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While Waiting for Virtue: Comments on Schlegel's *While Waiting for Rain*

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INTRODUCTION

John Henry Schlegel's new book, *While Waiting for Rain*,[1] presents itself as a work of economic history, but it is primarily something else. Like all of Schlegel's work, its principal subject is human beings—their hopes and dreams, their inevitable disappointments, and the endless variety of ways in which they manage to abide in the constantly shifting space between the two.

Set against a backdrop of the long evolution of the U.S. economy, *While Waiting for Rain* tells a story about the economic rise and decline of Buffalo, New York. The book, to be sure, recounts many developments in Buffalo's economy over the last century—the emergence of new industries, the arrival and departure of firms, technological innovation, and so forth. Its real topic, however, is a kind of very human yearning or longing, one experienced by the denizens of Buffalo but also by human communities everywhere at one time or another. It is a longing for prosperity, for stability, for continuity—a longing, in short, not only for a good life, but for one that is permanently good; a life of continuous opportunity that never dries up or sours, not for ourselves, or for our children, or for their children, or for our community, forever.

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1. JOHN HENRY SCHLEGEL, WHILE WAITING FOR RAIN: COMMUNITY, ECONOMY AND LAW IN A TIME OF CHANGE (2022).

Because Schlegel focuses on the intersection of law and economics, the longing he documents expresses itself as a longing for a bygone period of material prosperity. In my own field, which plies the intersection of law and democracy, one often encounters a very similar kind of longing: the longing for a form of political organization—a constitution—that produces good government and protects liberty, in good conditions and bad, eternally—"to ourselves and our Posterity," as the U.S. Constitution would have it.[2]

Waiting for Rain delivers bad news to those who yearn for unending prosperity. Economic prosperity, Schlegel explains, is not the result merely of good fortune; it is, rather, the outcome of systematic investment *during* times of good fortune. Sadly, the kind of investments that produce prosperity in one set of conditions are unlikely to produce it in others. Indeed, investments that are productive when made eventually become sunk costs that limit a community's capacity to restructure its economic assets in a way that would make them productive under new conditions. Schlegel's conclusion, following Jane Jacobs, is that all economies experience changes of fortune, and that they depend, for periods of prosperity, on the arrival of "grace"[3]—that is, an adventitious alignment of external conditions beyond the community's control. The wish for permanent prosperity, then, is in Schlegel's view an understandable yet ultimately misguided wish for what amounts to a perpetual motion machine. The real question for Schlegel is not so much economic as sociological: what should the inhabitants of a community do *while* waiting for rain? How should they cope with their misfortune? By what means should they indulge their hope for a better world in a desultory present?

Similar bad news awaits in the realm of constitutional design. The idea of a perpetual motion machine—and in particular, of some kind of political machinery that would allow a republic to live forever—has from time to time attracted the attention of political theorists. In this brief Essay, not so much responding to as inspired by Schlegel's book, I examine the thought of two such theorists: Niccolò

2. U.S. CONST. pmbl.

3. *See* SCHLEGEL, *supra* note 1, at 199–201.

Machiavelli and James Madison. History, both men agreed, shows that republics, like other forms of government, are subject to cycles of life and death. Both agreed that a necessary condition for the survival of a republic is a virtuous citizenry, that republics have generally sickened and died when their citizens became corrupt, and that the end game for republics has typically been their displacement by tyranny.

For Machiavelli in the political realm, as for Schlegel in the economic one, republican death cannot be avoided—*fortuna* gets us all sooner or later. But Machiavelli also argued that the inevitable could at least be delayed, perhaps for a considerable period, through programs designed to maintain civic virtue. Madison was more optimistic, and in that sense perhaps more typically American. He conceded that a republican citizenry will not always behave virtuously, but he believed it possible to design a constitution that would work well, or well enough, regardless. On Madison's model, when citizens are virtuous, constitutional mechanisms of democratic representation facilitate conversion of that virtue into virtuous public policy. When citizens are not virtuous, constitutional mechanisms of checking and constraint block the conversion of private corruption into tyrannical public policy. Thus, perspicacious constitutional design can allow a republic to survive periods of low citizen virtue by riding them out and waiting for the forces of virtue to reconsolidate. Things did not, of course, work out as Madison hoped, suggesting that the Schlegelian understanding prevails in politics as well as economics, and indeed that the irrationality of hope may simply be a characteristic of the human condition in a largely faithless world.

The balance of this Essay is organized as follows. Part I provides a very brief overview of the argument of *While Waiting for Rain*. Part II examines in more detail the thought of Machiavelli and Madison on how republics might be insulated from bad fortune during periods when they are waiting for virtue, as it were. Part III offers some reflections on the vanity of human hope and on the question ultimately posed by Schlegel's book: What should a community *do* while waiting for rain, or for virtue?

I. THE STORY OF BUFFALO

While Waiting for Rain opens with a quick tour of the economic history of the United States. At the time of the founding, on Schlegel's telling, the U.S. consisted of "an archipelago of small, island economies . . . largely insulated from interregional competition."[4] Over the course of the nineteenth century, these distinct, local economies gradually became knitted together by the rise of manufacturing, the growth of trade, and technologies of energy production, travel, and communication.[5] During the twentieth century, the American economy enjoyed an enormous post-war expansion fueled, in part, by the artificial suppression of foreign competition from nations devasted by the Second World War.[6] By the 1960s and '70s, however, as these other nations recovered and took their place as competitors in an emerging global market, U.S. manufacturers found themselves increasingly at a disadvantage in areas of recent strength.[7] As a result, resources shifted away from traditionally strong sectors to new ones in which the U.S. still retained a comparative advantage, such as technology, education, and finance.[8] The consumption and demand habits of Americans evolved as well.[9] The confluence of these trends brought what Schlegel describes as a "loss of local control"—the inability of localities to determine, or perhaps even to influence, their own economic fate through deliberate decisions about how and in what to invest.[10] Especially over the last fifty or sixty years, it is a story of enormous, rapid, and highly disorienting change.

Set against this background, the book then relates the economic history of Buffalo. The city's initial good fortune

4. *Id.* at 12.
5. *Id.* at 17, 19, 21–22, 27, 34–35.
6. *Id.* at 44–46, 89.
7. *Id.* at 54–55, 69–70.
8. *Id.* at 71–73.
9. *Id.* at 56, 91–92.
10. *Id.* at 91.

was a consequence largely of its location.[11] Buffalo's geographical luck began, of course, with the Erie Canal, the western terminus of which was sited in the city. But even after canal transport was quickly eclipsed by rail, Buffalo's location, along with its supply of cheap labor and eventual proximity to inexpensive electric power, made it a significant hub for the conversion of raw materials into finished products for subsequent transshipment.[12] By the beginning of the twentieth century, Buffalo was the nation's eighth-largest city,[13] and by the middle of that century, having benefited from demand inflated by two world wars, it enjoyed a thriving and prosperous economy built on grain, steel, automobiles, and other forms of manufacturing.[14]

Buffalo's subsequent decline coincided with broader shifts in the national economy. Rail transport quickly receded in importance. The construction of the interstate highway system allowed shippers to bypass Buffalo altogether. The opening of the St. Lawrence Seaway rendered Buffalo irrelevant for water transport.[15] The steel and auto industries declined in the face of foreign competition. Industries poised to prosper in the new economic conditions had little weight of presence in Buffalo, and growth in those sectors tended to concentrate in corporate headquarters elsewhere rather than in Buffalo's satellite offices.[16] Suburbanization badly harmed the downtown, leaving it empty and unattractive for new investment. The city's population fell.[17] By the 1990s, Buffalo had "bottomed out."[18] It had suffered "an alteration in the underlying competitive position that a particular locality possess,"[19] leaving its residents with "a sense of recent

11. *Id.* at 96–101.
12. *Id.* at 108–10, 126.
13. *Id.* at 115.
14. *Id.* at 117–23, 131, 139.
15. *Id.* at 141–42, 150–51, 153.
16. *Id.* at 138.
17. *Id.* at 158–61.
18. *Id.* at 158.
19. *Id.* at 167.

greatness,"[20] which is to say, a feeling of immense loss, and a deep nostalgia for "the Fifties of their imagination."[21]

My own personal history intersects with Schlegel's narrative at about this point. I arrived in Buffalo in 2001 and vividly recall encountering that sense of loss. In any conversation with an educated Buffalonian, it usually took less than ten minutes for my interlocutor to make sure I knew that a century ago Buffalo was among the ten most populous cities in America, or that forty years ago it was Torontonians who drove to Buffalo for culture and shopping rather than the other way around. One could drive down Delaware Avenue, the main approach to downtown from the north, and see lined up one after another the grand mansions of railroad and industrial tycoons, now repurposed as offices for non-profit and social service organizations. The waterfront was, and remains, populated with the crumbling remains of once-active factories and grain silos. The former Lackawanna Steel plant, in 1940 the largest such manufacturing facility in the world,[22] now broods over the lakefront, long abandoned—a festering brownfield fenced off for the protection of the public.

As a resettled outsider, my sense is that Buffalonians as a group harbor an unusually profound sense of loss for what the city used to be. This gloomy sentiment has by now shrouded the city for so long that it gets passed down from one generation to the next. Any gesture in the direction of recovery is trumpeted far and wide, and much more loudly than justified. A pedestrian walkway will open along a short stretch of waterfront! The state university will build a new medical school downtown! Young people are snapping up loft apartments in a renovated former factory! To an outsider, the longing seems almost biblical in proportion: as Moses prophesied, a great cry went up in the land of Buffalo, such as there had never been.[23]

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20. *Id.* at 171.

21. *Id.* at 266.

22. *Id.* at 131.

23. *See Exodus* 11:6.

The pressing question, of course, is: what now? Schlegel's story, however, is not the story of the Exodus. His is told not from the perspective of the fortunate Israelites, unexpectedly liberated by divine intervention, but from the perspective of the Egyptians, who by the same divine act suddenly found themselves minus their slave labor, their crops, and their firstborn. What can Buffalonians, these modern-day Egyptians, do for themselves now? "How," they want to know, "can change be stopped? How can things be made to change back?"[24]

Schlegel's answer to this inquiry is harsh. Economic life, he avers, endorsing Jacobs, cannot be "'conquered, mobilized, [or] bullied.'"[25] A community cannot "will development" or make it appear,[26] and when prosperity happens to arrive it is invariably "undeserved."[27] The appearance of economic prosperity, Schlegel tells us, is in fact entirely unpredictable, depending neither on the wishes nor the actions of human beings, but on factors completely outside human control: "nature and grace."[28]

Even more cruelly, economic success sows the seeds of its own demise. Grace is a necessary but insufficient condition for prosperity: its arrival must be successfully exploited through the right kind of investment at the right time. The community must act in a way capable of "making good luck, grace, or rain *effective*."[29] The problem is that these investments then become sunk costs that hinder the ability of the community to pivot in response to changed conditions, and since no community "has ever experienced the same economy twice,"[30] the only certainty is that pivoting will eventually be required. To the extent that economic actors have successfully sought advantageous legal reforms during

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24. SCHLEGEL, *supra* note 1, at 188.

25. *Id.* at 194 (quoting JANE JACOBS, CITIES AND THE WEALTH OF NATIONS 222 (1984)).

26. *Id.* at 199.

27. *See id.* at 216.

28. *See id.* at 195, 217–18.

29. *Id.* at 234 (emphasis added).

30. *See id.* at 297.

a period of prosperity, the ability of the community to respond to change will be that much further diminished.[31]

The real question for Schlegel, then, is not how to bring about economic prosperity, but rather how we ought to live while we are waiting for rain. Let us focus instead, he urges, "on those things that might make the humans now living in the community to be pleased to live there and hopefully live better, rather than worse, while waiting."[32]

II. THE LONGING FOR A PERMANENT REPUBLIC

The wish for permanent prosperity that Schlegel so poignantly describes in *While Waiting for Rain* bears a striking similarity to one often found in the political arena: the wish for a form of political organization, or constitution, that permanently produces good government, sound policies, and robust personal liberty no matter who leads the state and regardless of conditions within or outside it.

During the medieval period, under the influence of Christian thought, the goal of life on earth was often conceived to be the establishment of an eternal, and eternally peaceful, kingdom of Christ.[33] Later, especially during the Italian Renaissance, that wish sometimes took the form of a hope for a permanent republic.[34] In the political realm, as in the economic one, this wish has gone unfulfilled: republics, like all other forms of government, have lived and died in predictably cyclical fashion. Political theorists have struggled with this problem for centuries. I'll focus here on two: Machiavelli's grappling with the problem in Renaissance Italy, and Madison's struggle with it during the founding of the United States.

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31. *See id.* at 40, 52–53.

32. *Id.* at 219.

33. *See* J.G.A. POCOCK, THE MACHIAVELLIAN MOMENT: FLORENTINE POLITICAL THOUGHT AND THE ATLANTIC REPUBLICAN TRADITION 34, 49–54, 80 (1975), and especially at, e.g., 34 ("a thousand-year reign of Christ and the saints").

34. *See id.* at 75, 84, 97, 102, 111.

A. *Machiavelli: Overcoming Fortuna in the Life Cycle of Republican Polities*

The rediscovery during the Renaissance of Greek and Roman political thought, and the concomitant revival of the discipline of history,[35] called attention to what was to the medieval mind an uncomfortable fact. Contrary to the Christian ideal of an eternal, unchanging kingdom of God, actual kingdoms, and all other forms of the *polis*, were finite. It was an undeniable historical fact that they lived and died—or more accurately, were born, sometimes flourished, certainly declined, and eventually disappeared in cyclical fashion. As Machiavelli wrote, "It is a well-established fact that the life of all mundane things is of finite duration."[36] Even more to the point for Renaissance Italians, as Pocock puts it, "The one thing most clearly known about republics was that they came to an end in time."[37]

This recognition launched an urgent inquiry into the causes of political cycles, and in particular, into the factors that caused a republican *polis* to decline.[38] One possibility, of course, was that the survival of a republic depended quite simply on *fortuna*, and was thus beyond the capacity of humans to control. A second possibility was that republics declined principally as the result of human mistakes: hubris, complacency, or other defaults of republican virtue. A third possibility was that the causes of decline were more complex, and involved some combination of *fortuna* and human error.[39] In the latter two cases, however, there was room for hope, for it might be possible through careful study to learn how human agency might overcome, or at least delay or attenuate, the impact of *fortuna* on human affairs.

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35. *See id.* at 4–6, 84–85.

36. NICCOLÒ MACCHIAVELLI, THE DISCOURSES 385 (Bernard Crick ed., Leslie J. Walker, trans., Penguin Books 1970) (1531).

37. POCOCK, *supra* note 33, at 53.

38. *See id.* at 76, 83, 185; ALISSA M. ARDITO, MACHIAVELLI AND THE MODERN STATE 71 (2015).

39. *See* NICCOLÒ MACCHIAVELLI, THE PRINCE, 205–09 (Mark Musa ed. & trans., 1964); Timothy J. Lukes, *Fortune Comes of Age (in Machiavelli's Literary Works)*, 11 SIXTEENTH CENT. J. 33 (1980).

In approaching this problem, Machiavelli argued more or less as follows. Republics, he claimed, following the classical Greek tradition, can be founded and survive only where the citizenry is virtuous.[40] It follows logically as a matter of theory, but also empirically as a matter of historical fact, that a prime contributor to the demise of republics has been the eventual corruption of the citizenry, that is, their loss of virtue.[41]

The survival of a republic, then, requires the maintenance of a virtuous citizenry, and the necessary maintenance work is most reliably done by ensuring that citizens live a life of active virtue—a life that continually trains them in, and reinforces, the necessary republican virtues.[42] For Machiavelli, who looked to ancient Rome for a model, the greatest teacher of republican virtue was military service.[43]

Yet here is where the problems begin to creep in. Military virtue is not something that, once acquired, simply remains in the possession of the citizen; on the contrary, it requires regular cultivation and maintenance.[44] That maintenance is best provided by regular military duty, which in turn means that republican virtue can best be maintained by pursuing a policy of steady military expansion—the strategy that, in Machiavelli's view, sustained the Roman Republic for hundreds of years. Cruelly, however, military expansion plants the seeds of its own demise by creating the conditions in which f*ortuna* becomes increasingly powerful. Because conquest imposes on the conquered a new order to which they are not yet accustomed, it represents a kind of "innovation,"

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40. *See* ARISTOTLE, POLITICS 134 [1284a] (Ernest Barker, ed. & trans., Oxford Univ. Press 1962); MACHIAVELLI, *supra* note 35, at 270–72; POCOCK, *supra* note 32, at 156, 212–13.

41. *See* POCOCK, *supra* note 33, at 157.

42. *See id.* at 75–76, 198–99.

43. *See id.* at 203, 212–13; Jack D'Amico, *The Virtue of Ruin in Machiavelli's* Florentine Histories, 8 RENAISSANCE & REFORMATION 202, 203, 206 (1984).

44. Here, Machiavelli appears to be incorporating the Aristotelian idea that virtue is a consequence not only of innate disposition, but of training. *See* ARISTOTLE, *supra* note 40, at 314 [1332a]. For this reason, Aristotle contends that one knows how to rule only in consequence of having experienced being ruled. *See id.* at 105 [1277b].

yet political innovation "opens the door to fortune because it offends some and disturbs all."[45] Similarly, expansion "creates the occasion for conflict between nobles and commons," in turn creating conditions for "internal, reciprocal civil war."[46] Long-term policies of expansion greatly increase the power of generals, who, as in Rome, will inevitably be tempted to seize power, ending the republic.[47] "[T]he prolongation of military commands . . . [tempt] armies to forget public authority and become the partisans of the politicians who commanded them."[48]

Thus, at the end of the day, the best strategy for prolonging the life of a republic is self-defeating and, therefore, not permanently sustainable. Over the long term, all republics die. Human agency may delay the inevitable, and the case of Rome shows that the long term may be long indeed. But in the end, *fortuna*, the enemy of republican stability, cannot be resisted indefinitely.[49]

B. *Madison: Cheating Republican Death through Institutional Design*

Writing 200 years after Machiavelli, the American founder James Madison raised the ambition of the inquiry considerably. Madison agreed with Machiavelli that a republic is the ideal form of government for the preservation of liberty, but he also conceded that republics are precarious, and that all previous ones have sooner or later died.[50] Madison also agreed that citizen virtue is the primary driver of republican success, and that the well of virtue is capable of running dry, certainly over the long haul, but even episodically in the short term.[51] Unlike Machiavelli,

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45. POCOCK, *supra* note 32, at 160.

46. D'AMICO, *supra* note 42, at 206–07; *see* ARDITO, *supra* note 37, at 279.

47. *See* ERICA BENNER, MACHIAVELLI'S *PRINCE*: A NEW READING 46 (2013).

48. POCOCK, *supra* note 32, at 211.

49. *See* Lukes, *supra* note 38, at 34.'

50. *See* THE FEDERALIST NO. 39 (James Madison) ("no other form would be reconcilable with the genius of the people of America [or] with the fundamental principles of the Revolution").

51. *See* THE FEDERALIST NO. 10 (James Madison).

however, Madison was unwilling to concede from these premises that *fortuna* is unbeatable. Instead, he understood the problem as one of design: can a republican constitution be designed that will make it, and the benefits it confers upon its citizens, indefinitely sustainable?

Madison answered this question in the affirmative. His solution contemplated a kind of hybrid design: a system of republican government that works well when fueled by virtue, but also in its absence.[52] Such a system would need to be capable of facilitating, or at least not interfering with, the conversion of public virtue into public policy. At the same time, it would have to block the transmission of public or private corruption into public policy.

Just such a strategy is baked into the structure of the U.S. Constitution. The first-line mechanism in this system is democratic representation itself. The distinguishing feature of a republic, Madison wrote, is "the delegation of the government . . . to a small number of citizens elected by the rest."[53] The effect of this process, he argued, is:

> [T]o refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves . . . .[54]

Democratic elections, then, allow a virtuous citizenry to identify and to install in office the wisest and most virtuous representatives, who will then diligently pursue the common good.

At the same time, Madison recognized the unlikelihood that a politics of virtue could be sustained without interruption; "[E]nlightened statesmen will not always be at

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52. My argument here follows the analysis in James A. Gardner, *Madison's Hope: Virtue, Self-Interest, and the Design of Electoral Systems*, 86 IOWA L. REV. 87 (2000).

53 THE FEDERALIST NO. 10, *supra* note 50 (James Madison).

54. *Id.*

the helm,"[55] he concedes. A corrupt citizenry may use democratic mechanisms to install in office "[m]en of factious tempers, of local prejudices, or of sinister designs, [who] may, by intrigue, by corruption, or by other means . . . betray the interests, of the people."[56] What then?

In those circumstances, the Constitution contains numerous backup mechanisms designed to impede, and ideally to prevent, a citizenry tainted by corruption from converting its unwholesome wishes into public policy. The sheer size of the republic would make it more difficult for corrupt factions to act in concert, to elect their chosen representatives, or to coalesce into a majority.[57] The dispersion of official power among multiple branches and levels of government would prevent corrupt factions from capturing enough of the apparatus of government to accomplish their objectives.[58] Presidential selection by an Electoral College populated by the noblest men of each state would ensure "a constant probability of seeing the station filled by characters pre-eminent for ability and virtue."[59] An independent judiciary armed with the power of judicial review would police governmental compliance with the people's constitutional commands.[60] Later, a bill of rights would provide direct restraints on government invasion of individual liberties.[61]

Sadly, of course, the system never worked as Madison hoped. The Electoral College immediately collapsed into something much more closely resembling a plebiscite,[62] effacing any mediating influence that great and virtuous men might exercise. Political parties unexpectedly appeared

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55. *See id.*

56. *Id.*

57. *See id.*

58. *See id.*, NOS. 48-51 (James Madison).

59. *Id.*, NO. 68 (Alexander Hamilton).

60. *See id.*, NO. 78 (Alexander Hamilton); Marbury v. Madison, 5 U.S. 137, 176 (1803).

61. *See* U.S. CONST. amends. I–X.

62. *See* ALEXANDER KEYSSAR, WHY DO WE STILL HAVE THE ELECTORAL COLLEGE? 30–31, 88 (2020).

and began to coordinate official behavior across constitutional boundaries, undermining the effectiveness of separation of powers and federalism.[63] Innovations in communication have made the nation's size irrelevant. The judiciary has hardly been a steady and reliable friend of the common good, and has shown itself vulnerable to partisan capture.[64] If the concept of republican virtue means, at a minimum, supporting the continuation of the republic, a substantial portion of today's American citizenry fails to meet even this minimal requirement. One in four millennials, for example, believes that democracy is a "bad" or "very bad" system of government.[65] Essential republican virtues such as mutual toleration and forbearance seem in short supply.[66] The American republic has survived for more than 230 years—a good run—yet many sober observers now regard its survival as questionable.[67]

Americans at both ends of the political spectrum have responded to these conditions with a kind of nostalgic longing for what they conceive to be the political virtue, energy, and stability of an earlier era. Ironically, like contemporary Buffalonians, many seem to focus on "the Fifties of their imagination,"[68] though for different reasons. On the right, the Fifties represent a period not only of satisfying upward economic mobility, but one during which traditional, inherited ways of life were still observed—a period during

63. *See* E.E. SCHATTSCHNEIDER, PARTY GOVERNMENT 1 (1942).

64. *See generally* STEVEN M. TELES, THE RISE OF THE CONSERVATIVE LEGAL MOVEMENT: THE BATTLE FOR CONTROL OF THE LAW (2008); NEAL DEVINS AND LAWRENCE BAUM, THE COMPANY THEY KEEP: HOW PARTISAN DIVISIONS CAME TO THE SUPREME COURT (2019); *see also* STEPHEN VLADECK, THE SHADOW DOCKET (2023), *especially* at 144–46, 216–17, 226.

65. YASCHA MOUNK, THE PEOPLE VS. DEMOCRACY: WHY OUR FREEDOM IS IN DANGER AND HOW TO SAVE IT 107 (2018).

66. *See generally* STEVEN LEVITSKY AND DANIEL ZIBLATT, HOW DEMOCRACIES DIE (2018).

67. *See id.* at 230–31; LARRY DIAMOND, ILL WINDS: SAVING DEMOCRACY FROM RUSSIAN RAGE, CHINESE AMBITION, AND AMERICAN COMPLACENCY 11 (2019); MOUNK, *supra* note 63, at 3; Robert C. Lieberman et al., *The Trump Presidency and American Democracy: A Historical and Comparative Analysis*, 17 PERSP. ON POLS. 470, 470 (2019).

68. SCHLEGEL, *supra* note 1, at 266.

which working white men enjoyed not just material rewards, but social status and respect. On the center-left, the Fifties are looked to longingly as an era in which a meaningful democratic politics was still possible—when partisanship demarcated no differences that could not be overcome by good-faith deliberation, negotiation, and personal goodwill in an environment of shared commitment to, and hard work on behalf of, the public welfare. Ironically, as we now know in retrospect, the 1950s were as anomalous politically as they were economically.[69]

If, in the economic realm, different regions of the United States from time to time enjoy grace and the prosperity it brings,[70] in politics, it seems, all America is becoming Buffalo. After Cheerios, the city's greatest contemporary export may well be a kind of deeply discontented nostalgia.

III. ON VAIN HOPE

That both economics and politics generate similar kinds of longing for permanent communal well-being suggests the unsurprising proposition that the reaction is a deeply human one. We want to believe that we are not purely at the mercy of *fortuna*, that we exercise at least some degree of control over our fate, that good pitching really does beat good hitting over the course of a long season. The alternative would seem to be acceptance not only of the inevitability of change, including change for the worse, but of our lack of agency in preventing or even influencing change.

Schlegel thus poses exactly the right question, a human rather than an economic or legal one: What should we do *while waiting* for rain? Should waiting be a Zen-like period of contemplative reconciliation to our fate? Should it be a period of purposeful preparation for the next cycle so as to be ready to exploit it the minute it arrives? Or should we simply keep busy, as sailors on a becalmed vessel keep busy by

69. *See, e.g.*, JAMES E. CAMPBELL, POLARIZED: MAKING SENSE OF A DIVIDED AMERICA 39–58 (2016).

70. Schlegel mentions Boston. Schlegel, *supra* note 1, at 222–24. Silicon Valley also comes to mind.

polishing the brightwork, as a way to create the illusion of control and thus to fend off despair?

Schlegel's answer has two parts. First and foremost, he argues, a community should not attempt to restore a prior period of prosperity by reinvesting in the types of activities characteristic of that era. "Do not," he warns, "become members of a cargo cult expecting gifts to be showered . . . by absent gods."[71] He also does not recommend a strategy of "[d]o something" rather than nothing because the kinds of investment that will produce rewards in the future are unknowable: "we have no reason to believe that any of these 'somethings' will work."[72] There is no such thing as a reliable rain dance: "economic development is something a community can no more command than a farmer can command rain."[73] Indeed, a persistent commitment to doing anything rather than nothing may only make things worse by generating a continuously repeating cycle of hope, failure, and renewed despair.

For Schlegel, the better strategy is to concentrate on alleviating the despair by focusing on measures intended to ensure, insofar as possible, that the community remains a pleasant place to live while waiting for the return of grace. Here, Schlegel's most concrete recommendation is to take steps to make sure a community remains attractive to the middle class,[74] a recommendation based on the theory that a strong middle class tends to support the kinds of services and amenities that make a community pleasant for the greatest proportion of the population.[75] In the end, the one piece of advice he dispenses that he probably means most sincerely is "Grow up! . . . [S]creaming that the world should be different is not a sensible strategy."[76] The implication is that human beings must learn to accept the diminishment of their community, along with their inability to reverse it, by

71. *Id.* at 328.

72. *Id.* at 324.

73. *Id.* at 269.

74. *Id.* at 310, 327.

75. *See id.* at 259–65.

76. *Id.* at 323–24.

appreciating and burnishing the things they have, whatever those may be. Buffalo may no longer be, as its old nickname proclaims, the Queen City, yet it is still, according to another of its monikers, the City of Good Neighbors, and the trick is learning to see that as enough.

If that is the prescription for good, or at least satisfactory, living while waiting for economic prosperity, what then of the political arena? How should we live in a declining or corrupt republic while waiting for virtue? I'm inclined to think that Schlegel's analysis is just as apt for the political as for the economic domain. A former liberal democracy could loudly insist on the restoration of meaningful democratic self-rule, but corrupt leaders do not generally make institutional changes that could lead to their own demise. A society could double down on civic education, but civic virtue is not attained through instruction or exhortation. As Aristotle and Machiavelli agreed, civic virtue is a byproduct of living in a community that practices it.

Resistance is of course a tempting alternative, but predicting the outcome of any particular strategy of resistance to an illiberal regime is extremely difficult. One might get the American Revolution, but then again it might be the French, which ushered in more than a century of violent swings between republican and imperial government. Worse, the outcome of resistance might very well be Sudan—the complete destruction of a meaningful civil society. Unfortunately, the odds of successful resistance are poor. A recent report by the V-Dem Institute examining nearly one hundred episodes since 1900 in which democracies regressed into authoritarianism concluded: "once a democracy enters an autocratization episode, democratic resilience becomes unlikely." In only about twenty percent of such episodes was a complete collapse into authoritarianism averted.[77]

In point of fact, grudging reconciliation, if not Zen-like acceptance, seems to be the response of choice among people living in well-entrenched corrupt regimes. In the old Soviet

77. Vanessa A. Boese et al., *Deterring Dictatorship: Explaining Democratic Resilience since 1900* 3 (The Varieties of Democracy Institute, Working Paper Series 2020:101), https://www.v-dem.net/media/filer_public/7d/8a/7d8acbb5-806a-4ba9-b68c-238bcc352eb9/wp_101_final.pdf.

Union, citizens of a benighted state made do mainly by cherishing their friends, their vodka, and their tiny patches of illegal private gardens while waiting for grace to arrive and raise to power a Gorbachev or some other liberator.

If there is a difference between how the Schlegelian analysis plays out in the economic and political arenas, it may be this. While everyone desires some reasonable level of economic comfort and security, some have no wish to be free, and many seemingly have no wish for others to be free.[78] It may thus in principle be more possible to achieve community cooperation in pursuit of economic prosperity than in pursuit of republican freedom. Even then, though, the facts on the ground will be determinative. In times of scarcity, when prosperity for some necessarily denies it to others, cooperation on economic projects may be impossible, as Schlegel documents.[79] On the political side, the tighter the yoke the more widespread the opposition.

Although I very much admire the way Schlegel has put things in his book, at the end of the day it may have been Voltaire who said it best: "We must work together without arguing . . . ; that is the only way to make life bearable."[80]

78. As the path-breaking sociologist Gunnar Myrdal wrote nearly eighty years ago, "*What white people really want is to keep the Negroes in a lower status*." GUNNAR MYRDAL, AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY 541 (1944) (emphasis in original).

79. SCHLEGEL, *supra* note 1, at 259–70.

80. VOLTAIRE, CANDIDE, OR OPTIMISM 144 (John Butt, trans., Penguin Books 1947) (1758).