

# The Political Forum

*A review of social and political trends and events  
impacting the world's financial markets*

Mark L. Melcher  
Publisher  
[melcher@thepoliticalforum.com](mailto:melcher@thepoliticalforum.com)

Stephen R. Soukup  
Senior Editor  
[soukup@thepoliticalforum.com](mailto:soukup@thepoliticalforum.com)

Friday, May 26, 2006

## A REPRINT FROM A PIECE PUBLISHED MARCH 5, 1997

### For Some, Law Will Admit No Rival

Mark L. Melcher

*"Are we any more dishonest than the rest of mankind?"*

*Jemmy Twitcher, one of Captain MacHeath's band of London low-lives in  
John Gay's 18th century play, "The Beggar's Opera."*

The big story in Washington right now is, of course, the flap over the Clinton administration's campaign financing practices. In fact, this is such a big story that even the mainstream, liberal media is covering it on an almost daily basis, which makes it more difficult for me, in a weekly publication with a four-day lead time, to just stay up with the story, much less supply any information that isn't widely known.

So this week, I thought I would have some fun and discuss a few thoughts I have had while watching the drama unfold. For starters, I would simply say that I agree with those conservative commentators who maintain that the argument being put forth by the White House that "everyone does it," is simply not true. Of course, some others "do it," but even then there is a question of degree, which is a hallmark of Western ethics and jurisprudence. And to paraphrase the Hoover vacuum cleaner commercial "no one does it like Bill."

But the thing that upsets me more than the attempt by Democrats to tar everyone with their brush is the insistence by so many people on both side of the aisle and in the media that the solution to the problems raised by the Democratic party and White House fund raising excesses is a new law.

The argument that if the Clinton administration officials didn't obey the old law, they probably won't obey a new one is of course pertinent here. But there is more to it than that. The idea that every transgression, including those that are fundamentally ethical and moral in nature, demands a legal solution is, in my opinion, one of the clearest signs imaginable that American society is in an advanced state of decay.

In a healthy society, shame is one of the most effective means of assuring order. A sick society is one that has become so jaded and so insecure about its moral foundations that effective public

---

Subscriptions to The Political Forum are available by contacting:  
The Political Forum

8563 Senedo Rd., Mt. Jackson, Virginia 22842  
Tel 540-477-9762, Fax 540-477-3359, Email [melcher@thepoliticalforum.com](mailto:melcher@thepoliticalforum.com),  
or visit us at [www.thepoliticalforum.com](http://www.thepoliticalforum.com)

obloquy becomes impossible. Such a society must rely almost exclusively on legal recourse. Thus, the national discussion today revolves around whether there is enough evidence to actually indict administration officials, and indeed Bill Clinton himself, not whether their actions are reprehensible. The question of whether they are "fit" to serve in the offices they hold isn't even raised, much less discussed.

Irving Babbitt, one of this century's great political thinkers, discussed the link between a proliferation of laws and social decay in his remarkable 1924 book *Democracy and Leadership*, when he noted that "the multitude of laws we are passing is one of many proofs that we are growing increasingly lawless."

Babbitt maintained that this lawlessness was due to a shift in the public's attitude concerning the fundamental basis of what constitutes moral behavior. The established Western concept of morality stems, he noted, from the twin traditions of Judeo-Christian teachings and humanistic self-discipline. The new basis of morality, which Babbitt traced to the French revolution, was anchored, he said, in the Rousseauist belief that compassion is the sum of all virtues, and that individual discipline, religious beliefs, and traditional moral and ethical codes are not only not required, but are actually detrimental to the establishment of a "good" society.

It was a sign of Babbitt's genius that he identified the link between this erosion in traditional morality and the emergence of a class of "humanitarian crusaders, in whom there is no survival of the traditional controls." Babbitt maintained that a "realistic observer" of these individuals, "who are supposed to overflow with a will to service," would find them to be "developing under cover of their altruism, a will to power."

The United States, Babbitt presciently predicted 73 years ago, "is rapidly becoming a nation of humanitarian crusaders who believe that "one may dispense with awe and reverence and the inner obeisance of the spirit to standards, provided one be eager to do something for humanity." The "most palpable" outcome of this trend, he predicted, would be a "drift toward license," and a subsequent "reign of legalism."

"On the pretext of social utility," these crusaders, he said, "are ready to deprive the individual of every last scrap and vestige of his freedom and finally to subject him to despotic outer control. No one, as Americans of the present day are only too well aware, is more reckless in his attacks on personal liberty than the apostle of 'service.' He is prone in his furtherance of his schemes of 'uplift' not only to ascribe unlimited sovereignty to society as against the individual, but also to look on himself as endowed with a major portion of it, to develop a temper, in short, that is plainly tyrannical."

"If we attend carefully to the psychology of the persons who manifest such an eagerness to serve us," he said, "we shall find that they are even more eager to control us. What one discovers, for example, under the altruistic professions of the leaders of a typical organization for humanitarian crusading, like the Anti-Saloon League, is a growing will to power and even an incipient terrorism."

As Babbitt correctly predicted, in America today, traditional moral restraints are being replaced by a huge and growing body of legal and regulatory codes. And the traditional view that moral

rectitude is a personal quality based on individual behavior has given way to a measurement that requires no personal commitment or moral discipline whatsoever, but appears to be based solely on the sincerity with which one offers a publicly expression of "commitment" to "humankind."

This modern idea of virtue, as my good friend Claes Ryn, the nation's leading authority on Babbitt, notes, "lets individuals claim moral worth who show no particular signs of moral character in their actual conduct and who may, by traditional moral standards, actually be personally odious and very hard for people to live or work with." He further notes:

"Their virtue is that they entertain benevolent sentiments for various abstract entities, such as 'the people,' 'mankind,' 'the proletariat,' 'the poor,' 'the downtrodden,' 'the starving third world,' or the like--categories that are all comfortably distant from the emoting person and which therefore impose no concrete and personally demanding obligations on the individual. Still, this sentimental posture of caring contains a pleasant ingredient of self-applause. It is, as it were, morality made easy. It presupposes no difficult improvement of self in actual human relationships."

One result of all of this is that we have a president today who is involved in constant skirmishes with traditional moral and ethical standards, but who is nevertheless thought to be a "good person" by a majority of Americans.

This, it is worth noting, may partially explain why Newt Gingrich's relatively minor ethical lapses have been met with much more outrage in the mainstream media than Bill's, which are arguably much more numerous and much more egregious.

Bill "feels our pain," which the liberal elite believe is the essence of "character." Newt is thought to be indifferent to it because he doesn't wax compassionate at every public opportunity, a characteristic that was once considered by polite society to be gauche and self-serving. Bill wants larger government, which the liberal elite believes is the very essence of "charity." Newt wants smaller government, which the liberal elite thinks is by definition "mean spirited."

The fact that Bill continues to carry a very high approval rating and Newt's is near rock bottom would seem to indicate that this philosophy is pretty deeply imbedded in the attitudes of average Americans. Hadley Arkes, a leading neo-conservative intellectual, thinks this is the case. He argues in a recent essay in the *New Criterion* that the public's continued support for Clinton is a reflection of a flaw in the nation's soul.

But Father Richard John Neuhaus, an intellectual heavyweight in his own right, refutes this contention in a superbly written essay in his own magazine, *First Things*, which is one of my favorite monthly reads. As I said in a recent Melcher's Musing's fax, Neuhaus's own musings at the end of each issue are well worth the \$29 a year subscription fee.

Anyway, Neuhaus argues in the March 1997 issue that there is nothing wrong with the national soul. He maintains instead that there is something wrong with the nation's "prestige media," which he says is so eager for Bill's success that it has "decided that the man's wretched character is a political nonissue." The following are a few paragraphs from his much longer essay.

One does not need sophisticated political theory to know that not very long ago politicians were disqualified by personal moral failing, including lechery (remember Gary Hart) or even divorce (remember Nelson Rockefeller). A sympathetic press hushed up John F. Kennedy's womanizing precisely because it was assumed that, were it known, it would be politically deadly. I doubt if there has been much change in 'the national soul,' although what has changed may well, in time, change the national soul. What has changed is that the combination of Bill Clinton and the multiplication of media--especially tabloids and talk radio--has made it impossible to keep secret the man's egregious transgressions . . .

Ten or thirty years ago, there were no doubt many Americans who were quite blasé about politicians' personal derelictions. Then as now, they may even have rather admired them as lovable rogues. The difference is that our intellectual leadership, the media, and the then-mainline churches did not tell the morally slovenly sector of the electorate that they were right in their indifference to character. This time they did precisely that, so desperately did they want Clinton to win. As FDR is reported to have said of a Latin American dictator, 'He's an SOB, but he's our SOB.' This does not represent a change in 'the national soul' any more than the flaunting of shamelessness on television talk shows is a change in the national soul. I expect there was always an audience for shows exhibiting sons who want to sleep with their mothers or workers who steal from their employers. It is simply that, until recently, the television industry and its advertisers didn't pander to these low tastes. Now they do . . .

I certainly do not deny that there is such a thing as public morality and it may, with care, be called the national soul, which may be changing for the worse. I do very much question whether the reelection of Bill Clinton is to be attributed to a popular embrace of Machiavelli's anti-virtue. For calculated partisan reasons, often publicly admitted, those who control the commanding heights of the political culture decided to appeal to the weaknesses rather than the strengths of the populace, and persuaded enough voters that virtue does not matter. Of course they were greatly helped by a politically skillful rogue and his worse than inept opponents.

Hadley Arkes is right that 'Bill Clinton is a reflection of something in the American character.' It is a something that is usually repressed and not mentioned in polite company. But I doubt that 'the public reaction to Clinton offers a precise reflection, at this moment, of the nation soul.' The generalization is not saved even by the hedge 'at this moment.' I would not be at all surprised if, at this moment, a majority of Americans, including a majority those who voted for Clinton, are more than a little embarrassed to have as a President someone whom they pray their children will not be like. The national soul, inclined to vice as to virtue, is also resilient and will, please God, get other chances to express itself . . .

I am inclined to agree with Father Neuhaus. But, as I said at the beginning of this piece, I do not think it is a good sign for the nation's soul that each new outrage in Washington is met by a demand for a new law rather than an outcry for a more ethical and moral leadership.

For one thing, without ethical and moral leadership, all these new laws are nothing more than a function of raw power. Wesley Allen Riddle, from the U.S. Military Academy, put it this way in a recent issue of *Humanitas*, the excellent quarterly journal of the National Humanities Institute. "The law is divested of moral authority when people lose their faith in a transcendent Power that stands above even the human law-givers and provides a standard by which temporal law itself must be judged."

My concerns are best summed up by Burke, in a letter, written in 1791, to a member of the French national assembly in answer to some objections to his famous book *Reflections on the Revolution in France*. "Men are qualified for civil liberty, in exact proportion to their disposition to put moral chains upon their own appetites . . . Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without."

I would prefer that the bulk of the "controlling power" be within, because the alternative, more and more "power without," is a very unhappy prospect.

To reinforce this point, I would like to close with a few thoughts from an interview on "Civil Society, Toleration, & All That," with Jonathan C. D. Clark, an English historian, fellow of All Souls College, Oxford, professor of history at the University of Kansas and author of numerous books, all published by the Cambridge University Press. This interview was published in a recent edition of the delightful quarterly, *The University Bookman*, which was founded by Russell Kirk 36 years ago and is still a steal at \$10 year.

Q. Leszek Kolakowski in an essay entitled "Where are the Children in Liberal Philosophy?" argues that liberalism is unable to assimilate the distinction between good and evil. That is, the fewer traditional rules of conduct, rooted either in religion or tradition, the more laws we need to secure public peace and regulate people's conduct, and the relationships between them. As a result such a liberal state will turn into a semi-totalitarian state. Do you agree with Kolakowski on this point?

J.C.D. Clark: Yes, I do agree. And I would add an historical reinforcement to Kolakowski's point. Liberalism itself is not a secular doctrine; liberalism began as a theological doctrine; it is part of a theological negation of the *ancien regime*; it contains within itself a theological critique of moral authority of all orthodox religion over the conduct of individuals. It is not surprising that societies which are structured around modern doctrines of liberalism produce the social problems which they do.

---

**THE POLITICAL FORUM**

Copyright 2006. The Political Forum. 8563 Senedo Road, Mt. Jackson, Virginia 22842, tel. 540-477-9762, fax 540-477-3359. All rights reserved. Information contained herein is based on data obtained from recognized services, issuer reports or communications, or other sources believed to be reliable. However, such information has not been verified by us, and we do not make any representations as to its accuracy or completeness, and we are not responsible for typographical errors. Any statements nonfactual in nature constitute only current opinions which are subject to change without notice.