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## America, the Republican Nation: A Response to Critics of the Nation-State

Bernard Dobski  
Assumption University, [bdobski@assumption.edu](mailto:bdobski@assumption.edu)

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# America, the *Republican Nation*: A Response to Critics of the Nation-State

*Bernard Dobski*

*D*edication to America's national form is not about the thoughtless valorizing of one's own that is so often at the heart of uglier forms of nationalism. It is about an understanding of the critical role played by size, scope, and dimensionality in the creation of stable and secure communities, the emergence of a citizenry attached to the public good, the rule of reasoned law, the preservation of diversity and minorities, and political transparency and accountability, the very things that critics of the nation tacitly seek to preserve. Critics of the national form thus fail to appreciate the conditions necessary to preserve the rights they claim to cherish. They also fail to understand that the ability to grasp the virtues of the national form, defend their preservation, and respect their power does not require being a liberal or a conservative. Nor does it require a chauvinistic defense of America's past, or even patriotism. It simply requires an openness to the axioms of the new science of civic republicanism and the ability to see that the type of regime that is desired will determine certain features that it must entail in order for it to exist and persevere. To be sure, America has been indispensable to the cause of human liberty at home and abroad over the past two centuries. But it is its science of civic republicanism—the self-conscious articulation of this political physics—as much as its unique history, that makes America such an indispensable nation.

Once considered by many to be indispensable to the cause of human liberty, America today is attacked as the bulwark of atavistic politics that

clings to a dark and unjust past, impeding the confident march of human progress. These attacks are directed at America's national form, understood as a defined, bordered, and discrete community dedicated to the common good of a particular and exclusive citizen body.

The ancient Greeks identified two political forms: the city and the empire. The city, cradle of free political life, was small and vulnerable to factionalism, while the empire, despotic in nature, offered safety and stability by virtue of its massive size. America's Founders introduced something novel to this tradition by developing the justification of a third distinct political form: the nation-state. As understood and developed by the Founders, the nation-state embodies the heart of American exceptionalism: It secures both popular liberty and the stability and security so necessary to all free communities.

Contrary to the charges so often leveled against America, a defense of our national form such as one finds in the *Federalist Papers* is rooted neither in a patriotic jingoism nor in a tribal love of one's own. Rather, the national form is recommended by the iron-clad laws of republican self-government: America's unique ability to provide stability and safety; a citizenry actuated by a love of the common good; the rule of law rooted in rational reflection; the protection of minorities (understood here in the classical sense as those whose political and ideological views fall outside the majority); the promotion of regional and economic diversity; and the conditions required for political transparency and accountability is rooted in its form as a specifically republican nation.

Behind the contemporary attack on the national form is a pathology that the late Roger Scruton called oikophobia, literally "fear of home," or the "repudiation of inheritance and home."<sup>1</sup> Today, "oikophobes" attack America from two distinctive perspectives, what I classify as "from without" and "from within." Those who attack America "from without" advocate for global humanitarianism and thus look down on national borders as roadblocks to the fullest realization of liberalism's promise—a unified humanity. Those who attack it "from within" tend to criticize the nation as the source of social, economic, and political systems that oppress the marginalized. Members of the latter group tend to be advocates of identity politics. While the global humanitarian looks to a borderless world in which we can enjoy the unimpeded exercise of an ever-expanding list of individual and communal rights (many of which often conflict with each other), the identitarian retreats

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1. Roger Scruton, *England and the Need for Nations*, (London: Civitas, 2004), p. 36.

from the broader ideals embodied by the nation and the responsibilities imposed by nations into ever smaller sub-national groups defined by race, ethnicity, gender, and sexual orientation. But in attacking the nation, these critics would undo the very things they want to preserve by undermining the political conditions necessary to safeguarding the particular rights they claim to cherish.

Today, such oikophobes are all over our political landscape. Much of the academy, for example, is devoted to describing the history of the nation-state as one drenched in unjust wars, imperialism, slavery, genocide, racism, sexism, and xenophobia. Open-border advocates claim that national sovereignty inhibits the free flow of goods and peoples so crucial to the accumulation of wealth and prosperity, and thereby prevents the flourishing of all human beings around the globe. And, perhaps most importantly, members of our political class tell us with increasing frequency that national forms, whose borders are the product of accident and force, are by definition arbitrary, particular, and exclusive, and therefore unjust. President Barack Obama himself famously stated that he considered America to be an exceptional nation in much the same way that the British considered Britain exceptional, the Greeks considered Greece exceptional, and so on.<sup>2</sup> In other words, America is not so special after all; national identity is just about loving one's own in the same way that others are partial to their own.

One antidote to this oikophobia lies in recovering the Federalists' appreciation of the iron-clad laws of political liberty. This recovery requires acknowledging that the insights of the Federalists into the fundamental dynamics of free political life *precede* the race- and language-based defenses of the *natio* put forward by German and French thinkers in the late 18th and early 19th centuries. Modern thinking about the national form has its origins not in racism, ethnicity, or xenophobia, as both globalist and identitarian allege, but in the science of civic republicanism.<sup>3</sup> The ability to see the wisdom of this science does not make one a conservative or a liberal; neither does it make one a vulgar populist or an ethnic chauvinist.

What unites Americans, more than any ethnic, linguistic, economic, or religious similarities that we might share, are those noble principles and

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2. News conference, Barack Obama, Palais de la Musique et des Congrès, Strasbourg, France, April 4, 2009, <https://obamawhitehouse.archives.gov/the-press-office/news-conference-president-obama-4042009> (accessed December 10, 2019).
  3. In referring to a science of civic republicanism, I am drawing on Madison's reference in *Federalist Paper* No. 9 to the improvements in the "science of politics" made by Montesquieu and, by extension, the Federalists themselves. The republican conclusions drawn from this science of politics follow from the Federalists' rich study of political history, informed by their reading of political philosophy, and tempered by their own direct experience of republican and non-republican political alternatives. They believed that their insights, reflected in the proposed Constitution and communicated through the *Federalist Papers*, amounted to genuine, previously unknown discoveries about politics on the level of objective science.

self-evident truths, held in common, and articulated and defended by the Declaration of Independence and the Constitution. And while animated by a love for the universal principles informing our Founding documents, our nation is—as are all successful nations based on the laws of free politics—grounded in a particular hearth and home, creating a people with common territory, customs, laws, and mores. The subsequent history of our national community testifies to the blessings that this distinctive blending of universal and particular affords our citizens, as well as to the considerable dangers that come with abandoning it. The national form—and America as the republican embodiment of that form—offers the best means for realizing human flourishing, justice, and prosperity in our world.

## Our New Form of Politics

Alexander Hamilton opens the first *Federalist Paper* by posing an age-old political problem: Will men be able to govern themselves through rational reflection and choice, or will they forever be ruled by accident and force?<sup>4</sup> For most of history, nations were based on accident and force; here, however, was an opportunity to build a nation based on reason, to design a nation on the basis of a new science of politics. Though he does not openly state it as his intention, Hamilton’s “republican” argument effectively presents one of the first defenses of the nation as a political form.

As Hamilton elaborates in *Federalist Paper* No. 9, the republican form must be larger than the states constituting it and smaller than an empire whose vast range demands a monarchy. Hamilton’s emphasis on the novelty of *this* arrangement above all the other innovations of the new science of politics indicates his awareness of the paucity of prior theorizing about the nation. This point cannot be overstated. Between the writings of Cicero<sup>5</sup> and the work of Montesquieu<sup>6</sup> and Jean-Jacques Rousseau,<sup>7</sup> reflection on the proper size and scope of a political community, a tradition whose origins can be found in Aristotle’s *Politics*,<sup>8</sup> is noticeably absent in the Western political and philosophic traditions.

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4. Alexander Hamilton, *The Federalist Papers*, No. 1, The Avalon Project, Documents in Law, History, and Diplomacy, [https://avalon.law.yale.edu/18th\\_century/fed01.asp](https://avalon.law.yale.edu/18th_century/fed01.asp) (accessed December 10, 2019).
  5. Marcus Tullius Cicero, “On the Republic” and “On the Laws,” trans. and with introduction, notes, and indexes by David Fott (Ithaca, NY: Cornell University Press, 2014).
  6. Charles Louis de Secondat, Baron de Montesquieu, *The Complete Works of M. de Montesquieu*, 4 vols. (London: T. Evans, 1777), <https://oll.libertyfund.org/titles/montesquieu-complete-works-4-vols-1777> (accessed May 21, 2020).
  7. Jean-Jacques Rousseau, *The Social Contract*, trans. and introduction by Maurice Cranston (London: Penguin Classics, 2003).
  8. Aristotle, *The Politics*, trans. and introduction by Carnes Lord (Chicago: University of Chicago Press, 2013). See especially Book 7, chs. 4–8 (on the proper size of a city’s population, 7.4; its territory, 7.5; its relationship to the sea, 7.6; and the character of its people, 7.7).

Of course, this does not mean that nations did not come into existence in the intervening millennia and a half. Long before the Treaty of Westphalia legitimized the boundaries that would define the birth of European nations in 1648, national communities had been coalescing along linguistic, cultural, ethnic, religious, economic, and geographical lines. But Western political thought had abandoned a critical part of the intellectual patrimony it received from the Greeks and Romans. It no longer felt the need to deliberate over the formal pre-conditions necessary to fulfill man's nature as a political being. The reasons behind this lengthy silence are, at least, two-fold.

First, Aristotle recognized the existence of only two forms that expressly political life could take: the city (or *polis*) and the empire. Any other human associations, such as the family, the household, the village, or even economic and military alliances between cities, were deemed sub-political. Because of their small size, these associations were limited in their aims and deliberations to the material conditions necessary to sustain life; all considerations of justice or virtue were subordinated to the near constant focus on the needs of daily life. The larger size of the city and the empire, by contrast, freed people from the constant focus on self-defense and securing the conditions of mere life. Reasonably assured of their self-preservation, people in these communities were free to inquire into what it would mean to live well or nobly.

And yet, of these two forms, it was the city that made it possible for a large portion of its citizens to contribute meaningfully to the decisions of their community. For while empires kept their subjects safe and secure, their sheer size required that they be governed despotically. The city, by contrast, had to be large enough to be self-sufficient, but small enough to be easily seen and traversed. Within these confines one could reasonably be expected to know every other citizen. And meaningful public deliberation among citizens can only take place in a setting where citizens know, trust, and care for one another. In the narrower confines of the city, men can exercise the rational faculty (which defines their humanity) and deliberate together over what constitutes a just, free, and noble way of life. For Aristotle, it is this end that justifies the city's distinctive form.<sup>9</sup>

Second, while the city's size made it ideal for the cultivation of free politics, it also exposed it to the threats posed by factionalism and rival cities of comparable size. The ancient city thus was at constant risk of civil war from within and invasion from without. And historically speaking, the city

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9. Aristotle, *The Politics*, 1.2.

was crushed as a viable political form by the spread of the Roman Empire and the subsequent rise of the Catholic Church.<sup>10</sup> The successful political and spiritual universalisms of these two world-shaping forces not only demonstrated the ultimate fragility of the *polis* but also obviated any serious discussion regarding the legitimacy of more limited, subordinate, and parochial political forms. There was no incentive for students of political theory to pursue recreating the city.

The Renaissance, and the rebirth of secular humanism that came in its wake, changed this. The rediscovery of the glories of ancient Greece and Rome issued in the spirited effort to recover a version of classical republicanism, that is, a politics ordered around and centered in the people and their concerns for an ordered liberty under the law. Naturally, such a political arrangement required returning political power to the people themselves. And this meant constricting the realm of politics and government to that much smaller space in which individuals could reasonably exercise the levers of healthy and free political life on their own.

The reorientation of political life around the concerns of the individual, as opposed to the demands of throne and altar, did not, however, result in a renewed discussion of political forms. That discussion was delayed because the leading Enlightenment thinkers asserted a new understanding of human nature as the basis of political life, one that emphasized individual rights as the basis of laws and duties. Whereas the laws and duties of crown and church imposed obligations on individuals, the new theory of individual rights focused on liberties, and expanding the space of permissible individual activity. What came to matter was not what you owe others, but what others owe you. By prioritizing the freedom of the individual to act as he or she wants, Enlightenment theorists advanced a teaching in tension with the legitimacy of external limits on freedom. Moreover, because individual rights are universal to all human beings, allegedly realizable in a community of any size, there *seemed* to be no reason why anyone who accepted the validity of the arguments for natural rights would ever need to think about the proper political forms necessary for realizing and defending those rights.

It thus fell to *The Federalist* to provide the reasoned defense of a political community that could navigate the Scylla of the unstable city and the Charybdis of monarchical empire, a defense that had been missing from Western political thought for over fifteen hundred years. And the authors of *The Federalist* were able to resurrect this long-neglected discussion

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10. See for example, Pierre Manent, *A World Beyond Politics? A Defense of the Nation State* (Princeton: Princeton University Press, 2006).

because they did not draw their political wisdom exclusively from the more abstract rights theory of Enlightenment thinkers. The Federalists' political sensibilities were also informed by Christianity, with a gaze elevated to the sacred and divine, and classical republicanism, with its intense focus on the size and structure of a political community, giving them an appreciation for forces that were more elemental, and thus more authoritative, in the formation of political communities than the civic rights of the individual. They were more sensitive to the preconditions, the foundations on which a community dedicated to individual rights must be built.

For these reasons, modern reflection on the forms necessary to preserving republican liberty, though initiated by Montesquieu, finds its earliest thoughtful expression in our *Federalist Papers*. This work constitutes a remarkable (and remarkably underappreciated) contribution to the history of political thought on the subject of political forms. Indeed, it remains arguably one of the Federalists' most important, and again, most underappreciated, contributions to Western political philosophy. Thanks to them, we can now add the nation as the third political form to those of the city and the empire.

## The Iron-Clad Laws of Free Politics

Of course, to credit the authors of the *Federalist Papers* with a defense of one of only three political forms is to recognize that for them, like Aristotle, political life is profoundly limited: It is not open to unlimited permutations or perpetual progress. These limits are set by certain iron-clad laws of free politics, laws rooted in the basic dynamics of political life and set by man's finite nature.

Generally speaking, the Federalists understood that the welfare of the community is best served when its citizens know, trust, have affection for, and understand each other. They also knew that a human being can only know well a limited number of human beings, that powerful attachments of the human heart are therefore restricted to a precious few, and that trust is always in short supply. This insistence on the significance to healthy politics of knowing, loving, and trusting others, and on the limits of these, provides us with the sharpest point of difference between *The Federalists'* defense of a particular, bounded, political community, and the contemporary critics who view national limits as anathema to the fullest and freest unfolding of the human personality.

The first iron-clad law concerns the importance of a political form's size to its internal freedom and its external stability. After cataloguing the many



aids to political liberty innovated or perfected by the new science of politics, Hamilton ventures to add what is perhaps the most novel contribution to the freedom of the republican order, one which the new Constitution embodies most fully: “the ENLARGEMENT of the ORBIT within which such systems are to revolve, either in respect to the dimensions of a single State, or to the consolidation of several smaller States into one great Confederacy.”<sup>11</sup>

What makes such an orbital expansion novel? Hamilton illustrates the necessity of a confederation of republics to the young nation’s ability to ensure its safety and, most importantly for our purposes, retain its republican character. A large confederacy of states makes it increasingly unlikely that foreign states will tempt fortune by attacking it unprovoked or that domestic insurrections will consume the union before other members can effectively respond. Moreover, because it rests upon the modified sovereignty of its member states, all of which are republican, such a confederacy can expand in size without surrendering its republican character to monarchical temptations. Historically, the united confederacies that preceded our Constitution were effectively governed by the strongest member. As a general rule, members of such associations abandoned any pretense to republican liberty in their obedience to the despotic power that secured their union. But in preserving the sovereignty of its individual republican members, the unification of the American states into one nation promises the surest means by which a government of, by, and for the people can avoid those dangers to which confederacies are prone.<sup>12</sup>

The accommodation between city and empire represented by the national form proves critical to accountability and transparency. That is, if our nation is so large that our representatives cannot understand or identify with the passions, opinions, and interests of their constituents, then they will not be able to represent their fellow citizens well. As Madison argues, while our national representatives “must be raised to a certain number, in order to guard against the cabals of a few,” they also “must be limited to a certain number, in order to guard against the confusion of a multitude.”<sup>13</sup> Moreover, by “enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and

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11. Alexander Hamilton, *The Federalist Papers*, No. 9, [https://avalon.law.yale.edu/18th\\_century/fed09.asp](https://avalon.law.yale.edu/18th_century/fed09.asp) (accessed December 10, 2019).

12. Though Hamilton here draws on Montesquieu, his argument in *Federalist Paper* No. 9 actually goes much farther than its French inspiration, whose model was closer in size to the classical city-state than to the comparatively massive American nation that the Constitution made possible. In other words, the newest innovation of the new “science of politics” must be credited to America’s Founders and not Montesquieu.

13. James Madison, *The Federalist Papers*, No. 10, [https://avalon.law.yale.edu/18th\\_century/fed10.asp](https://avalon.law.yale.edu/18th_century/fed10.asp) (accessed December 10, 2019).

lesser interests.”<sup>14</sup> The Constitution devised by our Founders thus aims to form “a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular to the State legislatures.”<sup>15</sup> A republican nation makes it unlikely that a national legislature will be wholly indifferent to or ignorant of the welfare of parts of the confederacy they represent.

Similarly, if the constituents do not know well enough their elected officials then they will not be able to hold them accountable. They will either not be able to trust them at all, or will trust them entirely too much.<sup>16</sup> Without sufficient knowledge of their representatives, constituents will lose the primary means by which they preserve leverage over politicians: the threat of voting them out of office. As a result, they will sacrifice the political liberty that is the hallmark of republican life. The size of our national form thus supplies the necessary conditions of our freedoms.

The second iron-clad law of free politics, however, shows why the extension of such a confederacy cannot be infinite. After all, it is easy to see why a community interested in its own survival should be larger than the city-states of ancient Greece, whose small size invited both foreign invasion and domestic insurrection. But it is not so easy to see why there should be limits to republican expansion. What prevents a confederacy of republics from expanding indefinitely? Could there not be a republican empire, for instance? Madison’s *Federalist Paper* No. 10 makes the case that republican governments, though capable of extending over vast areas, cannot be limitless; the conditions for popular liberty—republicanism itself—demand limits set by the political psychology on the basis of which republican politics are possible.<sup>17</sup>

The vitality of republican governments demands a citizenry dedicated to the welfare of the community as a whole. But, as noted above, such dedication is circumscribed by the limits on the human ability to care genuinely for the welfare of other human beings. The range of human affection for others, the kind that can serve as the basis for trust or inspire devotional self-sacrifice, is limited by nature to those few human beings to whom we become genuinely attached, whom we know and trust, and for whose welfare we care deeply.

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14. *Ibid.*

15. *Ibid.*

16. *Ibid.*

17. *Ibid.*

Of course, stable and viable political communities have to be larger than a narrow circle of family and friends as the preceding section showed.<sup>18</sup> Modern nation-states have attempted to bridge the gap between the limited range of human affection possible and the massive size required for a self-sufficient political community through civic education and the socialization of their members. But the need for a robust dedication to the common good, coupled with the natural limits on human knowledge and affections, means that one cannot simply rely on a civic imagination formed by teachers and textbooks to inspire civic devotion. What generally passes for civics education today (when our public schools deign to teach it) will not by itself excite our greatest efforts and energies on behalf of the nation. This explains why the Constitution guarantees not only the sovereignty of the states, but that they shall have a republican form as well.<sup>19</sup> As Tocqueville nicely observes about the feelings that Americans have for the nation generally and for their respective states:

The sovereignty of the Union is an abstract thing connected only to a small number of external matters. The sovereignty of the state is felt by all the senses; it is understood without difficulty; every moment, it is seen in action. One is new; the other was born with the people themselves.... The sovereignty of the Union is a work of art. The sovereignty of the state is natural; it exists by itself, without effort, like the authority of the father of a family.<sup>20</sup>

To the extent that our national body becomes united, it will be united by extending the affection that citizens feel for their local communities to the larger states of which they are a part. Tocqueville again usefully points out what this requires:

[I]f, among confederated peoples, you want to create a common existence and a true national government, it is absolutely necessary that their civilization be homogeneous in nature. This necessity makes itself felt much more in confederations than in monarchies, because in order to be obeyed, government has much more need for the support of the governed in the first than in the second.<sup>21</sup>

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18. On this point, see also Alexis de Tocqueville, *Democracy in America*, ed. by Eduardo Nolla and trans. by James T. Schleifer (Indianapolis: Liberty Fund, 2012), Vol. 2, Part 2, chs. 2-4, pp. 881-894.

19. *United States Constitution*, IV.4.

20. Tocqueville, *Democracy in America*, Vol. 1 Part 1, ch. 8, p. 269.

21. *Ibid.*, p. 270.

In other words, our republican nation must be bound by a shared civilization while also preserving the autonomy reserved for the states. Establishing a homogeneous civilization among the nearly four million people who lived along the Atlantic coast in the late 18th century was one thing. Preserving it among 330 million people who span a continent is something else altogether. The political, economic, and religious diversity that naturally follows from such a populous nation living across such varied regions may well make it difficult to maintain the civilizational homogeneity necessary to keep us together. And yet, it is precisely because this is a real danger for a country of our size that we must tend carefully to our nation's essentially republican character lest we, under the illusions of progressivism, abandon the preconditions of our freedoms.

Size matters greatly. Imperial republics, by dint of their great size and internal diversity, exceed the ability of both their representatives and their constituents to know, trust, and care for one another. They render inert those psychological springs by which human beings remain concerned about others' rights and the well-being of their communities.

*The Federalists'* commitment to a republican nation means that several large republican communities will exist within a larger community dedicated to republican principles. Such an overlap between spheres of republican self-government not only makes possible, but also requires that populations with different political passions, economic interests, and moral tastes live alongside each other. And this, oddly enough, is critical to the preservation of republicanism because it is this kind of diversity that increases the likelihood of the rule of reasoned law.

Thus, this third law, which posits that a republican nation will rule itself rationally, is not just due to the fact, as Madison points out, that representatives from districts whose constituents embrace a wide range of opinions, tastes, and interests will be free from local prejudice, and thus free to pursue more sensible courses of action. Nor is it due solely to the political representation that refines our views, or to the fact that such large districts inhibit the nefarious practices that can influence elections. The real cause is even more fundamental. Unlike communities where membership is defined by shared race, blood, language, or creed, nations are dedicated to the law as a form of communal identity; members of a nation must view the law as something above the particular and arbitrary traits that distinguish members from one another.

This elevation of the law not only necessitates the toleration of diverse viewpoints, but also demands the consensus building—with its emphasis on rational deliberation, compromise, and mutual trust—necessary to secure

a common good across peoples of different classes, races, and religious beliefs. It is in this way that a republican nation makes it likely that it will be governed by laws that are the product of rational deliberation.<sup>22</sup> Empires, tribes, families, religious communities, even ancient cities and medieval republics do not traditionally cultivate tolerance of others or respect for the law as a source of common identity over biological, tribal, and religious ties. As Scruton points out, no other “bonding principles...for political solidarity” have been disclosed by history that could effectively preserve the liberal values that, for the past two hundred years, have found their home within the nation.

The fourth iron-clad law of free republics follows from the third: A republican nation must protect the rights of minorities in its midst and even *foster* economic, religious, and political diversity. This finds its clearest expression in Madison’s famous argument in *Federalist Paper* No. 10 for multiplying factions as the means of controlling for their invidious effects. Prior to the constitutional amendments aimed at protecting individual rights, Madison argues for a substructure to our national polity that would support and perpetuate the existence of those minority groups that are necessary to and the hallmark of our liberty.

Madison’s argument here is simple. The more one multiplies factions, the smaller and weaker individual factions are likely to be, at once making them the potential enemies and allies of everyone else. This produces a dynamic that decreases the likelihood of violence and injustice while enhancing the odds of cooperation and fair play. This argument about justice draws from an understanding of what one might call “political physics.” It reflects a scientific understanding of the different forces, and their relationship to each other, that must be at work in any political community that hopes to secure both political and private liberty for its citizens. As such, it recognizes as legitimate the existence of different internal factions actuated by competing interests and rival conceptions of the public good. Because the solution to the dangers posed by factions requires their extensive multiplication, it is necessary to establish a community large enough to accommodate a wide and divergent populace while still adhering to those very real limits on the human ability to know, trust, and care for other human beings. America’s republican form is designed to balance this difficult combination.

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22. Or as Tocqueville puts it: “What is understood by a republic in the United States is the slow and tranquil action of society on itself. It is an ordered state actually based on the enlightened will of the people. It is a conciliatory government, where resolutions mature over a long time, are debated slowly and are executed with maturity.... Above [the majority in a republic] in the moral world are found humanity, justice, and reason; in the political world, vested rights. The majority recognizes these two barriers, and if it happens to cross them, it is because the majority has passions, like every man; and like him, it can do evil while perceiving good.” Tocqueville, *Democracy*, Vol. 1, Part 2, ch. 8, p. 627.

Hamilton's promise in *Federalist Paper* No. 1 that the American Constitution will offer a novel solution to an enduring problem seems to be fulfilled by *The Federalists'* arguments for a republican nation. Such a nation, which recognizes the sovereignty of the smaller republican states within the larger republic that unites them, will adhere to the four iron-clad laws of free republics. It will combine the liberty of the ancient Greek city with the stability and security of an empire. It will promote the rule of law rooted in rational reflection. It will protect minorities and promote the kind of diversity necessary for combatting the dangers of factionalism. And it will secure the conditions required for political transparency and accountability.

Such a defense of the nation-state supplies indispensable clarity about what is at stake if such necessities are abandoned in the headlong rush to liberate human beings to act however they wish—or to exceed the national form with a view to unifying all of humanity. Contemporary critics of the nation would do well to remind themselves of this original defense of the American nation to see that contempt for “the other” or a mindless attachment to “one’s own” does not come close to exhausting the possible defenses of the national form. Given the simplicity, clarity, and power of *The Federalists'* argument on behalf of the republican nation, it bears wondering why so many of the critics of the nation ignore or dismiss it.

## Enemies of the Republican Form: Global Humanitarianism and Identity Politics

The contemporary assault on republicanism, the oikophobia diagnosed by Scruton noted above, has roots that run far deeper than the failure of our high schools, colleges, and universities to teach American civics and political history. To be sure, American “higher education” tends to foster disrespect for any national form. It accepts, almost without question, the characterization of the nation advanced by sociologist Ernest Gellner as a human association understood entirely in ethnic and tribal terms.<sup>23</sup> Once one accepts this premise, it becomes easy to link the nation to uglier phenomena that seem to be on the upswing today, such as racial sectarianism, ethnic populism, and vulgar chauvinism; or to the nationalism embodied in the “virulent and toxic nationalisms of the twentieth century” that wreaked so much havoc upon the world.<sup>24</sup>

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23. Ernest Gellner, *Nations and Nationalism* (Ithaca, New York: Cornell University Press, 2009).

24. Pierre Manent, *Beyond Radical Secularism: How France and the Christian West Should Respond to the Islamic Challenge*, Ralph C. Hancock, trans. (South Bend: St. Augustine's Press, 2016), p. 111. (Originally published in France as *Situation de la France*, Group Artège, Éditions Desclée de Brouwer, 2015).

This anti-national attitude is aggravated by the fact that the academy routinely fails to acknowledge that the greatest atrocities of the modern world have been perpetrated not by nations but by anti-national or transnational movements, such as fascism and communism. Thus, the desire of Hitlerite Germany to extend its Reich across Europe was driven less by a sense of German national interests and more by utopian ideologies that promised a new world based on racial hierarchy. Motivated by similarly impossible goals, communist governments during the 20th century generated the “untimely” deaths of nearly 100 million of their own citizens during times of peace. That is more than all of the deaths incurred during the bloodiest wars of the world’s bloodiest century. It is no surprise then that so many of our young people graduate from college without learning that the spread of liberal democracy and human rights, the abolition of slavery, the extension of the franchise to women, or the incredible innovation and material prosperity of the past 200 years were the result of the coordinated efforts of Western *nations*.

**Global Humanitarianism.** But the real roots of this anti-national temptation are much older. Following George Orwell, Scruton contends that this desire to distance the self from home and hearth is a pathology to which political leftists in the West are especially prone. Preening himself on his superior objectivity, this self-styled principled defender of human rights “is, in his own eyes, a defender of enlightened universalism against local chauvinism.”<sup>25</sup> In an effort to display his moral selflessness for all to see, he takes as his motto W. B. Yeats’s memorable lines: “Come, fix upon me that accusing eye./ I thirst for accusation.”<sup>26</sup> This attack on the local and particular in the name of enlightened universalism makes its first dramatic appearance in Western civilization in the French Revolution.

The leaders of the revolution were inspired to overturn throne and altar—authorities that for centuries had forged a distinct national identity for the French—by the progressive delusion that both the political world and human nature could be fundamentally transformed. Indeed, the most radical among them held out hope that the enduring social, political, moral, and economic problems facing man could be resolved once and for all if one simply discovered and installed the correct system, one scientifically

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25. Scruton, *England and the Need for Nations*, p. 37.

26. From Yeats’s play, “The King of The Great Clock Tower,” (The MacMillan Company: New York, 1935), [https://archive.org/stream/in.ernet.dli.2015.167642/2015.167642.The-King-Of-The-Great-Clock-Tower-Commentaries-And-Poems\\_djvu.txt](https://archive.org/stream/in.ernet.dli.2015.167642/2015.167642.The-King-Of-The-Great-Clock-Tower-Commentaries-And-Poems_djvu.txt) (accessed December 4, 2019).

deduced to “square the political circle.” For the Jacobins, this meant that their Republic of Virtue could be secured by any means necessary, including the use of “terror and tyranny in the vain effort to actualize what cannot be.”<sup>27</sup>

Despite (or perhaps even because of) its spectacular failure, the political example of the French Revolution introduced Europe and the West to a new habit of thought that in time would lead statesmen and citizens to think almost instinctively about any solution to particular problems in universalist terms only. It thus cultivated the demand for nothing short of perfect justice, *one untarnished by self-interest, calculation, or compromise*. And because it held out the hope for a fundamental transformation of the human condition, this universalist or ideological way of thinking made possible those movements, like communism, fascism, and revolutionary nihilism, that, though radically secular, looked to effect an essentially religious evolution of man’s moral and political landscape.<sup>28</sup> Today’s global humanitarian, though less violent than his forebears, shares the genealogy of these secular religions and seeks an equally utopian transformation of our political situation.

For instance, in their progressive outlook, global humanitarians view national borders as the atavistic relics of a bygone age. Borders are, for them, the products of force and fraud over which so many lives were thoughtlessly squandered during the centuries of Western imperialism, colonialism, and a 20th century of total wars. The diminution of these arbitrary boundaries is thus indispensable to the universal and “perpetual peace” so necessary to human dignity. The German philosopher Jurgen Habermas is the loudest among those calling for the overcoming of the nation. For Habermas, the nation “is in the end an atavism, an anachronism. And it will survive in diminished form only if it jettisons stubborn claims to sovereignty and autonomy.” Such a diminished form will require “the evolutionary transfer of sovereign rights to an enhanced European identity” which will also assume “joint fiscal, budgetary, and (redistributive) economic policy,” harmonizing “social policy across the whole of Europe.” This evolutionary process will, Habermas hopes, put “an end to the ‘fiction’ of national government” and “ridiculous national prejudices.”<sup>29</sup>

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27. Martin Diamond, “The Revolution of Sober Expectations,” in William Schambra, ed., *As Far as Republican Principles Will Admit: Essays By Martin Diamond* (Washington, DC: The AEI Press, 1992), p. 217.

28. For an outstanding analysis of secular religions, see Michael Burleigh’s masterful *Sacred Causes: The Clash of Religion and Politics, From the Great War to the War on Terror* (New York: Harper Perennial, 2006), as well as Waller Newell’s *Tyrants: A History of Power, Injustice, & Terror* (New York: Cambridge University Press, 2016).

29. This gloss of Habermas’ position comes from Daniel J. Mahoney, *The Idol of Our Age: How the Religion of Humanity Subverts Christianity* (New York: Encounter Books, 2018), pp. 116–118. Habermas’ arguments for such a trans- or supranational order can be found in his most recent work on this subject: *The Lure of Technology* (New York: Polity Press, 2015).



Of course, not all global humanitarians call for the outright erasure of national borders. Nor do they openly argue for a global government to administer world affairs. But in elevating matters of global concern over national self-interest, in asserting the priority of international cooperation over national self-regard, and in tarring as racist and xenophobic those who would insist on the political importance of national borders, they follow Habermas and kneel at the altar of the “secular religion of humanity.”<sup>30</sup> Many European leaders, such as Angela Merkel and the elites working for the U.N., appear to accept without question the goodness of dangerously lax immigration policies.<sup>31</sup> And Members of the U.S. Congress openly call for the weakening or outright dismantling of those institutions charged with protecting America’s national borders.<sup>32</sup>

While the enemies of the *ancien regime* in France drew inspiration from the philosophic writings of Rousseau, and while the communists and fascists following them took guidance from Marx’s *Communist Manifesto* and the work of Fichte, Herder, and Gentile, respectively, today’s global humanitarians effectively worship at the altar of Auguste Comte and his book *System of Positive Polity*. Although few believers in global humanitarianism are likely to have read his book, Comte’s thinking has had an outsized influence on modern sociology, on the subsequent study of the social sciences, and on the generations of students produced by the modern academy. One can thus locate the intellectual roots of the contemporary distaste for local and national limits in the tacit and widespread acceptance of this work’s singularly monstrous creation: the religion of humanity.

At the heart of this “religion” is an abstract vision of humanity with no God or higher law above it, the worship of which commands us to unite peacefully as individuals into a global community. To contemporary ears, such a goal sounds harmless enough. But it is not. No work better diagnoses the nefarious effects of Comte’s religion of humanity on contemporary moral and political discourse than Daniel J. Mahoney’s *The Idol of Our*

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30. As quoted in Mahoney, *The Idol of Our Age*, p. 118.

31. Christopher Caldwell, “What Is Populism?: For Better and for Worse, a Democracy Movement,” *Claremont Review of Books*, Fall 2018, <https://claremontreviewofbooks.com/what-is-populism/> (accessed December 9, 2019).

32. During his candidacy for president, Julián Castro proposed reforms that would make illegal immigration a civil, instead of a criminal, violation and would essentially dismantle the U.S. Immigration and Customs Enforcement Agency (ICE). See Julián Castro, “Putting People First,” Julián Castro 2020, <https://issues.juliancastro.com/people-first-immigration/> (accessed December 9, 2019). Last summer, Representative Alexandria Ocasio-Cortez (D-NY) likened immigration facilities to concentration camps. See Rich Lowry, “The Concentration Camp Smear,” *National Review*, June 18, 2019, <https://www.nationalreview.com/corner/alexandria-ocasio-cortez-concentration-camp-comment-immigration-facilities/> (accessed December 9, 2019). Resolution No. 73 of the platform of the Democratic Socialists, the activist group supporting the presidential candidacy of Senator Bernie Sanders (D-VT), calls for the “[u]nhibited transnational free movement of people, demilitarization of the US–Mexico border, abolition of ICE and CBP [Customs and Border Protection] without replacement, decriminalization of immigration, full amnesty for all asylum seekers, and pathway to citizenship for all non-citizen residents.” See, Democratic Socialists of America, DSA Resolutions for the 2019 Convention, <https://www.dsausa.org/files/2019/06/2019-Resolutions-Approved.pdf> (accessed December 9, 2019).

*Age*.<sup>33</sup> According to Mahoney, Comte’s religion of humanity dissolves all traditional boundaries and limits in favor of “love” for an abstract mankind. Or, as Pierre Manent observes, global humanitarianism, which appears all the more noble for being so other-directed, “involves a general scrambling of the reference points from which human beings, as moral agents and free citizens, take their bearings.”<sup>34</sup> Because it prioritizes a concern for mankind, the religion of humanity weakens those relations that prioritize some individuals over others, like “parent” and “child,” “sister” and “brother,” “friend” and “lover,” “citizen” and “foreigner.” Naturally, the expectations and duties that follow from these distinct relations and make us devoted to something that transcends mere self-concern also disappear. Just as children would come to owe their parents no more respect than they would a stranger, citizens would owe no special obedience to their country and its laws. By trying to attach us to everyone, Comte attaches us to no one. This newfangled religion takes the traditional hierarchies of family and country and the standards of natural right and divine law—hierarchies and standards that order our relations with other human beings and direct individual self-interest towards the service of broader and higher ends—and flattens them, draining them of their political vitality, human meaning, and moral authority.

Comte’s religion of humanity asserts that the most fundamental human reference point is the concern for one’s own good. This must be corrected, according to Comte, as it is “dangerous” because it is particular and limiting and provides a powerful source for our attachment to exclusive goods like family life, moral virtue, and civic freedom. Yet, what Comte and his followers cannot see is that the concern for one’s own good is at the root of the human desire to be a dedicated parent, sibling, or child. We are capable of being good to others as they become an extension of our own good. Moreover, the concern for our own good motivates us to restrain the pursuit of narrow self-interest for the sake of the common good—for one’s broader good is to be connected to a community, state, and nation. And finally, the concern for our own good is what inspires the arduous pursuit of moral excellence. The morally excellent believe at bottom that their own good (though that of others as well) will be served by that moral excellence. All of the human goods that political life makes possible are rooted in various kinds of selfishness. This is why Comte must replace it as the primary human concern with a diffuse “social feeling.”<sup>35</sup>

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33. Daniel J. Mahoney, *The Idol of Our Age: How the Religion of Humanity Subverts Christianity* (New York: Encounter Books, 2018).

34. See Manent’s introduction to *The Idol of Our Age*, p. xii.

35. *Ibid.*, p. 9.

But this “social feeling” is incapable of generating any devotion to the welfare of others by those who profess to feel it. Like the imperial form discussed above, “society” and “humanity” are abstract concepts too broad to speak to the limited range of the human capacity to know, trust, and care for others. Without a moral, political, or spiritual horizon capable of drawing human beings outside of their self-interests narrowly construed, and left with a formless humanity as their only “star and compass,” individuals under this dispensation are hindered from loving anyone or anything in particular, themselves included.

Despite both its progressive-sounding concerns for the rights of man and its vague overlap with watered-down Christianity, there is nothing in today’s “humanitarian ethic” that can effectively limit individual conduct in the pursuit of such goals.<sup>36</sup> The limiting restraints supplied by the republican national form (like concern for fellow citizens) are simply ignored or dismissed. This may explain why members of the political and intellectual elite in both America and Europe can attack so publicly the integrity of particular national identities and the exclusive institutions, practices, and borders that help preserve their shape. To this incoherence, one could add another, one exposed by contemporary developments surrounding Brexit: the rise in national self-regard among Western publics, and concern over how governments in America and Europe handle the challenges of illegal immigration. The problem revealed by these developments may be stated as follows: While global humanitarianism seeks to extend the blessings of liberalism to all, it fails to understand that these blessings can only be manifested in discrete, coherent, particular communities—the kind of communities defined by national borders.

For instance, no defender of global humanitarianism would deny that the liberalism they cherish also requires democracy. And it requires democracy because liberalism prioritizes the freedom of the individual will. But the individual can only freely authorize a government to act on his behalf by means of popular consensus. Democracy is thus the political means by which liberalism respects and perpetuates its core principles. But to have a democracy you need borders. As Marc Plattner observes,

An absence of firm borders and clear lines of jurisdiction may not be a problem in empires or other political forms where governments are not accountable to

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36. Mahoney, *The Idol of Our Age*, ch. 1.

their citizens. But if the citizens are to govern, or at least to hold their governors accountable, it must be clear who is and is not included in the polity. And it is hard to see how this can be accomplished without clear lines of demarcation indicating whose voices have the right to be counted.<sup>37</sup>

The realization of liberalism’s promise requires knowing who owes what to whom, who practically shares in liberalism’s rights, and who can be expected to defend and discharge the burdens and responsibilities associated with them. There is no way to exercise sovereignty, or even respect the free expression of individuals, without knowing whose voices count and whose voices do not count when manufacturing a consensus. The need for exclusive borders and limited conceptions of citizenship begins to emerge here.

This difficulty is compounded by the fact that democratic practice, that is, simple rule of the majority, cannot determine by itself who is an insider and who is an outsider. Who is “in” and who is “out” is determined prior to a people acting together democratically. The American experience provides a useful illustration of this point. Long before Thomas Jefferson penned the Declaration’s golden passages about just government being derived from the consent of the governed, Americans shared in common languages, religious practices, social and political customs, and history. The colonists did not choose these experiences for themselves; these experiences defined who they were as a people, the kind who could come to authorize our republican Constitution and legitimize our democratic practices.

Without these previously given reference points, democratic practices, like elections, cannot identify the legitimate boundaries defining the majority of which those practices are to be the chief expression. This is because, to quote Pierre Manent, “the principle of consent does not bring with it any political form as such. The democratic principle does not contain its political effectiveness.”<sup>38</sup> Simply put, any human association—a country, a sports team, a family, a classroom—can run itself democratically. The proper size or population of the association in question is not determined by democracy. The criteria for those people who can originally authorize a community’s democratic practices must be anchored in something outside of or anterior to democracy, something that is not simply chosen, but given. Otherwise, one encounters the kind of legitimacy deficit that currently plagues the EU’s ruling class whose members understand themselves to be tied to, and bound

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37. Marc F. Plattner, *Democracy Without Borders? Global Challenges to Liberal Democracy* (New York: Rowman & Littlefield, 2008), pp. 106–107.

38. Pierre Manent, “The Autumn of Nations,” *Azure*, No. 16 (Winter 2004), p. 41.

by, no constituency in particular. And it explains the contortions that the EU's elite must undergo to block an all-Muslim Turkey from joining a (still) Judeo-Christian West. In both cases, the EU's elite refuse to acknowledge that belonging to Europe means sharing in a history, customs, and religious and political beliefs that were given and not rationally selected.

All of this means that liberal democracy can only effectively recognize and defend the universalism at the heart of modern liberalism within a particular political, democratic context. The liberal universalism championed by the global humanitarian is not opposed to democratic particularity; it actually *requires* it. Its universal aspirations cannot be given shape or form without instantiation in a discrete community and without being enlivened by a particular people. This may sound like a paradox. But it is not. It merely reflects the tension at the heart of all free political communities. On the one hand, there is the human need to participate in something larger than one's self, to engage in that shared deliberation over what is truly just and noble that defined political life for Aristotle. On the other hand, there is the republican need for such a community to be small enough for its members to know, trust, and care for one another.<sup>39</sup> Fortunately for us, *The Federalists'* argument for a large republic supplies the national form capable of balancing this tension without sacrificing one pillar of it to the other. The republican nation they designed combines the universal aspirations of the nation with a commitment to the freedom and community of its particular members.

**Identity Politics.** While the enemies “from without” attack the particular and exclusive borders that make discrete nations possible, the criticism of the nation leveled by those “from within” is more subtle. The enemies of republicanism “from within” are first and foremost concerned with the systems that oppress and marginalize others; as such they tend to fall within the camp of identity politics. For the defender of identity politics, who takes up the cause of groups defined by differences in race, ethnicity, gender, and sexual orientation, our national form represents an oblique target as it is tied to the systems that oppress and marginalize particular groups.

The problem posed to the national form by identity politics is simple: For the identitarian there are no associations above the marginalized group whose membership could confer greater dignity or moral authority than that of the oppressed group. To acknowledge the existence of such an authority would be to recognize that there is something higher than group

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39. For a beautiful statement on this tension, see Heather Pangle, “Liberalism and Nationalism,” *National Affairs*, No. 43 (Spring 2020), <https://www.nationalaffairs.com/publications/detail/liberalism-and-nationalism> (accessed May 21, 2020).

identity capable of bestowing legitimacy and dignity on its members. It would mean recognizing that the marginalization that defines the oppressed group is not the alpha and omega of domestic life. It would mean conceding that the injustices decried by identitarians might, at least theoretically, be subordinate to other higher or more fundamental concerns of the political community. But this would be unacceptable. As a result, identity politics leaves no room for a national form the good of which can effectively subordinate factional conflicts and unite identity groups.

Pointing this out does not imply a stance on claims made about racial, economic, religious, or social marginalization. It only shows the anti-national logic behind identity politics. Again, that logic holds that the principle of group identity, defined by marginalization and oppression, must necessarily replace the republicanism at the heart of our nation's identity. Of course, when stated this way, it is fair to wonder what sense it makes to view a person's status as victim or oppressed as the source of his or her moral authority. For it would be absurd for the identitarian to hope for and dedicate himself to the continued existence of the marginalization that defines his group (and which he decries) in the same way that the civic republican hopes for and dedicates himself to the perpetuation of the republic that secures his dignity.

And yet, by protecting from oppression those members of a group whose identities are defined by traits that set them apart from their fellow citizens, the identitarian valorizes those accidental, arbitrary traits that are given by chance. In receiving special recognition by the law, characteristics like race, ethnicity, gender, sexual orientation, and so on are invested with a moral legitimacy that is at odds with the universalizing principles our republican nation strives to embody. In the identitarian's moral universe, the more one possesses those distinguishing marginalizing traits, the better; the greater the oppression, the greater the moral authority that can be brought to bear against the forces of oppression. The grounds for grievances must therefore be preserved or that moral authority will be sacrificed. And this would be an anathema to the identitarian. The subordination of the national form to the concerns of the sub-national group must therefore be maintained.

Such a dynamic, at any rate, seems to explain the appeal of the theory of intersectionality to identitarians. Intersectionality means that the more categories of marginalization to which a person belongs, the more moral authority he or she possesses. For example, a female, African, Muslim immigrant to America has considerably more moral authority than a white woman. Intersectionality holds out the promise of multiplying marginalization, thus increasing claims against the oppressing systems and forces.

As the cross-cutting cleavages of oppression multiply, ever new identities are formed, and the groups at the heart of identity politics get smaller and smaller. The atomization of public life that this fosters further erodes the ties that bind us together as a community and erects new barriers to our ability to know, trust, understand, and care for each other.

Both identitarians and global humanitarians show us what we risk when we fail to preserve respect for the limits that define our republican nation. The inability to think or speak seriously about the importance of these limits makes us vulnerable to foreign conquest from without and to the divisiveness of identity politics from within.

## Conclusion

Contemporary attacks on the nation by global humanitarians and advocates of identity politics have elicited their share of responses in defense of the American nation. These responses tend to emphasize America's distinctive contributions to the cause of human liberty, world peace, and material and technological progress.<sup>40</sup> While these offer important pushback to those attacks, these responses are largely silent about the science of politics at the heart of our nation's particular Founding. *The Federalists'* argument from what I have called "political physics," an argument justifying both the need for and an attachment to our particular republican nation, goes unstated and unappreciated.

Dedication to America's national form is not about the thoughtless valorizing of one's own that is so often at the heart of uglier forms of nationalism. It is about an understanding of the critical role played by size, scope, and dimensionality in the creation of stable and secure communities, the emergence of a citizenry attached to the public good, the rule of reasoned law, the preservation of diversity and minorities, and political transparency and accountability, the very things that critics of the nation tacitly seek to preserve. Critics of the national form thus fail to appreciate the conditions necessary to preserve the rights they claim to cherish. They also fail to understand that the ability to grasp the virtues of the national form, defend their preservation, and respect their power does not require being a liberal or a conservative. Nor does it require a chauvinistic defense of America's past, or even patriotism. It simply requires an openness to the axioms of the new science of civic republicanism and the ability to see that the type

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40. Among the spate of works to address nations and nationalism over the past year, see especially Yoram Hazony, *The Virtue of Nationalism* (New York: Basic Books, 2018), and Richard Lowry, *The Case for Nationalism* (New York: Broadside Books, 2019).

of regime that is desired will determine certain features that must entail in order for it to exist and persevere. To be sure, America has been indispensable to the cause of human liberty at home and abroad over the past two centuries. But it is its science of civic republicanism—the self-conscious articulation of this political physics—as much as its unique history, that makes America such an indispensable nation.

**Bernard Dobski** is Associate Professor of Political Science at Assumption College and Visiting Fellow in the B. Kenneth Simon Center, of the Edwin J. Feulner Institute, at The Heritage Foundation.