

**EXTRAIT R.P. GEORGE :**

Hart took Devlin to be claiming that the price of tolerating serious deviance from a society's constitutive morality is the breakdown of social order. I, however, take Devlin to be claiming that the price of toleration is the loss of a distinctive form of interpersonal *integration* in community worthwhile for its own sake. As I read Devlin, it is this integration that he treats as the essence of « society », and thus as the good that is placed in jeopardy by radical moral pluralism. No doubt Devlin supposed that this good helps to support social order. If my reading is correct, however, he treated « *disintegration* », that is to say the loss of interpersonal *integration* understood as something good-in-itself, as the undoing of « society » regardless of whether this loss is accompanied by a breakdown of order. [...]

Devlin did not claim, as Hart took him to be claiming, that the protection of a society's dominant morality is necessary in order to prevent the breakdown of social *order*. Therefore the vindication of Devlin's position does not require the marshaling of evidence to show that an inevitable consequence of disagreement about fundamental principles of sexual morality, for example, is that people will no longer be able to live in close, interactive proximity to one another in a state of peace. Nor did Devlin propose the disintegration thesis as a matter of « disguised tautologies or necessary truths.»<sup>1</sup> His claim was not the trivial one according to which changes in a society's morality by definition entails the « destruction » of that society and its replacement by a new one. Rather, it was the substantial, partly axiological and partly « empirical » claim that, in consequence of the erosion of a dominant morality, social cohesion, that is, integration, understood as something worthwhile in itself (independently of its utility in supporting social order) would be lost.

Robert P. George, *Making Men Moral, Civil Liberties and Public Morality*, 1993, chapter 2 « Social Cohesion and the Legal Enforcement of Morals. A Reconsideration of the Hart-Devlin Debate », p.65-66.

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<sup>1</sup> H.L.A Hart, « Social Solidarity and the Enforcement of Morality », *Univ. of Chicago Law Review*, 35, 1967, p.3.