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- Does the U. S. Constitution protect "unenumerated" rights? Legal scholar Randy Barnett looks at the Ninth Amendment.
- What happened to Argentina? How did a prosperous and liberal polity descend into Peronist collectivism? Historian Eduardo Zimmermann looks at the literature and the issues.
- Jorge Luis Borges, poet, essayist, critic, classical liberal: philosopher George Eckerle examines the politics of this unpolitical writer.

Current Issues in Law

Why the Ninth Amendment?

by Randy E. Barnett

It is a sad commentary on our constitutional history that any discussion of the Ninth Amendment must begin by quoting it:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Here is an entire amendment asserting the existence and importance of "other" rights "retained by the people." Yet it is largely unknown and has never been used by the Supreme Court to decide a case.[1] In this essay I will offer two reasons why this has occurred and will suggest that now is a particularly good time to give the Ninth Amendment the serious attention it deserves.

The Origin of the Ninth Amendment

The Ninth Amendment was drafted by James Madison in

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Bibliographic Essay

The Decline of Classical Liberalism: 1860-1940

by Stephen Davies

In 1860 the term liberalism had a firm and settled meaning throughout most of western Europe and the United States. By 1940, less than a hundred years later, its meaning and connotations had changed radically. In 1860 a liberal, of whatever nationality, was one who favored free trade, a market economy with little or no government intervention, a limited constitutional state, and a social policy based on self-help. By 1940 the word, at least in the Anglo-Saxon world, was used to describe people who supported an active, interventionist economic policy with a substantial degree of state ownership, a system of collective welfare with correspondingly high levels of taxation, and an expansion of the role of the state. Those who espoused the views defined as liberal in 1860 were, by the mid-twentieth century, now commonly labelled as conservatives. This change in meaning was most marked in the United States and Great Britain but could also be seen in continental Europe. At the earlier date liberalism was a broadly individualist ideology; by the second it had become a mild but definite form of collectivism. Although significant, the extent of this change should not be exaggerated; there was a continuing commitment to values and ideas such as constitutional government, religious toleration, and personal liberty. Yet despite the continuities, the change in the nature of what was called liberalism was dramatic and clear to contemporaries and led to the coining of all sorts of circumlocutions and expressions to distinguish the old from the new liberalism. It has become customary to refer to the older, individualist variety as "classical," the later, collectivist version as "revisionist," or "new," liberalism.

The years between 1860 and 1940 saw more than a change in the nature of liberal ideology. The influence and political importance of "classical" liberalism declined catastrophically over the same period, from a position of dominance to one of almost total irrelevance. We are thus dealing with two linked but distinct phenomena—a change in the content of an ideology and the virtual elimination of one version of that ideology from public and academic discourse. These can be fused as the "decline of classical liberalism." This is clearly an event of great historical importance. It has consequently attracted a great deal of attention, from historians, philosophers and practicing politicians, among others. There is,

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Decline of Liberalism (continued from page 1)

however, no consensus about the cause or significance of the decline of "classical" liberalism; its study raises all sorts of issues of both historical fact and method. One fact on which there is no debate is chronology. The crucial period in the decline-transformation was 1880-1900, except in the United States, where it would appear to lie between 1900 and 1920.

General Accounts

There are many general historical and philosophical accounts of liberalism, written from widely differing viewpoints. Leonard T. Hobhouse's *Liberalism* (1911; New York: Galaxy Books, 1964) is both an account of the change in the nature of liberalism and a polemic by one of the leading "new" liberals. In contrast, Ludwig von Mises's *Liberalism: In the Classical Tradition* (1927; San Francisco/Irvington-on-Hudson: Cobden Press & Foundation for Economic Education, 1985) is an intransigent defense of the "classical" variety of liberalism. Later statements worth examining are John Gray's *Liberalism* (Minneapolis: University of Minnesota Press, 1986), Massimo Salvadori's *The Liberal Heresy* (New York: St. Martin's Press, 1977), and Anthony Arblaster's *The Rise and Decline of Western Liberalism* (Oxford: Basil Blackwell, 1984). Gray writes from a "classical" perspective while Salvadori gives a "revisionist" and Arblaster a socialist view. The standard historical account is Guido de Ruggiero's *The History of European Liberalism* (Gloucester, Mass.: Peter Smith, 1981), which should be supplemented by the outstanding documentary collection edited by E. K. Bramstead and K. J. Melhuish, *Western Liberalism* (London: Longmans, 1977). Three main issues confront us in these texts; their consideration leads to a number of other, more focused works.

Both Gray and Salvadori argue that liberalism underwent a fundamental change, or rupture, towards the end of the last century.

First, how significant and fundamental was the change in the nature of liberalism? Arblaster argues that the change was limited, with any differences between "classical" and "revisionist" liberalism less significant than what they shared. He also argues that any change that did occur in the nature of liberal ideology was limited and partial in its effect on liberal politics and argument. He thus emphasizes the persistence of "classical" liberal ideas within "revisionist" liberalism. Another who argues that change was small is Robert Eccleshall in his introduction to the documentary collection, *British Liberalism: Liberal Thought from the 1640s to 1980s* (New York: Longmans, 1986). However, Eccleshall minimizes the change by stressing "revisionist" elements in the thought of "classical" liberals and by disregarding important figures such as Herbert Spencer. Both Arblaster and Eccleshall also assert that liberalism remained the dominant western ideology even when explicitly liberal political parties had become peripheral.

In marked contrast, both Gray and Salvadori argue that liberalism underwent a fundamental change, or rupture, towards the end of the last century. Most of the historians who have studied this topic take a similar view. Michael Freeden's *The New Liberalism: An Ideology of Social Reform* (Oxford: Oxford University Press, 1978) argues very strongly for this interpretation, as do Stefan Collini's *Liberalism and Sociology: L. T. Hobhouse and Political Argument in England 1880-1914* (Cambridge: Cambridge University Press, 1979) and Peter Weiler's *The New Liberalism: Liberal Social Theory in Great Britain 1889-1914* (New York: Garland, 1982). Moreover, the "new" liberals themselves emphasized the extent of their departure from the "classical" model, as a quick glance at Hobhouse's work will reveal. There were dozens of books and articles published between 1890 and 1930 by "revisionist" liberals that took a similar line, two typical works being Herbert Samuel's *Liberalism* (London: Grant Richards, 1902) and C. F. G. Masterman's *The New Liberalism* (London: Leonard Parsons, 1920). There are two issues of interpretation here. First, what value should be put on the protestations of the "new" liberals themselves? For Arblaster and Eccleshall these should be treated skeptically, on the grounds that as participants in an internal liberal debate writers like Hobhouse and Masterman deliberately sought to exaggerate the differences between their own views and "classical" liberalism. The contrary view would take them at face value. Second, there is the crucial question of definition: Who should count as a liberal? Only by arguing that Spencer should be regarded as a conservative and not as a liberal is Eccleshall able to minimize the differences between "new" and "classical" liberalism. This is certainly stretching things. If liberalism is defined in a way that excludes the more rigorous proponents of the "classical" tradition, then clearly the ideology becomes more homogeneous and any change less significant. If, however, it is defined loosely as to include everyone who is neither a revolutionary socialist nor a reactionary (as it is by Arblaster) then it again becomes hard to discern any real ideological change.

If liberalism is defined in a way that excludes the more rigorous proponents of the "classical" tradition then clearly the ideology becomes more homogeneous and any change less significant.

The second main issue is more straightforwardly empirical. When and how did the decline of "classical" liberalism take place? Unfortunately, there is little in English on developments in the major Western European states. In addition to the work of de Ruggiero and the introduction to the volume edited by Bramstead and Melhuish, there are four important works in English that deal with the fate of German liberalism: Leonard Krieger's *The German Idea of Freedom* (Boston: Beacon Press, 1957), Donald G. Rohr's *The Origins of Social Liberalism in Germany* (Chicago: University of

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Current Issues in History

Argentina: Colonial Heritage or Liberal Decline?

by Eduardo A. Zimmermann

Between the 1880s and the First World War, Argentina experienced an almost unparalleled period of economic and social expansion that transformed the basic features of the country. The spectacular economic growth prompted by the incorporation of new lands and the subsequent increase in cereal production and exports, the influx of European capital, and immigration, in a relatively stabilized political situation, amazed some witnesses, who predicted that "no bounds can be set to the wealth that awaits enterprise in this fair land."[1] Population increased from around 2 million to more than 7 million people; railway length grew from around 3,000 kilometers to more than 31,000 kilometers; exports rose from around 60 million gold pesos to more than 400 million gold pesos (with similar figures for imports); and so on. Politically, after a long period of internal strife, the federalization of the city of Buenos Aires in 1880 marked the beginning of an era of relative stability. The effective application of the Constitution of 1853, securing individual rights and private property, and a series of laws organizing the judiciary and fixing a common unit of currency, among others, established an adequate institutional framework.

In *The Cambridge History of Latin America*, Vol. V (Cambridge: Cambridge University Press, 1986) two articles (Roberto Cortés Conde, "The Growth of the Argentine Economy, c. 1870-1914," and Ezequiel Gallo, "Argentina: Society and Politics, 1880-1916") provide an excellent basis for the understanding of this period in Argentine history. Cortés Conde's own *El Progreso Argentino 1880-1914*, (Buenos Aires: Editorial Sudamericana, 1979) is worth noting as a remarkable work of economic history, especially interesting for his challenge of some widely accepted theses, namely, those concerning the structure of land tenure and the evolution of wages during the period. Cortés Conde rejects the interpretation that explains the formation of the structure of land tenure during the nineteenth century as a conspiracy by a landowner elite and instead investigates the economic factors that influenced the origins and development of a market in land. The author also argues against those, such as Hobart Spalding (*La clase trabajadora argentina* [Buenos Aires: Editorial Galerna, 1970]) and Adolfo Dorfman (*Historia de la industria argentina* [Buenos Aires: Escuela de Estudios Argentinos, 1942]), who claim that during the period of great economic expansion the wages of workers deteriorated in real terms. Based on new evidence, Cortés Conde finds that during those years—and despite fluctuations within the period—there was a sustained increase in real wages.

Ezequiel Gallo's *La Pampa Gringa* (Buenos Aires: Editorial Sudamericana, 1983) concentrates on the colonization of the province of Santa Fe and its impact on the agricultural boom; his "Agrarian Expansion and Industrial Development in Argentina, 1880-1930," in Raymond Carr, ed., *Latin American Affairs, St. Antony's Papers*, No. 22 (Oxford: Oxford University Press, 1970) emphasizes the positive connections between the expansion of agriculture and the possibilities of industrial growth. Both articles in *The Cambridge History of Latin America* provide extensive bibliographies covering the period.

While these authors recognize the importance that liberal institutions had on this process of radical transformation of the country, there are several other interpretations that either deny that this transformation was as dramatic as liberal historians believe, or dismiss the influence of liberal ideas on the process. Some of these studies regard the predominance of liberalism as an intellectual disguise of policies that aimed at the satisfaction of a small elite's class interests. Unfortunately, these studies tend to base their arguments on the use of rhetorical terms (such as "class interests") rather than on a strict analysis of historical evidence.[2] Such an approach, moreover, very frequently neglects the analysis of ideas as important factors shaping economic and political institutions.[3]

Economic and Cultural Determinism

In "The Reconstruction of Nineteenth Century Politics in Spanish America: A Case for the History of Ideas" (*Latin American Research Review*, Vol. 8, 1973), Charles A. Hale singled out Latin America's liberal experience in the nineteenth century as its distinctive feature among developing regions. Hale identified two types of interpretations of Latin American history that underestimate this liberal experience. The "cultural" interpretation, which Hale locates in works like Richard Morse's "The Heritage of Latin America" (in Louis Hartz, et. al., eds., *The Founding of New Societies* [New York: Harcourt, Brace & World, 1964), stresses the importance of the colonial heritage of a corporatist, hierarchical, and authoritarian socio-political order, as determining all subsequent institutional developments. The liberal experience of the nineteenth century is represented in this cultural interpretation as "an aberration from more permanent patterns." Similarly, Howard J. Wiarda, in

Charles A. Hale singled out Latin America's liberal experience in the Nineteenth Century as its distinctive feature among developing regions.

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"Toward a Framework for the Study of Political Change in the Iberic-Latin Tradition: The Corporative Model" (*World Politics*, Vol. 25, 1973), has written of a traditional "corporative framework" that reflects "a historic hierarchical, authoritarian, and organic view of man, society and polity." Instead of being transformed by the ideological currents of the nineteenth century, this basic colonial structure apparently survived in a different form, merely adopting the new imperative of change and modernization.

A detailed description and analysis of the "cultural vices" that permeate Latin American society can be found in Stanislav Andreski, *Parasitism and Subversion: The Case of Latin America* (New York: Schocken Books, 1969, pp. 23-54), and in Lawrence E. Harrison, *Underdevelopment Is a State of Mind: The Latin American Case* (Lanham, Md.: University Press of America, 1985).

The second type of interpretation that underestimates the liberal experience in Latin America is what Hale calls the "economic" interpretation, exemplified by Stanley J. Stein and Barbara Stein in *The Colonial Heritage of Latin America* (New York: Oxford University Press, 1970) and various kinds of dependency theories, which focus on Latin America's dependency on the more economically advanced nations as the key to its historical development. According to this view, it is this economic dependency that determined the structure of Latin American political and economic institutions. The changes that occurred during the nineteenth century are interpreted in some of these studies as reflecting the emergence of a new colonial relationship rather than as a radical historical transformation.

Quite recently, David Rock has combined both "cultural" and "economic" interpretations in his study *Argentina, 1516-1982* (London: I.B. Tauris & Co. Ltd., 1986), considering the country "a classically 'colonial' society." The period of social and economic transformation of the late nineteenth century, says Rock, was not as effective as liberal historians believe. During this period, he argues, "the host society deflected foreign influences to extend and deepen many of its own historic propensities." Rock's reliance on "historical propensities" and economic dependency to explain Argentina's decline in this century shares the deterministic features of the economic and cultural interpretations.

Many of these theories are based on dubious historical evidence (see, for example, D.C.M. Platt, "Dependency in Nineteenth Century Latin America: An Historian Objects," *Latin American Research Review*, Vol. 15, 1980). A very recent work by Lance A. Davis and Robert A. Huttenback, *Mammon and the Pursuit of Empire: The Political Economy of British Imperialism, 1860-1912* (Cambridge: Cambridge University Press, 1987) also casts doubt on the assumption of the "profitability of the Empire," an assumption very frequently simply taken for granted in dependency theories.

Ideology

In addition, there is very little room left—if any—in these interpretations for the interaction between ideological changes and institutional development. Institutions and historical events appear to be totally predetermined by the colonial cultural heritage, or by the alleged economic dependency of the country. As an alternative to these views, it could be argued that historical developments in Argentina were primarily influenced by important ideological transformations that not only affected liberalism, but ultimately produced its decline and substitution by different mixtures of nationalism and corporatism. In this alternative interpretation, therefore, the interaction between ideas and political action takes a central place; special emphasis is put on the connections between different bodies of ideas predominant in a certain period of time and the resulting institutions, policies, and programs. The focus on economic and social history that has dominated academic literature on Argentina needs to be complemented by more research on the ideological changes that shaped political, economic, and social events.

One of the first ideological changes that affected liberalism in Argentina reflected a pattern similar to intellectual trends in European liberalism. Larry Siedentop has pointed out the importance of Tocqueville and the French Doctrinaires Guizot and Royer-Collard in establishing a tradition of political thought based on a theory of social change and a recognition of the role that social conditions play in the shaping of political institutions.[4] It was this tradition that induced the Argentine liberals of the "Generation of 1837" (Alberdi, Sarmiento, and Echeverría) to abandon Bentham and Rousseau and begin "to learn something of national inclinations, customs and races, and of historical antecedents" by way of Tocqueville, Guizot, and the historians Thierry and Michelet, as Sarmiento put it in *Facundo o Civilización y Barbarie en las pampas argentinas* (1845; Buenos Aires: Centro Editor de America Latina, 1979). Charles Hale has described this ideological change as "the decline of classic constitutionalism" ("Political and Social Ideas in Latin America, 1870-1930," in *The Cambridge History of Latin America*, Vol. IV, *op. cit.*, 1986). The new constitution makers were more concerned with existing social conditions in their own countries than with the principles of political philosophy embraced by the men of the Independence period. The ways in which this was reflected in the ideas of the men who inspired the Argentine Constitution of 1853 are dealt with by a small number of works dealing with the history of ideas in Argentina, including José Luis Romero, *A History of Argentine Political Thought* (Stanford: Stanford University Press, 1963) and especially Natalio Botana, *La Tradición Republicana* (Buenos Aires: Editorial Sudamericana, 1984) and Tulio Halperín Donghi, "Para que la inmigración? Ideología y política inmigratoria y aceleración del proceso modernizador: el caso argentino (1810-1914)" (*Jahrbuch für Geschichte von Staat, Wirtschaft und Gesellschaft Lateinamerikas* [13] 1976).

Rock's reliance on "historical propensities" and economic dependency to explain Argentina's decline in this century shares the deterministic features of the economic and cultural interpretations.

Among the conditions focused on by the new constitution makers was, first of all, a constant preoccupation with the vast, deserted territory of the country, scarcely populated by natives and Spaniards who were notable, according to Sarmiento, for "their love of idleness and their inability for industry." This was the basis for the almost obsessive concern with the promotion of immigration and with the civilizing influence that Alberdi and his contemporaries attributed to the European immigrants. Alberdi was convinced that only through the creation of a liberal economic system and the abolition of the mercantilistic institutions established since colonial times could Argentina attract "the population, capital and industries" she lacked. The economic doctrines of the Constitution were, therefore, inspired by "the great industrial school of Adam Smith," as Alberdi explained in 1855 in his *Sistema Económico y Rentístico de la Confederación Argentina segun su Constitución de 1853* (1855; Buenos Aires: Editorial Raigal, 1954).

The influence of positivism and of various kinds of evolutionary theories was felt in the development of new intellectual trends, such as sociological and legal theories built on biological foundations.

There was another serious problem that had to be considered: the continual threat of civil war caused by a lack of unified power. The resulting tendency to perpetuate internal struggles, prompted by local *caudillos*, was a serious obstacle to the country's stability and a permanent invitation to disorder. Alberdi sought the solution in the establishment of a strong central power. Inspired by the Chilean Constitution of 1833, he supported a "constitutional president that could assume the faculties of a king when anarchy disobeys him as a republican president." The constitution of 1853 clearly reflected these two features, the promotion of progress by means of widespread economic and civil liberties, and a strong, centralized power, concentrated in the national executive.

These were the leading characteristics of the period inaugurated with the presidency of Julio A. Roca and the federalization of the city of Buenos Aires in 1880. In addition to the institutional powers that the Constitution granted to the national executive, the establishment of the city of Buenos Aires as the federal capital gave the national government greater control over economic and political developments. At the same time, the process of institutional secularization that culminated with a law establishing free lay primary education in 1884, undermined the position of the Catholic Church. Fear of the consequences of this process of centralization and the undermining of a countervailing power was expressed by some of the leaders of the opposition (including Leandro N. Alem, later founder of the Unión Cívica Radical, the main opposition party) during the congressional debates on the federalization of Buenos Aires in 1880 (see Leandro N. Alem, *Mensaje y Destino*, Vol. VI [Buenos Aires: Editorial Raigal, 1955]). Similar concerns were expressed by José Manuel Estrada, leader of the Catholic opposition, during the debates on lay education (José Manuel Estrada, *Discursos*, Vol. I [Buenos Aires: Ediciones Estrada, 1946]).

The transformation of the social and economic bases of the country, impelled by fantastic material progress, was not accompanied by a similar modernization of the country's political institutions. Facilitated by a general attitude of indifference in the population towards political matters, power remained concentrated in a few hands, secured by frequent electoral frauds. In 1906 a British diplomat described the situation, noting that "people are so busy in the Argentine Republic now in making money...that they have generally no time to revert to the former practices embraced in the South American words 'la política.'"[5]

Some of the consequences of the progress of social mobility and its influence on the economic assimilation of the European immigrants are traced by Gino Germani, "La inmigración masiva y su papel en la modernización del pais" (in his *Política y sociedad en una época de transición* [Buenos Aires: Editorial Paidós, 1966]) and by Francis Korn, *Buenos Aires: los huéspedes del 20* (Buenos Aires: Editorial Sudamericana, 1974).

By the turn of the century, the new era of progress was revealing the first signs of a new intellectual transformation. The influence of Comtean positivism and of various kinds of evolutionary theories was felt in the development of new intellectual trends, such as sociological and legal theories built on biological foundations. In addition, belief in the inevitability of progress, as expounded by Herbert Spencer, suited perfectly the conditions of Argentina. Spencer's idea that progress was "not an accident, but a necessity"[6] gave support to the optimism occasioned by the economic expansion, and helped to consolidate a new ideology of progress that modified the ideological spectrum of early twentieth century Argentina. Most useful among the few works on the subject in their illustration of the connections between biological theories and social thought are: R. Soler, *El positivismo argentino* (Buenos Aires: Editorial Paidós, 1968); Marcelo Monserrat, "La mentalidad evolucionista: Una Ideología del progreso," in E. Gallo and G. Ferrari, eds., *La Argentina del Ochenta al Centenario* (Buenos Aires: Editorial Sudamericana, 1980); and the above-cited article by Charles Hale in *The Cambridge History of Latin America*. Much more work is needed, especially on the impact that these new intellectual trends had on the determination of policies, e.g., laws restricting immigration, regulation of working conditions, state provision of welfare services, etc.

The conservative governments that followed the military reacted to the problems created by the depression by granting a much more active role to the State in the economic sphere.

Relatively more effort has been devoted to the nationalist reaction that grew during the decades preceding the military coup of 1930. Sandra McGee Deutsch in her *Counterrevolution in Argentina, 1900-1932: The Argentine Patriotic League* (Lincoln, Neb.:The University of Nebraska Press,

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1986) exaggerates the influence of "class interests" on the attitudes of some of the nationalist organizations. Marysa Navarro Gerassi, *Los Nacionalistas* (Buenos Aires, Editorial Jorge Alvarez, 1968), Enrique Zuleta Alvarez, *El nacionalismo argentino* (2 Vols., Buenos Aires: Ediciones la Bastilla, 1975), and David Rock, "Intellectual Precursors of Conservative Nationalism in Argentina, 1900-1927" (*Hispanic American Historical Review* [67] May 1987) provide useful information on the intellectual roots of some of the nationalist writers, especially Ricardo Rojas, Manuel Gálvez, and Leopoldo Lunes). While many of these works explain the growing influence of nationalism as a reaction against the consequences of the liberal and progressive ideas that had transformed the country,[7] there is no specific discussion of the influence that nationalism exerted on liberalism itself, and how this may have contributed to the decline of liberal ideas.

Much has been written about the corporatist ideas supported by some of the participants in the military coup of 1930. Romero's book on Argentine political thought, cited above, gives a good description of the popularity that the idea of a corporatist state based on "functional representation" enjoyed during the 1930s. General Uriburu, head of the military coup, declared as President: "When the representatives of the people cease to be merely representatives of party committees, and take their seats in Congress as workers, ranchers, farmers, professional men, industrialists, and so on, democracy for us will have come to be something more than a beautiful word." Despite the fact that these ideas did not take institutional form, nor were incorporated in the Constitution as some of their supporters desired, they certainly helped to shape the ideological climate of the 1930s. In addition, the conservative governments that followed the military reacted to the problems created by the depression by granting a much more active role to the State in the economic sphere, as exemplified by the creation of the Central Bank and regulatory agencies for agriculture, increases in tariff protection, and expansive fiscal and monetary policies. The attempts that these governments made to maintain the economic relationship with Great Britain during the decade helped to inflame still more the nationalist reaction against foreign capital. When in 1943 another military coup opened the door to the arrival of Juan Perón to power, very little of liberalism remained as a living body of ideas. Peronism accentuated the authoritarian, nationalist, and populist features of a corporatist structure basically created during the 1930s. Rather than the beginning of a new era, in the field of ideas Peronism represented the climax of a process that had begun during the previous decades.

As mentioned, interpretations of Argentine history that underrate the importance of liberal ideas during the country's impressive development are frequently based on theories that attribute deterministic powers to the country's colonial cultural heritage or economic relationships with the more advanced nations. The role that individuals, guided by general ideas and principles, have as agents of change and historical transformation is greatly reduced. They almost disappear, as Isiah Berlin put it, in "the night of impersonality, in which human beings are dissolved into abstract forces."[8]

The study of the successive ideological transformations that undermined the liberal tradition, and its eventual substitution by different mixtures of nationalism and corporativism, could provide the basis of a much needed alternative interpretation of Argentina's past.

Notes

[1]Lloyd's Publishing Company, *Twentieth Century Impressions of Argentina* (London, 1911), p. 82.

[2]On the rhetorical uses of the concept of "social class," see P. N. Furbank, *Unholy Pleasure, or the Idea of Social Class.* (Oxford: Oxford University Press, 1985), chapter 1, and Francis Korn, "El Poder de las palabras," in *Liberalismo y Sociedad* (Buenos Aires: Ediciones Macchi, 1984).

[3]On the importance of ideology in the shaping of institutions see Douglass North, "Three Approaches to the Study of Institutions," in David C. Colander, ed., *NeoClassical Political Economy* (Cambridge, Mass.: Ballinger Publishing Co., 1984), p. 39.

[4]Larry Siedentop, "Two Liberal Traditions," in Alan Ryan, ed., *The Idea of Freedom: Essays in Honour of Isaiah Berlin* (Oxford: Oxford University Press, 1979), pp. 153-174.

[5]W. Haggard to Sir Edward Grey, December 16, 1906. Public Records Office, F.O. 371/194.

[6]Cf. Robert Nisbet, *History of the Idea of Progress* (London: Heinemann, 1980), pp. 229-236.

[7]To a large extent, the nationalist reaction against some of the consequences of the modernization process, e.g., the influence that immigration had on the cultural traditions of the country, seemed to reflect the type of opposition to the values of an "open" society so thoroughly examined by Popper and Hayek. Cf. Karl Popper, *The Open Society and its Enemies* (London: Routledge and Kegan Paul, 1945) and F. A. Hayek, *Law, Legislation and Liberty* (3 Vols., Chicago: University of Chicago Press, 1973, 1976, 1979).

[8]Isaiah Berlin, *Four Essays on Liberty* (Oxford University Press, 1969), Introduction, p. xxxiv.

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response to those who criticized any effort to enumerate rights in the Constitution. Some critics of a bill of rights argued that it would be impossible to include a suitably comprehensive list of rights in any constitution. As James Wilson, a principal framer of the Constitution and an ardent natural-rights theorist, stated:

> I consider that there are very few who understand the whole of these rights. All the political writers, from *Grotius* and *Puffendorf* down to *Vattel*, have treated this subject; but in no one of these books, nor in the aggregate of them all, can you find a complete enumeration of rights appertaining to the people as men and as citizens.... Enumerate all the rights of men! I am sure, sirs, that no gentleman in the late Convention would have attempted such a thing.[2]

Because any enumerated list of rights would have to be

incomplete, people might later argue that a partial list was exhaustive of individual rights. Madison referred to this as "one of the most plausible arguments I have ever heard urged against admission of a bill of rights into this system; but, I conceive, that it may be guarded against."[3] Madison's method of preventing this construction was the precursor to the Ninth Amendment he introduced in the first Congress as part of what became the first ten amendments:

> The exceptions here or elsewhere in the constitution, made in favor of particular rights, shall not be so construed as to diminish the just importance of other rights retained by the people, or as to enlarge the powers delegated by the Constitution; but either as actual limitations of such powers, or as inserted merely for greater caution.[4]

Moral Skepticism and the "Other" Rights

Madison's solution presupposes a belief in the independent stature of "other" individual rights, rights that are antecedent to government. Modern interpreters who share Jeremy Bentham's view that natural and imprescriptible rights are "nonsense on stilts" would find this passage, if not entirely meaningless, then utterly useless as a constitutional constraint. It would be as though the framers had mandated due process for ghosts.[5] The Ninth Amendment is of no practical value to someone who, like Judge Bork (Robert H. Bork, "Neutral Principles and Some First Amendment Problems," *Indiana Law Journal* 1, 8 [1971], p. 47), believes that nontextual rights claims are as unreal as ghosts:

> Where constitutional materials do not clearly specify the value to be preferred, there is no principled way to prefer any claimed human value to any other.

The Ninth Amendment does not "clearly specify" the rights it refers to. To the contrary, its purpose was to escape the limitations of textual specificity. What does adherence to a constitutional text require when the text does not conform to the philosophical presuppositions of its interpreters?[6] Most constitutional analysts appear to deal with this conflict by ignoring such inconvenient passages. In the case of the Ninth Amendment, this tactic is not faithful to the written text. It is an effort to cut and paste those passages that meet the interpreter's preferences for textual certainty.

If it is true that the framers assumed the existence and knowledge of background rights,[7] then interpreting the Constitution without taking their conception of rights into account fundamentally changes the nature of the government they established, without resort to the amendment process. For example, had the framers believed that all individual rights had to be expressed in a text to be valid, they would likely have insisted on many more rights being expressed and would never have been satisfied with reliance on the Ninth Amendment. Faithful adherence to the original scheme, then, requires interpreters to posit the background rights that were assumed by the framers and work from there. Interpreters of the Constitution must assume (at least *prima facie*) the legitimacy of these rights. In contrast, a normative evaluation of the Constitution would inquire into the validity of these rights.

The Uncertainty of Ninth Amendment Rights

One need not be a philosophical skeptic about rights, however, to be concerned about giving judges a blank check to invent whatever rights they may prefer. Indeed, one of the distinguishing features of the Rule of Law is that ascertainable rules are supposed to provide individuals with guidance about the permissibility of their conduct in advance of their acting.[8] Vague "reasonableness" standards that require the exercise of judicial discretion cannot effectively serve to avoid disputes.[9]

The imperative of certainty is not limited to the constitutional sphere. Yet in the private law we see such general concepts as "property" and "contract" dominating legal thought. How are such general terms reduced to a set of rules and principles that can effectively guide conduct? To decide a controversy between two conflicting claimants, judges require a source of moral knowledge. At the time of the framing of the Constitution this was done by a judicial "common law" process.

Consistent with their experience, the framers saw the judiciary as the institution that would mediate conflicting claims about constitutional powers and rights.

The twin sources of knowledge available to common-law judges were *tradition* in the form of commercial custom and legal precedent and *reason* in the form of both leading commentaries on the law and their own critical faculties.[10] For centuries judges and legal commentators have developed rules— such as the requirement of "consideration" in contract law—whose purpose was to make abstract principles of justice concrete. The success or failure of their rules can only be measured by comparing them with proposed alternatives to see which set better harmonizes with and facilitates these general principles.

True, legislation—such as the Statue of Frauds—occasionally modified the judge-made structure. These legislatively devised rules served many functions. For example, they might establish needed uniformity or they might help to overcome (often at the invitation of judges) a particularly long-held precedent that was impeding progress. Until the codification movement of the Nineteenth and Twentieth centuries, however, legislatures did not purport to provide a systematic body of doctrine.

This was the legal backdrop against which the Constitution was written. (For further discussion, see Grey, "Origins of the Unwritten Constitution: Fundamental Law in American Thought," *Stanford Law Review* 30 (1978), p. 843.) Consistent with their experience, the framers saw the judiciary as the institution that would mediate conflicting claims about constitutional powers and rights. As James Madison remarked,

(continued on page 8)

Ninth Amendment *(continued from page 7)*

> If they are incorporated into the constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of these rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive; they will naturally be led to resist every encroachment upon rights expressly stipulated for in the constitution by the declaration of rights.[11]

Just as it is impossible to completely specify in advance a system of private rights in contract and tort law, the framers recognized that it is impossible to specify in advance every right that a government might transgress.

In the Anglo-American legal system, rights were protected by judicial scrutiny guided by judicially developed rules and principles. The American innovation was to supplement the "unwritten" English constitution with the greater certainty of a written document. The Ninth Amendment, however, is testimony to the fact that they did not intend to rely exclusively on a written text.

The charge that the unenumerated rights referred to by the Ninth Amendment are too uncertain to support judicial review is not so obvious as is often assumed. Considering the long history of judicial success in such efforts, we cannot simply assume that judges are incapable of developing a body of sufficiently certain Ninth Amendment doctrine. What is needed is an elaboration of general theory that would guide this process, much as the general theory of private property and freedom of contract has guided common-law judges for centuries.[12]

The Timeliness of the Ninth Amendment

Every dog must have its day. Though the Ninth Amendment's day has yet to arrive, it may be drawing near. For more than five decades, social "reformers" have refused to let the Constitution get in their way. Crucial passages that would impede the implementation of "enlightened" and "pragmatic" social-welfare schemes have been systematically interpreted into functional oblivion.[13] Others, like the "commerce clause," have been expanded to the point of meaninglessness.[14]

Recently, however, we have witnessed a revival of interest in how the Constitutional text can serve as a constraint on the size and scope of government. Many recently appointed federal judges profess their concern for respecting the "original intent" of the framers. One should expect a great deal of discomfort with ignoring whole amendments solely because their content is inconvenient. Moreover, belief in the validity and efficacy of the kinds of "negative" rights on which the framers grounded the Constitution has experienced an intellectual revival in recent years. The coupling of renewed interest in the political theory of the framers with renewed respect for both the natural-rights philosophy of the framers and the market system such rights ground creates a hospitable environment for a well-conceived and well-defended theory of the Ninth Amendment.

The Need for the Ninth Amendment

Even some who would accept revitalized contracts and takings clauses may balk at a vitalized Ninth Amendment. What does the Ninth Amendment add to the Constitution? Without the Ninth Amendment we would enjoy protection of only those rights that the framers expressly mentioned, precisely what is urged by judicial conservatives who might otherwise welcome a meaningful application of more "exact" clauses. But just as it is impossible to completely specify in advance a system of *private* rights in contract and tort law, the framers recognized that it is impossible to specify in advance every right that a government might transgress.

Perhaps a scheme exclusively limited to enumerated rights would have been adequate had the government been strictly limited to enumerated powers. Article I, Section 8 of the U.S. Constitution, however, contains a clause that permits the Congress:

> To make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof.

Sooner or later, statutes that intrude on unenumerated rights will be (and have been) passed as the "means" of executing Constitutionally permissible "ends." The unenumerated rights of the Ninth Amendment are the Constitutionally provided counterweight to the unenumerated powers of the "necessary and proper" clause. Closing the set of "negative" rights that serve as "side-constraints" on governmental actions, while leaving open the set of potential governmental actions is a recipe for a gradual constriction of individual liberty. And this is precisely what has occurred in the absence of a robust Ninth Amendment.

What A Ninth Amendment Theory Requires

Any effort to give effect to the Ninth Amendment must begin by debunking what I call the "rights-powers" theory. This view is exemplified by Justice Reed's opinion in *United Pub. Workers* v. *Mitchell* (330 U.S. 75 [1947]):

> The powers granted by the Constitution to the Federal Government are subtracted from the totality of sovereignty originally in the states and the people. Therefore, when objection is made that the exercise of a federal power infringes upon rights reserved by the Ninth and Tenth Amendments, the inquiry must be directed toward the granted power under which the action of the Union was taken. If granted power is found, necessarily the objection of invasion of those rights reserved by the Ninth and Tenth Amendment must fail.

There are, very briefly, three potent difficulties with this theory.[16] First, it renders the Ninth Amendment superfluous in light of the Tenth Amendment, which expressly addresses the rights-powers theory. (The Tenth Amendment reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.") If the rights-powers theory were correct, why have a Ninth Amendment?

Second, the rights-powers theory renders the Ninth Amendment inapplicable to any conceivable case or controversy. Rights begin at precisely the point that powers end, so even a hypothetical conflict cannot arise. We cannot presume that the framers engaged in a purposeless enterprise if a more functional interpretation is available.

Finally, the rights-powers theory would apply to *enumerated* as well as unenumerated rights. Yet both the framers (see Madison's remarks above) and the Supreme Court (see, e.g., *Dennis* v. *United States*, 341 U.S. 494, 501 [1951], "The question with which we are concerned here is not whether Congress has such a *power*, but whether the *means* which it has employed conflict with the First and Fifth Amendments to the Constitution.") acknowledged the potential conflict between constitutional rights and powers. The actual treatment of enumerated rights as "side-constraints" on the means by which government may pursue ends that are authorized by the enumerated powers suggests a more productive interpretation of the unenumerated rights of the Ninth Amendment.

According to a side-constraints theory, governmental actions must be scrutinized to see if the means chosen to accomplish constitutionally permitted ends conflict with the fundamental background rights of persons to "life, liberty or property." Such a theory would, of course, require extended elaboration, and the conception of rights used would have to be connected with the moral presuppositions of the framers.[17] Recent developments in jurisprudence and moral philosophy bode well for such an endeavor. Only if this intellectual task can be completed will we fully realize the promise of the Constitution as a protection for individual liberty.

Notes

[1]See, however, *Griswold* v. *Connecticut*, 381 U.S. 470, 491, J. Goldberg, concurring, "The Ninth Amendment to the Constitution may be regarded by some as a recent discovery, but since 1791 it has been a basic part of the Constitution we are sworn to uphold."

[2]Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* (2d. ed., Philadelphia: Lippincott, 1836) (remarks of J. Wilson), p. 2.

[3] *Annals of Congress. The Debates and Proceedings in the Congress of the United States* (Washington, D.C.: Gales & Seaton, 1834), p. 456.

[4]*Annals of Congress*, *op. cit.*, p. 452.

[5]See Richard Ely, *Democracy and Distrust*, (Cambridge, Mass.: Harvard University Press, 1980), p. 39. ("Suppose there were in the Constitution one or more provisions providing for the protection of ghosts. Can there be any doubt, now that we no longer believe there is any such thing, that we would be behaving properly in ignoring the provisions?")

[6]For a recent description of the philosophical skepticism of some constitutional analysts and how it conflicts with the attitudes of the framers, see Stephen Macedo, *The New Right v. the Constitution* (Washington, D. C.: Cato Institute, 1986).

[7]For an elaborate discussion of the framers' beliefs in this regard, see Edward Corwin, "The Higher Law Background of American Constitutional Law," *Harvard Law Review* (1&2) (1928).

[8]See e.g. Lon L. Fuller, *The Morality of Law* (rev. ed., New Haven: Yale University Press, 1969), p. 64.

[9]I discuss the value of rights theory as a dispute-resolution device in Randy E. Barnett, "Pursuing Justice in a Free Society," Part I: "Power v. Liberty," *Criminal Justice Ethics*, vol. 4 (Summer/Fall 1985).

[10]See Randy E. Barnett, "Judicial Conservatism v. a Principled Judicial Activism," *Harvard Journal of Law and Public Policy* 10 (Spring 1987) esp. pp. 281-289, discussing the two sources of moral knowledge and the "electorate of law" that results from the common-law process.

[11]*Annals of Congress*, *op. cit.*, p. 454. Some have used this passage of Madison's speech to argue that he contemplated judicial protection of only those rights that were "expressly stipulated." See e.g. Raoul Berger, "The Ninth Amendment," *Cornell Law Review* 66 (1980), pp. 8-9. Such an interpretation would surely disparage, if not deny, the other rights retained by the people. It is, in fact, the very construction that, only moments before, Madison had said he had sought to avoid by writing the Ninth Amendment.

[12]For a promising recent effort at providing such a theory see Calvin Massy, "Federalism and Fundamental Rights: The Ninth Amendment," *Hastings Law Review* 38 (1987).

[13]See, e.g., Richard A. Epstein, *Takings: Private Property and the Power of Eminent Domain* (Cambridge, Mass.: Harvard University Press, 1985); Epstein, "Toward a Revitalization of the Contract Clause," *University of Chicago Law Review* 51 (1984).

[14]See, e.g., *Wickard* v. *Filburn*, 317 U.S. 111 (1942), according to which a farmer growing crops to feed his own livestock is engaged in "interstate commerce."

[15]I discuss one example of such "unforeseen" legislation (at the state level) in Barnett, "Are Enumerated Constitutional Rights the Only Rights We Have? The Case of Associational Freedom," *Harvard Journal of Law and Public Policy* 10 (1987).

[16]I will elaborate this analysis in the introduction to *The Rights Retained by the People: The History and Philosophy of the Ninth Amendment*, a forthcoming anthology of Ninth Amendment scholarship. I will also address these issues in the foreword to a "Symposium on Interpreting the Ninth Amendment," forthcoming in the *IIT Chicago-Kent Law Review*.

[17]It is possible that a robust theory of rights would ultimately be incompatible with the "coercive monopoly of power" that the Constitution contemplates. See Barnett, note 9, pp. 50-56 (discussing the "power principle" and its deficiencies). However, an interpretation of the Constitution that did not seek to change it surreptitiously would have to square as best as possible the framers' conception of rights with the framework they actually established. One such effort is Richard Epstein, *Takings: Private Property and Eminent Domain*, *op. cit.* As suggested above, such an interpretive endeavor must be distinguished from a *normative* evaluation of the Constitution's legitimacy; such an evaluation would require a normative appraisal of the framer's conception of background rights.

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Literary Review

The Fictions of Jorge Luis Borges

by George Eckerle

Jorge Luis Borges has long been recognized as one of the greatest of Latin American writers. Rarely, however, is his work considered for its "political" or "ideological" content. This has at least two grounds, both of which will be examined in this essay. First, his attachment to liberalism was often seen as an anachronism in the second half of the twentieth century, the age of collectivism. (The current movement among Latin American intellectuals towards classical liberalism, including such thinkers as the Mexican poet Octavio Paz and—more strikingly—the Peruvian novelist Mario Vargas Llosa, has demonstrated that there is no necessary link between collectivist politics and literary worth.) Second, his writings seem remarkably non-political, indeed, they seem a study in the deliberate avoidance of the political and the exaltation of the private. This very feature, as I hope to show later in this essay, provides the key to understanding the distinctively political aspect of Borges's work.

Biography

Educated at home because his father's "then fashionable anarchistic inclination prevented him from entrusting his children to a state school,"[1] Borges immersed himself in foreign literature. In 1936 he wrote the "Foreign Books and Authors" column for the periodical *El Hogar* and used this position to begin an antifascist campaign. He frequently denounced new German books for their state-approved antisemitism. When he was writing against the Nazis, the predominant public opinion in Argentina was in favor of Germany. As Emir Rodriguez Monegal reports, Borges was astonished that "Germanophiles (at least Argentine ones) are indeed uninterested in Germany. [Borges] notes that he has often argued with them about Germany, only to learn that they can never recognize the names of Holderlin, Schopenhauer or Leibniz, and that their interest in that country centered around only one fact: that Germany was an enemy of England."[2]

There is a certain appealing innocence in Borges's astonishment that people could admire a country not for its poets and philosophers, but for its armies and its plans for military conquest.

In his essay "Two Books," Borges wrote that even those who proclaimed themselves enemies of National Socialism shared one of its worst traits, the belief that "the inevitable and trivial circumstances of having been born in a certain country or belonging to a certain race (or mixture of races) is a singular privilege and an effective talisman."[3]

After the war, Colonel Perón came to power in Argentina. While not himself a Nazi, he surrounded himself with Nazi sympathizers. Perón came to power in a coup d'etat and proceeded to fix elections to legitimize his regime. Borges wrote that power should be turned over to the Argentine Supreme Court and that truly free elections should be called. Now that a real fascist was in power, Borges would pay for his previous writings. It is fortunate for Borges that Perón was a fascist devoted to small cruelties rather than wholesale murder. Borges was a librarian in the municipal library, and in August 1946 he was notified that he was being "promoted" to the rank of Inspector of Chicken and Rabbit Coops in the municipal market. In an autobiographical essay, he wrote about the incident: "I went to City Hall to find out what it was all about. 'Look here,' I said, 'it's rather strange that among so many others at the library I should be singled out as worthy of this new position.' 'Well', the clerk answered, 'you were on the side of the allies...what do you expect?' His statement was unanswerable; the next day, I sent in my resignation." (quoted in Rodriguez Monegal).

Borges wrote shortly after this incident: "[D]ictatorships foster oppression, dictatorships foster servitude, dictatorships foster cruelty; more abominable is the fact that they foster idiocy. Hotel clerks mumbling orders, effigies of caudillos, prearranged 'long live's' and 'down with's', walls embellished with names, unanimous ceremonies, mere discipline substituting for lucidity....To combat such sad monotonies is among the writer's many duties. Do I have to remind readers that individuality is an old Argentine virtue?" (*ibid.*)

> *The current movement among Latin American intellectuals towards classical liberalism has demonstrated that there is no necessary link between collectivist politics and literary worth.*

His mother and sister were arrested for participating in an antigovernment demonstration, and his sister was sent to jail for a month. The government again revealed its instinct for petty cruelty, as Borges notes, by "sending her to a jail for prostitutes in order to insult her." (*ibid.*)

Borges said that for the ten years of Perón's regime the first thought that struck him on waking up in the morning was the sinking realization that Perón was still in power. Monegal writes: "For the left, which would fight against Perón for a whole decade, Borges (the exquisite, the paradoxical Borges) had become a symbol of intellectual resistance against the regime. It was a strange role for as ironic a man as he, but Borges played it with utmost simplicity." After Perón's fall "[Borges] was named director of the National Library, in 1956 he was awarded the National Literature prize, he was applauded for having been one of the few who had not yielded or had kept silent during the Perón years." (*ibid.*)

Politically, Borges has something of a mixed reputation today, based on remarks he made during interviews in the latter part of his life. Although perhaps intended only to shock, they in any case betrayed a stunning naivete about then current political events. He had words of praise for leftist *bêtes noires*, from Nixon to Pinochet to the Argentina military junta that ousted the Peronists in the 1970s. Notably, these belong only to the last years of his life. Rodriguez

Monegal reports: "As of 1956, owing to his increasingly poorer vision, doctors forbade Borges to read or write. Thus he had to rely, more than ever before, on his mother for all intellectual activity, and above all, for information about politics." Borges the anarchist, the radical, the liberal gadfly, was put in the position of learning about the current world second hand, from an extreme conservative. "As of 1956, then, Borges's political opinions stop having anything to do with Argentina, or, for that matter, world political reality. Those opinions are the symptom of a loss of contact with a complex and ever changing reality in a man whom blindness has isolated from the world of everyday events; the world of politics." (*ibid.*) (It should be noted, however, that in his very last years Borges repudiated the Argentine generals, their murders, and the Falklands War they launched.)[4]

Fictions

The fictions of Borges are distinguished by their purity, their form, their commitment to the delineation of the impact of an idea above all other aesthetic considerations. Borges once said that long novels bored him because they used hundreds of pages to tell a story, when the idea in them, which interested Borges most, could be depicted in a few pages. It is the story, the depiction of the unfolding of human action, that requires those hundreds of pages, and this is what is given up before the demands of Borges's rigorous aesthetic. For this reason, the majority of Borges works should be called fictions rather than stories, because they could not properly be called accounts of human actions. Instead of writing a novel or a treatise, Borges often uses the device of having a character write an essay on an imaginary book, giving us the idea in this book, and allowing us for a moment to share in Borges's pleasure in this idea.

Because his fictions often pretend to be essays, we are justified in using one of his essays to illuminate his fictions. Borges's concerns and method are presented in miniature in his essay "The Wall and the Books."[5] It shows us the rationale behind Borges's relentless economy; it shows most clearly what he consciously leaves out of his fictions and his reasons for doing so.

It opens: "I read some days past, that the man who ordered the erection of the almost infinite wall of China was that first emperor, Shi Huang Ti, who also decreed that all books prior to him be burned." The union of limitless construction and limitless destruction, attributed to the same man, presents the author with simultaneous and opposite emotions. He writes that contemplating the Emperor's dual action "satisfied, and at the same time, disturbed me."

Oddly enough, the stated purpose of the essay is not to clarify the action, but to attempt to uncover the reasons for the mixed emotion Borges felt when reading about it. The essay takes run through three possible types of explanations of Shi Huang Ti's dual action, and shows that all three are inadequate to explain away the peculiarity of Borges's reaction. The conclusion of the essay will justify the emotion as a kind of perception inexhaustible through explanation. A mystery is presented as a mystery, and Borges's ambivalent emotion is a reaction to the presence of this mystery.

There are three types of explanations that the essay will show to be inadequate to the particular strangeness of this emperor's action. These are: history, psychology, and drama. It is no coincidence that these three elements are conspicuous in their absence from Borges's fiction.

Borges recreates the way a historian might explain and demystify the Emperor's undertaking. Building walls is a defense against external enemies, and burning books a defense against internal ones. As Borges dryly notes: "Burning books and erecting fortification are the usual occupations of princes...." But the scale of this particular action marks it as something different. Shi Huang Ti burned the totality of a nation's books and walled in the entirety of an empire. This operation is an imprisonment of a singular type. Borges presents half of the mystery when he states that the order to burn the books involved "the rigorous abolition of history, that is, of the past" and that by having them destroyed "Shi Huang Ti ordered that history begin with him."

Borges then attempts a psychological explanation. The Emperor's mother was a libertine, and in destroying the past he hoped to obscure the shame caused by her memory. But this says nothing about the need to create the wall. Borges than moves immediately from psychology to magic (perhaps the juxtaposition shows a sarcastic attitude towards psychology). "Shi Huang Ti, according to the historians, forbade that death be mentioned, and sought the elixir of immortality and secluded himself in a figurative palace containing as many rooms as there are days in the year; the facts suggest that the wall in space and the fire in time were magic barriers designed to halt death."

At this point Borges presents the other half of the problem. He recounts that the emperor wished to found a dynasty that would extend forever into the future. The wall's infinite extension is a physical symbol for this half of the mystery. Walling in the entirety of the empire is analogous to imprisoning the entirety of future generations within the confines of an infinite future dynasty.

Borges then refuses to make this mystery mundane by rendering it as a drama. If the unlimited construction and destruction are considered as being willed simultaneously, they together provoke a particular feeling of strangeness for Borges. But if the two actions are considered as following one another, they form nothing more than a story. The Emperor destroys, repents of destruction, and then creates.

> *Walling in the entirety of the empire is analogous to imprisoning the entirety of future generations within the confines of an infinite future dynasty.*

One story. Or the Emperor creates, despairs of creation, and then destroys. Another story. As Borges states: "Both conjectures are dramatic, but they lack, as far as I know, any basis in history." He cites historical authority that assures us that the actions were indeed simultaneous.

The destruction of the books establishes dominion over the past. The creation of the wall exemplifies dominion over the future. Both actions emerge from a single will. The central image in this essay is that of the "figurative palace" men-

(continued on page 20)

Crosscurrents

The Study of Imperialism

In the twentieth century no concept of political economy has caused more confusion than that of imperialism. It has become an integral element in the ideologies of the Second and Third World nations and the subject of endless hairsplitting among their intellectuals and among the radicals of the First World. Moreover, beliefs about imperialism, as well as the actual residue of the "new imperialism," have caused much bloodshed, from Africa to Southeast Asia and from the Middle East and Central Europe to Latin America. Most of the theoretical work on imperialism is rooted in the assumptions and observations surrounding the extranational British experiences in the latter half of the nineteenth century and up to the Great War. This is generally true, regardless of whether the theorists were, as E. M. Winslow classified them in his classic work, *The Pattern of Imperialism* (New York: Columbia University Press, 1948), Marxist, Liberal, or Sociological.

The Marxists, such as V. I. Lenin (author of *Imperialism: The Highest Stage of Capitalism* [various editions]), Rosa Luxemburg, and Karl Kautsky, saw capitalism, as exemplified by the Britain of their day, to be dependent for its very existence on continued and accelerating expansion into new foreign markets. This, it seemed, could be done ultimately only by expanding and fighting with other "mother countries" over existing and prospective colonies.

The Liberals, such as Richard Cobden and John Bright, saw the growth of the new British Empire during the mid- to late-nineteenth century as altogether anticapitalist and thoroughly detrimental to the interests of the vast majority of workers and capitalists alike. (Strong statements of European Liberal anti-imperialism can be found in *Western Liberalism*, ed. by E. K. Bramsted and K. J. Melhuish [New York: Longman, 1978], esp. pp. 278-383.) This view was echoed by such American observers as the businessman Edward Atkinson and the sociologist William Graham Sumner. (Sumner's essay on the Spanish-American War, "The Conquest of the United States by Spain" [various editions], is a classic statement of Liberal anti-imperialism.) Later "New Liberals," such as J. A. Hobson (*Imperialism* [New York: Pott, 1902]), who advocated an "overproduction" theory of imperialism, sat confusedly somewhere between the Liberal and Marxist camps. (An important work inspired by Hobson is Parker T. Moon's excellent *Imperialism and World Politics* [New York: Macmillan, 1926].)

Somewhat ironically, the Sociological approach is most ably represented by the great economist Joseph Schumpeter (see his essay, "The Sociology of Imperialisms," in *Imperialism and Social Classes* [1919; New York: The World Publishing Co., 1955]). According to this approach, imperialism was an atavism, a giant step backward after several centuries of progressive movement towards the modernism of free trade, the international rule of law, and the other elements of the Great Society.

Although this vast edifice of theory has been built on the nineteenth-century British experience, few in-depth empirical studies of the period in terms of the actual profitability (how high and for whom) of imperialism have been written. Happily that has now been remedied by the publication of *Mammon and the Pursuit of Empire: The Political Economy of British Imperialism, 1860-1912* (Cambridge: Cambridge University Press, 1986) by Lance E. Davis and Robert A. Huttenback. This study finds that British capitalism as such did not gain at all and was in fact hurt by expansion of the Empire. As the Liberals had argued all along and as Davis and Huttenback demonstrate, the British Empire (and, by implication, all similar ventures in imperialism) served mainly to transfer wealth via taxes and access to scarce bank credit from taxpayers (workers and capitalists alike) to tax consumers (e.g., foreign service bureaucrats, the military, subsidized businesses, and holders of public debt). But the wealth-transfer gains were ephemeral at best. In the long run the pursuit of imperialism, as the Liberals had warned, only led to losses for all concerned.

The role of war and statism in diminishing both liberty and economic prosperity deserves careful historical examination. Davis and Huttenback have made an important addition to that examination. (Also see Jeffrey G. Williamson's study of the impact of the Napoleonic Wars on Britain, focusing on the "crowding out" effect of war financing: "Why Was British Growth So Slow before the 1820s?" in his *Did British Capitalism Breed Inequality?* [Boston: Allen & Unwin, 1985].) These issues can provide grist for many dissertations, term papers, and journal articles in economic and diplomatic history, historical sociology, and international studies. ◆

Betrayal of the Peasant

The systematic impoverishment of peasant populations in many less-developed countries (LDCs)—and the consequent crippling of agricultural production—is one of the most significant factors in the economic and political misfortunes of these nations. Centralized states, an inheritance of colonialism, are typically organized and run by urban dwellers, who use the state powers and bureaucracies bequeathed by the departing Europeans to expropriate the agricultural surplus of the majority farming population. Monopoly state marketing-boards, for example, pay below-market prices for agricultural goods to subsidize the consumption of often-nonproductive bureaucratic elites. Unsurprisingly, farmers respond by producing less. (For a general study of kleptocracy in Africa, see, for example, Stanislav Andreski, *The African Predicament: A Study in the Pathology of Modernization* [New York: Atherton Press, 1969]; also see P. T. Bauer, *Dissent on Development* [Cambridge, Mass.: Harvard University Press, 1972]. For an examination of the rational responses of peasants to incentives, see Samuel Popkin, *The Rational Peasant: The Political Economy of Rural Society in Vietnam* [Berkeley: University of California Press, 1979].)

One proposed solution to the resulting rural impoverishment has been land reform, a program carried out by the same states responsible for the expropriation of the production of the peasants in the first place. Economists John P. Powelson and Richard Stock (*The Peasant Betrayed: Agriculture and Land Reform in the Third World* [Boston: Oelgeschlager, Gunn & Hain, 1987]) have now shown how relying on states to carry out land reform often leads to consequences even worse than the condition it is intended to remedy. Thus, "Instead of benefiting the peasants—as they promised to do—many states undertaking land reform have enriched themselves. Thus land reform has become another policy instrument to skim off the 'agricultural surplus.'" Powelson and Stock, in conjunction with other scholars, have provided very valuable case histories of land reform in sixteen nations, with brief treatments of eleven others. (The work of Powelson and Stock could profitably be read in conjunction with the detailed study by anthropologist Grace Goodell of the effects of land reform on one farmer in the Philippines, "Who Should Manage Mang Lino's Farm? Mang Lino or the State?" *Research in Domestic and International Agribusiness Management* [1983] Vol. IV.) This instrusion by the central state into social processes often generates in turn responses of "disengagement" from the state. In their study of the West African countries of Ghana and Guinea, scholars Victor Azarya and Naomi Chazan ("Disengagement from the State in Africa: Reflections on the Experiences of Ghana and Guinea," *Contemporary Studies in Society and History*, January 1978) identify four such responses: "suffer-manage," "escape," "parallel systems," and "self-enclosure." The works cited above will prove useful to students of development economics, anthropology, sociology, political science, and related disciplines, providing a foundation for many profitable research projects. ◆

The Market vs. Racism

The manifold relationships between forms of racial subjugation and the dynamics of both political and market systems have been examined by a number of historians and social theorists, notably Thomas Sowell in his *Ethnic America* (New York: Basic Books, 1981) and *Markets and Minorities* (New York: Basic Books, 1981). Recent scholarship has shed additional light on the dynamics of racial oppression, the role of state interventionism in its advancement, and the parallel role of market relations in mitigating or eliminating it. Historian Juliet E. K. Walker ("Racism, Slavery, and Free Enterprise: Black Entrepreneurship in the United States before the Civil War," *Business History Review* [60] Autumn 1986, pp. 343-382) has provided a very useful history of black entrepreneurship in the antebellum United States. Drawing on original research, Walker gives inspiring examples of how black entrepreneurs, both slave and free, used the market system to accomplish their own liberation. As Walker shows, "It was the very sanctity of private property in American life and thought that allowed blacks, slave and free, to participate in the antebellum economy as entrepreneurs," often using their profits to purchase the freedom that was unjustly denied them. Walker's study, rich in bibliographical references, helps to show the essence of entrepreneurial alertness within a private-property economy. Another scholar working on the dynamics of racial conflict, but concentrating on the role of state coercion in its furtherance, is economist Jennifer Roback. In her "Southern Labor Law in the Jim Crow Era: Exploitative or Competitive?" (*University of Chicago Law Review* [51] Fall 1984, pp. 1161-1192) Roback shows how "Jim Crow" labor laws "can best be understood as attempts to enforce a labor-market cartel among white employers that could not be enforced in any other way." Her "The Political Economy of Segregation: The Case of Segregated Streetcars" (*Journal of Economic History* [46] December 1986, pp. 893-917) draws on newspaper and other accounts of streetcar segregation around the turn of the century in the southern United States. It shows that state coercion was necessary to overcome the naturally integrating forces of the market. As she writes of the case of the Augusta Railway and Electric Company in Georgia, "State legislation, public agitation, and a threat to arrest the president of the railroad were all required to induce them to separate the races on their cars. These pressures were political, not economic. That is, there was little or no concern that whites would stop riding the cars if the railroad failed to comply." Students and scholars in social history, economics, economic history, and related disciplines will find in the work of these scholars ample suggestions of research opportunities, ranging from term papers to doctoral dissertations, journal articles, and books. ◆

Liberal History

A classic work in liberal history, Alexander Rüstow's *Freedom and Domination: A Historical Critique of Civilization* (Princeton: Princeton University Press, 1980) is now available in an inexpensive paperback edition. The book, a condensation of the original three volume German edition, provides a sweeping interpretation of human history, locating the source of domination in the original act of conquest at the foundation of the state. Rüstow, a professor of sociology at the University of Heidelberg and a leading German opponent of Hitler, approaches history as a "pathologist," seeking the distant origins of the totalitarian horrors of the twentieth century. Rüstow leaves "no doubt of any kind about what I affirm and reject in the past, present, or future. I affirm freedom and reject domination, I affirm humaneness and reject barbarism, I affirm peace and reject violence. These pairs of opposites are the great poles between which the drama of human history is enacted." Rüstow's work should be read by students of history and all others who wish to understand the historical development of domination. *Freedom and Domination* is available at a discounted price ($19.95; add $1.00 for U.S. surface mail, $2.00 for United Parcel Service, and $2.50 for foreign surface mail) from Laissez Faire Books, 532 Broadway, 7th Floor, New York, NY 10012 (orders may be phoned in toll-free: 1-800-238-2200, ext. 500). When ordering be sure to state the special ordering code: HSRR. ◆

Regulation vs. Free Speech: The Case of Broadcasting

The determination of the content of messages broadcast through the electromagnetic spectrum by governments around the world, whether through state broadcasting operations or through licensing of private firms, has provided governments with a powerful tool of social control. Experience in the United States, where the broadcast media are licensed and regulated rather than owned outright by the state (with only a few exceptions), has generated a substantial debate over the applicability of the "print model" to the broadcast spectrum. Under current law, broadcasters do not enjoy the protection of the First Amendment to the U.S. Constitution, which prohibits Congress from making any law "abridging the freedom of speech, or of the press." This restriction on state power grew out of the English experience with licensing of the press, which generated results similar to today's licensing of the broadcast media (see John Milton's classic essay against licensing of the press, *Areopagitica* [various editions]). A new book by the legal scholar Lucas A. Powe, Jr. (*American Broadcasting and the First*

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Amendment [Berkeley: University of California Press, 1987]) argues that, "Consistent with the English experience, abuses of licensing are an inevitable by-product of the decision to license and supervise the licensees. It is naive to assume that the safeguards presumed to be built into the system or some uniqueness of the American character could spare us from the political abuses of licensing a part of the press." Students wishing to write on the relationship between state control and freedom of expression could profitably examine Powe's legal and historical analysis in conjunction with the property-rights analysis in IHS Claude R. Lambe Fellow Milton Mueller's work, "Reforming Telecommunications Regulation" (in Edwin Diamond and Norman Sandler, and Milton Mueller, *Telecommunications in Crisis: The First Amendment, Technology, and Deregulation* [Washington, D.C.: Cato Institute, 1983]). This issue offers many opportunities for research and publication in legal scholarship, history, engineering, political science, and economics. ◆

The Welfare State

The activities of the modern welfare state, with its attendant enervating effects on its "clients," have been studied and criticized from various perspectives by classical liberal scholars (e.g., Charles Murray, *Losing Ground: American Social Policy, 1950-1980* [New York: Basic Books, 1984]; in addition, Walter E. Williams, *The State Against Blacks* [New York: McGraw-Hill, 1982] demonstrates the two-sided nature of the modern welfare state, consisting, on the one hand, of devices for exclusion of the poor from opportunities for economic advancement, and on the other, of dependency-creating dole programs or subsidized leaf-raking jobs).

The social-welfare and improvement network that would replace a bureaucratic and coercive welfare system has, unfortunately, received less attention. The widespread participation in workers' mutual-aid societies, for example, served as a means of providing assistance in the absence of coercive welfare programs. Such organizations have largely been supplanted by the welfare bureaucracy. (See, for example, W. K. Jordan's *The Charities of London, 1480-1660* [London: George Allen & Unwin, 1960], P.H.J.H. Gosden's *The Friendly Societies in England, 1815-1875* [Manchester: University of Manchester Press, 1961] and *Self Help* (London: Macmillan, 1982), and David Green's works, *Mutual Aid or Welfare State: Australia's Friendly Societies* [Sydney: Allen & Unwin, 1984] and *Working Class Patients and the Medical Establishment: Self-Help in Britain from the Mid-Nineteenth Century to 1948* [London: Temple Smith, 1985]. A useful, though uncritical, guide to scholarship in the area of philanthropy—as distinguished from self-help or mutual aid—is Daphne Niobe Layton's *Philanthropy and Voluntarism: An Annotated Bibliography* [New York: The Foundation Center, 1987; available for $18.50 from the Foundation Center, 79 Fifth Avenue, New York, NY 10003].) With advancements in the theoretical understanding of both voluntary aid and coercive welfarism (for examples, see, respectively, Robert Sugden's essays, "Voluntary Organizations and the Welfare State," in Julian Le Grand and Ray Robinson, eds., *Privatisation and the Welfare State* [London: George Allen & Unwin, 1984], and "Who Cares?: An Economic and Ethical Analysis of Private Charity and the Welfare State," IEA Occasional Paper 67 [London: Institute of Economic Affairs, 1983]), the case for replacing coercion with voluntarism has been strengthened. Additional historical work complementing these theoretical developments is needed. Opportunities for historians—whether at the faculty, graduate, or undergraduate level—to investigate actual self-help and mutual-aid systems are available in virtually every country and city in the world.

Another exciting challenge for liberal scholarship is the integration of the theory and practice of social welfare within the broader contexts provided by political economy and political and moral philosophy. A provocative new book attempting this from a socialist perspective is Bill Jordan's *Rethinking Welfare* (New York: Basil Blackwell, 1987). While quite critical of classical liberalism (offering at times mere caricatures), Jordan attempts to combine his concern for mutual aid and voluntary self-help with his belief that a powerful state is necessary to guarantee the basic needs of citizens. Classical liberals may occasionally wince at Jordan's unsympathetic portrayal, but he does attempt to take classical liberal approaches seriously, and to see them as competitors to statism as guarantors of a liberal, prospering, and just society. Jordan's work suggests a research program that liberal scholars in sociology, social administration and social work, history, and political philosophy would do well to take up. ◆

Classical Liberalism, Libertarianism Surveyed

A new book by political scientist Norman Barry traces the various strands of classical liberal thought. In *On Classical Liberalism and Libertarianism* (New York: St. Martin's Press, 1987) Barry carefully brings out the contributions of the eighteenth-century Scottish Enlightenment, the Chicago and Austrian Schools of economics, contractarianism, natural-rights doctrines, utilitarianism, and other thinkers and schools to liberal thought. Barry, author of *Hayek's Social and Economic Philosophy* (London: Macmillan, 1979) and *An Introduction to Modern Political Theory* (New York: St. Martin's Press, 1981), has provided a scholarly and highly recommended introduction to liberal theory. Another valuable introduction to classical liberal thought is *The New Enlightenment: The Rebirth of Liberalism* (London: Macmillan, 1986) by David Graham and Peter Clarke. Written in conjunction with the English-language television series on liberalism, "The New Enlightenment," the book offers a very readable overview of the development and contributions of classical liberalism in recent times. While tracing the roots of classical liberalism to the Scottish Enlightenment, the book unfortunately slights some of the other contributors to the liberal tradition, such as the French liberals of the nineteenth century. This flavors somewhat the account given of liberalism, rendering it more "cautious" than critical and liberating. All in all, however, *The New Enlightenment* is a most enlightening introduction to classical liberal thought. ◆

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Chicago Press, 1963), John H. Hallowell's *The Decline of Liberalism as an Ideology* (Berkeley, CA: University of California Press, 1943), and James J. Sheehan's *German Liberalism in the Nineteenth Century* (London: Methuen, 1982). For Italy and France the best short work is an article by D. Harris, "European Liberalism in the Nineteenth Century" (*American Historical Review*, Vol. 60, 1955). Arthur E. Ekirch's *The Decline of American Liberalism* (1955; New York: Atheneum, 1976), written from a "classical" perspective, provides a clear guide to American developments and should be read along with Robert Higgs's recent and pathbreaking *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (New York: Oxford University Press, 1982). Another work on American liberalism, written from a "revisionist" position, is Harry K. Girvetz's *The Evolution of Liberalism* (New York: Collier, 1963).

Much more attention has been paid to developments in Britain, partly reflecting the importance of developments there for the fate of "classical" liberalism worldwide. Most of the works focus on the period between 1880 and 1914 and the "debate between individualism and collectivism" that took place in those years. "Classical" liberalism did not succumb without a fight: the thirty years before World War I saw an intense debate between the two strands of liberalism and a vigorous attempt to proselytize and spread the ideas of "classical" liberalism. This was carried on by intellectuals and publicists grouped in a series of organizations, of which the most significant was the Liberty and Property Defense League, set up in 1882. The best short introduction to the debate is the first chapter of Stefan Collini's *Liberalism and Sociology*, which should be supplemented by Harold J. Schultz's *English Liberalism and the State: Individualism or Collectivism?* (Lexington, Mass: D. C. Heath, 1972) and the classic work of Albert Venn Dicey, *Lectures on the Relation between Law and Public Opinion in England* (1905; New Brunswick, N. J.: Transaction Books, 1981). For background, the best accounts are still two old classics, Helen Lynd's *England in the Eighteen Eighties* (London: Frank Cass, 1968) and Elie Halevy's *A History of the English People in the Nineteenth Century: Epilogue, Vol. I Imperialism and the Rise of Labour; Vol. II The Rule of Democracy* (London: Benn, 1961).

The central argument of Greenleaf's massive work is that the fundamental division in modern politics is between what he calls libertarianism and collectivism.

In addition to the works by Freeden and Weiler cited above, one should also consult Peter Clarke's *Liberals and Social Democrats* (Cambridge: Cambridge University Press, 1978) and Freeden's *Liberalism Divided* (Oxford: Oxford University Press, 1986), which covers the later period from 1914 to 1939. The *essential* text, however, is the magisterial work of W. H. Greenleaf, *The British Political Tradition: Vol. I The Rise of Collectivism; Vol. II The Ideological Heritage* (London: Methuen, 1983) and (in two parts) *Vol. III A Much Governed Nation* (London: Methuen, 1987). The central argument of Greenleaf's massive work is that the fundamental division in modern politics is between what he calls libertarianism and collectivism. He argues further that the three main traditions of British (and western) politics—liberalism, conservatism, and socialism—all contain both libertarian and collectivist elements and that the period 1880 to 1940 saw a move from libertarianism to collectivism in all three, with the change in liberalism the most dramatic and far reaching. Having defined his terms he goes on to look at the process of ideological debate and its outcome before offering various explanations. The great strength of Greenleaf's thesis is that it can try to explain both the transformation of liberalism from "classicism" to "revisionism" and the failure of "classical" liberal analysis to sustain itself within other ideologies, such as conservatism.

Original Sources

As well as the analytical surveys of Greenleaf, Freeden, and Collini, many works by the participants in the original debate are still in print and easily available. There is also a substantial secondary literature on important individuals and groups. On one side are the self-styled "new liberals," of whom the most important were J. A. Hobson, L. T. Hobhouse, D. G. Ritchie and J. M. Robertson, and, slightly later, C. F. G. Masterman. The English Hegelian T. H. Green is often included as the "founding father" of the group, although this is a matter of controversy. The most important works by these figures are: for Hobson, *The Crisis of Liberalism* (1909; Brighton: Harvester, 1974), *The Industrial System* (London: Longmans, 1909), and *The Social Problem* (London: J. Nisbet, 1901); for Hobhouse, *The Labour Movement* (1893; Brighton: Harvester, 1974), *Liberalism (op. cit.), Democracy and Reaction* (1904; Brighton: Harvester, 1972), and "The ethical basis of collectivism" (*International Journal of Ethics*, Vol. VIII, 1898, pp. 137-56). There are no modern editions of Robertson and Ritchie but they are well worth reading if obtainable; this is especially true of Ritchie. Ritchie's main works were *The Principles of State Interference* (London: Sonnenschein, 1891), consisting of a series of essays he had written in response to Spencer's *The Man Versus The State* in 1886-1887, and *The Moral Function of the State* (London: Sonnenschein, 1887). Robertson wrote a staggering number of books but the most important for this topic is *The Meaning of Liberalism* (London: Methuen, 1912). Apart from the work cited earlier, the most important of Masterman's productions is *The Heart of the Empire* (London: Fisher Unwin, 1901).

As said, there are many secondary works on the "new" liberalism, most of them concentrating on Hobson and Hobhouse. Two general accounts that supplement those cited above are Peter F. Clarke's "The Progressive Movement in England" (*Transactions of the Royal Historical Society, Fifth series*, Vol. 24, 1974, pp. 159-161) and Michael Freeden's "Biological and Evolutionary Roots of the New Liberalism in England" (*Political Theory*, Vol. 4, 1976, pp. 471-490). On Hobhouse, in addition to Collini's monograph there are also Peter Weiler's

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"The New Liberalism of L. T. Hobhouse" (*Victorian Studies*, Vol. 16, 1972, pp. 141-161) and H. E. Barnes's "Some Typical Contributions of English Sociology to Political Theory: Part II Leonard T. Hobhouse and the Neo-Liberal Theory of the State" (*American Journal of Sociology*, Vol. 27, 1922, pp. 442-485). The literature on Hobson is very extensive but most of it concentrates on his theories of imperialism and underconsumption. More relevant for the subject of this essay are Michael Freeden's "J. A. Hobson as a New Liberal Theorist: Some Aspects of His Thought Until 1918" (*Journal of the History of Ideas*, Vol. 34, 1973, pp. 421-443) and John Allett's *New Liberalism: The Political Economy of J. A. Hobson* (Toronto: University of Toronto Press, 1981).

By contrast, there is relatively little in print from the individualist side of the debate, although this is starting to change. From the 1880s to 1914 we can identify a clearly defined and self-aware group of intellectuals and activists, styled by themselves and their opponents as the Individualists. The most important were Wordsworth Donisthorpe, Thomas Mackay, M. D. O'Brien, Auberon Herbert, and J. H. Levy. The central intellectual influence for most of the group was Herbert Spencer. The prominent utilitarian Henry Sidgwick, although often classed as a collectivist, should actually be seen rather as a fellow-traveler of the individualists. Although much more "moderate" than Donisthorpe or Spencer, his method was firmly individualistic and his policy conclusions also tended very much in that direction. He argued for individualism as the general rule with limited and specific exceptions. Some of the individualists, like Herbert, were Liberals, others Conservatives, while the majority ended their careers outside party politics. The Individualists fought their cause through several organizations, the most important being the Liberty and Property Defense League (LPDL), the Personal Rights Association (PRA) and, in the field of social policy, the Charity Organization Society (COS). The best starting point for an appreciation of this group is to be found in *A Plea for Liberty*, a

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collection of essays by members of the LPDL, edited by Thomas Mackay (1891; Indianapolis: Liberty Classics, 1982). This should be followed by Spencer's main theoretical and polemical works, *The Man Versus The State* (Indianapolis: Liberty Classics, 1982), *The Principles of Ethics* (Indianapolis: Liberty Classics, 1978), and *Social Statics* (New York: Kelley, 1976 reprint of 1851 ed.). Other original works include Donisthorpe's *Law in a Free State* (London: Macmillan, 1895) and *Individualism, A New System of Politics* (London: Macmillan, 1899), Oliver Brett's *A Defense of Liberty* (London: Fisher Unwin, 1920), and Auberon Herbert's *The Right and Wrong of Compulsion by the State* (Indianapolis: Liberty Classics, 1978). Sidgwick's main work of political philosophy, *The Elements of Politics* (London: Macmillan, 1897) is not available in a modern edition, a sad fate for what Collini terms "one of the neglected masterpieces of nineteenth century political thought."

In the secondary literature, apart from the second volume of Greenleaf, the one full-length study is Edward Bristow's *Individualism Versus Socialism in Great Britain, 1880-1914* (New York: Garland, 1987). Bristow has also written "The Liberty and Property Defense League and Individualism" (*Historical Journal*, Vol. 18, 1975, pp. 761-789). There are several relevant essays in *Essays in Anti-Labour History: Responses to the Rise of Labour in Britain*, Kenneth D. Brown, ed., (London: Macmillan, 1974), particularly "Laissez-Faire as Dogma; The Liberty and Property Defense

Both the "new liberals" and the individualists saw themselves as radicals, their opponents as reactionaries, and claimed to be the "party of progress."

League, 1882-1914" by N. Soldon and "Thomas Mackay: The Anti-Socialist Philosophy of the Charity Organization Society" by J. W. Mason. For the COS the essential work is Charles L. Mowat's *The Charity Organisation Society 1869-1913: Its Ideas and Work* (London: Methuen, 1961).

Dating the Decline

To return to the question posed earlier, "when and how did 'classical' liberalism decline?" even cursory examination of the books and essays cited reveals that this is a rather difficult question. In all history of ideas there is a great danger of reading contemporary debates back into the past, of recognizing and emphasizing familiar elements at the expense of the strange and of interpreting people and debates in terms that are modern and anachronistic. Freeden and Collini are particularly aware of this, being followers of the "Cambridge School" of Quentin Skinner, which emphasizes the importance of intellectual context. There is, however, little agreement among scholars as to what that context might be. There are three main questions here, each with several possible answers.

First, what did each of the two parties to the debate see themselves as doing, what kind of enterprise did they feel they were engaged in? Both the "new" liberals and the individualists saw themselves as radicals, their opponents as reactionaries, and claimed to be the "party of progress." For Freeden the "new" liberals were genuine liberals trying to change liberalism from within and to make it, as they saw it, more up-to-date. This approach emphasizes the difference between "new" liberals and other collectivists such as the Fabians. Others, like Clarke, stress the overlap between "new" liberals and Fabians, seeing both as belonging to one "progressive movement" that was not simply or even primarily liberal. A related argument comes from Collini, who sees the "new" liberals as primarily committed to a collectivist philosophy and only secondarily to liberalism, having decided to work through the existing discourse of liberalism and the Liberal party. With the individualists, problems of labeling are even more acute. Many were Conservatives, and the LPDL was largely funded by commercial interests. Many individualists, however, denied that they were in any sense Conservative and the ideas they produced were often anything but conservative. For Dicey and Schultz they were a mixture of liberals and conservatives trying to uphold "old style" liberalism against innovations from such as Hobson and Hobhouse. The problem with this interpretation is that the philosophy and programs of leading Individualists were not typical of earlier English mainstream nineteenth-century liberalism. One possible argument, suggested by J. W. Mason, is that, whatever their party labels, they were ideologically "classical" liberals who had responded to the challenge of collectivism by reviving the older tradition of writers like Thomas Paine, William Godwin, and Thomas Hodgskin (1832; *The Natural and Artificial Right of Property Contrasted*, Clifton, N.J.: Augustus M. Kelley, 1973). For Marxists such as Eccleshall the individualists were essentially conservatives engaged in producing an ideology to defend established interests (represented politically by the Conservative party) from the political challenge of labor and the ideological threat of the "new" liberals and Fabians. This model has difficulty in explaining the radical, even revolutionary, proposals of some of the individualists, such as Spencer, Donisthorpe, and Herbert, proposals that included the single tax on land, profit sharing, and the replacement of wage labor by a system of self-employment, not to mention repealing the marriage laws.

This leads to the second question: what was the nature of the dividing issue in the debate? For Lynd it was a matter of socialism versus liberalism, thus making the "new" liberals ideological socialists, the individualists liberals. By contrast, Arblaster sees it as an internal debate within liberalism, thus making both sides liberals but of different varieties. Freeden and Eccleshall both see it as a debate between progressive liberals and reactionary conservatives. The argument of the latter two thinkers is that ideas that were progressive in the early to mid-nineteenth century and hence suitable for the "left" to espouse had become outdated and reactionary by the end of the century and therefore suitable fare for the conservative section of politics. This "whiggish" notion of ideological development is very widespread. For Greenleaf the debate between individualists and "new" liberals was only one part of a general debate taking place within all three main political traditions, the debate between libertarianism and collectivism. It is therefore both an argument within liberalism and one between "new" liberalism and the libertarian variety of conservatism. Greenleaf argues that at first the argument was mainly within liberalism and the Liberal party but by the late 1890s most liberals had been won over to collectivism and the debate had been redefined as one between liberals and ultraconservatives. Thus Spencer could say in 1884, "most of those now passing as liberals are Tories of a new type," so placing himself and those who thought like him in the "true liberal" camp, while by 1895 he and his epigones such as Donisthorpe were almost universally regarded as Tories—a fact they recognized. In Greenleaf's view the battle between libertarianism and collectivism was finally fought out within conservatism, hence the crucial importance of the dispute over Tariff Reform in 1904-6. By the 1920s, libertarian-"classical liberal" ideas had been defeated within the conservative tradition and relegated to the margins of politics.

Spencer could say in 1884 "most of those now passing as liberals are Tories of a new type," so placing himself and those who thought like him in the "true liberal" camp, while by 1895 he and his epigones such as Donisthorpe were almost universally regarded as Tories—a fact they recognized.

There are some accounts of the nature of the two sides that can be dismissed as bogus or misleading. An older view, based on Dicey, had the "new" liberals as Idealists, their opponents as Utilitarians. The problem here is that Sidgwick was the only important individualist who was also a utilitarian—some form of natural-rights philosophy being much more common among the individualists—while on the other side Hobhouse was the leading critic of Idealism. (In this connection see Stefan Collini's "Hobhouse, Bosanquet and the State; Philosophical Idealism and Political Argument in England, 1880-1918" [*Past & Present*, No. 72, 1976, pp. 86-111]). Another once popular argument casts the individualists as "social darwinists," advocating an organic notion of society, and the "new" liberals as critics of such ideas. Here the difficulty arises because virtually all the thinkers on both sides supported evolutionary and biological concepts of social and political development.

Finally, to establish the context of the decline of "classical" liberalism after the individualist-collectivist debate, what were the participants actually arguing about? This may seem a strange question. Surely the answer is obvious: they were arguing about what the proper role of the state should be, in particular over whether it should intervene in economic life and restrict freedom of contract, and about what kind of social policy should be followed. Underlying these concrete debates, however, were more profound arguments. For some historians the underlying debate was between two different concepts of liberty, one positive, the other negative. This is surveyed in David Nicholls's "Positive Liberty, 1880-1914" (*American Political Science Review*, Vol. 56, 1962, pp. 114-28) and in W. L. Weinstein's "The Concept of 'Liberty' in

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Nineteenth Century English Political Thought' (*Political Studies*, Vol. 13, 1965, pp. 145-62). A difficulty with this interpretation is that the terms "positive" and "negative" liberty were not used in late nineteenth-century Britain. Some have argued that the concept of positive liberty was introduced by T. H. Green in his 1881 essay "Liberal, Legislation and Freedom of Contract" (R. L. Nettleship, ed., *The Works of Thomas Hill Green* [London: Macmillan, 1889]) and that Green should be seen as the founder of "revisionist" liberalism. This view has been strongly criticized recently, particularly by Freeden. There is an extensive literature on

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Green, the best introduction being K. R. Hoover's "Liberalism and the Idealist Philosophy of T. H. Green" (*Western Political Quarterly*, Vol. 26, 1973, pp. 550-565) and J. Rodman's "What is Living and What is Dead in the Political Philosophy of T. H .Green" (pp. 566-86 of the same volume). The central issue in the individualist-collectivist debate has been defined in several other ways: as being between an individualist and an organic concept of society, two different models of human nature and motivation, two opposed notions of morality, two competing theories of historical and social development, or two concepts of poverty. Interestingly, no one has tried to argue that the debate was primarily about either economic policy or narrowly defined economic science. (In the American context, however, see Sidney Fine's *Laissez Faire and the General Welfare State* [Ann Arbor: University of Michigan Press, 1956], James Gilbert's *Designing the Industrial State: The Intellectual Pursuit of Collectivism in America, 1880-1940* [Chicago: Quadrangle Books, 1972], and Jonathan R. T. Hughes's *The Governmental Habit* [New York: Basic Books, 1977].)

There were similar debates in every major Western nation between 1880 and 1920, but the results were everywhere the same as in England: the defeat of those ideas defined as liberal in 1880. This had two consequences: The word liberal acquired an additional meaning and "classical" liberal ideas were eliminated from political argument.

Why Did Liberalism Decline?

The third major question is simply, why did this happen? For many commentators the answer is straightforward. Liberalism changed and "classical" liberalism declined because by 1900 it was an idea whose time had passed; it was no longer progressive. Behind this lies a teleological, "whiggish" view of history, which sees political philosophy as passing through stages en route to some distant end. Ideas that are progressive in one stage become reactionary in the next and ultimately irrelevant. This model can be criticized on many grounds but particularly because it imputes a false inevitability to history. So dominant is it, however, that other explanations are put forward only as secondary factors, subordinate to the notion of ideological progress. I shall briefly run through some of these and mention others that have received little investigation as yet, but merit further exploration.

One argument has it that "classical" liberalism was defeated in the 1880s and 1890s because the important battles had been lost some forty years before with the rise of the modern state. This was the view of Sidney Webb, expressed in many of his essays. There is now an enormous literature relating to the growth of the state in the early to mid-nineteenth century, most of it centering on the questions of whether there was an "age of *laissez faire*" and what role the Benthamites played. Schultz's *English Liberalism and the State* (*op. cit.*) has an extensive bibliography.

The other arguments can be conveniently put into three groups. There are several intellectual or "idealist" theories, which explain the demise of "classical" liberalism in terms of purely intellectual developments. Some authors stress the importance of crucial concepts or theories, particularly idealism and scientism, the latter meaning the application of the methods and concepts of the physical sciences to the field of human action. The article by Freeden cited earlier exemplifies this approach. A related argument emphasizes the central role of particular individuals. T. H. Green is frequently cited in this regard, but almost as popular a figure for this role is J. S. Mill. Gray (in *Liberalism*, *op. cit.*) in particular argues that what he calls the bifurcation of liberalism first happened in Mill's own work and that the status and influence of Mill gave his ideas and arguments tremendous influence. This was the view of Dicey, but other contemporary observers regarded Mill as an individualist. Mill's ambiguity meant that both factions could claim him as their ancestor while his status led to a struggle for his mantle. A third idealist explanation sees the key factor in the

One interpretation, currently enjoying a revival, holds that "classical" liberalism was doomed by changes in the nature of politics, especially the development of mass democracy.

intellectual failures of "classical" liberalism. In particular "classical" liberalism is supposed to have had an inadequate theory of the trade cycle and no satisfactory account of poverty and distributive justice. Certainly, the question of wealth and poverty and the distribution of goods was the area where the defeat of "classical" liberalism was most complete. Another frequently mentioned failure was the inability of "classical" liberals to produce a convincing concept of nationality that could be reconciled with liberal beliefs. One problem with this model is the evident intellectual vitality

and inventiveness of the later "classical" liberals. They were not simply rehearsing old ideas but extending and developing them. One point however is clear. Even if the model that sees "classical" liberal ideas as outdated by 1900 is rejected, that was how they were seen by contemporary critics. The shift of language by which ideas regarded as "radical progressive" in 1870 came to be classified as "ultraconservative" thirty years later, without actually changing in content, or in their radical critique of existing society, was perhaps the crucial part of the wider process of decline.

Other arguments concentrate on wider social changes. One, currently enjoying a revival, holds that "classical" liberalism was doomed by changes in the nature of politics, especially the development of mass democracy. This was a common view at the time, its classic expression being W.E.H. Lecky's *Democracy and Liberty* (Indianapolis: Liberty Classics, 1981). Among modern writers Gray, Greenleaf, and Salvadori all put great stress on this. A related thesis emphasizes the impact of war and the preparation for war. In this model, on which Greenleaf elaborates in his third volume, wars and prolonged periods of international tension and deterrence (as in the years before World War I) led to a permanent expansion of the state and undermined an ideology that had difficulty explaining such a situation or in generating practical proposals to deal with it. (For America, see the work of "classical" liberal Garet Garrett, *The People's Pottage* [Caldwell, Idaho: The Caxton Press, 1953], and Walter Karp's *The Politics of War* [New York: Harper and Row, 1979], dealing with the Spanish-American War and World War I and their effect on American political life. Robert Higgs's *Crisis and Leviathan* (*op. cit.*) includes valuable sections on "the political economy of war.") Cultural change is also often used as an explanation (culture meaning not only cultural products but also a way of life). In the British context much stress is put on the decline of the distinctive culture of Nonconformity (e.g., in T. F. Glaser, "English Nonconformity and the Decline of Liberalism" [*American Historical Review*, Vol. 63, 1958, pp. 352-363). Closely related are explanations that rely on accounts of changes in the class composition of society and in particular the growth of a large working class with a collectivist outlook, broadly conceived. Clarke takes this line in both of the works cited above, arguing that liberalism as a political philosophy had to change to reflect the actual experience and outlook of the new majority.

The third class of possible explanations are materialist, emphasizing changes in material conditions and circumstances. Such an approach would differ from an orthodox Marxist one insofar as it would avoid both the deterministic and class-reductionist aspects of that "line." It should be seen rather as a revival of the "liberal materialist" history of Buckle and the Scottish Enlightenment. This area has received little attention so far. One possible model would relate ideological developments to changes in technology, which from the 1870s onwards led to a series of economic developments that both undermined "classical" liberal assumptions and brought about patterns of life and work that were much more collectivist in their content and impact. The change in communications accompanying the rise of the mass-circulation press, leading to the appearance of a new kind of mass culture hostile to individualism, is another possible candidate.

Of course, the theories mentioned above are not exclusive; the scholars cited typically combine several of them.

The decline of "classical" liberalism, which may now be in a process of reversal, was a political transformation both subtle and profound. Much more work is needed before it can be adequately understood. In particular, we need much more work on the ideas and activities of the later exponents of "classical" liberalism (such as the LPDL), looking at such questions as their relation to the mainstream liberalism of the mid-nineteenth century. The decline of liberal beliefs among the mass of population, as opposed to the intellectual elite, is another important and unstudied topic, as is the whole question of the rise and demise of a liberal culture in literature and the arts. A detailed study of the change in political language and the way in which key terms came to change their meanings or pass from one discourse to another would also be very useful. Opportunities abound for research papers, journal articles, dissertations, and books in political science, historical sociology, history, philosophy, and related disciplines. In any event, we have here a topic that is important, wide ranging, and stimulating!

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Fictions of Borges (continued from page 11)

tioned above. This is the symbol of the single will that led to opposite actions. Each room of this palace is to embody one day of the year. By means of the simultaneous existence of all the rooms of the palace, all the days of the year are made to exist at once. The flow of time is thus frozen in the fixed, unchanging form of the palace. Time's intangible evanescence is to be bound and imprisoned in a palpable, permanent object. Only this palace can exemplify the single "magical purpose" inherent in the dual action of the creation of the wall and the burning of the books. Both are two sides of the same attempt to imprison all of time and thus to render a ceaseless process of change into something static and permanent.

The essay's final paragraph reveals that the essay itself is a kind of fiction. It pretends to be about a Chinese emperor when it is really a conscious display of Borges's aesthetics and artistic method. Borges rejects history, psychology, and drama in his fictions because, for him, all three forms exalt explanation over perception. All three explain a present moment in terms of one past. But the sentiment Borges felt, the sense of something uncanny, seems to him to represent a moment not wholly contained by the past. It seems to him the intimation of something other, something perennial that is always waiting to recur.

In the figure of this emperor, Borges came in contact with an idea that "moves us in itself, aside from the conjecture it allows." He has attempted to present to us an idea whose form itself moved him, without reference to outside explanation or inner content, the way the pure forms in music are capable of moving us. He concludes by giving us a description of the type of emotion that was exemplified by his reaction to Shi Huang Ti's action. This emotion was the impetus to this essay, and, indeed, the impetus behind most of his writings. "Music, states of happiness, mythology, faces belabored by time, certain twilights and certain places try to tell us something, or have said something we should not have missed, or are about to say something; this imminence of a revelation which does not occur is, perhaps, the aesthetic phenomenon."

Carter Wheelock, in his essay "The Committed Side of Borges," argues against the view that Borges's commitment to pure aesthetics involves a retreat from the problems of life into "pure distraction, a game without bets."[6] He argues that Borges is committed to the aesthetic phenomena because, for Borges, it is a mode of perception that can say something true about the world. He writes: "Reality for Borges—or what most recommends itself as reality—is an experience, a moment of apprehension without specific content or language, in which an inexpressible reality is intuited; it is simply the moment of a heightened sense of awareness—a concept totally consistent with the dictionary definition of 'aesthetic.'"

But the possibility still exists that Borges has divorced himself from all connection with the problems of the world. We have seen how Borges's commitment to the aesthetic phenomenon leads him to reject history, psychology, and drama as inadequate to render it. But these are precisely the disciplines by which we render the meanings of human action more clear to ourselves. Has Borges radically and irrevocably divorced himself from human praxis? Does Borges's commitment to the inexpressible and idiosyncratic mean that he has separated himself from the common discourse by which we hold the world in common?

If politics is human action set against the world we hold in common, then Borges may have gone beyond the attempt to be nonpolitical and actually have given up any capacity for being political at all. Baldly stated: Is Borges an idiot? (I mean an idiot in the sense of a man who has lost the capacity to see beyond the private and idiosyncratic, to what is public and objective).

His "figurative palace" of frozen time may be a disguised exemplar of certain features of our current political world.

These charges can be rebutted if it can be shown that Borges's aesthetic insights can render a political phenomenon more clear to us, and if it can be shown that his extreme aesthetic individualism itself has political implications. We can observe at this time that if aesthetics is indeed a mode of perception, it should make the world stand out in a new light and reveal things to us that would otherwise be unavailable. Further, we can infer that a man who is appreciative of ideas and persons for their strangeness and idiosyncracy is likely to be hostile to regimes that make banality and conformity compulsory.

In fact, the insight expressed in "The Wall and the Books" is applicable to a significant political phenomenon of our time. Borges's commitment to the value of individual insight led him to a commitment to individuality in general. He precisely depicted certain abominable aspects of human tyranny and proclaimed himself on the side of individuality and mutual tolerance.

His "figurative palace" of frozen time may be a disguised exemplar of certain features of our current political world. The "magical purpose" implicit in its construction may also be implicit in many of the dominant ideologies of our time. Hegel, in his *Phenomenology of Spirit*, describes intellectual systems as if they were alive, existing in process, containing an internal purpose and necessity that forces them to give birth to their antithesis. Yet ultimately he betrays his own insight by positing that Philosophy's historical process leads to a terminus in which all these living systems achieve a final stasis. History is to become *a*historical, as all process is eliminated: "the True," he writes, "is the whole." The Marxists translate Hegel's observations of the historical movement of ideas into an account of forces inherent in the economic and political movements of men. They too posit an end to history. There will come a revolution against the entire previous history of Man. This revolution is to be, somehow, both completely predetermined and completely spontaneous. After the movement of history has achieved its final form, there cannot be a revolution against the revolution. Spontaneous action is to give rise to a regime under which nothing spontaneous can ever happen again.

Can we begin to see a "magical purpose" behind these systems, the same purpose as that behind the "figurative palace"? Do they not all involve the attempt to freeze time and eliminate change? Will this purpose find its truest expression in actions like the emperor's, the attempt to set up perpetual dominion and complete control? It is noteworthy that during the Cultural Revolution Mao publicly claimed the Emperor Shi Huang Ti as his only true precursor.

In this era, we have become only too familiar with tyrants moved by simultaneous urges to burn and create to the largest possible scale. Their wholesale censorship and rewriting of history, their attempts to uproot and eliminate entire classes, races, and religions of men all show the impulse to destroy any collective memory they do not control. Might the motivation for Hitler's war against the Jews have been not simply the targetting of an easy scapegoat, but a deeper hatred against the mere existence of a five-thousand-year-old tradition he did not create? The tyrants' impulses to build have been on a similar inhuman, cyclopean scale. They wish the regimes they create, their "thousand year Reichs" and "dictatorships of the proletariat," to stretch limitlessly into the future with the same monotonous regularity with which the great wall of China stretches across the land. Their impulses to burn and to build are both motivated by the will to imprison time, to eliminate change and spontaneity. They wish to ensure that nothing other than what they will and create themselves can ever exist or ever be known to have existed.

History, psychology, and drama all possess the implicit certainty that all facts can eventually be explained and proved to have a hidden rationality. When confronted with something so strange and irrational as Shi Huang Ti's intention, their attempts to render it comprehensible within an abstract system may actually be a betrayal of the facts themselves. This is where something like Borges's aesthetic commitment to perception above explanation can be useful. His essay may not render the tyrant's intention understandable, but it does depict it with sufficient clarity to make it recognizable in its incomprehensibility. Shi Huang Ti has been seen as a type, and we can now see that others possess the same nature.

Borges realized that the intentions of the tyrant's followers, those who actually burn the books and build the regime, cannot be the same as those of the tyrant himself. How can men give themselves over to another's limitless self-aggrandizement?

The Follower

Borges has described the limitless self-will of the tyrant, the will to impose complete control over the past and the present simultaneously. But the attempt to imagine the purpose behind the actions of the tyrant's followers was more difficult for Borges. In his essay "A Comment on August 23, 1944" he reports receiving a shock of recognition, which enabled him for the first time to see a certain consistency in the actions of the tyrant's followers.[7] He was eventually able to use this insight to imagine himself into the position of those whose hands build the walls and burn the books.

On the day reported in the title, Paris was liberated from the Nazis, and the news caused general rejoicing, even among those in Argentina who had supported the Nazi cause. Borges recalls feeling surprise on seeing "the enigmatic and obvious enthusiasm of many who were supporters of Hitler." This essay, like "The Wall and the Books," begins with surprise and attempts to uncover the meaning held in that reaction. Why should Argentine "germanophiles" be overjoyed at the defeat of the cause they espoused? Borges writes that it would be pointless to ask these people to explain the reasons for their action. He has already seen them to be so full of contradictions that they have obviously lost contact with the real motives for their conduct.

Borges has to wait for another event to trigger an insight into their conduct. He writes: "Several nights later a book and a memory enlightened me." The book was George Bernard Shaw's *Man and Superman*, in which it is written: "The horror of Hell is its unreality." This triggers a memory of "the day that is the exact and detested opposite of August 23, 1944: June 14, 1940"—the day that Paris was occupied by the Nazis. Borges remembers being informed of the fall of Paris by a fascist. This man was not quite capable of giving himself over to "insolent joy" at news of the Nazi victory. He exhibited a hidden fear in his voice, a fear that came out when he was convinced his cause was undefeatable. Borges had seen the same contradiction exhibited on both days. Just as the Argentine fascists could not prevent themselves from being overjoyed at fascism's defeat, on that earlier day a fascist could not make himself happy after receiving news of fascism's victory.

Borges infers from these observations that "Nazism suffers from unreality, like Erigena's hells. It is uninhabitable; men can only die for it, lie for it, kill and wound for it. No one, in the intimate depths of his being, can wish it to triumph." He begins to suspect that the fascists have a secret will to failure, kept secret even from themselves, and are "collaborating blindly" with the forces that must inevitably destroy them.

Borges attempts to imagine this insight more deeply, from the inside, by writing two fictions about characters who embody this secret desire to be destroyed, which will relieve them of the burden of their monstrous unreality. One story takes a mythical, the other a historical form. In the first, "The House of Asterion," a monster (the minotaur), who is periphally aware of the fact that he is a monster, realizes that the only place on earth for him is the maze.[8] When he has attempted to leave the maze and go out into the world of men, awareness of his difference has always driven him back. He is at home only in the maze. The maze repeats itself endlessly; every place within it has another mirror image within the maze. No place is truly itself, just as no mirror image has the same feel of reality as what it reflects. Therefore, the world of the maze is not a sum total of individual places, but a collection of unreal reflections. This maze is therefore a world of unreality. The minotaur half-knowingly begins to desire the advent of Theseus, the man who will "redeem him," the man who will kill him.

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In the second story, "Deutsches Requiem," another

(continued on page 22)

Fictions of Borges (continued from page 21)

monster (Otto Dietrich Zur Linde, Subdirector of the Concentration Camp at Tarnowitz) contemplates the meaning of his nature on the eve of his execution.[9] He becomes dimly aware of the possibility that he has collaborated with the forces that are about to destroy him.

In "Deutsches Requiem" Borges speaks in the voice of Linde. With great artistry, Borges allows the reader to become aware of a fact that the narrator never clearly sees: the fact that he wished the destruction of his own cause. The narrator is a symbol of Germany, a disciple of music and metaphysics, of Brahms and Schopenhauer, yet somehow capable of surrendering to National Socialism. Linde states that he did not speak out in his own defense at his trial because to do so "would have obstructed the verdict and would have seemed an act of cowardice." Why would a man not want to obstruct his own death penalty? He says, "I do not seek pardon, because I feel no guilt; but I would like to be understood." What we read is in fact Linde's attempt to understand himself.

The narrator is a civilized man who is repelled by violence. Yet he gave himself over to the party and took part in

The follower comes to be oppressed by the feeling that everything else is real, except himself.

violence because he feels that the world is on the verge of a new era that requires violence. The defense of this new era requires each man to suppress his own individuality before a common purpose.

Linde almost achieves true self-awareness when he states: "The theologians maintain that if God's attention were to wander for a single second from the right hand which traces these words, that hand would plunge into nothingness, as if fulminated by a lightless fire." He appears to have some feeling of his own unreality. This feeling is somehow connected in his mind with the memory of his desire for the upcoming war. He himself believes that the union of these two thoughts shows that he desired the war as a trial that will test his faith. By proving his faith he will have some proof of his own reality. He doesn't yet entertain the idea of a secret desire for self-destruction, arising out of his sense of his own unreality. He only remembers awaiting the attack of the other countries with a strange anticipation.

When news of the war he has wished for reaches him, he is in the hospital. He has been wounded during an attack on a synagogue and is reading Schopenhauer when the news arrives that the Nazis have themselves precipitated the war against them. He remembers what he learned from Schopenhauer that day, "everything which can happen to man...is preordained by him. Thus, every negligence is deliberate...every failure a mysterious victory, every death a suicide." Something he sees in his own life makes him agree to this. Yet even after the destruction of the Nazis, he still does not see the fact that, if this doctrine is true, the Nazis must somehow have collaborated in their own defeat.

He considers Schopenhauer's doctrine that we ourselves cause everything that happens to us, and remembers wondering what made him want to be wounded, want to be killed. "Surely not fear of war, I know: something more profound. Finally I hit upon it. To die for a religion is easier than to live it absolutely." He would rather die in the war for Nazism than live in the world the Nazis wish to create. Somehow, he knows, and also does not know, that he is engaged in the construction of a hell he could not inhabit.

While master of the concentration camp, he comes in contact with a poet, "David Jerusalem," whose work he admired. Significantly, the main theme of this poet's work is the joy in the imminent and overwhelming reality of each individual thing. Linde destroys the poet. He tells himself that he does this to kill his own passion. The true motivation—hatred, jealousy, and resentment at the poet's ability to feel and enjoy reality—is hidden from him.

Linde shows the same inability to take pleasure in his own victories that Borges observed in the fascists around him. When Linde remembers the days of the Nazi victories, he almost obscures this inability from himself. "We reveled in the great days and nights of a successful war...Everything was new and different then, even the flavor of our dreams. (I, perhaps, was never entirely happy. But it is known that misery requires lost paradises)."

When Nazism falls, Linde is surprised by an emotion he never expected to feel, "the mysterious and almost terrible flavor of happiness."

Linde is somehow aware of the failure to achieve self-understanding. At the end of the story, awaiting execution, he is still looking in the mirror to discover who he is.

Tyrant and Slave

Borges has imagined the will of both the tyrant and of his follower. He has seen them as two opposite kinds of men, motivated by opposite wills, and this very opposition allows them to complement each other and to work together. The tyrant seems to believe that he himself is the only true thing that ever has, or ever can, exist. He imposes the mark of his will on everything that is not himself. The past is to be wiped out of memory, or rewritten to show that all paths have inevitably led to the tyrant. No other possible outcomes have ever existed but the tyrant's own will. The future is to be imprisoned completely, to conform forever to the tyrant's plan and the tyrant's will. No actualities must ever exist except those that follow directly from the tyrant himself. Nothing is real, nothing has an inherent right to exist, save that for which the tyrant himself wishes. His follower, in giving himself up to this plan, gives up his own individuality, his own reality. He comes to be oppressed by feeling that everything else is real, except himself.

As Wheelock said, for Borges, the sense of reality comes from an experience of surprise and wonder at the inner meaning of one's own deepest perceptions. Borges determination to follow these wherever they may lead is more than a dedication to aesthetic phenomena, it is an affirmation of individuality. We can begin to see why unreality (hell) is what the tyrant's followers impose on themselves. To sacrifice one's individuality to another's ideas, to another's will, is to devalue the reality of one's own perceptions.

Borges's joy at his own inner reality has made him optimistic. In his short story "Deutsches Requiem" Borges has achieved the same depth of insight into a Nazi that Arthur Koestler gained of a communist in his novel *Darkness at Noon*. Both works are motivated by wonder at the fact that a party member can collaborate in his own destruction. But there is a significant difference between the two men's views. In *Darkness at Noon* Koestler shows that his protagonist assists in his show trial, in the cause of his own distruction, out of hope for the final victory of his cause. Borges, perhaps more subtly, posits a secret hope for the *failure* of his cause in his protagonist. It is in this that Borges is an optimist; I hope he is correct.

Borges wrote an explicit response to his country's fascists, who wished to forge a nation bound by a common purpose. In his essay "Our Poor Individualism" he obstinately praises

There will never be a Great Wall of Argentina, and Borges is glad of the fact.

the Argentines for their stubborn individualism and their almost complete lack of talent for government.[10] In this era, in which we have seen men capable of limitless self-abnegation in their devotion to a cause and capable of the kind of mechanical efficiency that ensures that the trains to the camps always run on time, there may be much to recommend Borges's position. There will never be a Great Wall of Argentina, and Borges is glad of the fact.

In "Our Poor Individualism," Borges writes: "Unlike North Americans and almost all Europeans, the Argentine does not identify himself with the State. That can be explained by the fact that, in this country, the governments are usually exceedingly bad, or the State is an inconceivable abstraction; the truth is that the Argentine is an individual, not a citizen."

Borges cites Herbert Spencer to the effect that the greatest problem of our time is the "interference of the State in the acts of the individual; in the struggle against this evil—called

Works of art designed to move a mass of men to action rather than to arouse a single man to perception, bear the same relation to aesthetic phenomena that national anthems bear to music.

communism and fascism—Argentine individualism, which has perhaps been useless or even harmful up to now, would find justification and positive value."

Borges concludes by saying, "Nationalism seeks to charm us, but the vision it presents is that of an infinitely importunate State; if the utopia were established on earth, it would have the providential virtue of making everyone desire, and finally achieve, its antithesis."

In conclusion, we have seen that the initial intuition of the strangeness and force of certain ideas is the primary value for Borges. He calls this kind of awareness the aesthetic phenomenon. This private insight is the standard against which he measures the value of his work. Loyalty to the force of his insights leads him to bypass the usual public forms of discourse because they are inadequate to the idiosyncracy of the truths available to him. If the insight appears to him in the form of a mystery, he will present it as a mystery. Borges rejects the kind of artistic commitment that values the presentation of a world-view above the presentation of an individual perception. Committed, tendentious works of art, designed to move a mass of men to action rather than to arouse a single man to perception, bear the same relation to aesthetic phenomena that national anthems bear to music. If the world-view can be formulated, that is, separated from particular experience through abstraction, then it has given up the strange immediacy proper to perception. Borges's commitment to the peculiar strangeness of the aesthetic *moment* over any aesthetic system has become political due to the placement of that commitment in the context of the modern world. The collectivism and tyranny of the twentieth century rest on the implicit belief that only the abstracted, the generalizable, is real. The state is considered more real than the individual, and persons are considered not in their peculiar individuality, but only as members of a class. Borges's commitment to individuality, idiosyncracy and particularity has been made into a political position by the era in which we live. Borges has the virtue of being political only against his will. His implicit position is that the artist must be committed to aesthetics, to perception, above all other values. It is for others to interpret that which the artist has first perceived. Borges is a citizen of a better, secret world, a world in which artists don't make political pronouncements and politicians don't make laws concerning art.

Notes

1 Donald Yates, *Jorge Luis Borges: Life, Work, and Criticism* (Fredericton, N.B., Canada: York Press, 1985), p. 5.

2 *Diacritics* [8] 4 (1978) pp. 55-69.

3 Borges, *Other Inquisitions* (New York:Simon & Schuster, 1968) p. 129.

4 Cf. Octavio Paz ("Jorge Luis Borges, 1899-1986: In Time's Labyrinth," *The New Republic*, November 3, 1986): "His political opinions were moral, even aesthetic, judgments. Although he expressed them with bravery and with honesty, he did so without truly comprehending what was going on around him. At times he affirmed, for example, his opposition to the Perón regime and his rejection of totalitarian socialism; at others he slipped up, and his visit to Chile when it was under military dictatorship, as well as his facile epigrams against democracy, caused consternation among his friends. Later he repented. One has to add that always, in his certainties and in his errors, he was consistent with himself and honest. He never lied or knowingly justified evil, as many of his enemies and detractors have done. Nothing was more foreign to Borges than the ideological casuistry of our contemporaries."

5 Borges, *Labyrinths* (New York: New Directions, 1964) p. 186.

6 *Modern Fiction Studies*, [19] (1973) pp. 373-379.

7 *Other Inquisitions*, pp. 134-137.

8 *Labyrinths*, pp.138-141,

9 *Labyrinths*, pp. 141-148.

10 *Other Inquisitions*, pp. 33-36.

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