

# AMERICAN ECONOMIC NATIONALISM: CORPORATIST, NEOLIBERAL AND NEO- CORPORATIST POLITICAL STRATEGIC RESPONSES TO CONTEMPORARY GLOBAL SYSTEMIC CRISES

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## ABSTRACT

*The political theory focus of this paper is the relevance of corporatism to meet the nationalist backlash against the increasing global interdependence that elites encouraged through neoliberal strategies. The paper analyzes the Trump administration's resistance to international cooperation to counteract the negative externalities creating vulnerability to global crises. It thereby explicates the political assumptions and prescriptions underlying national strategic models of development. Great power competition for power and influence intensifies in an international political system in which the sources of power and influence increasingly depend upon sustainable development. It explores how reactionary populism emerges from perceived threat to core cultural group traditional supremacy within the national polity. This group heretofore set the institutionalized, stereotyped norm standards of individual and constituency behavior and relations. It highlights the foundational path dependency of the American state being reflected in contemporary American white populist status grievances. They utilize the language of conservative evangelical Christian identity to mobilize their social movement political resources. American foundational colonial ideologies in early modern capitalist plantation-based slavery and legacies of de facto casteism are a symbol set. Postwar emerging transnational normative authority centers reflected in international law progressively challenge the utilitarian relevance of these traditional, stereotyped norms and ethics.*

**JEL:** E12, E14, E24, E61, E71, F52, F54, H12, H44, H56, J15, J16, J61, J71, J78, K15, K32, K38, L13, L33, L43, L52, M14, N32, N34, N42, N44, N62, O19, O25, O4, P11, P41, P50, Q28, Q38, Q48, Q54

**KEYWORDS:** Corporatism, Covid-10, Environmental Policy, Epistemic Community, Globalization, Interdependency, Judiciary, Neoliberalism, National Security, Political Strategy, Social Identity, Social Movements

*“Democracy isn't the objective; liberty, peace, and prosperity are,” [Republican] Senator Mike Lee of Utah tweeted last month. “We want the human condition to flourish. Rank democracy can thwart that”*  
*(Bowie 11/2020, para. 14).*

## INTRODUCTION

The modal Trump enthusiast opposes transnational epistemic communities, presenting a unique threat to global cooperation to confront critical interdependency crises. This resistance lies partly in the white nationalist regime control base of the previous US Trump administration (Ward, 2018). Core group evangelical supporters of Trump tended not to see evidence of systemic racism in terms of systematic disproportionate use of police violence against African Americans. “In 2018 when PRRI [Public Religion Research Institute] conducted a poll that asked about recent killings of black men by the police, 70 percent of white evangelicals said they were isolated incidents rather than reflective of a broader pattern” (Peters, 6/2020, para. 35). Economic nationalism amidst unavoidable global interdependency incentivizes polity

trends favoring functional corporatist approaches to managing this inter-reliance. These economic policies include the discipline of macroeconomics and its Keynesian neoclassical manifestation as its foundation. These trends interact with the international political system to display their prevailing institutional manifestations which in the postwar US has centered upon the development of the national security state. “Experts in both national security and health security see the [Covid-19] pandemic as a [US] national security threat. They note that China and Russia are expanding their sphere of influence by promising vaccines to other countries in need” (Sanger and Stolberg, 2020, para. 18).

Neoliberalism opposes social intervention to counteract the effects of white supremacy. It served as a reservoir of romantic symbol sets, i.e., the “American Creed,” which is classical liberalism (Lipset, 1997, 143-44). “(Neo)liberalism” is a conservative ideological-“epistemological” justification denying the institutional legacy of segregation and “exclusion” that created contemporary diversity that necessitates state intervention for “equity.” [Neo] “liberalism produces forms of exclusion based on difference, then denies the very existence of the difference that it produces” [*sic*] (Berg, 2012, 511). Transnational epistemic communities highlight global community vulnerability interdependencies due to systemic institutional exclusion. They are perceived as posing an imperial threat to the ethno-racial-sectarian nation state. These perceived threats are manifest in conspiratorial stereotypes (Cottam and Cottam, 2001). These transnational imperial conspiratorial stereotypes are analogues of Hobson, Lenin and Stalin’s stereotyped perception of threat from transnational capitalism orchestrated from London and Washington. “The superior polity’s bureaucracy will be viewed as monolithic and exceedingly rational, quite capable of controlling and orchestrating all phases of political and economic life in the inferior polity—whether de jure or de facto—with what is seen as a ‘hidden hand’ technique” (Cottam, 1994, 188).

This superior polity is presumably the transnational globalist community embodied in intergovernmental organizations like the World Trade Organization and the World Health Organization:

*“Political scientists say it's no coincidence that four large countries where cases [of Covid-19] have been increasing are run by men who presented themselves as anti-establishment and anti-elite. There are differences between the four -- President Jair Bolsonaro of Brazil, Prime Minister Boris Johnson of Britain, President Vladimir V. Putin of Russia and President Trump. But they all subscribe to versions of what Daniel Ziblatt, a professor of government at Harvard and co-author of the book "How Democracies Die," calls "radical right illiberal populism." And illiberal populists tend to brush aside the findings of scientists and favor conspiracy theories. Mr. Ziblatt's co-author [Levitsky] said they "claim to have a kind of common-sense wisdom that the experts lack. This doesn't work very well versus Covid-19"” [*sic*] (Barron, 2020, para. 14).*

One impact of the Covid-19 global pandemic is the heightened awareness of US polity interdependency with global trends. Pandemic control policy responses include designating agricultural workers and grocery store employees as essential workers to the national community. The authorities previously classified these predominantly low wage earners as unskilled, including many undocumented immigrants. The pandemic response highlights the institutional legacy of marginalization and calls for state intervention for pay equity. “Over half of workers designated essential in the United States are women; their jobs are typically paid well below the median hourly wage of a little over \$19 an hour” (Sussman, 2020, para. 5).

This policy of designating workers as essential highlights corporatist attitudinal responses to national crisis amidst mass perceived global interdependence. International cooperation is necessary for disaster relief to produce and dispense billions of SARS-CoV-2 vaccine doses. It portends a global expansion of multinational corporate and governmental collaboration. “Disaster capitalism” responding to calamities had previously displayed an orientation towards neoliberal policy advocacy by external donors. It benefitted both metropole-headquartered for-profit and non-profit entities (Schuller and Moldonado, 2016). The exponentially larger scale of the Covid-19 pandemic contributes to global political tensions. International

influence competition between Russia, China and the US, may produce a new stage in global economic integration.

## LITERATURE REVIEW

### Keynesian vs Neoliberal Corporatism

The development of macroeconomics reflects the rise of corporatism as a national political strategy fundamentally incorporating international relations because of its focus on national systems. GDP is a transnational epistemic concept for critical comparison of diachronic epochs of a national community and synchronically with other national polities. It is a strategy reflecting economic nationalism. That is, it manages the economy for the national welfare in terms of generating the power capabilities for addressing national security challenges and nationalist motivations. As Keynesian macroeconomics has developed, it has been the foundation for de facto benign corporatism in industrialized societies. It is a policy strategy to achieve social welfare/social justice objectives, namely, “employment creation” (Dow, 2017, 34). These policy patterns involve government agencies increasing their economic sector intervention, while libertarian critics warn of consequent “crony capitalism” (Todd, 2017, 416).

In the midst of the economic dislocation that the Covid-19 pandemic engendered, one pundit, Farhad Manjoo (2020, para. 19) noted, “[n]ear the end of his Keynes book [*The Price of Peace: Money, Democracy, and the Life of John Maynard Keynes*], [Zachary D.] Carter writes that Keynesianism “is not so much a school of economic thought as a spirit of radical optimism, unjustified by most of human history and extremely difficult to conjure up precisely when it is most needed: during the depths of a depression or amid the fevers of war.” That is, Keynesianism assumes the political capacity of liberal American state authorities in the form of the government to orchestrate societal constituencies and the power capacities they represent. These capabilities became globally hegemonic. Post-Cold War state models of development are geographically distributed according to socio-political international delineators. “US hegemony system of states and neoliberalism constitute thus a first globalization path that is now in crisis, opening up a trend toward multi-polar globalization having as a principal engine the irruption of China, the BRICS, and the Global South, as an unarticulated supranational hegemonic project” [*sic*] (Ordóñez and Sánchez, 2016, 25).

von Hayek neoliberalism is also a form of economic nationalism, fine tuning Keynesian macroeconomic management. It incorporates greater reliance on market forces, but a strong state was always a requirement to make it function. In this context, Dow notes that social redistributive government expenditures as a percentage of the GDP within the OECD countries have shown an inexorable increase. They grew from 17% of GDP to 22% in 1960-2015. “Despite all the efforts of activist regimes from Reagan and Thatcher to small-government advocates on both sides of Australian politics, neither government expenditures nor revenues have declined since the mid-1970s” (Dow, 2016, 263). Smith (2016, 332) notes that neoliberal public policy prescriptions responded to perceived dysfunctionalities of the immediate postwar social democratic growth in welfare state policies. “Public choice” policy applications since the 1980s include “new public management” approaches favored by the World Bank. “There is a narrative whereby the ideas of Hayek, which were marginalized during the historically short period of social democratic dominance that followed the Second World War, were taken up by politicians, think tanks and academics and influenced policy makers in the 1980s looking to solve the problems of big government. [...] [W]hat is clear is that this sort of neoliberalism has been influential where governments have wanted it to be so.”

Externally, neoliberalism’s global expansion after the collapse of the Soviet Union was the essence of the “Washington consensus” (Gentile and Tarrow, 2009, 469). It was an American form of what Hans Morgenthau labelled “nationalistic universalism:” “Each nation comes to know [...] a universal morality – that is its own national morality—which is taken to be the one that all the other nations ought to accept as their own” (Herrmann, 2019, 5-6, quoting Morgenthau, 1973, 252). To the extent that motivated reasoning

drives foreign public opinions to accept these nationalistic universal claims of the initiator, the initiator generates influence over their thinking and behavior. Power is defined here as the “exercise of influence over the minds and actions of others” (Cottam and Gallucci, 1978, 4). These nationalistic universal claims combine with other power capabilities of the initiator. They thereby provide a psychological route by which to acquiesce to or support the expansion of the national influence of the initiator. History is littered with failures to persuade targets to accept this hegemony often because of the nationalism of the target community being evoked by the perceived imperial threat from the initiator.

Internally, regardless of party, when one party controls the US presidency and both houses of Congress, US government spending increases. “As is so often the case with one-party control, as in Mr. Trump's first years, big spending took hold. According to the Cato Institute, over Mr. Trump's four years, spending went up by a total of 10 percent. Something similar happened under George W. Bush: Spending shot up 24 percent” (Mair, 2020, para. 4). The eclipse of neoliberalism intensified amidst the Trump administration’s response to the pandemic. It indicates the movement of American economic nationalist policies more consciously in favor of corporatism. It constitutes a movement towards convergence with the Beijing consensus, i.e., state-led corporatism. “If Mr. Trump did anything, [American Enterprise Institute scholar] Mr. Levin said, it was to shatter the notion that voters want Republicans to talk about smaller government. “A lot of people have been instinctively, reflexively saying, 'We can't be spending this kind of money right now.' And I'm thinking, what voters want that? Who's saying don't give us money?" he said” (Peters, 11/2020, para.18).

Hall analyzes four different “domains” in American climate change discourse to compare and contrast their respective articulation of their orientations: “science and policy analysis, conservative skepticism and denial, geopolitical security and environmental movements” (Hall, 2016, 1). His analysis of geopolitical security contains one sole reference to “international competition” over arctic natural resources that will become available for exploitation due to retreating sea ice (Hall, 2016, 28). This analysis suggests that the American nation state authorities will functionally mobilize American nationalism as a value to integrate these domains and their respective constituency carriers. In contrast, western European societies developed political cultures through centuries of state-sanctioned churches legitimating hierarchical authority (Lipset, 1997). A perceived national security threat from China’s global influence will critically shape American leadership. It will oversee the integration of constituency attitudes regarding climate change to produce a strategic thrust.

The targets against which to mobilize will be external challengers to American global influence, namely China. Hall does not explicitly discuss nationalism, but he refers to other theorists who have observed how the authorities manipulate nationalistic self-identity status drives:

*“As the Italian sociologist Pareto (1966) theorized early in the twentieth century, the body politic is not always moved by rational argument, even less by assertions of brute interests. Rather, Pareto argued, political discourse can more easily motivate individuals by deployment of superficially persuasive ‘derivations’ that appeal to deep-seated, unconscious, and irrational ‘residues’ such as the integrity of the individual or the honor of the group. Similarly, Mills (1940) noted the tension between ‘situated actions’ by which people pursue their interests and the ‘vocabularies of motive’ by which they frame supposed intentions behind actions.”* (Hall, 2016, 22).

A successful corporatist American national strategy for responding to global polity crisis challenges derivative of globalization will accommodate and incorporate the political psychology of nationalism. The imperative is to channel this nationalism in a cosmopolitan direction as per the European integration movement, but ultimately on a global scale. Pro-globalization constituencies are already coopted into cosmopolitanism with global integration tending to affirm social mobility and creative identity opportunities. Remedies for reactionary populism require promotion of foreign direct investment while

developing the American welfare state social safety net. A necessary condition is the continuing reconfiguration of labor as a human resource factor of production in the de facto American national state-corporate entity as part of a neo-corporatist political strategy.

### American Nationalism and Corporatism

A challenge for corporatist intervention in the US is the relative absence of American class self-identity stratification. Lipset (1997) highlights that states with strong aristocratic hierarchical class pedigrees including a state-sanctioned church developed more pervasive welfare state policies. They acquire bureaucratic administrative instruments to implement these corporatist policies that undercut the potential for class-based social strife. These aristocratic hierarchical, state-church formed polities institutionalized belief in class differences and ingroup/outgroup identities. English colonies in North America were founded by White Anglo-Saxon Protestant (WASP) immigrants belonging to a militant Calvinist congregationalist sect (Zafirovski, 2014). They tended to deny the legitimacy of aristocratic class privilege (Lipset, 1997). American white identity came to deemphasize intra-racial class stratification replacing it with a racial phenotype-based caste hierarchy marginalizing African Americans most intensely.

That is, most Americans have considered themselves so-called middle class despite high income inequality among whites. Class identity stratification in Europe and east Asia explains the formation of powerful socialist movements and political parties. These movements interact with ruling class principles of *noblesse oblige* to develop pervasive welfare states to stabilize these regimes. In contrast, Lipset (1997, 156) describes the American Creed as “the nation's ideology” that “can be described in five words: liberty, egalitarianism, individualism, populism, and laissez faire” [*sic*]. It comparatively tends to delegitimize government intervention to redistribute wealth to pursue social justice.

Corporatism is more problematic in the American context. Dominguez (1998, 4647, fn. 29) identifies corporatism as governmental authorities licensing and managing the forms of societal representation. It corresponds with their “supervision of the patterns of relations between labor and management.” The modal American WASP citizenry is comparatively less likely to grant legitimacy to governmental official representatives of the American state intervening to manage capital-labor relations. American ideology denigrates class stratification among whites. It makes class ingroup self-identification with trade unions and the political parties reliant upon them comparative less intense and salient and more amorphous. According to Lipset (1997), as with European proletariats, collective, ingroup values associate more strongly among Blacks because of their history of collective enslavement and exclusion in the US context.

American establishment political discourse tends to reflect an ideological rejection of the role of state authorities intervening in American civil society to supervise societal relations. This rebuff is reflected in the condemnation of what right-wing observers refer to as government so-called social engineering. For example, Dr. Ben Carson, Secretary of Housing and Urban Development in the Trump administration, announced the retraction of a 2015 Obama administration regulation requiring localities to identify and rectify patterns of suburban housing segregation: “in his announcement [...], Dr. Carson called the old rule “a ruse for social engineering under the guise of desegregation”” (Fuchs, 2020, para. 22).

American state authorities as societal intercessor and leader face more political resistance to occupying this role than European and east Asia national policy makers. The American public is more likely to grant the authorities de facto legitimacy in this role in regard to national security from a perceived foreign threat. For example, US postwar space policy was a response to the perceived intense threat from the USSR. A Covid-19 pandemic crisis reporter (Segal, 2020, para. 18) labelled the US Apollo program as “a pioneer in public-private partnerships.” NASA supervised 20,000 companies to create and assemble the millions of parts for each mission. The US-government led effort to partner with pharmaceutical companies to develop a SARS-CoV-2 vaccine has been characterized as a US industrial policy. “The project -- called Operation

Warp Speed -- amounts to a sprawling, on-the-fly experiment in industrial policy by a Republican administration that has been otherwise dedicated to giving private industry a free hand” (Weiland and Sanger, 2020, para. 12). Pfizer corporation’s November 2020 announcement of late-trial evidence of +90% effectiveness in stimulating an immune response to the virus led Vice-President Mike Pence to tweet: “HUGE NEWS: *Thanks to the public-private partnership* forged by President @realDonaldTrump, @pfizer announced its Coronavirus Vaccine trial is EFFECTIVE, preventing infection in 90% of its volunteers” [emphasis added] (Dale, 2020, para. 3).

The US national security establishment has for years supported the creation of start-ups to generate technologically advanced products which the civilian sector had not provided. 2018 media reports highlighted the departure of Eric Schmidt as chairman of Google amidst criticism of his advocacy to work with the US military to develop its artificial intelligence capabilities (Conger and Metz, 2020). “Schmidt now sits on two government advisory boards aimed at jump-starting technological innovation at the Defense Department. [...] And through his own venture capital firm and a \$13 billion fortune, Schmidt has invested millions of dollars into more than half a dozen defense startups” [*sic*] (Conger and Metz, 2020, para. 6). US neoliberal political representatives rhetorically reject industrial policy while concurrently supporting policies that rebuild a domestic manufacturing supply chain for products essential for America’s power potential base. For example, “[a] spokesman for [U.S. Texas Republican Senator Ted] Cruz said the senator was only interested in building a domestic supply chain [to produce so-called rare earths metals, heretofore outsourced mostly to China], and not pushing on behalf of any specific company. “The government should never pick winners and losers, which is a task for the marketplace,” he said in an email” (Montague, 2020, para. 11).

### Social Identity and American Nationalism

Cottam and Cottam (2001) apply social identity theory from social psychology to analyze the political psychology of nationalistic behavior. They note that individuals seek to maintain a positive self-image while engaging in social comparison while concurrently forming ingroups vs. outgroups. Actors compare their ingroups with one another and may perceive their status as inferior and thus their self-image turns negative. The perceiver can respond with three psychological and behavioral strategies. One strategy is individual social mobility, i.e., attempt individually to join the perceived superior status group. A second strategy is social creativity, i.e., the perceiver compensates by changing the evaluation criteria, selecting those on which the perceiver views their ingroup as superior over the outgroup. For example, ‘my Native-American people are marginalized, but we are out in front fighting global climate change by resisting fossil fuel industry oil pipelines crossing our territory.’ A third strategy is open intergroup conflict, i.e., social competition, in which the ingroup perceiver views the relationship with the outgroup as zero-sum. Any gain by the outgroup is perceived as coming at the cost to the ingroup. National self-determination movements by definition seek, at times violently, to break the relationship through secession to form their own sovereign, i.e., legally equal, community.

Generating and exploiting social creativity opportunities requires that marginalized communities be well-organized with representatives speaking for the ingroup. Until recently, the US authority system has often coopted Black potential and actual leadership. As a consequence of slavery era white self-justificatory motivated reasoning, African Americans were stereotyped as backward as part of their marginalization. This perceptual awareness existed within the African American community of its institutionalized lower socio-economic and political hierarchical status. Cottam and Cottam (2001, 274) advocate making available opportunities for integration for those members in the marginalized, stereotyped condition beyond their expectations and persuading them to take advantage of those opportunities. Thereby, these prevailing stereotypes of self and other may disintegrate. A large gap exists between principled recognition of racial inequality and inclination to implement those policies even though people know that racism is unacceptable and that stereotypes are oversimplifications. That is, the racism “often goes underground.”

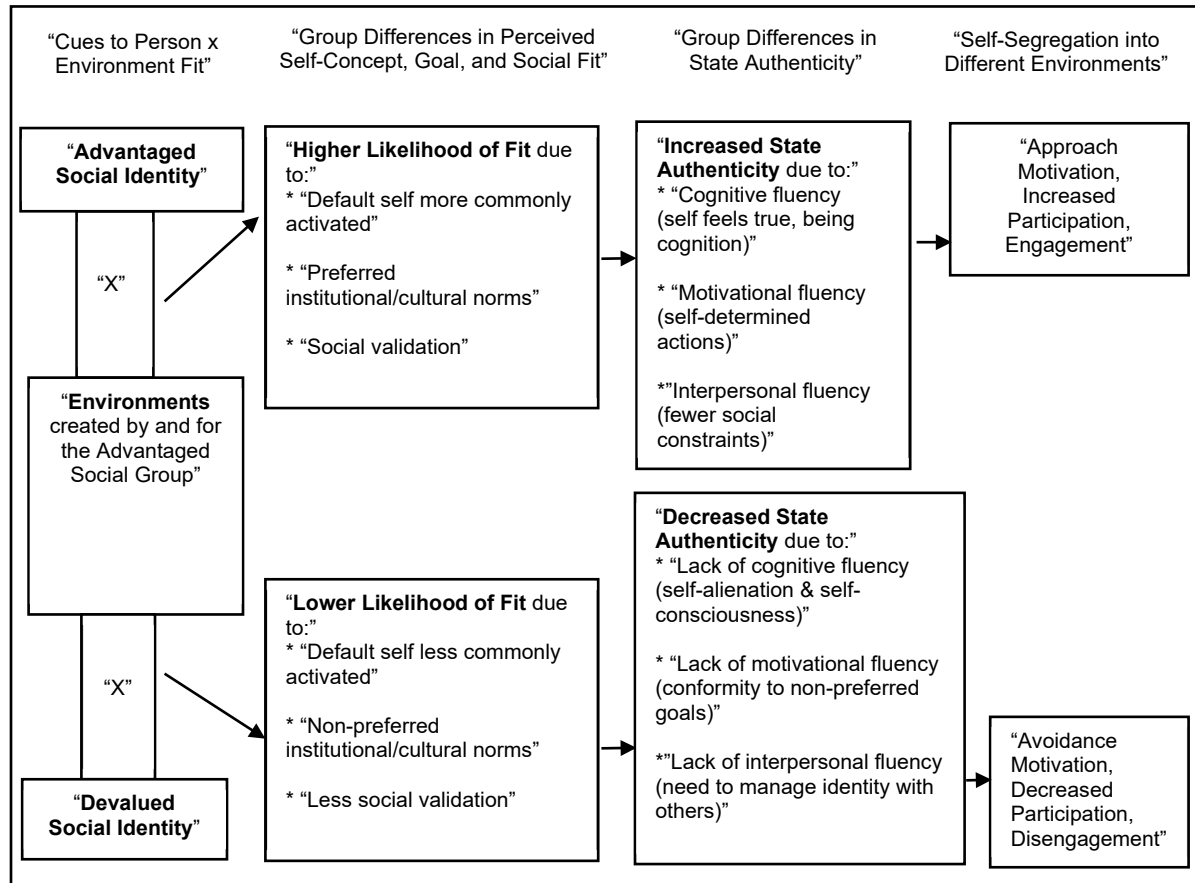
Cottam and Cottam (2001) continue that African Americans often reject opportunities which aim to reduce the social and, especially, the economic distance between them and whites. Many African Americans are skeptical when they hear of new opportunities suddenly open to them which is not surprising after a long history of exclusion. In order to avoid rejection, they may assume that their chances of acquiring acceptance are low. They may know personally or vicariously the performance difficulties and interpersonal stresses which associate with being a minority in a context under the domination of a majority. They may decide not to participate even if the chances of acquiring acceptance are high.

The cost of this US racial history which is one of pervasive conflict makes remedial action more difficult. This explanation is not putting the blame on the victim. For the purpose of integration, diminishing and ultimately eliminating discrimination is essential but insufficient. Attracting individuals with the necessary qualifications in the systematically marginalized community or communities into positions which exceed their expectations is necessary. It is a key aspect of the utilitarian formula in this case for creating expectations of real opportunities for social mobility and social creativity. The great difficulty of putting the US affirmative-action equity program into effect is a model of these problems, as well as simultaneously being a model of such an integration formula.

Cottam and Cottam (2001, 75) argue that dominant group individuals and groups have an inclination towards the contemptuous image of the marginalized which is implicit in the colonial stereotype. The systematically marginalized group is stereotyped as responsible for its situation because it is culturally and capability inherently inferior. The core, hegemonic cultural group will make the case that an affirmative action program has ideology as its driving force. Affirmative action allegedly ignores the certainty that many of the individuals acquiring placement lack the requisite qualifications. The rejectors of affirmative action continue that placement of these individuals in positions in which they cannot perform adequately is damaging to these individuals. It is also purportedly damaging to those individuals in the achieving community who do have these qualifications. Members of a minority identity community which the dominant majority community views as underachieving will receive fewer opportunities. They are in the aggregate inferior in education, income, social standing, and so on. They know this situation exists, so the stereotype can become “a self-fulfilling prophecy.”

Figure 1 below portrays the social psychological consequences of integration and assimilation, on the one hand, and segregation and marginalization, on the other hand. Groups that integrate and assimilate into the core culture of the state enjoy heightened individual social efficacy via self-identification with the national community. Historically, i.e., institutionally, marginalized groups are more prone to demonstrate the social psychological consequences that causally associate with social segregation.

Figure 1: “The Implications of Social Identity for Fit, State Authenticity, and Self-Segregation”



*Marginalized communities within the state are prone to being subject to negative stereotyping by the core ethno-cultural group that dominates the state, which is typically but not always the ethno-racial majority. For example, in apartheid-era South Africa, the core cultural group was Boer, into which white minorities assimilated and into which assimilation by other racial groups was extremely difficult, not the least because it was legally forbidden. Minorities self-servingly stereotyped by the core as backward and underdeveloped may internalize this institutionalized segregation and marginalization as making status advancement an unachievable goal. The inevitable sting of failure is assumed as most likely to be the result of efforts to advance one’s societal status (Figure 1 from Schmader and Sedikides, 2018, 235).*

In creating and ensuring the survival of a social identity with a political basis, state institutions can provide and promote the elements necessary to do so. State institutions can do the following: 1) create a common identity, 2) provide roles, 3) generate norms and 4) insure the incorporation of nonmembers into the group as loyal members (Cottam and Cottam, 2001). The state has been conceptualized as that which has a monopoly on the legitimate use of force in society (Lottholz and Lemay-Hébert, 2016). If the state is conceptualized as a system of ethical authority norms, then it can be construed to include neoliberal and libertarian morals and ethics of the right, for example, to use of deadly force in self-defense. If a polity adopts this policy, then it is part of the state. It can only have a monopoly if a legal system adopts it by choosing action, including a choice to refrain from action, i.e., allow use of deadly force by individual citizens. Citizens’ arrest and so-called “stand your ground” American laws also apply here (Jonsson, 2020).

The state authorities license relations by providing social mobility and social creativity options to elites representing constituencies. If they accept social mobility opportunities, then they assimilate. If they continue to demand social creativity opportunities, then they seek to integrate their constituencies. Disinformation seeks to promote social competition, i.e., intensifying polarization and division. Providing these social creativity opportunities for group integration thereby reduces barriers to individual social mobility. An empowering, mobilizing belief in a supraordinate community must be constructed and



encouraged. Discourses about the transnational African diaspora are an example of the articulation of such a supraordinate community, and the awareness and belief in its existence is an example of an imagined community shaping behavior. Globalization's increasing constrictions on the decisional latitude of leaders is an indicator of these supraordinate imagined communities developing in an institutionalizing, i.e., superordinate, direction. These policy-making process restrictions emerge via strengthening trends in perceptions, attitudes and values among increasingly influential respective constituency carriers. As examples of how this self-identification with a supraordinate community, Jamelle Bouie highlights how Black leaders of the American civil rights movement were disproportionately immigrants or children of immigrants:

*“The rigidity of race hierarchy in the United States is one important reason that African-descended people from other parts of the world have identified with, and identified themselves as, Black Americans once in this country. They, too, were bound to the fate of the descendants of American slaves, thrown into this process of group formation. A quick look at some of the most prominent figures in Black American history will prove the point. Marcus Garvey, one of the most significant Black nationalists of the 20th century and the founder of one of the largest Black fraternal organizations in American history, was a native of Jamaica. Kwame Ture, born Stokely Carmichael, leader of the Student Nonviolent Coordinating Committee in 1966 and 1967, was born in Trinidad. Shirley Chisholm, the first Black woman elected to Congress and the first Black woman to compete for a major-party presidential nomination, was the daughter of immigrants from Barbados and British Guiana. Sidney Poitier, Harry Belafonte, Colin Powell -- the list goes on”* (Bouie, 8/2020, para. 17).

US President Barack Obama would also be added to this list as the son of an African immigrant and a white American mother. Bouie (8/2020) asserts that the North American African American diaspora is a Black supraordinate diaspora. The British empire's trans-Atlantic slavery-based political economy encompassed the entire region, including Jamaica, the birthplace of US Vice-President Kamala Harris' father who emigrated to the US. Hence Harris is Black despite right-wing Trump supporters questioning Harris' representational status vis-à-vis today's American descendants of enslaved people (Eastman, 2020). The supranational components of the African diaspora liberation social movement appeared in the Black Lives Matter support protests in Bristol, UK following the George Floyd killing-triggered protests in the US in late May 2020. The protestors tossed the statue of Seventeenth-Eighteenth century slave-trader and city benefactor Edward Colston into the sea (Landler, 2020).

These supraordinate communities must increasingly become superordinate. That is, they should be perceived and believed to provide substantive material and self-identity ideational status benefits in order to create social creativity opportunities. The institutionalization of new social creativity opportunities leads as well as to additional individual social mobility opportunities. For example, Jamaican music has become congruently a marker of self-identity creativity and lucrative material benefits. Many of its cultural elites representing the community produce cultural products for consumption (Lowe, 2018). Reggae music's association with cannabis is another example of the interrelation between material and ideational social creativity development as marijuana is progressively legalized in the US. Indigenous communities acquiring collective self-identification as part of a global diaspora existing as a consequence of the legacy of colonial, plantation slavery-based early capitalism may intensify. Legal judicial systems as the institutional foundation of European core culture-based states in the so-called “New World” share structural marginalization legacies towards the descendants of the despoiled. These degraded are the “wretched of the earth” as described by Franz Fanon (1968). The American legal system is moving in the direction of civil law states in functionally seeking to integrate these minorities. The functional aim is to maintain regime stability.

### Global Interdependency, Social Movements and Neo-corporatism

The interrelationship of these three behavioral trends becomes more obvious, e.g., as women moved into the workforce over the last 50 years out of economic necessity. The Covid-19 pandemic and the shelter-at-home enforcements it has necessitated has intensified the contradictions between traditional gender role identity and the rapidly changing economy. One *New York Times* participant observation piece on this issue continued to generate letters in response to it, weeks after it was published on July 5, 2020. The writer highlights the intense distress she and her family are facing as a consequence of schools being closed with working parents now responsible for providing childcare 24/7. She responds to hypothetical rejoinders from interlocutors to whom the writer has shared her despair:

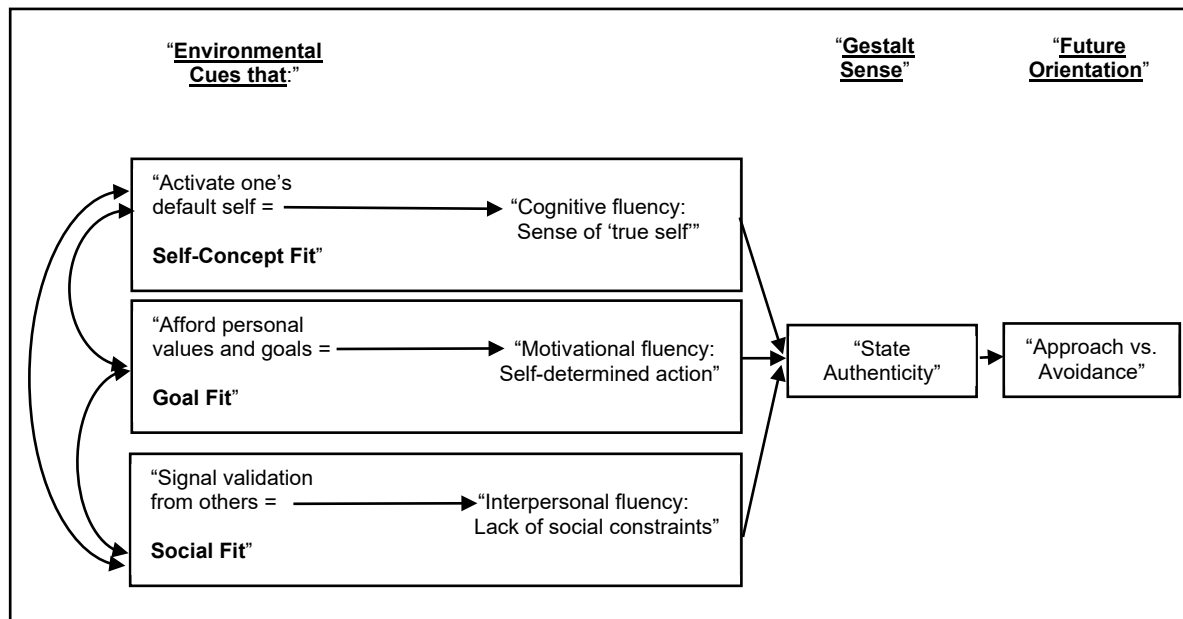
*“‘Why aren't you enjoying the extra quality time with your kid?’ lays bare what is really simmering below the surface -- a retrograde view that maybe one parent (they mean the mom) shouldn't be working, that doing so is bad for children, that it's selfish to pursue financial gains (or solvency, as working parents will tell you). It is a sentiment so deeply woven into our cultural psyche that making the reasonable suggestion that one shouldn't have to abandon a career or livelihood if offices reopen before schools, day cares and camps do is viewed as a chance to redeliberate this”* (Perelman, 2020, para. 10).

Extended societal disruption generates an incentive to shift away from normative habitual parochialism because it provokes questioning of what had habitually been assumed or at least kept unspoken. A response of the evangelical right has included a backlash against challenges that upend traditional WASP romanticized stereotypes about patriarchy and racial division and differentiation boundaries (Milbank, 2020).

The government representing the state overseeing the integration of intergroup social relations is a foundational principle of neo-corporatism. It thereby undercuts societal polarization contributing to regime destabilization. It may incorporate volunteerism and partnerships of local government non-profits and businesses, as well as for-profit contracting. One functional necessity is to oversee the socialization of the next generation of citizens. How a polity undertakes these tasks depends upon its unique history and characteristics, but it is a facet of the welfare state. Its ultimate function is the welfare of the national community. For the state to assume more corporatist tasks in the US, the national community welfare is comparatively more likely to be securitized within political discourse. For example, the Obama administration after the 2014 Ebola virus outbreak placed pandemic preparedness responsibility within the US National Security Council. The Trump administration subsequently abolished the NSC's "Directorate for Global Health Security and Biodefense" (Klarman, 2020, 100). US President Biden restored it (Daley, 2021).

US military officials and institutions have played leading roles in national emergency policy to develop and distribute SARS-CoV-2 tests and vaccines (C-SPAN, 2020, Owerhohle, 2020, Stolberg and Wu, 2020). Effective regime control strategies utilize corporatism to harness the social identity dynamics of mobility and creativity to integrate a political community. The social class focus in benign, neo-corporatism is useful insofar as it allows for the legitimation of win-win outcomes as part of development policy. It may thereby promote not only individual social mobility but also social creativity opportunities for integration by contributing to the pluralization of the American ethno-racial nation state. Integration facilitates mobilization and more full utilization of American national human resources. The institutions of the American state pluralize, i.e., facilitate the ease of social creativity and social mobility for heretofore marginalized groups and their individual members, respectively. Figure 2 below highlights one scholarly conceptualization of the social psychological results of effective integration of these heretofore marginalized groups.

Figure 2: “The SAFE [State Authenticity as Fit between one’s identity and the Environment] Model: State Authenticity as Fit to Environment”



*A society that effectively integrates all historically marginalized groups is more likely to exploit more fully the human resources potential available to it. As all citizens view themselves as enjoying genuine equality of opportunity amidst the citizenry’s ethno-racial, sectarian and gender diversity, greater attitudinal propensities favoring ambition and striving to achieve goals can emerge. Achieving this attitudinal transformation requires effective demonstrations of representatives of marginalized representatives achieving surprising and unexpected levels of influence and status. The modal citizens of these historically marginalized groups must be the targets of the promotion of this perception, requiring genuinely representative members of their leadership succeeding (Figure 2 from Schmader and Sedikides, 2018, 229).*

The Cold War shaped the development of the US welfare state,

*“Yet, displacement [of economic resources away from social welfare needs following a military conflict (BD)] could also occur by pursuing new military or quasi-military projects (for example, during the Cold War), with the shift to welfare-state priorities neglected in nations which, by virtue of their Great Power status, continued to prioritize military spending. With respect to the United States, this may explain why the promises of President Roosevelt were only partially honoured” (Obinger and Petersen, 2017, 218).*

The expansion of the US national security state may also be an intensifying trend following emergency centralization amidst societal costs and polarization amidst the Covid-19 pandemic. This trend will intensify concurrently with intensification of a perceived challenge from another Great Power, e.g., China. Alternatively, democratic participation in the policy making process through international and transnational actors may support international social creativity integration trends. Public political participation is an essential feature of modernity. Incorporating participation in international governance strategies, e.g., the European Union, is challenging because of the identity value of nationalism. The socio-economic class focus in benign or neo-corporatism is useful insofar as it allows for the legitimation of win-win outcomes as part of development policy. The US and China cooperate with the European Union, but European mistrust of more volatile Chinese and American nationalist populism and militarism weakens their appeal. [French President] “Macron has been the European Union’s most forthright voice, calling for investments in more jointly developed European military equipment and deploring the bloc’s technological dependence, whether on China or, as he put it, ‘even on an ally like the United States’” (Cohen, 2021, para. 4).

## DATA AND METHODOLOGY

### Nationalizing, Securitizing, Evaluating and Monetizing Labor Contributions to American GDP

Keynesian macroeconomics is a consequence of the rise of the nation state amidst growing recognition of global national interdependency. It is consequently comparative in nature, and it can change as the Wolfers (2020) suggests regarding “defense services” being incorporated in GDP calculations. Yet these calculations today do not include effective pandemic social distancing by workers on paid furlough/unemployment insurance. Paying for services that are tools for providing collective security goods is incorporated into GDP figures because those products are purchased by the government representing the nation state. The individual service providers of this Second World War public good, soldiers, were paid a salary which was incorporated in GDP as part of the government budget. Paying people to go into lockdown with unemployment and other benefits is also in effect a salary for the national public good of public health. It is incorporated into GDP figures through federal government spending while accelerated technological changes may provide lasting national efficiency and competitiveness gains. It can potentially increase national mobilization and capability base by increasing the flexibility in authority utilization of national resources. A massive public infrastructure rebuilding program after the Covid-19 pandemic would be exemplary. A great, rapid increase in employment through reallocation of resources will work to prevent labor skills from deteriorating.

Neo-classical macroeconomics is a tool kit for economic nationalism. It seeks to protect and promote not only the economic well-being of the citizenry but maintain social order and control as well as to defend the nation. A recurring motif in news reporting is that the Second World War demonstrated the capacity of national mobilization for defense, ending the Great Depression and its unemployment. According to one estimate, US GDP increased by 72% between 1940 and 1945 (Fishback, 2019). One media analysis highlighted that those vast expenditures on military personnel were counted in the US GDP, presumably because they were providing defense services to the US. Yet, those who quarantined themselves deployed their physical and mental resources to arrest the spread of the coronavirus to protect public health and the long-term US economic recovery. That service per se is not being fully or adequately calculated in the US GDP. Some are consequently unemployed, and they are receiving US federal government bonus unemployment benefits and other forms of US government financial support. In this sense they are being paid and that federal budget expenditure is included in GDP calculations:

*“This doesn’t change the reality that in the war against the coronavirus, people who are staying home are producing valuable “public health services,” much as soldiers produce “defense services.” Indeed, if we paid them through the government payroll rather than the unemployment insurance system, the same accounting conventions would suddenly count that money toward GDP.”*

*“In a typical recession, millions of people could be more productive if they could find work, but economic dysfunction robs them of this opportunity. This downturn is different. In the pandemic economy, the most productive thing that many people can is stay home. “Reopening the economy” may be the wrong way to look at it. The question is when is the best time to shift what we are producing.”*

*“A truer measure of output would recognize that collective output hasn’t fallen; it has merely shifted so that we’re producing less “stuff” and more public health. And it would show that economic dysfunction isn’t the main problem right now; the coronavirus is” [emphasis added] (Wolfers, 2020, para. 27-29).*

This report highlights the importance of economic nationalism as a component of macroeconomic theory in the past. It also indicates how it may develop in the global context of ineluctable interdependence and the increasing frequency of short, medium and long-term crises. In the nuclear setting, national security defense has increasingly shifted from focusing on the perceived threat of direct military attack. Perceived

threat assessments focus on foreign challengers intensifying and exploiting domestic polarization to disrupt governing institutional authority (DeDominicis, 2019). The threat may also be due to societal institutional disruptions due to Anthropocene-era disasters. The current vast pandemic calamity preludes threats to domestic institutional relations in responding to meteorological disasters emerging from anthropogenic climate change. “The question is when is the best time to shift what we are producing” (Wolfers, 2020, para. 28). Minimizing societal dislocation to maintain authority control through state policy leadership strategies for resource allocation in response to crises embodies the history of corporatism. This recognition appears to be slower in the US contributing to the comparatively less developed American welfare state. The disruptions of the Covid-19 pandemic exacerbate structural citizenry inequalities, e.g., women as mothers disproportionately pressured to choose between employment and child-rearing. This lag has contributed to

*“the feminization of poverty. Jenny Brown, the author of "Birth Strike: The Hidden Fight Over Women's Work," writes, "Parents, particularly mothers, become poorer because they are not properly compensated for the contribution they're making to the continuation of society by bearing and raising children.”*

*“What exactly is the value of this contribution? The birthrate in the United States has fallen to a record low of 1.73. People who complain that other people's children shouldn't be their concern will still have to deal with the economic catastrophe of an aging population and a shortage of young, healthy workers. If raising these future citizens isn't socially necessary labor, I'm not sure what is.”*

*“And yet our entire economic system hinges on the willingness of women to do this work for free. Caretakers who work outside the home are poorly paid, but those who care for their own kin, in their own homes, aren't paid at all. They receive a wage of zero dollars and zero cents, no health insurance, no sick leave, no paid time off, no 401(k)” (Brooks, 2020, para. 11-13).*

The creation and expansion of state-wide institutions creates incentives for perceiving inequality and public policy prescriptions to rectify the inequalities preventing substantive citizenship equality.

Wolfers (2020) journalistic analysis argues that “public health services” should also be counted in their contribution to the GDP as “defense services” have been, especially during the Second World War. Feminists have long pointed out that the homework of women in taking the dominant role in raising and socializing the next generation of citizens is not remunerated. It also is not counted in the nation’s GDP. It is has become more obvious with the declining institution of the traditional married couple with the male as breadwinner and the female as homemaker. Women are needed for the globalizing workforce, and the state is subsidizing, i.e., implicitly paying for, childcare and socialization, through various subsidies. The state has long paid the salaries of education workers in schools as institutions also socializing the next generation of citizens. The same is increasingly being done with women as childcare providers, to the consternation of traditional patriarchy supporters. That is, the men and women already coopted into the traditional, normative habitual status quo. In her Covid-19 pandemic opinion piece regarding the status of women and caregiving, Brooks notes that the American state in the form of the judicial system monetizes caregiving/caretaking:

*“I have a lot of thoughts about marriage and divorce, but one is how peculiar it is that it is only through divorce that the work a wife has done as a primary caretaker is given a monetary value. This comes in the form of what used to be called alimony and is now called maintenance. These settlements, the lawyers say, are meant to be "rehabilitative." I've always thought of rehabilitation as a process involving one's recovery from injury. In this case, the injury is marriage and motherhood” (Brooks, 2020, para. 9).*

Traditionally caregiving/caretaking is an occupation in which women overwhelmingly predominate. In the midst of her own divorce, Brooks calls for caregiving/caretaking to be recognized as an occupation requiring remuneration independently of marital status.

In the reconceptualization of social relations, i.e., recognizing care giving as a public good issue of greater importance, women gain not only more opportunities for social mobility by material support. They also gain recognition of their status as forming the next generation of citizens of the state, i.e., they gain greater opportunity for social creativity. The modern welfare state generates and distributes opportunities for social mobility and social creativity to deescalate intensifying, polarizing social competition. It may not be successful in multinational states, at least not under a democratic system, but it may work in compound identity nation states like the US if allowed to do so by the WASP core (Cottam and Cottam, 2001). The welfare state is about regime maintenance in the era of mass politics and political awareness and participation. This era, along with formation of large primary terminal identities, also pushes for the development of statewide institutions, i.e., social mobility and social creativity opportunities for the politically aware. The shaping of these statewide institutions is a functional goal and effect of social movements among societal actors seeking social mobility and social creativity opportunities (Tarrow, 2012). That is, differences must be accommodated rather than used as a basis for ascriptive hierarchical societal status differentiation.

For example, women must not be professionally negatively evaluated as an ascribed group within the economic and business sector because they become pregnant while men do not. The state must step in and provide childcare support as well as educational policy changes to satisfy national citizenship self-identity status equivalency demands. Senator Elizabeth Warren at the 2020 Democratic National Convention described childcare as part of the US national infrastructure. “We build infrastructure like roads, bridges, and communications systems so that people can work,” she said. “That infrastructure helps us all because it keeps our economy going. It’s time to recognize that childcare is part of the basic infrastructure of this nation — it’s infrastructure for families” (North, 2020, para. 22).

## RESULTS AND DISCUSSION

### American Exceptionalism

Whereas evangelical Protestantism is sectarian American nationalistic universalism, neoliberalism is its secular descendent and form. Neoliberalism focuses on private sector interests in the American polity, while political evangelicalism focuses on civil society church interests. Secularism is under challenge globally because it does not provide satisfying emotional gratification to those who are not enamored of scientific progress because they cannot participate satisfactorily in it. White Anglo-Saxon Protestant culture dominated what became the modern American nation state, into which subsequent European migrants assimilated, overcoming differing degrees of resistance. WASP culture and the stereotypes that associate with its institutions became the core assumptional bases for moral and ethical norms including towards authority, i.e., the “American Creed” (Lipset, 1997, 143-44). White dominance and the religious and ideological justifications for this supremacy, i.e., motivated reasoning, emerged to justify marginalizing those enslaved and those who were dispossessed of their lands. These self-justifying, cognitively balanced perceptions of in and outgroups and their members contributed to prevailing respective attitudes/worldviews/beliefs among racial majorities and minorities. Societal change, punctuated by violence, e.g., the American Civil War, made the rhetorical public advocacy of white supremacy increasingly problematic.

Affirmation of self-identification with an affinity ingroup is a significant causal factor for motivated reasoning behind the interpretation of facts producing social meanings of these facts. “[I]deologically motivated reasoning is in fact expressively rational at the individual level, because it conveys individuals’

membership in and loyalty to groups on whom they depend for various forms of support, emotional, material, and otherwise (Hillman, 2010; Akerlof and Kranton, 2000)” [sic] (Kahan, 2013, 419). Notably, Kahan continues, “Not all risks and policy-relevant facts have this quality; indeed, relatively few do, and on the vast run of ones that do not (e.g., that pasteurization removes infectious agents from milk; *that fluoridation of water fights tooth decay*; that privatization of the air-traffic control system is inimical to air safety), we do not observe significant degrees of ideological or cultural polarization” [emphasis added] (Kahan, 2013, 419). The John Birch Society had a leadership role in opposing water fluoridation, alleging it to be part of a Communist conspiracy “to destroy America’s children” (Stewart, 2002, 430). It publicly associates itself with Joe McCarthy’s legacy (Ibid., 426). It has been described as a reactionary authoritarian populist precursor to the alt-right nationalist base of Trumpism (Heikkilä, 2017, 3).

One pundit has noted that Trump’s reactionary populism is the latest in an American conservative tradition of rejection of scientific evidence: “Conservative antipathy to science is nothing new; Republicans have long denied and denigrated the scientific consensus on issues from evolution to stem cell research to climate change. This hostility has several causes, including populist distrust of experts, religious rejection of information that undermines biblical literalism and efforts by giant corporations to evade regulation” (Goldberg, 2020, para. 8). Some Trump core enthusiasts respond positively to denunciations of science-based findings. These findings support policy responses increasing government regulation of economic and social behavior in order to respond to the Covid-19 pandemic crisis. Some portray them as part of global conspiratorial threat to national sovereignty involving the transnational business and scientific communities:

*“Everyone who had a pre-existing conspiracy theory about health, or world government, or religion, they’ve all jumped on to the Covid bandwagon. [...] the pandemic has offered an umbrella under which a bevy of fringe conspiracy groups and far-right actors have found common cause. Cam Smith, an independent researcher who focuses on conspiracy theorists and the far right, says links between previously discrete groups including the sovereign citizens [movement], anti-vaxxers, QAnon and anti-5G groups have increasingly blurred during the pandemic”* (McGowan, 2020, para. 14-16).

Members of the American WASP core state culture group are more likely to have internalized norm idealizations habitually, more or less unconsciously assuming them to be normal. For example, ‘big government is bad!’

[...] “[M]embers of high-status groups [e.g., WASP] are likely to consider the in-group superior on relevant dimensions [i.e., state authority], whereas members of low-status groups display in-group favoritism on less relevant dimensions. This would be consistent with our previous argument that low-status group members may perceive a realistic opportunity to claim in-group superiority only on dimensions which are not directly related to the groups’ status positions” [sic] (Ellemers and Van Rijswijk, 1997, 54).

Progressive social movements by their nature tend to seek to diversify the actual American core, authority ethical norms system. These actual prevailing patterns of societal interaction emerged historically upon the basis of white supremacy. To modify them requires intervention by the state authorities, who tend to demur to avoid disrupting the political system and constituencies that empower them as the authorities. Social movements as sustained, contentious politics are necessary in order to disrupt this system to require an accommodation in order to re-stabilize the local or national political system. It requires creating more substantive opportunities for social mobility and creativity for the heretofore marginalized. It also requires more social mobility and creativity opportunities for those conservative constituencies that perceive a threat to their status position and are prone to engage in social competition.

## A PATH FORWARD

### The American Judicial System as Corporatist Epistemic Community

A debate has arisen over whether sustainable development norms have become binding international legal principles on states as articulated by national judiciaries (Alhaji, 2003). International legal norms that have been globally internalized by national judicial systems constitute “*jus cogens*” as interpreted by this global judicial community, i.e., *opinio juris* (Olson, 2000, 23, 24). Sustainable development integrates human rights and development norms with a focus on policy implementation as monitored by the United Nations and other international organizations (Hunt, 2017). American corporatist policy making trends will be path dependent on the basis of legal intervention via the judiciary for licensing and integration partly via the civil rights enforcement system. Observers have noted the exceptionally strong role of the US Supreme Court in promoting the expansion of civil rights and their enforcement in the midst of the societal polarization in response to the new left social movements:

*“Today constitutional amendments have become unimaginable, Congress barely legislates, and the Supreme Court manages our social and cultural debates. Our affirmative action system was designed by Lewis Powell and amended by Sandra Day O’Connor. The boundaries of voting rights and free expression are policed by John Roberts. Our abortion laws reflect the preferences of Anthony Kennedy. And now anti-discrimination law and religious liberty protections will reflect what Neil Gorsuch, author of the new decision [after his June 2020 vote to extend civil rights protection to gender minorities], thinks is right and good”* (Douthat, 2020, para. 5).

Zuboff (2021, para. 8, 3) warns of national “epistemic chaos” and polarization from social media “surveillance capitalism” business model formulae. They algorithmically reinforce user ingroups’ threat perceptions and mobilization via continually refined, targeted and tailored allocation of attention-intensifying affective social digital content. They surveil and accumulate previous user browsing behavior to recommend content channeling for their continuing attention, regardless of veracity or substance. Digital social platforms magnify shared identity ingroup vs. outgroup cleavage formation and intensification proclivities regarding other users. This vast, individual consumer/user-generated, accumulating body of microdata supports sale of targeted advertising, marketing and campaign social media communication placements to buyers. Broader media competition motivations interface with social media incentive patterns to treat public affairs as de facto affective stimulative content, with nationalist affect part of the motivating mix (DeDominicis, 2019). These processes incentivize fabulist, Manichean performance behavior by public political figures.

These same personages are unlikely to submit these same fantasist assertions to courts of law because of the necessity of supporting evidence to avoid punitive judicial responses (Corasaniti, 2021). The judiciary as a public body with enforcement power may be part of a political strategy for countering the polarizing effects of exploiting and magnifying disinformation trends. Section 230 of the federal Communications Decency Act generally removes digital platform responsibility for content posted there (*Scientific American*, 2021). Congressional legislation to modify it would integrate judicial restrictions to help counteract these processes intensifying collective epistemic dissonance.

The judiciary is a vertical epistemic community. According to Mavrot and Sager,

*“[W]e identify a vertical epistemic community as a specific form of epistemic communities. Correspondingly, we combine the notion of epistemic communities, which strongly emphasises their horizontal functioning (how their members interact with one another and which kind of strategies they adopt to pursue their policy objectives), with research on multilevel governance. The latter strongly emphasises the steering aspects of vertical relationships, that is, how superordinate actors aim to influence*



*the action of subordinate actors, be it by means of a formal hierarchical structure (hierarchy of laws, formal division of competences, distribution of financial resources) or by exercising informal power. Furthermore, rather than studying how decision-makers are likely to learn from epistemic communities (Haas, 2004), we investigate how vertical epistemic communities are able, in part, to actually bypass decision-makers” [sic] (Mavrot and Sager, 2018, 392).*

Neo-corporatist, vertical epistemic communities are likely to emerge, relying on scientific consensus on generating public policy prescriptions amidst global health and environmental emergencies. “The strategy of the vertical epistemic community is thus to avoid the political sphere whenever possible, and to confine the policymaking process to the administrative and expert levels. The processes that occur within the epistemic community are less visible, and, thus, less open to attack by external opponents” (Mavrot and Sager, 2018, 403). The functional aim of corporatist integration via vertical epistemic administration is to avoid intensifying societal polarization around public policy issues. Intensifying political polarization associates with destabilization of the liberal regime, to which the regime authorities respond through state intervention in the form of law (Tóth, 2019). The US Supreme Court, despite its precedential, common law judicial tradition that it inherited from the United Kingdom, converges with civil law states by functioning as a constitutional court. The US Supreme Court became the de facto American constitutional tribunal with its establishment of the principle of “judicial review” in 1803 *Marbury v. Madison* (Littlepage, 2014, 60). With increasing American domestic political polarization, the US Supreme Court has become correspondingly active:

*“In an era of stark partisan polarization, Chief Justice John G. Roberts Jr. steered the Supreme Court toward the middle, doling out victories to both left and right in the most consequential term in recent memory.”*

*“The term, which ended Thursday, included rulings that will be taught to law students for generations -- on presidential power and on the rights of gay and transgender workers. The court turned back an effort to narrow abortion rights, and it protected young immigrants known as Dreamers.”*

*“It expanded the role of religion in public life, and it cut back on the power of independent agencies. It took steps to prevent chaos when the Electoral College meets after the presidential election. And it handed Native Americans their biggest legal victory in decades.”*

*“A term that included just two or three such decisions would stand out. The term that just ended was a buffet of blockbusters.”*

*“It was also the term in which Chief Justice Roberts emerged as the member of the court at its ideological center, his vote the crucial one in closely divided cases, a role no chief justice has played since 1937. He was in the majority in all but one of the term's 5-to-4 or 5-to-3 decisions.”*

*“But the chief justice was not alone in guiding the court toward the center: The percentage of 5-to-4 rulings dropped to a little more than 20, down from an average of 30 in the previous two terms.”*

*“Several major decisions were decided by 7-to-2 votes, including ones on subpoenas for President Trump's financial records and the rights of religious employers. In some ways, the most prominent losers this term were the members of the court on its far right (Justices Clarence Thomas and Samuel A. Alito Jr.) and far left (Justices Ruth Bader Ginsburg and Sonia Sotomayor). They were the least likely to be in the majority in divided cases” (Liptak, 7/2020, para. 2-8).*

“Comparative legal scholars have documented convergence over time between some aspects of common-law and civil-law procedures (Merryman, Perez-Perdomo [1969] 2007)” [...] (Shughart, 2018, 224). The

US Supreme Court has accelerated its convergence since FDR's New Deal, accentuating application of statute-driven law (Conde and Greve, 2019). Debate surrounds the degree to which statutory administrative law in a liberal democratic state may allocate executive regulatory rulemaking to agencies subject to judicial and legislative restraint (Candeub, 2018). "An example of requiring the government to follow administrative law principles was Chief Justice Roberts's majority opinion in a 5-to-4 decision rejecting the Trump administration's justifications for trying to shut down a program protecting the Dreamers" [a class of undocumented US residents (BD)] (Liptak, 7/2020, para. 30-33).

Entrikin (2019, 357-60) argues that the American common law tradition of judge-made law based on judicial precedent is "dead." Entrikin calls for the American legal academy to "stop pretending that we live and work in a common law legal system driven by judge-made law" when in reality has long been statute-driven. "[O]ver the last century, the corpus of American law has expanded to encompass not only statutes but also court rules, state and federal administrative regulations, executive orders, international treaties, supranational conventions, common market legislation and interstate compacts" all constraining and overdetermining the individual judicial interpretations of law. American law is statute-driven; even when judges strike down statutes, they are claiming that the provision is inconsistent with higher legislation; "judge-made law is subordinate law" (Entrikin, 2019, 1, quoting Watson, 1984, 80).

The de facto US functional shift to a statutory law system stems from the development of the modern state congruently with the rise of mass political participation and national identity. The national standardization of statewide institutions reflects the concomitant growth in awareness of interdependency. This interdependency has its legal reflection in the awareness of the "increasingly complex and interconnected statutory domain" (Entrikin, 2019, 360). Citing various legal scholars, Entrikin argues that "[c]odification is the most commonly cited feature characteristic of the civil law tradition. Speaking generally, codification is nothing more than "a method for the formulation of written law as opposed to unwritten [judge-made] law." Further, codification is not unique to the civil law tradition; common law nations and states have increasingly made use of the method as well" (Entrikin, 2019, 437, quoting Stone 1955).

To change administrative agency environmental regulations, the Administrative Procedure Act requires scientific evidence be presented to justify the changes. Executive branch interpretation of law regulatory modifications may not be "arbitrary" and "capricious" (Sanger-Katz, 2019, para. 9). Specifically, the legislative statute states in section 10, of the Administrative Procedure Act of 1946, "Judicial Review," paragraph e:

*"(e) SCOPE OF REVIEW.-So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements of sections 7 and 8 or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error"* [emphasis added] (uslaw.link n.d.).

Additionally, the 1970 National Environment Policy Act statute "requires that federal-agency decisions that could have an environmental impact on the nation's air, water, or pristine wildlife habitats must include a scientific analysis detailing the effects" (Davenport, 2018, para. 18). Specifically, the text of the legislation states,

*“SEC. 102. The Congress authorizes and directs that, to the fullest Administration. extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—”*

*“(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;” [...] [sic] [emphasis added] (US Government Publishing Office, 1970).*

### US Neo-corporatism amidst the Covid-19 Pandemic

In code law, i.e., corporatist, legal framework societies, societal constituencies are more prone to attitudinally acknowledge the propriety of state authority leadership (Lipset, 1997). It facilitates “concertation” of societal interests for consensus building in otherwise polarized polities (Morlino, 2013, 354). They are comparatively more prone to defer to state official attempts at corporatist concertation of societal interests. “[T]he penchant of the Council of Europe on defining judicial independence in a corporatist key is well-known” (Iancu, 2019, 206).

As noted above, the evolution of the US de facto legal norms system arguably reflects polity tendencies towards state regulatory intervention in response to societal political polarization. McCarthy (2019) portrays a number of large pharmaceutical companies and their collaborators as nefarious actors that should be charged under the Racketeering Influenced and Corrupt Organizations Act of 1970 (RICO). He covers a number of public scandals and practices on the part of both corporations and collusive government officials, as well as regulatory and enforcement agencies that contributed to the opioid addiction epidemic. Global media attention is now focused on these pharmaceutical companies in the race to produce and distribute SARS-CoV-2 vaccines. This global crisis may allow these pharmaceutical companies, firstly, to upgrade their public reputations by creating, manufacturing and distributing the necessary vast dosage quantities of these vaccines (Grady, Goodnough and Weiland, 2020, Forsythe and Bogdanich, 2021). Secondly, they have been de facto designated as critical national security organizational infrastructure, like the large defense contractors, e.g., Boeing, Lockheed, and others, that must and will have a privileged, special relationship with the US government for national security.

The US response to economic crisis consequences of the Covid-19 pandemic has witnessed an increase in the US government providing business subsidies on a scale heretofore not witnessed. US airline companies and aerospace manufacturers with a vast network of part suppliers, e.g., Boeing, are among the targets for these subsidies. President Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act on March 27, 2020, with one observer noting vociferously that CARES is economic relief, not a stimulus (*Forbes*, 2020). It included \$25 billion in loans to airline corporations and \$8 billion as grants and loans to air cargo delivery companies to incentivize them to furlough their employees rather than restructure by declaring bankruptcy (Rappeport, 2020). The CARES act explicitly highlights this intervention as necessary to support the corporate institutional infrastructure for US national security. In order to help ensure repayment of loans and to oversee corporate governance more generally, the US government considered acquiring shareholdings in these corporate entities. Airline and air cargo delivery company senior administrations have resisted this potential direct government intervention in their policy making authority.

The April 14, 2020 *New York Times* continued that some US corporate leaders have reacted skeptically to scenarios in which the government provides these financial subsidies in return for corporate shares (Eavis and Phillips, 2020). They presumably disapprove of US government agencies limiting their policy decisional latitude. Government representatives would justify and legitimate this intervention as exercising its fiduciary responsibility to the American public. The US electorate’s attitudinal predisposition is to react negatively to so-called corporate bailouts; US officials tend to respond in terms of populist terms of protecting employment (Eavis, Chokshi and Gelles, 2020). Shareholders dislike the prospect of the US

government receiving corporate shares in return for financial subsidies leading to a reduction in their ownership share of the company (Eavis and Phillips, 2020). They would have less influence capability over corporate policy making. The March 27, 2020 subsidy package included \$60 billion for this industry. Airline lobbying associations successfully prevented including requirements that they devote resources to overhaul their computer systems to collect personal information for all passengers (Kitroeff and Silver-Greenberg, 2020).

In the US case, this US government primacy is acknowledged through the extensive use of the Korean War-era Defense Production Act. Its language has been inserted into thousands of contracts with private sector contractors supplying the national security and emergency response bureaucracies over decades. “The Pentagon has long been aggressive in its use of the law, inserting language from the wartime act into contracts to ensure delivery of products by a specific date” (Kanno-Youngs and Swanson, 2020, para. 16). In the event of a product or service delivery time conflict, the US government buyer has priority. Again, it highlights the US polity’s emphasis on the national security and emergency state for the corporate concertation of societal interests. “The Defense Department estimates that it has used the law’s powers 300,000 times a year. The Department of Homeland Security -- including its subsidiary, FEMA -- placed more than 1,000 so-called rated orders in 2018, often for hurricane and other disaster response and recovery efforts, according to a report submitted to Congress in 2019 by a committee of federal agencies formed to plan for the effective use of the law” (Kanno-Youngs and Swanson, 2020, para. 13-14). The DPA does not allow US authorities “to assert complete control over a company”; it gives the federal government priority on receipt of products and a rarely used provision allows control over a company’s product distribution (Kanno-Youngs and Swanson, 2020, para. 15).

The US government targeting 3M to seize its global output of respirator masks show the coercive potential of US government corporatist responses to the associated crises of the Covid-19 pandemic. President Trump announced the appointment of Peter Navarro as his Defense Production Act Policy Coordinator on March 27, 2020 (“Remarks by President Trump,” 2020). Navarro’s “vast expansion of power” came after serving as Trump’s protectionist senior trade adviser advocating the revocation of existing trade liberalization agreements as well as the imposition of tariffs. The *New York Times* reported on April 7, 2020, that on April 3 the Trump administration gave Navarro and other officials authority to prevent 3M and other companies from fulfilling overseas orders for medical supplies. Navarro also “has been working to shore up the supply chain for hydroxychloroquine, an anti-malarial drug Mr. Trump has promoted for treating the [Covid-19] virus, despite little proof of its efficacy” (Swanson, 2020, para. 8). Trump ally interviewees in this report view the current extended intense crisis as providing an opportunity for shifting the US manufacturing base in the direction of autarky. ““What you are seeing is just the beginning,” Daniel DiMicco, a former trade adviser to Mr. Trump who leads the Coalition for a Prosperous America, said of Mr. Navarro using the law to reshore American manufacturing. “It’s time for our multinationals to get on board”” (Swanson, 2020, para. 10).

In the same report, other interviewees expressed fear that the attempted move to autarky would be part of shift to US isolationism in foreign affairs: Daniel Price, a former top trade adviser to President George W. Bush, warned that Mr. Navarro could have used his newfound power in more destabilizing ways. ““Frankly, his appointment poses the risk that D.P.A. [Defense Production Act] authorities will be used opportunistically to pursue an isolationist Fortress America agenda that long preceded the present crisis and that would further divide us from allies,” he said. Foreign leaders have already expressed concern about America’s moves to commandeer 3M’s global production” (Swanson, 2020, para. 34-36). Initial Biden administration actions belie Trump-era indications that the US intends to withdraw its institutionalized external influence channels in favor of a strategy reminiscent of prewar Fortress America.

In response to a US Congressional inquiry, the US Defense department requested a post-pandemic increase in US military spending. Congressmembers forecast Chinese expansion against US allies and interests

(Barnes, 2020). Indicators of a shift in favor of a Fortress American withdrawal would be whether or not the US forsakes its position in Afghanistan and Iraq. If the Americans do withdraw from Afghanistan and the Kabul government collapses, the US is likely to compensate for the humiliation by striking a third actor, e.g., Iran. This militarist behavior pattern has precedent; the US invaded Grenada two days after the October 23, 1983 bombing of the US marine barracks in Beirut that led to a rapid US withdrawal. The US also attacked the Khmer Rouge in May 1975 for seizing the Mayaguez merchant vessel less than a month after the collapse of its client regime in Cambodia.

American polarization around racial divisions inhibits the neo-corporatist development of welfare policies. Some (Adamson, 2019, 50-51, referencing Berezin, 2009, 8) argue that the rise of racial polarization and right-wing populism in the West is a concomitant of neoliberalism. That is, economic libertarianism and market-based passive public policy undermines the “welfare state.” The remedy for societal polarization includes the resurgence of the welfare state. It requires a “Scandinavian model of social citizenship” that is accommodative of corporate investment incentives while maintaining social solidarity (Balorda, 2019, 137). Sadeh, Radu, Feniser and Borsa (2021, 4-5) comparatively highlight German “corporatist” “Ordoliberalism,” i.e., a “social market economy” with the authorities allocating national resources oriented towards sustainable development.

Social competition results from challenges to the political hierarchical status quo. Social creativity is more likely to be the response if substantive benefits result from it in the form of achievement of status. Status enhancement can emerge from validation of self at a supranational level beyond the WASP core culture-based nation state. For example, Pavone (2019, 5-6) highlights how legal “strategic entrepreneurs,” i.e., two “Eurolawyers,” liberalized labor laws at the Port of Genoa by utilizing the EU legal regime’s “transformative potential” with its for-profit and civil society allies. The EU’s leading example of sustainable integration promotes “frame diffusion” among state authorities developing superordinate cooperation institutions (Lenz, 2018, 31-32). Globalization exploits national vested interests to secure additional benefits by promoting neo-functional spillover with supranational regime institutionalization as one of its outcomes. These private- and public-sector vested interests can become coalitional allies for this institutionalization process. A supportive trend policy would include promotion of international political economic regimes with nascent institutional dispute resolution mechanisms protecting human rights. These rights include sustainable development.

For example, the G20 has emerged as a “transgovernmental regulatory network” (TRN) that purports to offer greater political flexibility in international policy coordination (Cho and Kelly, 2017, 492). This paper suggests that a drawback of the more informal TRN approach forsakes the development of an international legal architectural framework around which global civil society may coalesce and form. The existence of such formal legal architectures encourages the formation of supraordinate attitudes among the global attentive public. Cho and Kelly (2017, 562) conclude that

*“First, the G20 has in fact been successful due to soft institutionalization. Yet with this hard institutionalization and consequent augmented bureaucratization, the G20 may lose its characteristic agility in policy response. Second, this new mega-bureaucracy, which may only parallel the UN in its magnitude, may invite a familiar foreboding of a World Government among sovereigntists. Such foreboding may cost the G20 some legitimacy, regardless of its merits.”*

The emergence of nationalist resistance to perceived national sovereignty autonomy is inevitable. Formal, accessible institutional legal architectures, e.g., the global UN and regional EU systems, assist the creation and mobilization of supportive, allied transnational constituency groups and coalitions.

American polarization around racial divisions challenges the neo-corporatist development of the welfare state. Incorporation of sustainable development and human rights protections, e.g., autonomous trade

unionization as a right, can motivate the coalitional alliance with the non-profit, global civil society organizations. It can especially play this role insofar as international diaspora identities have a potential for mobilization among traditionally marginalized groups. Effective institutionalization of neo-functional spillover will promote the diversification of the state, thereby to make individual social mobility more feasible for individuals within these marginalized groups. It can coopt these heretofore segregated citizens, increasing the relevance of utilitarian economic and participation incorporation becoming more prominent. News report vignettes provide family case scenarios whereby this multilevel process is evident at the individual level. For example, in the midst of populist retail investors utilizing social media and investment software applications to bid up the price of “GameStop” shares,

*“Jaydyn Carr of San Antonio made \$3,200 on shares from GameStop this week that his mother bought him in 2019 for about \$60.*

*“As amateur investors banded together this week to squeeze Wall Street hedge funds by sending GameStop's stock prices to dizzying heights, some novice traders, like 10-year-old Jaydyn Carr of San Antonio, have seen their long-term investments pay off.”*

*“In December 2019, Jaydyn, then 8, was buying discounted games at GameStop and wishing for an Xbox One. Spying a way to use her son's enthusiasm for video games to teach him about investing, Jaydyn's mother, Nina Carr, decided to invest in 10 shares of GameStop at \$6.19 a share for a Kwanzaa gift.”*

*“Ms. Carr handed her son a certificate she created from an online template to explain to him that he was the owner of a tiny part of GameStop. She told him the gift was in keeping with the spirit of ujamaa, or cooperative economics, one of the seven principles of Kwanzaa” [sic] [emphasis added] (Morales, 2021, para. 1-4).*

The report notes that Ms. Carr and her son are African American, and that she is single after her partner, “an Army combat medic” and the son’s father, “died in 2014 from combat-related complications” (Ibid. para. 13). Transnational diaspora political activism can support societal norm diversification that in turn provides broader social space for dynamic, mutually reinforcing social creativity and mobility opportunities. Neo-corporatist policy strategy effectiveness encourages integration and assimilation for heretofore marginalized groups and individuals in an evolving American societal polity.

## CONCLUDING COMMENTS

The immediate post-Vietnam War era witnessed the acceleration of the integration of the American national security establishment with the American welfare state. In response to American domestic unrest including among communities of color, the US government abolished mandatory military service and moved to a professional military in 1973. The social mobility opportunities available to individual service members expanded along with the material benefits offered in return for military service to encourage voluntary recruitment. The US military had played a leading institutional role in desegregating American institutions with President Truman’s 1948 executive order 9981 mandating military integration. The transition to an all-volunteer military facilitated the cooptation of aspiring racial minority elites, functionally weakening trends of intensifying minority political militancy publicly evident since the 1960s. They were part of government and private sector policies that tend to crop these progressive civil rights social movements of their leadership. “[US Supreme Court] Justice [Clarence] Thomas grew up impoverished in a Gullah-speaking community in Georgia and spent his youth as a black nationalist radical in the mold of Malcolm X before reluctantly accepting a job with a Republican attorney general in Missouri, the only job offer he was given, he explains [...] He voted for Ronald Reagan in 1980, in what he called “a giant step for a black man”” [sic] (Casey, 2020, para. 25).

The upshot of globalization is that perceived threats become stereotyped as indirect and covert and undermining idealized intra-societal relations. The Black Lives Matter police brutality demonstrations following the May 2020 killing of George Floyd interacting with the Covid-19 directed public attention to structural racism in the US. Some experts declared racism to be a “public health crisis” (Stolberg, 2020, para. 28). White nationalists, as with nationalism everywhere, tend towards stereotyping of the dynamic environment. They functionally, self-servingly seek a state target as embodying and originating the source of the disruption, e.g., the Trump administration’s scapegoating of China. This tendency recalls Stalin’s targeting the British and the US as embodying the perceived imperial, conspiratorial threat from capitalism (Cottam and Cottam, 2001). Social mobility opportunities amidst American global influence include national security institutional infrastructure. Creating new concrete substantive social mobility and creativity opportunities by elaborating supranational institutions to satisfy status needs is part of a prescriptive response for regime stability. Authorities provide social creativity options for core populists as well. They are dangerous insofar as they tend to be more readily feasible by allying against and scapegoating an enemy, e.g., China, Islam, Jews, LGBTQ rights and others.

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