?<sup>24</sup> Yahweh is the universal God of history, Voegelin argued, and the Protestant insistence on both particular revelation and a presumption to covenant with God for any pragmatic reason denies such substantial universality.<sup>25</sup> Voegelin preferred that there be only ambiguity in the covenant symbol, something absorbed into souls who hear a universal call but not immanentized by prophets (like Isaiah) or other religious leaders.<sup>26</sup> The Davidic covenant should not become a “Messianic problem” in Christianity, Voegelin argued.<sup>27</sup> But Protestant political theology in most cases considered its Protestant polities as covenanted and akin to Israel.<sup>28</sup> What could be more contrary to Voegelin’s assertion in *The New Science of Politics* that “Uncertainty is the very essence of Christianity?”<sup>29</sup>

Not surprisingly, Voegelin judges the Reformation to be filled with “Gnosticism” and “metastatic nightmares,” criticisms he otherwise reserved for totalitarian movements such as Nazism and Communism. He criticizes the Puritan Revolution as a case study of Gnostic politics and calls the Reformation a “successful invasion of Western institutions by Gnostic movements.” He reserves special invective for Calvin’s *Institutes* as “the first deliberately created Gnostic koran.”<sup>30</sup> Excepting Jean Bodin and maybe Johannes Althusius’s *Politica*, Voegelin characterizes the long sixteenth century as “singularly barren with regard to work of intellectual distinction in politics.”<sup>31</sup> Voegelin even chides Richard Hooker, so instrumental for Voegelin’s own critique of Puritanism, for presuming the existence of a

---

<sup>24</sup> At times in his essays on America, Ellis echoes Voegelin’s equivalence of philosophy and theophany: for example, repeating Voegelin’s assertion that Heraclitus first extolled faith, hope, and love. In the same essay, he argues that reconciling the immanent and transcendent with appropriate symbols was entirely accomplished by the classic philosophers “without any help from the Hebrew prophets or Christian apostles and saints” though in *A Government of Laws*, 6, 9–10 (1983) he does add that “the biblical spokesmen augment and wonderfully enrich it.”

<sup>25</sup> Voegelin asserts that no particular religious piety is obliged by the prophets except virtue. What’s more, the Hebrew prophets would have benefited from the Platonic-Aristotelian vocabulary of *arête* or the Heraclitian criticism of ritual and sacrifice. See Voegelin, *Israel and Revelation* (Baton Rouge, LA: Louisiana State University Press, 1956), 426, 439, 440, 460.

<sup>26</sup> Voegelin, *Israel and Revelation*, 183, is particularly taken with the expression of Hosea 6:6, “I desire mercy, not sacrifice.”

<sup>27</sup> Voegelin, *Israel and Revelation*, 472–73.

<sup>28</sup> See Moots, *Politics Reformed: The Anglo-American Legacy of Covenant Theology* (Columbia, MO: University of Missouri Press, 2010).

<sup>29</sup> Voegelin, *The New Science of Politics: An Introduction* (Chicago: University of Chicago Press, 1952), 122.

<sup>30</sup> Voegelin, *The New Science of Politics*, 134, 139. Voegelin recycles many of Richard Hooker’s criticisms of the Puritans, but his main concern is for what he considers the destruction of metaphysical balance and public order in the name of spiritual imperatives. See Voegelin, *The New Science of Politics*, 133–61; *History of Political Ideas*, vol. 5, *Religion and the Rise of Modernity*, ed. James L. Wisner (Columbia, MO: University of Missouri Press, 1998), 88–98.

<sup>31</sup> Voegelin, *History of Political Ideas*, vol. 5, 57.

## PIETAS

Christian nation in England. This was a “parochial self-assertion” of great confusion brought about by the gnostic reformers.<sup>32</sup> The destruction of both political and spiritual order, Voegelin says, leaves political theory at the beginning of the seventeenth century “a wreck.”<sup>33</sup>

Sandoz does indicate his agreement with Voegelin about some dangerous religious enthusiasms corrupting politics. What he calls “sacred liberty” must be preserved, Sandoz argues, against “vulgar liberty,” “world-annihilating millennialism and related pneumatic eruptions and excesses,” and “millennial hope” which cannot be put on a knowable timetable.<sup>34</sup> He notes that the American Framers “banked the fires of zealotry and political millenarianism in favor of latitudinarian faith and a quasi-Augustinian understanding of the two cities.”<sup>35</sup> He also echoes Voegelin in noting that “apocalyptic millenarianism and chiliasm” was present in both the English Civil War and American Revolution; however, Sandoz also defers to J.G.A Pocock’s argument that such excesses have been ingredients of republicanism since the fifteenth century.<sup>36</sup>

Such concerns notwithstanding, Sandoz emphasizes over and over the great debt owed by America to Protestantism, and this argument becomes increasingly robust in the decades after his 1972 condemnation of Locke. And though Sandoz acknowledges that the influences on American political thought constitute a “polyphonic intricacy” including classics and constitutionalism, he repeatedly emphasizes the essential importance of Protestant Christianity.<sup>37</sup> He summarizes Protestantism’s contribution as one that “mingled religious revival, keeping the faith and fighting the good fight, providential purpose, and a palpable sense of special favor or chosenness.”<sup>38</sup> He takes pains to note that these attributes were not confined to New England but were found in Protestantism in Virginia and elsewhere as well.<sup>39</sup>

For Sandoz, Protestantism is much more than this short list, though endorsing religious revival, providential purpose, and chosenness alone is enough to depart from Voegelin. Sandoz also argues that Protestantism in America recovers and reflects the longer Christian

---

<sup>32</sup> Voegelin, *History of Political Ideas*, vol. 5, 88–89.

<sup>33</sup> Voegelin, *History of Political Ideas*, vol. 7, *The New Order and Last Orientation*, eds. Jurgen Gebhardt and Thomas Hollweck (Columbia, MO: University of Missouri Press, 1999), 47.

<sup>34</sup> Sandoz, *A Government of Laws*, 211–13 (1988).

<sup>35</sup> Sandoz, *Give Me Liberty: Studies in Constitutionalism and Philosophy* (South Bend, IN: St. Augustine Press, 2013), 32 (2013).

<sup>36</sup> Sandoz, *A Government of Laws*, 211 (1988).

<sup>37</sup> Friends of Ellis’s will no doubt read this as a nod to Ellis’s musical family members who sometimes served as editors.

<sup>38</sup> Sandoz, *Republicanism, Religion, and the Soul of America*, 54–56 (1994).

<sup>39</sup> Sandoz, *Give Me Liberty*, 23–27 (2013).

## ELLIS SANDOZ, AMERICAN PATRIOT

tradition. Calvin, it turns out, did not write a gnostic koran but instead echoes St. Thomas's *Summa Theologica* with 150 citations.<sup>40</sup> Sandoz joins Scottish Presbyterian covenanter Samuel Rutherford (author of *Lex, Rex* published in 1644, which Sandoz began to use in his proseminar at LSU in his last years of teaching) with Gratian, Aquinas, and Selden as notable proponents of the foundational governing principle of *Salus Populi*.<sup>41</sup> Citing Ralph Barton Perry, Sandoz emphasizes that Puritanism shared common ground with all other Christian communions.<sup>42</sup> And, contra the Straussians, not only does the American reading of Locke *not* suggest any departure from the Christian tradition, or even “vulgar” opinion (which he disdained in 1972), but the American use of Locke alongside that Puritan revolutionary spirit in the War of Independence *restores* the Christian tradition.<sup>43</sup> That Christian tradition includes the Declaration of Independence as well.

Sandoz repeatedly cites what John Adams said to Thomas Jefferson about the American Revolution's principles being united around what Adams called the “general Principles of Christianity, in which all those sects were United,”<sup>44</sup> but what Sandoz locates at the heart of the Revolution is not Adams's reduction of Christianity to heterodox theological opinions he shared with Jefferson, to virtue, or even to constitutionalism (to which Adams thought Protestants contributed a great deal).<sup>45</sup> At one place, Sandoz extols the general principles as supplied by the Bible, the Apostles' Creed, Ten Commandments, the Sermon on the Mount, and the *Book of Common Prayer*.<sup>46</sup> Of course, Adams's New England wanted little or nothing to do with this last staple of Protestantism.<sup>47</sup>

---

<sup>40</sup> Sandoz, *A Government of Laws*, 20 (1983).

<sup>41</sup> Sandoz, *Give Me Liberty*, 17 (2013). Placing Rutherford in this line probably would have agitated Voegelin to no end. Though Rutherford has an exceptional command of political theory—there are over 700 different sources cited in *Lex, Rex* (1644) according to John Coffey—Rutherford was also a covenanter among covenanters and held a firm confidence in particular providence for the Scots that translated into political and military action with the expectation of God's blessing.

<sup>42</sup> See, for example, Sandoz, *Politics of Truth*, 50 (1995), 114 (1999).

<sup>43</sup> Sandoz *A Government of Laws*, 99 (1981), cf. 150. Sandoz cites Bailyn on the role of Puritanism in arguments for revolution.

<sup>44</sup> Sandoz, *A Government of Laws*, 115 (1982). Adams says this to Jefferson in a letter dated June 28, 1813.

<sup>45</sup> Adams, for example, extolled Protestant authors John Ponet and the Huguenot *Vindiciae contra Tyrannos* in *A Defense of the Constitutions of Government of the United States of America, Against the Attack of M. Turgot, in His Letter to Dr. Price*, Dated the Twenty-Second Day of March, 1778.

<sup>46</sup> Sandoz, *Give Me Liberty*, 25 (2013).

<sup>47</sup> Dissent among the Americans on ecclesiastical matters is evident in the controversy over hiring a chaplain for the Continental Congress, though (Anglican) Rev. Jacob Duche is selected and roundly praised for his work. Adams praised the *Book of Common Prayer* on this occasion, of course. When Rev. Duche reads from it and prays at the invitation of the Continental Congress, Adams thankfully notes that the more martially-minded Psalm 35 was to be read on that day, “As you would have thought, in God's providence that was put in the Book of Common Prayer just for this day for us.”

## PIETAS

Sandoz not only cites particular Protestants and Protestant traditions that shaped the American ethos, but praises particularly Protestant habits including the kind of political appropriation of the Old Testament that Voegelin categorically rejected. He extols the Biblical symbolism represented in the covenant without hesitation, not only as a reflection of medieval constitutionalism but also what he summarizes as the Old Testament case: “Exodus, Covenant, and Canaan.”<sup>48</sup> What’s more, Sandoz characterizes what some consider the most Protestant of American religious expressions, revivalism, as an inheritor of previous Christian practice and as a superlative expression of the metaxy (an essential Voegelinian tenet). He praises it as instrumental for the formation of America, emphasizing faith as a “deliberate personal choice” involving repentance, baptism, and faith in Christ, though he emphasizes that as choices they should not lead to a privatization of morality.<sup>49</sup>

Particularly striking is how Sandoz, in one of his last published essays, repeats the familiar Voegelinian formula yoking Plato, Aristotle, and John the Apostle together but uses it to endorse revivalism. Like Voegelin, Sandoz places special emphasis on I John 4 and Aquinas’s reading of it: “God is love.... We love him because he first loved us.”<sup>50</sup> But in this particular essay, Sandoz implicitly ignores Voegelin’s harsh criticism that Luther forced a break with Aquinas. Sandoz does not trace from Luther a pernicious consequence of or for Protestantism. Sandoz instead makes the participatory *amicita* that Voegelin praised in earlier Christians like Aquinas likewise characteristic of the Protestant revivalists, particularly the itinerant revivalists.<sup>51</sup> This endorsement is quite striking. Insofar as the revivalists took a certain experiential strain of Protestantism to its limits, it is hard to imagine a more Protestant expression of faith in the divine than that of the revivalists. But revivalism could also be a kind of social contagion that also became individualistic and potentially antinomian in ways that Voegelin criticized. The itinerants also challenged the (already weakening) establishments and parish lines in the First Great Awakening. The even more experiential

---

<sup>48</sup> Sandoz, *A Government of Laws*, 160 (1990).

<sup>49</sup> Sandoz, *Republicanism, Religion, and the Soul of America*, 23–28, 38. For more on revivalism, see Sandoz, *A Government of Laws*, 153–54 (1990).

<sup>50</sup> Voegelin, *History of Political Ideas*, vol. 4, *Renaissance and Reformation*, ed. David L. Morse and William M. Thompson (Columbia, MO: University of Missouri Press, 1998), 248–51.

<sup>51</sup> Sandoz, *Give Me Liberty*, 28–30 (2013). Elisha Williams’s Lockean defense of itinerant revivalists (included in his sermon collection) no doubt shores up Sandoz’s belief that Locke had a salutary effect on the Founding. It is interesting, though (and Sandoz notes as much) that Williams met tremendous opposition and reputational damage for it; see Sandoz, *Political Sermons of the Founding Era, 1730–1805* (Indianapolis, IN: Liberty Fund, 1998).

## ELLIS SANDOZ, AMERICAN PATRIOT

Second Great Awakening created burned-over districts, multiplied sectarianism, and advanced social egalitarianism. But in Sandoz's *modified* Voegelinian and Augustinian reading of the revivalists, the evangelists' call is equivalent to the mystics' ascent.<sup>52</sup>

Consistent with his endorsement of revivalism, Sandoz emphasizes the Americans Protestants' religious fervor as a political movement. Reflecting his own Baptist affiliation, he characterizes Americans as mostly dissenters and nonconformists.<sup>53</sup> He takes Bernard Bailyn to task for appreciating the political philosophy of the English Civil War and Commonwealth period (e.g. Harrington, Sidney, Milton) but not its religious elements. Sandoz approvingly cites a long list of what can be called Puritan politics: the long contest against the Stuarts and even its most radical episodes.<sup>54</sup> He deems the king's prosecution by John Bradshaw a reflection of common law, whiggism, and republicanism, and he casts the king's conviction and execution as a predecessor to the Glorious Revolution.<sup>55</sup> While it would be imprecise to say that Bradshaw's supposed insistence that "disobedience to tyrants is obedience to God" is owed entirely to Puritanism, it is certainly characteristic of the hotter sort of Protestant who, from the monarchomachs forward conflated Protestantism with the rule of law. Sandoz says of the Puritans that they were "determined not to embrace what all called the hateful principles of passive obedience and arbitrary government." This Puritan spirit carries over into the Founding, "passive obedience" being a foil deployed by ministers in numerous sermons Ellis included in his sermon collection.<sup>56</sup> Sandoz even calls America the resurrection of the English Commonwealth.<sup>57</sup>

Sandoz is clear, however, that he does not believe that the preachers were selling the revolution *merely through a religious interpretation of events* but instead were "explaining matters as they truly believed them to be." In other words, this was more than a cynical or merely civil religion. This was the spiritual experience of the Americans in the metaxy, and

---

<sup>52</sup> Sandoz, *Politics of Truth*, 53-54, 61 (1995).

<sup>53</sup> Sandoz, *Politics of Truth*, 43 (1995), 114-15 (1999).

<sup>54</sup> Sandoz, *A Government of Laws*, 195 (1988).

<sup>55</sup> Sandoz, *A Government of Laws*, 159 (1990), 233 (1987).

<sup>56</sup> Sandoz, *A Government of Laws*, 201 (1988). The idea of "passive obedience" as a moral duty to obey the law and prohibit resistance against tyrants is a phrase condemned in a number of sermons in Sandoz's collection: Samuel Sherwood's "The Church's Flight Into the Wilderness" (1776), George Whitfield's "Britain's Mercies and Britain's Duties" (1746), Henry Cumings's "A Sermon Preached at Lexington on the 19<sup>th</sup> of April" (1781), "Defensive Arms Vindicated" (1783) (a Scottish Covenanter sermon excerpted by the pseudonymous "A Moderate Whig"), and Samuel McClintock's "A Sermon on Occasion of the Commencement of the New Hampshire Constitution" (1784).

<sup>57</sup> Sandoz, *Republicanism, Religion, and the Soul of America*, 5 (2004).

Sandoz notably does not contest it or criticize it as immanentizing (as one might expect a Voegelinian to do). The Americans *were* Israel, so they believed, and Sandoz does not fault them for thinking so.<sup>58</sup> He approvingly cites Mark Noll’s characterization of the Revolution: “One of the reasons the war for Independence succeeded was that Protestants sacralized its aims as from God.”<sup>59</sup>

By 1990, Sandoz advances the particularly Christian character of the Founding not in purely academic contexts but also in the budding culture wars over “Christian America” and its roots in the Founding.<sup>60</sup> In a 1996 essay, Sandoz uses a favorite quote of Perry Miller’s in which Miller critiqued the “obtuse secularism” of scholars of the Founding, but Sandoz says that this secularism is now “heard in trendy babel of neo-Marxist dialects.”<sup>61</sup> He laments the collapse of Christianity and descent into a deceptive appearance of neutrality in which the state is not neutral but instead opposes the expression of belief.<sup>62</sup> In *A Government of Laws*, Sandoz resorts to a long march of quotations from the usual suspects to defend the Christian character of the early nation: Benjamin Rush, Samuel Cooper (included in the sermon collection) or Tocqueville, for example. He repeats this defense of the piety of the Founders in later essays wherein he notes religious services being conducted in the Capitol under Jefferson, for example.<sup>63</sup> He cites Stephen Marini and others to argue (against Jon Butler, for example), that the Revolution and Founding saw a “religious revival.”<sup>64</sup> He cites Samuel Langdon’s comparison of America to Israel and Samuel West’s reconciliation of Locke and the Bible without hesitation.

### SANDOZ AND PERRY MILLER

---

<sup>58</sup> *A Government of Laws*, 110–11 (1982).

<sup>59</sup> Sandoz, *Republicanism, Religion, and the Soul of America*, 17 (2004). The quote is from Mark Noll, *America’s God* (New York: Oxford University Press, 2005), 192. But whereas Noll was critical of the revolutionaries for this, Sandoz was not. Sandoz admired the religious character of the Revolution more than evangelical scholars like Noll and George M. Marsden. For a recent and comprehensive defense of the Protestant character of the Revolution against its evangelical critics, see Gary L. Steward, *Justifying Revolution: The American Clergy’s Argument for Political Resistance, 1750–1776* (New York: Oxford University Press, 2021).

<sup>60</sup> Sandoz, *A Government of Laws*, 127 (1990).

<sup>61</sup> Sandoz, *Politics of Truth*, 58 (1996).

<sup>62</sup> Sandoz, *Politics of Truth*, 91 (1996). In Aaron Renn’s positive/neutral/negative world paradigm, 1994 begins the “neutral world” period that ends in 2014. See Renn, *Life in the Negative World: Confronting Challenges in an Anti-Christian Culture* (Grand Rapids, MI: Zondervan Publishing, 2024).

<sup>63</sup> See, for example Sandoz, *Republicanism, Religion, and the Soul of America*, 67 (1994).

<sup>64</sup> Sandoz, *Politics of Truth*, 52 (1995); Stephen Marini, “Religion, Politics, and Ratification” in *Religion in a Revolutionary Age*, ed. Ronald Hoffman and Peter J. Albert (Charlottesville, VA: University Press of Virginia, 1994).

## ELLIS SANDOZ, AMERICAN PATRIOT

When one reads these essays on the American Founding, one particular essay is cited, alluded to, or quoted over and over by Sandoz: a 1961 essay by Perry Miller, the most significant twentieth century scholar of American Puritanism.<sup>65</sup> The essay powerfully sketches a line of continuity from the colonies to the Revolution and places an ethos of covenantal self-abnegation at the center of public sentiment during the Revolution and traces it forward to the War of 1812 and the Second Great Awakening.

Like many writers, Sandoz was inclined to repeat favorite insights by others in both print and in the classroom.<sup>66</sup> In these essays on America, Sandoz repeats Miller's aforementioned criticism of "obtuse secularism," what Miller considered an unwillingness by scholars to acknowledge the role of religion in the Founding.<sup>67</sup> Sandoz's other favorite insights by Miller include the observation (likely directed at figures like Jefferson and also scholars who tried to make Jefferson the Prometheus of the Revolution) that "Rationalism may declare independence but would inspire no one to fight for it" or that it was wrong to write about Revolution "as though the preachers did not exist" —which, of course, many political theorists (though less so historians) have done.<sup>68</sup>

In this favorite essay of Sandoz's, Miller does not confine this ethos to New England (the area he wrote the most about) but extends it through New Jersey and Pennsylvania down to Virginia. It is notable that Miller, who had a greater command of the sermonic literature than anyone else, used not only many of the originals (from either the archives or the microfilm collections of the American Antiquarian Society) but also John Wingate Thornton's *The Pulpit of the American Revolution* (1960).<sup>69</sup> Miller's use of sermons, including the Thornton collection, no doubt inspired Sandoz's own sermon collection, convincing him that sermons were instrumental to understanding the period and America. Some of the sermons Sandoz includes are featured in Miller's essay and had not yet been published in any modern

---

<sup>65</sup> Citations are in Sandoz, *Republicanism, Religion, and the Soul of America*, 4 (2004), 39, 79 (2006); *A Government of Laws*, 86–87, 100 (1981), 111–12 (1982), 134–35, 141, 156 (1990), 230 (1987); *Politics of Truth*, 48, 51, 52 (1995), 68, 76 (1996), 111 (1999); *Give Me Liberty*, 18, 41 (2013). The essay is Perry Miller, "From Covenant to Renewal" in *The Shaping of American Religion*, ed. J.W. Smith and A.I. Jamison (Princeton, NJ: Princeton University Press, 1961), 322–68.

<sup>66</sup> Of course, Sandoz's collection made sure that generations would know that the preachers *did* exist. As far as repeated classroom phrases, other students of Ellis will surely have their favorite "earworms," but mine include "All I need are new men" (Marx) and "Time whereof the memory of man runneth not to the contrary" (Blackstone).

<sup>67</sup> The quote is in Miller, "From Covenant to Renewal," 336n, in a footnote directed at Clinton Rossiter.

<sup>68</sup> Miller, "From Covenant to Renewal," 343; Sandoz, *A Government of Laws*, 99–100 (1981).

<sup>69</sup> It was one of only a few published collections of sermons, most of these being published around the time of the Civil War and probably to remind Americans in a time of crisis of the pious origins of the nation.

## PIETAS

edition.<sup>70</sup> In his essay, Miller also emphasizes the importance of how the French Revolution inspired Americans to defend their Christian conception of life and the need for religious revival. This likely motivated Sandoz to extend his “Founding era” timeline to 1805 and include American sermons wrestling with the meaning of the French Revolution.

There are a number of other themes in Miller that I think strongly parallel and/or influence Sandoz’s own work. Miller rails against how the “antiseptic calm of the [contemporary] historian’s study” enables the separation of elements that the Founding generation experientially wove together.<sup>71</sup> As noted, Sandoz likewise agreed that we cannot presume to put asunder what the Founding generation joined together. This is his aforementioned “polyphonic intricacy” that he prefers to the Johnny One Note tune wherein political theorists tell the Americans over two centuries ago what *really* influenced the Founding. More precisely, Miller argues that the *emotional or experiential* reality of the Americans, much of it a felt spiritual reality, cannot be cast as inferior, subordinate, or relatively inconsequential compared to their leaders’ calmer and more calculated philosophical ideas. Sandoz agrees.

To emphasize this point about taking the rank and file Americans seriously, consider this masterpiece by Sandoz refusing the “antiseptic calm” of the scholar’s study when considering what inspired a bloody war of secession. This passage reflects the influence of Voegelin (who emphasized the existential burden of the metaxy) but is applied to the Founding and appropriately enough reflects Sandoz’s musical household:

The experiential and theoretical grounding of free government as institutionalized in our constitutional order lies in historical tradition and long political practice as shaped by Hellenic noesis ... and biblical revelation.... We may have just been hearing noble strains of this music, and something like it also is evidenced in Patrick Henry’s famous cry, “Give me liberty or give me death!”—plainly no syllogism. But the partition is artificial and all dichotomies suspect. The analytical and doctrinal abstractions arising from noetic insight and pneumatic vision can be discerned as a kind of desiccated postmortem autopsy report on human experience; but of themselves, they have little vitality or persistence when cut off from the engendered living truth they coolly articulate, any more than the technical notation of the score gives you the composer’s melody.<sup>72</sup>

---

<sup>70</sup> Samuel Cooper, “A Sermon on the Day of the Commencement of the Constitution” (1780); George Duffield, “A Sermon Preached on a Day of Thanksgiving” (1784) which Miller has by a different title.

<sup>71</sup> Miller, “From Covenant to Renewal,” 337.

<sup>72</sup> Sandoz, *Give Me Liberty*, 5 (2013).



## ELLIS SANDOZ, AMERICAN PATRIOT

Part of what concerns Miller and Sandoz the most is what some scholars deploy as a cynical reading of religion in the Revolution, one that implicitly puts elites ahead of those who bore the brunt of the daily suffering of the war. Miller writes:

No interpretation of the religious utterances as being merely sanctimonious window-dressing will do justice to the facts or to the character of the populace. Circumstances and the nature of the dominant opinion in Europe made it necessary for the official statement to be released in primarily “political” terms—the social compact, inalienable rights, the right of revolution. But those terms, in and by themselves, would never have supplied the drive to victory.... What carried the ranks of militia and the citizens was the universal persuasion that they, by administering to themselves a spiritual purge, acquired the energies God had always, in the manner of the Old Testament, been ready to impart to His repentant children. Their first responsibility was not to shoot redcoats but to cleanse themselves; only thereafter to take aim.<sup>73</sup>

He offers a similar contrast between political statements and public ethos when he writes,

To examine the Revolutionary mind from the side of its religious emotion is to gain a perspective that cannot be acquired from the ordinary study of the papers of the Congresses, the letters of Washington, the writings of Dickinson, Paine, Freneau, or John Adams. The “decent respect” that these Founders entertained for the opinion of mankind caused them to put their case before the civilized world in the restricted language of the rational century.... A successful revolution, however, requires not only leadership but receptivity.... To accommodate the principles of a purely secular social compact and a right to resist taxation—even to the point of declaring independence to a provincial community where the reigning beliefs were still original sin and the need of grace—this was the immense task performed by the patriotic clergy.<sup>74</sup>

Compare that statement by Miller, for example, to Sandoz’s own contrast between the “state papers” (of elites) and the common Americans’ hope of being found worthy of divine blessing:

The myth that arises from the experience of America as New Israel, a land apart, of Americans as a Chosen People whose destiny lies among the stars of the heavenly firmament, and of a providentially ordained history tending inexorably toward the kingdom of God is only hinted in the state papers. The decisive context must be sought elsewhere in contemporary sources. The sense of divine election and messianic purpose that crowns Ezra Stiles’ political faith as we glimpse it in his 1783 sermon, composes a vital dimension of Americanism that need not be left to supposition.<sup>75</sup>

---

<sup>73</sup> Miller, “From Covenant to Renewal,” 333.

<sup>74</sup> Miller, “From Covenant to Renewal,” 341–42.

<sup>75</sup> Sandoz, *A Government of Laws*, 112 (1982).

## PIETAS

Other themes from Sandoz's essay can be traced to Miller. For example, Miller insisted that Locke was read through the lens of the Americans' covenant theology, and that the Americans' covenant theology was (politically speaking) connected to medieval constitutionalism.<sup>76</sup>

### CONCLUSION

Ellis had every reason to join his fellow political theorists in what he mischievously called desiccated postmortem autopsies of the Founding but he instead preferred the fiery and pious spirit of Patrick Henry whose "Give me Liberty" is the title of Ellis's last book. He did not dismiss the patriotic faith of our American patrimony with cynicism or consider his national ancestors dupes for secularizing schemes. In our last conversation, Ellis displayed that same spirit and faith as Henry's: indomitable. I told him that his students were grateful for his example, and I prayed with him. We didn't talk about America, but in an era when elements on both the political Right and Left seem eager to abandon it, I think Ellis would tell us to stand up for it and pray for it even more.

---

<sup>76</sup> Miller, "From Covenant to Renewal," 334-35, 338, 342.

## Ellis Sandoz and the Chinese Quest for Liberty

Promise Hsu

While sending my first email to Prof. Ellis Sandoz on February 19, 2006, I did not expect at all that someday, or rather, eighteen years later in Philadelphia I would have the privilege of joining a roundtable in tribute to him by speaking about his extraordinary role in my project on the history of freedom. For me, it is a serendipitous encounter since in his response to my first email to him, Prof. Sandoz invited me to join the annual Eric Voegelin Society meeting that year, which was held in none other than Philly. In that email I sent to him from Beijing, the major question I posed for his guidance was this: why was individual liberty under the rule of law first institutionalized in the West and how could it be established in China? For me, this question is still, if not even more, important today given the re-centralization of power over political, economic, and cultural life in China over the recent decade. Before writing to Prof. Sandoz, I had already heard back from many scholars from across the world to whom I had reached out concerning this question since I had embarked on exploring the roots of liberty in 2004. That was one year before I left China's state television as an international affairs journalist and became an independent journalist and scholar. I incorporated some earlier major feedback I had received from these intellectuals in my first email to Prof. Sandoz and other scholars whom I later contacted. It turned out that while different experts including Prof. Sandoz himself helped broaden my horizons of the fountains of freedom with their variety of perspectives, few were like the American political philosopher who went far beyond writing me back once, twice, or a few times.

Between 2006 and 2023 when he passed away, Prof. Sandoz went the extra, extra, extra mile for my liberty project. He sent me the relevant books and articles. He invited me to join the conferences of the Eric Voegelin Society that he created and give talks at the Eric

This essay is a revised version of the text for my presentation at a roundtable, "In Defense of Civilization: Reflections on the Life and Work of Ellis Sandoz," on September 6, 10:00-11:30 a.m. at Philadelphia's Pennsylvania Convention Center 104A in the 40th International Meeting of The Eric Voegelin Society, 120th Annual Meeting of the American Political Science Association. I am grateful to Dr. David Walsh for his kind invitation. I appreciate the varied perspectives of my fellow panelists, Dr. David N. Whitney, Dr. Glenn A. Moots, Dr. Martin Palouš, and Dr. Philip Damian de Mahy. I am also thankful to Dr. Walsh, Dr. James R. Stoner, Dr. Barry Cooper, Mr. Paul Caringella, Ms. Lisa Sandoz Robinson, Ms. Rachel Robinson, Dr. John von Heyking, Dr. Liu Muen, Mr. Yan Bohan, Dr. Lee Trepanier, and Dr. John Witte Jr. for their warm responses.

Voegelin Institute that he founded. He sought out a suitable publisher, St. Augustine's Press with its respected founder Bruce Fingerhut (1943–2023), for my little book that brings together what I learned about the history of liberty. And he wrote his foreword to it. His help even exceeded his own expectation, let alone mine. Through his introduction, I came to know Daniel Hsu (Xu Zhiyue, 1961–2014), an independent scholar and translator in Shanghai, who helped me to visit Shouwang, a non-state-run Christian church in Beijing in September 2006.<sup>143</sup> The church was a key Chinese community that I encountered in my liberty project. Its rise in the 2000s and 2010s alongside the growth of the larger Christian community in early twenty-first century China, as well as some ideas, thinkers, institutions, and phenomena in Western history such as metaxy, higher law, Augustine of Hippo (354–430), Eric Voegelin (1901–1985), Peter Drucker (1909–2005), Ellis Sandoz (1931–2023), Christianity, and church-state tensions and Magna Carta constitute the major parts of my book, *China's Quest for Liberty: A Personal History of Freedom* (St. Augustine's Press, 2019). This preliminary exploration laid the groundwork for my current dissertation and second book project, tentatively titled, *Reforming the Central Empire: Shen Yugui, Young John Allen, and the Christian Intellectual Community in Late Qing China*. The new project extends my interest in exploring the possibilities of China that is free of authoritarian and totalitarian rule by restoring the long-neglected significance of Chinese and Western Christian intellectuals in providing a higher-law and non-statist approach to modernizing China at the turn of the twentieth century.

Even during the current project that started in 2020 when I was preparing to apply to Emory University's History Ph.D. program, Prof. Sandoz's encouragement was indispensable, despite the fact that he was not able to write to me due to his paralysis since 2016.<sup>144</sup> His encouraging words came to me through his daughter, Erica, who often visited

---

<sup>143</sup> Daniel Hsu was a Chinese translator of several books by Ellis Sandoz and Eric Voegelin, including Sandoz's *The Voegelinian Revolution: A Biographical Introduction* (Piscataway, NJ: Transaction Publishers, 2000), and Voegelin's *Autobiographical Reflections* (Baton Rouge, LA: Louisiana State University Press, 1996), *In Search of Order* (Columbia, MO: University of Missouri Press, 2000), *Anamnesis: On the Theory of History and Politics* (Columbia, MO: University of Missouri Press, 2002).

<sup>144</sup> It was with Prof. Sandoz's kind introduction that I visited Emory University for the first time in early 2012 after attending an international journalists' symposium at the Poynter Institute in St. Petersburg, Florida. At that time, I went to see Prof. John Witte Jr., a friend of Prof. Sandoz, without anticipating that nine years later I would begin my study under Prof. Tonio Andrade at Emory's Department of History. It was also interesting to know about Prof. Sandoz's 1967 visit to Emory with his advisor when Prof. Eric Voegelin delivered the Walter Turner Candler Lectures entitled, "The Drama of Humanity." For the details of Prof. Sandoz's visit, see Charles R. Embry and Barry Cooper, "Preface,"

## ELLIS SANDOZ AND THE CHINESE QUEST FOR LIBERTY

Prof. Sandoz at a nursing home in Pensacola. He told Erica that he was reading my book during his isolation because of coronavirus in 2020. Reading Erica's email, I could almost hear what she called her father's "feisty" voice on the phone.<sup>145</sup> It reminded me of the word that Beverly Jarrett (1940–2017) uses to describe Prof. Sandoz in the publisher's note for the 2005 festschrift honoring the political philosopher—"intrepid."<sup>146</sup>

In addition to "feisty" and "intrepid," "warmhearted" is the word that I myself would like to use to characterize the professor. It was what I felt while reading his first reply to my emails, every time I heard from him or met him thereafter, and the last time that I visited him in this world. With my wife and daughter, I went to see Prof. Sandoz in Pensacola on August 7, 2022. Although appearing weak and speaking not very clearly, the ninety-one-year-old professor met us twice for more than two hours with Erica's help. Noticing that I put on a shirt after entering the nursing home for a while, Prof. Sandoz asked me if it was too cold because of the low air conditioning temperature. And he played with my three-year-old daughter by smiling at her and gesturing with his fingers. He enjoyed the music with us while Erica was playing *Moonlight Sonata*, *Danny Boy*, and *I Cannot Tell* at the nursing home's chapel. After surviving my first-year doctoral study that was way more stressful than my previous journalistic and scholarly career, meeting the scholar who was "feisty," "intrepid," and "warmhearted" even in his nineties greatly heartened my body and soul.

A little more than one year later, in the afternoon of September 19, 2023, Erica told me that her father was probably leaving us soon. A few hours later, she emailed me that he "went suddenly and peacefully" at about 6:34 in the evening.<sup>147</sup> I had expected that the hour would come sooner or later. Yet when it did come, I realized that I lost contact with a lively and loving soul who was one of my most important mentors and friends and most supportive of my exploration of liberty along the way. That's despite the fact that I still had his email address, his phone number, and his daughter's contact information. As on November 2, 2014 when our mutual friend Daniel Hsu unexpectedly passed away in Shanghai, on September 19, 2023 the passing of Prof. Sandoz left me in a place where I was particularly aware of this world's cutoff from the next. Then I returned to my preparation for the

---

in *Philosophy, Literature, and Politics: Essays Honoring Ellis Sandoz*, eds. Charles R. Embry and Barry Cooper (Columbia, MO: University of Missouri Press, 2005), xi–xiv.

<sup>145</sup> Erica Sandoz Cooper, personal email to me, August 5, 2020.

<sup>146</sup> Beverly Jarrett, "Publisher's Note," in *Philosophy, Literature, and Politics*, vii–ix.

<sup>147</sup> Erica Sandoz Cooper, personal email to me, September 19, 2023.

## PIETAS

comprehensive portfolio defense. Traveling to Baton Rouge on September 28, I knew that I was attending the professor's funeral services; however, I went as if I were going to see the American political philosopher as I had done before. I felt as though I would visit Prof. Sandoz again, even after bidding farewell to him the next day, first at University Baptist Church and then at Port Hudson National Cemetery.

Now almost a year from that trip and a few days after passing my dissertation prospectus defense, I finally have some time to meditate a little further on what Prof. Sandoz has done for my liberty project. My thoughts again go back to early 2006. What made me turn to Prof. Sandoz was that, back then at Beijing's National Library of China, I found a copy of a collection of essays he edited, *The Roots of Liberty: Magna Carta, Ancient Constitution, and the Anglo-American Tradition of Rule of Law* (University of Missouri Press, 1993). At that time, I was eager to know, among other things, why a kind of limited monarchy was possible in medieval England and some other parts of Europe while Chinese emperorship had much more power, if not absolute power. Before encountering Prof. Sandoz's edited volume, I had found the interpretation by Brian Tierney (1922–2019) quite illuminating in his *The Crisis of Church & State, 1050–1300: With Selected Documents* (Prentice-Hall, 1964). For the English medievalist, unlike other parts of the world, the Western political landscape in the Middle Ages was “marked by continuing tensions between religious and secular authorities and, in spite of innumerable vicissitudes and setbacks, by a persistent tendency toward the emergence of constitutional forms of government.”<sup>148</sup> In *The Roots of Liberty*, Prof. Sandoz's study alongside that of other scholars like J. C. Holt (1922–2014), a leading English historian of Magna Carta, traces the specific origins of modern Anglo-American constitutionalism to the ancient constitution of Edward the Confessor (c. 1003–1066), the Great Charter of 1215, and the Lancastrian constitution presented by John Fortescue (c. 1385–c. 1479) that was revitalized by Edward Coke (1552–1634). It is what the professor calls Fortescue's “Christian synthesis of jurisprudence and philosophy” and the English jurist's emphasis on the authority of the Bible that most impressed me.<sup>149</sup> With my preliminary reading of Sandoz's introduction, Holt's chapter on the medieval context of

---

<sup>148</sup> Brian Tierney, *The Crisis of Church & State, 1050–1300: With Selected Documents* (Englewood Cliffs, NJ: Prentice-Hall, 1964), 1.

<sup>149</sup> Ellis Sandoz, “Editor's Introduction: Fortescue, Coke, and Anglo-American Constitutionalism,” *The Roots of Liberty: Magna Carta, Ancient Constitution, and the Anglo-American Tradition of Rule of Law*, ed. Sandoz (Columbia, MO: University of Missouri Press, 1993), 7.

## ELLIS SANDOZ AND THE CHINESE QUEST FOR LIBERTY

Magna Carta, and the charter itself, I had a further sense that Christianity—Christian church and culture—was a critical factor in checking and balancing the secular authority in medieval England and the wider West and that no religion played such a powerful role in Chinese history.

Yet that does not mean that there has never been the potential for China to develop its own tensions between religion and secularity. Indeed, there is the possibility of a more viable and visible presence of this tension in the Chinese future. This includes the unexpected growth of the independent church in contemporary China that Prof. Sandoz unintentionally yet maybe providentially helped me to see in 2006. It also includes the long-obscured alternative vision of modern China that Chinese and Western Christian intellectuals put forward more than one hundred years ago and that my present project aims to illuminate.

I meant to make the most of this roundtable by combing through every major point that Prof. Sandoz drew my attention to during our correspondence. And while I have not been able to do this, I hope to finish it sometime in the future based on what I wrote about Ellis Sandoz and Eric Voegelin in my first book.

At present, I would like to end my preliminary reflection by quoting what Prof. Sandoz wrote in his first response to my email inquiry back in 2006. He shared with me his 2004 John Witherspoon Lecture, which later on became the first chapter of his 2006 book, *Republicanism, Religion, and the Soul of America*. His summary of why the United States has been “nearly immune politically to the ideological and eschatological maladies that have ravaged the modern world, such as fascism and Marxism and now Islamism” points to the “ever-present balanced living tension with the divine Ground” in America’s political culture. The tension is between one aspect of political life, which is “active devotion to public good, liberty, and justice,” and the other, which is the self-consciousness that citizens “were merely sojourners passing through this mysterious process of historical existence in the attitude of *homo viator*, since nothing better than hope through faith avails them.”<sup>150</sup> After more than a

---

<sup>150</sup> Ellis Sandoz, *Republicanism, Religion, and the Soul of America* (Columbia, MO: University of Missouri Press, 2006), 49. On March 9, 2012, when I was writing a chapter of my first book on how to live in the two worlds simultaneously, Prof. Sandoz sent me this note that deals with the similar tension: “Don’t Neglect St. Augustine’s CITY OF GOD on the subject! Start w/ Bk 14 last chap. then Bk 15 etc. His theme is the 2 cities, earthly and divine, so close to your subject but a bit harsh. The tension is not easy to resolve. I’ve been working on related matter reading GALATIANS, esp. chap. 4:26-5:1. Very powerful. See also my discussion in REPUBLICANISM pp. 17ff. on Wesley and the Second Reformation so influential in America.” I mentioned this note in the epilogue of *China’s Quest for Liberty*, “The Reality of Politics: A Preliminary Reading of Eric Voegelin and Ellis Sandoz.”

## PIETAS

century of modernization movements, which were characterized by the statist, secular, Communist, millenarian, and Sino-centric ideologies that brought no shortage of human-made catastrophes, some Chinese are becoming aware of the significance of the “ever-present balanced living tension” that Prof. Sandoz elucidates about American political culture. It might take at least another century for this kind of awareness to take root in the wider Chinese society. But better late than never. Individual liberty in the higher law framework might finally figure prominently in Chinese consciousness.



**In Defense of Civilization:  
Scientism and the COVID-19 Response in the U.S.**

David N. Whitney

Presented at a roundtable in honor of Ellis Sandoz at APSA 2024

“You have offended everyone! Load your gun for bear.” These were the words Ellis Sandoz used in response to reading the draft of my dissertation on scientism in 2010.<sup>1</sup> Among the offended were presumably those within the very discipline I ultimately joined: political science. The decision to study with Sandoz, assuming he would have me as a student, was fairly easy. I had first encountered the work of his mentor, Eric Voegelin, as an undergrad at LSU in the introduction to political theory class. At the time, I understood very little of the book, *The New Science of Politics*, but nevertheless sensed the animating spirit of the work as active resistance to untruth. Upon entering my first semester of grad school several years later, Voegelin’s focus on positivism suddenly made a lot more sense. Every student, regardless of the subfield, had to take two classes in quantitative methodology, and “training” was routinely used instead of education to describe the process. This was not unique to the program I was in, but was rather a reflection of the dominant assumptions and operations of the discipline. The questions being asked in the top journals were not the kinds of questions that had drawn me to the discipline as an undergraduate and seemed disconnected from political reality.

Fortunately, my first semester of graduate school included a seminar with Ellis Sandoz, which included some of his own writings on republicanism. *This* was the stuff I signed up for! No punches were pulled, but the style and substance were philosophical and practical, not polemical. More importantly, the scholarship was clearly first rate. His approach in seminars and undergraduate courses (I served as his teaching assistant for several years) was

---

<sup>1</sup> Ellis Sandoz. *The Voegelinian Revolution* (2<sup>nd</sup> ed., Piscataway, NJ: Transaction Publishers, 2000): 28: “Truth sometimes requires hard words.”

consistent with his scholarship. The topics covered were of existential importance, but Professor Sandoz had a way of mixing in humor and relating personal stories to ground the discussions.<sup>2</sup> Although I was not sure exactly what direction my studies would take, I knew I wanted to address the inherent tension I had experienced in that first semester between what I thought political science was and should be, and the apparent state of the discipline. Moreover, like Sandoz, I wanted to study something that could be easily justified by a “so what” question.<sup>3</sup> A research program crystallized over subsequent semesters and given the indebtedness to Sandoz and Voegelin for its philosophical foundations, I thought it fitting to stick with the theme here. In this essay, I will risk offending everyone yet again by examining a contemporary example of scientism: the COVID-19 crisis and its response within the United States.<sup>4</sup>

In the summer of 2023, a new subvariant of the SARS-CoV-2, or COVID-19, virus arrived in the United States, headlining both local and national newscasts. Aptly named Eris, Greek for strife or discord, the coverage was remarkably similar to previous variants, notwithstanding the fact it was no longer an officially declared emergency by the U.S. government. Cases were reported, along with estimates for the percentage of the population that might be infected, and the CDC issued guidelines for isolation. The contagious nature of the virus was emphasized while little information was provided as to the severity of it. Mask mandates were even reimplemented in some locations.<sup>5</sup> This begs the question: what have policymakers and public health officials learned, if anything, over the past four years? Have they “followed the science” or merely invoked its authority to exert more control and influence over the public? This paper will examine the policy responses to COVID-19 within the United States, including the justifications and efficacy of those policies, with an eye toward better navigating future challenges related to science and society. In spite of claims to

---

<sup>2</sup> A favorite that I still retell in my political theory courses involves an officer of the law who was an A+ student in Dr. Sandoz’s political theory class. He knew the *Nicomachean Ethics* in and out. Throughout the semester there was a string of bank robberies. Towards the end, the officer was caught and arrested for the crimes and sent a letter to Dr. Sandoz asking him if he could complete the final exam via correspondence from prison. With a scowl, he replied, “Hell no, you haven’t learned a damn thing!”

<sup>3</sup> As Voegelin pointed out, the “philosopher is a man like any other: as far as the order of society is concerned, he has no other questions to ask than those of his fellow citizens.” Echoing this, Sandoz always insisted on addressing the political consequences of whatever was being studied. See Eric Voegelin. *Science, Politics, and Gnosticism*, ed. Sandoz (Wilmington, DE: ISI Books, 2004), 12.

<sup>4</sup> While Sandoz’s writings have widespread philosophical applicability, there is no doubt he took a special interest in the health of the American polity. I am following his lead in this essay.

<sup>5</sup> Jillian Kramer, “Dillard University orders masking as COVID cases rise in Louisiana,” *nola.com*, August 25, 2023.

## IN DEFENSE OF CIVILIZATION: SCIENTISM AND THE COVID-19 RESPONSE IN THE U.S.

represent science, I argue that public policy responses were more often than not rooted in scientism. Far from being objective, rational partisans for truth, public health officials and policy makers often resembled ideological activists. While this attitude has not been uncommon in contemporary American politics in recent decades, the consequences in this case have been nothing short of disastrous. With an ongoing Artificial Intelligence (A.I.) revolution and unprecedented climate challenges, not to mention unforeseen threats, the country cannot afford to continue to delegate policy making authority to scientific zealots. Thus, I end with some potential “therapeutic” treatments for this spiritual and intellectual disease.

Before examining the COVID-19 outbreak and policy responses within the United States, it is important to outline what is meant by scientism. The impact of the advancement of science since Newton is hard to overstate, both in terms of our understanding of the natural world and our subsequent power over nature. The United States has arguably benefited from, and contributed to, advances in science more than any other nation-state over the last century, with feats such as the Manhattan project, space exploration, the IT revolution, and countless medical breakthroughs. As a world leader in technology and the hegemon of the international system, the affinity for (natural) science, at least in terms of its utility, is understandable. However, the decisions about how, or if, to use the power given to us by our scientific knowledge cannot be made within the framework of natural science. Whether something is good or bad for humanity is indeed a scientific question, but one that lies in the domain of political, not natural, science. Natural science must remain neutral on ethical and political questions, although it can certainly aid in making informed decisions. To use the Manhattan project as an example, our understanding of natural science allowed us to create an atomic superweapon, but told us nothing about whether we *should* create it or ultimately deploy it. “Follow the science” and “trust the science” are unhelpful pieces of advice in the context of policy making, assuming natural science is the referent.

Scientism emerged as a logical, if not necessary, ideology out of a climate with greatly increased material comfort, first through the Industrial Revolution and more recently, the Informational Technology (IT) revolution. Accompanying the material progress was a spiritual decline, obvious early on to diverse thinkers such as Auguste Comte, Karl Marx,

## PIETAS

and Friedrich Nietzsche.<sup>6</sup> Scientism is a deformation of science and arrogates the name of science to pseudo-scientific, and often politically motivated, endeavors. It refers to the intellectual movement that places primacy on the methods of the natural sciences. It can be characterized as a pseudo-religion or a form of idolatry since its adherents express a dogmatic faith in the power of science. As Voegelin noted, “Science becomes an idol that will magically cure the evils of existence and transform the nature of man.”<sup>7</sup> This ignores the limitations of the scope of science and mistakenly ascribes transformative power to it. In spite of differences of emphasis within scientistic thought, several important themes remain constant within the movement including: the dogmatic faith in the methods of the natural sciences (and the accompanying assumption that those methods can be successfully imported into the social sciences), a materialistic worldview, the rejection of the *bios theoretikos* (the contemplative life), the prohibition of philosophical questions, and an emphasis on immanent fulfillment through the power of science.<sup>8</sup> Scientism is motivated by a desire for control and uses the authority of science to achieve ideological aims. It invokes the name of science to give credibility to otherwise dubious claims. By contrast, science is characterized by an openness to reality and the desire for truth about the nature of things. It deals with probabilistic, not absolute, propositions. I will now turn to the COVID 19 response within the U.S. to demonstrate its scientistic characteristics.

### FLATTENING THE CURVE

Amidst growing uncertainty and understandable fear in the initial months of the COVID-19 outbreak, policy makers in the United States and in much of the rest of the world implemented lockdowns. In the United States, it was presented as a short-term necessity, initially two weeks, to slow the spread of the virus in order for hospitals to continue to function properly. With a seemingly exponential growth of new cases and very little knowledge about the virus’s transmission or lethality, the concern was that hospitals would

---

<sup>6</sup> This is not to suggest any of them had good answers for it. Comte is particularly noteworthy since his solution was to fill that void with science through dictatorial means, and it is his project that arguably can teach us the most about our current crisis.

<sup>7</sup> Eric Voegelin, *The English Quest for the Concrete*, in *The Collected Works of Eric Voegelin, vol. 24: History of Political Ideas, vol. 6: Revolution and the New Science*, ed. Barry Cooper (Columbia, MO: University of Missouri Press, 1998), 214-15, 208.

<sup>8</sup> David Whitney, *Maladies of Modernity: Scientism and the Deformation of Political Order* (South Bend, IN: St. Augustine Press, 2019), 8.

## IN DEFENSE OF CIVILIZATION: SCIENTISM AND THE COVID-19 RESPONSE IN THE U.S.

be overrun with patients and many would die. At this point in the crisis, it seemed perfectly reasonable to take this course of action as a short-term measure to potentially save tens of thousands of lives.

During the same time frame, debates arose as to what other measures could be taken to mitigate the spread of the virus. At a common-sense level, medical grade masks seemed to be a good solution. However, the then director of the National Institute of Allergies and Infectious Diseases, Dr. Anthony Fauci, stated, “There’s no reason to be walking around with a mask. When you’re in the middle of an outbreak, wearing a mask might make people feel a little bit better and it might even block a droplet, but it’s not providing the perfect protection that people think that it is. And, often, there are unintended consequences—people keep fiddling with the mask and they keep touching their face.”<sup>9</sup> Within a month, the CDC recommended masking “in public settings when around people outside their household, especially when social distancing measures are difficult to maintain.”<sup>10</sup> Later, Dr. Fauci would explain that he engaged in a noble lie to try to preserve protective equipment for medical professionals. This breach of public trust exemplified a few enduring points about the way policies would be created and implemented during the pandemic. In neither case was there an appeal to scientific studies on masks nor was data presented to bolster either position. Rather, the implication was that because someone with scientific credentials was saying it, it must be true. Furthermore, there was an assumption that people were too dumb to handle the truth. In more technical terms, a “moral epistemic apparatus in which the experts are to rule over citizens conceived as fragile incompetents” was solidified.<sup>11</sup>

Two weeks turned into two months and then into a year or more in many locations within the United States. This occurred in part because of shifting goalposts or what some have described as “mission creep.”<sup>12</sup> An important component to this shift was the widespread availability of reliable tests. The Trump Administration bragged about its testing capacity by midsummer, which on one hand was justified, as it required a massive logistical effort.<sup>13</sup> However, the idea that on demand, rapid testing (including of asymptomatic healthy

---

<sup>9</sup> “March 2020: Dr. Anthony Fauci talks with Dr Jon LaPook about Covid-19,” *60 Minutes*, March 8, 2020, *Youtube*.

<sup>10</sup> “CDC Museum COVID-19 Timeline,” *US Centers for Disease Control and Prevention*.

<sup>11</sup> Barry Cooper and Marco Navarro-Genie, *COVID-19: The Politics of a Pandemic Moral Panic* (Winnipeg, MB: Frontier Centre for Public Policy, 2021), 47.

<sup>12</sup> Cooper and Navarro-Genie, *COVID-19: The Politics of a Pandemic Moral Panic*, 46.

<sup>13</sup> Scott W. Atlas, MD, *A Plague Upon Our House: My Fight at the Trump White House to Stop COVID from Destroying America* (New York: Liberatio Protocol, 2021), 102.

## PIETAS

people) was somehow a significant breakthrough in the societal struggle against COVID-19 could only be assumed if the mission was no longer to prevent hospitals from being overrun. The federal and state governments became obsessed with cases, as opposed to serious illnesses that would require hospitalization. One result of massive, widescale testing is that it results in far more cases. More cases then lead to a conclusion that the problem is getting worse and justifies prolonged lockdowns. Instead of questioning whether the lockdowns were indeed effective in flattening the curve, the assumption was made that the increasing cases would have been much worse without such measures. An accompanying assumption was made that the failure to prevent more cases must be a result of non-compliance with masking and distancing measures, and again, led to justification for even stricter measures.

### A SHOT AT NORMAL

In spite of this negative outlook, there was a glimmer of hope as a massive public/private partnership was launched, labeled Operation Warp Speed, to develop a vaccine. With no proven therapeutics and persistent cases even in areas with the strictest mask mandates, a vaccine seemed to be the best way out of the crisis.<sup>14</sup> It was not without its skeptics. Mainstream media, politicians, and many scientists, including high profile officials such as Dr. Fauci and the head of the CDC, Dr. Robert Redfield, said that the timeline provided by the Trump administration was simply impossible.<sup>15</sup> Instead of six months, it would likely take at least 18 months, if not longer. Yet by the eve of the 2020 United States presidential election, vaccines were nearly ready to go (a legitimate scientific achievement), and millions in the U.S. had received them by the end of the year, as the FDA granted emergency authorization to Pfizer and Moderna to begin administering their mRNA vaccines.<sup>16</sup> Johnson & Johnson received authorization in February of 2021, meaning that there were three vaccine options to the public in less than one year after the outbreak was officially declared. The

---

<sup>14</sup> One contributing factor to the lack of therapeutics was a dogmatic opposition to seemingly almost anything that showed potential in helping. The debate surrounding the use of hydroxychloroquine is a prime example. The drug had been safely used by millions for over half a century. Whether it was effective or not is something that could have easily been tested in a clinical setting. Doctors were ultimately stopped from prescribing it; see Atlas, *A Plague Upon Our House*, 372.

<sup>15</sup> Atlas, *A Plague Upon Our House*, 211.

<sup>16</sup> “[Data: Total COVID-19 vaccine doses administered](#),” *Our World in Data*, August 14, 2024.

## **IN DEFENSE OF CIVILIZATION: SCIENTISM AND THE COVID-19 RESPONSE IN THE U.S.**

vaccine was presented as a way to return to normal to a citizenry desperate to do so.<sup>17</sup> If citizens wanted to resume ordinary activities such as eating in crowded restaurants and riding public transportation, the solution was seemingly simple: get vaccinated.

The narrative began to shift rather quickly as it became apparent that the vaccine would not prevent transmission of the disease, especially as the Delta and Omicron waves emerged in the summer and fall of 2021. While the vaccine would serve as a passport to certain restaurants and sporting events, the promises of a return to normal did not materialize as infections spread among the vaccinated and unvaccinated. Instead of returning to normal, the messaging about vaccines was now directed towards lessening the severity of the disease rather than stopping its transmission. The “new normal” meant restrictions would remain in place in many states because everyone was a potential carrier of the virus, even those with no symptoms. As Cooper and Navarro-Genie explain, the “new normal” can be characterized as “a regime of truth where mathematical models of infections rates are followed by state directions, action plans, emergency measures, government health communiques, legal or constitutional modifications, rearrangements of powers for enforcers, speeches, and regular television appearances organized as briefings by politicians.”<sup>18</sup>

### **SACRIFICING THE YOUNG FOR THE OLD**

As mentioned previously, the initial lockdowns were somewhat justifiable scientifically, since very little was known about the virus early on. However, as data became widely available, it was clear that the virus had a disproportionately severe impact on the elderly and those who were in otherwise poor health. In 2020, 81% of deaths attributable to COVID-19 in the U.S. were from the age group of 65 and above. The CDC acknowledged deaths from each of the past five flu seasons and hospitalization rates from influenza were higher than COVID-19 deaths and hospitalization rates among those aged 0-17.<sup>19</sup> Very few children or adolescents were dying from the virus, a trend that continued throughout all subsequent waves. Of the 1.1 million deaths attributed to COVID-19 through June of 2023, about 1,600 came from the 0-17 age group. By contrast, nearly 860,000 were from the age groups of 65 and up.

---

<sup>17</sup> During a town hall in 2021, President Biden echoed this optimistic sentiment: “You’re not going to get COVID if you have these vaccinations”; Calvin Woodward and Hope Yen, “[AP FACT CHECK: Biden goes too far in assurances on vaccines](#),” *APNews*, July 22, 2021.

<sup>18</sup> Cooper and Navarro-Genie, *COVID-19: The Politics of a Pandemic Moral Panic*, 130.

<sup>19</sup> Atlas, *A Plague Upon Our House*, 190.

Importantly, evidence emerged within the first year that children and adolescents were *not* vectors of the virus. They were in fact much less likely to spread the virus than their adult counterparts.<sup>20</sup> Nevertheless, policies were crafted treating children, adolescents, and young adults as if they were at serious risk of both dying and causing others to die through transmission.

One of the most impactful decisions made in the fall of 2020 was to continue to include schools in the lockdown policies.<sup>21</sup> Some districts shifted to limited in-person instruction, with the rest of the time reserved for online instruction, while others remained all online. Only 17% of districts were open for normal instruction in the fall and by the spring of 2021, half were still restricted.<sup>22</sup> Teachers' unions certainly played a role in the decision, but the underlying assumptions in the national response arguably would have led to the same outcomes without them. Even though children were remarkably resilient to the virus, they were perceived as carriers who could spread the virus to their immune-compromised grandparents or parents. Data from Europe, where schools had been opened, should have allayed these fears: "studies from Finland, Sweden, the Netherlands, Switzerland, France, the UK, and elsewhere confirmed the fact that children were almost always infected from adults, not the other way around; that few cases originated in schools; that teachers did not have higher infection rates than those in any other occupation; and that school 'outbreaks' were typically just positive tests without any symptoms or only mild illnesses."<sup>23</sup> In spite of evidence to the contrary, citizens in the United States were simply expected to trust the public health officials who were uttering the phrases.

The decision to not reopen schools, in spite of ample evidence demonstrating minimal risk, is a microcosm of the overall response to the pandemic. Even if there had been evidence of greater health risks, those risks *should* have been weighed against other risks, including, but not limited to: stagnation or regression in educational attainment, stunted social development, mental health issues, malnourishment (especially for students from low-income households), and unreported child abuse cases (as many reports originate from

---

<sup>20</sup> Atlas, *A Plague Upon Our House*, 188.

<sup>21</sup> Florida stood as the lone exception.

<sup>22</sup> Atlas, *A Plague Upon Our House*, 327.

<sup>23</sup> Atlas, *A Plague Upon Our House*, 192-93.



## IN DEFENSE OF CIVILIZATION: SCIENTISM AND THE COVID-19 RESPONSE IN THE U.S.

schools).<sup>24</sup> Policies involve trade-offs and one cannot assess the success, or failure, of a particular policy in isolation.

### CALCULATING THE COSTS

The failure to consider the good of the whole in crafting COVID-19 policies has had dire consequences. Among the most alarming statistics is the measure of “excess deaths.” Based on data from previous years, we can get a reasonable estimate of expected deaths in any given year in a number of categories. Excess deaths result whenever the number of observed deaths is greater than the expected deaths. In the case of COVID-19, excess deaths in the United States through 2022 totaled over 1.3 million.<sup>25</sup> With the deaths attributed to COVID-19 removed, there were still several thousand deaths beyond what would have been expected. Globally, the estimate is well over 20 million excess deaths, with only 7 million directly attributable to COVID-19.<sup>26</sup> These deaths can be attributed to a variety of causes including, but not limited to: lapses in routine medical care and screenings, drug overdoses, alcohol abuse, violent crime, and suicides. There have been tremendous economic costs associated with the policy responses as well, estimated to total over 14 trillion by the end of 2023 according to scholars at the University of Southern California’s Schaefer Center for Health Policy and Economics.<sup>27</sup> Air travel, dining, and healthcare/social services have taken the biggest respective hits. The overall impact has been twice that of the Great Recession of 2007–2009. There are other costs that are not easily measurable, such as the impact of long COVID-19, vaccine hesitancy, loss of trust in public institutions, and increased political polarization. Even more depressing is the data on the efficacy of the lockdowns. Knowing that they created so many negative effects, one might find solace in the many lives saved, had that actually been the case. According to an extensive study in the journal *Nature*, popular mitigation measures such as school closures, public service announcements, international travel restrictions, gathering restrictions, workplace closures, closure of public transport, and

---

<sup>24</sup> Atlas, *A Plague Upon Our House*, 326.

<sup>25</sup> “The Pandemic’s True Death Toll,” *The Economist*, October 25, 2022.

<sup>26</sup> “Estimated cumulative excess deaths during COVID-19, World,” *Our World in Data*, August 19, 2024.

<sup>27</sup> Jakub Hlávka and Adam Rose, “COVID-19’s Total Cost to the U.S. Economy Will Reach \$14 Trillion by End of 2023,” *Schaefer Center for Health Policy & Economics*, May 16, 2023.

facial coverings had minimal impacts in stopping the spread of the virus or on mortality rates.<sup>28</sup>

### DIAGNOSING THE DISEASE

Now that some of the symptoms have been described, a diagnosis is in order. While the virus did pose significant risks to a relatively small percentage of the population, the most extensive damage was arguably done by the policies enacted to combat it. While much has been written about the impact of various policies, there have been relatively few studies on the philosophy, or more accurately ideology, driving those decisions. Barry Cooper and Marco Navarro-Genie persuasively argue that the crisis can best be understood as a moral panic, driven at its core by the concept of power-knowledge, a term coined by Foucault.<sup>29</sup> The underlying assumption is that “truth is not something discovered ... but is a reality that is at least in part produced by power.”<sup>30</sup> They also single out two liberal thinkers: Kant, for his universalism, and Hobbes, for the reliance on fear, as major philosophical influences.<sup>31</sup> The charge against Kant is drawn from the refusal to differentiate between lives, namely old and young, in the policy responses.<sup>32</sup> However, it is worth noting that Kant rejected the materialistic worldview of many of his scientific contemporaries and left room for the contemplative life, something absent in the philosophy of Hobbes. The charge against Hobbes is well placed, as he makes fear of (violent) death a central component of his philosophy. Hobbes focuses on the *summum malum*, without acknowledging that a *summum bonum* even exists.<sup>33</sup> Humans are merely “matter in motion,” justice is artificial, and rights are grounded in survival rather than any objective moral order. Hobbes tells us force and fraud are the cardinal virtues of the state of nature as every other individual is a potential enemy, and civil government is the necessary (and artificial) solution to maximize

---

<sup>28</sup> K. Agyapon-Ntra and P.E. McSharry, “A global analysis of the effectiveness of policy responses to COVID-19,” *Scientific Reports* 13, no. 5629 (2023). Interestingly, they did find masks to be the cheapest and most effective measure registering a modest impact of roughly 8%, four times greater than school closures.

<sup>29</sup> It is worth noting that their study focused primarily on responses by the Canadian government, but there is significant overlap in the types of arguments made and policies enacted.

<sup>30</sup> Cooper and Navarro-Genie, *COVID-19: The Politics of a Pandemic Moral Panic*, 26.

<sup>31</sup> Cooper and Navarro-Genie, *COVID-19: The Politics of a Pandemic Moral Panic*, 132–34.

<sup>32</sup> This was undoubtedly a problem in the U.S. as evident in the school closures.

<sup>33</sup> In other words, he orients his philosophy toward avoiding the worst evil instead of pursuing the highest good. This was the main critique leveled by Voegelin against Hobbes. See Voegelin, *Science, Politics, and Gnosticism*, 70–72.

## IN DEFENSE OF CIVILIZATION: SCIENTISM AND THE COVID-19 RESPONSE IN THE U.S.

the chances of physical survival.<sup>34</sup> Furthermore, as long as that government protects the lives of its citizens (or subjects), its authority remains legitimate. While some may quibble with the “violence” of COVID-19, one can indeed see a parallel, as those with the virus (particularly without masks or vaccines) were seen as enemies who posed an existential threat to their fellow citizens. Prominent public health officials such as Dr. Fauci lamented that people were not afraid enough.<sup>35</sup> Fear of the virus and of fellow citizens was cultivated by the media and public officials in order to ensure ratings and compliance with orders. Public health officials made saving lives the singular goal, ignoring the possibility that what makes life worth living extends beyond the mere survival of our physical bodies.<sup>36</sup>

Two other figures are worth mentioning to enhance our understanding of the response to COVID-19: Francis Bacon and Auguste Comte. Hobbes and Bacon are closely connected both in personal and philosophical dimensions. Hobbes served as Bacon’s secretary and wanted to base his philosophy on scientific, demonstrable principles. While not known for any particular scientific achievement, Bacon was *the* partisan for science in the early modern period.<sup>37</sup> He forcefully argued for the experimental method and thought all true knowledge, including in politics, could be united by it:

It may also be doubted (rather than objected) whether we are speaking of perfecting only Natural Philosophy by our method or also the other sciences, Logic, Ethics and Politics. We certainly mean all that we have said to apply to all of them, and just as common logic, which governs things by means of the syllogism, is applicable not only to the natural sciences but to all the sciences, so also our science, which proceeds by *induction*, covers all.<sup>38</sup>

The new method would be integrated within the educational system and would bring about a foundational shift in society, as it would give man incredible power over nature that previously eluded him.

Bacon’s *New Atlantis* provides a glimpse of what is possible with the new science. Bensalem is a secretive, technological utopia led by the scientists of Solomon’s House. Their

---

<sup>34</sup> *Thomas Hobbes, Leviathan*, I.13.

<sup>35</sup> Atlas, *A Plague Upon Our House*, 186.

<sup>36</sup> Contra Christianity and Platonic-Aristotelean philosophy, the materialistic worldview posits nothing beyond the physical body and thus its preservation becomes paramount.

<sup>37</sup> Paolo Rossi, *Francis Bacon: From Magic to Science* (Chicago: University of Chicago Press, 1968), xiii.

<sup>38</sup> Francis Bacon, *The New Organon (Novum Organum)*, eds. Lisa Jardine and Michael Silverthorne (Cambridge: Cambridge University Press, 2000), 98.

## PIETAS

knowledge has essentially allowed them to conquer nature and its vicissitudes including controlling the weather, significantly prolonging life (death is not mentioned in the myth), and genetic engineering.<sup>39</sup> Preservation of the physical body and material comfort seem to be the decisive values of the society. Scientists decide which inventions to disclose, or not disclose, to the state and the population. Importantly, Bacon does not tell us how those decisions are made or how the scientists gained power in the first place.

Like Bacon, Auguste Comte thought society could, and should, be reorganized on the basis of scientific knowledge. Because he was writing two hundred years later in an industrializing society, he no longer had to argue for the utility of science: it was readily apparent to the average citizen. Isaac Newton had revolutionized physics shortly after Bacon and dozens of scientific advancements followed thereafter. The authority of science had at least in part supplanted the authority of religion. The challenge Comte did face, particularly in the wake of the French revolution, was to reestablish order in a society where the crown and church had been considerably weakened. He rejected the liberal, democratic solution, but saw a return to pre-Revolutionary order as neither desirable nor possible. His solution was to first recast the educational system through the introduction of his Positive philosophy. Like Bacon, he compared ancient and medieval thinkers to children and adolescents, talking a lot, but not delivering tangible results.<sup>40</sup> By positivizing the major branches of knowledge, along the same lines as physics had been by Newton, we would arrive at a social physics. The discovery of laws of human behavior and society would allow for the emergence of a Positive Polity, synthesizing the illusory goals of order and progress.

The intellectual revolution would be supplemented by a spiritual revolution, as Comte realized the decline of Christianity left a spiritual vacuum. The Religion of Humanity was started, with Comte conveniently ready to serve as the Pope. Aldous Huxley's characterization of the religion as "Catholicism minus Christianity" can hardly be improved.<sup>41</sup> The priests of the religion were trained not only to counsel in spiritual matters, but also to heal the body. In the absence of an immortal soul and afterlife, a true servant of Humanity

---

<sup>39</sup> Bacon, *Essays and New Atlantis*, ed. Gordon Haight (New York: Walter Black Publishing, 1942), 292.

<sup>40</sup> Auguste Comte, *Introduction to Positive Philosophy*, ed. Frederick Ferre (Indianapolis, IN: Hackett Publishing, 1998), 4.

<sup>41</sup> Andrew Wernick, *Auguste Comte and the Religion of Humanity* (Cambridge: Cambridge University Press, 2001), 185.

## IN DEFENSE OF CIVILIZATION: SCIENTISM AND THE COVID-19 RESPONSE IN THE U.S.

could live on after death through the contributions he or she had made during life. Uniquely built into the religion was a prohibition of traditional theological or metaphysical questions:

The Positive faith sets forth directly the real *laws* of the different phenomena observable, whether internal or external; i.e., their unvarying relations of succession and resemblance, which enables us to foresee some as a consequence of others. It puts aside, as absolutely beyond our reach and essentially idle, all inquiry into *causes* properly so-called, first or final, of any events whatever. In its theoretical conceptions it always explains the *how*, never the *why*. But when it is pointing out the means of guiding our activity, it on the contrary makes consideration of the end constantly paramount; as the practical result is then certainly due to an intelligent will.<sup>42</sup>

Only questions answerable by the positive method are considered legitimate. Comte makes it clear there is no place for those who continue to ask the wrong questions. They will be eradicated as “all persistence in the theological or metaphysical state” will be “treated as a weakness of brain incapacitating for government.”<sup>43</sup>

Politically, the emphasis was on the good of the collective, identified as Humanity. Humanity included not only those living, but also those from the past and those not yet born. The singular goal for an individual was to contribute to the cause of Humanity. Those who did not contribute to Humanity would be relegated to burial in the wastelands after death. Drawing inspiration from his estranged mentor, Saint Simon, Comte saw individual liberty as an impediment to progress. Once knowledge has been positivized, there would simply be no room left for dissent: “Anybody who does not obey the orders will be treated by the others as a quadruped.”<sup>44</sup>

Unlike science, which is characterized by an openness to reality and invites critical questions and examination, scientism promotes certainty and demands obedience. The latter attitude became all too common among public health officials and policy makers during the height of the pandemic. In the cases of both masks and vaccines, those who asked questions or showed hesitancy were deemed to be “science deniers” and portrayed as enemies of Humanity. The science was far from settled on either question, but the public was presented with the kind of certainty usually reserved for mathematical proofs. On a common-sense

---

<sup>42</sup> Comte, *The Catechism of Positive Religion*, trans. Richard Congreve (3<sup>rd</sup> ed., London: Ballantyne, Hanson and Co. Printing, 1891), 41.

<sup>43</sup> Comte, *The Catechism of Positive Religion*, 25.

<sup>44</sup> Comte, *Introduction to Positive Philosophy*, 20.

level, people understood that masks could not be simultaneously effective and useless at the same time, yet public officials confidently asserted both within a short period of time. Was the science wrong in March or in April of 2020? Likewise with vaccines. Any regular observer of the news was aware of the great skepticism among public health officials about a vaccine being successfully developed in under a year. Yet, as soon as the vaccine was ready to be deployed, the tone shifted and any questions about a rushed development, including safety and efficacy, were derided as being anti-scientific. For some, the switch from anti- to pro-vaccine was as simple as an election result, again demonstrating the ideological, not scientific, character of the debate. Whether one was hesitant about vaccines (a sizeable portion of the population) or adamantly opposed (a much smaller group), they were lumped into a group of science-denying, selfish citizens worthy of our collective scorn and shunning.<sup>45</sup> This disregards the fact the vaccines were approved under emergency authorization, the data from the trials was not shared with the public, and the companies responsible were shielded by the government from potential lawsuits. A reasonable person might want to ask a few questions and weigh the potential benefits and drawbacks before lining up for a vaccine. Being dismissed as a conspiracy theorist is not an appropriate response, particularly when the same line was thrown at those who suggested COVID-19 likely originated from a lab leak, not a nearby wet market. In spite of scientific evidence showing gain of function research was a more plausible explanation than anything occurring naturally given both the time span and the highly contagious nature, public health officials arrogantly dismissed the idea.<sup>46</sup> A scientifically guided response would have been phrased in probabilistic terms and would not have excluded alternative explanations so readily. The impact extends far beyond COVID-19, as the public has now become more skeptical of vaccines in general, many of which have robust scientific evidence supporting their efficacy. As a larger percentage of the population eschews vaccines, including for their children, we are much more likely to see serious outbreaks of diseases that were well under control. In other words, scientism has undermined science and is imperiling the political order.

The prohibition of questions was consistently implemented from the origins of the virus to the efficacy of masks and vaccines. This was operationalized through informal methods

---

<sup>45</sup> “[American COVID-19 Vaccine Poll](#),” *2021 African American Research Collaborative*: 31 percent of men and 43 percent of women fit into the “hesitancy” category.

<sup>46</sup> Cooper and Navarro-Genie, *COVID-19: The Politics of a Pandemic Moral Panic*, 8-9, 12-13.

## IN DEFENSE OF CIVILIZATION: SCIENTISM AND THE COVID-19 RESPONSE IN THE U.S.

such as shunning to more formal measures like social media bans and censorship.<sup>47</sup> The rationale for the banning of questions involved invoking science as authority and conflating the official uttering the directives with science itself.<sup>48</sup> The materialistic worldview was apparent through the consistent, singular focus on saving lives from the virus, as if not dying from a particular virus was the pinnacle of existence. It was also evident through things like restrictions on church gatherings at the same time “essential businesses” like McDonald’s and liquor and tobacco stores remained opened.

Some have seemingly taken the approach of selective amnesia to move past the negative impacts of the last several years. Apologies from public health officials, or mere acknowledgement of being wrong, have not been forthcoming and some even seem to think they did a fine job. In other words, there is a lack of acknowledgment that a problem even exists. However, if we are to rely on the science, meaning actual evidence, we will see that society is doing worse on a host of measures since the onset of the pandemic. Barring an unforeseen medical breakthrough, COVID-19 will be around for decades to come, and while mask mandates have been reintroduced in select locations for subsequent outbreaks, a repeat of widespread lockdowns due to COVID-19 is unlikely.<sup>49</sup> However, with the same officials in power and seemingly little, if any, lessons learned, citizens should be seriously concerned about what will happen during future crises. As bad as things were, we were fortunate that COVID-19 proved to be relatively insignificant for the vast majority of those who got it and that natural immunity from infection proved to be fairly robust. The rapid development of vaccines undoubtedly saved many lives as well. The United States, and the world, are likely to face greater challenges in the near future, particularly in the form of astonishing advances in Artificial Intelligence and the impacts of Climate Change. It is also not difficult to imagine the deliberate weaponization of a virus given the vulnerabilities demonstrated during the COVID-19 crisis.

---

<sup>47</sup> Mark Zuckerberg recently admitted that Meta (Facebook) censored COVID-19 content that questioned, or ridiculed, the government’s response; see Gnaneshwar Rajan and Nandita Bose, “[Zuckerberg says Biden administration pressured Meta to censor COVID-19 content](#),” *Reuters*, August 27, 2024.

<sup>48</sup> In response to criticisms, Dr. Fauci said the following: “If you are trying to get at me as a public health official and a scientist, you’re really attacking not only Dr. Anthony Fauci, you’re attacking science”; Robby Soave, “[Anthony Fauci Says His Critics Are Attacking Science Itself](#),” *Reason*, June 9, 2021.

<sup>49</sup> Kramer, “Dillard University orders masking as COVID cases rise in Louisiana.”

### CURE OR PALLIATIVE CARE?

What should we make of these challenges in light of what we just experienced with COVID-19? Unfortunately, Eric Voegelin's characterization of scientism, made over 75 years ago, still holds true today:

The damage of scientism is done.... The insane have succeeded in locking the sane in the asylum. From this asylum no physical escape is possible. As a consequence of the interlocking science and social power, the political tentacles of scientific civilization reach into every nook and corner of an industrialized society, and with increasing effectiveness stretch over the whole globe.... What is left is hope—but hope should not obscure the realistic insight that we who are living today shall never experience freedom of spirit in society.<sup>50</sup>

The disease of scientism has metastasized within the United States over the last century, spreading well beyond social science departments to society at large. Liberalism has proven no match for scientism and in some ways has proven to be an ally. The response to COVID-19 was rooted in fear, with the goal seemingly being mere survival. In most cases, state and local governments found a compliant citizenry ready to take orders, in large part due to fear, but also because of the lack of goals beyond material wealth and physical health. Religion seems to be in no position to counter it, with a consistent decline in church attendance and belief in God.<sup>51</sup> The education system was long ago transformed by it. What's left is resistance at the individual level. Little enclaves of sanity can be created within households, communities, and perhaps even local and state governments.<sup>52</sup> Elected officials should not abdicate responsibility during times of crisis. Experts such as epidemiologists, climatologists, and computer scientists are not elected and often have relatively narrow expertise, with very little knowledge of politics. While they can provide useful information and insight into particular issues, they should not make decisions about what policies to ultimately pursue. In times of uncertainty, prudential judgment, guided by common sense experience, should be paramount in policy decisions. A remarkable feature of COVID-19 was the uniformity of policy responses. Out of fear, ignorance, or perhaps incompetence, too many "leaders" were happy to simply follow what others were doing or what the CDC recommended, often

---

<sup>50</sup> Voegelin, "The Origins of Scientism," *Social Research* 15, no. 4 (December 1948): 494.

<sup>51</sup> Jeffrey M. Jones, "Belief in God in U.S. Dips to 81%, a New Low," *Gallup*, June 17, 2022.

<sup>52</sup> The Eric Voegelin Society serves as one such example. For 40 years, it has sustained such a community.



## IN DEFENSE OF CIVILIZATION: SCIENTISM AND THE COVID-19 RESPONSE IN THE U.S.

without citing scientific evidence and almost always without a broader perspective of policy implications. Even worse, instead of respecting and encouraging others to use their best judgment and devise alternative solutions, those who stepped outside of the typical response guidance were often ridiculed and demonized, both by the media and other public officials.<sup>53</sup> This kind of approach simply will not work with challenges such as A.I. and climate change.

Elected officials should certainly not ignore advice from public health experts, climatologists, computer engineers, or other experts relevant to the issue in question, but must weigh it against other priorities in society. They also should expect to receive evidence for the policy prescriptions they receive from others. Public officials should be forthcoming in what they do, and do not know, in times of crises. Clearly communicating that knowledge, or lack thereof, to the public should be of paramount importance. The media has an obligation to facilitate that communication, although it would be foolish to rely exclusively on them to do so. Direct communication is preferable, but only when there is something to actually say. For example, giving daily reports on COVID-19 hospitalizations and cases was not only unhelpful, but counterproductive, especially since no other data or context was included to demonstrate the impact of the lockdown policies. An honest assessment would have included not just how many were dying from COVID-19 but also how many businesses had closed, crime rates, and the host of other impacts previously documented. To convince the public to take a vaccine, it would be prudent to start by reminding them of the overwhelmingly positive impact vaccines have had on society since their inception (polio would be a good choice for an example). However, just as importantly, it should be communicated that all vaccines have side effects, some known and others not. Likewise, with new vaccines, it is important to emphasize the lack of long-term data on both side effects and efficacy. Had this approach been taken, we might not have descended into the unprecedented levels of distrust in each other and our government.<sup>54</sup> That lack of trust, along with the negative feelings accompanying it, make successful navigation of future crises even more unlikely. As Voegelin warned, the temptation to fall from uncertain truth to certain untruth is particularly alluring in modernity, so any solution must encompass a sense of

---

<sup>53</sup> At the state level, this was no more evident than in Florida when Governor Ron DeSantis reopened schools in the fall of 2020, while all other states maintained limits on in-person instruction. Florida was seemingly held to different standards in media reports from then on.

<sup>54</sup> “[Public Trust in Government: 1958-2024](#),” *Pew Research Center*, June 24, 2024.

## PIETAS

humility and an acknowledgement of the unknowns.<sup>55</sup> Philosophy and science both have truth as their goals, but it is important to remember human knowledge is always provisional and subject to error. Likewise, there is more to life than simply surviving.

---

<sup>55</sup> Voegelin, *Science, Politics, and Gnosticism*, 83.

## Up from Populism

Ethan Alexander-Davey

Review: *Regime Change: Toward a Postliberal Future*, by Patrick J. Deneen. Sentinel, 2023. Pp. xvi/169. Hardcover, \$30.00.

Patrick Deneen's central assertion is that the Western world today is dominated by a ruling class committed to individual autonomy, creative destruction, cosmopolitanism, and constant change: he calls this the laptop class, and says it benefits from this order, while the working class suffers. The laptop elite, he affirms, must be replaced by one that promotes continuity and tradition, stability and security in economic, family and community life, so that ordinary people will be better able to flourish.

Broadly, I agree with the assessment and the goal. What is more, Deneen is to be credited for presenting a conception of the "mixed regime" that is truer to the original, and, at least potentially, more suitable to present needs. As I have noted elsewhere, in several monographs published before the political earthquakes of the 2016–Brexit and the election of Donald Trump—American political theorists attempt to apply the insights of Machiavelli, John Adams and others for the management of the perennial conflict between the "few and the many."<sup>1</sup> These applications of the theory are decidedly populist. The authors focus on the cultivation of a mentality, and the construction of institutions and political strategies, that can empower the people and restrain elites. This concern with providing more protection for the oppressed many against the rapacious few is, without question, an essential component of the theory of the mixed regime, but the populist emphasis elides the overriding interest in classical formulations of the theory in the cultivation and maintenance of a virtuous elite capable of acting as patrons and guardians of the people in order to bring out their best qualities. Although Deneen is still, at his core, a populist, he engages extensively

---

<sup>1</sup> See introduction to my *Aristocratic Souls in Democratic Times*, ed. Richard Avramenko and Ethan Alexander-Davey (Lanham, MD: Lexington Books, 2018); John P. McCormick, *Machiavellian Democracy* (New York: Cambridge University Press, 2011); Luke Mayhew, *John Adams and the Fear of American Oligarchy* (Princeton, NJ: Princeton University Press, 2016); Jeffrey Green, *The Shadow of Unfairness: A Plebeian Theory of Liberal Democracy* (Oxford: Oxford University Press, 2016).

with the aristocratic elements of the theory, and in doing so, moves the conversation in the right direction.

That said, I think his analysis is still too populist. By this, I mean he overestimates both the power and the virtue of what he calls the working class. In the first place, I'm not sure we should even say "working class." We should use a more inclusive term—let's say "plebeian"—because, after all, a lot of them don't work. According to economist Nicholas Eberstadt, there are seven million prime age men who sit at home all day playing video games and watching porn.<sup>2</sup> Like Deneen, I wouldn't blame these men for doing this. I would blame our progressive rulers for creating a culture that devalues the work men do and an economic and social benefits system that makes such a lifestyle possible.

Deneen's populism can also be seen in his claim that culture and tradition are bottom-up phenomena. He makes this assertion so that he can portray traditionalism as democratic, and progressivism as elitist, top down. This is misleading. As sympathetic as I am to the organic theory of the development of institutions, I think we have to acknowledge that the customs of the pre-modern world were based on the consensus not of the plebs, but of different elites: bishops, nobles, judges, guild-masters and the like. Traditional modes of life might indeed be more conducive to the flourishing of ordinary people, but that doesn't mean that a majority of the people ever consented to them. The people don't meaningfully consent to anything now, either. When Christianity was introduced to Europe, the missionaries first converted the kings and nobles, and then the new religion descended to the common people. Culture is generally more of a top-down phenomenon than Deneen is willing to admit.

In the same vein, Deneen tends to democratize classical conservative thinkers like Edmund Burke. It's true as he says that classical liberals like the Abbé Sieyès, or J.S. Mill were elitist. They either didn't want ordinary people to vote, or they wanted the elites to be able to outvote commoners. But Burke, defender of tradition that he was, didn't want the working class to vote, either. He thought the defense of culture was the responsibility of the natural aristocracy, which included the clergy, the titled nobility, and untitled gentlemen. If the natural aristocracy abandoned this duty, Burke would not have had any hope that the working class would be able to pressure elites into resuming their duty.

---

<sup>2</sup> Nicholas Eberstadt, *Men without Work: Post-Pandemic Edition* (West Conshohocken, PA: Templeton Press, 2022).

## UP FROM POPULISM: A REVIEW OF *REGIME CHANGE*

Deneen also assumes twenty-first century plebeians are more conservative than they actually are. His image of the socially conservative working-class man who wants elites to defend tradition appears to be taken from Disraeli's novel *Sybil*. I do not discount that there might be a significant number of plebeians today who fit this description. But a recent story points to a different conclusion. There was a working-class British woman, a supporter of Boris Johnson, who is reported to have said this: "We like Boris Johnson. He's one of us. He had such a bad row with his mistress once that the police came to his house." Twenty-first century plebeians like leaders who resemble themselves. This also explains a lot of Trump's appeal to lower-class people in America.

Today's plebeians may be more socially conservative than elites in some respects, but probably not when it comes to matters pertaining to their personal freedom. Would they support proposals to curtail abortion and, say, eliminate no-fault divorce? Deneen cites the findings of Charles Murray in *Coming Apart* that show that upper class Americans, at least in their behavior, appear to be more conservative than the working class—lower divorce rates, higher church attendance, &c.<sup>3</sup> So it seems unlikely to me that today's plebeians can inspire or intimidate their progressive overlords into behaving like a proper ruling class. Deneen also lauds the "popular wisdom" of the lower class. There once was, without doubt, such a thing as "popular wisdom," which is to say plebeian or folk wisdom. Under their lord and priest, peasants developed distinctive folk cultures and accumulated treasuries of folk wisdom. Under the influence of urban oligarchs and clerics, early modern city dwellers also developed distinctive cultures. By twenty-first century standards, this folk wisdom and these folk practices were extremely conservative. But where is any of this now? The communities of the Western world have been continually swamped by mass entertainment and mass opinion which becomes more idiotic with each generation. The old folk wisdom and folk culture have been mostly purged out of them and replaced by mass opinion and mass culture. Murray's social statistics for Fishtown show us the consequences of this brainwashing together with new social welfare policies that also undermined discipline.

The assumption of classical political theory from the Greeks and Romans right up until the twentieth century was that the ruling class would have to perform its tutelary duty to impose discipline, first on itself—for those who cannot rule themselves cannot rule others—

---

<sup>3</sup> Charles Murray, *Coming Apart: The State of White America, 1960-2010* (New York: Crown Forum, 2012).

## PIETAS

and then on the lower orders. Cicero says statesmen have two essential tasks: *ratio civilis et disciplina populorum*, rule of the state and the training of peoples. Medieval Christian rulers adopted the same view. The capitularies of the Carolingian kings address not only the defense of the realm but also the moral condition of the people: counts, prefects, bishops and priests are charged with rooting out pagan habits, such as polygamy.<sup>4</sup> The Anglo-Saxon Archbishop Wulfstan calls kings, bishops, nobles, generals, reeves and judges theodwitan, counsellors of the people, who set a good example by their just dealings and good works, but are also bound to curb sin among the people.<sup>5</sup> Joseph de Maistre says this: “It belongs to prelates, to noblemen, to great officers of the state to be the depositories and guardians of saving truths, to teach peoples what is good and what is bad, what is true and what is false in the moral and spiritual orders.”<sup>6</sup> Social and cultural discipline is top down, and though it may be what is best for the people, the people won’t necessarily ask for it, or even acquiesce to it without resistance. Thomas Carlyle, observing the millions of men in nineteenth century England made redundant by laissez faire economics, corrupted by idleness and poverty, and in need of a reforming discipline to which they would never consent, declared that “command must be taken” of them, and that they be inducted into “industrial regiments.”<sup>7</sup> Without endorsing compulsory labor for the dislocated, disaffected and addicted, we must at least be prepared to acknowledge that, to be able to address the “Social Gangrene”<sup>8</sup> of the twenty-first century, the new elite will have to be made of much sterner stuff than Deneen’s analysis would suggest.

Deneen is right to underline the gross hypocrisy of the current rulers. They pay lip service to egalitarian dogmas to evade responsibility. But it is far worse than that: They sew mass confusion with the propagation of their absurd luxury beliefs. They preside over an entertainment industry that corrupts and distracts the people; they promote criminal justice and social policy reforms that only lead to more crime and social disorder. When I consider these aspects of twenty-first century mass democracy, especially the aggressively weird, triumphantly transgressive content of mainstream entertainment and higher education, and

---

<sup>4</sup> Janet Nelson, *King and Emperor: A New Life of Charlemagne* (Oakland, CA: University of California Press, 2019).

<sup>5</sup> Wulfstan, *Old English Legal Writings* (Cambridge, MA: Harvard University Press, 2020), 67.

<sup>6</sup> Joseph de Maistre, *St Petersburg Dialogues* (Montreal & Kingston: McGill-Queen’s University Press, 1993), 260.

<sup>7</sup> Thomas Carlyle, *Latter-Day Pamphlets* (London: Chapman and Hall, Limited, 1907), 43.

<sup>8</sup> Carlyle, *Past and Present* (Berkeley, CA: University of California Press, 2005), 140.

## UP FROM POPULISM: A REVIEW OF *REGIME CHANGE*

the relaxation of social discipline and law, I am reminded of the political strategy employed by tyrants in the ancient world:

A tyrant pursues eminent and just men with hatred, and holds them in suspicion; he exercises all his artifice to ensure that such men do not survive, because he does not consider himself safe until he has corrupted the habits of all and has instituted eating houses, inns of ill repute, brothels, and gaming houses, as Cyrus did in subduing the inhabitants of Sardis.<sup>9</sup>

Bandits, murderers, thieves, poisoners, possibly magicians, and other infections of the human race, which—as we read everywhere—tyrants created, and which we have even seen them creating, are coddled by ... ludicrous clemency ... He who received a sword from the law in order to punish wickedness, would arm that wickedness against the law; in short, he would bring within the fold the wolves he ought to indict.<sup>10</sup>

Could we accuse the regime of attempting to cultivate the very sort of character Plato blamed the Athenian poets for promoting: ἀγανακτητικός τε και ποικίλος ἦθος—an irritable and variable character?<sup>11</sup> We could update these adjectives for the twenty-first century, substituting “anxious” for “irritable” and “fluid,” a term much favored by postmodern philosophers, for “variable.” Persons plagued by anxiety and confusion, who think they can swap their race or gender like they swap hats, would surely be easier to manipulate and dominate than the virtuous characters promoted by classical and Christian writers. However, I do not allege a conscious strategy. Much more likely, it is that our rulers, ill-educated from the first, are ignorant and tasteless fools who know not what they do. If there is any conscious motive at all, it is probably the carelessly held belief, which, as Philip Rieff tells us, has become pervasive after Freud, that traditional religion and culture are oppressive, and that emancipation from their strictures will bring happiness.<sup>12</sup> In any event, our 21st century rulers are unwilling to use their power in ways that would restrain, instruct and reform the people for their benefit. It does not even occur to them that, since they are the upper class, such a duty is incumbent upon them. We need a new elite that is not afraid to impose discipline, to

---

<sup>9</sup> Stephanus Junius Brutus, *Vindiciae Contra Tyrannos*, ed. George Garnett (Cambridge: Cambridge University Press, 2003), 144.

<sup>10</sup> Brutus, *Vindiciae Contra Tyrannos*, 105.

<sup>11</sup> Plato, *Republic*, 605a. ποικίλος is, I think, almost never rendered correctly. It can mean multifaceted or complicated. But its more figurative meaning, changeful, variable, like the passions of the mob, seems more appropriate in the context in which it is used, in contradistinction to the “steady and serene” character of the gentleman. (φρόνιμος και ἡσύχιος).

<sup>12</sup> See *The Philosophy of Philip Rieff: Cultural Conflict, Religion and the Self*, eds. William Batchelder IV and Michael Harding (New York: NY, Bloomsbury Publishing, Inc., 2025).

## PIETAS

use power to promote virtue. By framing traditionalism as bottom up and democratic, I think Deneen conceals this reality.

Another major disagreement I have with Deneen has to do with his discussion of different conceptions of the mixed regime. He expresses a preference for blending the different classes of society to create something more homogeneous, rather than balancing heterogeneous classes against each other. He takes the idea of blending from Aristotle's descriptions of mixed regimes in the *Politics*, the various forms of polity which combine aspects of oligarchy and democracy, and especially that regime which anti-Federalist Melancton Smith admired, which had a middle class large enough to moderate the extremes of rich and poor, and give stability and cohesion to the state. He suggests that the United States in the 1950s had such a regime, in which there was more mutual sympathy between the upper and lower classes, because all shared more or less the same religious and patriotic values, and many of the same cultural tastes. Once again, I think Deneen deserves credit for posing the right question: what sort of mixed regime do we need, blended or balanced? I would like to read a longer, more detailed and historically grounded version of the argument in favor of the blended regime. However, for the following reasons, I favor the alternative conception. First, although I completely agree with Deneen that in our modern anti-culture the ideas of expressive individualism, creative destruction, constant change are hegemonic, that they pervade the entire culture and are wreaking havoc, it seems to me, nevertheless, that it is neither possible nor desirable to replace this pervasively individualistic and disintegrating anti-culture with a pervasively tradition-bound culture. I was waiting for him to qualify his call for integration in some way, but he does not. In the nineteenth century several European conservative thinkers observing the rise of a dynamic commercial class sought ways to balance this dynamism against the stability of traditional classes like the nobility, the clergy and the peasantry.<sup>13</sup> Ultimately, this balancing failed: the traditionalist classes were all swept away in the twentieth century. In any case, it's hard not to acknowledge that there are sectors of the economy that depend on creative destruction and constant change—especially the tech industry—and that the increased wealth of the modern era depends a great deal on this. As much as I hate technology, we can't expect to survive without it in what is shaping up

---

<sup>13</sup> See Ethan Alexander-Davey, "W.H. Riehl's Cure for Modernity: A Defense of National, Regional, and Social Differentiation," in *Aristocratic Voices: Forgotten Arguments about Virtue, Authority and Inequality*, eds. Avramenko and Alexander-Davey (Lanham, MD: Lexington Books, 2024).



## UP FROM POPULISM: A REVIEW OF *REGIME CHANGE*

to be a very dangerous century. Unquestionably there are many scientific-technical industries which require not only creative destruction and rapid change but also extraordinary concentrations of personnel and equipment and unrestrained access to global talent and supplies. There must be space for these people and these industries. But, on the other hand, there are many spheres of activity, economic, social and cultural, that do not have to be organized in this way. I know very little about it, but what's called regenerative agriculture strikes me as a mode of production consistent with the values of stability and continuity—a field in which ancestral knowledge matters. Also, in the field of cultural production generally, while centralization, globalization and creative destruction produce only rubbish, good culture is particular; it arises out of specific contexts, relies on references to an established tradition.

So it seems to me what is needed is different groups and different elites representing different interests and different ways of life, some based on constant adaptation and others stable and traditional. This would be very different from the situation we have now, where all of the elites are progressive change-mongers. Right now, there aren't any genuinely conservative classes, or, at least, not any that have power. And the dynamic classes that we have require a lot more restraint. Perhaps we need to look more at the nineteenth century in particular, where economic dynamism was combined with social and cultural conservatism. It was an uneasy balance, and yes, the conservative forces were ultimately extirpated, but there may still be lessons there for a twenty-first century project of balancing social forces. Can we have economic liberty for all things that are morally inoffensive but restore what J.S. Mill dismissively called the “despotism of custom” to govern how people express and conduct themselves? That's one way of describing the conditions of the nineteenth century.

Second, if, as I assert, a powerful traditionalist elite is needed to balance a dangerous, but indispensable class of innovators, I very much doubt that anything like the bourgeois-industrial elite of the 1950s would be up to this task. As Sir Peregrine Worsthorne has observed, this was the same elite that, in the 1960s, allowed the Bohemian radicals to hijack the culture and the institutions without a struggle.<sup>11</sup> Middle class virtues, I submit, are not sufficient to sustain civilization. Millionaire and billionaire entrepreneurs are middle-class

---

<sup>11</sup> “Debate on the 1960s,” *C-SPAN*, October 15, 1993.

## PIETAS

people suffering from gigantism: they are orders of magnitude larger, but in their characters and proportions they are the same as other commoners—such men are too small-souled to be at the top of the social pyramid. Their greatest projects lack beauty and grandeur. The Bohemians of the 1960s were perhaps right to call this overly pragmatic, unimaginative class “squares.” Granted, the rule of the squares was far preferable to what came after. If the unalloyed middle-class spirit points to something like Howard Johnson’s, the instinctually transgressive artistic impulses of the Bourgeois Bohemians lead inexorably to the marijuana ranch and the BDSM club.<sup>15</sup> It was only under the rule of the pre-modern elites, the clergy and nobility, that the creative impulse was grounded in religion and respect for difference and tradition. This accounts for the differences between pre-modern, modern, and postmodern culture. There is no substitute for ruling classes who understand soulcraft and statecraft as their primary duties. Such classes, in their character, disposition and taste of necessity stand at some distance from the people. Sadly, I cannot imagine what the economic basis of such classes would be in modern times. Hereditary estates and benefices of old were not only a source of power; they also forced the holders of the privileges to see their own interests as being inseparable from the interests of the place and its people. All elites now are like absentee landlords. They view their dominions from 30,000 feet as they jet about the globe. Somehow, some portion of the economic elite must be rendered immobile again: a sort of serfdom for the intelligent and the powerful.

How would a reconstituted traditionalist elite balance the innovators? Both classes, to avoid conflict, would have to agree to observe the old Platonic principle of justice: that of minding one’s own business. I will cite Joseph de Maistre again: He describes the eighteenth-century philosophers who inspired the French Revolution as being plagued by a “fierce and rebellious pride” which made them rage against all authority. This is why they attacked the Church, even God himself. His advice for them was, let them amuse themselves with the natural sciences as much as they like, but they should not be allowed to reason publicly about religion or politics. So let people in Silicon Valley produce new tech to their heart’s content, but it is not their place to try to influence the broader culture. We might demand that the lords of Silicon Valley, as compensation for our allowing them to earn billions, should live

---

<sup>15</sup> David Brooks, *The Paradise Suite: Bobos in Paradise and On Paradise Drive* (New York: Simon and Schuster, 2011), 190.

## UP FROM POPULISM: A REVIEW OF *REGIME CHANGE*

out their lives as if we had required them to keep a piece of duct tape over their mouths. The lords of the financial industry, whose value to society is far more doubtful, must also be taught to tread more carefully. But for the agreement to be enforced, the traditionalist portion of the elite would have to share some of the qualities of the old nobility. The common people, Deneen rightly observes, are grounded in the reality of physical things and face to face interactions, owing to their daily labor in the trades, while the laptop class inhabit imaginary worlds untouched by these concerns. Commoners do not have the power to give their social superiors a reality check. The old nobility, however, was very much grounded in physical reality, and so could understand physical needs and suffering. It was first a warrior elite who risked life and limb for tribe and nation: heads of state together with their chief men from Charlemagne to George Washington personally led armies into battle. Such men learned how to suffer and obey before they could command others. As C.S. Lewis has argued, the ideal of chivalry is captured in Sir Ector's address to the dead Launcelot in *Morte d'Arthur*: "Thou wert the meekest man that ever ate in hall among ladies; and thou wert the sternest knight to thy mortal foe that ever put spear in the rest."<sup>16</sup> It is an indispensable type of man in any age, who exhibits a deadly ferocity against powerful foes of the people, but in peaceful settings is a model of gentle manners. The military once drew into itself the best men, and endeavored to shape them into warrior-gentlemen of this type. It was not chiefly an economic opportunity program for plebeians as it is now. A martial elite is possible in modern conditions. Strong and severe enough to put the fear of God in financial and tech wizards, its lust for glory, to which all warrior classes are prone, must be tempered as it once was, by Christian asceticism and knowledge, from study and experience of the limits of physical force and the horrific destructiveness of modern warfare.

I will also comment on some of Deneen's specific policy proposals. Naturally, I support restoring blue laws, and Sunday closing laws in whatever form the Courts would allow. Over time, the Courts might even be pressured to revisit some of their rulings on these questions. But this does not go far enough in combatting the "anti-culture" that Deneen rightly denounces. Some time ago at a regional airport, I found myself standing next to two young women whose conversation was punctuated every minute or so, as if on cue, by a rendition of some horrid pop ditty, accompanied by the sort of bodily gyrations one would expect.

---

<sup>16</sup> C.S. Lewis, "The Necessity of Chivalry" in *Present Concerns: Journalistic Essays* (New York: HarperOne, 2017), 1.

## PIETAS

These responses appeared Pavlovian. A single word would come up in the girls' conversation, and each of these words was associated with one or another pop song burned into their memory. Once the word was spoken, the rendition of the ditty, or a certain part of it, then followed as if by compulsion. I was reminded of the "Orgy-Porgy" organized by the state in Huxley's *Brave New World*. But the influence of the privately owned global music industry, more subtle, but no less powerful, strikes me as far worse. The population today might be more thoroughly programmed than it ever has been in history.

Deneen's proposal to bring back trustbusting seems to me the only expedient drastic enough to address this problem. I don't know that it is actually possible to revive this practice, but if it were, I would commence the trustbusting campaign with the six biggest media and entertainment conglomerates: Comcast, Walt Disney, AT&T, Paramount, Sony and Fox. Break them all up into small enough pieces, so that the pieces can then be flushed down the toilet or drowned in the bathtub—or whatever it is Grover Norquist said he wanted to do to the government. I would argue that the entertainment industry is the most powerful force in modern society—it is the thing that, more than anything else, maintains the global anti-culture. If we want to make space for a more traditionalist alternative to arise, and to arise organically, in different regions, such that no city or cities would have a near monopoly on cultural production, the mass media will first need to be wiped out. Either the mass media needs to be wiped out, after which serious efforts would be needed to fill the vacuum, or the mass media must to be taken over. I would prefer the first option because I would like to see a more decentralized and organic form of cultural production. But I would settle for the second option if we can't have the first, admitting that both are highly improbable.

There is another matter related to this point. Deneen has a chapter that contrasts the expertise of the credentialed with the wisdom of commoners. The upshot of the chapter seems to be that the experts have too much influence, and commoners, with their common sense, have too little. This may be a fair assessment, though I have already expressed my doubt about how much of the old common wisdom remains in the population. In any event we still have to deal with the realities of power. The administrative state is a fact. The think tanks and the "quangos," quasi-autonomous non-governmental organizations, as they're called in Britain, are facts. They're full of credentialed experts and they make and enforce the policies. Dispersing the departments of the federal bureaucracy throughout the country

## UP FROM POPULISM: A REVIEW OF *REGIME CHANGE*

will not change this. Either we wipe out the administrative state and the quangos and hope a more balanced set of institutions emerges to replace them, or we have to take over the existing institutions. In either case, there is no doing away with the power of credentialed experts. Nor will the current experts be moderated by adding *tribuni plebis* to their various councils. What is needed is a Philip Rieff School of Sociology, a Thomas Sowell School of Economics and Social Policy, a Wendell Berry School of Agriculture &c. &c. to create conservative experts to fill the places of all progressives who will have been sacked.

Of course, all of these things are unspeakably difficult: busting up the media corporations and destroying or taking over powerful government and non-government institutions. But this is the only way that a culture can be changed. Revolutions are not bottom up. They are top down. David Brooks in his book *Bobos in Paradise* describes how the old WASP elite in the US was replaced by his Bourgeois Bohemians. The rising elite resented the power of the established rulers and replaced them at the top educational institutions and then in business and government. This new elite was self-motivated. It did not represent anyone but itself. A new conservative elite will have to go through the same process. It will be composed of talented and ambitious people who are disgusted by the current elites and want to replace them.

On this matter, there is one thing that gives me some hope. Assuming it is possible either to capture existing educational institutions or build new ones, I have no doubt that a more conservative curriculum would be appealing to many talented and ambitious young people. If you read Brooks's *Bobos*, you get the sense that the current progressive elite is full of self-loathing—and rightly so!—for their high status is entirely at odds with their slave morality-inspired ideology. This must be an extremely dissatisfying way to live. When I teach Aristotle's *Ethics*, I always spend a lot of time on the descriptions of the Great-Souled and the Munificent man. I've had at least a few top students say that the great souled man is "cool," or "a boss" and something they would like to become themselves. These are the sort of men we need for the elite of the future: those who are able to enjoy the distinction and honor of high status, to take pride in their cultural heritage, and also to recognize that with privilege comes duty—this is the true meaning of noblesse oblige—and here I think Deneen is also right to emphasize that Christianity completes the ancient conception of nobility—it is a duty to help the less fortunate not only materially but also to raise them up spiritually and

## PIETAS

culturally. Ours is not an age of kings and saints, but the new elite must recover something of that medieval Christian spirit in which honor and sacrifice were the highest ideals, for instance, in the life of St. Oswald of Northumbria, who “kept his kingdom with worldly glory and with great faith, and in all deeds he honored his Lord, until he was killed in the defense of his people...”<sup>17</sup>

Ethan Alexander-Davey

*Ethan Alexander-Davey is Associate Professor of Political Science at Campbell University.*

---

<sup>17</sup> Aelfric, *Old English Lives of Saints*, vol. III, ed. and trans. Mary Clayton and Juliet Mullins (Cambridge, MA: Harvard University Press, 2019), 13.

# Patrick Deneen’s “Unsustainable Liberalism” is Unsustainable If What Actually Happened Matters

Tiffany Miller, University of Dallas

Remarks prepared for the 2024 Ciceronian Society Conference, revised for publication summer 2024.

The purpose of this panel is to discuss Patrick Deneen’s recently published book, *Regime Change*. *Regime Change* is the follow-up book to Deneen’s 2018 book, *Why Liberalism Failed*. *Regime Change* contains the more elaborate treatment Dr. Deneen prescribes for the American body politic as diagnosed in *Why Liberalism Failed*. Of course, in order to assess how sound a course of treatment is, one must first know whether the ailment has been accurately diagnosed. As anyone who has ever received an erroneous medical judgment knows, treatment of a mis-diagnosed condition will not only fail to solve the real problem but can actually make it *worse*. So, I am going to focus my remarks on Deneen’s diagnosis of what ails our body politic and why that diagnosis is unsustainable.

## **DR. DENEEN’S DIAGNOSIS OF WHAT AILS U.S.**

Deneen’s 2018 book, *Why Liberalism Failed*, was the outgrowth of his widely read 2012 *First Things*’ article entitled “Unsustainable Liberalism: Liberalism’s Contradictions are Unsustainable and We Must See Man and Nature Anew.”<sup>1</sup> In Deneen’s view, America’s problems are rooted in the political theory (or theories really) that he conglomerates together under the name of “liberalism.”

In Deneen’s telling, liberalism, as a political project, has its origins in political theory. Specifically, it represented a “revolution” in political theory initiated by certain “proto-liberals,” like Thomas Hobbes, and “liberals,” especially John Locke. This revolution was based on two novel assumptions about human nature. Deneen describes the first assumption as “anthropological *individualism* and the voluntarist conception of choice.” By this he means that human beings are conceived as being “radically separate” or “non-relational

---

<sup>1</sup> All quotes are from Patrick J. Deneen, “Unsustainable Liberalism: Liberalism’s Contradictions are Unsustainable and We Must See Man and Nature Anew,” *First Things* (August 2012).

## PIETAS

creatures.” By nature, man is neither social nor, as Aristotle would have it, political, but, rather, *independent*. The political community thus does not exist by nature, and its authority is not inherent in the community. Rather, it is derived from “the idea of voluntarism—from the free unfettered, and autonomous choice of individuals.” Or, as the Declaration of Independence puts it, “governments are instituted among men deriving their just powers from the consent of the governed.”

Liberalism’s second novel assumption is that it conceives of human nature “in separation from and opposition to nature.” Here too, Deneen contends, we see how liberalism departs from “premodern political thought—ancient and medieval, particularly that informed by an Aristotelian understanding of natural science.” In the pre-liberal understanding:

Man was understood to have a telos, a fixed end, given by nature and unalterable. Human nature was continuous with the order of the natural world, and so humanity was required to conform both to its own nature as well as, in a broader sense, to the natural order of which human beings were a part.

Liberalism, however, abandoned this high view of human nature, albeit in two distinct steps or waves. The first wave, initiated by “proto-liberals” Francis Bacon and Hobbes, cut man off from his telos, thereby abandoning concern for human excellence or virtue, but retained the idea that human nature was not infinitely malleable. The first wave thus held that “human beings were, by nature, self-interested creatures whose base impulses could be harnessed but not fundamentally altered.” The second wave, in turn, was effected by thinkers ranging from “Rousseau to Marx, from Mill to Dewey, and from Richard Rorty to contemporary ‘transhumanists.’” This wave, Deneen claims, completed the departure from nature, and thus Aristotle, by denying that human nature *is in any way fixed*. In the hands of the second wave, then, nature ceases to impose any kind of limit or constraint on man’s freedom or ability to re-mold himself.

On the level of political theory, then, liberalism is not a static set of principles, exactly, but a movement among various theorists toward an increasingly unlimited conception of human freedom. Liberalism is thus a *liberatory* model of politics.

In Deneen’s diagnosis, moreover, this movement of liberalism on the level of high theory animated a political project in the United States that has developed over time *dialectically*. Curiously, his description of this movement mimics Karl Marx’s description of



## PATRICK DENEEN'S "UNSUSTAINABLE LIBERALISM" IS UNSUSTAINABLE

the development of capitalism. Capitalism, Marx and Engels famously contend, contains the seeds of its own destruction. In its insatiable lust for profits, the ruling capitalist class will "inevitably" squeeze the workers upon whom it depends so severely they will rise up and abolish the capitalist mode of production and exchange:

The development of Modern Industry cuts from under its feet the very foundation on which the bourgeoisie produces and appropriates products. What the bourgeoisie, therefore, produces, above all, is its own grave-diggers. Its fall and the victory of the proletariat are equally inevitable.<sup>2</sup>

For Marx and Engels, because this "contradiction" inheres within the capitalist mode of production and exchange, the only way to rectify its problems is to rip it out by its structural roots. Revolution, not reform, is the only remedy.

Of course, the capitalist world's failure to self-immolate has long bedeviled Marxist theorists. Nevertheless, Deneen claims that liberalism likewise contains the seeds of its own destruction. The "very apparent strengths" of liberalism

rest upon a large number of pre-, non-, and even antiliberal institutions and resources that it has not replenished and in recent years has actively sought to undermine. This 'drawing down' on its preliberal inheritance is not contingent or accident but in fact an inherent feature of liberalism.

Thus, the liberal experiment contradicts itself, and a liberal society will inevitably become "postliberal."

Liberal man's lust for an increasingly unfettered freedom "effectively remakes the world in the image of [liberalism's] vision of the state of nature, shaping a world in which *the theory of natural human individualism becomes ever more a reality.*" In the process, however, liberal man subverts the very "constitutive communities"—the family, church, schools, etc.—which used to but no longer restrain his behavior in a sub-political or cultural way. This situation, in turn, necessitates the construction of an increasingly powerful and controlling state to do what these institutions used to do. "With the liberation of individuals from these associations and membership based upon individual choice," Deneen writes,

---

<sup>2</sup> "The Manifesto of the Communist Party," in *The Marx-Engels Reader*, ed. Robert C. Tucker (New York: W.W. Norton and Co., 1978), 483.

## PIETAS

The need for impositions of positive law to regulate behavior grows. At the same time, as the authority of social norms dissipates, they are increasingly felt to be residual, arbitrary, and oppressive, motivating calls for the state to actively work toward their eradication through the rationalization of law and regulation.

Paradoxically, then, says Deneen, “liberalism ... culminates in two ontological points: the liberated individual and the controlling state.” Liberal man’s quest to throw off all restraints “inevitably,” if inadvertently, results in greater and greater legal and regulatory control.

Here, in a nutshell, we have Dr. Deneen’s diagnosis of the fundamental cause of the rise of the administrative state in the United States.

### **DR. DENEEN’S MISDIAGNOSIS: “MAKING AMERICA OVER” (AGAIN)?<sup>3</sup>**

Dr. Deneen’s diagnosis has resonated with many conservative Americans. And, admittedly, to some extent for very good reason. A growing swathe of Americans perceive that something has gone seriously awry in our nation, and they are seeking to understand what has happened. Deneen not only supplies an explanation, but his explanation maps onto the rhetoric (and consequences) of select aspects of the cultural transformation which has taken place over the past several decades, especially the sexual revolution and, more recently, the transgender and transhumanist movements.<sup>4</sup> So, it’s not surprising that many conservatives trust his diagnosis, and, increasingly, his fundamental corrective to wit: “we must see man and nature anew.” That is, we must scrap liberalism root and branch, including the principles of 1776, in favor of embracing an Aristotelian conception of human nature and the political community.

Ironically, Dr. Deneen’s prescription reads less like a bold, new corrective for America than an unwitting echo of the radical thinking that *really did* build the administrative state at the turn of the twentieth century.

Let us turn, at this juncture, to discuss the thinking of progressive economist, Richard T. Ely. Why Ely? Ely was one of the single most influential architects of the administrative state

---

<sup>3</sup> Rexford G. Tugwell, Franklin Delano Roosevelt’s Brain-Truster, described just how radically the “social philosophy” he learned from another student of the German Historical School, Simon N. Patten and, in turn, his older student, Scott Nearing, would require changing the institutions of the United States: “It was out of this philosophy that I later wrote the verses that would be so often quoted, containing the line ‘I shall roll up my sleeves, make America over.’ Making America over is what I thought we were supposed to do.” As quoted in Tiffany Jones Miller, “Richard T. Ely, the German Historical School of Economics, and the ‘Socio-Teleological’ Aspirations of the New Deal Planners,” *Social Philosophy & Policy* 38, iss. 1 (Summer 2021): 73.

<sup>4</sup> Deneen’s diagnosis does not map onto the quasi-essentialist rhetoric of racial identity, however.

## PATRICK DENEEN'S "UNSUSTAINABLE LIBERALISM" IS UNSUSTAINABLE

in the United States. Born in New York in 1854, Ely received his undergraduate education at Columbia College and then went abroad, in the late 1870s, to Germany in pursuit of a higher education. Ely intended to study philosophy but ended up, thanks to another American student, Simon N. Patten, studying economics with some of the leading professors of the German Historical School of Economics.<sup>5</sup> In 1885, after having returned home with his newly minted Ph.D., Ely, along with Patten and other young German-trained economists, founded the American Economic Association (AEA) in express imitation of the *Verein für Socialpolitik* (or Union for Social Politics).<sup>6</sup> The Union for Social Politics—note the phrase “social politics”—was the reform-minded association organized in 1871–1872 by the leading members of the younger German Historical School of Economics: Adolf Wagner, Gustav Schmoller and Lujo Brentano. These professors came to be called the “socialists of the chair” because they advocated a frankly anti-liberal (or, as they would more typically say, anti-*individualistic*) conception of the State that was, nevertheless, *not as radical* as the “scientific socialism” espoused by Marx and Engels’s Social Democratic Party.<sup>7</sup> Ely, at any rate, was arguably the single most important architect of the administrative state by virtue of his role in the organization of the discipline of economics; his subsequent course of research; his close involvement in Governor Robert LaFollette’s fabled reforms in Wisconsin; the influential advocacy groups he helped found and staff (e.g. the American Association for Labor Legislation); and the great gallery of students who helped formulate and staff not only some of the earlier state-level administrative agencies (e.g., the Wisconsin Industrial Commission) but also Franklin Delano Roosevelt’s boldest New Deal initiatives, including the Social Security Act of 1935, the Agricultural Adjustment Act of 1933, and the entity that

---

<sup>5</sup> On the beginning of Richard T. Ely and Simon N. Patten’s long and fruitful association, see Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, MA: Belknap Press of Harvard University Press, 1998), 84. As Rodgers, 97, notes, Patten returned to the United States “eager to ‘help in the transformation of American civilization from an English to a German basis.’”

<sup>6</sup> Economists trained by the GHS also played a key role in the founding of the American Sociological Association. See Lawrence J. Rhoades, “A History of the American Sociological Association 1905–1980” (Washington, D.C.: American Sociological Association, 1981), 1–2.

<sup>7</sup> The founders of the Verein are frequently cited as an important precursor to the rise of National Socialism in Germany. See, e.g., Franz Neumann, *Behemoth: The Structure and Practice of National Socialism, 1933–1944* (New York: Harper Torchbooks, 1942), 104–105.

became the National Resources Planning Board (NRPB)—the nation’s little known foray into top-down comprehensive social planning.<sup>8</sup>

Ely wrote quite a bit about the German Historical School of Economics. In his 1883 book *French and German Socialism in Modern Times*, Ely devoted an entire chapter, entitled the “Socialism of the Chair,” to this school and especially the Verein’s founders. “It is, indeed,” he writes, “necessary to obtain a clear understanding of their conception of the state before it is possible to comprehend their teachings.”<sup>9</sup> The socialism of the chair’s approach to reform, their very concept of a “social politics,” was, in other words, intimately connected with a distinctive conception of the state. And so what was this conception? And why does Ely refer to them as “socialists”?

In his 1894 book *Socialism: An Examination of its Nature, its Strengths and its Weaknesses*, Ely explains that “socialism and individualism are two different philosophical systems.” But socialism itself comes in two forms: “socialism in a more general sense,” he writes, must be “distinguished from socialism in a narrower sense.” By socialism in the narrower sense, Ely means Marx’s “scientific socialism.” By contrast, Ely traces the origin of “socialism in a more general sense,” which he characterizes as “a true sense,” to ... Aristotle. Why was Aristotle a socialist in the general sense? Because, unlike the individualists, Aristotle teaches that the State exists by nature, and so does not derive its authority from the consent of its individual members. Ely then expressly quotes book I, chapter 2 of Aristotle’s *Politics* in order to explain why men have a natural or organic dependence upon the State:

The state is, by nature ... clearly prior to the individual and to the family, since the whole is of necessity prior to the part... The proof that the state is a creation of nature, and prior to the individual, is that the individual, when isolated, is not self-sufficing; and therefore he is like a part in relation to the whole. But he who is unable to live in society, or who has no need because he is sufficient for himself, must be either a beast or a god.

“The great thinkers in economics and politics in all ages,” Ely adds, “have been socialists in this general sense of the word, and opposed to them has been a small sect of individualists, who reject the conception of the state as an organism, and believe that the standpoint of the

---

<sup>8</sup> For a fuller discussion of Ely’s contributions to the construction of the administrative state, see Tiffany Jones Miller, “Richard T. Ely, the German Historical School of Economics, and the ‘Socio-Teleological Aspirations of the New Deal Planners,’” *Social Philosophy & Policy* 38, no. 1(2021): 52-84.

<sup>9</sup> Ely, *French and German Socialism in Modern Times* (New York: Harper and Brothers, 1883), 241.

## PATRICK DENEEN'S "UNSUSTAINABLE LIBERALISM" IS UNSUSTAINABLE

individual is sufficient, both in science and in practice."<sup>10</sup> Ely then offers two contemporary examples of this socialism in a broader sense, one of whom is Adolf Wagner.<sup>11</sup>

In his 1896 book *The Social Law of Service*, in a chapter entitled "The State," Ely likewise invokes Aristotle as a better guide for understanding the nature of the State. "The State," he writes,

has been described as a continuous, conscious organism, and a moral personality, which has its foundations laid in the nature of man. It is not the product of the will of man. Men have never come together in a state of nature, and then by the formation of a State passed out of a condition of nature into an organized political existence.

On the contrary, he continues:

The State grows up naturally, spontaneously, and men are born into the State, and the State is one of the forces making them what they are. The basis of the State is human nature, and the State is the natural condition of men. Some would have us go to savages to find out what is natural, but Aristotle has taught us that it is the perfect man, and not the imperfect man, who can reveal to us what is natural, just as we look at a perfect and not an imperfect specimen of fruit to understand the nature of the fruit.<sup>12</sup>

It hardly has the same ring to it, of course, but just as Aristotle famously contends that "man is by nature political," so Ely contends that man is by nature *Statical*. Ely, like Deneen, thus denies that the State derives its authority from the consent of its members—indeed, he extolls not the divine right of kings but "the divine right of the State."<sup>13</sup>

Moreover, Ely, like Deneen, also derives the inherent authority of the State from an expressly teleological conception of human nature. Only when man achieves "perfect[ion]," or fully actualizes the end inherent in his nature, can we judge what it means to be "natural." Ely refers to the human end as "the ethical ideal." "It is well," he writes,

to describe somewhat more in detail the ethical ideal which animates the new political economy. It is the most perfect development of all human faculties in each individual, which can be attained. There are powers in every human being capable of cultivation;

---

<sup>10</sup> Ely, *Socialism: An Examination of its Nature, its Strengths and its Weaknesses with Suggestions for Social Reform* (Boston, MA: Thomas Y. Crowell and Co., 1894), 3-8.

<sup>11</sup> On Wagner, see Evalyn Clark, "From National Economist to National Socialist," *Political Science Quarterly* 55, no. 3 (September 1940), 378-411.

<sup>12</sup> Ely, *The Social Law of Service* (New York: Eaton and Mains, 1896), 167-68.

<sup>13</sup> Ely, *The Labor Movement in America* (New York: Thomas Y. Crowell & Co., 1886), 326.

## PIETAS

and each person, it may be said, accomplishes his end when these powers have attained the largest growth which is possible to them.

These faculties consist not only of bodily or physical qualities but also “spiritual” or “higher faculties,” including “faculties of love, of knowledge, of aesthetic perception, and the like.” For Ely, then, the end of human nature and the end or purpose of the State will, in an advanced stage of development, be one and the same: “Doubtless there is a new conception of the state,” he writes, “for in this co-operative institution is discovered one of the means to be used to accomplish the end of human society, the ethical ideal.”<sup>14</sup>

In fairness, I think it’s important to note that Ely’s conception of a “social politics” invokes Aristotle’s conception of nature and the polis in order to justify what is really a Hegelian point. In his autobiography, Ely writes that he has always been “an idealist in the philosophical sense, firm in my belief that ideas govern the world.”<sup>15</sup> This is significant because History, for Hegel, is the developmental process that progressively actualizes the ideal man and society—a circumstance that Aristotle considers highly unlikely. Ely, however, regards the realization of the ideal as a matter of *when*, not *if*. In his hands the teleologically-ordered State becomes an engine for *abolishing* whatever gap remains between how men ought to live and how they actually do—a veritable expressway to the “New Jerusalem.”<sup>16</sup> This was, in fact, the very purpose of social reform.

Following his German teachers, accordingly, Ely did not advocate a liberatory model of politics but, rather, an expressly “ethical” or “social” or *integrative* model. The Historical School of Economics, Ely explains,

appl[ies] ethical principles to economic facts and economic institutions, and test[s] their value by that standard. Political economy is thus brought into harmony with the great religious, political and social movements which characterize this age; for the essence of them all is the belief that there ought to be no contradiction between our actual economic life and the postulates of ethics and a determination that *there shall be an abolition of such things as will not stand the tests of this rule.*<sup>17</sup>

---

<sup>14</sup> Ely, “Ethics and Economics,” in *Social Aspects of Christianity And Other Essays* (New York: Thomas Y. Crowell and Co., 1889), 123–24, 128–29; *Foundations of National Prosperity* (New York: MacMillan Co., 1917), 48–49.

<sup>15</sup> Ely, *Ground Under Our Feet: An Autobiography* (New York: The MacMillan Co., 1938), 95–96.

<sup>16</sup> Ely, “Ethics and Economics,” 127–28; *The Social Law of Service*, 171–72. In this “New Jerusalem,” the State would not wither away, as Marx and Engels predict, but, once the State has embraced its proper end, Ely suggests the Church very well might.

<sup>17</sup> Ely, “Ethics and Economics,” 128 [emphasis added].

## PATRICK DENEEN'S "UNSUSTAINABLE LIBERALISM" IS UNSUSTAINABLE

Ely thus viewed Americans very differently than earlier generations. Far from being bearers of natural rights those in government are obliged to respect, Ely—who helped catalyze the “conservation” movement—characterizes them as “human resources.” “Human resources,” just like “natural resources,” must be subjected to expert management not only to avoid wasting their potential but also to optimize their development or improvement.<sup>18</sup> Just as different kinds of land must be classified and managed in a manner befitting its peculiar character, so different classes and races must be managed differently. Moreover, because the potential for development depends upon the quality of in-born capacities as well as the social environment which nurtures them, the State must do more to control the reproduction of its members:

We must do our best to lessen the number of submarginal men, and here reference is made merely to those measures which are agreed upon by substantially all eugenisists, to lessen the number of absolutely unfit, while at the same time we do our best to cultivate all human powers, ethical and spiritual, as well as economical.<sup>19</sup>

Just as “submarginal land,” meaning land so poor in quality it produces a meager crop, must be removed from agricultural production, so “submarginal men” must be removed from *reproduction*. Ely thus regarded America’s existing marriage laws as much too lax, and favored reforms that not only denied a growing list of defectives the legal right to marry, but that also compelled some to live in custodial institutions where they could more effectually be prevented from reproducing.<sup>20</sup>

Beyond weeding out “submarginal” people, the State must also seek to refashion existing social institutions, including our economic institutions, in order to facilitate greater cultivation of its other members’ in-born capacities. Like Marx, Ely was a severe critic of our private property-based economic system:

---

<sup>18</sup> Ely, *Foundations of National Prosperity* (New York: MacMillan Co., 1917), 47–53. Ely’s concept of “conservation” which, by his own admission, is predicated upon “the German idea of the State,” is surprisingly ambitious. It not only encompasses both “natural” and “human resources” but also seeks not merely to prevent their “waste,” thereby ensuring the sustainability of what we have, but also to “improve the natural inheritance of the race” wherever possible (3–8, 13, 47–69).

<sup>19</sup> Ely, *Land Problems: Volume III of The Outlines of Land Economics* (Ann Arbor, MI: Edwards Brothers, 1922), 156–57, 165. On the need to adjust economic institutions, like property ownership, to varying classes and races, see Ely, “Industrial Evolution,” in *Congress of the Arts and Sciences, Universal Exposition, St. Louis, 1904*, vol. VII, Howard J. Rogers, ed. (New York: Houghton and Mifflin Co., 1906), 800–813.

<sup>20</sup> See, e.g., Ely, “Industrial Evolution.”

## PIETAS

The wastes of the competitive system are so enormous as to be awful, its operations are as cruel as laws of nature. In its onward march it crushes and grinds to powder human existences by the million.<sup>21</sup>

But, whereas Marx advocated the outright abolition of the right to private property, Ely, more conservatively, declares that “we cannot make much progress until we have adopted the social theory of property and the social theory of contract.”<sup>22</sup> In other words, the State must exercise greater control over the right to private property in order to “prevent waste and misuse.”<sup>23</sup>

Minimally, then, Ely advocated raising the “ethical plane of competition” by requiring employers to close on Sundays; to reduce the length of the working day (to create more leisure time outside of work “for the cultivation of [the workers’] faculties”); and to deny employers a right to hire women to do “work injurious to the female organism” and children younger than fourteen. Promoting such “factory legislation” was, in fact, the initial mission of the American Association of Labor Legislation (AALL). Ely, by the way, was the first president of the AALL whose motto, tellingly, was “The fundamental purpose of labor legislation is the conservation of the human resources of the nation.”<sup>24</sup> The AALL became a rather influential organization. As Daniel Rodgers notes, the AALL became “the most active and important social insurance lobby in the United States.”<sup>25</sup> Moreover, far from celebrating what would become known as the counterculture, Ely favored restricting the consumption of alcohol, opium and tobacco and otherwise advocated providing young people with a “moral education.” “Control must be strengthened and without discipline we cannot have the right kind of human resources.”<sup>26</sup>

More boldly, Ely advocated expanding public ownership of industries he deemed “natural monopolies.” As regards the land, he advocated expanding public ownership by ending the sale of land to private owners and increasing regulation of land already privately

---

<sup>21</sup> Ely, *Socialism*, 253.

<sup>22</sup> Ely, *Foundations of National Prosperity*, 6.

<sup>23</sup> Ely, *Property and Contract in Their Relations to the Distribution of Wealth*, vol. I (Port Washington, NY: Kennikat Press, 1914/1971), 144.

<sup>24</sup> See *American Labor Legislation Review* 1, no. 1.

<sup>25</sup> Rodgers, *Atlantic Crossings*, 252. On Ely and especially Commons’s influence over the organization, direction and staffing of the AALL, see Miller, “Richard T. Ely, the German Historical School of Economics, and the ‘Socio-Teleological’ Aspiration of the New Deal Planners,” 57, esp. 57n16-17.

<sup>26</sup> See Ely, *Outlines of Economics*, chapter 4 (“Harmful Consumption”); *Foundations of National Prosperity*, 51-52.



## PATRICK DENEEN'S "UNSUSTAINABLE LIBERALISM" IS UNSUSTAINABLE

held. He also played a leading role in developing the very concept of land planning which entailed nothing less than classifying every kind of land resource in the United States (whether publicly or privately owned) in order to determine (and ultimately implement) the most advantageous kind of ownership and use:

A land policy includes regulation for the present and the future of all those natural resources which we include under the term 'land'. This regulation means that we supplement individualism by social control; and social control by land policy embraces, then, those relations among men which arise out of land utilization. Social control, as the experience of the world demonstrates, becomes more intensive as time goes on, and that with an ever-increasing emphasis upon social welfare; but this control may proceed from private agencies as well as from public agencies.<sup>27</sup>

Finally, like Ely, many of Ely's students were not content merely to write about how America should be reconstructed. In the 1930s, Ely's student, M.L. Wilson, along with other leading students of the German Historical School of Economics in America, like Rexford G. Tugwell, would catalyze the New Deal initiative to establish land planning as part of a wider effort to establish top-down, comprehensive *social* planning in America.

### CONCLUSION

Confusingly, in the 1930s, the American progeny of the "socialism of the chair" re-appropriated the liberal label they had originally spurned.<sup>28</sup> Perhaps this fact helps explain why Deneen's account of the development of "liberalism" in America reads as though Richard T. Ely, and the progressive movement he did so much to promote, never happened. Importantly, however, as radical as Ely's critique of America was, it is *not* the "socialism of the chair" recast as "liberalism" which dominates American thinking today, but, rather, the neo-communist thinking of the New Left.<sup>29</sup> From the standpoint of the New Left, the "Establishment" the earlier progressives did so much to reconstruct was irredeemably conservative. Attacking the anemic residual of the Founders' "individualism" at a time in which neo-communism has gained unprecedented influence over our culture—and, thus,

---

<sup>27</sup> Ely, *Land Problems*, 139.

<sup>28</sup> See, e.g., Rexford G. Tugwell, *The Industrial Discipline and the Governmental Arts* (New York: Columbia University Press, 1933), 229.

<sup>29</sup> See, e.g., Christopher Rufo, *America's Cultural Revolution: How the Radical Left Conquered Everything* (New York: Harper Collins Publishers, 2023).

## PIETAS

inspiring doubt about the wisdom of defending traditional American rights or liberties like those enshrined in the First Amendment—will only facilitate the even more radical transformation of America already well underway. Instead of accepting Dr. Deneen’s diagnosis, conservative Americans would do well to seek a second opinion.

Tiffany Miller

*Tiffany Miller is Associate Professor of Politics at the University of Dallas.*

## Getting Over the “Blue Laws” Blues

Ben Peterson

Review: *Regime Change: Toward a Postliberal Future*, by Patrick J. Deneen. Sentinel, 2023. Pp. xvi/169. Hardcover, \$30.00.

I will break my reflections on Professor Deneen’s *Regime Change: Toward a Postliberal Future* into two major components, Diagnosis and Remedy, and two subdivisions: what Professor Deneen gets right, and what he gets wrong. I think we can fill all four boxes in that two-by-two. I will focus on a topic Deneen brings up just once or twice, but that encapsulates his analysis, both what it gets right and what it gets wrong. That’s the issue of “blue laws,” legal restrictions on commercial activity, historically on Sundays. States and local government leaders established such laws at the time of the American founding, many expanded or revived them during the nineteenth century and into the Progressive era. There are modified versions on the books in many jurisdictions, but states have all repealed their broad closing laws. The lament of blue law repeals and advocacy for their recovery is laudable in its recognition of the spiritual desiccation in contemporary society and the call to recover a form of ordered liberty that can ennoble and dignify the common life of both the few and the many, but it also reflects an oversimplified view of the common good and its demands, and of the relationship between law and culture. I also agree with Peter Leithart’s point in his *First Things* review that the church is missing in *Regime Change*.<sup>1</sup>

Let me first summarize what I take to be the main argument, first with regard to diagnosis. Professor Deneen offers a class analysis of contemporary politics in the United States and Western Europe. He argues that the ancient rift between the few and the many is reemerging amidst the collapse of the liberal order, and that’s what is fueling populist movements in the U.S. and Europe. In the earlier book *Why Liberalism Failed*, Professor Deneen traces our social ills to the ascendancy of liberalism, the political fruit of the modern project to subjugate and control nature, including human nature, rather than to live in accordance with the natural order. In *Regime Change*, he traces the reemergence of the ancient class rift to liberalism in

---

<sup>1</sup> Peter Leithart, “[What Patrick Deneen Still Gets Wrong](#),” *First Things*, June 23, 2023.

## PIETAS

various guises, all fundamentally oriented toward progress, producing a combination of economic and social libertarianism. The pursuit of culturally disruptive progress by the few, whom he dubs the “power elite,” has provoked the populist revolt of the many who favor more interventionist economics and social conservatism, or so he argues.

### DIAGNOSIS

In both books, Deneen critiques the rise of a conception of liberty encapsulated in John Stuart Mill’s “harm principle,” liberty as maximal individual autonomy and liberation from traditional moral and cultural restraints on individual will and desire. This form of liberty contrasts with an older conception of liberty as the freedom to do what is right and good. One passage powerfully communicates this point about the paucity of the contemporary conception of liberty:

We have the freedom to marry, but fewer people wed. We have the freedom to have children, but birth rates plummet. We have the freedom to practice religion, but people abandon the faiths of their fathers and mothers. We have the freedom to learn of our tradition, to partake in our culture, to pass on the teachings of the old to the young—but we give only debt to the decreasing number of children who will share in the burden of supporting a growing number of elderly. In a world hostile to all these potentially “democratic” goods (and not just the freedom to enjoy them, nor not), we have eviscerated their actual achievement in the name of theoretical liberty, but in reality increasing thralldom to addictions afforded by big tech, big finance, big porn, big weed, big pharma, and an impending artificial Meta world that will assuage the miseries of an increasingly unbearable world we have actually built.<sup>2</sup>

Deneen points out that we have secured many freedoms, yet so many do not make good use of these freedoms, and the experience of life in common suffers.

A last, related feature of Deneen’s diagnosis draws on the analysis of political philosopher Pierre Manent, who characterizes liberalism as a regime of separations: division of labor, separation of powers, of church and state, civil society and the state, between represented and representative, and between facts and values.<sup>3</sup> The most central separation, Deneen argues, is the separation of religion from politics, resulting in public indifference toward the good, the fundamental goods of life that ought to be shared widely and available to ordinary

---

<sup>2</sup> Deneen, *Regime Change: Toward a Postliberal Future* (New York: Sentinel, 2023), 234.

<sup>3</sup> Deneen, *Regime Change*, 188.

## GETTING OVER THE “BLUE LAWS” BLUES: A REVIEW OF *REGIME CHANGE*

folk. Highlighting a recent study that found a correlation between the repeal of blue laws and “deaths of despair,” Deneen makes the following remark:

The expansion of liberal indifferentism toward one of the essential goods that make for a flourishing life—the good of leisure linked to a positive encouragement to prayer—has had a disproportionate, and even deadly, effect on the least among us. Yet, both ‘conservative’ and ‘progressive’ liberals—the first who care about religious liberty, the second who profess to care about the poor—are silent on the question of whether our achieved public indifference is good for the *commons*.<sup>4</sup>

For Deneen, repeal of blue laws represents the policies of a ruling class hellbent on enshrining social and economic libertarianism into our law, relentlessly promoting an ersatz progress through the boundless spread of commerce and the erosion of communal, moral, and religious goods shared in common.

### REMEDY

Turning to remedy, Professor Deneen argues for a recovery of the mixed constitution tradition in the form of what he calls a “common-good conservatism” that will address the ancient divide between the few and the many. This involves retrieving and renewing the ideal of the mixed constitution, which he describes as the original version of conservatism.<sup>5</sup> Beyond a balancing of social forces, the Aristotelian ideal of the mixed constitution, he argues, suggests a blending of interests—the elites and the common folk see their interests as tied to the common good of all, and members of each class respect and support the other’s characteristic virtues—wisdom and foresight for elites, common sense and experience with the natural rhythms of social and environmental order for the commoners. Members of each class also curtail the others’ characteristic vices—hubris and domineering arrogance for the few; excessive pleasure-seeking for the many. He writes that we need “a conservatism that conserves,” a form of liberty in which members of each class take up their duties to each other and the common good, cognizant of their mutual need for each other and holding each other accountable for the maintenance of a shared social order.<sup>6</sup>

---

<sup>4</sup> Deneen, *Regime Change*, 234; Tyler Giles, Daniel M. Hungerman, and Tamar Oostrom, “Opiates of the Masses? Deaths of Despair and the Decline of American Religion,” DOI: 10.3386/w30840, *National Bureau of Economic Research* (January 2023).

<sup>5</sup> Deneen, *Regime Change*, xv.

<sup>6</sup> Deneen, *Regime Change*, xiv.

## PIETAS

Deneen argues we need a new and better elite, an elite viewing its interests as part of a common good. Deneen is not proposing for commoners to sit back and wait for better elites; in perhaps the most quoted line of the book, he embraces “Machiavellian ends for Aristotelian means”—a groundswell of political resistance to demand elites that pay attention to the common good. The commoners will band together to form a political movement dedicated to what he calls “Aristopopulism,” consisting of New Deal-style economic liberalism and social traditionalism.<sup>7</sup> They will advocate reconnecting church and state rather than settling for mere religious liberty, which Deneen sees as a concession to the liberal order. Today’s New Right, he suggests, is the current best hope for advancing us toward this Aristopopulist, postliberal order.

Along with a guided populist politics demanding better of elites and a mix of progressive economics with social conservatism, the reverse of the current power elites’ priorities, Deneen suggests some specific reforms to promote a common good conservatism including the institution of national service requirements, the expansion of the House of Representatives as a nod to the Anti-Federalist concern for the connection between representative and the represented, and the renewal of blue laws.

### SIFTING DENEEN’S DIAGNOSIS

On diagnosis, Deneen is right, against the too-enthusiastic champions of progress, that there are serious spiritual ailments present in Western societies, and there is a class element that tends to bifurcate along the lines of educational attainment, and millions whose lives appear filled largely with fragile or abusive social bonds and despair. As Deneen says, there is a loss among many of the traditional guardrails in the form of social institutions. There are problems with the current form of meritocracy that Tocqueville suggested might arise, which no longer brings with it the more capacious view of noblesse oblige, chivalry, and the cultivation of the virtues of various classes. There is, as Deneen writes, a task to be taken up of building a common culture in which elites and common folk alike flourish, gain respect, and build a common life.

I also think Deneen is right about the false, autonomy-focused Millian conception of liberty that has become prominent and informs a good bit of public policy and discourse in

---

<sup>7</sup> Deneen, *Regime Change*, 93–97.

## GETTING OVER THE “BLUE LAWS” BLUES: A REVIEW OF *REGIME CHANGE*

the realms of mental health, education, and sexual mores.<sup>8</sup> He is right about the social and personal costs of a culture promoting increasingly unrestrained individual choice, especially in the marital and sexual realms. Yet Deneen’s reductive account of liberalism and his insistence that it is the cause of these problems is a less convincing aspect of his analysis, central though it is. Much of what he describes as the proper understanding of liberty and the proper relationship of law to custom and tradition is entirely compatible with prominent strands of classical liberalism. As political scientist Alan Wolfe writes in *Moral Freedom*, “Friedrich Hayek, the twentieth century’s greatest theorist of economic freedom, spent as much time justifying the need for constraining rules as he did arguing for the primacy of self-interest.” Hayek was a champion, Wolfe continues, of “the classically liberal idea that voluntary economic exchange can exist only when morality is treated in a nonvoluntary fashion.”<sup>9</sup>

Relatedly, Deneen is on weak ground in his economic analysis. He expresses some of the misguided concern with wealth and income inequality that clouds much thinking on the progressive left, treating the overall share of the nation’s income and wealth held by members of various classes as indicative of their economic situation and prospects. This is an error and tends to obscure the gains in quality of life and economic prosperity that have characterized American society at all income levels in the last several decades. It is not at all clear that the economic position of the *demos* has declined in the way Deneen claims.<sup>10</sup> Rather, we are dealing with more of a trade-off situation.<sup>11</sup>

The U.S. has indeed lost manufacturing jobs, and trade and other structural changes in the economy have had heterogeneous effects we should not ignore. But those losses are not the only thing going on in the economy, all of which is relevant to the common good. Labor economist Stephen Rose documents that while manufacturing jobs have declined as a percentage of employment in the last few decades, as trade has increased and foreign investment has come in, people have gained jobs in other sectors, many of them high-paying,

---

<sup>8</sup> Ben Peterson, “[Ruling Our Selves: The Right Kind of Regime Change](#),” *Law and Liberty*, November 19, 2019.

<sup>9</sup> Alan Wolfe, *Moral Freedom: The Impossible Idea That Defines the Way We Live Now* (New York: W. W. Norton & Co., 2001), 201.

<sup>10</sup> James R. Rogers, “[The Faulty Rhetoric of Income Stagnation](#),” *Law and Liberty*, January 7, 2020.

<sup>11</sup> Rogers, “[How Many Foreigners is an American Worth?](#)” *First Things*, March 14, 2017.

high-skill jobs.<sup>12</sup> Trade has also resulted in lower prices on consumer goods, which especially benefits the poorest among us. To borrow from James Rogers's critique of Michael Lind's *The New Class War*, Lind and Deneen forget the consumer.<sup>13</sup>

Blue laws are related to all this. In a number of articles, economist Daniel Hungerman and coauthors have documented the social and personal costs of the repeal of broad state-wide blue laws against Sunday commerce, increasing the opportunity cost of religious participation and apparently contributing to increased deaths of despair, particularly among white people with limited education.<sup>14</sup> Repeal of blue laws seem to track with and has perhaps contributed to the marginalization of religion and decline in religious participation we observe, especially since the 1990s, and this has in turn contributed to the rise of deaths of despair.

But the repeal of blue laws has not always been foisted on the public by a power elite. The Supreme Court ruled in 1961 that, notwithstanding the differential implications for the irreligious or those who Sabbath on Saturday, Sunday closing laws are not necessarily unconstitutional because they are aimed at purposes that serve the health and welfare of workers and customers alike and the general good. There were many paths to repeal of state-wide closing laws, but there was an underlying cultural shift toward a society no longer supporting them. As historian Alan Raucher wrote in an article on the repeal of blue laws, "Those laws declined, in large part, because Americans wanted to go shopping on Sundays."<sup>15</sup> We are dealing with a broad cultural shift that made repeal of blue laws possible and that repeal in turn furthered. In some places Deneen acknowledges the complex interplay between law and custom, but at other times that complexity seems lost in the analysis.

---

<sup>12</sup> Stephen J. Rose, "Do Not Blame Trade for the Decline in Manufacturing Jobs," *Center for Strategic and International Studies* (October 2021), 1-14; Stephen Rose, "The Truth About Trade and Job Losses," *Washington Monthly*, March 18, 2016.

<sup>13</sup> Rogers, "[Michael Lind and the Forgotten Consumer](#)," *Law and Liberty*, March 18, 2020.

<sup>14</sup> Jonathan Gruber and Daniel M. Hungerman, "The Church versus the Mall: What Happens When Religion Faces Increased Secular Competition?" *The Quarterly Journal of Economics* 123, no. 2 (May 2008): 831-62; Giles, Hungerman, and Oostrom, "Opiates of the Masses?"

<sup>15</sup> Alan Raucher, "Sunday Business and the Decline of Sunday Closing Laws: A Historical Overview," *Journal of Church & State* 36, iss. 1 (Winter 1994): 13.



## GETTING OVER THE “BLUE LAWS” BLUES: A REVIEW OF *REGIME CHANGE*

### WEAK MEDICINE

In terms of remedy, the book urges us toward the embrace of a “common-good conservatism” to reconcile the few and the many. Deneen gets right his support for a revival of a proper conception of liberty, of ordered liberty in contrast to autonomy liberty and his support for a revival of local associations and a sense of community. No doubt, elites adopting the caretaker ethos and an appreciation of the liberal arts, as Deneen advocates, would be a boon. The view of the common good in the book, though, is at times reductive and simplistic, failing to grapple with the ways competing private interests complicate the achievement of the common good, requiring constitutional and normative processes of adjustment and compromise. Edmund Burke, whom Deneen invokes, himself advocated for free trade against some of his constituents. In his famous speech to the electors at Bristol in which he justifies opposition to their preferences on the issue of trade with Ireland, he appeals specifically to his charge to be concerned with the “general good” of the United Kingdom and not just their particular interests.<sup>16</sup> A complete accounting of the common good would also factor in the more than one billion people who have escaped extreme poverty in the era of global trade.<sup>17</sup>

About the New Deal-style economic policy Deneen promotes, I would say it is not too much of a departure from current policy, and it is in large measure responsible for the high level of national debt he bemoans in both *Why Liberalism Failed* and *Regime Change*. A strange feature of Deneen’s argument in both books is that he critiques statism, tracing it to classical liberalism—yet in his vision of a postliberal order, he supports an increase in state management of the economy and society.

Back to blue laws and Deneen’s antidote to spiritual indifferentism. Are we to accept as given that the church cannot compete with the mall, to reference the title of Ungerman’s article with Jonathan Gruber? Does the church rely that much on state power and a supportive public culture? No. We might interpret the finding that the decline of blue laws contributed to the decline in religious participation we observe as lending credence to an alternative analysis of the spiritual desiccation Deneen rightly wants to address, an analysis

---

<sup>16</sup> Edmund Burke, “Speech to the Electors of Bristol,” November 3, 1774, *The Works of the Right Honourable Edmund Burke*, 6 vols (London: Henry G. Bohn, 1854–56), 1:446–49.

<sup>17</sup> Zach Christensen, “Economic Poverty Trends: Global, Regional and National,” *Development Initiatives*, February 28, 2023.

## PIETAS

Rogers has articulated.<sup>18</sup> Perhaps the soft Protestant establishment and a supportive public culture invited the church to grow complacent, losing its saltiness and free-riding on the public culture. Perhaps we are in a time when participating in a renewal of a robust, social witness to the lordship of Christ and the truth about human beings in the church is our call. Jesus said the gates of hell will not prevail against the church, and I think that includes the mall (Matt. 16:18).

Ben Peterson

*Ben Peterson is Assistant Professor of Government and Criminal Justice at Abilene Christian University.*

---

<sup>18</sup> Rogers, "Good Riddance to Cultural Christianity," *Law and Liberty*, April 19, 2019.

## Public Policy for a New Regime

Luke C. Sheahan, *Duquesne University*

Review: *Regime Change: Toward a Postliberal Future*, by Patrick J. Deneen. Sentinel, 2023. Pp. xvi/169. Hardcover, \$30.00.

Patrick Deneen's *Regime Change* follows on the heels of his widely read and discussed book *Why Liberalism Failed*. In his original diagnosis, he makes an argument from the shared premises of Alexis de Tocqueville and Robert Nisbet that liberalism's obsession with individual autonomy inherently undermines the very institutions that provide the individual with social, economic, and psychological support. Theories of liberation lead in practice to realities of alienation as the individual finds himself not liberated from constraint, but cast adrift from anchors of stability. The result is social breakdown, increasing economic inequality, family dysfunction and decline, increasing deaths of despair, and declining life expectancy (ix).

Deneen remains convinced that liberalism is to blame for these social depredations. Both in its classical and progressive forms, liberalism prioritizes "creative destruction" over social stability and the rule of a new elite over an integrated and humane "mixed constitution" of elites and people working together. Social change and the destruction of older social forms is a virtue for both economic and social liberalism. The first sees increasing efficiency and Gross Domestic Product as worth whatever price is paid in terms of declining employment prospects and signs of flourishing for ordinary people. The second sees increasing liberation from traditional forms of life as essential to a life of self-realization, no matter the cost to normal ordinary people cast adrift and increasingly susceptible to socially and personally destructive forms of existence, including deaths of despair.

The solution to this nefarious class of elites is a *regime change*, a "peaceful but vigorous overthrow of a corrupt and corrupting liberal ruling class and the creation of a postliberal order in which existing political forms can remain in place" (xiv). He argues not for revolution, but for a "different ethos" to inform our public institutions. The current liberal

## PIETAS

regime arose from the destruction of the ancient regime, establishing a self-described meritocracy. But like ruling classes before it, this new elite is hereditary, although it obscures that quality beneath a veneer of merit. It disassembles the guardrails that keep most people on a path of a flourishing life, and then socializes its own children in the skills to operate without them. While this new form of accomplishment works well for those in the elite who receive such guidance, it leaves the masses adrift, many floundering without the social guidance that kept their forbears from destructive behavior. The result is rule by an elite convinced of its own superiority. Its members “made it” and the rest did not. Our elites are just as privileged in terms of heredity as the old aristocracy, receiving from their families the skills and social networks to reap the benefits of the social changes they championed. Such skills and networks are much more difficult to come by for the lower classes (27–28).

Our elites have adopted “emotive soft egalitarianism,” a weaponized form of John Stuart Mill’s “harm” principle whereby they can attack and destroy anyone who falls outside the elite views on race and gender (38–39). They use private power, such as “woke capital,” to advance their liberal agenda. Notions of “diversity and inclusion” and identity politics are likewise ways in which elites maintain their status. In such a way, an illiberal liberalism has developed that invites the use of power to suppress its opponents and force conformity to its particular values and worldview, especially against those of the majority in the lower classes (48–52). The attack upon the Religious Freedom Restoration Act in Indiana is an example of economic elites defeating a democratic effort to preserve traditional values for the sake of social liberalism. The enemies of traditional values are the corporate elites and not the unwashed masses (57). The irony is that throughout all this, these powerful figures and corporations dub normal people adhering to traditional values the oppressor class (58).

Deneen’s solution, “common good conservatism,” includes various policies drawn from the economic left and the social and political right. While the term bears a resemblance to his fellow traveler Adrian Vermeule’s “common good constitutionalism,” Deneen embraces the conservative label and Vermeule eschews it.<sup>1</sup> The common good is the “everyday requirements of ordinary people” (230). The goal of common good conservatism is to stabilize society, to avoid the creative destruction celebrated by classical and progressive

---

<sup>1</sup> See Adrian Vermeule, *Common Good Constitutionalism: Recovering the Classical Legal Tradition* (Medford, MA: Polity Press, 2022).

## PUBLIC POLICY FOR A NEW REGIME: A REVIEW OF *REGIME CHANGE*

liberalism. If there is one thing that defines both classical and progressive liberal elites, it is deference to experts. Against that liberal penchant for pedants, Deneen advocates for “common sense,” another term for traditional knowledge, “the collective memory of ordinary people from the lessons drawn from daily life” (111). In short, it is appeal to the “wisdom of the people.”

Furthermore, he advocates a mixed constitution, a combination of the many and the few, the commoners and the elites. Two English political figures, Edmund Burke and Benjamin Disraeli, pursued a political program along these lines. Burke argued at length for communities, little platoons, a way in which the community of the nation could be bound together in a great chain of being from the local and personal to the enormous and political, from the commoners to the king. In this way, political order could secure stability, continuity, and tradition. Similarly, Disraeli advocated for a conservative working class which had little tendency toward revolution, as other nineteenth century thinkers alleged. Deneen writes, “[Members of the working class] were, rather, deeply conservative, seeking more to preserve and pass on a heritage than to disrupt and overthrow traditions, and relied especially upon an elite that would protect them from other spirants to political, social, and economic rule whose aim was to damage and even destroy the traditional and organic society that they viewed as an obstacle to progress” (143). Like Burke, Disraeli attacked the monied interests and the liberal philosophers, whatever their differences, because both “combined to advance the destruction of mediating institutions of church, estate, guild, and local power, and ultimately had its aim at the nation itself” (142).

Deneen calls his new movement “aristo-populism.” Rejecting American fusionism, the strategy of allying conservatives with classical liberals to achieve shared goals, aristo-populism embraces a different strategy, one that would combine the elites with the people in a shared movement toward the common good. He would reorder and re-incentivize the ruling class to care about the sorts of things that create well-being among those in the working class, balancing change and order in such a way that it “allows for strong families and encourages strong social and civic forms” (163). Political realism is necessary. We must be willing to use “Machiavellian means to achieve Aristotelian ends.” The people ought to put political pressure upon the elites to make sure that they pay attention to genuine wellbeing and in such a way that elites “actually take on features of *aristoi* and nobility—excellence, virtue,

magnanimity, and a concern for the common good—and by means of which the people are elevated as a result” (167).

Efforts to integrate the classes should aim not at progress, but at human flourishing. Where liberalism had separated the classes, Deneen would mix them. Rather than meritocracy, where those who “make it” are seen, and see themselves, as superior to those who don’t, inevitable differences of talent and outcomes should be seen as a sign of solidarity: we all have our role to play for the good of all. Greater achievement is not reason for aloofness, but only increases social, economic, and political obligations for those who achieve. Against the ethos of individual autonomy and self-fashioning is the idea of integration of the “working-class ethos of social solidarity, family, community, church, and nation, with the supportive requisite virtues of those blessed by privilege” (190).

As far as many of Deneen’s assertions are concerned, with a charitable reading there is little to which one might reasonably disagree. Who can deny that our elites are self-serving? Or that our lower classes are struggling and have been ill-served by our public policy? As for Deneen’s goals, there is little to which a humane person would disagree. Who would deny that the elites and the people should work more profitably together? Or that virtue ought to be play a larger role in our meritocracy?

Other reviewers in this symposium convey objections to those concerns and goals, and depending upon one’s reading, there are legitimate concerns to raise and objections to make. I very much doubt that the working class is as virtuous as Deneen thinks it is.

For my part, I begin by granting Deneen’s primary concerns and turn instead to his practical recommendations. I think some are interesting efforts to reimagine our political scene.<sup>2</sup> But others either ignore political and social reality in the present time or they miss the mark in some other way. For some I will accuse him of just the sort of failure of imagination that he, Vermeule, and others launch at their critics. That said, he does style his recommendations as a starting point for reflection upon salutary reform. He invites just the sort of criticisms I bring to bear (184).

---

<sup>2</sup> This was an important point made by Adrian Vermeule, “‘It Can’t Happen’; Or, the Poverty of Political Imagination,” *The Postliberal Order Substack*, November 19, 2021. Vermeule thought critics of the postliberal project complaining of its “impossible” political program were failing to understand the role reimagination of the possible plays in political policy. The social left has achieved all sorts of things that only a few decades ago would have been politically impossible. But they succeeded in reimagining what is possible.

## PUBLIC POLICY FOR A NEW REGIME: A REVIEW OF *REGIME CHANGE*

I don't have space to address all of his reform suggestions. I organize my discussion according to how they advance his idea of a mixed regime and common good conservatism. I find his suggestions addressing the former more persuasive than those addressing the latter.

### MIXED REGIME

Deneen argues for *expanding the congressional representatives in the House* to bring "local knowledge" to bear upon national policies. This is one to which I am sympathetic as are many localists. Originally, Congressional Representatives hailed from every 30,000 citizens, today it is 750,000. Concerns were raised at the Constitutional Convention that one representative for every 30,000 people was simply too large for adequate representation. Keep in mind that many state legislatures at the time had representatives from towns of only a few hundred. You likely personally knew your state representative. There was a decent chance you were related by blood or marriage.

Bringing the "people's" representatives closer to the people might make for more local knowledge and better representation. Complaints that Congress must defer to the bureaucracy on policy-making would be allayed if there were more members of Congress to write legislation rather than empowering unelected bureaucrats to in effect do the same. With so many members of Congress around to carry on this work, we might be able to cut back on the administrative state in some ways. The role of the Senate might transition to a sort of approval committee, unable to carry on the sort of grunt work as the House, but able to monitor and approve meaningful policies into legislation. The House would take on the interests of small, local districts; the Senate would take those of state and national elites. Compromise between the two may better approximate goods common to all.

The primary problem will be incentivizing current members of Congress to go through with this system. They now face reelection odds at over 90 percent. Why would they agree to a scheme that would redraw their districts? Most already sit in safe seats. There is little incentive for most to make them safer. Furthermore, why would they dilute their own vote and influence in Congress? One out of every 435 is much better than one out of every 10,000. Think of all the committee assignments they would have to give up for their constituents. How would we incentivize Congress to agree? What sort of pressures could be brought to bear upon them? What sort of work of *reimagination* would have to happen for

the people to be able to demand this of their members of Congress when they generally plan to reelect them at the next opportunity? It's worth considering.

*Reviving the idea of national service.* The military draws disproportionately from the working class. The age-old republican problem is a division between those who send troops into battle and those who actually fight. Forcing mass conscription would overcome this hurdle. But mandatory national service need not be limited to the military. It might include repairing our infrastructure, working in healthcare and education, and the like (173-74). Our elites rarely engage in what we would think of as national service. The working class does. But such a program, Deneen thinks, would bring children of elites and children of the working class together on projects that benefit the whole country. People would be required, or incentivized, to enroll in these programs after college as a way to student loan forgiveness. "Not only should there be an accompanying requirement to contribute to the commonweal in exchange for such benefits, but a universal requirement of a year's service to the nation would afford the invaluable benefit of mandating opportunities for interaction with people outside one's bubble" (174).

Along with this, Deneen suggests *providing incentives for wealthy institutions, especially colleges and universities, to forgive student loans* for those entering public or social service, religious vocations, and the like. In such a way, rather than perpetuating the elite, our elite institutions might train people for non-elite vocations. This would encourage the sort of "mixing" necessary for an aristo-populist regime to arise.

I think the idea of national service is generally one that would be too easily coopted by either the military industrial complex or other unsavory interests. It seems like it would also perpetuate the brain drain. People will seek service opportunities that are prestigious over those that are not. It might lead to mixing of elites and non-elites in some ways, but they would disproportionately be talented individuals leaving their various localities and congregating in the same geographical location. Instead, such a national call to service should be tied to local service. What might it take to keep people local? What might incentivize people to stay closer to home? Might we tie loan forgiveness to staying in-state? Or taking a job within a hundred miles of one's parents? There are all sorts of ways to game such a system, but we might think more in terms of decentralization of service rather than nationalization of service. For decades we've aggregated all the talented individuals in a



## PUBLIC POLICY FOR A NEW REGIME: A REVIEW OF *REGIME CHANGE*

handful of major cities. A public policy emphasizing not national service, but local service, might do more than anything to break up the oligarchic concentrations in certain metropolitan areas.

Deneen recommends *encouraging the trades* as a viable alternative to college and to balance the enormous subsidies the middle and upper classes receive to pursue a college education. He also argues that we should require college students to work with their hands as part of receiving a college degree. I think this means making woodworking, or plumbing, or automotive learning, essentially “shop class,” part of the core or distribution requirements of every student at our colleges and universities. A broader requirement of working with one’s hands will bring students into contact with reality, how things actually work in the real world. Such a movement might help those receiving, in Deneen’s words, a “gnostic” education, one entirely focused on the mind, to appreciate the real world with salutary and conservative consequences. Those who do not do manual labor might acquire an appreciation for the skill and work of those who do. They might also begin to understand the real limitations imposed by the world they live in, deflating the penchant for arrogant meddling so characteristic of our elites.

I find this suggestion the most intriguing. There are now forming a number of trade school/liberal arts colleges such as the College of St. Joseph the Worker that combine credentials in the skilled trades with a liberal arts education. Students end their studies with both a liberal arts degree and marketable skills in a trade. To bring this to a broader range of students would require state legislatures making such requirements of their state universities. We might tie it into the broader movement now underway to encourage civic education in both public and private institutions of higher education. As long as we are reforming higher education, we might add this in as one of the reforms. I see this as a broadening of education, educating the mind as well as the body has a long history. Students should receive basic knowledge of the history and order of the political world they have inherited, and they should receive basic knowledge and experience in the physical world they have inherited.

### COMMON GOOD CONSERVATISM

I think Deneen is less persuasive in his policy prescriptions on economic and moral matters, those related to his “common good conservatism,” but for very different reasons.

*Treating liberal cities like corporate monopolies and break them up.* Just as progressives broke up alleged economic monopolies, so conservatives should break up municipal monopolies. What exactly this means isn't clear. I don't think he means state governments should change the municipal corporate charters so that major cities become a collection of smaller cities. This would create problems in terms of services. How might one disaggregate police, fire department, trash pickup, water services, etc.?

I think he means disincentivizing corporations from placing headquarters in only three or four major cities and incentivizing them to move elsewhere or to decentralize their operations by having multiple centers in smaller cities, including those in the Midwest and South. Instead of our talented youth headed to New York City, Washington DC, Chicago, San Francisco, or Seattle, they head to Pittsburgh, Lincoln, Columbus, Atlanta, or whatever their closest large city. We might look to the movement of corporate headquarters to Austin and Dallas currently taking place as an example of what might happen nation-wide. What are Austin and Dallas doing to incentivize those movements? What is Texas doing? Can it be replicated by other states and municipalities? Or can analogous state policies be implemented to encourage such movement of corporations from different industries?

The plausibility of this development depends on how it is carried out. Deneen's analogy to progressive policies is unhelpful for a variety of reasons. One is that it was centralized political power, itself highly problematic for a conservative society, that intruded into monopolies. The other such political power easily becomes the creature of those monopolies. I would instead argue for political decentralization setting the tone to encourage economic decentralization. Deneen suggests this, pointing out that the federal government spread the federal bureaucracy around the country, driving jobs to various midwestern and southern cities. Such decentralization of the federal bureaucracy might be a helpful step toward decentralization in general. Once the federal agencies and departments are spread out among several states, it is a smaller step to just return those services to the states themselves. At the very least, it means moving those prestigious positions around the country,

## PUBLIC POLICY FOR A NEW REGIME: A REVIEW OF *REGIME CHANGE*

allowing or even encouraging talented individuals to stay geographically closer to home when taking a federal job.

Deneen argues that the federal government should be much more involved in *shoring up manufacturing* as necessary to national security, stability, and prosperity. A strong manufacturing base furthermore means a “society of producers” rather than a “society of consumers.” Congress could mandate that certain things, like military equipment, are manufactured in the United States. Other items related to medicine, basic food stuff, and anything else necessary to a secure, functioning society should likewise be manufactured in the country. Deneen does, to his credit, acknowledge that tariffs are a “crude instrument” and tend to bolster “domestic political advantage.” That is the core problem with nearly all of the economic solutions put forth by the Postliberals and the economic left in general. They rely upon a starry-eyed view of old economic policies associated with the New Deal. But there is very little in economic regulation that isn’t the result of jockeying for “domestic political advantage,” empowering the very economic behemoths that concern Deneen. We might benefit more from trying to understand why that economic power concentrated in the first place. Scratch the surface and there you often find the sort of backscratching between political and economic elites that rightly concerns Deneen. Concentrations of economic power are often the result of concentrations of political power. Political favoritism plays to the advantage of the wealthy and well-connected, our elites, not to the poor and socially isolated. To put it another way: his political solutions to the economic problems he describes were often the very political means that created the economic problems he is addressing.

This critique applies to Deneen’s political solutions to the problem of our atrophying civil society as well. He argues that we must find ways in which the political power might be employed to *protect civil society institutions* from the destructiveness of concentrated economic power. Deneen writes, “A common-good conservatism, moreover, rejects the right-liberal stance that a healthy civil society can result both from encouragement and the shrinking of government. Government, both local and national, can serve as a counterweight to the destructive forces of a destabilizing economic order” (181). Healthy local institutions require the protection of a broader political and economic order that do not undermine the context for local institutions to thrive. Blame for the collapse of civil society institutions so necessary to humane existence is placed on economic aggregations of power. Deneen sees

government, national and local, as a counterweight to economic power, a means to stabilize neighborhoods, towns, and regions, so that civil society can flourish.

The problem with this assessment is that it is more likely the aggregation of political power that caused the decline of civil society. This is certainly Robert Nisbet's assessment in *The Quest for Community* published in the middle of the last century. Robert Wright capably demonstrates in *Liberty Lost: The Rise and Demise of the Voluntary Association in America Since Its Founding* how growth in federal programs edged out the civil society institutions that provided much needed community in the nineteenth and twentieth centuries through the provision of services, including fraternity.<sup>3</sup> Whatever might be said of economic aggregations of power, it is the political intrusions that seem to have caused the most damage to civil society. There is a vast realm of necessary social interactions that simply cannot be monetized. For at least two centuries in this country, voluntary associations filled that void. But the government intruded in a way that economic associations could not. Asking that governments intrude again, but this time to aid civil society, is just the sort of meddling that led to the cooption of function and authority so devastating to our civil society institutions in the first place. The political solutions to the civil society problems he describes were the very political means that created the civil society problems he is addressing.

A better tact, I think, is to attempt to recreate the legal landscape that led to the thriving of civil society institutions. For example, how might we revive the vast plethora of legal forms under which the voluntary associations operated so that they can be replicated today? Wright's work is essential on this point.<sup>4</sup>

Along with civil society policies, Deneen argues for *supporting the family through family friendly policies*. This could be a Cabinet level position or a "family czar," something like Hungary's Ministry of Family Affairs. There are legitimate questions over whether Hungary's family-friendly policies actually work.<sup>5</sup> But a White House official devoted to parsing various policy efforts for their effect on the family might be a good way of catching taxes, regulatory policies, and the like that have negative effects upon the family before they become law. Perhaps more relevant might be key legislators hiring legislative assistants to work on family

---

<sup>3</sup> Robert E. Wright, *Liberty Lost: The Rise and Demise of Voluntary Association in America Since Its Founding* (Great Barrington, MA: American Institute for Economic Research, 2023).

<sup>4</sup> Wright, *Liberty Lost*, 47–63.

<sup>5</sup> Lymen Stone, "It's Time for Social Conservatives to Stop Fawning Over Hungary," *The Public Discourse*, April 18, 2021.

## PUBLIC POLICY FOR A NEW REGIME: A REVIEW OF *REGIME CHANGE*

policy. The Speaker of the House could play an essential role in this regard, making sure that pending legislation is reviewed by a committee that considers possible effects upon families.

Deneen suggests *enforcing moral media* by deprogramming transgression and libertinism, banning pornography, especially as it tends to victimize poor women, and otherwise encouraging civic virtue. Deneen does not address ways in which one must be wise as a serpent when pursuing these policies. For example, the federal courts will simply not permit the banning of pornography. It's a nonstarter. But as we have found recently, we can limit access through age verification. This not only protects children, but adults who, not surprisingly, don't want their names associated with their porn search history. Such policies don't obliterate pornography, but they do make its access more difficult, habituating the populace to averting their gaze, thus contributing to virtue in an Aristotelian sense. Sly navigation of this terrain is required to achieve these victories.

Another concern with Deneen's approach is focusing on victimization of women. It is true that women, especially poor women, are victimized in making pornography. This is well established. But that is a cramped understanding of the destructive nature of sin, and sexual sin in particular. St. Paul addresses sexual sin in I Corinthians 6. There he describes it as desecration of one's own body. The purpose of our bodies (by extension, our minds and imaginations) are to glorify Christ. Thus, joining with a prostitute (even if imaginatively by video) is to sin against one's own body, the temple of the Holy Spirit, which exists for the glory of God. St. Paul says nothing of the exploitation of the prostitute. That is a secondary effect and a fine argument in certain circumstances. But St. Paul focuses upon the primary nature of the sin. If it were true that the prostitute was daughter of an elite family and freely chose her profession, would that change the analysis? Could a porn site be acceptable to social conservatives if it vetted its videos to only feature actresses with Ivy League degrees? You get the point.

Deneen's intent is likely to build bridges between social conservatives and feminists, a perfectly fine goal. Perhaps this is Machiavellian means to Aristotelian ends. But ignoring the primary argument against pornography, the consequences upon the sinner himself, is to ignore its primary harm. This is detrimental in two ways. First, this argument gave the game away to the online manosphere. Social conservatives yielded the field to male gurus on

## PIETAS

advising young men on the dangers of pornography. The way in which it saps a man's strength by tanking testosterone levels, lessens his ability to focus by hacking his dopamine pathways and harming his career prospects, and destroys his self-confidence by undermining his self-control and social intelligence, are entirely absent from Deneen's critique. But you will find them at the forefront of those advanced by many secular online men's gurus and they bear a closer resemblance to the argument of St. Paul than to that of Deneen.

This shouldn't be seen as advocacy of these secular influencers. I am not the only one to liken them to Absalom, growing in power by speaking to the real needs of young men. But why was Absalom able to do so? Because the anointed one, King David, the one who was supposed to address his subjects' concerns, refused to do so. Men waited at the gates of the city to speak with the king about their concerns. He didn't show up. Absalom did. Deneen's failure to address the core to pornography's sinister influence, its destruction of the user, follows a long line of social conservative leaders' refusal to address these sorts of "men's issues." Such factions of religious conservatives, the anointed ones, have refused to show up for young men in this basic way and ceded the field to nefarious characters. This issue might be one of the worst failures of imagination in social conservatism over the last half century. Rather than drawing from and elaborating upon St. Paul's argument, the entire issue was framed in terms amenable to second wave feminists.

One final note on this point: men are not the only porn users. Women use porn less frequently than men, but still in great numbers and to their great detriment for the same spiritual and very similar physiological and psychological reasons such use is destructive to men.

Second, with the advent of AI the entire argument regarding the exploitation of women is now dated. No women—or children—will be harmed in the making of those videos. If AI porn becomes the norm, the argument about harm to women is dead on arrival, but the harm to users of porn, men and women, becomes only more relevant. If AI porn will do anything it will only exacerbate the psychological and physiological harm to porn users by amplifying the damage to their neural pathways. Of course, the spiritual destruction will continue unabated.

The final policy I'll address is moral, *encouraging the practice of prayer*. He has much to say on reviving public Christianity, all of which I cannot address. Deneen notes that the

## PUBLIC POLICY FOR A NEW REGIME: A REVIEW OF *REGIME CHANGE*

civic role of religion was highlighted when the spike in “deaths of despair” correlated with the repeal of blue laws. The ability of people to attend church was hampered by relinquishing the prohibition on requiring workers to work Sundays. But it doesn’t follow that a reinstatement of blue laws will lead to a reversal in “deaths of despair.” The social damage may have already been done. People who, *ceteris paribus*, would have attended church but no longer do because they now work on Sundays will not necessarily return to church should they get their Sundays back. All this might mean is that now they can get smashed on Saturday nights as well. It really depends on the local community. I suspect in some, such a change will open the door to a salutary revival of religion in a local community, in others to a rise in deaths of despair, thus exacerbating the inequality already rampant. Deneen writes that we should “publicly promote and protect a life of prayer” (236). But there is little hope of that coming from our current national political leaders. Could orthodox Christians really pray with Biden, Harris, or Trump? There is no way past the hard work of cultural, moral, and personal re-evangelization that must take place for public Christianity to become viable.

We can certainly appreciate the attempt to “foster conditions of flourishing for ordinary people, while restraining the tyrannical impulses of the powerful to be free of the moderating and sustaining strictures of custom, tradition, and culture” (8). But a great deal more work must be done in terms of policy development to get us there.

Luke Sheahan

*Luke Sheahan is Assistant Professor in the Department of Political Science at Duquesne University, Non-Resident Scholar at the Program for Research on Religion and Urban Civil Society (PRRUCS) at the University of Pennsylvania, and editor of The University Bookman.*