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THE NEW SPIRIT OF THE LAWS
RETHINKING POLITICAL HISTORY SINCE THE WORLD WARS

The Challenge: New eras evoke new histories. As current political and economic constellations change they cast a different light upon the past, bring hitherto unremarkable features into sharper relief, and broaden the landscape that must be held in the frame of vision. We are compelled to see differently. Readers of this book grew up in more hopeful times. The grand narratives of the twentieth century, at least those centered on Europe and America, traditionally focused on the long struggle between democratic ideologies and their authoritarian or totalitarian competitors: Fascism and Nazism, conventionally classified on the Right, and Communism, definitively on the Left. This history culminated in 1945 or 1989, depending on the conflicts under scrutiny – whether World War II or the Cold War. For historians concerned with the populations that lived in Asia and Africa, the passage from colonial domination to independent statehood played a similar role in organizing a narrative of events that culminated between 1945 and the 1960s, but the reflections that follow are not really focused on that experience, nor on the post-colonial states of the “Global South.” They represent a conceptual introduction to a revised perspective on the last hundred years: no longer an “age of extremes,” but no longer a simple passage to liberal democracy either.

Sadly, the optimism that the final decade of the twentieth century portended in so many countries has not lasted. The narratives that climaxed with the fall of communist regimes in Europe, the end of Apartheid in South Africa, and the restoration of democracies in Latin America, have not prepared us to explain the darker developments that have developed since. But it is not just the civic successes of the 1980s and 1990s that have been cast into shadow; much of twentieth century history seems nullified. The intense sociopolitical discipline and commitments nurtured by the world economic crisis of the 1930s, the Second World War, the Cold War, and anti-colonial struggles seem to have yielded since the 1970s to an often surly fragmentation of collective engagements. Large-scale institutions have disappointed their publics. Historians face the challenge not only of explaining the happy provisional ending of the 1990s, but the democratic discontents of today. The challenge – at least from our present vantage -- is to construct a narrative and analysis that better take account of current developments than the cheerful and sometimes smug story we told about the success of democracy after 1989.

The issue is not just to figure out what is “actually happening.” Bookstores and journals are filled with works that vividly describe the recent era of crises, whether we date them from 9/11/2001 or the financial meltdown of 2008. Several concepts are invoked repeatedly to account for contemporary difficulties – think of “globalization” and “populism.” Nonetheless, narratives of contemporary turmoil are often written as if they were like the Big Bang, the self-generating “singularity” at the origin of time and space. It seems to me that a major challenge for the historian, say of the post-1945 era or

even of the century since the First World War, is to frame today's disillusion in a longer-term narrative that makes them seem plausible outcomes from prior developments, that is to construct a prehistory for our troubling circumstances. History is full of surprises, but it is the historian's task to make them seem, certainly not inevitable, but at least not quite so surprising, indeed even logical. Of course, events may well veer again so that today's symptoms of democratic decay may someday seem a transitory episode, a "blip," not a trend. Meanwhile, however, the contemporary historian has to account for the origins of an unexpected present.

One way of doing this is archival: to find evidence earlier overlooked – perhaps economic statistics that played only a minor role in the dominant policy discussions such as indices of inequality, or expressions of political discontent believed to be marginal. But this history follows a different approach. It seeks to reconfigure the usual categories of analysis – democracy and dictatorship, states, empires, political parties and economies, including the legal and normative frameworks that define them. There are other ways to think about the history of the last hundred years than as a contest between democracies and dictatorships or liberals and conservatives or Left and Right. These contests certainly existed; they claimed the attention of journalists and the passions of participants. But we may also advance understanding of the long-term results (that is, the current situation) by redefining collective actors and institutions. As this paper explains below, I have found Montesquieu's effort of the mid-eighteenth century, *The Spirit of the Laws*, a stimulus to such a reflection – hence my title.

Protagonists: How were we governed for most of the 20th century? How are we ruled now? One major change is the weakening of the institution that shaped regimes from the nineteenth century on, namely the organized political party. Not everywhere to be sure: in the remaining Communist countries, in China above all, the Party is the organ that sets policy agendas, nurtures leaders, limits debate and dissent, and attempts to control the public narrative. Elsewhere plebiscitary leaders have become the bearers of authoritarian politics and their parties have fragmented and decayed, as have those in liberal democracies. Parties exist as the autumn foliage of political life – colorful but no longer renewing the trees to which they are affixed. There are reasons for this: the socioeconomic cleavages and belief systems around which they crystallized are no longer the dominant ones that seem most relevant to voters. If parties have fragmented or withered within, the states that they sought to steer have also lost cohesion. Bureaucracies persist, legislation and regulation are more encompassing than ever, but a commitment to public purpose, to recreate society through politics, has also atrophied.

For this reason one of the main threads of this history is the eclipse of what I term here the activist **project state**, a political unit that aspired to change social and economic relations in a profound way and not just to prolong administrative continuity. Project-states had a transformative agenda; they included authoritarian and even totalitarian as well as liberal governments, revolutionary regimes seizing power and democratic coalitions seeking to reform sclerotic institutions or societies that seemed unacceptably unequal. Thinkers as diverse as Michel Foucault and James Scott have suggested that in

effect all states must be project-states; they want to enumerate, make “legible,” and rationalize their subjects.¹ But there are different degrees of intervention and states can vary in their activism, asserting a role in war and crisis that becomes routine over time. In fact, all the major belligerents in the world wars had to become project states temporarily to the degree that they intervened to harness their populations and their economies and social goals to the overriding objective of national survival.

The twentieth-century Project-State had two original impulses. For some countries – China, Turkey, and the Mexico of the PRI -- it emerged from the revolutions that had shaken these societies in the decade before World War I. Other societies who participated in World War I, had, as noted, to construct project states just from the efforts at national mobilization during World War I. The war compelled its participants to coordinate economies and societies to an unprecedented and ever more pervasive degree. But while many of the belligerents undertook this effort for the duration, they also dismantled controls once peace was secured. We are examining the regimes that undertook major intervention in peacetime.

The project-state often depended on the role of a single party, or at least a decisive majority impelled by domestic crisis. As a revolutionary regime the Soviet Union, particularly after collectivization and the Five-Year Plan were introduced in 1928, was perhaps the most spectacular example. Other new regimes such as Kemalist Turkey and Nationalist China, based in Nanjing, are important examples. Not all were equally successful in their leaders’ or parties’ ambitions: as in China they could be mired in corruption; their policies could also impose disastrous costs on their population, as in the Soviet Union; the rhetoric of transformation might outrun the accomplishments, as was the case in fascist Italy. The United States during the New Deal attempted extensive intervention with profound though imperfect results. (It had already experimented with a massive, if abortive, Protestant project, Prohibition, and had begun spectacular environmental initiatives, such as the Hoover dam.) States, of course, could change their orientation, and there were many that were not particularly ambitious or that pursued business as usual. In some cases through the 1920s, regimes remained divided between parties that had such interventionist agendas (Weimar Germany and Austria) and their political adversaries who wished to establish citizenship based on traditionalist structures (church or military). Advocates of the project-state envisaged the creation of a new society that transcended traditionalist (family-church-military oriented) loyalties based on the enhanced collective consciousness of an engaged citizenry. Democratically oriented projects were resumed with the defeat of fascism in the Second World War and continued into the 1960s. But the project state seemed to lose its momentum by the 1970s. Other less collective objectives took over and the great historical moment of the project state, at least in the West, faltered in disillusion. We have been in a sense living through the climactic stage of its abandonment and rejection – at least for this cycle of history.

¹ James C. Scott, *Seeing like a State* (New Haven: Yale University Press, 1998).

Not all states were project states; many regimes were content to penetrate less deeply if too much unrest did not threaten the political regime. Other states governed through layers of familiar elites especially when they had the additional task of ruling a far-flung and ethnically diverse empire. By the peace settlement after World War I, the colonial world was largely shared-out and the “heroic” acquisitive phase of empire building had ended. Rebels among the colonized had to be periodically suppressed, but the colonial powers sought mainly to exploit or “valorize” their overseas territories and peoples and to construct a transnational supervisory structure through the League of Nations that would assure prestige and profits without too much military conflict. Until the Second World War and its aftermath, these **rentier empires** remained significant actors in global politics alongside and sometimes overlapping with project states -- only to be subsumed by the two other global agents that increasingly structured global history.

The empire issue was problematic and indeed was bifurcated by the First World War. Colonial empires overseas were booty for redistribution; landed empires in Europe, ripe for dissolution and reconstitution as nation-states. Woodrow Wilson’s doctrine of self-determination potentially applied to both; for the Allies the challenge was how to have it apply to the landed empires but not to their own overseas colonial empires. Until the spring of 1918, the Allies hesitated about breaking up Austria-Hungary, although all parties committed themselves to reconstitution of a Polish state. By the end of the war, the Ottoman domains also appeared a territory useful for paying off minor allies and Arab insurgents.

The French, British, Dutch, Belgians, Italians, and Japanese -- remained committed to the exploitation of extensive overseas empires and the extraction of resources from periphery to metropole, which promised to compensate for the sunk costs of the World War. Although these European states enjoyed vigorous political debate at home, in particular over the rights to be conceded to the organized working classes, the hierarchies of the colonial order remained largely unchallenged. The ‘Wilsonian Moment’ remained but a moment. Contributing to this refulgent zenith of imperial domination, the empires of the interwar no longer required the rivalries and conflicts among the colonizing powers of the pre-1914 era. The League of Nations helped inscribe a new, largely racially or ethnically based status quo that envisaged indefinite tutelage through the mandate system. The beneficiaries sought preservation of the 1918/21 international status quo including the redistribution of German colonies and Ottoman territories and reconfirmed through the League’s mandate systems. Challenges to this order were averted at Versailles and later rebellions or labor challenges suppressed in Morocco, Syria, Iraq, and Indochina. In the areas where conflict threatened over overseas colonial exploitation – the Middle East and North China – agreement was reached for at least a decade.

The winding up of the rentier empires followed in the two decades after World War II, or, if the Vietnam War is counted as a final episode, by the mid-1970s. But if the formal empires ended and post-colonial states emerged, the transfer of material resources

and labor power that the colonies had earlier assured could be continued within the framework of capitalist institutions increasingly freed from state control. The huge and vital petroleum sector revealed both the successes and the setback of this shift. In effect the OPEC effort of Middle Eastern states to reclaim the transfers of oil wealth (as Mexico had done in the 1930s) represented a war of economic liberation that followed the attaining of formal decolonization. They also demonstrated the ambiguity of what activities constituted expressions of traditional states and which inhered in a realm of power and wealth outside state and empire. That domain (or domains) constitutes the other theater of history to be followed.

Operating alongside the institutions of state and imperial government, were actors that aspired respectively less to sovereign power than to wealth and to moral and political influence. They could operate within territorial states, but they also functioned within international or transnational space. Terminology remains a challenge. When discussing them as collective agents, I designate them as the “**web of capital**” and the “**web of governance**” and when focusing on the transnational policy domain they have claimed: the realm of capital and the realm of governance. They have involved networks of decentralized participants that mobilize finance and public opinion across national lines. Think of them as creating a “global field,” like a gravitational or magnetic field in physics, filling international space with invisible lines of energy, or influence.

The web of capital included the individuals and organizations – firms, banks, trade associations, and “expert” committees -- that participated in markets, where they reciprocally exchanged goods, labor, real property and promises of future payments in a framework supposedly free of legal or extralegal compulsion. At the same time, however, the international payments they constantly negotiated arose from debts enforced by the victors in the aftermath of the First World War. The high-level participants in the web of capital became important through the 1920s both as leaders of profit-seeking firms, and experts in allegedly restoring an international financial order. (As such they participated in the web of governance, described here as well.) They failed, however, to assure continued global prosperity between the wars for multiple reasons – above all trying to reconcile the overhanging burden of international debt with their single-minded focus on international currency stability. They also seemed powerless to maintain the income of the world’s agricultural sector and protect it against widespread poverty.

Notions of a world economy gained ground as experts began to conceptualize global interdependence from the 1920s, but how it was to be constructed in the face of conflicting national priorities was never resolved. Following World War II, these actors constructed a more stable fabric within the U.S. led Bretton Woods order. Experts and firms pursued different roles. Multinational firms claimed a larger role. By the 1970s they captured a lot of alarmed attention, and today they hover as superficially decentralized entities, sited in an economic space where their global reach

often evades the regulation states can deploy.² In the contemporary digital and social media era, moreover, the technologies they provide for an almost universal consumer public has almost totally liberated them from political control and even from the weaker reins of governance.

The web of governance has exercised an ambiguous historical role over a century. It encompassed the non-state organizations that proposed to intervene in society by invoking ethical, normative, or "expert" considerations, whether supported by laws and governments or not.³ Historians used to regard the international domain as the passive arena for contending national foreign-policy ambitions but have increasingly argued that the international (or transnational) arena is a space that in effect shapes its own normative practices. International associations – the anti-slavery movement early in the nineteenth century, initiatives to establish international law in the 1870s, the League of Nations, then the UN, at the same time powerful corporations, ambitious foundations such as Ford and Rockefeller based in the United States (later the German Party foundations, humanitarian NGOs, and, not to be overlooked, quasi confederal associations such as the European Union) – fill the international domain with a continuing discourse of peaceable intentionality.⁴ To borrow an analogy from physics, if the life of states was bound together by the strong forces of alliances and interests, the web of governance constituted the weak force of transnational opinion.

Its participants set as objectives public goods that politics or markets do not always provide: better medical care, human rights, honest government, access to education, and environmental preservation. But by promoting reforms for states and firms, the web of governance also prolonged the continuity of rentier empires and

² As remarkable as their transnational spatial claim has become, is their intertemporal power. This is at least the case of the financial sector, which has claimed a larger share of corporate earnings and national income in the twenty-first century. Claiming to mobilize present "parsimony" (Adam Smith's term for savings) for future rewards, their business in fact is to cash in the glittering promise of the future for profits in the present, a compression of time taken for granted by investors but nonetheless challenging for theorists of capital.

³ There is now a huge literature on governance that is at last emerging from the naïve celebrations of benevolence that characterized earlier statements. For a history of the term's deployment as a dozen years ago, see Gili S. Drori, "Governed by Governance: The new Prism for Organizational Change," in *Globalization and Organization: World Society and Organizational Change*, Drori, John W. Meyer, and Hokyu Hwang, eds. (Oxford and New York: Oxford University Press, 2006), 91-118 – a collection that in general celebrates the Weberian rationality of governance and demonstrates its overlap with business organization and education. See also my own contribution, "Governance and Anti-Governance," *Parolechiave* 56 (2016): an issue devoted to governance.

⁴ See *Internationalisms: A twentieth-century History*, Glenda Sluga and Patricia Clavin, eds. (Cambridge: Cambridge University Press, 2017) for a programmatic statement with examples; Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015) for an outstanding study. For an influential study of international law in this regard see Martii Koskenniemi, *The Gentle Civilizer of Nations: the Rise and Fall of International Law 1870-1960* (Cambridge: Cambridge University Press, 2002). See Akira Iriye's summary of NGO history: *Global Community: The Role of International Organizations in the Making of the contemporary World* (Berkeley: University of California Press, 2002).

thereafter the more aggressive initiatives of project states. The advocates of international governance sought to negotiate compromises between the reformist ideas of pre-1914 international liberalism and the aspirations of conservatives to uphold – or even restore -- the status quo of a peacefully accepted inequality of peoples and races.

In line with its reformist and non-revolutionary aspirations, throughout the twentieth century the web of governance functioned on the basis of cooperation between non-revolutionary spokesmen for organized working-class interests and colonial spokesmen on one side and reform-minded traditionalists and entrepreneurs on the other. Its spokesmen envisaged the juridicalization of disputes (arbitration and international law, the League of Nations), as well as reformist labor organizations (the ILO) and technocratic visions of capitalism (e.g. Herbert Hoover's associationism). Historians of governance have rightly made us aware of the legal and organizational efforts that went into constructing this institutional framework. Nonetheless, this new work in international history may be claim a stronger role for the web of governance than it actually played. Much of the record presented – whether in the sphere of human rights, or international mediation, or taming colonial rule -- amounts to history in a subjunctive or optative mode. The world depression undermined the conditions that allowed these reformist projects to prosper. Instead it increased the assertiveness of project states, weakened the authority of rentier empires and ripped apart the international web of governance by the end of the 1930s. It was reconstituted after 1945 and seemed to increase in vigor – but its success depended upon the confidence of states and its partnerships with the web of capital.

The reader will rightly ask how this schema takes account of the international revolutionary and resistance movements determined to undermine the hierarchical stability that the web of governance sought to guarantee. It is no accident that radical movements often discounted as insignificant when studied within a territorial framework achieve significance as crucial links in transnational resistance. Revolutionary movements played globally significant roles from 1917 to 1924, then again from 1943 through 1947, and from the late 1960s into the 1970s. Whether as constituents of Marxist and Leninist parties or as nationalist anticolonial movements mobilizing during the two world wars, or as “Third World” armed insurgencies supported by enthusiastic youth during the 1968-73 interval, they periodically dominated political agendas. Should we, then, credit a distinct “web of resistance” as constituting a fifth protagonist? For now, my impulse is to envisage it as an episodic force for contesting the other collective actors rather than to envisage it as an equal force in shaping twentieth-century historical outcomes. After all, revolutionary movements aim first to transform national regimes; when successful they leave their mark with the creation of project states.

The networks of governance, however, have increasingly overlapped with those of capital and draw on the latter in an effort to set economies right, usually within the parameters of a functioning capitalism. Whether international banks or public organizations such as the IMF, they propose policies and commitments for financial or economic reconstruction. Their search for transparency, honest practices, or economic

stability carries political implications since these policies involve differential social and economic burdens within the societies affected. From the foreign supervision of the Chinese, Ottoman and Egyptian debts in the nineteenth century, to currency stabilizations in interwar Eastern Europe, through the present Greek Euro crisis, networks of governance have relied on networks of capital.

The working premise of this history is that we can reconceive the political development of the last century in terms of these four agents – project states, rentier empires, the web of governance and the web of capital. To anticipate the interwoven story line in a vastly simplified summary: Project-states largely ceased to sustain their momentum after the 1960s; they failed to generate convincing public agendas and seemed increasingly to serve the classes that had access to the skills of a digital economy, mass entertainment, or just of political office. Social Democracy in its various forms – whether the parties in continental Europe, the American Democrats of the North, British Labour, became crucial actors from 1945 into the 1960s, retaining the loyalty of a still numerous industrial working class or public functionaries, and consistently seeking to control market outcomes in the service of a welfare state. But they gradually lost their constituency and their ideological vision, substituting growth for equality, until in the 1990s their leaders became cheerleaders for largely untethered capital under the slogan of “market democracy.” The political parties associated with their achievements in democratic countries devoted major attention to removing disabilities arising from ascriptions of identity related to gender and race – causes often opposed by their earlier supporters. By the end of the century their traditional supporters were left to confront mass migrations from even poorer or war-torn societies.

Rentier empires disappeared as major actors but the opportunities for neo-imperial transfers of wealth hardly disappeared; thus they were transmuted not into some enduring post-imperial commonwealth but assets in the realm of capital. In the successive phases of rapid technological change after the wars – first the modernization of industry and agriculture and then the digital revolution -- capitalist firms seized the opportunity to metastasize into the domains of national politics and transnational governance. Non-profit organizations – whether the forces of civil society at home or NGOs in the sphere of transnational governance -- did not have sufficient countervailing power to resist these changes, indeed often worked to reinforce them. Historical actors that had been in some sort of equilibrium earlier in the twentieth century faced attrition and reduced vitality within the surging influence of the web of capital. The collapse of the Communist Party regimes contributed to this result as well, as private firms or new post-Soviet oligarchs captured once socialized assets. With states hollowed out, governance largely neutralized, personalist regimes captured the blighted institutional landscape, both territorial and transnational.

In what way, the reader might ask, does this account or mapping of historical actors differ from the simple story of neo-liberal substitution of private markets for public institutions? It allows us, I believe, not just to follow the rejection of Keynesianism and the turn toward the varieties of neoliberalism, whether Chicago or Ordoliberal dogmas. We can see that the project state, which resisted neo-liberal pressures, was a twentieth-

century creation of revolution or a response to the demands of “total war.” It rested on a high degree of creative institutional imagination that did not simply take political office as a self-justifying activity. It was complemented, moreover, by a vigorous culture of governance that transcended the search for minimizing government expenditure and good business practice. It is a story of institutional tiring and weariness with public commitments, such that at the end of the road (at least provisionally) the enjoyment of privilege by those who could get access to privilege, and the recourse to quasi-authoritarian leadership by those who could not became plausible historical outcomes.

The Narrative Trajectory: Any historical account of significant institutional stress must also suggest why changes took place when they did. Societies are always evolving; how do we identify certain periods, short or long, as particularly transformative? This study adopts different periodization from those which traditional narratives have used. When a story begins and when it ends determines much of what we choose to narrate and explain. Periodization is a mug’s game, alas, but periodization is also an activity that the historian can never renounce since it structures every narrative. When a given development is said to begin (and perhaps when it ends) gives away half the story. All developments reveal long-term trends and short-term caesuras. Millennia of tectonic strain produce the catastrophic earthquake that lasts perhaps a few minutes. Theorists of global warming and historians of the “Anthropocene” can point to human environmental intervention for the past two centuries. Some analysts have provided particularly apt metaphors for compressed changes: Jakob Burckhardt wrote about the acceleration of history during crises; the theorist of evolution Stephen J. Gould argued for “punctuated equilibrium”; the historian of physics Thomas Kuhn separated decisive paradigm shifts from the workaday accumulation of normal science.

For most scholars, in the West, at least, the changes in ideology and belief and institutions that occurred between the late seventeenth and late eighteenth century seemed the major constitutive factors of modern times. Secularization, science, and critical reasoning – in short Enlightenment and a discursive revolution -- provided red threads to follow through the succession of events. Even those who shared Marx’s insistence on class conflict and technological innovation as underlying causal elements accepted the decisive discontinuities of this era, though extending it to include early industrialization and in some cases the subsequent abolition of chattel slavery. Eric Hobsbawm provided the elegant synthesis of the two revolutions, political and industrial. Reinhard Koselleck left Germans with the metaphor of the *Sattelzeit*. The very abstract term “modernity,” which took on an incantatory value, tended to be invoked for what had taken place since that era.

Nevertheless, I do not believe that this generally accepted narrative is serving us very well any more, and of course the last fifty years or so have seen important challenges. First of all, for historians concerned with the majority of the globe’s population -- with the “Rest,” not the “West” -- the traumatic passages into the era of colonial empires and then out of it have always served as epochal markers, whereas for many traditional historians, they were far-away diversions, remote from the central

narrative of the metropole. Even if Western historians remain unperturbed by the global South and focused resolutely on Europe or North America, Michel Foucault's influential perspectives have also made the age of revolutions less crucial. Foucault's epochal transitions or ruptures start earlier than Koselleck's or those of most Anglo-American and West European historians. His history of governmentality, power, instrumental knowledge and biopolitics, extends from late medieval times through the Renaissance, through the "early modern" era and into the 19th century.

My own exploration of territorial "regimes," which occupied me from the mid-1990s through last year, emphasized the importance of the wars of national reconstitution and the technologies of telegraphic and cable communication and rail transport from the 1850s to 1870. These developments strengthened a national bourgeoisie, the enhancement of centralized power, and the state's penetration of extended national and colonial space – all with enormous human consequences including the marginalization of nomadic confederations, and a continuous ideological mobilization by elites for interstate competition. They made imagined communities into real empires.⁵ This constellation of forces and ideas lasted about a century, but began to change significantly in the 1970s, when a combination of digital technologies, the return of Asia as a global economic power, the trends we summarize as globalization, and, not least important, the revival of religious claimants to guide the public sphere, all eroded the competences of nation-states based on cohesive territorial control. The adults of the 1870s lived in a qualitatively different epoch from the one their parents had in the 1840s. Readers of this book live in significantly different times from that their parents in the 1960s, and the transformation is not exclusively one of technology.

This story thus bridges two global epochs. It begins with the most dramatic passages within the territorial era, the world wars, midway during the hundred-odd years of national and imperial consolidation from 1860 to 1970 -- a century of intense territoriality. But it continues to the present through the decisive transformations since the late 1960s and 1970s. My examples of project-states date from the unprecedented military and industrial efforts that the major belligerents organized to fight the First World War. They then mark the interwar period, with Soviet collectivization, the New Deal, and the Third Reich. The years of postwar reconstruction, 1945-65, reinvigorated some project states who adopted a wave of welfare-state projects. At the same time they eliminated rentier empires. The British state was transformed even as the British Empire was significantly reduced. My rentier empires refer to the major colonial powers once they partitioned and repartitioned most of Asia, Africa, and the Middle East by 1923 and sought durable organizational forms for enjoying and profiting from their acquisitions. (Italy and Japan will rest less content by the 1930s.) The narrative arc of the history reaches its turning point just about fifty years after the end of the First World War, that is roughly between the late 1960s and the early 1970s (recall 1968 and the 1973 "oil crisis"), a tumultuous transition during which the political, economic and cultural

⁵ See *Leviathan 2.0: Inventing Modern Statehood* (Cambridge, MA: Harvard University Press, 2012) and *Once within Borders: Territories of Power, Wealth, and Belonging since 1500* (Cambridge, MA: Harvard University Press, 2016).

commitments woven together since the 1860s and confirmed anew after the two World Wars, conspicuously began to unravel.

Not all readers will accept this periodization. But no matter which causal narrative one favors – whether the discursive history of Enlightenment and Western liberalism (increasingly studied today as the history of human rights); or a materialist-based history of global capitalism; or Foucault’s overlapping history of governmentality and biopolitics; or a focus on the mastery of territorial space – we still confront the unsettling recent set-backs to liberal-democratic institutions and the capacity to conceive grand public projects.

Explanations, or Back to Montesquieu. Why has this crisis arisen? One plausible explanation invokes the decade of economic stagnation that lasted from 2007 until this past year. The respected British economic columnist Martin Wolf has written trenchantly, “The west (fragile as it is today) has to recognize – and learn from – the fact that management of its economy and politics has been unsatisfactory for years, if not decades. The west let its financial system run aground in a huge financial crisis. It has permanently under-invested in its future. In important cases, notably the US, it has allowed a yawning gulf to emerge between economic winners and the losers. Not least, it has let lies and hatred consume its politics.”⁶ I agree with Martin Wolf, although I believe that the causes of institutional disintegration are broader than economic mismanagement and are primarily political. After all, the earlier great depression, that of the 1930s, provoked some more transformative reactions – some repressive and authoritarian, but others liberal and progressive. We have not seen much sign of the latter.

All historical narratives, whether they acknowledge it or not, incorporate theories of society, that is they suggest principles that govern its functioning, whether contingency or underlying laws, or some mix thereof. Genes, gender, class, race, psychology, environment, and character have all been put forward. Narrative is itself built on the conviction that what happens earlier is the most comprehensive way to account for what happens later. I have taken my title and inspiration from Montesquieu’s sprawling attempt to reveal the distinction between the formal designations for political regimes and the societal conditions they needed to function well -- the implicit requirements that he termed “the spirit of the laws.” Whereas Hobbes (and Locke) justified the need for states, the French *philosophe* sought to describe the conditions that let them function. He also had a vivid sense of the institutional entropy that menaced them all. Even when they possessed appropriate institutions, regimes grew feeble “*par la corruption nécessaire de tous les Gouvernements.*”⁷ *Décadence*, or decline, was universal; the challenge was to forestall it as long as possible. Ancient Rome taught both the remedies and their eventual futility. Still, the effort was what determined historical achievement.

⁶*Financial Times*, Nov.1, 1917, p.9.

⁷ Charles Louis Secondat, Baron de Montesquieu, *Reflexions sur la Monarchie Universelle en Europe*, Chap. XV, in *Oeuvres complètes*, Roger Caillois, ed.2 vols. (Paris: Editions Gallimard, 1951) p. 29.

Montesquieu's effort to classify the social requisites for politics was foundational in the modern era. Underlying the written laws -- so Montesquieu instructed the American national founders along with European intellectuals in the eighteenth century -- was "the spirit of the laws." Every society required laws: international law (*droit des gens*) to prevent a permanent state of warfare against other societies on the planet, civil law (*droit civil*) to preclude civil war. An expression of human reason in general, their particulars expressed the diversity of particular societies and governments. The spirit of the laws referred to the coherence of the ensemble; it comprised the implicit values or norms that allowed diverse types of political regimes to achieve stability.⁸ These were not causal as such. Rather they expressed necessary *conditions* and the logic of governments.

No matter how good the fit, however, between regimes and the principles that sustained them, Montesquieu still believed that even the best laws and institutions were vulnerable to almost inevitable degeneration as governments departed from their constitutive principles. *The Spirit of the Laws* as well as its preparatory works, the *Reflections on Universal Monarchy*, and the *Considérations sur les causes de la grandeur des Romains et de leur décadence* were all structured around the continual tension between the principles that allowed regimes to subsist and the deviations that doomed them. Institutional "foundings" are created by wise legislators and patriotic citizens but then succumb to class conflict and factionalism. Republics and empires both have decay built in, whereas kingdoms are less exalted but more durable. Machiavelli and Montesquieu both examined Roman history from this perspective.

Montesquieu emphatically distinguished between the "nature" or form of a regime and its "principles," or the particular qualities demanded of its citizens for it to function and survive.⁹ What were the principles? Democratic republics rested on virtue, that is, love of country: citizens had to put the needs of the state before their individual interest. Aristocratic monarchies rested on the elite's search for status and honor; despotism rested on inculcating pervasive fear. Each system required its civil laws to conform to these underlying conditions in order to achieve stability. Montesquieu repeatedly warns his readers that with the wrong laws, one regime must morph into another: without honor, that is without the ambition for individual distinction and rank, an aristocracy cannot

⁸ Charles Louis Secondat, Baron de Montesquieu, *De l'Esprit des Loix: ou du rapport que les lois doivent avoir avec la constitution de chaque gouvernement, les moeurs, le climat, la religion, le commerce, etc.* [1748], in *Oeuvres complètes*, Roger Caillois, ed. 2 vols. (Paris: Editions Gallimard, 1951), Livre premier, chapitre III: 236-238.

⁹ "Sa nature est ce qui le fait être tel, et son principe ce qui le fait agir." *Ibid.*, p. 250. On the "nature" of the three regimes, Livre Deuxième, chaps. 1 and II, 2, p. 239; II, 3, pp.244-45; II, 4, pp.247-49, and on the principles of the three regimes: Livre III, chaps. 1-9, pp. 250-59. The classifications can be confusing: republics can be aristocratic or democratic, p. 259, but monarchies require intermediate bodies to remain governments of law -- which distinguishes them from despotisms -- and "le pouvoir intermédiaire subordonné le plus naturel est celui de la noblesse... point de monarche, point de noblesse; point de noblesse, point de monarche." (II, 4, p. 247) Virtue is beneficial for an aristocracy but "Il est vrai, qu'elle n'y est pas si absolument requise." And in a monarchy laws and a reliance on ambition replace virtue, "which is certainly not excluded but not what makes it work (*le ressort*)." (III, 4-4, pp. 254-56.)

exist, and without an aristocracy, monarchy must become either a democracy or a despotism; without civic virtue, democratic republics cannot survive. To be sure, he also believed that size was determinate: republics had to be small, and large empires such as China must be despotic.¹⁰ In the United States today intellectuals have come to debate whether political culture or institutions are more or less likely to save the Republic. *The Spirit of the Laws* suggests that they reinforce each other whether in a vicious or a virtuous cycle. Assuming that despotism was the least welcome outcome and civic virtue was the hardest precondition to sustain, political wisdom suggested including elements of republicanism and aristocracy to achieve the optimal stable result. “Intermediate bodies” prevent degeneration into despotism; they repeatedly return as Montesquieu’s institutional safeguard. America’s founders appreciated Montesquieu’s prescription.

Montesquieu’s spiritual descendant Alexis de Tocqueville took the analysis further. He no longer saw much choice. In an age where democracy and the destruction of aristocracy loomed as inevitable, the American republic taught that federalist institutions, voluntary associations, religious pluralism, and an elite of lawyers might combine to avert democracy’s degeneration into despotism.¹¹ Both these French writers, inclined toward aristocracy, defended a societally anchored liberalism – not communitarian in the modern sense, but even less atomistic and fixated on individual reward. But like all other institutional mixes, the regime they preferred appeared to them forever precarious.

Neither theorist particularly emphasized the role of private economic institutions – private property and vigorous market-oriented activity – in preserving liberal democracy. The *ancien régime* included a mercantilist structure of corporate guilds, privileges, regulations, and land rights that resisted liberalization until the Revolution. Montesquieu, however, did not emphasize their role, looking instead to political elites for the *corps intermédiaires* he found so necessary for good government. Since 1989, of course, our theories of civil society usually presuppose a vigorous private economic sector that limits the state. It was Adam Smith and Hegel (as a theorist of “civil society”) who found in market-oriented economic activity an important buffer between the state and the individual subject. Hegel’s “civil society” was situated “above” ties of kinship and purely emotional bonds, but “below” the realm of the state, which embodied a more advanced degree of reason or spirit. Civil society was the key aspect of associative life, a scaffolding of agents (firms, guilds or corporations, markets, economic man) emanating from the world of interests, not the higher morality that the state and its laws supposedly represented. But it allowed freedom and also provided solidarity.¹²

¹⁰ *Ibid.* Livre Huitième, “De la Corruption des Principes des Trois Gouvernements,” esp. chaps. 15-21, pp.363-68, concerning optimal size. Cf. *Réflexions sur la Monarchie Universelle en Europe*, chap. VIII, in *Oeuvres Complètes.*, pp. 23-24.

¹¹ Alexis de Tocqueville, *De la démocratie en Amérique*, vol. I, c.1835, vol. II, c.1840. In *Oeuvres, papiers et correspondances*, J.-P. Mayer, ed. (Paris: Gallimard, 1951), vol. I.

¹² Georg Wilhelm Friedrich Hegel, *Philosophy of Right*; see also Lisa Herzog, *Inventing the Market: Smith, Hegel, and Political Theory* (Oxford: Oxford University Press, 2013).

More skeptical analysts -- sometimes informed by Hegel (and Marx), as was notably the early Jürgen Habermas, and/or by other solidaristic traditions, as was Karl Polanyi -- emphasized that market capitalism can in fact squeeze out the non-market values of society and politics. The danger seemed to grow for critics of neo-liberalism late in the last century as market rationality pervaded public institutions such as schools, health care, medical care and even prisons.¹³ Commentators who welcomed greater governmental regulation of national economies in the 1950s and 1960s as social-welfare institutions were expanded, became alarmed by the 1970s as multinational corporations seemed to evade political regulation. Several decades later mining, manufacturing, and financial services seem based increasingly in a transnational economic space where their ubiquitous reach evades the regulation states can deploy territorially or by treaty. Deploing too much state in the 1960s and 1970s, even in the West, critics a generation later wondered whether there was too little, or, more precisely, whether states and the organizations concerned with governance had actually been ensnared in the web of capital.

Among recent commentators, Albert Hirschman did not live to observe the current democratic distemper, but his essay *Shifting Involvements* suggested that people invest their energies in public causes, only to be disillusioned with the outcomes, whereupon they invest in private pursuits, only to be disappointed again and so they oscillate back and forth. Although this model may describe individual behavior, Hirschman did not attempt to apply it collectively; and to explain societal swings from public to private gratification would require that a major part of a population undergo the same waves of disillusion at the same time. Moreover, the issue is not simply that citizens today pursue private interests rather than public and political causes. Political passions certainly run high at present but tend to be expressed in confrontational dramas rather than in institutional debate and reform. Hirschman was aware in his essay on *The Rhetoric of Reaction* that the fear of disappointment could be exploited as a conservative argument against change, although as a development economist he persisted in a belief in incremental improvement.¹⁴

¹³ See Quin Slobodian, *Globalists: The End of Empire and the Birth of Neoliberalism* (Cambridge, MA: Harvard University Press, 2018); Vanessa Ogle, "Archipelago Capitalism: Tax Havens, Offshore Money, and the State, 1950s-1970s," *American Historical Review*, 122, 5 (2017): 1431-1458; Philipp Ther, *Europe since 1989: a History*, Charlotte Hughes-Kreutzmuller, trans. (Princeton, NJ: Princeton University Press, 2018); James R. Martin, "Experts of the World Economy: European Stabilization and the Reshaping of International Order, 1916-1951" (Harvard University Dissertation, 2016); Patricia Clavin, *Securing the World Economy: the Reinvention of the League of Nations, 1920-1946* (Oxford: Oxford University Press, 2013). Slobodian, be it noted, contests Polanyi's claim that capitalism's protagonists sought to escape the state in general, but rather wanted international institutions to weaken nation-states and create global regulatory institutions for their own interests. (pp. 15-19)

¹² Albert O. Hirschman, *Shifting Involvements: Private Interest and Public Action* (Princeton: Princeton University Press, 1982); *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations, and States* (Cambridge, MA: Harvard University Press, 1970); *The rhetoric of reaction: perversity, futility, jeopardy* (Harvard University Press, 1991). Another insight into the oscillations of collective life can be derived from the late anthropologist Victor Turner, who built a general theory from his original studies of African tribal ritual to argue that all "structures" call forth "liminal" or in-between moments of "antistructure," where the

Samuel Huntington would have been less sanguine. His major work, *Political Order in Changing Societies*, suggested that direct interventions of social groups, whether the military, unions, or religious militias –what he termed “praetorianism,” testified to “the absence of effective political institutions capable of mediating, refining, and moderating group political action.” For Huntington raw collective demands always threaten to overpower institutional mediation. He did not apply his theory to the intervention of an alienated general public, although he allowed that “a popular demagogue may emerge, develop a wide-spread but poorly organized following, threaten the established interests of the rich and aristocrats, be voted into political office, and then be bought off by the very interests which he has attacked.”¹⁵

“Order,” of course, is the pervasive trope of conservatives who fear that the accustomed hierarchies of the world are losing their legitimacy. Those who tend to invoke it usually want to defend political arrangements that favor and reassure those already enjoying influence or wealth. Admittedly, as we confront the turmoil of the refugee crisis in the Mediterranean, the toll taken by Mexican and Latin American drug gangs, the growing partisan rage and disregard of fact in U.S. politics, the slow deconstruction of the European Union, the mushrooming of a transnational billionaire elite and of untethered corporations, the viral spread of social media, the intensity of religious militancy, the enthusiasm for authoritarian leaders appealing to rabid ethnic identities at the expense of state institutions, much of the globe seems to be undergoing a surge of hostility to the “order” that seemed to prevail until a generation ago. China presents the major exception, but whether it too may fall into “disorder,” as it has periodically over the last three millennia, is impossible to predict.

No doubt what appears today as a phase of disintegration, an unravelling of law-based political structures may be the long and painful prelude to some future reconstruction of new institutions or even governmental algorithms. But for now – whether “now” is a decade or a century -- we live in an anti-Hobbesian moment, in which societies seem bent on dismantling the political compact that allowed them to get beyond a brutal state of nature. Must a history, however, that sees a crisis of an older order dating from the 1970s view the earlier postwar years in a rosy hue as a period of sociopolitical equilibrium or “order”? I would reject this imputation – the postwar balance of forces contained many repressive elements, in politics, the workplace, family

rigid frameworks of society, including its religious hierarchies, are suspended precisely to regenerate themselves. Turner (as Durkheim before him) sheds light on the great episodes of collective euphoria and bonding: 1789, 1848, 1968, 1989 and perhaps 2011 in Cairo. But he relates them to ritual movements in the life cycle, not politics. See *The Ritual Process: Structure and anti-structure* (Chicago: Aldine, 1969).

¹⁵ Samuel P. Huntington, *Political Order in Changing Societies* c.1968 (New Haven, CT: Yale University Press, 1996), 196-197. For more cheerful judgments, see, Huntington, *The Third Wave: Democratization in the late Twentieth Century* (Norman: University of Oklahoma Press, 1991). Cf. Fukuyama, *The End of History*; also Fukuyama, *The Origins of Political Order: From prehuman Times to the French Revolution* (New York: Farrar, Straus and Giroux, 2011); and *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy* (New York: Farrar, Straus and Giroux, 2014).

and emotional life, organized religion, aesthetic possibilities, and of course in terms of race and gender. Is any period of apparent stability, it can be asked more fundamentally, ever really an era of equilibrium or order? The term can lead us astray. I do not mean to suggest that so-called equilibrium is a condition of repose rather than one of countervailing tensions or to suggest that it can be prolonged in time. Still it is a conjunction of politics, economics, and culture that can be contrasted with previous and subsequent period of conspicuous disaggregation.

For a liberal who accepts that “disorder” may be increasing, the challenge is to find a narrative that does not imply old inequalities were implicitly morally superior. But the concept – and its negative, disorder, deserve to be taken seriously. If we work from Huntington’s insights, disorder suggests a decomposition of the integrative capacities of the state and a reversion to praetorianism, not necessarily just on the part of one major grouping but several. In this light populism can be viewed as a symptom of state decomposition. Populist leaders, whether Donald Trump, Reyçip Erdogan, Victor Orban, or other contemporary contenders, may see their program as designed to strengthen the nation-state. But their projects are largely those of pseudo-restoration; they do not extend beyond ethno-national or industrial revivals for the sake of personal power. The authoritarian or Caesarist regime is not per se a project state.

The New Spirit of the Laws: All theories have their limits when confronting historical events. If the historian is not merely a sociologist, he or she must always stand in awe of the event, which often comes as a surprise, if only because it did not take place sooner or later than it did. Even physicists, after all, resort to “singularity.” History is a study of the only imperfectly theorizable – unless we count path-dependent narrative a theory.¹⁶ What theory provides is a retrospective ordering, the possibility of comparison, and a demonstration that sometime change was likely to occur. Admittedly, this can represent a considerable achievement, but the historian needs to insert theory into a time-specific framework.

What the reader will not find will be perhaps the most controversial element of this history: I have abandoned the usual normative framework of histories of the West for the sake of analytical purposes. The fundamental distinction between democratic and authoritarian regimes is not the one I rely on here. Is it really fair, then, it might be asked, to lean on Montesquieu, since the *philosophe* never lost sight of the basic difference between lawful and lawless states? Even Polanyi shrank from claiming any identity between dictatorial and democratic reactions to market society and declared that

¹⁶ See, however, William H. Sewell’s, *Logics of History: Social Theory and Social Transformation* (Chicago: University of Chicago Press, 2005), 197-262, for a “theory of the event.” I have tried to systematize my argument twice – once in 1994 to the German conference of political scientists and again in a lecture at the EUI in 2009. “Die Sozialwissenschaften und die Wende: Grenzen der Prognosefähigkeit,” (The Social Sciences and the Transformation (of Germany): Limits of Predictability) in *Einigung und Zerfall. Deutschland und Europa nach dem Ende des Ost-West Konfliktes. 19. Wissenschaftlicher Kongreß der Deutschen Vereinigung für Politische Wissenschaft*, Gerhard Lehmbuch, ed. (Pladen: Leske + Budrich, 1995): 315-325. “Between Surprise and Social Science,” Max Weber Lecture at the European University Institute, San Domenico di Fiesole, June 10, 2009.

“the emerging regimes of fascism, socialism, and the New Deal were similar only in discarding *laissez-faire* principles.”¹⁷ I am not claiming that this difference is unimportant for the hundreds of millions of people who lived under one or the other system. Nor am I saying that political liberty is of little value.

But Montesquieu’s method was not designed to justify the state or laws that he preferred; it was meant to show what “principles” underlay different regimes. His effort foreshadowed that of the French regulation school of economists who sought the implicit parameters of successive 20th-century economic policy regimes. What principles in this sense might we say governed the historical domains described here? I would suggest the following:

(1) The principle of the project state has been that of commitment to an ideal of commonwealth. Put differently, the principle is that of *inclusion* in a civic community, whether one that preserves liberty or one that aspires to authoritarian uniformity. There are liberal states that do not require such commitments; the question is whether they can be sustained against market commodification or populist anger.

(2) The principle of empire was that of imposing or preserving hierarchic differences among ethnically diverse communities. Not just of “managing difference,” but managing *differential privileges*.

(3) The principle underlying the web of governance is the *supremacy of rational norms*. These can be defined, according to preference, by allegedly scientific reasoning, as in the field of health, or according to a priori “rights,” or by norms governing discussion among stakeholders.

(4) The principle behind the web of capital today is perhaps the most difficult to specify. It is no longer Weberian or Calvinist ascetic rationality, if it ever was. Marxists talk of “accumulation,” but to what end? What seems at stake is a search to amass private wealth and to construct large autonomous private organizations that can claim to replace public authorities: an ambition one might cynically describe as *plutocracy tempered or justified by philanthropy*.

Like Montesquieu, the author understands the functional role of each principle, but he fears that at present the last has gained an outsize role. What follows is a history of the changing balance among these principles. Perhaps in retrospect this will seem a history that could only be written in a moment of disillusion. But history is defined by its surprises; no doubt there will be new ones.

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¹⁷ Polanyi, *The Great Transformation*, 244.

