

LAW AND CULTURE: THE SEDUCTION OF LYDIA BENNET: TOWARD A GENERAL THEORY OF SOCIETY, MARRIAGE, AND THE FAMILY

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Highlight

The anxiety surrounding the topics of marriage and family, which I perceive everywhere, illustrates the urgent need to put marriage back in its place as a natural institution. ¹

Alfonso Cardinal Lopez Trujillo

Text

¹ Alfonso Cardinal Lopez Trujillo, The Nature of Marriage and Its Various Aspects, [4 Ave Maria L. Rev. 297, 297 \(2006\)](#).

[*581]

This article sketches the foundation for a general theory of society. Rejecting portrayals that make society a field of exploitation and dominance, it proposes instead an account that locates the foundation of society in its service of certain basic goods. Society is a kind of [*582] friendship. It is to be defined based on the goods of friendship and the projects that serve those goods. Its elements, including those of obligation, office, shame, and rehabilitation, further those goods. The society that emerges from this account is a "society of life."

This article also proposes the concept of "components of society," reflecting the observation that society is comprised not only of individuals, but also of villages, towns, business organizations, leagues, and alliances that further interests and ideologies, and even perhaps clubs and teams for sport and recreation. Such groups are not the same thing as society as a whole. Some may have no connection with it - a few even work against it - but many can rightly be considered components of society. Building on its account of the society of life, this article identifies the elements that make an association a component of society. This article then sketches the outline of a morality of components of society, which morality indicates when a smaller association should regard itself - and be regarded by others - as a component institution.

This article proposes that marriage and the family are properly regarded as components of the society of life, reflecting and instilling basic goods of society. This may further the project, recommended by Cardinal Trujillo, of relocating marriage "in its place as a natural institution." ²

Part One: Society

Everyone is entitled to a social ... order. ³

Universal Declaration of Human Rights

I. Scoping Out the Subject: The Seduction of Lydia Bennet

Lydia Bennet was but sixteen years of age when, one dark summer night, Mr. Wickham carried her off to London with false assurances that they were soon to be married. ⁴ The events that ensue [*583] upon her abduction are recounted with particularity throughout the last third of *Pride and Prejudice* and deeply affect the lives of all concerned. These episodes should hold a special fascination for students of society and the family.

The most intriguing aspect of the affair concerns the identity of the applicable normative order. In a different time or place, events might have involved primarily the government and the courts. The Bennets might have invoked their legal rights as parents, complained to a department of social services, or secured Mr. Wickham's indictment for statutory rape. ⁵ But in Jane Austen's world, no one dreamed of summoning a constable or bringing the matter before a justice of the peace. (Nor, it seems, did anyone contemplate bringing the matter before the ecclesiastical

² Id.

³ Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." Universal Declaration of Human Rights, G.A. Res. 217A, at 76, art. 28, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948) [hereinafter Universal Declaration of Human Rights].

⁴ Lydia is identified as "not sixteen" during a conversation between Elizabeth and Lady Catherine that took place in late March. Jane Austen, *Pride and Prejudice* (1813), reprinted in 2 *The Novels of Jane Austen* 1, 165 (R.W. Chapman ed., rev. 3d ed. 1932) [hereinafter *Pride and Prejudice*]. Lydia's flight with Wickham took place about four months later. Shortly thereafter, hearing that Lydia and Wickham were to marry, Mrs. Bennet exclaimed: "This is delightful indeed! ... She will be married at sixteen!" Id. at 306.

⁵ Cf. Lawrence Stone, *Road to Divorce: England 1530-1987*, at 83-95 (1990) (discussing civil actions for seduction of a daughter and breach of promise of marriage).

authorities or invoking the teachings of the Church of England.)⁶ The episodes of *Pride and Prejudice* unfold under the guidance of another system of rules and principles.

Front and center in Austen's England, invoked at every crucial turn of events and never successfully flouted, stands not the governmental or the religious system, but another order, whose components are neighborhood, village, town, and city; manor house, cottage, and castle; family, friendship, and social rank. This order sustains roles, defines relationships, and establishes what can reasonably be called "social offices." It acknowledges the authority and defines the obligations of social positions. It calls upon people to perform their duties and it registers the fulfillment or the neglect of responsibility. It confers credit, and it casts blame; it honors, and it disgraces. For those who severely offend, it applies sanctions, which at the greatest extreme may involve ostracism or even death in a duel. For those who repent and make restitution, it offers a chilly sort of rehabilitation.

[*584] The order that takes this prominent place in *Pride and Prejudice* is the order of society. The term "society" refers to a basic component of what we refer to as a "country." It is not a government. It often is protected and supported by a government, but it is not the same thing. Rules and principles (those establishing the authority of a father-in-law, for example, or those governing dress and courtship) may be sustained by the social order while lacking any recognition in the legal system, and people (Lady Catherine de Bourgh, for example) may hold well-defined social positions that are not government offices.⁷

A society may endure through changes in government and survive when constitutional orders pass away. A society (the Ibo society portrayed in Chinua Achebe's novel *Things Fall Apart*,⁸ for example, and the social order of Aristotle's Athens) may subsist among a people who do not maintain a government in the modern sense.⁹ A society (the nineteenth-century Irish population portrayed in Walter Macken's novel *The Silent People*,¹⁰ for example) may manage to sustain many of its elements even under a hostile governmental regime. American society - that "union" which is celebrated on the Fourth of July - is not the same as the government.

A society is an affiliational order of a general nature rather than of a subsidiary kind. The League of Women Voters and the United Way are not "societies" in the sense in which that term is used in this article, as those groups would make no sense at all, and could not pursue their purposes, except as components of a wider affiliational system. A "society" as that term is used here is capable of functioning successfully on its own. It is self-directing and it is independent: either in fact or, as in the case of nineteenth-century Irish society, by reasonable aspiration.

[*585] A society is an order of affiliation whose aims are high and wide. The Boston Red Sox and the American College of Physicians are not societies in the sense used here because, although they could perhaps continue

⁶ The ridiculous Reverend Mr. Collins exemplifies the abnegation of religious office and the subordination of the ecclesial order to the social system. He judges "splendid property, noble kindred, and extensive patronage" to constitute "every thing the heart of mortal can most desire." *Pride and Prejudice*, supra note 4, at 362. He brings before Lady Catherine the "minutest concerns" of "her own parish," id. at 169, and concludes that a marriage of which she disapproves is not "properly sanctioned." Id. at 363. See also Irene Collins, *Jane Austen and the Clergy*, at xi-xii (1994) (confirming the verisimilitude of the clerical portraits); Gary Kelly, *Religion and Politics*, in *The Cambridge Companion to Jane Austen* 149 (Edward Copeland & Juliet McMaster eds., 1997).

⁷ See *Pride and Prejudice*, supra note 4, at 62-63.

⁸ Chinua Achebe, *Things Fall Apart* (Alfred A. Knopf 1992) (1958) [hereinafter Achebe, *Things Fall Apart*]. The term "Ibo" is used in *Things Fall Apart*, and therefore in this article, even though modern scholarship usually uses the spelling "Igbo." The account of the segment of Ibo society given in *Things Fall Apart* is accepted as accurate for purposes of this article. See Kwame Anthony Appiah, *Introduction to Chinua Achebe, Things Fall Apart*, supra, at xv-xvii. See Elizabeth Isichei, *A History of African Societies to 1870*, at 378-79 (1997).

⁹ Igbo enwero eze, the Igbo have no kings. Though a few Igbo polities did in fact have kings, it is a core statement of Igbo identity." Isichei, supra note 8, at 378; see also Chinua Achebe, *Arrow of God* 33 (2d ed. 1969) [hereinafter Achebe, *Arrow of God*] ("Igbo people knew no kings."); id. at 44 ("Unlike some of the more advanced tribes in Northern Nigeria ... the Ibos never developed any kind of central authority." (quoting Captain Winterbottom)).

¹⁰ Walter Macken, *The Silent People* (Pan Books 1965) (1962).

without the support of a wider order, their purposes are specific rather than general. A society involves more than athletic excellence and entertainment, or health and profit.

II. Toward a Basic Account of Society: Some Roads Not Taken

Most modern academic treatments of society present a morally impoverished account. Some have attempted to define society without reference to its goods or without reference to more than one or two minimal purposes, such as subsistence and survival. Thus, Talcott Parsons and Edward Shils state:

Any system of interactive relationships of a plurality of individual actors is a social system. A society is the type of social system which contains within itself all the essential prerequisites for its maintenance as a self-subsistent system. Among the more essential of these prerequisites are (1) organization around the foci of territorial location and kinship, (2) a system for determining functions and allocating facilities and rewards, and (3) integrative structures controlling these allocations and regulating conflicts and competitive processes.¹¹

Another recurrent treatment accounts for society as a field of power and exploitation, in the view that "modern civil society is composed only of individualized strategists engaged in a struggle of each against all, pervaded by power and politics understood as war carried on by other means."¹²

[*586] Theories such as these would make "societies" out of the Colombian drug lords and their subjects. They would make the term "society" refer to deformed and distorted arrangements that could not be what the drafters of the Universal Declaration of Human Rights had in mind when they provided that "everyone is entitled to a social ... order,"¹³ nor what anyone would favor when establishing, with Cardinal Trujillo, a "place" for marriage and the family.¹⁴ Those projects call for a normative account of society along the lines proposed in this article.

III. Society: Some Basic Elements

Most societies operate in major part through the medium of obligation. They form judgments as to compliance with or violation of social rules; they reward or punish; and they provide for rectification, restitution, and repentance. A society that displays these characteristics is here called "juristic." Several elements deserve special attention:

Obligation - Obligation, a synonym for duty, is the condition of being tied; bound to do something or to omit some course of action. The obligatory norm is not supererogatory. It is a "must," rather than a "perhaps you should."

Societies often amply recognize obligations. They define them carefully and impose them widely. In the development of the relationship between Elizabeth and Mr. Darcy, so prominent does the matter of obligation and its fulfillment become that their courtship takes on some of the characteristics of a lawsuit. She defends her suitor

¹¹ Talcott Parsons et al., Introduction to *Toward a General Theory of Action* 3, 26 (Talcott Parsons & Edward A. Shils eds., Harvard Univ. Press 1962) (1951).

¹² Jean L. Cohen & Andrew Arato, *Civil Society and Political Theory* 290 (M.I.T. Press 1994) (1992) (characterizing the views of Michel Foucault). See Michel Foucault, *The Confession of the Flesh*, in *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, at 208 (Colin Gordon ed. & Colin Gordon et al. trans., 1980) (proposing "just a hypothesis" that "we all fight each other"). According to Foucault:

The State is superstructural in relation to a whole series of power networks that invest the body, sexuality, the family, kinship, knowledge, technology and so forth. True, these networks stand in a conditioning-conditioned relationship to a kind of "meta-power" which is structured essentially round a certain number of great prohibition functions; but this meta-power with its prohibitions can only take hold and secure its footing where it is rooted in a whole series of multiple and indefinite power relations that supply the necessary basis for the great negative forms of power.

Id. at 122.

¹³ Universal Declaration of Human Rights, *supra* note 3, at 76, art. 28.

¹⁴ Trujillo, *supra* note 1, at 297.

against others' allegations of his injustice. He "demands it of [her] justice" that she read his defense: "Two offences ... you last night laid to my charge." ¹⁵ In the end, he satisfies her of his innocence. In the remarkable passages that ensue upon Elizabeth's acceptance of Darcy's proposal of marriage, the happy couple indulges its new intimacy by discussing the extent to which, during a conversation two months previously, either party may have violated obligations to the other. ¹⁶

[*587] Office - Another recurrent project of societies is that they define and acknowledge offices: not only, of course, government offices like judge and senator, but also social offices. In Austen's England, master of the foxhounds and perhaps village squire were offices, as were many of the positions occupied by servants in great houses, from chaplain and steward down through footman and "groom of the chambers." Perhaps Lady Catherine exercised office: "though this great lady was not in the commission of the peace for the county, she was a most active magistrate in her own parish." ¹⁷ In the Ibo society of *Things Fall Apart*, town crier and medicine man were offices. ¹⁸ In the Valley of the Flowers of *The Silent People*, the bard held a social office, as did the schoolteacher (retained not by the government but by the parish priest and the village families). ¹⁹

Members of societies often make obligation and its fulfillment a matter of general concern. They take common note of office and the performance or neglect of official duties. They do not always conclude, "it's none of my business." Social morality is society's business: "As the [Ibo] elders said, if one finger brought oil it soiled the others." ²⁰ As an observer of the Ireland of 1826 in *The Silent People* put it, "The world was made up of community cells. This valley was a small one, but only one of many. All were complementary. So what he was doing here in a small way could be built up and spread so that it would take in a whole nation" ²¹ Henry, in Austen's *Northanger Abbey*, putting the matter rather strongly, characterized England as a country "where every man is surrounded by a neighbourhood of voluntary spies." ²²

Societies often apply obligation and sustain office through a system of honor. When a person fulfills his obligations and exercises his office successfully, the community gives him credit for his achievements. When he does so consistently and under difficult circumstances, the community accords him respect, renown, praise, applause, and a generally good reputation. ²³ Mr. Lucas, in *Pride and Prejudice*, was knighted owing to a meritorious speech before the King and became Sir William Lucas; ²⁴ leading figures in Ibo society gave great feasts, shared their wealth, and in that way earned titles and rank. ²⁵

¹⁵ *Pride and Prejudice*, supra note 4, at 196.

¹⁶ *Id.* at 367.

¹⁷ *Id.* at 169.

¹⁸ Achebe, *Things Fall Apart*, supra note 8, at 7, 68.

¹⁹ See Macken, supra note 10, at 135-36, 142-43.

²⁰ Achebe, *Things Fall Apart*, supra note 8, at 111.

²¹ Macken, supra note 10, at 108.

²² Jane Austen, *Northanger Abbey* (1818), reprinted in 5 *The Novels of Jane Austen* 11, 198 (R.W. Chapman ed., rev. 3d ed. 1969).

²³ Cf. Christie Davies, *The Strange Death of Moral Britain* 43 (2004):

In the past to have a good name and a good character were both necessary and sufficient for self-esteem and for gaining the respect of others. However, that respect depended on remaining respectable; if you lost your respectability others ceased to respect you. This kind of respect was available to everyone, but it had to be earned. Respect was not the cheap and impudent demand of today for automatic acceptance regardless of qualities of character or patterns of behavior.

Id.

²⁴ *Pride and Prejudice*, supra note 4, at 18.

²⁵ See Achebe, *Things Fall Apart*, supra note 8, at 4.

Societies seldom turn a blind eye to misconduct. The obverse of a system of honor is a jurisprudence of fault. When a person violates the rules, his neighbors become aware of that fact and may carefully consider whether or not he had any excuse for what he did. Where he has no sufficient excuse, he pays a social price. Lydia's family stood in peril of ostracism. ²⁶ Okonkwo, guilty of involuntary manslaughter, was exiled for a time to another cluster of villages. ²⁷

Societies often afford faculties for setting things straight. They often identify courses of conduct through that a party may acknowledge wrongful conduct, apologize, ²⁸ rectify the damage, and achieve some measure of rehabilitation. On the other side of the equation, they may establish norms which encourage victims to accept apologies and let bygones be bygones. Lydia and Wickham set things straight by getting married. ²⁹ Okonkwo is permitted to return to his home village and take up the strands of his life again once he has served several years of exile. ³⁰

Honor, Self-Esteem, Shame, and Repentance - The honorable man or woman is in sufficient solidarity with the community that he or she understands its normativeness, respects its opinion, and accepts its high regard as a basis for enhanced self-esteem. The honorable member who falls into error may experience shame: an experience of dislocation from his community, arising because the miscreant respects the judgment of the society and takes it to heart. ³¹

[*589] Shame leads on to repentance, reconciliation, rehabilitation, and the recovery of honor. Shame leads on to redemption. Darcy's shame at his apparently "ungentlemanly" conduct leads to his generous efforts to assist the Bennet family in weathering the crisis of Lydia's elopement. ³² His repentance and his efforts to set things right lay the groundwork for his reconciliation with Elizabeth and the improvement of his haughty and arrogant character. ³³

Discussion, Debate, and the Development of Moral Roots - As the above discussion indicates, participation in a society is more than a matter of externalities; it involves the heart, the mind, and even the soul. These dimensions are explored in the next section of this article.

IV. Society: Its Basic Character and Goods

A. Society as a Kind of Friendship

²⁶ See, e.g., *Pride and Prejudice*, supra note 4, at 278, 293, 296-97.

²⁷ Achebe, *Things Fall Apart*, supra note 8, at 109-10.

²⁸ For a recent treatment and extensive citations to the literature, see Aaron Lazare, *On Apology* (2004).

²⁹ *Pride and Prejudice*, supra note 4, at 302-04, 315-16.

³⁰ Achebe, *Things Fall Apart*, supra note 8, at 147-49.

³¹ See Peter A. French, *The Virtues of Vengeance* 152 (2001) (discussing the nature of shame); Gabriele Taylor, *Pride, Shame, and Guilt: Emotions of Self-Assessment* 1-16 (1985). As Aristotle explains:

Shame may be defined as pain or disturbance in regard to bad things ... which seem likely to involve us in discredit; and shamelessness as contempt or indifference in regard to these same bad things. If this definition be granted, it follows that we feel shame at such bad things as we think are disgraceful to ourselves or to those we care for. These evils are, in the first place, those due to badness. Such [evils] are [such as that of] ... having carnal intercourse with forbidden persons

... Now since shame is the imagination of disgrace, in which we shrink from the disgrace itself and not from its consequences, and we only care what opinion is held of us because of the people who form that opinion, it follows that the people before whom we feel shame are those whose opinion of us matters to us. Such persons are: those who admire us, those whom we admire, those by whom we wish to be admired, those with whom we are competing, and those whose opinion of us we respect.

Aristotle, *Rhetoric* Bk. II, Ch. 6 (W. Rhys Roberts trans.), in 2 *The Complete Works of Aristotle* 2152, 2204-05 (Jonathan Barnes ed., 1984).

³² See *Pride and Prejudice*, supra note 4, at 321-25.

³³ *Id.* at 365-69.

A society is an affiliational order. It involves "philia." It is, you could even say, a sort of multipersonal friendship.

Of course, members of a society are not generally friends of one another in an intimate sense. But they are not entirely strangers the way a citizen of one country may be a stranger to a citizen of another. They have a connection; they have a national history and culture in common; they have expectations of one another; and they do things together, such as educating the young, caring for the sick, and honoring the dead. They have common aspirations. They are in these respects affiliates. To understand the nature of society it helps, therefore, to consider the elements of affiliation.

[*590] There are, it seems, at least three principal elements in any affiliation - as indicated by Aristotle and as common experience will confirm. The elements are those of benevolence, knowledge, and reciprocity. Benevolence is easy to discern: friends wish well to one another and aim at one another's good. You could hardly be friends if you wished each other ill. Knowledge, similarly, is easy to confirm. You certainly are not someone's friend unless you "know him," nor his good friend unless you know him well. Drawing these two elements together, Aristotle observes that "to be friends ... [people] must be mutually recognized as bearing goodwill and wishing well to each other." ³⁴

There is a back and forth and a give and take to affiliations. Friendship, as Aristotle says, involves "reciprocal choice of the absolutely good and pleasant." ³⁵ It involves reciprocal reasoning and judging, ³⁶ and "sharing in discussion and thought." ³⁷

A society displays similar characteristics. It involves benevolence. A society is, as Aristotle says of the polis, "a community ... in well-being." ³⁸ You could hardly claim to be much of a member of any association of people, large or small, if you did not wish it well and aim for its projects to flourish. Furthermore, a society involves knowledge and mutuality of understanding; if not directly between each person and each of the others, then indirectly, through their common heritage and historical experience, through a commonality of custom, and through a mutual recognition of the implications of common participation in the civic order. You could hardly claim to be a full member of American society if you knew nothing of fair play or good order in public affairs, or if you thought no one else should be treated with respect or given a fair chance to speak up for his views. A society is bound together by "concord," or a degree of sameness of mind and concurrence of practical reason regarding how to live together and conduct common affairs. As Aristotle says:

[*591]

Concord also appears to be a feature of friendship... . [A] city is said to be in concord when [its citizens] agree on what is advantageous, make the same decision, and act on their common resolution.

Hence concord concerns questions for action, and, more exactly, large questions where both or all can get what they want. A city, for instance, is in concord whenever all the citizens resolve to make offices elective

... .

Concord, then, is apparently political friendship, as indeed it is said to be; for it is concerned with advantage and with what affects life [as a whole]. ³⁹

³⁴ Aristotle, *Nicomachean Ethics*, Bk. VIII, Ch. 2 (W.D. Ross trans., J.O. Urmson rev. trans.), in 2 *The Complete Works of Aristotle*, supra note 31, at 1729, 1826 [hereinafter *Nicomachean Ethics*].

³⁵ Aristotle, *Eudemian Ethics*, Bk. VII, Ch. 2 (J. Solomon trans.), in 2 *The Complete Works of Aristotle*, supra note 31, at 1922, 1960 [hereinafter *Eudemian Ethics*].

³⁶ Choice involves "consideration and deliberation; therefore choice arises out of deliberate opinion." *Id.* Bk. II, Ch. 10, at 1942. "Choice is a deliberate desire I call it deliberate when deliberation is the source and cause of the desire" *Id.*

³⁷ *Nicomachean Ethics*, supra note 34, Bk. IX, Ch. 9, at 1850.

³⁸ Aristotle, *Politics*, Bk. III, Ch. 9 (Benjamin Jowett trans.), in 2 *The Complete Works of Aristotle*, supra note 31, at 1986, 2032.

A society involves a continuous, developing reciprocity of thought about the good. It involves thinking and acting together for the common good.

B. Society and the Practice of Reasoning About the Social Order

Members of a society may, through discussion and debate, modify and develop society's system of obligations and offices. Public opinion during the nineteenth century eventually turned against dueling, for example, thus abolishing the obligation to take the field of honor against the seducers of daughters.⁴⁰ The Ibo community [*592] of *Things Fall Apart* debated at length whether its morality of conflict precluded a "war of blame."⁴¹

Members of societies may explore the grounds underlying society's rules and principles, tracing and cultivating their roots in the fundamental orders of morality and religion, and then discrediting those that are poorly rooted. Much in Austen's novels reflects her respect for the "natural content" of virtue and her contempt for false social values.⁴²

Full participation in a society is inconsistent with a philosophy of what might be called "social positivism," inconsistent with the belief, in other words, that duty is only "what you want it to be"⁴³ or nothing more than what society establishes, needing no basis in natural ethics or religion. It is inconsistent with the view taken by Wilcocks, the ascendancy landlord in *The Silent People*: "Principles to him were things that you stood for, and if necessary died for. It didn't matter if the principles were faulty. Principles were what you yourself held to be the rule of life as you saw it. You stuck to those."⁴⁴

Full participation in a highly developed society is thus inconsistent with a philosophy that grounds rules and principles only in each individual's striving for self-realization. It is best grounded in the Austenian understanding that duties are founded upon the virtues, that "virtue has a permanent, objective content that defines what the best sort of character and actions are,"⁴⁵ and "that its cultivation, instead of drawing out individuality, aims at one standard of excellence."⁴⁶

³⁹ Aristotle, *Nicomachean Ethics*, Bk. IX, Ch. 6, at 144 (Terence Irwin trans., 2d ed. 1999). As Aristotle also notes, in the *Eudemian Ethics*:

Friendly agreement is not about all things, but only about things that may be done by those in agreement and about what relates to their common life There is agreement when the two parties make the same choice as to who is to rule, who to be ruled, meaning by "the same," not that each one should choose himself, but that both should choose the same person. Agreement is friendship of fellow citizens.

Eudemian Ethics, supra note 35, Bk. VII, Ch. 7, at 1967. Cf. Michael Walzer, *Equality and Civil Society*, in *Alternative Conceptions of Civil Society* 34, 37-38 (Simone Chambers & Will Kymlicka eds., 2002):

What Aristotle called the "friendship" of citizens is highly attenuated in the modern state, and participation is reduced, for most of the citizens ... , to the bare minimum of voting at election time. The actual experience of solidarity and cooperation with other people ... takes place largely in the groups that make up civil society.

Id. at 37-38.

⁴⁰ See V.G. Kiernan, *The Duel in European History: Honour and the Reign of Aristocracy* 204-22 (1988).

⁴¹ See Achebe, *Things Fall Apart*, supra note 8, at 172; see also id. at 10 (using the phrase "a fight of blame"); Achebe, *Arrow of God*, supra note 10, at 15, 18 (the priest of Ulu warns his people that Ulu would not assist them in an "unjust war" and that "our fathers did not fight a war of blame.").

⁴² Anne Crippen Ruderman, *The Pleasures of Virtue: Political Thought in the Novels of Jane Austen* 4 (1995); see also Collins, supra note 6, at 160 (noting Austen's distaste for "a mercenary caste of mind which distorted people's sense of values and made them incapable of recognizing true worth").

⁴³ Ruderman, supra note 42, at 4 (noting that Austen rejected this belief).

⁴⁴ Macken, supra note 10, at 99.

⁴⁵ Ruderman, supra note 42, at 4.

At the foundation of discussion, debate, and the search for moral roots must lie clarity of mind and firmness of judgment. Elizabeth says of Lydia's marriage: "How little of permanent happiness could belong to a couple who were only brought together because their passions were stronger than their virtue." ⁴⁷ We can be equally **[*593]** pessimistic about a social aggregation founded on so weak a basis. Clarity of mind and firmness of judgment and their place at the foundation of society are discussed in the next subsection.

C. The Formless City of Plato's Republic and the Basic Goods of Society

To discern the good of society at its most fundamental level, imagine a place that entirely lacks a social order, or, at least, one where many of the elements of society have markedly deteriorated. A situation like this is portrayed by Plato in the Republic, where he describes a stage of decay in which a city descends into a condition that can be called "formlessness," ⁴⁸ a condition in which "there [is] license ... to do whatever one wants[,] ... and where there's license, ... each man ... organizes his life ... privately just as it pleases him." ⁴⁹

The absence of any compulsion to rule in this city ... even if you are competent to rule, or again to be ruled if you don't want to be, or to make war when the others are making war, or to keep peace when the others are keeping it, if you don't desire peace; and, if some law prevents you from ruling or being a judge, the absence of any compulsion keeping you from ruling and being a judge anyhow, if you long to do so - isn't such a way of passing the time divinely sweet for the moment?

... .

And [this city] spatters with mud those who are obedient, alleging that they are willing slaves of the rulers and nothings ... while it praises and honors ... the rulers who are like the ruled and the ruled who are like the rulers.

... .

[*594]

... [A] father ... habituates himself to be like his child and fear his sons, and a son habituates himself to be like his father and to have no shame before or fear of his parents ... and metic is on an equal level with townsman

... .

... The teacher ... is frightened of the pupils and fawns on them, so the students make light of their teachers The old come down to the level of the young; imitating the young, they are overflowing with facility and charm, and that's so that they won't seem to be unpleasant or despotic. ⁵⁰

It is a Woodstock of a city. Not only has it overthrown its government; it has dissolved the basic components of the social order. It is a city without nomos; a city without the normal bonds between citizens; a city without obligation.

The city has ceased to define and respect office. Its inhabitants refuse to participate in government, and its students cease to respect teachers. The city's system of honor has broken down. Persons who would normally exercise

⁴⁶ Id. at 5.

⁴⁷ *Pride and Prejudice*, supra note 4, at 312.

⁴⁸ See Arlene W. Saxonhouse, *Democracy, Equality, and Eide: A Radical View from Book 8 of Plato's Republic*, 92 *Am. Pol. Sci. Rev.* 272, 280 (1998) (noting its "blurring of form" and "forgetting of form.").

⁴⁹ Plato, *The Republic of Plato* 235 (Alan Bloom trans., 1968). The first quoted phrase is actually posed as a question by Socrates: "And isn't there license ... to do whatever one wants?" Id. Socrates expects an affirmative answer and seems to receive one: "'That is what is said, certainly,' he said. 'And where there's license, it's plain that each man would organize his life in it privately just as it pleases him.'" Id.

⁵⁰ Id. at 236, 241. This quotation is collated from 557b through 563b. Here and throughout this article passages are attributed to Plato when he himself attributes them to Socrates.

authority, rewarding merit with honor and punishing delictual conduct with disgrace, no longer command respect, and perhaps eventually, they no longer expect it. "The teacher ... is frightened of the pupils and fawns on them The old come down to the level of the young; imitating the young, they are overflowing with facility and charm" ⁵¹

Public opinion decomposes. Public reason deteriorates. Disciplined political discourse declines. Hearts are weakened and no longer sustain shame. "[A] son habituates himself to ... have no shame before or fear of his parents" ⁵² The city's entire juristic order has dissolved in a wash of dreams; and things may have reached the point where the city no longer can be called a polis at all.

Plato describes a denizen of the "Formless City":

He ... lives along day by day, gratifying the desire that occurs to him, at one time drinking and listening to the flute, at another downing water and reducing; now practicing gymnastic, and again idling and neglecting everything; and sometimes spending his time [***595**] as though he were occupied with philosophy. Often he engages in politics and, jumping up, says and does whatever chances to come to him; and if he ever admires any soldiers, he turns in that direction; and if it's money-makers, in that one. And there is neither order nor necessity in his life ⁵³

He is "human being lite."

Beyond the Formless City: The Good of Constancy and Steadiness of Character - The deterioration of his city has degraded this denizen in one of the most basic components of virtue: steadiness of character. To participate fully in a society; to recognize obligation, especially when appetite protests; to fulfill the requirements of social office; to seek and achieve honors and avoid disgrace; to be appropriately ashamed when need be and apologize and seek to set things straight: these lines of conduct involve the subordination of the passions and the firm governance of the mind and will. Shirk them and you strengthen the appetites and weaken the will. A well-ordered society is a field for the instantiation of self-command.

Beyond the Formless City: The Good of Reason - Plato describes the denizen of the Formless City as "all-various and full of the greatest number of dispositions, the fair and many-colored man, like the city." ⁵⁴ He is a dreamer. Or, more precisely, "what he had ... been in dreams, he become[s] continuously while awake." ⁵⁵ When a city loses its juristic quality, people stand to suffer a deterioration in reason. Orderly, clear, insightful thought falters and fails in the Formless City. It would not be accurate to say that denizens of the Formless City lose their minds altogether, but their cognition displays a disordered and episodic quality. Their thinking resembles feeling.

Participation in a well-ordered society is an occasion for sustained thought about the civic order. Such a society, if you belong to one, presents judgments that you can consider when ruminating upon your own conduct. Its economy of honor holds up a mirror in which you can see yourself reflected. Through its eyes, you can see yourself as others see you, "from the outside," and assess your achievements as they might. You may assess your shortcomings in that way as well, and be led on to shame, ⁵⁶ apology, and rehabilitation.

⁵¹ Id. at 241.

⁵² Id.

⁵³ Id. at 239-40.

⁵⁴ Id. at 240.

⁵⁵ Id. at 255. See Terence Irwin, *Plato's Ethics* 264-71 (1995) for a discussion of Plato on knowledge, dreaminess, and the sight-lovers.

⁵⁶ Shame participates in the good of knowledge in one of its most painfully difficult forms, namely knowledge of oneself as delictual, imperfect, and morally flawed. A social order that imposes standards and detects violations - a society that develops an economy of honor and shame - holds up a mirror to fallen mankind. It provides the external point of view, which is necessary for the development of full self-knowledge. See Taylor, *supra* note 31, at 60 ("In feeling shame the actor thinks of himself as having

[*596] Elizabeth Bennet, for example - Elizabeth Bennet affords a clear illustration of a personality quite the reverse of that of the feckless denizen of the Formless City. Her character personifies the great Austenian attitude of satirical contempt for romanticism of the self-deluding sort. She is precisely the antidote for the dreaminess of the Formless City. She enforces obligation. She respects good form.

She firmly refuses Mr. Darcy, the richest and most attractive of the men in her world, owing to evidence that he has violated his duties as a gentleman. Though not yet twenty-one years of age, she possesses the mettle to duel successfully with Lady Catherine. Though sheltered and inexperienced in the ways of the world, she repeatedly displays superior insight, for example, in seeing more clearly than does her father the probable consequences of sending Lydia to Brighton. Though unlikely to have been a student of Aristotle, she is reflective enough to look upon her self-command as from the outside and to be pleased with it, "confident of having performed her duty" in warning her father.⁵⁷

Lydia Bennet, on the other hand - Lydia Bennet - subsequently Lydia Wickham, "vain, ignorant, idle, and absolutely uncontroled,"⁵⁸ - is throughout a type of the unsteady and unreliable person, and also the person whose mind is a constant whirl. Just listening to her account of her wedding day makes your head spin:

La! ... But I must tell you how it went off. We were married, you know, at St. Clement's, because Wickham's lodgings were in that parish. And it was settled that we should all be there by eleven o'clock. My uncle and aunt and I were to go together; and the others were to meet us at the church. Well, Monday morning came, and I **[*597]** was in such a fuss! I was so afraid you know that something would happen to put it off, and then I should have gone quite distracted. And there was my aunt, all the time I was dressing, preaching and talking away just as if she was reading a sermon. However, I did not hear above one word in ten, for I was thinking, you may suppose, of my dear Wickham. I longed to know whether he would be married in his blue coat.

... Well, and so just as the carriage came to the door, my uncle was called away upon business to that horrid man Mr. Stone... . Well, I was so frightened I did not know what to do, for my uncle was to give me away; and if we were beyond the hour, we could not be married all day. But, luckily, he came back again in ten minutes time, and then we all set out. However, I recollected afterwards, that if he had been prevented going, the wedding need not be put off, for Mr. Darcy might have done as well.⁵⁹

She exhibits the destabilized mind of someone who has become detached, if she ever was attached in the first place, from the juristic order of society.

V. Toward a Morality of Membership in Society

Participation in a society is, thus, an element of well-being. It establishes much of what makes you what you are.⁶⁰ For all but those rare souls with a vocation to live as hermits, it is a fundamental part of human flourishing. For

become an object of detached observation, and at the core to feel shame is to feel distress at being seen at all."). Peter French expands on Taylor's idea:

What is crucial in shame is that the agent achieve what Taylor calls a "higher order" critical point of view with which he or she can identify. The concept of the audience, whether real or imagined, affords the agent access to that point of view... . It is that point of view - of seeing oneself as being seen or possibly being seen in a certain way, as exposed - that motivates the self-critical and self-directed judgment that produces shame reactions.

French, *supra* note 31, at 152.

⁵⁷ *Pride and Prejudice*, *supra* note 4, at 232.

⁵⁸ *Id.* at 231 (Elizabeth speaking).

⁵⁹ *Id.* at 318-19.

⁶⁰ See Catechism of the Catholic Church P 1879 (2d ed. 1997) (footnote omitted) (citing Second Vatican Council, *Gaudium et Spes* [Pastoral Constitution on the Church in the Modern World] P 25 (1965), reprinted in *The Sixteen Documents of Vatican II* 513, 536 (Nat'l Catholic Welfare Conf. trans., St. Paul ed. 1967)) ("The human person needs to live in society. Society is not for

most people blessed with membership in a well-formed society, to leave off participating could be compared with ceasing to maintain a healthy diet. To do so would be foolish and probably immoral. Detached from social obligation, unwilling to exercise social office or to respect the offices of others, and oblivious to the goods of honor and the pains of shame that support it, a person [*598] who did so would risk the deterioration experienced by the feckless fellow, the flute-charmed "human being lite" of Plato's Formless City.

Similar conclusions apply when it comes to respecting the social participation of other people. Interfering with someone else's social membership might be compared to interfering with his access to healthy food and drink. Fostering his participation in society is, if not obligatory, then at least an exercise in decency and kindness.

Similar conclusions apply to those who lead society and form its policies. They should encourage and stabilize the social participation of society's members. Unjustly excluding members of society from full participation, for example through policies of racial segregation, violates this requirement. "Separate but equal" arrangements may be "inherently unequal," but they also violate requirements of social solidarity.

For his own sake, then, and that of his neighbors and countrymen, a member of society should take his participation in it seriously, fulfill the obligations it imposes (breaking them only for substantial reason), exercise the offices to which it appoints him, and respect its system of honor, shame, and rehabilitation. More fundamentally still, he should participate in the great discussion that is conducted by every really intelligent social order. These conclusions are taken up and extended in the next part of this article.

Part Two: Components of Society

I. Toward a Definition of "Components of Society"

Smaller associations are found within every society: groups such as the village, the guild, the neighborhood association, the charity, the hospital, and the issue-oriented association such as the Sierra Club or an association of retired persons. They are not of course the whole fabric of a society. You could resign from all you belonged to and still be a member of American society. You could still speak English, follow democratic procedure, use accepted good manners, honor the dead, and carry forward national values and traditions. Practices such as these apply across organizational lines and even outside of the context of any such group. Smaller associations are not the entirety of society, but they are an important part of its fabric.⁶¹

him an extraneous addition but a requirement of his nature. Through the exchange with others, mutual service and dialogue with his brethren, man develops his potential; he thus responds to his vocation."); cf. Simone Chambers, *A Critical Theory of Civil Society*, in *Alternative Conceptions of Civil Society*, supra note 39, at 90, 91 ("Critical theory ... sees civil society as a sphere of identity formation ..."). See generally Jurgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (William Rehg trans., M.I.T. Press 1996) (1992).

⁶¹ Writers of the "civil society" school emphasize smaller association as the centerpiece or even the exclusive account of the social order. Simone Chambers, for example, states:

The lifeworld is the background against which all social interaction takes place. It is a repository and contains the accumulated interpretations of past generations: how the people who went before us understood their world, themselves and each other, their duties, commitments and allegiances, their art and literature, the place of science, religion, and law, and so on. As social actors, we draw upon these understandings

... .

Civil society is the lifeworld as it is expressed in institutions.

Chambers, supra note 60, at 92-93; see also Habermas, supra note 60, at 367 ("Civil society is composed of those ... associations, organizations, and movements that ... distill and transmit ... reactions [in the "private life spheres"] to the public sphere. The core of civil society comprises a network of associations that institutionalizes problem-solving discourses"); Cohen & Arato, supra note 12, at x ("Civil society refers to the structures ... of the lifeworld to the extent that these are institutionalized or are in the process of being institutionalized," an idea that is "distinguished ... from a sociocultural lifeworld, which as the wider category of "the social" includes civil society."); Edward Shils, *The Virtue of Civil Society*, in *The Civil Society*

[*599] Some groups are separate from society, insulated from its beliefs, divergent from its practices, and in extreme cases estranged from or even hostile to the society around them. This might be the case with a group that separated itself from the modern world, as perhaps was the case with the community portrayed in M. Night Shyamalan's film, *The Village*.⁶² It is the case with some groups of political radicals. It is the case with a heroin-smuggling confederacy. Then again, some groups are partly but not entirely separated from society. Certain business companies afford a good example. Some companies, such as mom-and-pop grocery stores, seem to be closely integrated into society, while others - multinational companies with foreign ownership afford an extreme instance - are separate and in many ways different from the societies around them.

A group is a component of society when belonging to it is a mode of belonging to society and participating in society's system of obligation, office, honor, and shame. A group is thoroughly a component of society when it participates in society's discourse and when it promotes, in its own idiom, the goods of reason and steadiness of character that are characteristic of social membership generally. The set of neighborhood acquaintances to which the Bennets belonged, with its customs and obligations pertaining to calling and being called upon, hosting parties and participating in the dance, was thoroughly a component of English society generally. The **[*600]** implications of being a lady or a gentleman were constantly under consideration.

There are two important variables here because whether or not an association is a component is determined by what it makes of itself and also by what the society makes of the association and its projects. A society that emphasizes the good of prosperity and projects a businessperson's ethic as a model for civic participation is more likely to integrate business companies as components of society than is, for example, an ancien regime aristocratic order.⁶³

II. Toward a Morality of Components of Society

As with an individual, so with a group: participation as a component of the larger society is often an important aspect of the well-being of the group and its members. Obligations are articulated most precisely in the debating society. Honor shines brightest in the pages of your local newspaper and in the awards of your professional association; and shame is felt most keenly there. Some examples of how this works in the case of family as a component of society are presented in Part Three of this article.

Substantial cause will justify a group in insulating itself from society in some instances. If the society as a whole is badly disordered, as sectarian religious groups have often maintained, it makes sense for a smaller institution to insulate itself and travel its own path. If the society is well ordered but the association has purposes that are so specialized or incongruous as to make it immune from integration, as might be the case with a scientific research team or a military unit, insulation is likely the only reasonable policy. If the society is well ordered but in a position to benefit from words of dissent of the sort that might be provided by a group with an unusual ideology or line of interest, divergence and even discord may be justifiable.

Apart from such exceptional cases, it seems that associations should welcome the opportunity to participate in society. For a group as well as for an individual, to refuse to do so might be compared to refraining from enjoying healthy food, and interfering **[*601]** with the participation of other groups will often constitute the violation of an obligation.

Reader 292, 297 (Virginia A. Hodgkinson & Michael W. Foley eds., 2003) ("The hallmark of a civil society is the autonomy of private associations and institutions."); cf. Michael Walzer, *A Better Vision: The Idea of Civil Society*, in *The Civil Society Reader*, supra, at 306, 306 ("The words 'civil society' name the space of uncoerced human associations and also the set of relational networks - formed for the sake of family, faith, interest and ideology - that fill this space.").

⁶² *The Village* (Touchstone Pictures 2004).

⁶³ Cf. Cohen & Arato, supra note 12, at ix-x ("The actors of ... economic society ... cannot afford to subordinate strategic and instrumental criteria to the patterns of normative integration and open-ended communication characteristic of civil society... . Under capitalism, economic society has been ... [more] successfully insulated from the influence of civil society than political society has been").

Similarly, society itself and those who form its policies should welcome smaller associations to participate as components. To preclude participation would be to act against the good of the association and its members (as well as to deprive society of one of its cells). Social and legal policies that violate freedom of association, making it improper for certain organizations to continue to exist or extruding them to a position of social isolation, are usually wrongful on this ground. Similarly, social or legal precepts that permit participation only on the condition that an association refrain from defining its own membership, imposing its own internal order, or favoring its own members and policies in preference to those of other groups would usually be wrongful for these reasons.

The case in favor of an association's participation as a component becomes stronger the more the association approaches extending comprehensive control or influence over the lives of its members. It may not matter too much if a chess club conducts its business in Russian and organizes itself as a dictatorship. It would matter a great deal if a village did those things. The deterioration of the character of the denizen of the Formless City is partly the result of his own mistakes, no doubt, but it is partly inflicted upon him by the deterioration of the moral order of his social groups: the school, the civic association, and the family.

Part Three: Marriage and the Family as Components of Society

The family is the natural and fundamental group unit of society⁶⁴

Universal Declaration of Human Rights

The morality proposed above supports the conclusion that marriage and the family are appropriately components of society and should be treated as such by those who give them shape and direction. The family is not like a research team, a military unit, or a **[*602]** chess club. If your family is isolated from society, you will be isolated as well.

To conclude that marriage and the family are component institutions in a society of life is to reject morally impoverished accounts that make the family, as Jurgen Habermas seems to call it, a "community of consumers."⁶⁵ It is to reject isolationist accounts that base those institutions on the indulgence of emotions, as does E.J. Graff: "Western marriage today is a home for the heart: entering, furnishing, and exiting that home is your business alone. Today's marriage - from whatever angle you look - is justified by the happiness of the pair."⁶⁶

I. Marriage and the Family Are Widely Recognized as Components of Society

Custom and tradition in almost every society look to the family as a component institution. James Q. Wilson reports:

In every community and for as far back in time as we can probe, the family exists and children are expected, without exception, to be raised in one. By a family I mean a lasting, socially enforced obligation between a man and a woman that authorizes sexual congress and the supervision of children.⁶⁷

⁶⁴ Universal Declaration of Human Rights, *supra* note 3, at 74, art. 16 (emphasis added); see also International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200 (XXI), Annex, U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316/Annex (Dec. 16, 1966) ("The widest possible protection and assistance should be accorded the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.").

⁶⁵ Jurgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* 156 (Thomas Burger & Frederick Lawrence trans., M.I.T. Press 1989) (1962). With the loss of its economic functions, its functions as a producer, "the family increasingly lost also the functions of upbringing and education, protection, care and guidance There arose the illusion of an intensified privacy in an interior domain whose scope had shrunk to comprise the conjugal family only insofar as it constituted a community of consumers." *Id.* at 155-56.

⁶⁶ E.J. Graff, *What Is Marriage For?* 251 (1999).

Marriage is, Wilson finds, universally integrated into "the kinship system."⁶⁸ To become a spouse is to assume additional roles and shoulder additional responsibilities: son-in-law, daughter-in-law, sister-in-law, sometimes family business partner.⁶⁹ Family has a public, social, and economic side.

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Until recently ... [a] family was a political, economic, and educational unit as well as a child-rearing one. It participated in deciding who would rule the community and (except in wandering hunter-gatherer groups) control or have privileged access to land that supplied food and cattle. Until the modern advent of schools, families educated their children, not with books, but by demonstrating how to care for other children, perform certain crafts, and mind cattle and agricultural fields... . These tutorial, educational, and economic families were linked together in kinship groupings that constituted the whole of the small society - often no more than two hundred people, and sometimes even fewer - that lived together in a settlement.⁷⁰

More than any other institution, marriage and the family are generally recognized as a foundation of the civil order.⁷¹ To beget children is to create the next generation of members of society. To raise children well is to prepare them to be citizens, friends and neighbors. To complete their education is to set their feet on the threshold of their own social membership. As Roger Scruton observes, "children of married parents find a place in society already prepared for them, furnished by a regime of parental sacrifice, and protected by societal norms."⁷²

Different societies and religious traditions have emphasized different aspects of marriage and the family, but these solidarities recur. John Witte, Jr., identifies a "core insight of the Western tradition:"

Marriage is good not only for the couple and their children, but also for the broader civic communities of which they are a part. The ancient Greeks and Roman Stoics called marriage variously the foundation of republic and the private font of public virtue. The church fathers called marital and familial love "the seedbed of the city," "the force that welds society together." Catholics called the family "a domestic church," "a kind of school of deeper humanity."

[*604] Protestants called the household a "little church," a "little state," a "little seminary," a "little commonwealth." American jurists and theologians taught that marriage is both private and public, individual and social, temporal and transcendent in quality ... a pillar if not the foundation of civil society.⁷³

One of the most important works in the Confucian tradition, called *The Great Learning*, states:

⁶⁷ James Q. Wilson, *The Marriage Problem: How Our Culture Has Weakened Families* 24 (2002) (footnote omitted) (emphasis added).

⁶⁸ *Id.* at 30 (identifying "another universal feature of all human societies, the kinship system").

⁶⁹ See generally David Matzko McCarthy, *Sex and Love in the Home: A Theology of the Household* 109-24 (2d ed. 2004) (discussing social roles of the family).

⁷⁰ Wilson, *supra* note 67, at 40 (footnote omitted).

⁷¹ See, e.g., Second Vatican Council, *Gaudium et Spes* [Pastoral Constitution on the Church in the Modern World] P 52 (1965), reprinted in *The Sixteen Documents of Vatican II* 513, 568 (Nat'l Catholic Welfare Conference trans., St. Paul ed. 1967) ("The family, in which the various generations come together and help one another grow wiser and harmonize personal rights with the other requirements of social life, is the foundation of society.").

⁷² *Sacrilege and Sacrament*, in *The Meaning of Marriage: Family, State, Market & Morals* 3, 6 (Robert P. George & Jean Bethke Elshtain eds., 2006). The passage continues: "Take away marriage and you expose children to the risk of coming into the world as strangers, a condition in which they may remain for the rest of their lives."

⁷³ John Witte, Jr., *The Tradition of Traditional Marriage*, in *Marriage and Same-Sex Unions: A Debate* 47, 58 (Lynn D. Wardle et al. eds., 2003). See generally John Witte, Jr., *From Sacrament to Contract: Marriage, Religion and Law in the Western Tradition* (1997).

It is only when things are investigated that knowledge is extended; when knowledge is extended that thoughts become sincere; when thoughts become sincere that the mind is rectified; when the mind is rectified that the person is cultivated; when the person is cultivated that order is brought to the family; when order is brought to the family that the state is well governed; when the state is well governed that peace is brought to the world.⁷⁴

The extent of family is often given a wide social understanding, reaching out to encompass in-laws and other connections. In Austen's England:

Members of nuclear families, united by marriage, were likely to recognise one another as "father" and "mother," "son" and "daughter," "brother" and "sister." ... The principle of incorporation could extend further to include uncles, aunts, and cousins... .

The obvious result of these naming practices was that kinship groups were considerably enlarged.⁷⁵

Engaged to Jane, Bingley claims from Elizabeth "the good wishes and affection of a sister."⁷⁶ Engaged to Darcy, Elizabeth asks Jane, "Shall you like to have such a brother?"⁷⁷

The analogy of family is widely employed in many societies:

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The term "father," for example, ... could also be used as an appellation for any old man, particularly one "reverend for age, learning, and piety," as Samuel Johnson explained in his Dictionary of the English Language

... [These] usages ... all draw on a certain moral understanding of the quality of "fatherhood," which included attributes such as authority, seniority, care, and tenderness.⁷⁸

Because his mother came from the village of Okperi, an emissary from another town is greeted by the Okperi town crier as "Son of our Daughter" in Achebe's *Arrow of God*, and the emissary in turn addresses the crier as "Father of my Mother."⁷⁹

These extensions of kinship by direct and analogical usage operate to extend the scope of kinship obligation to a wide social network.

II. Marriage and the Family Participate in the Elements of Society

The obligations of family and household mirror and extend the duties imposed by society.⁸⁰ In Austen's England, bringing a child up well meant inculcating standards of conduct; and not just any standards, or even any good standards, but specifically the good standards that comported with society's definition of "gentlemanly" or "ladylike." Even matters of decorum that might seem to us to be of concern only to family members were sometimes socially

⁷⁴ The Great Learning (n.d.), reprinted in 1 Sources of Chinese Tradition 330, 331 (Wm. Theodore de Bary & Irene Bloom eds., 2d ed. 1999).

⁷⁵ Naomi Tadmor, Family and Friends in Eighteenth-Century England: Household, Kinship, and Patronage 137 (2001).

⁷⁶ *Pride and Prejudice*, supra note 4, at 347.

⁷⁷ *Id.* at 373.

⁷⁸ Tadmor, supra note 75, at 157-58 (footnotes omitted).

⁷⁹ Achebe, *Arrow of God*, supra note 9, at 26, 28.

⁸⁰ For Austen's view that "moral training should begin in the home," see Collins, supra note 6, at 166.

specified. The requirements pertaining to honoring the dead, for example, could be expressed in a table of mourning periods.⁸¹

Contrariwise, rules of good conduct within the family are often recognized by the social order and supported by its economy of honor, shame, and rehabilitation. If Darcy has ignored the wishes of [*606] his father as to a godson's career, Darcy "deserves to be publicly disgraced."⁸² When Okonkwo betrays a boy who had lived in his own compound and had taken to identifying him as "father," he is criticized by his best friend.⁸³

The offices of family - father, mother, in-law - mirror those of the wider social and political order. The father was taken as lord of the house, the mother, lady. Contrariwise, social and political offices have often taken their cue from those of the family. "When King George II died ... Thomas Turner described him in his diary as "King and Parent of this our most happy Isle."⁸⁴

III. Marriage and the Family Participate in the Basic Goods of Society

A. Reason

The practice of reasoning about established obligations and searching for the roots of traditions and practices applies within the family as well as within society. Exiled from his village for seven years, Okonkwo flees to his "motherland," the territory of his maternal ancestors. Falling into despondency after attempting to settle into his new life, he is scolded by his senior uncle, Uchendu, at a family council:

"Can you tell me, Okonkwo, why it is that one of the commonest names we give our children is Nneka, or "Mother is Supreme'? We all know that a man is the head of the family and his wives do his bidding. A child belongs to its father and his family, and not to its mother and her family. A man belongs to his fatherland and not to his motherland. And yet we say Nneka - 'Mother is Supreme.' Why is that?"

... .

"I do not know the answer," Okonkwo replied.

"You do not know the answer? So you see that you are a child. You have many wives and many children - more children than I have. You are a great man in your clan. But you are still a child, my [*607] child. Listen to me and I shall tell you. But there is one more question I shall ask you. Why is it that when a woman dies she is taken home to be buried with her own kinsmen? ... Your mother was brought home to me and buried with my people. Why was that?"

Okonkwo shook his head.

"He does not know that either," said Uchendu, "and yet he is full of sorrow because he has come to live in his motherland for a few years."

... .

⁸¹ In the aristocratic portion of the English world, elaborate and detailed requirements governed mourning for the death of a kinsman, reducible to a table of mourning periods. See Randolph Trumbach, *The Rise of the Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth-Century England* 35 (1978) (twelve months for a spouse, six months for a parent, three months for a brother or sister, one week for a cousin); see also *id.* at 34 ("The rules of mourning reveal that spouses, parents, and siblings formed the central core of one's kindred; that husbands and wives were incorporated into each other's kindred by marriage; that the parental tie was stronger than the avuncular ...").

⁸² *Pride and Prejudice*, *supra* note 4, at 80 (according to Elizabeth's opinion upon hearing Wickham's (false) story of having been deprived of a promised position in the Church).

⁸³ See Achebe, *Things Fall Apart*, *supra* note 8, at 53-58.

⁸⁴ Tadmor, *supra* note 75, at 158 (footnotes omitted).

"Then listen to me," he said and cleared his throat. "It's true that a child belongs to its father. But when a father beats his child, it seeks sympathy in its mother's hut. A man belongs to his fatherland when things are good and life is sweet. But when there is sorrow and bitterness he finds refuge in his motherland. Your mother is there to protect you. She is buried there. And that is why we say that mother is supreme. Is it right that you, Okonkwo, should bring to your mother a heavy face and refuse to be comforted? Be careful or you may displease the dead. Your duty is to comfort your wives and children and take them back to your fatherland after seven years." ⁸⁵

B. Steadiness of Character

Families demand a steady character in a vivid and intimate fashion. A parent knows how much his children depend, and a spouse knows how much the other spouse relies, on consistency and constancy and on holding down a job in difficult times. Studies establish that married men are steadier employees: less likely to miss work, less likely to show up hung over or exhausted, more productive, and less likely to quit. ⁸⁶ Married men are less likely to overindulge in alcohol, drive too fast, take drugs, smoke, or get into fights. ⁸⁷

[*608] Mr. Bennet's inappropriately unsocial, self-involved attitude lies at the root of the tragedy that nearly engulfs the Bennet family. He is guilty (in the surprisingly blunt conclusion of Elizabeth herself) of "continual breach of conjugal obligation and decorum." ⁸⁸ His attitude toward his wife is that of a disappointed epicurean:

Captivated by youth and beauty, and that appearance of good humour, which youth and beauty generally give, [he] had married a woman whose weak understanding and illiberal mind, had very early in their marriage put an end to all real affection for her. Respect, esteem, and confidence, had vanished for ever; and all his views of domestic happiness were overthrown... . [But] he was fond of the country and of books; and from these tastes had arisen his principal enjoyments. To his wife he was very little otherwise indebted, than as her ignorance and folly had contributed to his amusement. This is not the sort of happiness which a man would in general wish to owe to his wife; but where other powers of entertainment are wanting, the true philosopher will derive benefit from such as are given. ⁸⁹

This deplorable attitude of amused disengagement is the root cause of the downfall of Lydia:

Mr. Bennet's improprieties ... are chiefly displayed in his disrespect for his daughters and especially his wife. It is the fact that he exposes his wife to the contempt of her own children that Elizabeth sees as "reprehensible" Nor does he believe his daughters need the protection of his respect. They are "all silly and ignorant, like other girls[.]" a dismissal that makes him not bother to ever guide or restrain Lydia ⁹⁰

⁸⁵ Achebe, *Things Fall Apart*, supra note 8, at 116-17.

⁸⁶ See Linda J. Waite & Maggie Gallagher, *The Case for Marriage: Why Married People Are Happier, Healthier, and Better Off Financially* 103 (Broadway Books 2001) (2000); Margaret F. Brinig, *The Influence of Marvin v. Marvin on Housework During Marriage*, [76 Notre Dame L. Rev. 1311, 1316-17 \(2001\)](#).

⁸⁷ See Waite & Gallagher, supra note 86, at 53. John Witte, Jr., observes:

[As] a number of recent studies show, married adults are less likely than non-married adults to abuse alcohol, drugs, and other addictive substances. Married parties take fewer mortal and moral risks, even fewer when they have children. They live longer by several years. They are less likely to attempt or to commit suicide. They enjoy more regular, safe, and satisfying sex. They amass and transmit greater per capita wealth. They receive better personal health care and hygiene. They provide and receive more effective co-insurance and sharing of labor. They are more efficient in discharging essential domestic tasks.

John Witte, Jr., *The Goods and Goals of Marriage*, [76 Notre Dame L. Rev. 1019, 1019-20 \(2001\)](#) (footnotes omitted).

⁸⁸ *Pride and Prejudice*, supra note 4, at 236.

⁸⁹ *Id.*

⁹⁰ Ruderman, supra note 42, at 152 (citations omitted) (quoting *Pride and Prejudice*, supra note 4).

[*609] Elizabeth warns him how unwise it would be to allow Lydia to sojourn to Brighton where Mr. Wickham and his regiment are encamped. Mr. Bennet attributes her warning to concern for her own welfare, and in replying, he himself attends primarily to his own comfort:

Do not make yourself uneasy, my love. Wherever you and Jane are known, you must be respected and valued; and you will not appear to less advantage for having a couple of - or I may say, three very silly sisters. We shall have no peace at Longbourn if Lydia does not go to Brighton.⁹¹

And "with this answer Elizabeth was forced to be content She was confident of having performed her duty" ⁹²

Conclusion

The "anxiety" on the subject of marriage and the family, which Cardinal Trujillo discerns, reflects the intrusion of the culture of the Formless City into matters concerning hearth and home.⁹³ Plato's insight, not far removed from Cardinal Trujillo's, is to realize that the disorder of the individual soul is, in this as in many instances, a reflection of the dislocation of the individual from the web of society and the components of society that normally sustain and direct it.

This article has aimed to improve the modern understanding of the nature of society - the society of life - and to recommend an active reintegration of family and marriage into the social order.

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⁹¹ *Pride and Prejudice*, supra note 4, at 231-32.

⁹² *Id.* at 232.

⁹³ Trujillo, supra note 1, at 297.