

# Freedom or Virtue?

## An Exchange between Doug Bandow and Frederick D. Wilhelmsen

Freedom and Virtue:  
Allies or Antagonists?  
by Doug Bandow

Both freedom and virtue are under assault today. The attack on economic and political freedom is obvious enough. Government takes and spends roughly half of the nation's income. Regulation further extends the power of the state in virtually every area—how one can use one's property, what occupation one can enter, who one can hire, what terms one can offer to prospective employees, with which countries one can trade. Increasing numbers of important, personal decisions are ultimately up to some functionary somewhere, rather than the average citizen.

The problem only got worse during the 1980s despite the election of avowedly conservative presidents. Spending and regulation rose particularly dramatically during the Bush administration. Alas, government is likely to expand even more quickly over the next several years.

Virtue, too, seems to be losing ground daily. Evidence of moral decline was evident enough in the last presidential election. Bill Clinton's widely reported promiscuous adultery makes a mockery of his church attendance; his evasions and lies regarding his draft avoidance suggest that

his commitment to the truth is weak at best. George Bush, while apparently leading a more exemplary personal life, thought nothing of making a promise on taxes that he never intended to keep and appears to have dissembled badly regarding his knowledge of the Iran-Contra affair. The shamelessness and viciousness of his attacks on his opponent on the campaign were also not the stuff of which virtue is made.

Things are scarcely better elsewhere in society. Promiscuity is not just a twentysomething phenomenon; even many preteens are sexually active. Illegitimacy rates continue to rise not only in the inner city but also in middle class America. Dishonesty and theft are the rage: the entire political system is geared to facilitate special interest looting of the taxpayers. Employees as well as customers shop-lift—everywhere. A university band recently distinguished itself by stealing more than \$30,000 worth of merchandise while visiting Japan. Busi-

---

Doug Bandow is a Senior Fellow at the Cato Institute and the author of *Beyond Good Intentions: A Biblical View of Politics*. Frederick D. Wilhelmsen is professor of philosophy and politics at the University of Dallas. He has written over 250 articles and fourteen books. His books include *Christianity and Political Philosophy* and *Being and Knowing*. He is currently preparing a collection of adventures and ruminations of life and sailing the high seas entitled *Under Full Sail: Reflections and Tales*.

ness, too, suffers from a corrupt core, demonstrated by Ivan Boesky and his ilk.

Some elements of our society have attacked both freedom and virtue. Much of the left, for instance, believes in “choice” if it means moral relativism and escape from responsibility, but abhors “choice” if it means private individuals making informed decisions about their children, kids’ educations, jobs, and other aspects of their lives.

Alas, some advocates of liberty and virtue have compounded the problem by unnecessarily setting the two against each other. A number of members of the more “libertarian” right dismiss virtue as a matter of concern, while some more traditional conservatives want the state to circumscribe individual freedom to promote “morality.” Both of these groups see freedom and virtue as frequent antagonists, if not permanent opponents. At the very least, they suggest, you cannot maximize both of them, but, instead, have to choose which to promote and which to restrict.

However, it is a mistake to assume that one must be sacrificed for the other. Freedom and virtue are related, but are complementary. That is, liberty—the right to exercise choice, free from coercive state regulation—is a necessary precondition for virtue. And virtue is ultimately necessary for the survival of liberty.

Virtue cannot exist without freedom, without the right to make moral choices. By virtue I mean the dictionary definition: moral excellence, goodness, righteousness. Coerced acts of conformity with some moral norm, however good, do not represent virtue; rather, the compliance with that norm must be voluntary.

There are times, of course, when coercion is absolutely necessary—most importantly, to protect the rights of others by enforcing an *inter*-personal moral code governing the relations of one to another.

The criminal law is an obvious example, as is the enforcement of contracts and property rights. But is coercion justified to promote virtue, that is, to impose a standard of *intra*-personal morality? At stake are some of the most controversial issues: drug use, pornography, homosexuality, and the like. All of these activities have some social impact and some people argue that it is precisely this impact that justifies state intervention. More powerful, however, is the contrary case against intervention—that most of the ill consequences, such as drug-related crime, are primarily a product of legal prohibition rather than the activity itself. If, in fact, government regulation makes the social problems worse, then the only justification for intervention is to promote virtue.

Our nation’s moral tone is not good; America does not seem to be a particularly virtuous place. And the moral environment seems to have gotten worse in recent days, though, of course, one should have no illusions that a perfect age ever existed. Still, if things have gotten worse, one has to ask: is that because we have become more free, and would becoming less free make America more virtuous? The answers to both questions, I think, are no.

The natural human condition, certainly in Christian theology, and in historical experience, too, is not one of virtue. “There is no one righteous, not even one,” Paul wrote in his letter to the Roman church, citing the Psalms (Rom. 3:10). This explains the necessity of a transcendent plan of redemption.

But societies can be more or less virtuous. Did ours become less so *because* government no longer tried so hard to mold souls? Blaming moral shifts on legal changes mistakes correlation for causation. In fact, America’s onetime cultural consensus eroded even during an era of strict laws

against homosexuality, pornography, and even fornication. Only cracks in this consensus led to changes in the law. In short, as more people viewed sexual mores as a matter of taste rather than a question of right or wrong, the moral underpinnings of the law collapsed, followed by the laws. Only a renewed consensus could allow the re-establishment of the laws.

But government is not a particularly good teacher of virtue. The state tends to be good at simple, blunt tasks, like killing and jailing people. It has been far less successful at reshaping individual consciences. Even if one could pass the laws without changing America's current moral ethic, the result would not be a more virtuous nation. True, there might be fewer overt acts of immorality. But there would be no change in people's hearts. Forcibly preventing people from victimizing themselves does not automatically make them more virtuous, righteous, or good. As Christ instructed his listeners, "Anyone who looks at a woman lustfully has already committed adultery with her in his heart" (Mt. 5:28). A country full of people lusting in their hearts who don't consummate the lust out of fear of arrest is scarcely better than one full of people acting on their sinful whims. It is, in short, one thing to improve appearances, but quite another to improve society's moral core. And God, Jeremiah tells us, looks at the heart (Jer. 17:10).

Indeed, attempting to forcibly make people virtuous would make society itself less virtuous in three important ways. First, individuals would lose the opportunity to exercise virtue. They would not face the same set of temptations and be forced to choose between good and evil. This approach might thereby make their lives easier—it might also make them less vulnerable to a number of diseases. But they would not be more virtuous and society would suffer as a re-

sult. In this dilemma we see the paradox of Christianity: a God of love creates man and provides a means for his redemption, but allows him to choose to do evil. While true Christian liberty means freedom from sin, it seems to be tied to a more common form of freedom, the opportunity to choose whether to respond to God's grace.

Second, to vest government with primary responsibility for promoting virtue shortchanges other institutions, or "governments" in Puritan thought, like the family and church, sapping their vitality. Private social institutions find it easier to lean on the power of coercion than to lead by example, persuade, and solve other problems. Moreover, the law is better at driving immorality underground than eliminating it. As a result, moral problems seem less acute and we are less uncomfortable; we are therefore less likely to work as hard to promote virtue.

Third, making government a moral enforcer encourages abuse by majorities or influential minorities that gain power. If one thing is certain in life, it is that man is sinful. "There is no one righteous, not even one" states a biblical passage that bears repeating. The effect of sin is magnified by the possession and exercise of coercive power. Its possessors can, of course, do good, but history suggests that they are far more likely to do harm. Even in our democratic system majorities are as ready to enact their personal predilections—okaying the use of such dangerous substances as alcohol and tobacco while outlawing marijuana—as uphold real morality.

And as America's traditional Judeo-Christian consensus crumbles we are more likely to see government promoting alternative moral views—teaching that gay unions are normal, and so on. This is possible only if government is given the authority to coercively mold souls in order to "promote virtue." Despite the best inten-

tions of advocates of statecraft as soulcraft, government is far more likely to end up enshrining immorality as morality. All told, an unfree society is not likely to be a virtuous one.

The fact that government can do little to help does not mean that there is nothing it should do. We would all be better off if public officials adopted as their maxim, "First, do no harm." Although the community-wide moral breakdown most evident in the inner city has many causes, government policy has exacerbated the problem. Welfare, for instance, has made illegitimacy and family break-up financially feasible and often profitable. The ever-worsening drug war has robbed urban residents of hope and created well-funded criminal gangs that offer male role models and wealth to fatherless, ill-educated ghetto youth. Economic restrictions, such as the minimum wage and occupational licensing, have made it difficult for residents to find even ill-paid legal work. Monopoly government schools don't train inner city residents for renumeration, satisfying employment even if it existed. Finally, housing regulations—rent control, zoning, and the like—have helped trap the poor in slums. The synergistic impact of all these factors operating together has been devastating.

Governments also punish both marriage and thrift through their tax policies. The state has spent years attempting to expunge not only churches but also religious values from the public square: localities war against religion through everything from zoning restrictions to private school regulations. Indeed, government at all levels has proved itself to be the greatest of imperialists, constantly expanding—all the while displacing or regulating private activities.

Beyond doing no harm, public institutions can perform an educative role, but the moral discourse needs to be carried on at

the broadest level of consensus possible. It is unreasonable, for instance, to expect a state government to launch a crusade against homosexuality, as Proposition 9 would have directed the state of Oregon. Not only are gays taxpayers, but there seems little reason to single them out while ignoring adulterers and fornicators, for instance. The broader issue, with greater social consequences, is promiscuity. Similarly, there is general agreement from across the philosophical spectrum that teens should not be having children: therefore abstinence can be promoted in public schools for reasons other than adherence to traditional Jewish and Christian moral teachings.

However, advocates of virtue must be careful in using the state in even this modest fashion lest they abdicate their own essential roles in the educative process. Moreover, while the government may help buttress private instruction, it remains a very imperfect tool and subject to misuse by officials and special interest groups with their own, usually very political, agendas. Indeed, in the end, what goes around tends to come around again. Once advocates of virtue use the state to politicize the process, they lose their strongest argument, on principle, to prevent other forces from using government for immoral ends.

Nevertheless, freedom is not enough. While liberty is the highest political goal, it is not life's highest objective. Moreover, while a liberal, in the classical sense, economic and political system is the best one available, it will operate even better if nestled in a virtuous social environment.

For instance, a market system will function more effectively if people are honest and voluntarily fulfill their contracts. People who believe in working hard, exercising thrift, and observing temperance will be more productive. Economic life will function more smoothly if employers treat their

workers fairly. Fewer social problems will emerge if families, churches, and communities organize to forestall them in the first place. Greater personal responsibility will reduce welfare expenditures and tort litigation. And so on. A lush lawn of a compassionate, cooperative, and virtuous society will make it harder for weeds of government encroachment to flourish.

Thus, advocates of a minimal state need to be concerned about both liberty and virtue. Freedom is important both as an end in itself and as a means of allowing people to exercise virtue. Virtue, too, is critically important in its own right. It also plays a critical role in undergirding a free society. How best can we promote them together? First, as noted earlier, government should do no harm. We need radical changes in policies that today restrict freedom and undermine morality. Second, private mediating institutions, particularly churches and community associations, need to retake their leading role in teaching virtue and meeting social problems. Third, people need to be more willing to tolerate the quirks and failings, even serious virtuous lapses, of their neighbors, so long as such actions have only limited effect on others. The punishment of most sins should be left to God.

Fourth, moral-minded citizens should turn to the state only as a last resort. The issue needs to be important enough to warrant government intervention; the activity involved also needs to have a significant impact on non-consenting parties. And *private alternatives should be clearly inadequate*. For example, religious believers should lead their children in prayer at home rather than foisting that duty onto atheist teachers in the public schools. Opponents of pornography should organize boycotts before demanding the arrest of buyers and sellers. And, perhaps most importantly, vocal supporters of the importance of virtue need to

exhibit morality in their own lives before suggesting that government place cops in other people's bedrooms.

Those of us who believe in both a free and virtuous society face serious challenges in the coming years. We need to respond by finding ways to strengthen both, not play them off each other. In the end, neither is likely to survive without the other.

### Love versus Freedom by Frederick D. Wilhelmsen

A tale is told—it is not apocryphal—that when Lenin and Trotsky were drawn up on the outskirts of Moscow in a train after the communist victory, the whole country in ruins and tens of thousands dead and still lying in the fields unburied, Trotsky asked Lenin: “But now are we going to have freedom?” Lenin answered: “Freedom? For what?” In this exchange, I am going to take Lenin's side against Trotsky, although personally I have always found Trotsky to be a more sympathetic figure than Lenin.

Our goal here, as I understand it, is the role of love and liberty within a commonwealth that would embrace both. My opponent is free and I am in love. Many readers of this journal are too young to remember the famous debate between L. Brent Bozell and Frank Meyer that worked itself out in the pages of *National Review*. Although the subject was couched in terms of virtue and freedom, the subject in truth was the same facing us today. I am filled with *deja vu*. Years pass and the applications of philosophical options change but the delineations seem to retain their original lineaments.

Permit me to advance a philosophical proposition to the truth of which is evident to anyone who attends carefully to what he does when he chooses anything freely. Liberty is a function of Love. Choice bears



upon means capable of achieving what I love at this moment. My love may be vicious or noble; it may be steady or ephemeral but nobody is free when he loves, in the moment which he loves. There is an eternity about the act of love even if it lasts for only a minute. When a man says to a woman, "I love you," unless he be a liar bent on conquest, what he intends is eternal. The love may pass but while it lasts it enjoys an everlasting character.

If I were to spend the evening at leisure (I was perhaps free to make this decision but once made it is my love), I will command my intellect to discover the means whereby I might achieve that love. I might determine that I can fulfill my desire by reading a book I have wanted to read for some time; by lounging in my room doing nothing; by going to a motion picture; by playing chess with a friend. Note carefully: None of these is my end, neither reading the book, lounging in my room, playing chess, or anything else. My concrete end is an evening of leisure. As means, no one of them determines me because the others will do the job as well. Not being determined, I determine myself. This self-determination in reference to an end is the essence of free choice. Free choice is an act of the will towards some finality loved, and that act is not determined if there is a multiplicity of ends capable of fulfilling the same goal. Somebody once asked G.K. Chesterton what book he would want—he could only have one—were he exiled on a desert island. Chesterton answered: a manual on how to build a boat. His end would be to get off that bloody island and go home. If the only way to do so was to build a boat, he would build a boat or at least try to build a boat. When only one means emerges as capable of reaching our end, there is no freedom at all. Freedom emerges as a psychological possibility when there is more than one means to a finality, none determining the will but each capable

of achieving the goal. Freedom psychologically is always a means, never an end.

From this we can draw the conclusion that no polity under the sun has ever been constructed around freedom as an end. The business is a philosophical and psychological impossibility. We are *not* free with reference to goals we love, and these goals antedate any exercise of liberty on our part. Often classical liberalism and libertarianism have raised the banner of absolute liberty as a political goal. But this cannot be done, try as we may. Love governs liberty. When men try to pull this off, they end in tyranny. Plato's "democratic man" lacks any fixed goal or love. His psyche soon degenerates into being the slave of his passions. If I am not guided from some star without, be that star noble or ignoble, I will be governed from within by the basest of my instincts.

Political freedom in the West was born, teaches Lord Acton, when the subject of existence, the individual person, was institutionalized in the Middle Ages in more than one way. Being a member of a guild, a township, kingdom or empire and Church, man had to choose in case of a conflict between them. Where there is no conflict between means—and means always conflict because the selection of one of them involves the abandonment of the others—there is no liberty, no political freedom. And these choices are always made in the light of some love that moved the man making the choice.

Every polity known to man historically has been knit into being, rendered thereby the polity that it is, by some love annealing into unity and society men who would otherwise be isolated into an anarchy, Hong Kong or Singapore versus the United States or France, let us say. Many years ago I coined the term "public orthodoxy" to describe that to which I refer here: the public orthodoxy consists in those convictions,

and our love for them, that stamps upon a society the seal of its very identity, that makes this community to be what it is. This public affirmation of the absolute can be enshrined in a constitution. It does not have to be. It can be discovered in the songs, the art, the style of being surrounding any given society. At bottom this affirmation is always religious because it reflects how men respond to their brush with the absolute. Societies are what they are thanks to what they love, and freedom within such communities, should it flourish, is always in terms of something more profound than liberty: it is love.

If the question before the house is either liberty or love, then I insist that the opposition is false. If the love be a love of virtue then that love englobes liberty because without liberty virtue is always truncated.

If, however, the question is crafted in such fashion that we are asked to elect either love as an end or freedom as an end, we face a sundering sword separating traditionalists from libertarians and quasi-libertarians and, I must add, traditionalists from neo-conservatives. A nest of contradictions swarm into the debate and render it futile at bottom. If by freedom we mean choice, and thus far this is the meaning I am giving to the word, then I think I have demonstrated already that choice can never be an end in itself. Even more: if we were to choose between choosing *and* a good loved and cherished, then some even deeper end must be loved by us that presumably can be fulfilled by one another of these two putative means. But one of them, choice for the sake of choosing, is no end at all and furthermore—even if we could pull off this psychological legerdemain—in what service would this choosing be?

But there is a second and even deeper meaning to the word liberty, a liberty beyond freedom of choice, and this is *liberation* from evil. Although the man whose

character is not annealed in the good proper to his nature can occasionally choose to act decently, this act is difficult, rare, and capricious. Virtue—the teaching is Aristotle's— involves a steadying of the will which makes honorable decisions relatively easy. The good man does not have to agonize over whether he will pay what he owes. He just pays out of a nature inclined towards honesty through much experience in being honest. Virtuous life and the love for it is all the more virtuous in the measure of the ease with which we exercise our liberty towards the good.

From these considerations follows the truth that a political order geared toward nourishing the good life and virtue, its love, removes—to the degree possible—the temptation to vice, to wickedness. If we have chosen virtue over vice, then we shore up the weak, strengthen our young, and we outlaw depravity when we have to. Love opposes liberty only when liberty opposes love. The question must shift to the content of love. If conformed to man's good, then liberty is properly put to that lofty service. If the love is opposed to man's good, then liberty is properly repressed by an ordained love—as does the love of a father for his son's good prohibit that boy from losing himself in debauchery. Laws against pornography, public indecency, abnormal behavior, the glorification of greed and gluttony, and finally—abortion, cut down a man's choices but in doing so liberate him, free him from temptation and open him to the good life. We all know the nineteenth century romantic tales about good men who play the piano in brothels. As entertaining as these stories might be (I found one or two of them very amusing), they can scarcely be thought to reflect reality soberly. If you live in filth, you are going to get dirty. Every good polity protects the virtue of its people but, paradoxically, this limitation of the freedom of choice is for the sake of the

higher liberation from evil of which I have just spoken.

I sometimes think that men such as my old friend Frank Meyer, now gone to God, thought that we should make it hard for people to be good by permitting every option, no matter how evil, to stalk the streets and tempt the soul. Possibly this extreme exaltation of freedom wants the good life restricted to those few who are strong but who are willing to let the rest of us wallow in sin. I find here a lack of charity. I *am* my brother's keeper! Our weaker brethren and our children, possibly the mass of mankind, are also called to virtue and society is obliged under its command to seek the common good to make it feasible for them to find the good. Every society protects its public orthodoxy or way of life. Censorship is consubstantial with political existence. Liberals usually censor conservatives by silencing them, not publishing them, banishing them from television and other mass media, denying them tenure at universities. But the children of mammon are wiser than the children of light! This effective repression would be normal behavior were it not compounded with the hypocrisy that *they* are the party of liberty. The traditionalist is more honest when he states flatly, as I do here, that some repression and censorship are indispensable for the flowering of good men in the large and by the handful.

The usual skeptical and relativist reply to such reasoning is the customary epistemological negativism. Some of you are thinking it right now! How do you know what is

the good to be loved? What if your good not be mine? And all of this goes with the talk today about "values," yours versus mine. And the answer to this is simply to point to the two thousand and more years of Western civilization which has built up slowly a consensus on the nature and content of the natural law, itself a participation in the Divine Law. If the decay caused by publically and even legally established skepticism denies that tradition, then all standards collapse, and we return to the jungle. Then indeed we choose for the sake of choosing, we raise the banner of total liberty which soon collapses, as Plato taught, in the tyranny of the passions. We are there already.

We cannot walk in the streets of our cities at night. Our houses and apartments are turned into armed camps. Our children are sexually abused and our women are raped with impunity. Half of the American population is armed to the teeth. No man can trust his own shadow. No common belief unites us in anything and as civility becomes a memory and perversion and infanticide are converted into "alternative life styles." Our only hope is the Lock and the Key as Hobbes once put it, keeping out the savagery from beyond. *But we are all free! Are we not?* Into these ruins has collapsed what was once the glory of mankind, Western Christian civilization, "the saving grace of this world," in Belloc's immortal prose. And that grace is now gone because rejected in the name of a false understanding of liberty.

