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THE RULE OF LAW: CLASSICAL LIBERALISM CONFRONTS THE MODERN **ADMINISTRATIVE STATE**

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TOWARDS A NEW PAGANISM: THE FAMILY, THE WEST AND THE REST

The West's renunciation of the cosmological beliefs of its classical pagan past have led to various social pathologies, of which the Welfare State remains a glaring example. A return to paganism might be just the balm to heal the increasingly lonely and fractured Western soul

INTRODUCTION

In this article I address the changes in the Western family brought about by individualism. This led to a divergence between the family structures in the West and its other Eurasian cousins which still maintain a form of 'communalism' based on joint families, in which many of life's risks are pooled within the extended family. It is the change in Western cosmological beliefs about "how we should live", which I will discuss, in a much wider historical and cultural context. This will also allow me to speculate on how its new demographic trends might allow the West to return to its pre-Semitic, 'pagan' cosmological beliefs.

At the start of the Christian era (0 A.D.), the West shared its cosmological beliefs concerning the family with its Eurasian cousins in the Sinic and Hindu civilizations. They were gradually destroyed after the pagan, classical Graeco-Roman world was smashed by two eruptions which combined barbarian force with Semitic cosmologies: the combination of Semitic Pauline Christianity with the barbarian force from the German forests which destroyed the Western empire, and the development of a new Semitic religion –Islam– by nomadic barbarians from the Arabian desert which destroyed the Eastern empire whilst creating a new Semitic civilization.¹

Much of what I have to say, before I get to my speculative prognostications about the future of the West, will be familiar to those who have read my book *Unintended*

This article is based on my Presidential address to the European regional meeting of the Mont Pelerin Society in Stockholm in August 2009.

¹ See P. Crone and M. Cook, *Hagarism: The Making of the Islamic World*, Cambridge University Press, Cambridge 1977.

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Consequences,² based on the Ohlin lectures I gave 15 years ago. So I can be brief. For others, this might provide an incentive to read the book which substantiates many of the assertions I will be making, and which will of course provide some meager financial rewards for me and my publisher!

I. THE DIVERGENT WESTERN FAMILY STRUCTURE

I find it useful to distinguish between the 'cosmological' beliefs (about in Plato's words: "How one should live"), and the 'material' beliefs (about "how to make a living") of different cultures. It is the continuing difference in 'cosmological' beliefs about the domestic domain (encompassing 'family values') which continue to separate the West from the Rest. They also make the Welfare State a seeming necessity in the West and a snare and delusion to those in the Rest.

Most Eurasian civilizations were based on settled agriculture. This required settled families to work the land, and heirs to pass on the land to be worked by the next generation. This led to similar family practices in these civilizations. The first were 'arranged marriages' based on dynastic considerations. The second was condoning various practices like concubinage, marriage to close kin, marriage to close affines or widows of close kin, and the transfer of children by adoption, to allow infertile couples to have a male heir to pass on and work the land. Third, were joint or extended families which allowed the old to be cared for and to deal with the conjunctural poverty and even destitution arising from various risks associated with disease, accidents and climatic variations. These cosmological beliefs were inculcated in the young through child rearing practices based on the moral emotion of 'shame'.

Two Papal revolutions changed the West's cosmological and material beliefs from the Rest's. The first was the Papal family Revolution of Gregory the Great in the 6th century.³ The second was the Papal legal revolution of Gregory VII in the 11th century – an unintended consequence of the first. The first Papal family revolution is what concerns my subject more than the second. Though, I should mention that, it was the creation of the whole legal cum administrative structure for enforcing property rights through the Church-State established by Gregory VII over Western Christendom which established capitalism as an institution, and led to the dynamic which began the Great Divergence in the economic fortunes of the West and the Rest.⁴

Gregory the Great's 6th century Papal Revolution (in answer to questions by the first Archbishop of Canterbury concerning sex and marriage) overturned the traditional Mediterranean and Middle-Eastern legal and customary practices in the domestic domain which allowed childless families to have male heirs. Thus adoption was banned in England till the 19th century. This meant that the Church which from its inception had grown rich by bequests from rich widows, now through its prohibitions on traditional methods

² D. Lal, Unintended Consequences: The Impact of Factor Endowments, Culture, and Politics on Long-Run Economic Performance, MIT Press, Cambridge (Mass.) 1998.

³ See J. Goody, *The Development of the Family and Marriage in Europe*, Cambridge University Press, Cambridge 1983.

⁴ See H.J. Berman, *Law and Revolution*, Harvard University Press, Cambridge (Mass.) 1983. And D. Lal, *Reviving the Invisible Hand*, Princeton University Press, Princeton (N.J.) 2006.

of dealing with childlessness, became the chief beneficiary of the resulting bequests. By the end of the 7th century it was immensely rich, owning for instance one third of productive land in France. It was to protect this wealth that Gregory VII instituted his legal revolution in 1076.

The Church's family revolution also led it to support the independence of the young in choosing marriage partners, setting up their own households, and entering into contractual rather than affective relationships with the old. It promoted love marriages instead of the arranged marriages common throughout Eurasia. Friar Lawrence in *Romeo and Juliet* is emblematic of this trend. But as we now know, love is a universal biological emotion (and not the romantic invention of the troubadours of the Middle Ages). But it is also ephemeral. Most Eurasian civilizations realized that given its relatively rapid decay, the evolved romantic instinct for mates to stay together for about four years and then move on to new partners would have been dysfunctional. Settled agriculture required settled families. They used cultural constraints to curb this dangerous hominid emotion by relying on arranged marriages, infant betrothal and the like, restricting romantic passion to relationships outside marriage.

Facing the threat to its way of making a living from the primordial passions its promotion of love marriage had unleashed, the Church found a way to prevent this social chaos. First it separated love and sex. Then it created a fierce guilt culture based on Original Sin.⁵ Its pervasive teaching against sex and the associated guilt it engendered provided the necessary check on the 'animal passions' that would otherwise have been unleashed by its self-interested overthrow of the traditional Eurasian system of marriage.

However once, with the Scientific and Darwanian revolutions, the Christian God died for many in the West, the restraints built on Original Sin were loosened. With the 1960's sexual and cultural revolutions they were removed. The family, as most civilizations had known it, became sick in the West as people reverted to the 'family' practices of their hunter-gatherer ancestors.

By contrast, the traditional family in the Rest seems relatively intact. It had been claimed by Hayek,⁶ amongst others who believe in a form of cultural evolution, that the modernization based on Gregory VII's legal revolution, which has underwritten the globalization of capitalism, would also lead to Westernization –the adoption of the West's cosmological beliefs, including those on the family. But, recent evidence from China and India suggests that, whilst accepting the change in material views with their embrace of the market, traditional cosmological beliefs concerning the domestic domain are resilient: they are modernizing without Westernizing, as Japan did after the Meiji Revolution.

Just to cite one piece of evidence, a recent survey of the attitudes of 18-25 year old urban Indians, who have embraced globalization with the ending of the Permit Raj, 70% said they would rather live in a joint rather than a nuclear family; 71% would not consider an old age home for an elderly person in their family; 75% would not want

⁵ See J. Delumeau, *Sin and Fear: The Emergence of a Western Guilt Culture, 13th-18th centuries*, St. Martin's Press, New York 1990.

⁶ See F.A. Hayek, *Law, Legislation and Liberty*, 3 vols., Chicago University Press, Chicago 1979, epilogue.

to have a live-in relationship with someone prior to marriage; and 88% find kissing in public unacceptable.⁷ Though with rising material prosperity many of the material changes postulated in Becker's economics of the family are occurring –like greater female labour participation, lower desired family size, and the other economic factors leading to the demographic transition. But, traditional cosmological beliefs concerning family matters remain resilient.

Even in China where, in line with Marxist theory, Mao launched a fierce attack, the family has survived. Largely because it remains central in Chinese cosmological beliefs based on the strategic cultural custom of ancestor worship. The family has also been the only dependable institution for the Chinese for millennia –a lesson reinforced by the turbulence of the last century. "For better for worse", as one scholar of China puts it, "for richer for poorer, in sickness and in health, in the last resort the family is all there is".⁸

II. WESTERN SOCIAL PATHOLOGIES

This private familial social safety net was eroded in the West with Pope Gregory the Great's family revolution. Nuclear families and retirement contracts, as well as public provision for the poor, go back to the 12th century, perhaps earlier for England. Unlike the other Eurasian family systems this 'modern' Western system did not depend on the responsibility of children to their parents or vice versa. Parents could disinherit children while children could, in a sense, disinherit parents by refusing to maintain them.⁹ The cold hearted attitude to the old has struck many non-Western observers of the West. The resulting loneliness of the old is a price this family revolution has wrought, as is the substitution of public for private safety nets to deal with the problems of destitution and conjunctural poverty.

The cultural consequences of the Western Welfare State have been equally deleterious. The social cement of Western society was provided by its Christian morality enforced through the moral emotion of guilt. This was supplemented since the rise of court society in post Renaissance Europe by the evolution of civilized manners based on an amalgamation of aristocratic and gradually (after the late 18th century) bourgeois behavior. These manners required the personal internalization of various forms of self-restraint on instinctual drives and passions, and their promotion was based on shame.¹⁰

The death of the Christian God and the rise of Demos –with its attack on social hierarchies and deference– have struck a double blow to both these forms of socialization, eroding the social cement of the West. The social revolution associated with the Great Society in the US created welfare programs which provided counterincentives to leaving poverty. The cultural revolution of the 1960s against the moral restraints of bourgeois society disparaged the behavior and attitudes that traditionally made for

⁷ See D. Lal, *Reviving the Invisible Hand*, cit., pp. 178-179.

⁸ W.J.F. Jenner, *The Tyranny of History*, Penguin, London 1992, p. 124.

⁹ See A. Macfarlane, *Marriage and Love in England: Modes of Reproduction, 1300-1840*, Black-well, Oxford 1986.

¹⁰ See N. Elias, *The Civilizing Process*, 2 vols., Pantheon, New York 1978.

economic improvement. Together they created the demoralized and self perpetuating "underclass", which is a feature not only of urban America but of many Western societies.¹¹

In the shame based Eurasian civilizations their social cement is not based on a belief in God. Their 'religions' are more ways of life. When, at the age of 16, I told my mother I no longer believed in God she replied: "That's alright. You are still a Hindu". It is these traditional Eurasian social values which are likely to survive the embrace of modernity. By contrast, the purported case for Asian values being responsible for the economic rise of Asia is a chimera. It is the embrace of the Western material values created by Pope Gregory VII's legal revolution which is responsible for the Asian economic miracles. But, by keeping their cosmological beliefs and not embracing those of Gregory the Great's family revolution, which were so fatally conjoined with the change in material beliefs in the West, they may be able to escape the social pathologies caused by Western Welfare States.

There are other important differences in the cosmological beliefs of what became the Christian West and these ancient Eurasian civilizations. Christianity has a number of distinctive features which it shares with its Semitic cousin Islam, and in part with its parent Judaism, but which are not found in the other great Eurasian religions. First, and most important, is universality. Neither the Jews nor the Hindu or Sinic civilizations claimed universal religions. You could not choose to be a Hindu, Chinese or Jew, you were born as one. Second, this also meant that unlike Christianity and Islam, they did not proselytize. Third, only the Semitic monotheistic religions have been egalitarian. Most other Eurasian religions believe in hierarchical social orders. By contrast, alone among the Eurasian civilizations, the Semitic ones emphasized the equality of men's souls. The eminent French anthropologist Louis Dumont¹² has characterized the profound divide between the societies of Homo Aequalis, which believe all men are born equal (as the philosophes and the American Constitution proclaim) and those of Homo Hierarchicus, which believe no such thing. This means that the hierarchical ancient Eurasian societies are also unlikely to be infected by the egalitarianism that has also fuelled the expansion of the Western Welfare State.

From all this you will be drawing the conclusion that it was a tragedy that the Semitic religions –Pauline Christianity and later Islam– succeeded in destroying the classical pagan world with its polytheism, hierarchical societies and traditional Eurasian cosmological values. In fact, some years ago, when I was giving a lecture based on *Unintended Consequences* in Latin America, a fiery interlocutor got up and said that "the greatest tragedy that befell the world was that the Romans ran out of lions"! But then, the world would also not have had the change in material beliefs associated with Pope Gregory VII's legal revolution and the immense material prosperity that has brought.

¹¹ See M. Magnet, *The Dream and the Nightmare: The Sixties Legacy of the Underclass*, Qill/ Murrow, New York 1993. And C. Murray, *Losing Ground: American Social Policy, 1950-1980*, Basic Books, New York 1984.

¹² L. Dumont, *Homo Hierarchicus*, Weidenfeld and Nicholson, London 1970.

III. THE FUTURE: A NEW PAGANISM?

There are straws in the wind that we might in time be able to maintain these material gains in the West whilst embracing a new paganism which embraces the social values of the old classical world. The first sign is the growing secularization with Christian churches increasingly being converted into cafes, Hindu temples, even houses (at least in London) as the young turn away from the faith of their fathers towards various New Age religions resonant of the polytheism of the classical world. Whilst in their sexual mores, like the ancients, they increasingly reject Christian prohibitions against homosexuality and other seemingly deviant sexual behaviors. They see marriage not as a necessity and sacred covenant, but as an economic transaction to preserve joint property once they have children. As settled families are no longer needed, as settled agriculture is no longer a usual way of making a living, serial polygamy, which has the same effect as ancient polygamy in creating large extended families, is increasingly accepted.

But, perhaps it is the demographic time bomb about to hit the West, with its rapidly aging population, which might prompt a spontaneous move back to pagan social values. As the children, or more likely the grandchildren of the "baby boomers" see their elderly relatives decline into senility and dementia, and become wards of a State whose only 'carers' are the members of the 'underclass' created by the Welfare State, they might decide that they must above all avoid a similar fate. They might then decide to have more children, and socialize them through the moral emotion of shame to care for the old, and inculcate the manners which are essential for a civilized society to function. They might also come to see that reliance on the State to insure against life's risks is a snare and a delusion. Perhaps this is a fantasy. But then who could have foretold the strange course that Western individualism has taken in the social sphere.

If this fantasy of a return to a pre-Christian pagan world comes true, it would also have another great benefit. Given human nature, it is an idealistic illusion that we will ever be able to see the end of war or the dangerous collectivist ideologies which ravaged the last century. But, the ending of the thrall in which Semitic cosmologies have held the world, might allow some of the causes of war and disorder to be removed. The monotheism and claims of universality of the Semitic religions have led to wars of religion in the name of their revealed Truth by believers. The 'war on terror' being a current example.

The West has also been haunted by the Christian cosmology of St. Augustine's *City of God.* From the French Enlightenment to Marxism to Freudianism to Ecofundamentalism, Augustine's vision of the Heavenly City has had a tenacious hold on the Western mind. The same narrative with a Garden of Eden, a Fall leading to Original Sin and a Day of Judgment for the Elect and Hell for the Damned keeps recurring. The most bizarre of these secular mutations is the latest: Ecofundamentalism. It carries the Christian message of *contemptus mundi* to its logical conclusion. Humankind is evil and only by living in harmony with a deified Nature can it be saved. The guilt evinced against sinning against God has been replaced by that of sinning against Nature. Saving Spaceship Earth has replaced the saving of souls. Is it surprising in the context of what I have said that the only countries not affected by this secular religion are China and India –the surviving civilizations of the pagan classical world? Their continuing re-

sistance to cut carbon emissions to prevent global warming might still save the West from its chosen path of committing economic hara-kiri.

CONCLUSION

In conclusion, the West's renunciation of the cosmological beliefs of its classical pagan past have led to various social pathologies, of which the Welfare State remains a glaring example. A return to paganism might be just the balm to heal the increasingly lonely and fractured Western soul. But, apropos my mother's remark, even as a lapsed Hindu that is of course what I would say!