

Introduction

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The contributors to this volume share a belief, an anxiety, and an aim. The belief is that public policy, both directly and indirectly, shapes the virtues citizens practice and the values citizens hold dear. The anxiety is that over the course of several decades, public policy in the United States has weakened the institutions of civil society, which play a crucial role in forming and sustaining the qualities of mind and character crucial to democratic self-government. The aim is to shed light on what can be done, consistent with the principles of a free society, to establish a more salutary relation between public policy and character.

The contributors form a diverse lot. Each works from a distinctive disciplinary and philosophical perspective. And each author addresses a discrete area of public policy. Certainly no individual author agrees with every observation and every assertion in every chapter. Some authors prefer to focus on virtue, or moral, political, and intellectual excellence. Others concentrate on values, or beliefs about what is proper, just, and good. In one way

or another, all are critical of the regnant form of liberalism in America. At the same time, the authors are united in believing that the defense of liberty in our day requires a rethinking of the complex relation between citizens' character, civil society, and government.

This book is divided into two parts. Part I provides a theoretical overview, examining the teachings of America's founding liberalism about liberty and virtue, then exploring transformations of American liberalism catalyzed by the cultural upheavals of the 1960s. Part II explores the effect of post-1960s public policy on civic associations, on schooling, and on marriage and the family as well as the effect these transformed institutions have on our virtues and our values. Implicit in the overall organization of the book, and developed in one way or another in each chapter is the conviction that a more refined understanding of our liberalism—where it came from, how it has changed, and what belongs to its core and what in it is contingent and variable—puts us in a better position to reform public policy in a manner that serves the interests of individual freedom.

In the opening chapter, "Liberty and Virtue in the American Founding," Harvey Mansfield, a student of the history of political philosophy, puts the problem in plain terms: Liberty and virtue are in tension because liberty means doing what you want whereas virtue means doing what you ought. The achievement of the American founders, and of the philosophical authorities on which they relied, Mansfield shows, was their having reached an accommodation between liberty and virtue. John Locke paved the way in the *Second Treatise*, Mansfield approvingly observes, by means of a crucial equivocation. On the one hand, Locke argued that man's freedom is limited by God's authority. On the other hand, he maintained that by nature man's freedom knows only those limits that individuals give themselves. Neither of these propositions, in

Mansfield's view, reflects Locke's true position. Instead, Locke's teaching is contained in the determination to live with and gloss over the conflict between them. Then Montesquieu further paved the way to easing the tension between liberty and virtue by exposing the ill fit between the sternness and austerity of ancient virtue and the needs of a modern commercial republic.

According to Mansfield, the lesson drawn by America's founders, who studied both Locke and Montesquieu, was not that virtue must be abandoned, but rather that virtue must be reconceived in a way that made it suitable to the needs of liberty and commerce. In Benjamin Franklin's *Autobiography*, Mansfield finds a wry exposition of the new virtue: self-interested, pragmatic, industrious, focused on personal gain and private happiness. But is such virtue compatible with the needs of a free people who must govern themselves with a view to the public good? In the *Federalist*, Mansfield finds an approach that shows how it is. Taking individuals in a commercial republic as they are, Madison, Hamilton, and Jay set forth the principles of a political order that harnesses for the public good the energy of those whose ambitions find their satisfaction in politics. Through such devices as representation, the separation of powers, and checks and balances, their constitution arranges matters so that the private interest of ambitious men coincides with the advancement of the public's interest.

How stable is virtue that is grounded in self-interest, even when that self-interest is, as Mansfield argues it was by America's founders, well understood? Certainly no more stable than the beliefs, practices, and associations that foster it. In fact, the founders do not speak much about civil society, education, marriage, family, and religion. Critics have contended that this is because they embraced a crude, mechanical view of moral and political life, one that assumed that virtue, to the extent that it was necessary, would take care of itself. Based on their occasional remarks on the subject,

however, it is more reasonable to conclude that their failure—if failure it was—was one of imagination. They recognized the connection between character and the institutions of civil society that sustain it, but they did not envision a political society in which the institutions of civil society, as a result of changes in culture and government, could no longer be counted on to discipline self-interest. In other words, what they did not prepare for were the challenges created by forces that culminated in the 1960s.

While acknowledging the breathtaking progress in civil rights witnessed in the 1960s, Stanley Kurtz focuses on the deleterious transformations that America's founding liberalism underwent in that decade of dazzling change. Offering a largely sociological interpretation, Kurtz argues that in the 1960s, liberalism, or the progressive liberalism that continues to dominate among our cultural elites, became a kind of secular religion—and in crucial respects, an illiberal religion. By religion, Kurtz means “an encompassing world-view that answers the big questions about life, dignifies our daily exertions with higher significance, and provides a rationale for meaningful collective action.” The transformation of liberalism into a religion stemmed from liberalism's success. For as traditional religion declined, partly as a result of the quest for the personal freedom inspired by classical liberalism, many individuals sought ultimate meaning and nonnegotiable ideals in the mission to continuously expand the meaning of individual freedom and human equality. This infusion of holy significance into progressive liberalism, according to Kurtz, inclined the faithful to view those who opposed them—on abortion, affirmative action, feminism, the environment—as not merely mistaken but as enemies to be silenced, stigmatized, and routed from the field.

The tendency of liberalism to become a religion was anticipated in the nineteenth century, Kurtz points out, by the great French sociologist Emile Durkheim. Durkheim viewed the rise of the liberal doctrine of universal human rights with hope. He saw

it as a new organizing principle that could take the place of traditional religion in anchoring communal solidarities. But solidarity with those who suffer has proved too insubstantial a creed. And the inherent individualism of liberalism proved destabilizing. The “religion of rights,” as Kurtz calls it, can undermine individual freedom by demanding unbending fidelity to a debatable political agenda. Instead of living with the tension between liberty and virtue as did America’s founding liberalism, the left-liberalism that emerged from the 1960s suppresses virtue’s claims in the name of freedom and equality.

The chapters in Part II are written in response to the shortcomings of public policy over the last 30 years in dealing adequately with the distressing tendencies that Kurtz analyzes. But they also reflect the belief that America’s founding liberalism continues to provide a standard for evaluating and correcting contemporary liberalism’s excesses and unwise tendencies.

Focusing on recent political and legal history, and proceeding much in the spirit of Tocqueville’s analysis of the role of associations in nourishing democracy in America, David Davenport and Hanna Skandera examine civic associations and their impact on our virtues and values. Like Robert Putnam, who argued in the 1990s that the capacity of civic associations to produce social capital, or those “features of social organization such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit,”¹ was on the decline, Davenport and Skandera see worrisome developments. They are particularly concerned about the changing relation between civic associations and government. Increased federal funding of not-for-profit organizations, especially in the 1960s as a result of President Johnson’s Great Society programs, increased the dependence of civic asso-

1. Robert D. Putnam, “Bowling Alone: America’s Declining Social Capital,” *Journal of Democracy* 6, no. 1 (January 1995): 67.

ciations on government. Finding federal funding addictive, more and more civic associations were driven to change their agenda, moving in an explicitly political direction. This led them to become less a counterweight to than an arm of government. Moreover, in a series of important cases interpreting antidiscrimination law, the Supreme Court took steps to remove from civic associations control over decisions about their membership. According to Davenport and Skandera, these cases have had the unfortunate effect of undermining the capacity of civic associations to agree on values and foster virtues. Government action also has taken its toll on the independence and robustness of civic associations through onerous taxation, unfriendly property and zoning laws, and heavy regulation.

But Davenport and Skandera discern promising developments. From the first President Bush's vision of a "thousand points of light" through the Charitable Choice legislation that President Clinton signed into law as part of the 1996 welfare reform law to the second President Bush's faith-based initiative, Davenport and Skandera observe a growing understanding on the part of leaders in both parties that for government to reap the benefits of civic associations, it must find a way to preserve them in their independence, not to conscript them in the service of government.

In Chapter 4, Chester E. Finn Jr. argues that public school education in the United States faces a related paradox:

Because we cherish freedom as a core value and insist that the state is the creature of its citizens, we are loath to allow state-run institutions to instruct tomorrow's citizens in how to think, how to conduct themselves, and what to believe. Because a free society is not self-maintaining, however, because its citizens must know something about democracy and individual rights and responsibilities, and because they must also learn how to behave in a law-abiding way that generally conforms to basic societal norms and values, it is the obligation of all educational

institutions, including primary and secondary schools, to assist in the transmission of these core ideas, habits, and skills.

In Finn's view, however, public schools of late have done a poor job in managing this paradox. Indeed, they increasingly have come to have a positively ill influence on students' virtues and values by teaching that virtues are fictitious, values are relative, democracy is an arbitrary preference, and the aim of education is not the acquisition of knowledge and the cultivation of the mind but the promotion of self-expression and the enjoyment of self-esteem.

Reforming the public schools, Finn cautions, will be complicated. For one thing, funding, and hence control, does not come from a single source but from the federal, state, and local levels. Although the federal government has expanded its role in the last 25 years in response to alarming studies that exposed the failure of public high schools to teach their graduates the basics of reading and writing, each level of government has retained a role in establishing the content of the curriculum. In addition, the reform known as "character education" has proved, in Finn's estimation, counterproductive. This is partly because most of what we call character cannot be instilled through book learning. It is partly because under the rubric of "social studies," public schools have sought to teach a narrow left-liberal political activism as the sole legitimate interpretation of our constitutional tradition. It is partly because teachers, owing to their hypersensitivity to opinions that do not conform precisely to today's dominant sensibility, have purged from the curriculum many classic works that offer invaluable instruction about right and wrong, human tragedy and comedy, and the inexhaustible intricacies of the human heart. And it is partly because educators have convinced themselves that the purpose of education is to encourage students to develop their own perspective on America rather than to learn what actually happened in history and why America is worth respecting. Finn

finds hope in the school choice movement, not as an alternative to public schools but as a competitor and spur. Still, he reminds us, even in the best case, students spend a very limited portion of their lives in school, and therefore schools, public or private, cannot replace or compensate for—they can at best supplement—the education of character that takes place outside of school, particularly in the family.

Douglas Kmiec agrees that marriage and family are the foundation of education for liberty. Writing from a natural law perspective that is self-consciously religious and determinedly rational, Kmiec openly affirms that his position is “built on the paradox that we find individual freedom through obedience to our human natures.” Today, marriage and the family, Kmiec argues, run contrary to our natures and thus are in a state of disarray. Divorce and illegitimacy rates remain high, single parenthood is common and on the upsurge, and family size continues to decline. Kmiec traces much of the problem to the predominate vision of marriage as a contract, flowing from the spirit of contemporary liberalism, in which spouses see themselves as individual partners cooperating for mutual advantage. By contrast, marriage as a mutual covenant, which Kmiec refers to as religious but which he insists is shown by reason to perfect our natures, envisages the “indissoluble completion of two otherwise incomplete individuals.” In contemporary America, the individualist, or contractual, vision of marriage is reinforced in many ways: by the common teachings of school textbooks; by Supreme Court jurisprudence that insists upon strict separation of church and state; by state property laws that view spouses as individuals with distinct economic interests; by the propensity of women as well as men to elevate careers over family; by the routine reliance on day care; and by suburban communities that isolate families, both from neighbors and relatives.

Yet Kmiec is no pessimist. A free society gives individuals the

opportunity to change social arrangements and alter the laws under which they live. Accordingly, Kmiec offers several proposals for strengthening marriage: revising “no-fault” divorce laws by requiring waiting periods and mediation; reviving the common law tort of “alienation of affections,” which in cases of infidelity allows a spouse to sue his marriage partner’s lover; ensuring in the event of divorce that caring for the children will be a top priority in the distribution of marital assets; providing more effective pre-marriage counseling concerning the rigors and rewards of marriage; and exploring means for restoring a proper balance between work and family. Kmiec is keenly aware that these reforms cut against the governing ethos of the age. He also is convinced that they would serve the best interests of individuals and of society. They would improve the prospects for spouses and parents to achieve lifelong happiness and for children to enjoy the stability and love in which the acquisition of basic virtues and the formation of sound values are rooted.

All political societies depend on the practice of virtue and the preservation of core values, but perhaps none more so than a liberal democracy, where equality in freedom enables individuals to live by their own lights and gives them large scope for making bad choices and indulging silly or false opinions. Threats to our virtues and values as well as to the beliefs, practices, and associations that sustain them come from many directions: popular culture, market excesses, foreign enemies. The contributors to this volume have tended to focus on the threats that come from a peculiar form of liberalism. Their warnings are animated by a common concern for freedom. And an optimism: So long as we enjoy the freedom of self-government, we have the opportunity to fortify the virtues and values that enable us to maintain ourselves as a free people.