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Взаимодействие и взаимозависимость права и культуры в демократии: американская история взросления

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Аннотация: Статья исследует атмосферу напряженности и накал эмоций в Соединенных Штатах после победы Дональда Трампа на выборах в 2016 году. В ней рассмотрены психологические и эмоциональные аспекты событий.

Во-первых, представлен исторический контекст. В статье вкратце рассмотрены эпизоды американской истории, культуры Америки и американского индивидуализма. Представлены основополагающие юридические и политические документы страны, а также викторианские английские корни и события, которые привели к американской революции. Обсуждаются ключевые события и культурные движения в развитии Америки. В этом контексте события и культурные явления последних 60 лет в Соединенных Штатах изучаются более подробно, начиная с контркультурного движения 1960-х годов. Статья описывает, как жилось в Америке афроамериканцам, членам ЛГБТ сообщества, коренным американцам, женщинам, иммигрантам и состоятельным, хорошо образованным, белым англосаксонским протестантам, и то, как у них обстоят дела в 2016–2018 годах. В этом контексте рассматривается американская двухпартийная политическая система и динамический хаос многоголосия внутри Америки. Внутренняя и внешняя политика США также представлены с точки зрения данных эмоций и вплетены в более широкую панораму глобализации, возрастающей скорости общения и демографических изменений.

Наконец, статья опирается на дискуссии, социальные движения и текущую атмосферу в Америке осенью 2018 года в качестве возможного отображения того, куда Соединенные Штаты могут двигаться в сфере культуры.

Эта статья не одобрена и не запрошена никакой политической партией. Идеи и выводы, которые в ней представлены, являются исключительно авторскими.

Ключевые слова: выборы, американская история, индивидуализм, контркультурное движение, двухпартийная политическая система, глобализация

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THE INTERPLAY AND INTERDEPENDENCE OF LAW AND CULTURE IN DEMOCRACY: AN AMERICAN COMING OF AGE STORY

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Abstract: This article intends to provide insight into the atmosphere of tension and the heightened emotions in the United States following the election of President Donald J. Trump in 2016. It offers a psychological and emotional perspective.

First, the historical context is presented. The article creates a concise framework for American history, American cultural history, and American identity. It introduces the nation's founding legal and political documents and Victorian English roots, as well as the character of the events that led up to the American Revolution. Key events and movements in the development of America are then discussed as well. Within this context, the events and cultural phenomena of the last 60 years in the United States are explored with greater detail, beginning with the counter-culture movement of the 1960s. The article illuminates what it has felt like to live in America as a black, LGBT, native, female, immigrant, and wealthy, well-educated, WASP male American, and what it feels like in 2016-2018. The American two-party political system and the dynamic chaos of the many voices within America are observed in this climate. US domestic and foreign policy are examined from this emotion-based perspective as well, and all are woven into the larger global landscape of globalization, the increased speed of communication, and changing demographics.

Finally, the article draws upon conversations, movements, and the current atmosphere in America during the fall of 2018 as a potential window into how the United States may be going forward culturally.

This article is neither endorsed by nor solicited by a political party. The perspectives it presents are solely the author's.

Keywords: elections, American history, individualism, counter-cultural movement, two-party political system, globalization

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Introduction

The United States of America has a history of national evolution; the Preamble of the United States Constitution calls for "a more perfect Union." Over the past two and a half centuries, it has fought a civil war, experimented with the Prohibition of alcohol, and passed Rights bills in an attempt to reach this more perfect Union.

America's founding documents were written so that citizens could protect themselves from the government, taxation, and religious oppression. [Burris, 2000. P. 2-21] The freedom of speech and the freedom to bear arms were, and still are, of the upmost importance. Even today, there is a sense of rebellion. Citizens are wary of and do speak out against the government; it's often seen as a necessary evil. As the country was also born out of a rebellion against taxes, the free market and its principles were woven into the American identity. An unbridled competitiveness nurtured by those beliefs was only fueled by the adventurous, explorer personalities and genetics of those who came to America. They were facing a new, harsh climate without an existing support system. And each of them had the opportunity to pursue his interests and manifest his dreams. This fiercely competitive individualism is also deeply instilled in the American identity.

The framework of American history

Despite this rebellious birth, America did inherit the cultural and social norms that were still present in Europe in the 18th century. Expansionism, slavery, gender roles, educational values, European supremacy, and the Protestant belief that human's ability to reason is God-given were established in colonial America. Thus the resulting collective emotional trauma in Europe, stemming from these beliefs and practices, was carried into the new world. Some argue that the Founding Fathers of the United States had an awareness of this trauma, that they wanted equality and opportunity for all people. It would have been too economically and socially traumatic to abolish slavery and create an equal society all at once. [Finkelman] The founding documents were, therefore, written in a way that allowed for societal change and the release of emotional trauma in an ever-changing world. Checks and balances were written into a three-branch system of government; a system for peaceful succession was established; a system of laws that could evolve was conceived. They imagined a form of government that was both relatively stable and sustainable through the process of transformation.

The 19th century in the United States was very much an expression of the inherited trauma as well as the evolution the founding fathers believed in. Men explored, expanded into, and developed the West, often exploiting the natural resources. They removed the Native Americans under the premise that the American way of life had evolved to be far superior to that of whom already inhabited the land. In the same century, the United States fought a civil war and abolished slavery. The laissez-faire, cavalier individualism was balanced with a consciousness for social justice.

In the last 60 years, compared to average American rates of social change, the degree of transformation that has occurred in America has been significantly greater. The US system of government was created in a way that was meant to prevent change from happening too quickly and from going to extremes. However, 21st century America seems to have reached a tipping point.

Social landscape then and now

Less than a lifetime ago, the social landscape of the United States was as follows. The Civil War had been fought 100 years before, but the civil rights movement had not occurred. Women had gained the right to vote in 1920, but were nowhere near fully integrated into the workforce, nor were they seen as equals. The Dawes Act of 1887 was repealed in 1934 by the Indian Reorganization Act, but the Native American population had already experienced the effects of Western influence[1]. There had never been a non-Protestant President of the United States. A small group of young men from wealthy, educated, established families was admitted to top universities; women, minorities, Jews, and low-income students were not, barring a rare exception.

Therefore, a small group of white Anglo-Saxon, Protestant, wealthy, educated men held the positions of power. And, in many ways, the social goal at the time was to be more and more like this ideal white, Anglo-Saxon, Protestant husband and wife, with their white picket fence and two kids, strict gender roles, and Victorian properness. This ideal became known as the American Dream.

It follows that Protestant strains of religion were the norm. Good and evil were frequent and weighty words in America because the Protestant construct of heaven and hell was one of a final judgment at death. One's lifetime of work was part of the final judgment. These beliefs only supported the rigorous work ethic instilled by the Protestant focus on industry, frugality, and discipline. [Uhlmann, 2014. P. 1-11] Protestantism also discouraged emotional expression, as did America's Victorian English roots. Humans and their ability to reason were seen as an improvement over animals. Emotions were "animal." These influences instilled a strong black and white view of the world, with less nuance, whimsy, or imagination.

Each demographic stage in America was affected differently by the pressures and constraints of these norms. Black Americans lived in segregation, worked most often as maids and busboys, and legitimately feared for their lives[2], though faith in change and a righted situation was nurtured in black churches. They taught their children how to behave politely around police and whites in order to survive. Black men spoke in higher voices to seem less threatening. LGBT Amer-

1 The first reservation was created in 1758. The Indian Removal Act of 1830 and the Indian Appropriations Acts of 1851, 1871, 1885, and 1889 followed. The Trail of Tears is often referenced as one of the most extreme examples of how the American government massacred and then moved the remaining Native Americans to a reservation.

2 For more on the African-American experience in America, please see The Souls of Black Folk: Essays and Sketches, by W. E. Burghardt Du Bois. [Du Bois, 1994. P. 1-165]

icans were often ostracized or physically attacked. Many lied about their sexuality for their safety. After the tribal nations endured centuries of genocide and systematic stripping of their legal rights, Native Americans were asked to assimilate into American society that heavily discriminated against them [3]. [Jackson, 1835]. They turned to alcohol, drugs, and violence in reaction to the stress and anger caused by this debasement[4]. Disabled Americans were marginalized and lived in the shadows. Non-European immigrants were treated with suspicion and had to work much harder for what they wanted. White women did not have access to well-paying jobs[5]. They had to fight for the chance to marry wealthy, white men to guarantee themselves and their children access to a life of comfort, privilege, and status within[6]. Women very often stayed in emotionally and physically abusive marriages for their children's welfare and well-being and to protect their husband's finances[7]. For those married to wealthy, Anglo-Saxon, well-educated white men, they were living with, wed to, dependent on, and making love with that which systemically dishonored them[8]. White men with the proper cultural and socio-economic background were given the benefit of the doubt and could afford to wait in line as they were being groomed for the very best professional opportunities, something reminiscent of Feudal Europe. The hierarchy was a strong value. These men were expected to adhere to strong gender roles, to carry every weight and worry they experienced personally and professionally, without confiding in anyone[9]. Emotional expression was considered weak. Women were considered weak and dangerous because of their emotional expression. Poor, uneducated white men were still expected to follow these norms – waiting in line, showing no emotion, solely providing for the family. Simultaneously, they were looked down upon and disrespected because of the jobs they had; something their families couldn't always change as they also had very little access to the best education or employment. Some of these men working to raise their status were also molested by other men[10].

This social structure existed within a country whose Declaration of Independence states that "all men are created equal, that they are endowed by their Creator with unalienable rights, among these are life, liberty, and the pursuit of happiness."[11]

Counter-culture movement

In the 1960s, a mass movement to rectify this dissonance began. Young Americans, men, and women, from all religions and ethnicities, started to question the status quo and demand change. They wanted all citizens to have the same rights, in reality, as the United States' founding documents grant, to heal the emotional trauma inherited from Europe and continued by the US history, and to honor the humanity in every person. They wanted to create a culture where every individual would be valued and loved for who they were instead of trying to fit the prescribed societal norms, and they wanted to reform legal and other systems that older generations had begun to change. Woodstock, the Haight-Ashbury community, and the Freedom Summer Project of 1964 are all examples of this movement. The pushback against it and its beliefs was inevitable in a country with free speech and a tradition of debate. It was strong as marriages, workplaces, and social structures had been built on opposing conflicting beliefs. Malcolm X and Martin Luther King Jr., as well as young activists, were killed.

Despite the pushback and despite the existing social biases, the Civil Rights Act of 1964 did pass, John F. Kennedy, a Catholic, had been elected president of the United States in 1960, and the 1965 Immigration and Nationality Act passed and allowed non-European immigrants greater equality in immigration (in the sense that a larger percentage of immigrants were no longer taken from chosen European countries each year). By the late 1960s, the most prestigious universities had begun admitting women, minorities, and low-income students. Yale University, for example, finally started admitting women into the undergraduate program in 1969.

Eventually, the young activists became young professionals and took jobs as educators, lawyers, and journalists. They spread their beliefs by educating the younger generations differently, by raising their children differently, and by changing standards and norms in the workplace, in homes, and in politics. Music and art also propagated their ideas. These conversations evolved in small increments,

3 For more on the Native American experience in America, please see Viet Cong at Wounded Knee: The Trail of a Blackfeet Activist, by Woody Kipp. [Kipp, 2004. P. 1-142]

4 Life of the Reservations // www.ushistory.org/us/40d.asp (accessed September 16, 2018).

5 If a woman worked in an office, she would most likely be emotionally and physically sexually harassed at her workplace routinely. Women were often teachers, a few were scientists.

6 Interracial marriage was very rare at that time, and very taboo.

7 Some states within the United States have laws that grant women half the couple's assets upon divorce, some do not.

8 For more on the negative messages woman have received in the United States and the ways in which women lessen themselves, please see the introduction of Women Who Run with the Wolves: Myths and Stories of the Wild Woman Archetype, by Clarissa Pinkola Estes, Ph.D. [Estes, 1995. P. 1-584] For more on the women's experience in America, please see The Feminine Mystique, by Betty Friedan. [Friedan, 2013. P. 1-592]

9 It was a culture of stoic, silent suffering. Middle-aged men's suicide rates are higher than any other demographic in the US (according to American Foundation for Suicide Prevention American, Suicide Statistics // www.afsp.org/about-suicide/suicide-statistics/ (accessed September 16, 2018)).

10 Terry Crews has testified in front of a US Senate Committee about the sexual abuse that he and many others experienced in the entertainment industry; the Catholic Church has a history of assaulting young boys.

11 Curator. "Creating the United States: Creating the Declaration of Independence." *The Library of Congress* // www.loc.gov/exhibits/creating-the-united-states/interactives/declaration-of-independence/equal/index.html (accessed September 16, 2018).

but, over 60 years, resulted in a rather rapid and vast evolution. Examples of these societal changes based in equality, inclusion, and respect for the planet include the health and artesian foods/products and craft beer movements, socially progressive corporations like Patagonia and Ben & Jerry's[12], the theory of emotional intelligence[13], cross-cultural fluency, and a more complex understanding of identity.

By 2015, many areas of American life looked significantly different than in the 1950s. Top university students were 50:50 male to female, affirmative action had granted minorities more access to universities and to influential jobs, and even the educational environment changed. In business, mainstream corporations like Proctor and Gamble had begun to see and answer workplace diversity and inclusion needs within their organizations. The Latin population within America, among others, had grown tremendously, thus adding greater demographic diversity and a greater diversity of values. Latin cultures are much more family-focused and very emotionally expressive than America's roots; there is also more focus on enjoyment and celebration of life. To traditional Americans, this new culture felt chaotic, out of control, and abrasively time-consuming and burdensome regarding family responsibilities. Demographics also changed as older generations died and millennials entered the workforce. Technology made communication and business global and in some ways more transparent. The sustainability of humans on the Earth became a real question. Consequently, humans were more obviously interconnected and interdependent than ever before.

The 2016 United States Presidential election

Yet, many Americans still upheld the ideals and norms of a pre-1960s America. The 2016 United States Presidential election occurred in the midst of this culture clash. Democrats' choice of Hillary Clinton over Bernie Sanders in some ways reflected old hierarchal and power norms. To many voters, Clinton embodied an antiquated version of femininity. Many also felt that Clinton lost the purity of her voice and her vision and had adopted too aggressive policies out of touch with the modern age. Those who did vote for Clinton were truly horrified by Trump's language and greatly feared the dissolution of all of the social change since the 1960s. Trump voters were predominately disenfranchised white men and women laborers who were fed up with established politicians and who felt as though their voice had gone unaccounted for in America. Paradoxically, these laborers were resentful of the old, established norms they'd been consenting to, yet also didn't feel completely comfortable with the norms of the counter-culture. Most Trump voters challenged America to fix its crumbling infrastructure and its healthcare system that was and is neither the most efficient nor effective in the world.

While the 2016 election reflected well the tradition of fervent debate and dialogue that the US political system allows for and fosters, Trump's election did disrupt the political establishment and society. The majority of the US voters wanted the political establishment disrupted. The disenfranchised Trump voters wanted a voice in this country; the counter-culture Americans wanted equality for all. Both of these groups wanted respect. Some Trump voters were racist, and that horrified the counter-culture. Some counter-culture people who claim to be accepting of all humans discriminated against Trump voters, and that hypocrisy and elitism enraged the Trump voters. Nothing was black and white. So much of the tension was a war of words[14]. The old, sometimes offensive, norms and beliefs were being verbalized more often, as a way of pushing back against the identity politics movement of the last couple of decades. And the deep pain that many feel as a result of centuries of living under these norms, and the reality that the systemic, oppressive causes of this trauma are not yet fully rectified, was also coming to the surface. The #MeToo, Black Lives Matter, and LGBTQ movements were an expression of this pain and a call for the causes of this emotional trauma to be fully righted. Trump voters were sometimes hesitant to acknowledge and feel the emotional trauma resulting from living within the oppressive system.

Current state of affairs

The emotional upheaval of 2016-2018 has had profound repercussions on daily life. Many family members have stopped talking to each other because of differing political beliefs. Many friendships have been dissolved. Some individuals have moved to other cities where political environments that better align with their worldviews.

Ever present is the reality that the United States has Protestant, competitive roots. Emotions are not respected, nor are they easily or often fully expressed. It's not uncommon for a married couple of 60 years or even 10 years to sit in silence at dinner as they have nothing to talk about anymore. Many individuals simply do not have the skills to

12 For more on Ben&Jerry's story, please see Ice Cream Social: The Struggle for the Soul of Ben&Jerry's, by Brad Edmondson. [Edmondson, 2014. P. 1-252]

13 Emotional Intelligence is a theory formulated and articulated by Peter Salovey and John Mayer and popularized by Daniel Goleman's Emotional Intelligence: Why It Can Matter More Than IQ. [Goleman, 1995. P. 1-287] Salovey and Mayer fleshed out one intelligence discussed in Howard Gardener's Frames of Mind: The Theory of Multiple Intelligences. [Gardener, 1983. P. 1-393] Within the academic world, there is debate around what intelligence is, whether it is an innate and unchanging quantity, whether it can be learned, and whether or not individuals can have different intelligences (analytical, spatial, musical, emotional, etc.).

Emotions are a split-second reaction to any given experience, and six are universal (happiness, sadness, anger, fear, disgust, surprise). Emotional Intelligence is one's ability to perceive, use, understand, and manage emotions, and to do so within any given cultural context. [Salovey, Mayer, 1990. P. 1-26] For more on emotions, see the textbook Understanding Emotions, by Keith Oatley, Dacher Keltner, and Jennifer M. Jenkins. [Oatley, Keltner, Jenkins, 2006. P. 1-411]

14 The typical American bipartisan debate over policy was also present, but the emotional trauma that surfaced and the war of words made the atmosphere more heightened than it's been since the 1960s.

communicate strong emotions or vehemently disagree with another yet also validate the others' feelings and beliefs. These skills have not been taught or practiced in the US until very recently, with the rising popularity of Emotional Intelligence. For many American families, issues have been festering for decades, unspoken and unresolved. Many American families are not like Latin, Greek, or Russian families, which are generally more communal and expressive. This same emotional gridlock is present everywhere, in neighborhoods, in workplaces, in communities of worship.

The same communication barriers and internal rot can be seen in America's domestic policies. There are crumbling roads and airports. There's an inefficient medical system not guaranteed to all citizens. There's gerrymandering in politics. The maternity leave system barely guarantees mothers any leave or support, in comparison with Russian and European systems which ensure that basic safety. Both Republicans and Democrats are accurate in their acknowledgment of challenges, but they are not finding common ground. Although the US has a history of opposing politicians dining together at the end of the day, sharing perspectives and questioning why the other sees the world as he or she does, this American tradition is no longer common. And constitutional democracy is, in its essence, a concept of government that is meant to include and protect as many voices as possible.

The underlying American dynamics also appear in US foreign policy, especially as the world has become more global. The hierarchical, individualistic aspect of the pre-1960s status quo does not often inspire collective thinking or action. This mindset tends to label people, groups, and countries as good or evil, civilized or uncivilized; this mindset also sees America as a source of and a force for good and acts accordingly. [Burris, 2000] This perspective has resulted in America intervening in and bombing other countries regardless of overstepping international law. There's now no evidence that Iraq had nuclear weapons when America invaded it, for example, but this action was taken anyway, for the good of the world, in that mindset's opinion. These norms also try to fit other countries and cultures into how they think the world is and should be, instead of trying to understand different countries. These tendencies have been displayed at home in the United States since the country's birth.

The counter-culture's criticism of their global impact is exemplified by the Vietnam War protests. Experts were advising the US government that the war could not be won, that millions of young American men's lives were being lost in vain. Yet for years, the government denied these facts. No leader wanted the first American military loss to stain his legacy. The ego of the pre-1960s established norms was exposed. It is possible that, as culture shifts, US foreign policy could begin to look vastly different. It's also possible that those in US international relations may weave together the two approaches, old and new. There is wisdom in the founding fathers' vision and culture. After all, they did create a system that allowed a country to mature from its birth to this current moment, and political and corporate leaders have also held together and lead America through the last two and a half centuries of change.

Conclusion

The results of the conversation happening in America now, this political process displayed in front of the world, are yet to be seen. This tradition of raucous debate, friction, and intense competition may be extremely overwhelming to countries with different underlying processes, and who must coexist with the US as global citizens. Despite the vastly different voices in America, there are organizations and movements forming to allow people to see each other's humanity and to have honest conversations. The Better Angels organization and the Intellectual Dark Web are examples of this pull toward depolarization. [Weiss, 2018] Trump voters are beginning to open to a conversation with the counter-culture. Many Democrats are paralyzed by their own fear of oppressive forces returning with even more power, but some of the more moderate Democrats are starting to push against the fear in their own party. [Pluckrose, 2018]

From an emotional perspective, it is possible to heal the collective trauma that has surfaced in the United States, just as it's possible to heal emotional trauma in any human being. This healing is often most powerful when we come together and acknowledge and embrace our shared humanity. When we chose to share, discuss, and move the trauma together, instead of competing over whom has experienced the most trauma, we give ourselves the opportunity to love and be loved, to heal, and to free ourselves.

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ЧТО ЧИТАТЬ



Римини Р. Краткая история США.

М.: Издательство «КоЛибри», издательство «Азбука-Аттикус», 2018. 479 с.

История США была бурной, кровавой и захватывающей. Начиная с эпохи Великих географических открытий, когда отчаянные мореплаватели отправлялись за сказочными богатствами к неизведанным берегам, эти края пережили немало потрясений: колонизация и Война за независимость, Гражданская война и освоение Дикого Запада, развитие промышленности и Великая депрессия… Земля мечты, земля надежды, эта страна стала домом для иммигрантов со всего света — авантюристов, золотоискателей и просто искателей лучшей доли, которые принесли с собой свои обычаи и традиции. История США не похожа ни на какую другую, она читается как приключенческий роман, повествующий о невероятных и увлекательных событиях.



Родс Дж.Ф. История Гражданской войны в США: 1861–1865.

М.: Издательство «КоЛибри», 2018. 432 с.

В книге видного американского историка Джеймса Форда Родса, которая в 1918 году принесла ему Пулитцеровскую премию, подробно освещается ход Гражданской войны в США, от сецессии южных штатов в 1860–1861 гг. до капитуляции армий Юга в 1865-м. Здесь представлены яркие портреты главных лидеров – президента США Авраама Линкольна и первого, и единственного, президента Конфедеративных Штатов Америки Джефферсона Дэвиса, командующих силами северян — Улисса Гранта, Уильяма Шермана, Джорджа Томаса, Джорджа Мида, Джозефа Хукера, Джорджа Макклеллана, а также Роберта Ли, Томаса Джексона, Джозефа Джонстона, Джеймса Лонгстрита, командующих силами южан; описаны как их действия на поле боя, так и участие в политических дебатах, проходивших в Вашингтоне и Ричмонде. В полной мере раскрыта главная, по мнению Родса, причина самой кровопролитной на американской земле войны — рабство. Исследование, созданное на основе документальных материалов, заслуживает внимания всех, кто интересуется военной и политической историей.



Печатнов В.О., Маныкин А.С. История внешней политики США.

М.: Издательство «Международные отношения», 2018. 680 с.

В короткий по историческим меркам срок Соединенные Штаты Америки превратились из сравнительно небольшого, преимущественно аграрного государства, расположенного на периферии системы международных отношений, в мощнейшую державу, играющую ключевую роль в современной мировой политике. Данная работа представляет собой первый в отечественной историографии опыт издания учебника, в котором излагается эволюция внешней политики США с момента их возникновения в конце XVIII века и до наших дней, выделяются ее основные этапы и события. Авторы прослеживают процесс формирования и совершенствования внешнеполитического механизма США и развития той концептуальной базы, на которой он функционировал, модернизации программно-целевых установок во внешней политике. Важное место в работе занимают сюжеты, связанные с анализом основных направлений региональной политики США. Особое внимание уделяется отношениям между США и Россией, выявлению как круга конфликтных проблем, так и сферы их совпадающих интересов. Работа основана на изучении широкого круга источников и литературы как отечественных, так и американских историков. Она является результатом многолетней преподавательской деятельности авторов, которые в течение длительного времени читали соответствующие лекционные курсы в МГИМО и на историческом факультете МГУ.