

THE CONSTRUCTION OF WESTERN REALITY

Philippe NEMO

ESCP-EAP
Paris, France

First draft

The world, today, is obviously threatened by the “clash of civilizations”. If we want to think about this phenomenon, we must inquire more deeply into history than Samuel Huntington could do with the only tools at his disposal, those of International Relations science. We must use historical and philosophical concepts. First of all, as the West is both the most dominating and the most threatened of the civilizations in question, we must look at what the West is. This can be understood only by describing how it was constructed.

1. The Historical Construction of the West

The West is not an eternal essence. It is a historical “construction”. But this does not mean that it was designed by humans. Cultural history is always a mixture of human action and contingencies, a “spontaneous order” in the sense demonstrated by Hayek, in which human reason and prophecy, as well as historical chances, play interconnected roles. In this case, the construction of the West, as I see it, is the result of five grand events or “miracles”.

1.1 The “Greek miracle”. It occurred at about the same time as other “earthquakes” in worldwide culture (Confucius, Zoroaster, Buddha, the Hebrew prophets ...), but it found a more radical way out of traditional religions. It consisted in the invention of City and Science, with the intertwined concepts of equality before the law, individual freedom under the law, citizenship, and critical rationality. It was a release from traditional religion and superstition, with the discovery that elements in the kosmos, as well as citizens in the city, obey universal, necessary, and anonymous laws, not to arbitrary decisions of godly or social powers.

1.2 The invention of private law by Roman magistrates and jurists. The Greeks had invented the “rule of law”, but they had not elaborated on the law itself with precision. In Greek cities, the law remained entangled with local, ethnic customs. As the Romans created the first great multi-ethnic state, they were obliged to perfect a more abstract, more universal law. This work was achieved by hundreds of “pretors” along three and a half centuries. They succeeded in designing new intellectual tools which set the precise frontiers between “mine” and “yours”, thus allowing the law to play its role of “matching the expectations” and making a peaceful and efficient social cooperation possible, that was incomparably better than before. Their definitions of property rights were crucial to the economic growth and geopolitical power of Rome. More importantly, they brought about a major cultural emergence: by protecting individual property over the course of one’s life and beyond (through the rules of inheritance), it allowed the “Ego” to emerge definitively out of the tribal group. This wonderful invention was the source of Western humanism.

1.3 The ethical and eschatological revolution of the Bible. Hebrew prophets and Christianity put “love” or “charity” above simple “justice”. Thus they instituted the program of “rooting the evil out of the world”. This shattered the traditional pagan circular time and created the linear time of History. We are born on Earth to change the world, our lives are meaningful

only insofar as we try hard to improve the world. This is the genuine origin of the Western idea of “progress”. Although this idea was promulgated in many countries in 18th and 19th centuries in opposition to the churches and religions, it is primarily and intrinsically a Biblical idea. In all non-Biblical cultures until modern times, there is no will to change the world. Evil is accepted as part of human condition. The very idea of technological improvements, economic growth, and in fact of History itself as a purpose-directed process entailing all of mankind, is lacking in these cultures, all of them being more or less “fatalistic”.

1.4 “Papal Revolution” in the 11th-13th centuries. The Judeo-Christian program of improving the world remained a hopeless dream as long as men relied only on prayers and superstition to achieve it. In the 11th century, certain Western European clergymen and intellectuals realized or decided that they could no longer passively wait for the millenium prophesied by the Book of Revelations, but that it was up to man, now, to act toward this purpose, this voluntary action being precisely what God expected from them. They would use human means, first and foremost Reason. But to change the world, you must know it, so you need science. To act on it, you must organize society, so you need the law. Coincidentally, Greek science and Roman law were available in old European (soon Arabic and Byzantine) libraries. There was nothing else to do than study them once more, use them as models, transform them in a Christian sense (which was done, in particular, with the new canonic law which became the source of all modern Western laws). To use Reason would no longer be a sign of impiety, but, on the contrary, science and law were posited as what God himself demanded of man, the indispensable tools for achieving ethical and eschatological aims commanded by the Bible. The intellectuals of the Roman Church created universities, which paved the way to the blossoming of modern science and modern *Rechtsstaat* which would characterize the West from this time on.

1.5 The liberal and democratic revolutions of modern times. The Huguenot revolt, the Dutch revolution, the two English revolutions, the American Revolution, the French 1789 (not 1793) Revolution, the Italian Risorgimento, similar but more dispersed events in Germany, created the democratic and liberal institutions of modern Western countries: parliaments, separation of powers, independent justice, bills of rights, religious tolerance, academic freedom, freedom of scientific research, freedom of the press, free markets. All these inventions had the same hidden intent : to promote individual liberty within spontaneous, self-organising, pluralistic or polycentric orders, in contrast to monocentrism, compulsory ideological unanimity, dogmatism, absolutism, economic mercantilism. This resulted in the blossoming of democracy (i.e. pluralism in the political sphere), economic liberalism (i.e. pluralism in the economic sphere), intellectual liberalism (i.e. pluralism in the press, schools, science). These innovations were harshly combatted over decades by well-meaning opponents who simply did not understand this new principle, which contradicted the old patterns of order, namely nature or artifice, and required acknowledgement that human reason is limited and fallible. But finally it triumphed when polycentric orders proved to be much more sophisticated and efficient than monocentric orders, and when inspired theorists ended up explaining why this was so.

1.6 Then the extraordinary successes of the modern world became possible: rapid progress of sciences and technologies, economic and demographic growth, and, finally, unprecedented prosperity in Western countries, at least after the end of the totalitarian (fascist, communist) era. This provoked also the domination of other civilizations by the West, either by direct colonisation or by military or economic influence.

1.7 Only those civilizations which have persisted through all of the five miracles are “Western” civilizations and have gained these advantages. Until modern times, most Far-East societies (China, Japan, India...) remained exterior to any of these cultural events. They

created states, but religiously-ruled states still dominated by superstition and myth, not city-states in the Greek sense (although some qualifications of this thesis should be made for China). Until very recently, Africa has remained behind even the state model (except in some cases). Islam, which conquered a large part of the Byzantine world, finally abandoned the model of the city and established a new theocracy. Spiritual and temporal powers were not divided. Science underwent some developments in Cordoba for a while, but Averroes's attempts to promote it ended suddenly. Orthodox countries, though obviously Roman, Greek and Christian, are not "Western" insofar as they participated neither in the "Papal Revolution" nor in the modern democratic revolutions. To call them "former communist countries" is partly misleading, because the important fact is not that they are no longer communist, but that they still have an orthodox culture, in which to worship God involves praying and burning candles in chapels, rather than acting rationally. Religiously neutral states and administrations, democracy, free press, citizenship independent of ethnic groups, clans and families, etc., hardly existed in these countries before communism came; this is probably why communism succeeded so well there and still has a great influence. Latin America poses a particularly difficult problem. These countries were founded by Spain and Portugal before the fifth miracle occurred in these two kingdoms. So they are "Western" and they are not. Moreover, many of them have numerous native populations who have been educated in modern ideas only very recently if they have been at all.

1.8 At each of these stages, human thought and logos — philosophy, theology, ideological constructions in general — played a decisive role. I do think that an explicit intellectual mediation is essential to make people adopt new values and new ways of thinking in the long run. It is not true that a culture can be adopted only by mere imitation and impregnation. In fact, each of the five Western miracles was accompanied by much collective ideological work, resulting in the creation of powerful intellectual and educational institutions, synagogues, churches, monasteries, schools, universities, media, etc. This can be shown in each of the five cases. We must remember that when reflecting on De Soto's thesis and on the problem of extension of property rights systems outside Western societies.

2. The West is a homogeneous civilization

2.1 In societies where the five miracles occurred, a homogenous civilization was created, in which differences are less important than similarities. Liberal and democratic institutions were a common creation of all Western countries, even though it may be true that they have blossomed better when transplanted in virgin territory, such as America, than in Europe, where the new plant was entangled with, and almost stifled by, old communitarian and collectivist atavisms. In fact, all the major intellectual and spiritual creations of the fourth and fifth "miracles" are a collective European creation. All the European intellectuals and scholars used to read each other's works. Locke's ideas would not have come into being without the Dutch Grotius, Grotius's without the Spanish Suarez, Suarez's without the thomist school of the French Sorbonne, these French thomists without the Italian Thomas Aquinas, etc., etc. The Germans Pufendorf, Kant, Wilhelm von Humboldt, made major contributions to a philosophy of human liberty and the law. This is true, in particular, for the doctrines of economic liberalism. It is a myth that free market doctrines are a privilege of Anglo-American economists. Adam Smith's ideas would not have existed without the French Physiocrats and without Turgot, and the latter without the Spanish School of Salamanca. Jean-Baptiste Say, Antoine Destutt de Tracy, Charles Dunoyer, Charles Coquelin, Frederic Bastiat did no less for the theoretical understanding of free markets than Smith, Ricardo or Malthus. Later, the Austrians Menger, Böhm-Bawerk, von Mises and Hayek played a decisive role in promoting the understanding of markets as self-organizing systems. The marginalist revolution was achieved by an English, Jevons, an Italian, Pareto, an Austrian, Menger. The individual is

perhaps better legally protected against arbitrary acts of administration in France than in England, due to the jurisprudence of Conseil d'Etat, the doctrine of which was inspired by German jurists of 19th century before the rise of Bismarkian nationalist state. Italy had great theoreticians of liberty, such as Luigi Einaudi, Piero Gobetti, Don Luigi Sturzo, Bruno Leoni and others, whose doctrines are rooted in Italian catholic scholastic as well as in the writings of English or French liberals. No doubt that this common intellectual tradition, continuously reverberated among armies of preachers and teachers along centuries, is the sole convincing explanation for the homogeneity of Western cultures, apparent to every traveler. Everybody travelling in Western countries, from Portugal to Sweden, from Scotland to Croatia, from Newfoundland to California, can assess that everywhere in these regions there exists roughly the same sense of the dignity of human person, of the sanctity of the law, of the value of property, of the legitimacy of individual freedom, as well as roughly the same political and legal institutions.

2.2 The fact that Western countries are still politically divided does not contradict this. This division is good to a certain degree. The West should not become one Super-State, because this Leviathan would be necessarily more or less socialist and despotic. Nevertheless, with the “clash of civilizations”, the West should adopt coherent policies, create common institutions to discuss common problems, take common decisions and, should the case arise, unite military forces. Here we must criticize two models proposed or achieved for doing this, the European Union and the American Empire.

2.3 The EU seemed like a good idea, for it united first 6, then 9, 10, 12, and 15 Western countries (with the exception of Greece), with no major difficulty, which proves that these countries had the same fundamental civilization, needing only technical arrangements to merge certain institutions and policies. But finally, in my opinion, it proved not to be as good an idea as it was cracked up to be, because (1) it assembles only certain countries of the West, and now (2) it plans to include certain or many non-Western countries. A geographical (superficial) argument tends to prevail over a civilizational (profound) argument. For instance, Turkey is obviously not a Western country, and those who want to integrate it the EU are, in fact, adversaries of Europe. But we will probably soon have problems with orthodox countries also.

2.4 The American Empire, praised by Deepak Lal and others, is also not all it is cracked up to be. The role of the US in the last 50 years was essential and widely accepted because, with all its strength, even though it was the leader in most international affairs, this country professed to defend Western civilization as such, not its narrow “national interests”. The US has long participated in multilateral institutions such as NATO, UNO, WTO, and generally speaking, they have continuously talked and negotiated on a legally equal footing with their allies, Western Europe, Canada, Australia, Latin America, Japan and some others. On the contrary, the idea of “Empire” means unilateralism and defence, if not of the sole “national” interests, at least defence of the interests of all such as they are construed of by the leader. We can notice that it is exactly what China or the Ottomans used to do with their own “empires” a very long time ago. This is also the principle of feudal law, with a “lord” taking vassals under his protection, but demanding that they obey without discussion (as a feudal oath puts it : “I will be the friend of all your friends, the enemy of all your enemies”; but a civilized man is only the friend of the friends of truth and justice). To promote an “Empire” would bring us back a long way behind several miracles of the West.

2.5 Therefore, what we truly need is a Western Union, a free Republic of Western nations, a “club of gentlemen” in which decisions are taken through discussions, votes, and due process of law, with the right to disagree and even to withdraw without being attacked or insulted. From the Greek agora on, we know that truth, and reasonable arguments, can come from the

most insignificant of our fellow citizens. Similarly, the problems of the planet are so complicated that the West needs the competence, the skills, and the historical experience of all its components. The common interest commands to hear and respect each of them. It will be a long way to build a new international organization of this kind. It will be necessary to imagine devices and institutions which both prevent such an organization from becoming a Super-State and do not prevent it from being efficient. This intellectual challenge is somehow comparable to the challenge which the Founding Fathers of America faced successfully. Fulfilling it will be a good test for the validity of the fifth miracle.

3. A discussion of De Soto's thesis

3.1 Hernando De Soto is to be praised for having wrestled with the fearsome problem of poverty in Third World and former communist countries in a very original and brilliant way. But the historical construction of the West traced above leads me to call into question certain aspects of De Soto's thesis. I am aware that he will see me perhaps as a "brahmin who lives in the bell jar" because I value culture more than he seems to. But I find a contradiction in the fact that, after saying that property rights are a system of "representation", a "conceptual universe", and after having quoted Foucault, Derrida, Popper, and Searle in this respect, he seriously believes that these "representations" have no connection whatsoever with "culture". The "formal property systems" are culture, and it is a desperate case to pretend to deal with the property rights without being concerned with culture as a whole.

3.2 To put it in a nutshell, De Soto's thesis is the following. If the extralegal sectors of the developing and former communist countries can be integrated into the legal sector, they will be able to transform their "dead" capital into "live" capital and therefore to develop the economy. This will be done by inspired politicians helped by teams of clever economists and jurists. To sustain this view, De Soto describes the situation of the USA during the first half of the 19th century : there too, there was an extra-legal sector, with a lot of people settled on real estate with no appropriate titles, which prevented the owners from using them as live capital. But the American administration, despite the misunderstanding and resistance of the privileged elites, finally solved the problem by integrating into the official legal system the spontaneous "social contracts" made by ordinary people. There too, politicians played a key role. In other words, De Soto thinks that the difference between present developing and former communist countries on the one hand, and Western developed countries on the other hand, is only a one century and a half delay.

3.3 In sustaining his thesis, De Soto takes for granted that there are no other "cultural" problems at stake. He supposes that the very idea of "private property" is universal. I think that De Soto underestimates the many mediations existing between this supposedly "natural" idea, and the web of intertwined concepts which constitute an effective legal system, each of them having to be "constructed" in Searle's sense. The problem De Soto wants the modern politicians of Third World to adress is similar, to a certain degree, to the problem that the Roman magistrates faced with their foreign citizens, coming from all parts of Empire, belonging to many different ethnic groups. They succeeded in "listening to the barking dogs", but, as said before, it took them three hundred and fifty years. It's a sign that there was some serious difficulty hidden in the problem.

3.4 The law is carried out within a larger cultural system, which is composed of political institutions, morals, religion, "world visions". It is not only a property rights issue, as De Soto himself acknowledges ("Formal property is an extraordinary thing, much bigger than simple ownership"). These rights, which De Soto calls a "conceptual universe", are meaningful and effective only within a certain social context, namely certain legal and political institutions, certain behavioral patterns, certain moral and intellectual values collectively held by the group

in which one lives : the neutral State, an efficient administration, an independent justice, respect for private life, individual liberty, the equal respect of the rights of an anonymous citizen and of those of a member of your own family or clan, a scientific idea of truth, and so on. All of that is culture, all of that is historically constructed. I wonder whether the rather rapid, if not easy, solution of the problem of American West is not due to the fact that the colonists were all Christian Europeans. They disagreed on the precise definitions of property rights, but they agreed both on the very idea of “property” and on certain rules of justice and procedures, and were thereby able to come to a satisfactory settlement.

It is perfectly true that “culture itself can be shaped and changed”, but the question is : how is it possible? By which devices? At which pace? If Latin American or Asiatic migrants have no difficulty with the American property rights system, this proves perhaps that their culture is close to Western culture, or that it contains seeds which can be easily developed in a favorable context, namely within the American frontiers. But this does not establish that culture is not a problem generally speaking, and still less that “legal property sets the exchange rates between different cultures and thus gives them a bedrock of economic commonalities from which to do business with each other” (p. 226). Thus De Soto’s thesis lies entirely on the presupposition that “property” is a virtually universal notion or value which can constitute by itself a worldwide social link. I notice, by the way, that this is also Friedrich Hayek’s view (it would be interesting to compare closely De Soto’s and Hayek’s arguments). According to Hayek, the market is the most far-reaching and powerful social link, due to its fundamentally abstract character. It can link together even people who have no other link, who do not speak the same language, who do not live in the same region and who do not have the same concerns and aims. I wish this were true, but there are certain facts which make that doubtful.

3.5 Let us suppose that a legal system is designed according to De Soto’s methods in a given country. People would be ready to behave in a capitalist way. But the success may vary from country to country. It seems that in many traditional cultures, this very capitalistic behavior which consists in achieving economic goals individually without association with the family or the community, could not be easily accepted. To most people it could seem essentially unfair. This is perhaps a reason (a more intelligible reason than laziness or systematic resistance of privileged elites) why many people in these countries make few efforts to build the legal system wanted by De Soto.

For instance, in Senegal, when a tourist is walking in the street, he or she is immediately surrounded by people who evidently want money. They could obtain it either by selling something or by begging, both of behaviors which are intuitively understood by Westerners. Their actual method is none of these. What happens is that they begin to talk with you (they are fine, cheerful, merry people: the conversation is at first very pleasant). They walk along with you during 10 minutes or more. The aim is to become “friends” or, better, “brothers”. They have a often-recited tale that Senegal and French people are “cousins”. Now then, among brothers or cousins, one must help one another. It is why, at the end of the walk, they feel entitled to ask you for money. If you refuse, the situation can become critical, because they truly see you as unfair and wicked. You think on the contrary that they are unfair : they offered you nothing valuable to buy, they did not seem to be beggars in a desperate situation ; you feel justified in keeping your money. The misunderstanding is total. In another African country, namely Congo, we gave some money to a boy who had helped us to find our way in the forest. When we arrived in the village, all the children surrounded us, saw the money, and then an adult’s voice rang out (it was the voice of the Law, as terrible and unquestionable as the Ten Commandments, conveying the ethics in force in this society): “This money is for everybody”. But in our opinion, it had been merited only by our young guide. How could anybody begin to accumulate capital in such societies, even though the “toolbox” of an appropriate property system would be available? It is the very idea of

“accumulating capital” in order radically to change society which is lacking, or rather explicitly condemned by the wise men of the tribe.

Of course, these examples are extreme. Everybody knows that African societies are particularly close to traditional communities. Sure, the situation is different in other cultures of the Third World, especially in the Far East, and it is completely different in Latin America. But even in these cultural areas, some other problems of the same sort are bound to arise.

3.6 My intuition on properly working through this problem is this. We cannot arbitrarily short-circuit certain cultural structures which exist at a given moment in given peoples, only because we want to. For they are the effective structures of people's minds, which explain the actual functioning of their thoughts and their actual behavior. We can expect them to behave differently only if we give them good reasons to change their beliefs. This means ideology, education, all the means of cultural action. Let us come back to the creators of Roman Law. They were confronted with the disparate mentalities of people such as the Scythians, Gauls, Germans, or Syrians meeting and bargaining on the Roman forum. If it took so much time for them to cope with these difficulties, it is because the pretors had to discover step by step which mediations would provide acceptable communicability between foreign and Roman minds. It was not enough to “listen to the barking dogs”, they had painfully to invent new abstract legal concepts capable of being properly understood, without ambiguity, by litigants.

After all, I don't see why, as there has not been in the non-Western cultures the precise “construction of social reality” which occurred in the West, their “social reality” itself would not be different from ours as a result. In other words, the question is not only to facilitate commerce as such, putting aside all philosophical or ideological questions because they interest only old-fashioned “brahmins”. It is to construct a common mental universe in which the same words may have the same meaning. This is impossible without due ideological work, i.e. construction of theories and doctrines, and their diffusion. This ideological step is essential. Perhaps Brahmins are what we need ...