

# Why America Has So Many Laws

There are virtue-based societies, and there are rule-based societies. America has become the latter.

In a virtue-based society, the people are a particular community that have a shared understanding of human life and a shared goal. The virtues are the behavioral habits that help achieve this goal—such as prudence, justice, courage, and temperance—and the community's job (particularly parents) is to embody the virtues in its culture and train its members in them. There's still a need for law, but its main function in the virtue-based society is to clarify those actions that harm the community and prevent it from reaching its goal. And there isn't a need for as many laws, because virtue acts in concert with the law.



The rule-based society, however, is all law and no goal. As such, according to Alasdair MacIntyre, it's a modern recurrence of Stoicism. In Stoicism, as MacIntyre explains, being a good person meant performing good actions without reference to any sort of personal goal or benefit, and without reference to one's surroundings. The standard according to which one did good was the cosmic law of right and wrong, and the moral person is simply the one who chooses to follow this law. You do the right thing because it's the right thing to do. Nuff said. And... people being people, they tend to see civic law as an expression of this cosmic law.

The virtue-based society is found among peoples that emphasize small communities with definite identities and shared principles. The rule-based society, however, is a necessity where the two realities are big government and the individual. Thus, as MacIntyre points out, Stoicism came to flourish more in ancient Greece and Rome when each turned to the model of

empire:

*“This suggestion [that a true community needs both virtues and laws] is perhaps a clue to what happened in Stoicism; for given the disappearance of such a form of community, just such a disappearance as was involved in the replacement of the city-state as the form of political life by first the Macedonian kingdom and later the Roman imperium, any intelligible relationship between the virtues and law would disappear. There would be no genuine shared common good; the only goods would be the goods of individuals. And the pursuit of any private good, being often and necessarily in these circumstances liable to clash with the good of others, would appear to be at odds with the requirements of the moral law. Hence if I adhere to the law, I will have to suppress the private self. The point of the law cannot be the achievement of some good beyond the law; for there now appear to be no such good.”*

As time goes on, the laws in a rule-based society will have to increase, because the people have no communally-supported self-regulation on their behavior through virtue.

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<http://www.nationalreview.com/article/418689/too-many-laws-means-too-man...>”

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