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A Political Idea That Won't Go Away: Implications of Moral Law for America's Founding and Future

Greg Forster, Ph.D.

RYAN MESSMORE: The recent election gave new energy and attention to an age-old challenge: the need to bring people together and build consensus on moral and political issues. At the DeVos Center, we are particularly interested in where people derive their sense of justice, freedom, right, and other fundamental concepts and what makes meaningful conversation about these topics possible in a pluralistic society.

Dr. Greg Forster has written a helpful book that wrestles with some of these same questions. In it, he explores the concept of a natural moral law, the idea that human beings have an inherent sense of right and wrong. This concept has been a key driver of much Christian political thought in the West. It exercised significant influence on America's Founding Fathers and has helped to shape the development of fundamental tenets of liberal democracy.

We are pleased to have Dr. Forster here with us today to explore the implications of moral law both for America's founding and for her future.

Dr. Forster received his Ph.D. in political science from Yale University. He has served as Senior Research Associate at the Manhattan Institute and as Director of Research at the Friedman Foundation for Educational Choice. He recently joined the Kern Family Foundation as Program Director for American History, Economics, and Religion, where he identifies and manages grant activities that help build the intellectual infrastructure of a free and just society.

Dr. Forster is the author of several books, including *John Locke's Politics of Moral Consensus* and his latest,

Talking Points

- The question is not *whether* there are moral laws at the heart of politics, but *which* moral laws are at the heart of politics.
- The idea that government should be based on moral law has always been the majority view across cultures and time periods. In particular, the American Founders were interested in grounding government on an idea of justice—moral law—that was shared among humanity in common.
- There is nothing more practical, more necessary for the nuts and bolts of everyday governing, than a robust sense of the moral law on which government is based.

This paper, in its entirety, can be found at:
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The Contested Public Square: The Crisis of Christianity and Politics. In addition, his articles have appeared in leading newspapers and scholarly journals, and, most important, he is the proud father of a three-year old named Anya.

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GREG FORSTER, Ph.D.: I had wanted to speak to you on the subject of the desperate need for a federal bailout of scholars of political philosophy, but Ryan suggested that perhaps a more appropriate subject would be “A Political Idea That Won’t Go Away: Implications of Moral Law for America’s Founding and Future.”

What is this idea that won’t go away, the idea that politics should be based on some conception of moral law?

Moral Law and Limits on Government Authority

First of all, it’s always important to clarify that this idea is not implying that all moral laws are politically enforceable. No one, to my knowledge, has a vision of setting up a moral police force that will have an unlimited mandate to enforce a total vision of the moral good in all aspects of human life.

Indeed, as far back as political philosophy reaches, we find a distinction between moral laws that are politically enforceable and moral laws that are not politically enforceable. For example, the moral law against murder is politically enforceable. Theft, fraud, breaking contracts—these moral laws are politically enforceable.

On the other hand, I’m not aware of anyone who wants the moral law against pride to be politically enforced. Indeed, for the past 2,000 years, while Christian theologians and philosophers have held pretty consistently that pride is the worst of all sins, I’m not aware of any of them who thought that there should be a law against pride, and if any such proposal exists, it certainly never got widespread support. So at the same time as pride is considered to be the worst moral sin, there is no political prohibition sought out against it.

In fact, over time, we find this distinction between political laws that are and are not enforceable getting more sharply drawn and narrower. That is, the set of moral laws that are considered to be politically enforceable has been shrinking.

I think this distinction is only implicit in most of the pre-Christian political thought, Plato and Aristotle. It’s difficult to imagine Aristotle thinking that all moral laws are politically enforceable, but Aristotle doesn’t consider this to be a really important subject, and he doesn’t devote a lot of attention to it.

Whereas the early Christians, because of the persecution of Christianity, begin arguing—what? “Government should not be interfering with our religion. Government should not be forbidding our religion.” So there you have a sharply drawn limit on the authority of government. What they argued was, “We are good citizens, and that’s what counts.” While they did not develop that idea more generally in their own time, it went on later to have very radical consequences.

After Christianity became the majority religion in the West, Christians did not simply abandon this idea of a limit on government authority. Quite the opposite: I think no one has ever improved on Augustine’s position that the tendency to elevate politics to a more important place in human life than the modest place that it ought to have is a reflection of man’s sinful desire to play God. I think Milton Friedman could not have put it better, for all of his genius in articulating the principles of freedom.

Indeed, this distinction that some moral laws are not politically enforceable is itself considered to be a moral law. It’s one of the moral laws that are politically enforceable, that you should not politically enforce moral laws that don’t lend themselves to political enforcement or that are not appropriate for political enforcement.

So the idea of politics based on moral law is not inherently tyrannical or totalist. It does not imply an unlimited mandate to impose a total vision of the good. Quite the contrary: It is the only possible basis for limits on government authority. If you want to say government should not enforce certain moral laws, that word “should” implies there is at least one moral law at the heart of politics. And once you’ve implied that, then the question is not *whether*

there are moral laws at the heart of politics, but *which* moral laws are at the heart of politics.

Politics Requires Moral Law

Having taken this necessary digression to talk about what this idea is not, let me tell you what I think this idea is. I think the argument is that there is no other possible basis for politics besides these politically enforceable moral laws. If you are looking for a basis for politics, the only place you will find it is in an idea of moral laws that are politically enforceable.

If you look back over the history of political philosophy, there have been a number of attempts to find a justification for politics in other places, and what it always seems to boil down to is some psychological need. The argument is that in human nature there is some psychological need that politics satisfies. To take one example, Thomas Hobbes argues that the desire for self-preservation is the strongest desire in human nature, and this is why we have politics and why we should have politics.

There are two major problems, at least, with all of these attempts to ground politics in some psychological need. One is that the accounts of psychology they use are not true. For example, it is not true that the desire for self-preservation is the strongest desire in human psychology. If you doubt that, you can open a newspaper and find out that there are lots of people in the world who are perfectly prepared to sacrifice their own self-preservation for all kinds of ends, good ends and bad ends.

Just last week I was struck when the writer Mark Steyn noted that on a trip to Guantanamo Bay, he had met a psychiatrist whose job was to monitor the mental health of the inmates, and he reflected that monitoring the mental health of terrorists who set out to blow themselves up in order to kill innocent people is an inherently problematic undertaking. He says that he asked, “If a suicide bomber is suffering from depression, how can you tell?” Alas, he does not report the answer that he got. I would love to hear the answer to that question.

The point is that it is simply not true that self-preservation trumps all other desires in human psychology. While other theorists have found other

bases in human psychology, these other theories generally turn out not to be true as well.

But that is only one problem. Let’s stipulate, for sake of argument, that the amoral theorists of politics are right in their account of human psychology. This would only provide an explanation of political behavior, not a justification for political behavior, and a justification for political behavior is needed.

In other words, politics requires moral law. You can call it something else, and in fact a lot of the activity of the professional political theorists in the 20th century has been aimed at finding some other label—“normative principles” or whatever you choose—but ultimately, we’re talking about moral law.

Politics Is Ruling by Authority

Politics requires moral law because it requires a concept of obligation. The whole question of politics arises because people disagree, and they often cannot settle their disagreements peacefully.

If I think I’m right and you think you’re right, if I think that you’ve cheated me and you think that you’ve treated me fairly, then we have a conflict. Perhaps we could settle this conflict peacefully. We could talk about it, and I could convince you to change your mind, or you could convince me to change my mind. If not, then perhaps we could come to some compromise. Even if both of us continue to think that each of us is in the right, we may come to some settlement, and if we do so peacefully, then no political involvement, no political question, need be involved. But often people cannot settle their differences peacefully on their own, and that’s when politics enters the picture.

There are only two ways for politics to settle these disputes that people cannot settle peacefully: by persuasion or by force.

When I say by persuasion, rule by persuasion, I’m not talking about persuading people to change their minds about the rightness or wrongness of their position. If you can persuade someone that in fact he wasn’t cheated, then you haven’t done anything political. You’ve only just perpetuated this process of talking with each other about whether or not there was cheating going on.

I'm talking about persuading people to submit to an authoritative decision-maker. If we go to court, and the judge decides that you're right and I'm wrong but I still think I'm right, then someone needs to persuade me that even though I think I'm right, I should submit to the authority of the judge as the arbiter of that dispute.

This persuasion to submit oneself to the decision-making of another, even when one thinks that decision was wrongly made, requires a concept of authority. Someone needs to be the authoritative decision-maker, and there needs to be an obligation. This is what authority means. There needs to be an obligation to submit to that person's decision-making, and that is moral law: the idea that you ought to submit to this decision-maker. That word "ought" implies the moral element, and that's what politics is.

This, by the way, is what the classical social contract theorists had in mind when they talked about rule by consent. Rule by consent does not mean democracy. For example, John Locke talks about democracy, but that's not what he's talking about when he talks about rule by consent. He's talking about something completely different. This is why the classical political theorists are able to say that there was rule by consent under feudalism in the Middle Ages: The feudal lords ruled by consent because they did not rule simply by brutally suppressing by force every time people disagreed with their rule, but rather, people felt they had an obligation to obey the feudal lord.

We don't feel that we would have an obligation to obey if someone tried to impose feudalism on us, and Locke would argue that's because feudalism is not appropriate to our social situation and so forth. But the point is that people obeyed because they felt they had an obligation to obey, and we today obey our government because we feel we have an obligation to obey it. Rule by consent is consistently seen in the basis of politics.

Ruling by Force Is Not Politics

The only alternative to rule by persuading people to submit to an authority is rule by force. You can, if you wish, force people to submit to your rule without persuading them that your rule is right. Among

those who believe in this idea of moral law in the basis of politics, this is called tyranny. If you remove the moral element from politics, what you have is tyranny; you have rule by brute force. And if rule is by brute force, then it has no basis in justice; it has no justification. Why should a dictator be allowed to impose his rule on others if it has no basis in right and wrong?

Classically, it was considered that this was not politics at all. When you have rule by brute force, you do not have politics; you have, simply, criminality on a larger scale. This idea has its roots in Plato and Aristotle. It finds its first really concrete and formulated expression in Cicero; at least that's the most profound articulation in the classical world, where Cicero says that the definition of a political community is a group of people who have a shared sense of justice, a shared idea of justice, and are communally committed to that idea.

This is what makes a group of people a political community, not simply a group of people. If you just go around the world and collect people at random and put them together in one place, you have not got a political community. What you need to get a political community is a shared sense of justice.

Cicero says, "When I behold a tyrant, I know not only that the community is corrupt, but that it is not a political community at all." So we should not even speak of a tyranny as a political community. This idea finds continued expression after Cicero in the history of Western political thought.

Augustine, a great student of Cicero, has a famous line where he says, "If you take away justice, kingdoms are nothing but criminals on a large scale, and criminals are nothing but kingdoms on a small scale." Unfortunately, that first phrase, "If you take away justice," is often omitted when people quote this, and people get the idea that Augustine thinks there's no distinction at all between kingdoms and criminals. In fact, his point is that if you take away justice, there's no distinction, but if government rules on the basis of justice, then there is a distinction, and a crucial one: that the kingdom that rules with a basis of justice is a political activity, but a kingdom that rules without a basis in justice is not engaged in politics at all. It's not a kingdom at all. It's just a giant band of criminals.

Religious Freedom and Liberal Democracy

This idea that government should be based on moral law has always been the majority view. One finds it as the majority view across cultures, across time periods. Of course, it has often been the case that government did not in fact govern justly; but when government governed unjustly, people called that unjust and complained about it. So the view was always that government should be based on justice, even where it wasn't.

In particular, it was this view that government should be based on moral law that drove both the development of many of the key political philosophical advances that preceded the American Founding and the American Founding itself.

For example, people often have the idea that religious freedom comes historically from a reduction in the importance of moral law for government, but this is the opposite of the truth. People became persuaded that the moral law required religious freedom; that is, that enforcing faith on people by law was against morality—was unfair, to put it bluntly; that fairness required government that was based not on religious faith, but on a concept of justice that was shared among human beings, not rooted in any particular faith.

Similarly, the developments that we refer to generally as “liberal democracy” were driven by a commitment to government based on moral law. For example, the separation of powers into legislative, executive, and judicial branches and the idea of elected representatives so that you have a middle way between direct democracy on the one hand and aristocracy on the other—these developments which, cumulatively, we call liberal democracy were driven by a desire to make government more just.

We want these things—separation of powers and representative democracy and so forth—because they make government more just. It was a commitment to justice, to moral law, that drove this development.

The American Founding

One can see this particularly in the American Founding, which is, at least for Americans, the cul-

mination of the rise of religious freedom and the rise of liberal democracy.

There seem to be two equal and opposite misconceptions about the American Founding which are very widely held. On the one hand, there is an idea of an amoral American Founding—or, if not radically amoral, at least an American Founding that sought to reduce the importance of moral law to politics; a view that grounds the American Founding historically in the Continental anti-Christian enlightenment; a view that emphasizes that the American Founders were a bunch of deists, and they wanted to reduce the moralism of government.

This, I think, is clearly inconsistent with the historical record. Although obviously some Founders are deists, and there is some evidence pointing in this direction, on the whole, it's not an accurate picture.

On the other hand, there seems to be an equal and opposite misconception that the American Founders were theocrats, or wanted a biblical republic modeled on the Massachusetts Bay Colony or Calvin's Geneva or Scotland or any of the other examples of biblical republics from the 16th and 17th centuries. One finds this view largely because many people see the evidence that the American Founders are Christians, for the most part are evangelical, are very passionate about their commitment to Christianity and see a role for religion in the public life of the nation. Therefore, they must have been in favor of this vision of a theocratic government.

I think that also is inconsistent with the historical record. Rather, the American Founders, by and large, were interested in grounding government on an idea of justice—moral law—that was shared among humanity in common. In Christian political thought, this is called “natural law.” There are other names for it, but the idea is that God has given all human beings reason and conscience and that, through these faculties, everyone has some awareness of right and wrong and that this common human idea of justice is the basis of politics.

One great example where you can find this is in the *Federalist Papers*. For anyone who has, or who would like to have, a career in anything political in the United States, I strongly recommend sitting

down and reading through the *Federalist Papers*—not just the famous ones, but the whole book.

It's a very practical book. It's focused not on airy, abstract philosophizing. It's about the day-to-day problems of governing a society. Yet it keeps coming back, time and again, to questions of justice: How do we make government more fair?

This illustrates, I think, that for the American Founders, nothing was more practical than justice, understood as a moral law. There is nothing more practical, more necessary for the nuts and bolts of everyday governing, than a robust sense of the moral law on which government is based. To put it the opposite way, nothing is more remote from real experience, nothing more airy and unrealistic, than trying to build an account of politics that does not base politics on moral law.

Two Ideas That Won't Go Away

The title of this talk is “A Political Idea That Won't Go Away,” and I've spent most of my talk articulating what that idea is. Let me conclude with the question of an “idea that won't go away.”

The very title shows you just how deeply ingrained is the expectation that for some reason we ought to expect this idea to go away. In the 20th century, we got many confident predictions that the tide of history was about to sweep this old, discredited, superstitious idea away, that the day of enlightenment was at hand, and that victory was about to be delivered by the forces of history into the hands of those who see no moral foundation for politics.

I think it's clear from the state of political life now that this is not happening. Predictions of the demise of moral politics seem to have been greatly exaggerated, and it seems to be clear now, even to the people who don't share this idea, that this is an idea that is not going away.

However, the idea that politics should not be based on moral law is also not going away, and it's not *going* to go away. As far back as the history of political philosophy reaches, if you go back to the earliest political philosophy, we find these two ideas already locked in a mortal struggle—a seemingly eternal mortal struggle. The idea of moral politics and the idea of amoral politics are already present,

already formulated, and already fighting each other even in the earliest political philosophy.

The idea of moral politics, as I have said, is always found to be in the majority among the population, but the idea of amoral politics always finds a following among a small group of influential social elites and thus is a force to be reckoned with wherever we turn in the historical record. I'm tempted to say that the main difference seems to be that people who advocate moral politics generally don't claim to be riding on the crest of a historical wave that is about to sweep their opponents away.

But why do we keep expecting this idea to go away? Why do people keep formulating this expectation that history is about to sweep this idea away? Partly, it is because people want to evade moral obligation. If we say and believe as a nation that government is based on moral law, that will have an effect on public policy. Certain things will be forbidden that would otherwise be permitted, and people want to do those things. So if people want to do those things, they don't want the idea of politics based on moral law.

I don't want to give the impression that that is the only—or even the most important—reason that people support amoral politics and expect moral politics to go away. People also fear that the wrong moral laws will be enforced if we permit the enforcement of moral laws, and, indeed, this fear has legitimate historical grounding. Fairly often, we find moral laws that shouldn't be enforced being enforced in the historical record, and a lot of suffering has come out of that. It is a real problem, and we would do well not to try to evade that real problem.

The argument for moral politics is not that the idea is always rightly implemented, but simply that there is no alternative: that wherever you turn you will be driven back to the need for a justification of politics. The word “justification” itself implies a moral law by which things are justified.

The Need for Social Consensus on Moral Law

Indeed, the question of which moral laws ought to be enforced and which ought not to be enforced is probably more acute now than it has ever been. It is certainly more acute now than it

has been in recent history, and by recent I'm using a long time span.

Politics requires not only an idea of right and wrong, but also a social consensus about that idea, a social consensus about what justice is. If we're going to have government, it's going to enforce an idea of justice, and if government is going to enforce an idea of justice, that idea had better be grounded in a social consensus. If you have government enforcing an idea of justice that most people think is wrong, you're headed for a major crisis that will have a lot of negative consequences.

The existence of a social consensus on justice for most of our history was reinforced by a shared community religion. This was one of the main arguments why we should have government enforcement of a shared religion. Society needed it because it needed to have this consensus on justice. Now that we have religious freedom, we no longer have a shared community religion, and because we don't have a shared community religion, we don't have that reinforcement of a social consensus about justice.

We can't go back on religious freedom. We can't go back to having a shared community religion enforced by law, nor should we go back. But given that we can't and shouldn't go back—that religious freedom was the right choice to make—how do we maintain social consensus about justice in the absence of a shared community religion?

The original advocates of religious freedom in the 17th century and before did not usually seem to think that there would be a problem. They didn't provide us with any account of how we could do this because it wasn't on their radar. If you look at John Locke, for example, the paradigmatic early advocate of religious freedom—indeed, the one who stands right at the historical fulcrum where religious freedom begins to become predominant—this is just a thought that does not seem to even occur to him, that there would be difficulty maintaining social consensus about justice without a shared religion.

In Locke's defense, and in defense of the other early advocates of religious freedom, it should be said that this was only a hypothetical problem in their time. After the rise of religious freedom

when this becomes a concrete problem, people become aware of it pretty quickly. But subsequent generations have not yet figured out a good answer to this problem.

I think that the greatest mind that ever set itself to solving this problem was Tocqueville, and many people seem to have an impression that Tocqueville came up with the answer. They say, "Tocqueville gave us the answer: You need strong churches, strong families, and strong voluntary associations, and that will maintain the moral foundations of liberal democracy."

Tocqueville certainly did say that *if* you can maintain strong churches, strong families, and strong voluntary associations, that would be adequate to maintain the moral foundations of liberal democracy, but Tocqueville goes on to say that the very same forces in liberal democracy that force you to work to reinforce this moral foundation are undermining strong families, strong churches, and strong voluntary associations. Over time, we can expect that the social conditions of liberal democracy will undermine strong families, strong churches, and strong voluntary associations.

The last century and a half or so since he wrote does not seem to give much ground for doubting the importance of that cautionary note. If anything, he seems to have been fairly broadly vindicated on that.

If Tocqueville didn't have the answer and didn't pretend to have the answer, I'm certainly not going to pretend that I have the answer. I don't have the answer. So, on that perennial question of what do we do now, the only thing I can say is: I don't know the answer, but I do know that the first step, if you don't know the answer, is to understand the question; that we need to work harder as a nation, as a society, to understand the nature of the problem better; and that that is a necessary first step to finding the answer. We should be focused not on trying to impose some understanding that we have already developed, but rather on trying to work out the problem and figure out a solution that will work in our own time.

To take an example to illustrate this, housing policy is much in the news lately, and it's conceived of almost entirely without reference to questions like

justice. It's conceived of largely in terms of what will produce prosperity, what will produce an efficiently functioning economy, and so forth. But it seems to me we haven't really grasped the issue unless we include the question: Does justice require government policy to coerce banks to give mortgages to less creditworthy applicants, or does justice forbid government policy to coerce banks to give mortgages to less creditworthy recipients? One could extend that question by analogy to other economic issues.

Conclusion

This is just an example, but it's an illustration of the need to bring in this issue of justice in our discussions of public policy. The widespread talk about morality in politics may lead to an impression that we are already saturated with moralism in our politics.

I think you can see the moral element implicit in a lot of places, but we need to do a better job of addressing it, first of all, explicitly and, second of all, in a better articulated manner and in a manner that understands that we don't yet have the answer to this problem of social consensus. We need to see this as an unsolved problem.

Questions & Answers

ZACHARY CAGLEY: I can only find myself in agreement with your repudiation of Hobbes. I do have a question: If survival isn't the strongest desire for humanity, what is the strongest desire? And is that a natural state, with reference to St. Augustine, or is it a deviation from nature?

GREG FORSTER: I think part of our current problem is that we are not comfortable with whether politics should answer that question. I tentatively think my position would be that politics cannot impose a shared answer to that question without giving up on the idea of freedom of religion.

Christianity—you mentioned Augustine—teaches that for the natural man, the strongest desire is to play God. This is why, as I mentioned, pride is considered to be the worst sin; but for those who have received the regenerating power of the Holy Spirit, that is no longer the strongest desire. Of course, those who do not accept Christianity are not going to accept this view. It seems to me that if you answer

that question in a political system, you've given up on freedom of religion. Again, whether you can come up with a social consensus on justice without answering that question is a difficult problem that I don't have the answer to.

Since you asked me my own opinion, being a Christian myself, I share the view that for the natural man, the desire to play God is the strongest desire. But I don't want to enforce that politically because of my commitment to freedom of religion.

DINO DRUDY: The question I have for you is whether the distinction between moral government or its alternative—you called it tyranny; I would call it government by force—is in fact an artificial distinction, that moral government is simply a special case of government by force, or a special case of consensus.

In this country, for example, consent at various junctures has been enforced at bayonet point, particularly vis-à-vis the states of the South. Similarly, even though the 21-year-old drinking age enjoys three to one support among the electorate, it's probably the exact reverse among the 18, 19, and 20-year-olds, nearly all of whom have fake IDs, and they clearly reject the idea, by having fake IDs, of moral support or consent, or they perceive the majority view as simply a form of injustice.

Could you address this argument that it is simply a special case of government by force?

GREG FORSTER: That is the issue, isn't it? The argument against government based on moral law is that all government is ultimately government by force and that those who advocate government based on moral law are simply advocating a form of government based on force.

There is certainly no disagreement that without force you're not dealing with government, that government exists to enforce its position. When you say, "Is this simply government by force?" I think the key word is "simply." No one denies that force is necessary to government. The question is whether that force is justified and accompanied by a larger political community that is primarily ruled not by force, but by persuasion of authority.

The subset of cases where force is necessary is actually a small subset of the total cases of political

decision-making. Most political decisions are not actually, in practice, enforced by soldiers or police officers pulling out their guns and forcing people to do things. When a court makes a decision, usually people submit to it not because there's a bailiff in the court with a gun, but because they believe they have an obligation to obey because the court is the authoritative decision-maker. This is an empirical question as to whether that's usually the case, and that's the argument we're having between these two schools of thought.

Again, the position of those who advocate politics based on moral law is that, ultimately, politics requires justification because if it doesn't have justification, it's not politics; it's mere force against simply force, and simply force is not politics unless you're prepared to say that when a mugger takes your wallet, he's engaged in ruling you as your political ruler, in which case the concept of politics has been expanded so broadly that it becomes capacious.

So if we believe there is a distinct human activity called politics, the only way to conceive of that is as the sphere of human activity grounded in authority and enforced by coercive power. I think that would be the response. In any event, what you're raising is the fundamental challenge of the opposite view to the view that I'm articulating.

JOE LOCONTE: One of the things you've been alluding to is this evaporation of the moral consensus on big questions: human sexuality, the nature of marriage, fatherhood—things you didn't explicitly say but I think are probably implied in your talk.

My question is: What aspect of that moral law, broadly understood, would you love to see renewed somehow in our cultural life and our institutions? And how might conservatives go about that in a way that speaks to people's aspirations rather than in a way that's more judgmental or scolding, which tends to be a problem in the conservative ranks?

GREG FORSTER: Just to digress before I give you the direct answer: That element of scolding, I think, largely comes from the conception of the problem as being that America simply needs to become more moral. Certainly there is always room for any population to become more moral. Indeed, being a Christian, I hold that view rather strongly.

But that is not, strictly speaking, a specifically political issue. Exhorting people to become more moral should be primarily the job of families and churches and voluntary associations.

But getting to your specific question, I would not say that these social issues you name are the particular focus of this issue. I tried to illustrate that by mentioning housing policy. I think this applies everywhere. Certainly it does apply to the social issues, and perhaps these social issues are the ones where we are most acutely aware that this is the issue.

If you ask me, "What is one aspect that I would most like to see restored?" I have again a tentative answer. My tentative answer would be promise-keeping. The moral law of promise-keeping is clearly a moral law that is appropriate for political enforcement. That's what a contract is: It's a promise.

Again, housing policy—people applying for mortgages they know they can't afford. Banks giving out mortgages that they know are very likely to default.

Or you mentioned marriage. What is the classical argument for a strong marriage policy? It's not based on sexual morality at all. As C. S. Lewis said, there is not a special kind of morality called "sexual morality" any more than stealing fruit is an offense against some special subset of morality called "fruit morality." If you steal my apple, you're not violating fruit morality; you're simply violating morality. He said that in the context of a discussion of marriage, and he advocated, primarily, that what we need is a restoration of the idea that marriage is a promise. It's a contract, and violating it comes not under the head of sexual morality but under the head of justice; that is, keeping your promises to people. One could expand on this theme broadly and apply it to other areas of policy.

It seems to me this is an area where we don't have religious differences over promise-keeping. It's not a specifically Christian teaching that if you make a public promise, and you sign your name on a piece of paper to it so that there's no doubt about whether you made the promise and what exactly you were promising to do, you ought to keep that promise.

If ever there were an example of a moral idea that's shared by humanity in general, there it is. Yet

we have all sorts of social crises, from the housing crisis to marriage to whatever you want to name, that go down at root to the fact that people don't feel a strong moral injunction to keep their promises. So off the top of my head, that's the one I would choose.

BRIAN BROWN: Harvey Mansfield was here a couple months ago, and he spoke about the trend in politics where politicians justify their decisions based on necessity—we needed to go to war in Iraq, we need to do this, we need to do that—as opposed to it's right to do it.

A lot of what you've spoken on is bottom-up—people need to be more moral so we can have better politics—but what about the other way around? What is the role that you see for politicians, other than the bully pulpit, as far as continuing this conversation?

GREG FORSTER: If by the bully pulpit you mean politicians exhorting people to be more moral in their personal behavior, I think the importance of that is rather low compared to the importance of churches and families and other non-political institutions involved in character formation. When it comes to politics, the primary place where politics intersects with morality is in the institution of moral laws as criminal laws and other political actions.

For example, you mentioned the war. Implicit in all of our political rhetoric is the moral question, but it is not sufficiently made explicit. I think the moral element in politics is so pervasive that one does not in fact find politicians talking as though there were no such thing as right and wrong. However, politicians do not feel comfortable very often saying, "This is the right thing to do."

In international affairs, this is particularly complicated by the fact that we are, in John Quincy Adams's words, the friends of freedom everywhere but the custodians only of our own. That's a much misunderstood phrase. What does it mean to be the friend of freedom everywhere? It's not actually an isolationist position, is it?

If we're to be the friend of freedom everywhere, that has implications for our behavior. However, we are the special custodian only of our own liberty, not of the liberty of other people, and traditional moral law does say nations have a special obligation to

their own citizens that they don't have to others, even though they do have moral obligations to others. So in international affairs, this is a particularly touchy problem.

I think the main way that government influences people's moral formation is the sense that both the laws and the actions of government reflect a moral order, and this influences people's personal morality much more than the President getting up behind a podium and wagging his finger and telling people to be more moral. Somebody said, "It's true that people support the hanging of thieves primarily because they think theft is wrong, not because theft is against the law; however, one of the reasons people think theft is wrong is they see thieves hung."

The fact that government enforces these laws and does so consciously as the embodiment of a moral order used to be one of the primary influences shaping people's personal morality, and recovering that sense that government is founded on a moral order is going to be one crucial element of restoring people's personal morality because it provides an element that only politics can provide. For all the importance of families and churches and voluntary associations and so forth in the formation of moral character, there is this element that only politics can provide.

STUART ROYTER: Within the context of your speech, how do you reconcile the different moralities such as our Constitution versus Shar'ia law or Islamic requirements upon people, which leads to beheadings, amputations, et cetera?

GREG FORSTER: This is an old problem, of course, for the philosophy of religious freedom. One finds it in John Locke's *A Letter Concerning Toleration*, which is sort of the touchstone of early religious freedom thought.

Often, Locke's comments about the problem of accommodating Muslim citizens are taken simply as a cover for talking about the problem of accommodating Catholic citizens in Protestant England. But while some of what he says is clearly just code for talking about the problem of accommodating Catholic citizens in Protestant England, I think a lot of it is aimed specifically at Muslims.

Just a few years before *A Letter Concerning Toleration* appeared, the Ottoman Empire was besieging Vienna. This was a live issue in people's minds, that there are people in the world who believe that their religion teaches that they must be obedient to a foreign ruler and make war upon the unbeliever.

Locke provides, I think, a very good, very serviceable argument for why religion that teaches these things cannot be included under freedom of religion because it's inconsistent with the civil law. If your religion teaches that you need to impose by force your religion on your neighbor, then you can't be allowed to act on that. That has to be opposed.

We need to refrain from imposing our religion on other people, but we need to be highly confident in the rightness of imposing *justice* on people. If we say—and we're right to say it—that imposing your religion on other people is wrong, we need to be highly confident in our right to stop people from imposing their religion on other people, because that's a moral issue.

It comes back again to my argument that you're never going to escape the need for moral law. If you want to oppose the imposition of religion on unbelievers, the forcible imposition of one person's religion on another, the only way you're going to do it

is by saying, "That's wrong, and it's the kind of wrong that government should prevent."

How is it that you get people to be very confident and not doubtful, not self-questioning, not feeling wrong about it? We should not have this sense that we're doing something wrong if we fight people to preserve freedom of religion.

We need to have this robust confidence, the kind of robust confidence that the soldier going out to promote what he believes is his religious duty has. We need to have the confidence that our view is right, and we should have it all the more because our view is right: that stopping that kind of thing is required by justice, and we're right to stop it.

How do you get people to feel that away about enforcing justice in the context of a society where we don't have a shared community religion and government can't appeal to a shared religion as a psychological basis and a moral, metaphysical, intellectual basis for that view? That's the problem I don't have an answer to, but I will not falsify what little I do know is true by retreating either from religious freedom or from the need for a robustly moral political order.

I know we need to have both. How we can maintain both on an ongoing basis is the problem I think we need to address.