

The "New" American Political Tradition

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TRADITION has long been recognized as an essential "force" within societies whose characteristics and dimensions must be understood before we can fully and meaningfully comprehend society itself. We say "force" because tradition, like the concept of gravity, is hard to concretize. We know that it is with us every day of our lives and we know, moreover, that it serves to give us our most important dogmas (beliefs and values that are normally accepted without question) upon which we, both as individuals and as a society, project into the future and conduct our daily lives. Tradition is an invisible but potent force and that is why we frequently hear in our political discourses that we cannot pretend to understand another society or culture (*e.g.*, the French, German—much less the Japanese or Chinese) unless we immerse ourselves in their tradition and begin to think, however dimly, within the context of *their* tradition.

There are other characteristics of tradi-

tion and reasons why it deserves our attention. It is a barometer of sorts that enables those who fathom its dimensions and intricacies to predict, for it imparts what is commonly termed a sense of history, a sense of where we have been, where we are going, and where we cannot go. In its role as barometer, it tells us when a society is in poor health, when it is that it seems on the verge of breakdown: inconsistencies may reside within the bowels of tradition and suddenly emerge full-blown at a given point in history, creating a crisis of the worst order; or battles over the meaning of this or that aspect of the tradition may also convulse a society. And this is precisely why political philosophers who focus upon traditions are better behaviorists and predictors than those who run around willy-nilly collecting irrelevant data without understanding what they are doing or how the data relate in any sense to the tradition of a given people.

We cannot explore in depth here all the

ramifications of tradition, save to emphasize that tradition being the force it is will at times become the object of capture or conquest by one group or another within a society. Our specific purpose is to show how it has come to pass that we have in the United States two *political* traditions, not one, and how the American liberal has contributed to this situation through his efforts to "capture" our tradition and make it his very own. Throughout, we should emphasize, we are speaking of the political tradition understood as the norms, goals, and basic commitments associated with matters of governance.

I

TO SPEAK of two American political traditions certainly will strike some people as odd for it has been fashionable in some quarters to assert that there is no American political tradition. Not that some Americans did not theorize about our political institutions but such theorizing was seldom systematic and usually fragmentary, dealing as it did with specific controversies without moving out to the broader and more permanent concerns of society and the political order. Jefferson, contrary to the impression conveyed about him by his numerous worshippers, is the very epitome of this and for this very reason can be read in such a variety of ways by contemporaries so as to serve the purpose of almost any partisan cause. When we cast about for more systematic theory, we are apt to fix upon *The Federalist*. Though, as we will contend later, one can scarcely do better in order to understand and appreciate our tradition (one of them at least), we should note that *The Federalist* has not until relatively recent times enjoyed the status of a theoretical treatise. On the contrary, it was and still largely is (judging only from what undergraduates and graduates are exposed

to in the groves of academe) regarded merely as a series of bound propaganda squibs designed to promote ratification of the Constitution and devoid of any serious theoretical import, and most certainly not a work that affirms or reaffirms an American political tradition. Then, of course, there is John C. Calhoun's *Disquisition* which, for whatever else might be said about it, is an effort at systematic theory construction. But, oddly enough, Calhoun has had a poor press over the decades, principally on the grounds that his theoretical formulations are clearly out of step with the American tradition—which is to say that his critics, who allege there is no tradition, pretty much know what the American tradition is.

On the face of it, it does seem too much to expect that any individual could possibly articulate the American political tradition, particularly those individuals caught up in the hurly-burly of political in-fighting. For this reason, perhaps, many students of the American political tradition have felt more at home with the commentaries of astute foreign observers such as De Tocqueville and Bryce. They were the detached observers, removed from the turmoils of domestic politics, who were because of their detachment and relative disinterest better able to give us some genuine perspective into the elements of our tradition. Certainly, given this belief, they were to be taken more seriously than, say, Calhoun or Publius. And such has continued to be our penchant. We have almost gone so far as to bestow the equivalent of knighthood on the likes of such contemporaries as Gunnar Myrdal and Dennis Brogan for what amounts to their articulation of *our* political tradition. An equally popular route, however, and one that is endemic to the American intellectual community, is to argue, as we have said, that there is no American political tradition or American tradition period, that

we are, à la James and Dewey, really “pragmatists”—tinkerers and actors unconcerned with tradition or theory (in the highest sense of that word), interested only, so it would seem, in the most practical answer to the immediate questions and problems which confront us. Being pragmatists, then, we had no penchant to theorize broadly about our destiny, to worry very much about our future, or transcendent values, much less the discovery and articulation of a political tradition.

But these and like contentions are not to be taken too seriously. We would hardly expect any single work to encompass the entirety of our political tradition and in this respect we are no worse off than the English, French, Germans, or Italians. What is more, if it is true that we do lack a political tradition, in the sense we are using that term, we would be unique among the nations of the world, both past and present. Moreover, we have not acted as pragmatists. Our very structures of government certainly do not represent pragmatic ideals, a fact attested to by the incessant demands of reformers to change our institutions and practices so that we will “better” be able to meet the challenges of our modern age.

If our tradition seems obscure, clouded, or even nonexistent, it is because there has been a concerted effort to “capture” it by sluicing into it new values and ideals and by distorting or taking out of context the tradition’s original elements. In this process, not only is the original tradition hard to discern but a new tradition eventually emerges that bears little if any relationship to the old. But the result is enough to make anybody’s head swirl: endless controversies arise, tradition is soon invoked on behalf of the most blatant partisan causes, and, off at the end, even the most thoughtful observers find the task of disentangling the knots too difficult.

Capturing the American political tradi-

tion, as we have indicated, has been one of the chief preoccupations of the American liberal since the turn of this century. Here let us note only the reasons why they have pursued a “strategy of capture,” a strategy which cannot help but leave us in something of a bewildered state. First and foremost among them is that a direct frontal assault on the old tradition would have been rebuffed at the outset. That is, if the liberals had said in their initial efforts that our tradition is wicked, evil, wrong, they would most likely have been treated as conspirators. This dictated that the new tradition must somehow fit under the forms of the old; or, put otherwise, the “old” tradition (*the tradition*) had to be scuttled without making it so appear. We are not suggesting that this was a deliberately designed tactic. Quite the contrary: it came naturally given the force and strength of the tradition and was simply dictated by reality. But we are compelled to repeat the obvious. If one can steal the tradition for his cause, through capture by indirection as we have suggested (which more or less represents butchery than the direct or “clean” operation) so much the better, for the force of tradition sanctifies those efforts on its behalf. And this tells us so much: tradition in the American context is the queen of queens, or the genie so many would like to possess because once stolen its powers are enormous. At this level we can credit the American liberal with both a knowledge of what had to be done to achieve his ends, and how best to do it.

The capture of tradition, in the sense we have described it, pays off in other ways. Political debate is soon confined by new boundaries, with new goals and purposes replacing the old. In time the defenders of the old are treated as “out of step” not only with the times but the tradition as well. New heroes emerge, namely, those in step with the new tradition and, in some cases, the old heroes are debunked. (Indeed, a

great deal, more than one might first imagine, can be gained about a given society by just studying its heroes.) All of this is, of course, serious enough, affecting as it does the very destiny of a people. But in the case of the American liberal the uses to which the new tradition was put had a more severe effect. Specifically, the new tradition so much as asserted the very ends of the society in such concrete and inflexible terms as to foreclose the necessity for the use of reason and debate. Put in other terms, the old tradition assumed that the transcendent values of the society would be ordered and approached through highly deliberative processes on the part of a virtuous people. The new tradition has no place for such deliberations because they are useless: the transcendents, their meaning and order, are already known.

II

TO SHOW how this came to pass, we must first tackle the question, how can we discover our political tradition? How are we to know in this case what the old and the new traditions are? The answers to these questions are not as hard to come by in the American context as they might be in other societies, largely because we have a long and continuous "tradition" with the written "constitution." Often overlooked are two factors concerning our tradition in this regard:

1. The practice itself was dictated by necessity and most certainly was not a matter of choice. We must bear in mind that the early colonists were very much on their own and the need to articulate the fundamentals of governance was imperative. If we look to our national Constitution, the oldest living Constitution, we can easily perceive why it is that a change in our form of government had to be spelled out. Unlike England, we lacked an evolutionary devel-

opment of governmental forms that would serve to eliminate the need for a written document. Perhaps it is possible that the present American form or something very much akin to it would have somehow evolved over the decades. This, however, is very doubtful.

2. A somewhat related point, because our constitutions are written is no legitimate reason in and of itself to regard them as something less than "organic," that is, a reflection of those basic elements and commonly-held standards of a people that can appropriately be termed a tradition. Quite the contrary. We have come to regard constitutions as something of a symbolic act of the people and, as such, they represent the common denominator of a people, that upon which there is *consensus*. At least this much can be said of the American experience with constitution-making.

To be sure, because our consensus manifested itself in a written form, as perforce it had to, enormous difficulties arise that otherwise could not have occurred. For instance, we encounter distinct differences in the manner in which problems associated with "civil" liberties (e.g., freedom of speech and press) are handled or debated in England and the United States—and this in spite of the fact that our traditions bear such a cousinly resemblance. It is, so it would seem, that the written form encourages legalism, talk of "rights," and thus adjudication of competing claims through judicial processes, the very processes which we have seen over the years so ill-equipped to capsule our consensus or operate within its boundaries. And this penchant for turning so many of our profoundest questions over to the lawyers and judges for resolution (and this despite, we repeat, a manifestly poor record on the part of the legal system to handle such matters) continued unabated largely because,

we submit, this is the price one has to pay in the context of a written constitution. And interestingly enough, in the light of what we say below, this phenomenon is not the fault of the legal profession or necessarily the fault of the written constitution. It is, rather, that the very articulation of fundamental beliefs with respect to issues of governance, how we are to govern ourselves, encourages the “bar room” lawyer mentality—a mentality which has been nourished, as we will see, by the new tradition and those who intensely believe it.

Thus, it would seem, we are on relatively safe grounds in our search for tradition (again, in the sense we are using this term) in concentrating on our constitutional documents which, for our purposes, comes down to the Constitution of the United States of America. And here, of course, *The Federalist* plays an important role principally because it goes behind the stark provisions of the Constitution in an effort to explain and, yes, unabashedly to plead for adoption of the Constitution on the basis of a broader political philosophy. Its claim to quasi-constitutional status also rests in large measure on the fact that it was written by three men who submerged their identity under the pseudonym “Publius.” For this reason we have every reason to believe that it represented a consensus of thought about the Constitution, the more so as we have come to recognize that these individuals differed fundamentally on so many issues. Indeed, it has long been recognized that *The Federalist* gives to us a “constitutional morality” which was intended to help us learn how to operate under the forms spelled out in the Constitution.

To *The Federalist* we must add, of course, other documents such as the various “Notes” of the Constitutional Convention deliberations and the debates in the state ratifying conventions, because they, too,

are valuable in giving us some insight into our tradition. In sum, there is a corpus of literature, the Constitution, itself, at the center, along with closely related documents and writings which, we can say, forms the nucleus of *the tradition*. At least so much was acknowledged until a very recent time in our history. Now, the new tradition (and we will get to its guts later) does not go so far as to repudiate these documents. But here we must recall that to do so would be suicidal from its exponents’ point of view. Instead of outright repudiation the tactics of the new traditionalists have been twofold: (a) to derogate the basic documents of the old tradition—or, that is, those documents we have cited, which are used to support it; and (b) to give us new standards to which to repair, standards which presumably should bear the same degree of authenticity as those which form the basis of the old tradition but which, also, point us in other directions.

For now, let us content ourselves with (a) above. The matter for the new traditionalists was essentially, as we have said, how can the pillars of the old tradition be destroyed without making any noises, and without making it appear that the structure is really sinking. The answer is to be found in what has transpired and led to the emergence of the new tradition which still does enjoy some degree of currency. We will outline only a few of the tactics employed.

1. Downplay the Constitution; play games with it insofar as possible. Note always that the Constitution was written by mere mortals (but of this see below) and was intended to be a “living” and “flexible” document. It represents, in essence, only a compromise among the competing “interest” or “pressure” groups of the time and, as such, within the context of the New Politics (those who perceive clearly its origins in these terms, e.g., the Yale De-

partment of Political Science) is nothing more than a frontier treaty worked out to smooth over certain ephemeral issues and controversies. Never mind, of course, that Publius so much as tells us in the very first paragraph of *The Federalist* that constitution-making is awfully serious business. Rather, as the new traditionalists would have it, constitution-making is about on a par with the everyday decisions which societies or individuals continually have to make (butter or sour cream, SST or no) because the constitutional form fits with the same analytic category: who benefits and who does not, all of which can be explained by our newly-developed political "science."

2. Disparage *The Federalist*. This, above all, because it is only a "quasi-constitutional" document and, as such, is vulnerable to attack. Point out, in the pejorative sense, that it is nothing more than simple propaganda. Better yet, don't bring it into the discussion at all. Ignore it.

3. Bring into question the motives of those who were leading participants at the Constitutional Convention. Point out (as did James Allen Smith) that they were not democrats. And dwell upon the Beardian thesis that economic considerations, whether they stood to gain or lose, were first and foremost in their deliberations. Beyond this, plant the idea that the Framers, or at least a majority of them, were Hobbesians, lacking any belief in the fundamental decency of man.

4. Make as much mileage as possible from the fact that there was restrictive suffrage due to the property requirements imposed by the states. But more, picture the "politics of ratification" as something of a "swindle." Never forget the treatment accorded the Pennsylvania dissidents or the calculated strategy of the pro-Constitution forces that resulted in such a rapid ratification.

5. Bring to bear the cannons of positivism and relativism. The Framers frequently talked about "tyranny," but who really knows what tyranny is? They talked of "virtue," but what is that? Point out that we in the twentieth century, the enlightened age, know better than to structure our arguments and, indeed, our tradition in such nebulous "nonscientific" language.

We could go on in merely outlining how it is that the new traditionalists have sought to undermine our tradition. We note only in passing that our finest scholars have responded convincingly to these and other charges. But their effect has been less than it should have been because they have had to respond as a rifle, answering the charges point by point, not as a shotgun. For example, it is true that the Beardian thesis has been totally refuted but its refutation is not generally connected to the over-all assault upon the tradition—it is rather viewed as something of a victory in a skirmish which bears little, if any, perceptible relationship to the more general campaign. So too, through the efforts of many fine scholars, *The Federalist* has been resurrected and restored to its legitimate place in our tradition. But this, again, has only served the purpose of restoring one assaulted pillar.

Turning to (b), the new tradition does indeed offer us new standards to which to repair. This comes first, to focusing on documents other than those we have cited above and, second, to asserting a superiority or primacy for these documents within our tradition—an assertion, in sum, that these other documents encapsulize our tradition and that, as a consequence, all other official documents (and that includes the Constitution) are to be read and best understood in the light of them. Concretely, the new tradition rests upon the Declaration of Independence. If it were possible somehow to erase the Declaration from our history, there would be no new tradition in

the form we have it today, because it is the single pillar that supports the new tradition. What we are told in this account of our tradition is that our main values as a people are liberty and equality, both presumably derived from the Declaration of Independence. We veered a bit with the adoption of the Philadelphia Constitution but righted ourselves a good deal with the adoption of the Bill of Rights, the most significant of which by far is the First Amendment. Since then we have moved steadily toward the realization of these values, the highlight, of course, being our Civil War wherein we find the triumph, vindication, and firm restatement of our commitments.

Now a number of comments are in order, the most crucial of which relates to the tactics employed by the new traditionalists. There is, as we have seen, a disparagement of those sources to which one would normally refer to discern the elements of our tradition. In their place we find another document (the Declaration) and we must ask whether that document should enjoy a status superior to those we have cited as setting the foundation for the older tradition. The question itself is an intriguing one because it arouses, understandably enough, heated controversy. What we must ask is, how are we to interpret the Declaration? And in asking this question the new traditionalists are forced into a defensive posture simply because they must defend with utmost vigor the only pillar of their tradition or else their whole edifice will come tumbling to the ground.

We can say so much about the Declaration. The text seems to tell us one thing, the new tradition (relying very heavily on the second paragraph of the document) another. Was the Declaration a call for the institution of "democratic" government along the lines suggested by Lincoln in his Gettysburg Address or that envisioned by the

progressivist historians? The text seems to provide us with an answer to this question quite at variance from what the new traditionalists contend. It tells us expressly that it is the "Right of the People . . . to institute [a] new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

And what of the "all men are created equal" clause? Are we to say, as the new traditionalists are wont to do, that this means it is the function of government to make men equal? The Declaration certainly does not say this. And we are obliged to ask, what does this clause really mean? The same holds true with respect to the use of the word "liberty" in the Declaration. Can this be interpreted to mean that we are committed, as those who pick this value out of the Declaration seem to insist, to the tenets and doctrines of the "open society"? The text does not suggest this, but does suggest that one of the functions of government is to provide for "ordered liberty." And in this connection we must also recall that the stated purpose of the Declaration was "to dissolve the political bands" with Great Britain and it is highly questionable, for this very reason, to read it as the articulation of the American creed.

III

WITH THIS SURVEY, brief as it is, we are able to perceive more clearly the problems and tensions which have arisen in the United States from the coexistence of these two traditions, the older and by far the more authentic of the two being the Constitutional tradition. The new tradition, based as it is on the Declaration interpreted in the manner we have indicated, places emphasis on the realization of ends. The Constitutional tradition, however, while

acknowledging ends (for example, one has only to read the Preamble of the Constitution to see this) also recognizes the need for political adjudication of ends both in terms of how they are to be ordered (e.g., the ends of justice or the common defense might very well conflict with the end of domestic tranquillity) as well as their meaning. And we should note, in this connection, that the Preamble speaks of goals and ends in significantly different terms than the Declaration as interpreted by the new traditionalists. For instance, the Preamble does not mention "equality" but speaks instead of "Justice" (there is of course a profound difference between the two) and the "Blessings of Liberty," not just "liberty" (as if to suggest that liberty *per se* can be something other than a blessing). In sum, the Constitutional tradition depends upon the people operating within the confines of certain shared values to approach or to maximize the relevant values of the tradition. In contrast, the new tradition presumes to know the answer *a priori* to all such questions and controversies, possessed as it is of a knowledge of the values presumably ordained by the Declaration. And this is precisely why, for example, "judicial" decisions by advocates of the new tradition, say, a Justice Douglas, are as predictable as the tides.

Wherein do we find the problems, difficulties, and tensions to which we have alluded? They are numerous and somewhat disparate but we can identify some of the more serious. The most obvious is this: there is an understandable impatience among the new traditionalists with our procedures and form of government which in their view is designed to thwart the realization of the American Dream. Our political system seems to involve us in endless debates about what should be done, yet the answer to this question clearly resides in the new tradition. As a matter of fact,

the most perplexing of all social problems and issues (relations between the races, educational policy, taxation policy, social welfare, urban renewal, how best to handle internal disorder, etc.) can, in the main, be handled by that tradition which is embodied in the Declaration. So, too, can the meaning of our most intricate Constitutional questions surrounding free speech, equal protection, federalism, due process and the like. And this is why over the years there has been such clamor for basic reforms of our institutions and procedures; they simply were not advancing as rapidly as possible the goals of the new tradition. In this regard, the New Left call for reform is simply a logical extension of new traditionalist thought: for the New Left, the structure and procedures reflect a decadent tradition and "reform" is impossible within their context. We can anticipate that the whole issue of our present form of government will grow more severe in the decades ahead. And, no doubt, a form of blackmail will be attempted (just as it has with respect to our academic institutions), namely, the new traditionalists will tell us that we must adopt drastic reform to placate the New Leftists. And while we cannot foretell exactly what final form these reforms will take, we do know that they will call for greater centralization of authority and an end to representative and deliberative government in the sense called for by the old tradition.

Second, and more important in our view, the new tradition has been a potent force in stifling the very kind of dialogue needed for the maintenance of the old tradition. And the consequences of this have been extremely serious, not only for the old tradition, but also for the general good health of the political order. To show this one does not have to engage in the intricate and subtle process of analyzing the interplay of ideas and their eventual impact on society, its institutions and individuals. The new

traditionalists have dominated our major private foundations, our seats of higher education, and, during the period of the Warren Court, our highest judicial tribunal. In these capacities they have stood by and acted upon the tenets of the new tradition. And we can show by example how they have served to bring us to our present intellectual paralysis when confronted by the barbarians of the New Left.

We must take care to note that the goals, values and ends of the new tradition, as we have intimated, were never subjected to what we can term hard analysis so that they might serve as useful guides. Indeed, the very value of equality, certainly a cornerstone of the new tradition, has never been critically examined so that its ramifications might be fully understood, if only to determine just how far the value ought to be the controlling factor in political decisions of the highest order. Rather, such values as liberty and equality became slogans in rather high-sounding rhetoric which, unlike the July Fourth oratory to which we are all accustomed, was a very serious matter because the "orators" in this case were among the most respected members of our social and political system, whose very station in society called for balance, restraint, and introspection with respect to the creed or tradition they were trying to sell. But this was not the case, and so we end up in an appalling state of affairs. As Francis G. Wilson wrote not too long ago in these pages, we are presently "giving more liberty to secular rebels, including Communists, than to Christians."¹ But this should come as no great shock. At another level, the new traditionalists in the 1950's with all the fervor of true believers in the open society, presumably derived from our commitment to liberty, maintained that a communist has a "right" (!) to teach in our colleges and universities. By the very same reasoning used to derive this so-called

"right," astrologers and alchemists could also find a safe haven in the same ivy-covered walls. Our point here is not to dwell upon the absurdities to which the new traditionalists have gone in the promulgation of their creed. It is rather that within the circles they dominated an absurdity could not be called such: the avenues for debate, confrontation, and genuine dialogue (and this in the very arena designed to provide such) were closed off by a high wall orthodoxy reinforced by a smug sense of self-righteousness and of certitude.

We can put the matter another way: the chickens have, indeed, come home to roost. The New Left extracted the principles of the new tradition and pushed them to their logical limits. This, of course, was bound to happen. One might have thought that our academic institutions, at least, would have been prepared to deal with the resultant excesses on the basis of a coherent, ordered, and principled theory. But for reasons we have spelled out, such could not be the case; the orthodoxy was off bounds to critical analysis and investigation. And we suffer the consequences of this today. When, for example, New Left students disrupted the classroom routine what could the new traditionalists, the custodians of the orthodoxy, say? They knew it was "wrong," but why was it wrong? Could they invoke their "clear and present danger" test (mind you, the only test they have been able to conjure up in all these many years)? Not very well, because the circumstances usually did not allow for its application. After all, the students in disrupting classes presented no real "clear and present" danger in the sense that term is usually employed. Besides which, according to the new tradition, truth will win out anyway, no matter what. And more, the new traditionalists, or most of them, had to swallow hard and accept the words of one of their foremost spokesmen to the ef-

fect that the principal function of free speech is to invite dispute, to question accepted values—and, well, so what if a few heads get beaten? After all, free speech is the first article of the American creed. Or so, in any event, runs the new traditionalist approach. Never once did they ask, as Walter Berns and Harry Clor have, what are the functions of free communication, what purposes within a *civil* society should or does freedom of expression serve? How far should we tolerate the abuses that might stem from the “open” society? Nor did they ask a series of relevant questions: in what context are we dealing with the matter of free speech? (It is one thing, as we know, to participate in a political rally, still another to participate in a seminar, wherein the purpose is to advance knowledge.) Are there any bounds relative to the *demeanor* of the participants? When do we feel it appropriate to shut somebody up because he has said his piece? What rules and procedures ought we to follow given the complexity of those situations which inevitably confront us? In short, how can we be a civil people intent upon justice and develop those standards which allow us to approach justice?

A few of the new traditionalists, and this cannot be denied, turned to an examination of the new versus the old tradition, an examination which has paid off handsomely, at least within academic circles. But the majority, and this includes so many of the academic chieftains, saw fit to prescribe the same old bromides. And thus it is that we find the “teach-ins,” (wherein one might point out we have done no better than the British by saying in effect “vent your frustrations and idiocies in a designated arena that will not disrupt the traditional functions of the universities,” but with this important difference: we will take you seriously). In the meantime, as we know, academic communities were paralyzed because

the purveyors of the new tradition, those who stuck with it, could not respond with principled arguments to the demands of the students who were the very sons and daughters of their tradition.

We do not for a moment mean to imply that academic communities are the only ones which have suffered from the shallowness of the new tradition. Far from it! One has only to look at Presidential commissions of recent vintage, those on civil rights, civil disorders, student unrest and the like, to see its import for the general society.² We repeat: the new traditionalists know the answers to all problems, even though they go through the processes of “objective” study. We have dwelt upon the academic environment only to picture this phenomenon in its purest state. And the final irony in this respect are the university presidents who see fit to advise the President on how to run our country when they can’t even run their own institutions.

IV

WHEN INDIVIDUALS talk about how liberalism is dying in the United States, they are also talking about the death of the new tradition, at least as we have pictured that tradition. We have noted that this was inevitable. The new tradition was not, in the last analysis, any tradition at all. Rather it bore all the earmarks of being nothing more than a loosely constructed rationale for a partisan political movement couched in terms to give its advocates a sense of moral superiority and arrogance. We would have preferred that its exponents had been taught this lesson by sources other than the New Left. Perhaps it could not have been otherwise for the conservatives, who did perceive the virtues of the old tradition operated within its context which called for rational discourse and deliberation. For that reason alone they simply could not and

would not create the earthquake (or set off the bombs, for that matter) that would shake the liberal traditionalists out of the orthodoxy. But this is of little concern. The chief obstacle to the flow of meaningful discourse concerning our present and future is vanishing slowly but surely. This, above all else, is a hopeful sign which could conceivably lead to the restoration of the older tradition, one which held out the promise of decent, just, and orderly government through deliberative processes and which, in so doing, was eminently neutral with respect to who should win or lose on specific matters of policy.

But we must never forget the damage that has been wrought by more than forty years of new traditionalist domination in our highest social circles. Conservative thinking, itself, has been eroded to the extent that in some quarters the vocabulary and frame of reference of the new tradition has taken hold. All analyses which are framed in the mold of the social contract, of individuals emerging from trees, caves, or whatever, to sign a document which specifies "rights" is pure nonsense—and this, we emphasize, is the very mold which the Declaration of Independence gives us. And those who conceive of society and our tradition in these terms (and their numbers are legion in both liberal and conservative camps) had best reconsider the ramifications of their theory. They neither can nor will, given their patently false and absurd premises, provide any viable tradition. And no amount of synthesizing, such as that attempted by the so-called "fusionists" in conservative circles, is going to bring us back to our moorings. Fusionism (understood here as fusing the doctrines of rights and individualism into the context of more traditional concerns and values, e.g., those involved in the search for a good political order) is not only an accommodation to the new tradition but also serves to

stultify our public discourse. In recent years, for example, so many of our debates have come down to the mere assertion of the primacy of one set of rights over another without much inquiry into where these rights originated or what their implementation would mean. Moreover, for every set of rights asserted, we normally encounter the manufacture of countervailing rights with the net result that public debate about policy has been and is little more than a shouting match; a game of sorts at which the new traditionalists, for reasons we have spelled out, are very adept.

Both reason and experience tell us that man is a *social being*. And once conservatives recognize this simple fact, there will be, we submit, a marked transformation in the nature of their discourse about our problems and tradition. The "rights" mentality fostered by the new traditionalists will then be seen for precisely what it is, a mentality based upon and fostered by a belief in individual barbarism that eventually led to the *formation* of society and upon which a society should operate. In sum there is a need to return to natural *law* teachings which are considerably different from those of the *modern* natural *rights* dogmas upon which the American liberal has operated. In this context, "fusionism" is nothing more than an accommodation, a "compromise," with those liberal and radical elements which have sought to capture our tradition.

This would suggest that the restoration of the constitutional tradition will not be an easy matter. It will involve more than a shift of rhetoric; the rhetoric of individual rights, equality, and the open society is, after all, merely a manifestation of a conception of society and its purpose. The restoration of the Constitutional tradition depends upon how far that conception can be altered so that we can once again return to the fundamental questions which

helped shape and give form to the old political tradition: namely, how can we structure our processes and institutions to achieve justice and the good society, one that seeks to approximate the best that is within us? How, at the same time, can we allow the deliberate sense of the community to manifest itself and arbitrate these matters?

We confess at once that restoration of this tradition might well be impossible. Restoration depends ultimately on the vir-

tue, forbearance, and prudence of the people. The impact of the new tradition has deeply eroded the qualities requisite for restoration. How deeply or how extensively we do not know. Nor do we really know the resilience of the old tradition: it has, after all, been stomped on quite vigorously for well over forty years. We can say that unless there is a restoration, the prospects for orderly and decent government seem very remote.

¹"The Supreme Court's Civil Theology," *Modern Age* (Summer, 1969), p. 250.

²See on this Mr. J. M. Lalley's comments in "Sins of Commission," *Modern Age* (Winter, 1971), pp. 3-5.

Ludwig von Mises and the Paradigm for Our Age

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UNQUESTIONABLY the most significant and challenging development in the historiography of science in the last decade is the theory of Thomas S. Kuhn. Without defending Kuhn's questionable subjectivist and relativistic philosophy, his contribution is a brilliant *sociological* insight into the ways in which scientific theories change and develop.¹ Essentially, Kuhn's theory is a critical challenge to what might be called the "Whig theory of the history of science." This "Whig" theory, which until Kuhn was the unchallenged orthodoxy in the field, sees the progress of science as a gradual, continuous ever-upward process; year by year, decade by decade, century by century, the body of scientific knowledge gradually grows and accretes through the process of framing hypotheses, testing them empirically, and discarding the invalid and keeping the valid theories. Every age stands on the shoulders of and sees further and more clearly than every preceding age. In the Whig approach, furthermore, there is no *substantive* knowledge to be gained from reading, say, nineteenth century physicists or seventeenth century astronomers; we

may be interested in reading Priestley or Newton or Maxwell to see how creative minds work or solve problems, or for insight into the history of the period; but we can never read them to learn something about science which we didn't know already. After all, their contributions are, almost by definition, incorporated into the latest textbooks or treatises in their disciplines.

Many of us, in our daily experience, know enough to be unhappy with this idealized version of the development of science. Without endorsing the validity of Immanuel Velikovsky's theory, for example, we have seen Velikovsky brusquely and angrily dismissed by the scientific community without waiting for the patient testing of the open-minded scientist that we have been led to believe is the essence of scientific inquiry.² And we have seen Rachel Carson's critique of pesticides generally scorned by scientists only to be adopted a decade later.

But it took Professor Kuhn to provide a comprehensive model of the adoption and maintenance of scientific belief. Basically,