

Virtue and the State: A Dialogue Between a Communitarian and a Social Conservative

Amitai Etzioni and Robert P. George

ROBERT GEORGE: In your article, “The Good Society” [published in the *Journal of Political Philosophy*], and in your book *The New Golden Rule*, you argue that both communitarians and social conservatives recognize the need for and the legitimacy of social formulations of the good—unlike liberals—and appreciate the cardinal role of the substantive values a society seeks to uphold. You then point to two major differences between communitarians and social conservatives and conclude that communitarian thinking is a third way of thinking. I suspect that you are right that communitarianism is a distinct approach, but the ways you characterize communitarianism actually define to a significant extent the social conservative position. Let’s explore some points of similarity and difference.

Perhaps I could begin by clarifying one point. As part of your argument that social conservatives favor a strong government, you quote George Will in favor of a strong national government. It is important not to misunderstand what Will and other social conservatives mean here. We favor government that is strong, but small. We are particularly skeptical of large government bureaucracies that are charged to provide domestic social services. This is especially true when it comes to the central (or national) government in a federal system. Even at the state and local levels, however, social conservatives are concerned about the encroachment of government on the functions and prerogatives of families, churches, and other institutions of civil society. Now, critics of social conservatism from the libertarian side deny that we can have government at any level that is strong, yet willing to remain small. Strong government, they say, inevitably means big government. However that may be, I suspect

that communitarians would line up with social conservatives on this point against the libertarians.

AMITAI ETZIONI: We seem to agree about my main observation that social conservatives favor strong government. While it is true that many social conservatives favor states' rights, William Kristol and David Brooks also have written about the glory of the nation, as a kind of antidote to the lack of concern with virtue. The British Tories have strenuously opposed devolution to Scotland, Wales, and the City of London, and have argued for a strong unitary government, speaking about the glory of Britain. Indeed, many continental social conservatives throughout recent history have been "Lincolnian," calling for sacrifices for national unity. They have been the champions of nationalism, union, fatherland (and mother church). All this is not to deny that the American social conservatives have been strong and consistent champions of states' rights, but often they have been nationalist at the same time.

RG: The point is that there is no incompatibility between nationalism (and national patriotism) and federalism for people who believe it possible to have government that is both strong and small. Of course, social conservatives disagree among themselves when it comes to a host of issues that are implicated here, at least at the margins. So, for example, those on the side of William Kristol sharply oppose those on the side of Patrick Buchanan regarding questions of isolationism as opposed to engagement in foreign policy. These sides divided bitterly over the Gulf War. They divide over free trade and protectionism. And if you really want to get a ferocious debate going among social conservatives, just mention Lincoln and his legacy—Lincoln's strongest supporters (e.g., Harry Jaffa) and his most uncompromising critics (e.g., M.E. Bradford) are social conservatives.

Turning now to the main point, you write that communitarians "advocate state restraint because they believe that society should be the agent responsible for promoting moral behavior." And you suggest that this distinguishes them from social conservatives who would rely on the coercive power of the state. Here, I think, you exaggerate the differences between communitarians and social conservatives. It is true that social conservatives allow a role—sometimes an important one—for law in upholding public morality, but the primary responsi-

bility for the inculcation and promotion of virtue, as social conservatives see it, lies with families, religious communities, and other institutions of civil society. My own work makes this clear, I think, as does the work of Hadley Arkes, Gerard Bradley, John Finnis, and other leading social conservative intellectuals. My book [*Making Men Moral: Civil Liberties and Public Morality*] opens with the following sentences: “Laws cannot make men moral. Only men can do that; and they can do it only by freely choosing to do the morally right thing for the right reason. Laws can command outward conformity to moral rules, but cannot compel the internal acts of reason and will which make an act of conformity to the requirements of morality a moral act.”

What, then, you may ask, is the role of law, as social conservatives see it? Its role, as I say in my book, is “subsidiary” (i.e., helpful). Law is to help people make themselves moral by, among other things, helping to secure or maintain a moral ecology that is conducive to virtue and more or less inhospitable to certain potentially powerfully corrupting and socially damaging forms of vice. In this way, law and the state support families, churches and synagogues, and the other institutions that have the primary role in transmitting virtue. And, indeed, according to the social conservative tradition, it is important that law and the state restrain themselves lest they usurp the authority of these critically important institutions. (We call this the principle of “subsidiarity.”) An important part of the social conservative critique of socialist and other “big government” approaches flows from this concern.

Let us take a look at some of the specific examples you have mentioned as areas where social conservatives would rely on state power, while communitarians would look to society. You write that social conservatives would ban abortion, divorce, pornography, and homosexual activities, and would mandate prayers in public schools. Actually, social conservatives would ban outright only abortion (in most cases) and certain kinds of pornography; we would make divorce more difficult to obtain, discourage homosexual acts and heterosexual adultery and fornication, and permit, rather than mandate, prayers in public schools.

AE: Additional examination of the list is a good way to test my thesis that social conservatives are systematically more inclined than com-

munitarians to rely on the state to promote virtue. You agree that social conservatives would ban most abortions and much pornography. You say that they would not ban divorce, but only make it more difficult to obtain. I would accept the use of this language if the state were to rely on its moral voice, exhort people to stay married, send them information about the harm of divorce, and public leaders would remain married. However, the policy proposals that are actively being considered by 20 states and promoted by social conservatives would ban divorces under many conditions, including when the state believes the causes are inappropriate; if the waiting period has not been long enough (draft legislation calls for waiting periods of from two to upwards of five years); and if no counseling has taken place. (And of course in other countries, Italy for instance, divorce is still banned and the ban is hailed by social conservatives.)

Communitarians have a different approach, one relying mainly on voluntary means, e.g., voluntary premarital counseling, marriage counseling, “encounter” retreats (all provided by the various religious organizations, especially the Catholic Church, and to some extent by therapists), and a culture that appreciates marriages. Social conservatives are more willing to use the power of the state and the law to limit divorce, albeit not to ban it under all conditions.

Regarding prayers in schools, I suggest that the phrase “permitting” prayers in schools does not fully capture what many social conservatives are fighting for. Voluntary prayer in public schools is now permitted, indeed there is no way of stopping it. (Wits point out that there is a rush of prayers before math exams.) What social conservatives often fight for is institutionalized prayers, conducted by the staff of public schools in their official capacity as teachers, principals, or officially imported ministers, and in the classroom or assembly framework. While children may be allowed to opt out, prayers conducted as part of the institutional framework give them the imprimatur of the state.

You suggest that social conservatives would “discourage” rather than ban homosexual activities, but you seem to favor closing “bath houses” and “sexual establishments.”

Most important is the public policy debate about how to deal with criminals, including people who abuse controlled substances. Wel-

fare liberals tend to blame society for these offenses and suggest that if people were given jobs (better yet, well-paying, meaningful jobs), education, and rehabilitation, and if racism were overcome—then criminal behavior would be minimized. The same liberals tend to oppose increases in punishment dished out by law. Social conservatives take the opposite position. They have favored longer punishment, less parole, more death sentences, etc. As millions of people are involved, this is a major case in point of a social conservative tendency to rely on the state to keep society good.

The communitarian position on these issues is not fully developed. However, it seems to point to a greater reliance on the involvement of the community in fostering social norms (“it takes a village to prevent a crime”); on crime watches; on restorative justice; and on graduated responses that start with strong elements of rehabilitation and minimal penalties (for, say, first-time drug abusers), and change the mix of rehabilitation and punishment for repeat offenders.

RG: Let’s go back through the issues. First, I’m sure that not all communitarians favor “no-fault” divorce. It was an idea that swept through the states a generation ago, but the evidence that it was a bad idea is mounting. Many people who initially favored it now view it as a mistake. It has, they believe, undermined the institution of marriage in a variety of ways, above all by teaching people that the true purpose of marriage is the promotion of individual satisfaction. This, in the end, has many bad consequences, including, ironically, the tendency to impede spousal satisfaction in marriage. And its consequences for children have been truly tragic. In any event, you are right to say that social conservatives (and others!) are looking for alternatives to the “no-fault” policy. One idea is a “covenant marriage” option that would enable people to choose to enter marriages that could not be dissolved according to “no-fault” procedures. ACLU liberals who like to present themselves as proponents of “choice” typically oppose providing this option, but there is no reason in principle why communitarians cannot join social conservatives in supporting it.

As for prayer in school, I do not doubt that some social conservatives would like to return to official, state-composed and staff-led prayers as part of the regular class day. I assure you, however, that this is a distinct minority position within the social conservative

camp. Social conservatives are well aware that they would not approve of the prayers that would be chosen in many places in the country. Indeed, the largest social conservative religious denomination, the Southern Baptists, is strictly opposed to such prayers. They favor, as do most social conservatives, opportunities for student initiated school prayer for those who wish to participate. At the same time, social conservatives do believe that schools and other public institutions should be able to acknowledge God as the ultimate source of basic rights and duties (in line with the Declaration of Independence) and that the philosophy of ethical monotheism should be preferred to that of atheistic materialism.

Social conservatives are vehemently opposed, as well they should be, to the imposition of secularist liberalism in the name of religious neutrality. There is now ample evidence that religiously observant students frequently are denied their right to the free exercise of religion in public schools. Religious beliefs and their expression often suffer discrimination. Sometimes this is the result of ignorance on the part of school teachers or administrators; other times it is the fruit of animus. Either way, it is wrong, and social conservatives (joined by old-fashioned liberals such as Nat Hentoff) oppose it. Again, there is no reason why communitarians cannot join them. The key thing here is to accommodate the free exercise of religion in ways that are compatible with the religious freedom of others and respectful of the religious pluralism that exists in many communities.

I do indeed support closing commercial establishments whose purpose is to facilitate illicit sex. This includes legislating against houses of prostitution, "bath houses," and the like. Most social conservatives agree. I also think, as do most social conservatives, that the astonishing spread (and increasingly very public display) of pornography over the past two decades has badly damaged public morality. It encourages men, in particular, to think of women as sexual objects and themselves as "consumers" of the objects of desire. This undermines the capacity of men to love women (and the children they bear) in a mature and unselfish way, thus damaging marriages, families, and society as a whole. To be sure, it is important to avoid fanaticism in regulating material pertaining to sexuality, lest we restrict work of important aesthetic, scientific, or other value; but we are certainly at no risk of doing that at the moment. An eight billion dollar pornogra-

phy industry loudly testifies to the fact that we are massively erring in the opposite direction.

It is true that social conservatives favor tough policies against crime and criminals. As an antidote to the liberal criminology of the 1950s and 1960s, this is a good thing. Perhaps we have moved too quickly, however, to embrace inflexible procedures such as mandatory minimum sentences, “three strikes you’re out,” etc. Here, subject to the proviso that punishment must be truly retributive, there is no reason in principle for social conservatives not to consider some of the ideas that communitarians are trying to develop. By the same token, communitarians should warmly approve of the efforts of evangelical social conservatives—led by Chuck Colson, Pat Nolan, and others who have themselves served time in prison—to secure basic justice and humane treatment for prisoners. Unlike secular “prison reform advocates,” the evangelicals make moral demands on the prisoners as well as on prison officials and guards. They are also proving that the rehabilitation of criminals is possible after all, especially where prison administrators are willing to cooperate with those who are prepared to meet the spiritual needs of inmates. When liberal rehabilitation policies failed to work, many social conservatives gave up on the idea of rehabilitation. Colson and others are showing that “where there is faith, there is hope.”

On the death penalty, there is a division in the social conservative camp that is often overlooked: many social conservatives, especially though not exclusively Catholics, oppose the death penalty. (Pope John Paul II, a figure revered by Protestant and Catholic social conservatives alike, has personally spoken out strongly against the death penalty.) And, of course, many liberals strongly favor the death penalty—start the list with President Clinton, who ostentatiously returned to Arkansas during his first presidential campaign to sign an order for the execution of a young (and allegedly mentally impaired) man who had been sentenced to death.

A final point on criminal justice: while social conservatives favor strong laws, they also support constitutional guarantees of procedural fairness. Of course, they do not accept the ACLU liberal reading of these guarantees, but that does not mean that they countenance abusive actions by police, prison guards, or other officials.

AE: Responding to your first point, not only do communitarians support the “covenant marriage” option, we seem to have originated the idea. Back in 1993 we called them “supervows.” Different name, same concept. But note the nature of covenant marriage: it allows for choice. This is not a case of a strong (but small) government seeking to promote a virtuous citizenry by use of the strong arm of the law; nor is it a case of government neutrality in the face of any question concerning virtue. Rather, covenant marriage involves the government helping to create the conditions for people to choose an option it considers virtuous. I call this “opportuning virtue” and it would seem to entail a new approach to government action in the moral realm: neither coercive nor neutral.

As for the social conservative support for constitutional guarantees of procedural fairness, I very much agree, and this is one of the major differences between social conservatives, who are constitutionalists, and authoritarians, whose use of coercion is often discrimina-

tory by ethnic origin, class, or other irrelevant, if not outright arbitrary, criteria. But I also note that social conservatives—I refer here not necessarily to scholars like yourself but to more public intellectuals and politically active champions (John DiIulio and Richard Neuhaus, for example), and think tanks such as the Heritage Foundation—have strongly favored not violating procedures but changing them in ways that make the state more powerful. This can be seen in friend-of-the-court briefs that have argued for reversing the Miranda decision or watering it down, for repealing the exclusionary rule, for sharply curtailing appeals of death sentences, and other such changes.

I am not suggesting that reformulating some of these procedures is not called for. Indeed, I have argued for some of them myself. However, it seems that most who engage in a systematic and extensive revision of procedures to increase the power of the state are social conservatives.

RG: On the matter of covenant marriage (or “supervows”), I congratulate communitarians for coming up with the idea. (I first encountered it in 1994 in an article by the social conservative writer Christopher Wolfe.) You are correct to note that covenant marriage has been introduced to provide an alternative to marriages that can legally be dissolved by no-fault divorces. In this sense, as you say, it allows for choice. And I sense from your comment that communitarians perceive some value precisely in people’s having a choice between covenant and non-covenant marriages. We may have here a case in which communitarianism truly differs, at the level of moral and political principle, from social conservatism and liberalism. Social conservatives, though supporters of covenant marriage, accept the policy of two tracts of marriage as a compromise, not an ideal. Individuals, couples, and the common good of society as a whole would, we believe, be best served by the simple abolition of no-fault divorce. Social conservatives perceive no value in the availability of a choice of types of marriage as such. So while we have common ground with communitarians in supporting covenant marriage, our reasons for supporting it may differ in an important respect. The orthodox liberal position, on the other hand, is simply to oppose covenant marriage.

Turning now to criminal law enforcement, there is certainly a legitimate debate about the balance between procedural protections

and police power. Often trade-offs have to be made, and there is no single uniquely just answer as to how the balance should be struck. Different jurisdictions reasonably and justly strike the balance differently. Britain, for example, has no equivalent of our exclusionary rule, yet freedom survives.

The key thing, I think, is to be as fair as possible in allocating the benefits and burdens of striking the balance one way rather than another. Do social conservatives consistently wish to strike the balance in a way that increases state power? It is no doubt true that social conservatives are leading critics of major Warren Court criminal procedure decisions, including *Miranda*. At the same time, social conservatives have been outspoken critics of law enforcement officials' misbehavior at Waco, Ruby Ridge, and elsewhere. (Richard Neuhaus published in his magazine *First Things* the single most important critique of federal law enforcement abuses at Waco.) Moreover, social conservative journalists—not liberals—have courageously exposed prosecutorial misconduct in connection with a series of apparently false child-sex-abuse allegations. And John DiIulio's writings on law enforcement and prison policy are arguably the most rigorous and nuanced in the vast literatures of these subjects. In some areas his prescriptions would increase state power, in others they would reduce it. In any event, even if it is true that social conservatives tend, overall, to favor an increase in state power when it comes to law enforcement, I doubt that this is a difference of principle with communitarians. Indeed, I suspect that most communitarians would share the view that Warren Court criminal procedure strikes the balance too far in the direction of hampering ordinary law enforcement powers.

AE: Perhaps the key difference between social conservatives and communitarians lies in judgments of what behaviors are considered morally bad, and how bad these behaviors are deemed to be. Of course, social conservatives and communitarians would agree on the immorality of many things, and would further agree that they cause grave social harm. Drug abuse is certainly one example. But perhaps when it comes to issues such as abortion, pornography, adultery, prostitution, etc., there is only limited consensus among communitarians that all of these things are bad, and even less of a consensus that they are socially harmful enough to warrant the policies of legal restriction that social conservatives favor.

RG: I am inclined to agree. Social conservatives are united on the proposition that these are morally bad (and, in the case of abortion, gravely unjust) behaviors that require action on the legal as well as cultural front. My impression is that communitarians tend to be more ambivalent. In any event, there is nothing like a consensus among them. To be sure, communitarians generally do not view these matters as morally innocent, nor do they suggest that they are not worth worrying about. Many doubt, however, that their social effects are damaging enough to warrant the limitations on personal freedom that social conservatives are prepared to countenance. Moreover, many worry that a preoccupation with these subjects creates a tone of prudishness or even intolerance that is itself damaging to the moral health of society. They buy at least this much of the liberal argument.

AE: It seems to me that the moral agenda of social conservatives (especially the religious ones) is more encompassing while the communitarian one is more focused on a limited set of core values. Focusing the discussion on the substance of the virtues involved is particularly helpful as neither social conservatives nor communitarians consider it appropriate to limit oneself only to procedural considerations. In this context, I would suggest that social conservatives have accorded sex much too much corrosive power and greatly underestimate, for example, the role of impersonal and intergroup violence, especially guns.

I realize that you hold that a society that is decomposing, due to a loss of integrity, driven by sexual promiscuity, is one that is predisposed to violence, i.e., that violence is a derivative rather than a primary cause of social disorder. In part this is an empirical matter. For instance, Scandinavia, which has long been sexually permissive, is much less violent than the United States. And over the last years, as sexual self-indulgence was modeled in the highest office of the land, violent crime has significantly dropped. I am sure you can produce some other examples that lend support to your thesis. But would you submit here to social science evidence? Would a social conservative agree to ban guns if they turn out to be a primary cause of violence? And even if violence is found to be a mere derivative cause, a symptom of another malaise, does this mean it should therefore not be treated in its own right?

RG: I deplore the increasingly common glorification of violence in films, music, and other aspects of contemporary popular culture. It should be clear that most social conservatives share my view. William Bennett, for example, has repeatedly called on the companies who profit from this shameful business to cease and desist. I am not very interested in the question of whether the glorification of illicit sex is worse than the glorification of violence. They are both morally iniquitous and socially damaging. And, as many others have noted, they are connected in various ways: it is no accident, as the Communists used to say, that the purveyors of violence and pornography are very often the same people and companies; nor is it surprising that so much pornography today is violent pornography.

As for whether social conservatives are too concerned about sexual immorality, you are right to suspect that I can produce plenty of social science evidence to support my view that we ought to be very concerned about the social consequences of anarchic sexuality. It is probably enough, however, to rely on common sense and personal observation. Maintaining the integrity of families is crucial to the well-being of children. Yet family integrity is jeopardized by an ideology of “recreational” sexuality that divorces sex from marital unity and treats marital infidelity as a relatively unimportant matter. The spread of such an ideology plainly plays a major role in the family breakdown we have experienced in the United States and which is common in Scandinavian and other European nations as well. It is true that these nations are less violent than the United States (though no one, I hope, is foolish enough to think that sexual permissiveness has the effect of decreasing violence); but it remains to be seen whether they will be resistant to violence and other social pathologies if challenged by stresses from economic or other forms of adversity. If I and other social conservatives are right to believe that irresponsibility and self-indulgence in the area of sexuality, as in other areas, weakens character generally, then that will manifest itself in the life of any sexually permissive people when the strains of adversity come—as surely they will.

I would certainly submit to social science evidence on the question of guns. So far, though, that evidence, as I understand it, shows that gun control, even where it can be rendered workable, is of little effect. Indeed, some social scientists have concluded that gun owner-

ship, and even the right to carry concealed weapons, decreases crime. In any case, it seems to me that this is an area where the law may quite legitimately differ from state to state and even within states. Where I grew up in West Virginia gun ownership is prevalent, people use their weapons responsibly for hunting and target shooting, and there is little gun crime. The same is true in nearby rural counties of western Maryland and southwestern Pennsylvania. I can see little justification for taking weapons away from these people, even if it turns out to be a good idea to prohibit gun ownership (or some forms of gun ownership) in large cities such as Baltimore, Washington, D.C., Pittsburgh, and Philadelphia.

AE: All said and done the discussion seems to suggest that moderate social conservatives and strong communitarians are relatively close to one another. But I continue to believe, though subject to some of the caveats you have presented, that strong social conservatives seem to rely more on the state than do communitarians, and that their moral agenda is more encompassing, and thus more restrictive—it provides do's and don'ts about more aspects of human life.

RG: I am grateful for this opportunity to explore the points of commonality and divergence between social conservatives and communitarians. I, too, believe that we have much in common and a great deal to learn from each other. There is obviously much more to say, and many other topics to address, so I hope that we can keep the conversation going and that other social conservatives and communitarians will join us.

If True, We Feel Sorry for his Family, Friends, and Community

"I'm an economist. I don't do things that don't pay off financially."—Timothy Taylor, managing editor of The Journal of Economic Perspectives.