

# The Responsive Community

Volume 13, Issue 2, Spring 2003

## UP FRONT

- 4 **Deciding Who Should Speak on Campus** — Deborah Tannen  
**Squandering Volunteerism** — Amitai Etzioni

## ESSAYS

- 12 **Does Socio-Economic Inequality Undermine Community? Implications for Communitarian Theory**  
Richard M. Coughlin  
Why communitarians should worry more about inequality.

### **Immigrants and Minorities in Liberal Democracies**

Three distinguished scholars comment on *Diversity Within Unity: A New Approach to Immigrants and Minorities* [Winter 2002/03]. The platform's drafter responds.

- 25 **Religious Disestablishment in Western Europe: An Undervalued Step toward "Diversity Within Unity"** — David A. Hollinger
- 31 **A Closer Look at Unity: What Social Cohesion Does and Does Not Require** — Rainer Bauböck
- 43 **Taking Immigrants' Rights Seriously** — Ruth Rubio-Marín
- 52 **In Defense of *Diversity Within Unity*** — Amitai Etzioni

*continued . . .*

- 58 **The Dangers of School District Consolidation**  
Alan Ehrenhalt  
Fearing for the survival of their communities, the citizens of small-town Arkansas are protesting the governor's latest proposal.
- 63 **Rudeness in America**  
Deborah Wadsworth  
Has rudeness become the norm? A new survey reveals some interesting findings.

## DEPARTMENTS

- 70 **The Community Bookshelf**  
**Piety and Civility in the Public Arena** — Edward W. Lehman  
Review of Philip Selznick's *The Communitarian Persuasion*  
**What Is Civil Society (and Is It Really a Good Thing)?** — Francesca Polletta  
Review of *Civil Society and Government*, edited by Nancy L. Rosenblum and Robert C. Post
- 81 **The Community's Pulse**
- 83 **Kaleidoscope**  
**A Communitarian Gem: Article 41 of the New Swiss Constitution** — Winfried Brugger
- 89 **Libertarians, Authoritarians, Communitarians**
- 92 **Commentary** — Isabel V. Sawhill
- 96 **Contributors**

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*The Responsive Community* (ISSN 1053-0754) is published quarterly by the Institute for Communitarian Policy Studies of The George Washington University. The journal is listed in the following indexing/abstracting services: PAIS, IBZ, IBR, and Sociological Abstracts. Microform copies are available through Microfilms, Inc. Distributed by EBSCO: (205) 991-6600; and by Ubiquity Distributors, Inc.: (718) 875-5491. Visit our website at <http://www.gwu.edu/~ccps>.

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**Subscriptions:** Rates for individuals are: \$27 per year; \$48 for two years; \$17 per year for full-time students. Libraries and institutions: \$70 per year. Subscribers outside the U.S. should add \$7 per year for additional mailing costs. Send subscriptions and changes of address to: Circulation Manager, *The Responsive Community*, 2020 Pennsylvania Ave., NW, Suite 282, Washington, DC 20006. Tel: (800) 245-7460, or (202) 994-4355. Fax: (202) 994-1606.

**Editorial Information:** Editorial correspondence should be directed to the Editors, *The Responsive Community*, 703 Gelman Library, The George Washington University, Washington, DC 20052, USA. We regret that we cannot be responsible for unsolicited manuscripts. If you would like to write for us, please send a brief manuscript proposal first.

## UP FRONT

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### Deciding Who Should Speak on Campus

Deborah Tannen

In public institutions, as in our personal lives, our strengths are also our liabilities. Two of the great strengths of American democracy are our dedication to free speech and our conviction that truth is best reached through open debate in which both sides are heard. Yet there are dangers in some of the practices that grow out of these bedrock beliefs. I will be calling attention to some of these dangers, but I do not mean to question the rightness, the urgency of protecting free speech or the importance of open dialogue, including passionate and even vitriolic debate.

In our society, we tend to regard “open debate” as synonymous with “open exchange of ideas,” and to define “debate” as giving a hearing to “both sides.” What dangers can lurk in a commitment to open debate between both sides of a controversial issue?

One danger is that most issues don’t have two sides—they have many complex, nuanced, and overlapping sides. And those complexities, nuances, and points of overlap are obscured when an issue is cast as a debate between two sides.

Another danger is that this approach privileges views that fit most easily into its framework—often the most extreme, the most polarized views, which then come to define the debate. This makes a solution seem hopeless, so we give up seeking one. Furthermore,

most people hold views that lie somewhere in the middle, and when they don't see their views represented they turn off and fall into apathy.

The two-sides approach creates a need to find spokespersons to represent "the other side," even if it is a widely discredited position. For example, as Ross Gelbspan demonstrated in his book *The Heat Is On*, there is widespread agreement among experts and ample scientific evidence about the reality of global climate change, yet some Americans still consider this issue "controversial" because any article or program about it includes the same few fringe researchers who question its reality based on dubious research paid for by the fossil fuel industry.

The two-sides approach can also create an illusion of equivalence. Marvin Kalb, a television journalist during the Vietnam War, recalls that if, say, 90 senators voted one way and 10 voted the other, the TV news, determined to get "both points of view," would present a representative of each side. Although viewers were told that one senator spoke for himself and 89 colleagues, while the other spoke for himself and 9 colleagues, the visual impact of seeing two men, each occupying half a screen, gave the impression that these were two equally weighted sides. (This is not to imply that the minority "side" was wrong: Kalb points out that early in the war the minority opposed it; toward the end of the war, the minority supported it. The point is that the "two sides" approach obscured the difference in how widespread each opinion was.)

Perhaps most dangerous is that an unthinking devotion to a two-sides approach can help spread false information, or even outright lies.

None are more aware of the preciousness of freedom of speech than those who have lived in a nation deprived of it. The Czech poet and former president Vaclav Havel has spoken of the "special radioactive power of the truthful word." I think we all believe in this power. We believe we can recognize the truth by its sparkle, and detect when someone is lying. Unfortunately, we can't. Paul Ekman, a University of California psychologist, set up experiments in which individuals were videotaped talking about their emotions, actions, or beliefs—some truthfully, some not. He showed these videotapes to

thousands of people, then asked them to say who they thought was lying and how certain they were of their ability to tell. The vast majority performed no better than chance, yet the many who were unable to detect lies had just as much confidence in their answers as the few who were truly able to tell.

This means that when we give speakers a platform, audience members are as likely to be convinced by falsehoods as by truths. The reception of Holocaust deniers and revisionists in the United States illustrates the danger of providing people who falsify facts with an opportunity to spread their message. Holocaust deniers try to refute the historical fact that during World War II Nazi Germany killed many millions of people in concentration camps as part of a plan to eradicate Jews from Europe. Holocaust revisionists agree that it happened but maintain that it was not nearly as bad as has been claimed. Deniers and revisionists have had far more success in the United States than in any other country. One reason, sadly, is our devotion to a “both sides” debate as the path to truth.

For example, when Deborah Lipstadt published her book *Denying the Holocaust*, she was invited to appear on television—together with another guest who would argue that the Holocaust never happened, so the two could debate. Lipstadt refused because inviting such a guest to appear on a national television show would vastly enlarge the deniers’ and revisionists’ audience and enhance their credibility. The TV producer protested to Lipstadt, “Don’t you think viewers have a right to hear the other side?”

The same rationale surfaced in 1993 when deniers had one of their greatest successes by placing in college newspapers advertisements that claimed (falsely) that the Holocaust Memorial Museum contains no proof that gas chambers actually existed. Lipstadt quotes a college newspaper editor who justified running the ad by explaining, “There are two sides to every issue and both have a place on the pages of any open-minded paper’s editorial page.” The fallacy here, as in the TV producer’s use of the same argument, is that there is no other side to historical fact. Would we provide a forum for a historian who argues that the Civil War never happened? Or that it happened, but that the casualties suffered by the Confederate side have been greatly exaggerated?

Another college newspaper editor that Lipstadt quotes justified publishing the ad by saying, “The issue of freedom of expression outweighed the issue of the offensive nature of the advertisement.” This brings us to the key way that the “two sides to every issue” approach becomes intertwined with freedom of speech and expression.

What’s wrong with the notion that giving a platform to those whose claims we know to be false is a freedom-of-expression issue? It reframes an individual’s right to express ideas as an obligation on the part of editors, producers, or those who invite speakers to give that individual a platform. I have a right to say or write just about anything I want. The First Amendment says the government cannot infringe on that right. But I can’t call up Oprah Winfrey and say, “I have a First Amendment right to appear on your show.” Oprah Winfrey has the power to amplify my message by inviting me on her show, but deciding whether or not to use that power in that way is her responsibility, not my right.

Universities occupy a special position in society as institutions dedicated to knowledge and learning. The editors of student newspapers and members of campus communities in a position to invite speakers have a unique power to amplify the messages of those they cover or invite to speak and the power to lend them credibility. These powers come along with an enormous responsibility.

Universities have a responsibility to encourage open debate and discussion of a wide variety of views, but they also have a responsibility not to disseminate false information and lend credibility to those who spread it. For instance, Georgetown University, where I am a professor, protects the rights of students to invite lecturers who oppose the policies and teachings of the Catholic Church. This takes great courage and conviction since Georgetown is a Catholic university. But would we also want to invite a speaker who proclaims that Catholics kidnap babies, kill them, and drink their blood and eat their flesh in secret religious rituals? These are the so-called “blood libel” myths that were spread—and widely believed—by Protestants about Catholics in the 19th century (and that have been repeated up to the present time about other groups). We would not want to execute or imprison those who disseminate these myths, but neither would we

want to invite them to speak at Georgetown—not only because such myths were evidence and provocations of hatred against Catholics in the 19th century (which they were), but because they are lies, and a university is an institution devoted to learning, knowledge, and scientific investigation.

As Amitai Etzioni and other communitarians remind us, in a democracy, rights always come along with responsibilities. A university within a democracy must be a bastion of free speech and expression. But it is also a bastion of knowledge and reason. This responsibility is especially urgent in the age of the Internet, when so much information comes to us without editorial filtering, and baseless rumors—modern equivalents of the blood libel myths—spread so quickly and easily.

A university should not offer a platform to Holocaust deniers or revisionists not because what they are saying is repellant, not even because of the grievous pain they cause those who endured the concentration camps or lost their families to them, but because it is counter to our knowledge of history. If a university does not stand for factual history, science, and accurate knowledge, then it is no longer a center of learning, but has become something else.

There is a place in a free society for a forum in which anyone can get up and say anything. Speakers' Corner in Hyde Park, London is such a place. Sproul Plaza at the University of California, when I was a graduate student there in the 1970s, was such a place. Anyone could stand on a soapbox and hold forth. But passersby approached them knowing that no one had invited them—no university-related organization or person endorsed or promoted their ideas. But if speakers are invited inside a university building, given an invitation by a university entity, then they bear the imprimatur of that university, whether those who invite them intend it so or not.

America's dedication to freedom of speech is one of its greatest strengths. Americans rightly cherish open debate. But the tendency to frame all issues as debates between two sides can distort issues and even obscure the truth. And we shouldn't misconstrue what the right to freedom of speech guarantees. All individuals have a right to say what they want, but universities have no obligation to amplify the message of any particular individual by providing a platform and the

credibility implied by the invitation to speak. On the contrary, all members of a university community have a responsibility to ensure that the halls of learning do not become an echo chamber for the spread of disinformation in the name of free speech.

## **Squandering Volunteerism**

Amitai Etzioni

**I**n January 2002, when President Bush called on Americans to commit at least two years or 4,000 hours of service to neighbor and nation, he was widely applauded. After September 11, Americans rushed to find ways to help—to the point that the Red Cross had to turn away donors, and Salvation Army warehouses in New York City overflowed into the streets.

This public desire to address our national vulnerabilities was just waiting to be tapped. But in the weeks and months that followed, the administration faced a problem known to every itinerant preacher: all the charisma in the world will do little good if you get people all riled up and then have no church for them to join. The administration hasn't institutionalized citizens' desire to serve, and now that desire is fading away.

To be fair, Bush hired some very good people to head his new drive. The USA Freedom Corps set up a tiny headquarters, published a brochure, and created a neat website, but it hasn't organized a new army of volunteers. Many observers claim that the main difficulty was that Congress appropriated only about \$25 million for the new drive instead of the \$230 million the White House requested. Local organizers complain that they can get little seed money and that what they can get is slow in coming. All this is true. But as I see it, the problem lies elsewhere.

The program created to recruit volunteers in the area of homeland security—the Citizen Corps, a sort of national version of the neighborhood watch program—was buried.

The Corps is supposed to provide training for many thousands in advanced first aid, assisting fire fighters, organizing evacuations, and patrolling important public assets, armed only with communication devices. They would be the voluntary troops of homeland protection. (My support does not extend to the controversial—now discarded—component of the program called Terrorism Information and Prevention System, or TIPS. Spying on friends and neighbors, which is what TIPS essentially would have involved, should definitely not be encouraged. We should serve as arms and legs of homeland protection, not “eyes and ears.” Because the latter is so against the American grain, it would undermine the whole drive.)

Even after several meetings with the officials involved, I still don't understand why the administration hid the new program under the Freedom Corps umbrella, which includes the Peace Corps, AmeriCorps, Senior Corps, and other worthy corps that have nothing to do with homeland protection.

In recruiting volunteers, the government hasn't distinguished between homeland security and other purposes, as if—as we anticipate new terrorist attacks—it makes no difference if you're asked to serve as a teacher's aide or a firefighter, to patrol a classroom or the town's water resources. Federal Emergency Management Agency representatives explicitly argue that it makes no difference if people are asked to stand by to help for a flood, an earthquake, or a bunch of terrorists.

Americans volunteer much more than the citizens of any other nation in the world. To get them to volunteer still more—on the homeland security front—requires channeling whatever is left of that special motivation generated by September 11. Citizen Corps was created to do that—a worthy idea that ought to be pursued more seriously.

Americans need to be trained as volunteer firefighters and medics, and asked to give an evening each week and one weekend day a month to patrolling the main resources of their city, from electric power plants to harbors. Homeland protection needs millions of people to protect vital assets; we simply cannot afford to pay to protect all areas of our nation the way we do for our airlines.

Bush's call to service was a good start, but what we need now is for the Department of Homeland Security to tell us where to line up, what to do, and how to follow through.



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## ESSAYS

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### COMMUNITARIAN THEORY

#### **Does Socio-Economic Inequality Undermine Community? Implications for Communitarian Theory**

Richard M. Coughlin

Communitarianism has sometimes been criticized for overlooking, or at the very least downplaying, the role of economic forces generally, and socio-economic inequality in particular, in shaping social relations in the United States and other advanced (or “modern”) societies. In a minor way, I count myself among the critics (albeit one broadly sympathetic to the communitarian project), having made the following observations in a 1996 *Journal of Socio-Economics* article:

There is something fundamental missing in these [communitarian] discussions. Membership in a community (at least as this is understood in modern societies) implies a certain degree of access to the economic and political resources that the community has at its disposal. Vast differences in economic status . . . tend to prohibit the formation of any sort of meaningful community ties. For example, it is virtually impossible for the homeless person who lives under a bridge not too far from my house, and who is daily seen begging outside local stores, to be a member of the community in which I live. To speak of “community” without reference to the massively unequal distributions of income and wealth that actually exist in . . . the United States and many other

societies, and all that follows in terms of living conditions and life chances, is akin to homilies about the “family of man”—nice sounding words with a well-intentioned uplifting intent, but with little real meaning.

Steven Lukes expresses similar (and far less sympathetic) sentiments in a 1998 article published in *Dissent*. Explicitly focusing on articles published in *The Responsive Community* since its inception in 1990, Lukes contends that the communitarian debate has been “drastically” limited, with the economy as the “major absentee.” Lukes goes on to state that “There is very little here about the moral and cultural consequences of market processes, and virtually nothing about the ramifications of economic inequality.”

Lukes’s criticism, which is typical of leftist critiques of communitarianism during the 1990s, may have some merit, but it is overstated. A more careful reading of communitarian writings reveals that socio-economic factors have not been entirely overlooked. In *The New Golden Rule*, for example, Amitai Etzioni alludes to the role of socio-economic factors both as “enablers and constrictors of autonomy,” adding, however, that this is a vast and important subject that would require a separate volume to be properly treated. In addition, Etzioni devotes sections of several chapters of *Next: The Road to the Good Society* explicitly to questions of socio-economic equality.

Communitarians have expressed some concern about socio-economic inequality, but it is not a topic that they have explored sufficiently. In this article, my main contention is that there is a distinctively communitarian rationale for wanting to limit socio-economic inequality—namely, that extreme inequality undermines civic participation and the sense of community shared by members of the broader society. By promoting communities that are segregated along socio-economic lines, extreme inequality weakens relations among the different groups that make up the community of communities, undermines concern for the common good, and weakens civil society and social solidarity. At the end of the paper, I discuss how much inequality communitarians should accept and under what conditions.

My discussion is limited to the instrumental consequences of socio-economic inequality and does not refer to its implications for social justice, although the latter is clearly important for communitarian theory. In addition, the examples I will use are taken from the United

States, thus limiting the extent to which broader generalizations may be drawn. However, this article should have at least some implications for other advanced (or “modern”) societies.

### **Inequality and Communitarianism’s Core Concerns**

Communitarianism differs from the conventional ideologies of both the right and the left in that it does not begin with an a priori set of assumptions about the role that socio-economic inequality plays or ought to play in society. This lack of a clear a priori position on inequality can be viewed as a weakness of communitarian theory, and various critics have not been reticent to make this point. But viewed in a different light, this situation is merely a matter of focus and emphasis. In terms of setting priorities, communitarianism has tended to address those questions that are foundational to its core concerns, such as how to develop a sound conception of morality, what role group identification (including the role of race and ethnicity) plays in social harmony or conflict, and how to achieve a balance between individual liberty and social order in modern society. This is more than a full plate, and it is too much to expect that any theory or perspective can cover everything at once.

I would, however, agree that, at least until recently, communitarians have tended to assume, even if they don’t explicitly state, that American society has been sufficiently equal, both in terms of opportunity and outcomes, to allow for the development of strong, vital communities. For communitarians the chief threat to community in American society has not been class conflict or an excessive degree of socio-economic inequality, but an excess of atomistic individualism, whether based on a hyperactive concern with individual liberty or an obsession with the pursuit of personal pleasure. The communitarian project has mainly concerned itself with questions about the relationship between “autonomy and order,” of how to achieve a balance between the pursuit of individual self-interest and sustenance of the common good. Neither autonomy nor order necessarily involves a primary concern with socio-economic relations *as long as the latter are sufficiently benign that they do not undermine either autonomy or order, or both*. Through the 1970s or so, it could be argued with some justification that American society was “equal enough” (or at least moving in the right direction) to allow the question of socio-

economic inequality to be set aside as a central focus of communitarian attention. This assumption of “equal enough” has become untenable in the face of what appears to be a trend toward increasing socio-economic inequality, and it is now incumbent on communitarians to squarely address the question of socio-economic inequality.

### **Etzioni’s “Next” Step: Limiting Inequality**

In his recent book, *Next*, Amitai Etzioni formulates several proposals for socio-economic policy reform. These proposals represent the clearest statement to date of a distinctly communitarian set of socio-economic policies. His proposals include guaranteeing a “rich basic minimum standard of living” for all people, irrespective of their conduct, that includes shelter, clothing, food, and basic health care. Etzioni also proposes a limited form of guaranteed employment, with the understanding that a labor market stimulated by a growing economy is the best way to provide jobs, but absent this “*community jobs* [should be made] available for all those needing work.” Most germane to the topic of this article, Etzioni argues that current levels of socio-economic inequality are too high, and need to be reduced. He contends that in order to achieve a society that is a “community of communities,” the economic distance between the rich and poor cannot be allowed to grow to too great a level:

If some members of a community are increasingly distanced from the standard of living of most other members, they will lose contact with the rest of the community. The more those in charge of private and public institutions lead lives of hyperaffluence—replete with gated communities and estates, chauffeured limousines, servants, and personal trainers—the less in touch they are with other community members. Such isolation not only frays social bonds and insulates privileged people from the moral cultures of the community, but it also blinds them to the realities of the lives of their fellow citizens.

Here, Etzioni outlines distinctively communitarian reasons for wanting to limit inequality, and his policy proposals give substance to this prescription. Research on social networks, religious participation, and residential housing patterns supports the contention that socio-economic inequality has a variety of negative effects on civic participation and community.

## Social Networks and Inequality

The pattern of associations that connect individuals to one another and to larger social circles is a fundamental building block of community. Sociological research into the nature of social networks over the past two decades or so, especially looking at the relationship between social networks and social structural variables, provides a glimpse into how socio-economic factors can encourage or obstruct the development of affiliative associations and hence community. An individual's social network includes some combination of ties to the immediate family and other kin, friends and other close associates, and people with whom relationships are less intimate. In general, each type of network tie offers some advantages, but extremes in any one category appear to be detrimental to the formation of healthy community ties. For example, strong family ties may provide what Christopher Lasch described as a "haven in a heartless world," offering individuals succor, moral and even material support not readily available elsewhere. Communitarians often point to strong families as the foundation of strong communities. At the same time, an overly heavy reliance on kin to the exclusion of other types of ties can lead to isolation from the wider community, with a concomitant emphasis on caring about and trusting only one's family. For example, Edward Banfield provides a stark portrait of "amoral familism" in his description of the social life of southern Italian peasants. At the other extreme, a tendency to restrict one's social ties exclusively to impersonal relationships with strangers may, in terms of developing a strong sense of community, be no different in effect from the social isolation of the hermit. Without intimate relationships, people become in reality the "unencumbered selves" that Michael Sandel criticizes Rawls for postulating in theory.

The pertinent question here is how social structure, specifically patterns of socio-economic inequality, is related to the characteristics of personal social networks. The relevant empirical findings are several. First, sociological research supports the commonsense notion that people generally tend to associate with others with whom they share basic social characteristics—a tendency that social scientists refer to as "homophily." In addition, and not too surprisingly, researchers have found that the further the social distance between people—as measured by differences in education, income, and occu-

pation—the less frequent and strong their social network connections with one another are. Indeed, there appears to be persuasive empirical evidence that socio-economic status exerts a variety of distinctive effects on the patterns of social ties that individuals establish and maintain. For example, using data from the General Social Survey, David Marsden reports that more educated people tend to have larger social networks overall, with a lower proportion of kin in “confiding networks” consisting of people with whom “important matters” are discussed. Marsden also notes that more educated people tend to have less “dense” confiding networks, meaning that fewer of those they name as friends are in turn associated with one other, and that the networks of people with more years of formal education are more varied in terms of sex and age. However, the social networks of people at the high and low extremes of socio-economic status have a greater tendency to be closed off from wider social circles of relationships—in other words, they have a higher tendency toward so-called “inbreeding.” Marsden concludes that “occupational groups at the extremes of the status distribution have the highest tendencies toward inbreeding, while groups in the middle of the distribution have positive, but smaller, tendencies to confine their relations to others within their group.”

Mark Granovetter’s work in social network research reveals that “weak ties,” consisting of acquaintances, friends-of-friends, and other similar social connections, often provide valuable information and contacts that facilitate activities such as learning about job openings, finding housing, and, I would add, accessing various opportunities for civic participation. Weak ties, Granovetter insists, are “indispensable to individuals,” and foster social integration rather than inducing greater alienation. The inference I draw from this is that smaller, more inbred social networks at the lower reaches of the socio-economic strata also lead to fewer and less extensive weak ties, and form part of a larger pattern of social and economic isolation in urban ghettos described by William Julius Wilson in *The Truly Disadvantaged* and other writings.

Putting together these and other findings from the social network research literature, we can construct a rough picture of what sorts of socio-economic relations conduce toward the highest levels of individual participation in community. Holding other factors constant,

people who are well-educated, not too dissimilar from other community members in terms of socio-economic status, and not at either extreme of socio-economic status will tend to have social networks that are wider, less inbred, and therefore most favorable to community participation. Likewise, persons who would tend to be most at risk of social isolation are those with little or no formal education and with low socio-economic status, those whose social networks therefore tend to be restricted to kin or otherwise have a high degree of inbreeding. These are persons who would tend to have few or no "weak ties" linking them to the wider society. These characteristics comprise a fairly accurate portrait of the impoverished "underclass" and describe a pattern also consistent with the contemporary European conception of the poor as "*les exclus*" (the excluded).

Those among the upper stratum of society appear to share with the poor the risk factors for social isolation that stem from highly inbred social networks, and indeed the wealthy's experience of "community" may be limited due to their lack of social interaction with a broad cross section of society, but their situation is quite different from that of the poor. The upper strata do not experience the same kind of negative consequences as the poor in finding out about a job, a house to rent or buy, or other sorts of benefits that wider, less inbred social networks confer.

While social isolation often creates personal problems for poor individuals, it also creates problems for the wider society. The atomization of society into groups segregated according to socio-economic status limits opportunities for participation in the wider society and weakens the degree to which the larger society can be considered a community.

### **Religious Participation**

Communitarians have been understandably interested in the role of faith-based organizations as one of the pillars of civil society. Obviously, the role that religious groups play in defining core values and behavioral norms, and the extent to which religious congregations serve to bond people together in worship and often collective action, makes them a key type of community from a communitarian perspective. The relationship between religion and socio-economic inequality may not be clear at first blush, at least to those unfamiliar

with the literature on the sociology of religion. Studies of religious participation leave little doubt that the socio-economic profiles of churches reflect existing patterns of societal inequality. For example, based on a large-scale study of religious participation, one researcher concluded that "People meet together for worship within *the basic sociological groupings into which they are born*" (emphasis added). Two other researchers concluded that religious congregations tend to be highly "internally homogeneous," and that "strong" religions help to create both "distinctive networks" and clearly delineated boundaries separating the congregation from others.

Religious congregations both mirror and focus the inequalities of the wider society. Religion's positive contribution to fostering a stronger "community of communities" is undermined by the extent to which religious congregations tend to structure themselves along existing lines of socio-economic stratification. This stratification is in turn reinforced by what one student of the sociology of religion terms the "amazing class segregation" of religious congregations. The lesson seems to be that the extent to which participation in organized religion offers opportunities for wider civic engagement depends to a significant degree on one's place in the socio-economic hierarchy. Middle-class congregations will tend to promote participation in the broader society while upper- and lower-class congregations will tend to be more isolated. Extreme inequality isolates more people.

### **Residential Housing and "Neighborhood"**

"Neighborhood," yet another building block of community, appears to defy precise definition as a concept, and its usage varies according to whether one is speaking about an urban center, suburb, or rural setting. However, there is no doubt that where one lives in relation to others structures communal social relations. Moreover, the social identification of a person's place of residence is imbued with powerful significance. Indeed, one observer goes so far as to assert that "The single most powerful expression of social status may be one's address."

Communitarians have rightly paid considerable attention to the implications of racial segregation in housing in the United States. Less conspicuous in discussions of residential housing patterns, however, are the purely socio-economic factors that affect, for better or worse,

the building of community. While it is true that a host of factors (e.g., discrimination, restrictive mortgage lending practices, zoning regulations, and public housing policies) serve to create or reinforce ethnic or racial boundaries delimiting “neighborhoods,” housing patterns are mostly the predictable outcome of *market forces*. Individuals may exercise some choice in selecting a geographical location to live in, but such choices are bounded on the upper end by how much they can afford to pay. Persons of upper- or upper-middle-class status are free to elect to reside in a low-income or working-class neighborhood, but for obvious reasons they do not often do so. More importantly, the obverse is certainly not true: low-income, unskilled, or unemployed workers cannot decide to move up (or, in the case of American suburbs, “out”) to even middle-class housing, much less to desirable upper- or upper-middle-class neighborhoods. The asymmetrical nature of constrained choices in the housing market, coupled with the great significance of where one lives both as a marker of social status and a crucial factor in determining access to social goods such as desirable schools, high quality public services, and a low crime rate, tends to produce patterns of residential housing that are relatively homogeneous in terms of social class—like social networks, like religious congregations. Thus, the role of “neighborhood” as an instrument for community participation is constrained by existing patterns of socio-economic inequality.

The tendency for neighborhoods to reflect underlying socio-economic forces in the housing market may not in and of itself be a problem for the formation of community at the neighborhood level. Neighborhoods segregated by socio-economic status may be able to form strong communities. However, extremes of socio-economic inequality produce housing patterns that tend to limit participation in the wider society, just as social networks and religious congregations affected by extreme inequality do. At the lowest socio-economic strata, individuals are often trapped in enclaves where living conditions are poor, public services substandard or nonexistent, access to educational and employment opportunities severely constrained, and a host of other destructive conditions present. In many instances, socio-economic barriers are reinforced by racial or ethnic discrimination and their counterpart, residential housing segregated by race or ethnicity. At the opposite end of the spectrum, the most affluent individuals display an increasing tendency to withdraw to luxury

apartments where access is closely controlled by doormen or to estates or so-called “gated communities” in the suburbs or the countryside. Whatever the motivation, the end result of housing with elevated levels of segregation along socio-economic lines is the same: a serious undermining of the potential for the development of the kind of communities and participation in civil society to which communitarianism aspires.

### **Inequality in a Communitarian Society**

Thus far my discussion of social networks, religious congregations, and housing patterns supports Etzioni’s contention that “limiting inequality” is critical to realizing the communitarian vision of the good society. The question remains, however, how far efforts to limit socio-economic inequality need to go in order to achieve this vision.

How much socio-economic equality would communitarians prefer under an idealized set of circumstances? Or, stated somewhat differently, what sorts of socio-economic distinctions would communitarianism prescribe according to its core principles for a communitarian society built from scratch? Although it is not possible to describe in detail what such a society would look like, I would like to suggest a few key principles of socio-economic stratification that can be derived from communitarian theory.

First, absolute equality of outcomes is out of the question. From a communitarian point of view, imposing absolute equality makes as little sense as accepting grossly unequal outcomes based on market dynamics. Indeed, one is probably as detrimental to the formation of strong and healthy communities as the other. Communities, like wider societies, need to recognize and reward individuals who are creative, hardworking, and who exert themselves beyond the bare minimum required. Although in some instances community recognition may be achieved through symbolic rather than monetary means—for example, a public memorial or a medal—a community in which an unskilled worker earns as much as a physician (roughly the situation that prevailed in the former USSR, where physicians were disproportionately women) would be as unworkable on communitarian grounds as a community in which a 20-year-old website programmer makes many times the salary of a caregiver in a nursing home or childcare center (a situation that prevailed in the United

States in the late 1990s at the height of the Internet mania). In the first case, the functional virtues of the marketplace are denied; in the second case, the market is allowed to play havoc with reasonable societal priorities.

Second, under a communitarian approach, individual efforts should be encouraged and rewarded according to some measure of contribution to the common good, *through the marketplace where this occurs but by nonmarket means, including subsidies, where needed*. Setting aside the challenging question of exactly how such a metric could be formulated and applied, I ask only that we accept the possibility that with sufficient thought and discussion such a thing would be possible. The operative principle here would be to supplement market-based incentives and rewards with ones based on some calculus of contributions to the common good, recognizing that markets are not the sole or ultimate standard by which social value can be measured.

Third, recognizing that some types of economic activities are actively detrimental to the common good, an idealized communitarian system would contain a structure of disincentives to counter areas where the marketplace confers rewards upon (or is neutral to) activities that are destructive of the common social good. Industrial polluters, manufacturers of products harmful to health, and purveyors of gratuitously violent films, to cite just a few obvious examples, should expect to have their business activities heavily taxed and/or tightly regulated. It is important to note that taxing or regulating such behavior need not entail heavy-handed censorship or the arbitrary exercise of moral authoritarianism, but it does involve making judgments on grounds other than exclusively market-based criteria. For example, a communitarian principle of differential economic reward would recognize that a dedicated and talented high school teacher is inherently worth more to society than a marketing executive employed by a tobacco company.

As a condition of minimizing social barriers and maximizing opportunities for the development of shared values, the idealized picture of communitarian society I envision would be free from invidious extremes of individual wealth and poverty. Instead it would be characterized by a social structure that offers broad inclusion rather than sharp distinctions based on socio-economic status, and that explicitly includes factors beyond pure market dynamics as

the basis for differential rewards. Such a social structure might, in fact, look quite a lot like the “middle-class society” that appears in popular American mythology and in the descriptions of many observers of the American scene going back to Tocqueville. There appears to be strong empirical support for the notion that the closer one gets to “middle class” status (broadly conceived) the greater the affinity for a commonly shared set of core values. For example, Alan Wolfe concludes that the United States is “one nation, after all,” but his study of the core values Americans hold looks only at the middle strata of society. Wolfe’s conclusion offers both hope and, more importantly, guidance to communitarians concerning the possible benefits of greater socio-economic equality.

### **What Can Be Done?**

The forces that have produced existing, unacceptable levels of socio-economic inequality in the United States are immensely powerful and deeply rooted. The experience of recent decades shows the raw power of markets, especially in an increasingly globalized economy that drives down wages in manufacturing, renders many other jobs obsolete, and yet at the same time provides rich rewards for a privileged few. The dominant political view in American politics, which with a few exceptions cuts across party lines, has supported rather than challenged the primacy of market economics. Moreover, as this article has described, patterns of social relations tend to reflect, and even magnify, underlying socio-economic disparities.

While the task of limiting, or even reducing, inequality presents formidable challenges that I can barely begin to address here, I will suggest a few constructive steps that can be taken. We might begin by recognizing that certain public policies are part of the problem. For example, tax cuts that primarily benefit upper-income brackets serve to exacerbate already severe levels of inequality, and should be categorically opposed. Similarly, more needs to be done to buffer the impact of market forces on low-income, working families. The Earned Income Tax Credit (EITC) is a good example of such a policy. The EITC should be expanded and, more importantly, better publicized and made easier for people with lower levels of formal education to access. At the community level, more can be done to pursue initiatives that include people from diverse socio-economic backgrounds.

One example is interfaith councils that bring together the leaders and activist members of a broad range of religious congregations and community organizations to engage in dialogues and formulate initiatives. Another example is neighborhood associations that seek out and forge alliances with one another on issues that have broad community impact. Although probably not much can be done to address patterns of socio-economic segregation in neighborhoods themselves, cooperation among diverse neighborhood associations on problems of shared concern may make some progress towards breaking down social barriers.

### **The Ties that Bind**

Andrew Carnegie, in his day one of America's richest men, observed that the "problem of our age is the proper administration of wealth, so that the ties of brotherhood may still bind together the rich and poor in harmonious relationship." Achieving such a "harmonious relationship" in the United States consistent with communitarian precepts and ideals requires a substantial narrowing of the distance between the rich and poor. A reduction in baseline socio-economic inequality would have the benefits of extending social networks and of offering wider opportunities for civic engagement via religious groups and residential neighborhoods that reach out to include a wide range of citizens rather than walling off citizens by socio-economic status. As important as limiting socio-economic inequality may be, however, it is only one part of the larger task of building strong and healthy communities—a necessary but not sufficient condition for building a society based on communitarian principles. In addition, it is important to recognize that there may be dimensions of invidious inequality grounded in social divisions independent of the misdistribution of economic resources, something that Mickey Kaus suggests in *The End of Equality*. These and many other related issues remain open to future discussion.

It is important to guard against utopian speculation in attempting to envision what a fully realized system of communitarian socio-economic stratification might look like, but there is little doubt that communitarian principles would produce a quite different, and more desirable, distribution of rewards than is currently the case in the United States.

## **Religious Disestablishment in Western Europe: An Undervalued Step toward “Diversity Within Unity”**

David A. Hollinger

The established churches of many Western European nations occupy a distinctive and problematic position in debates about the position of immigrants and other minority groups in these nations, the topic of *Diversity Within Unity* (DWU). The heavily Islamic orientation of many of the immigrants of these nations constitutes much of the “diversity” at issue, while in almost all of the societies for which “unity” is a goal, Protestant or Catholic churches are part of the constitutional order (France is the exception). Disestablishment might render the public culture of these nations more responsive to immigrants and might help reconcile the demands of diversity and unity. Yet remarkably few scholars or public leaders are willing to argue for disestablishment.

This reluctance is curious and invites collegial interrogation. It would make more sense if the European intellectuals who debate these issues were devout Anglicans, Lutherans, Catholics, and so on. Usually, this is far from the case. Christianity has long since ceased to be the vital presence it once was in the United Kingdom, Germany, the Netherlands, Belgium, the Scandinavian nations, and even Italy and Spain. Very few of the “ethnically” British, Dutch, Swedish, etc.,

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\* *Diversity Within Unity* appeared in the Winter 2002/03 issue of *The Responsive Community*. The full text and a list of endorsers can be viewed at [www.gwu.edu/~ccps/diversity\\_within\\_unity.html](http://www.gwu.edu/~ccps/diversity_within_unity.html).

attend religious services or otherwise connect their personal lives to the national church with remotely the intensity with which numerous immigrants connect their lives to Islam. Nonetheless, Christianity remains symbolically central to these societies. This is an obvious barrier to the creation of "British," "Dutch," or "Swedish" identities sufficiently commodious to enable Middle Eastern immigrants and their children to see themselves as "really" part of these nations. The established churches of Western Europe seem to be anachronisms that inhibit immigrants and their children from doing what the immigrant-receiving nations ostensibly hope they will eventually do: to adapt, and to make their new country more fully their own. Under these circumstances, one might expect that policy-engaged intellectuals would energetically explore disestablishment.

More might do so were it not for the fact that religiously affiliated institutions are basic providers of social services in many of the relevant nations. This practical reality fuels the popularity of the idea of multiple establishments, either *de facto* or *de jure*. If Islam (and perhaps other religions such as Hinduism) can be established, too, or, in the absence of formal constitutional recognition, at least allowed government support, the service-providing role of religion can be preserved but pluralized. The religions of the immigrant populations can be treated on par, or at least close to on par, with a given country's traditionally dominant religion.

*Diversity Within Unity* proposes a model that it distinguishes from models that would disestablish religion altogether or that would add to the number of established religions in a country. This document envisages a future in which officially supported religions, such as Lutheranism in Sweden and Anglicanism in the United Kingdom, "gradually lapse." Under this model, "no new religion would be recognized as the official religion of the state, but financial support for the clergy and places of worship of all religions would be provided." The amount of support "would be determined by the number of people who indicate, annually, that a given religion is theirs." This model, the document explains, "allows the majority to retain a sense of the centrality of its values" and at the same time "allows the minorities to recognize that the majority has accommodated them in a major way."

## Problems with DWU

The DWU model is not as different from the multiple establishment model as DWU implies. If state support is given to clergy and places of worship and to the social apparatus of religious organizations, a strong form of establishment is surely in place, even if the nation's constitution does not mention by name the religions receiving such support. In addition to misrepresenting its position, DWU has other, more disturbing problems.

The DWU approach to religion inadvertently invites both parties to fool themselves. Ethno-religious majorities who claim ownership of the nation can avoid facing the extent of the immigrant challenge to inherited institutions, and the newcomers can suppose that they are being welcomed more fully than they actually are. Believers in the old religions being allowed to "lapse," whose religions are presumably on the way out, are humored for a while longer, like a senile uncle or aunt. At the same time, by leaving intact rather than calling into question the presumption that the old Protestants or Catholics are the center of the nation, the non-Christians are doomed to remain on the periphery. There are yet greater difficulties.

The establishment of religious privileges for immigrant groups could easily foster, under the guise of "recognizing difference," the very "segregation and ghettoization" of minorities against which DWU wisely warns. If the state supports the religions associated with immigrant groups and offers more money the more adherents a given religion can muster, does the state not encourage immigrant groups to police their own borders, to try to keep their children from leaving the group? Elsewhere, DWU seems reconciled to the possibility that the cultural affiliation of individual immigrants will vary over time and will become increasingly voluntary. However, the leaders of Muslim communities in many European cities are often said to be among the most conservative in the world, more so by far than the communities in Turkey and Egypt from which many of the immigrants come. DWU, in effect, licenses what are often the most reactionary elements in an immigrant community, giving them resources with which to pressure community members to conform. Is this really consistent with the liberal political theory that informs the DWU approach generally? I think not.

The problem is seriously compounded by the document's treatment of the relationship between education and religion. DWU appears to assume that "minorities" are religious minorities (points are illustrated with reference to "Muslim or Jewish schools"), and suggests that "[m]inorities should have major input concerning 15 percent or so of the curriculum," perhaps in the form of electives. Who would have the authority to provide this "input"? Religious organizations? What if these organizations disagree among themselves? DWU seems to assume that there are undisputed religious authorities in religious communities. Getting all religion out of public education would prevent the state from bestowing power upon specific people or bodies by recognizing them as authorities, which would enable Protestants, Catholics, Muslims, and others to carry out religious education privately, in the manner of their choice.

DWU's references to "assimilation" invariably invoke a rigid, diversity-suppressing program, as if the French refusal to countenance the wearing of scarves by Muslim schoolgirls were an emblem for all of the social and cultural processes that might go by that name. But assimilation, as the case of the United States in recent years attests, can also entail the encouraging of structural incorporation of "minorities" into the society through voluntary cultural, social, and sexual mixing. DWU offers very little encouragement for such mixing. The document makes the most sense if one has in mind societies in which descent communities are coextensive with religious communities and are expected to remain enduringly distinct. The history of some societies with heavy immigration, especially the United States, suggests the possibility of a different course.

The failure of DWU to say more about mixing may follow from DWU's curious skirting of the fact that some minorities are defined by color rather than by faith. Afro-Caribbeans in the United Kingdom and migrants from Suriname and the Dutch Antilles in the Netherlands are prominent examples. Religions, after all, tend to be monolithic: one is a Muslim or not, an Anglican or not, a Catholic or not, and so on, even when we take into account theological variation. But descent, of which color is the most salient indicator, can be mixed, and it often is in many of the world's immigrant-based societies. If and when Europe's brown-skinned Muslim immigrants change their religion, they may also change whom they prefer as spouses and reproductive partners. Encouraging Muslims to stay among their

fellow Muslims would, of course, have the effect of discouraging this potential mixing of descent communities. Could that be among the reasons why some people remain so attached to the idea of permanent religious identities for immigrants? I do not know the answer to this question, but I know it is worth asking.

Deference to the authority of immigrant religious leaders is potentially in tension with one of the most admirable features of DWU: its apparent willingness to deal in a forthright, non-patronizing fashion with immigrants from outside the domain of the North Atlantic West. The largely secular European intellectuals who advocate support for immigrants' religions are in danger of saying, in effect, "the old religions are okay for you benighted immigrants, but not for us sons and daughters of the Enlightenment." By offering to immigrants the parts of their own societies they regard as the most anachronistic—religious particularism and its support by taxpayers—these Europeans fail to confront immigrants honestly and to offer them the liberal cosmopolitanism that these intellectuals generally believe is one of the most valuable features of the North Atlantic West. Salman Rushdie's view of Islam is extreme, and I am not recommending that everyone should adopt it, but the controversy over *The Satanic Verses* can remind us that the culture of the North Atlantic West has more to offer Muslim immigrants than an invitation to stay among their own kind. Just as the critical spirit of the Enlightenment has been directed at Christianity in Britain, Germany, and Norway, let it be directed against all other religions, and on the same soil.

### **The Alternative of Disestablishment**

It should not be supposed that religion will fail to flourish if it is not given state support. Here, the case of the United States is supremely relevant. Church membership actually increased after the various state governments disestablished in the late 18th and early 19th centuries, and today the United States is by far the most Christian society in the North Atlantic West, even though it remains devoted to the principle of the separation of church and state. The religions of immigrants to Europe will find their own way without being established, and there is even some reason to suspect that Lutheranism and Anglicanism will become more vigorous faiths in the wake of disestablishment. Deprived of state support, perhaps

adherents of these faiths will put more energy into their churches. If the government-funded services now delivered through religious organizations in many European nations were more fully secularized, religious affiliations could flourish or diminish in the private sphere depending on the will of individuals.

The strongest argument for disestablishment is that it contributes to redefining the meaning of nationality in Western European nations in a way that recognizes the demographic facts of contemporary life, making it more possible for immigrants and their children to partake of that nationality. To sever the connection between civil authority and ecclesiastical authority would be a major symbolic indicator of change, capable of making clear to the rank-and-file majority populations as well as to newcomers that a new citizen from India or Turkey or Morocco can be as much a German or a Dane or a Brit as can a descendent of Bismarck or Kierkegaard or Queen Victoria.

To so argue is not to take a position on what civic principles should define any particular nation, but only to insist that they be truly civic, rather than religious or ethnic. Nor does an argument for disestablishment necessarily imply any particular approach toward defining a civic, national culture. There are bound to be disagreements about procedural versus substantive values, and about the "thickness" or "thinness" of what needs to be shared in order for a polity to have the necessary measure of solidarity.

My aim here is simply to encourage those engaged by the *Diversity Within Unity* way of looking at contemporary Europe to give closer and more sympathetic attention to the prospect of religious disestablishment. European governments can surely allow the wearing of Muslim headscarves in schools and can make a number of other ad hoc accommodations for privately held religious beliefs, even while presenting Europe to immigrants in its full, honest secularity. Devoutly religious immigrants would be better able to assess what immigration means if European countries sent consistent signals about what the rules of those countries are and are not. Europe is made up of overwhelmingly secular societies, and it should not hide the fact. So long as Europe tries to deal with its immigrants by offering them the institutions and practices in which Europeans themselves no longer believe, Europe's willingness to truly incorporate non-Europeans into its own body social will remain in doubt.

## **A Closer Look at Unity: What Social Cohesion Does and Does Not Require**

Rainer Bauböck

The fundamental premise of *Diversity Within Unity* (DWU) is that societies can allow a good deal of diversity but that they require some degree of unity. It is not entirely clear from the text why societies require unity or what ought to be shared in a good society. At different points, DWU mentions “values,” “identities,” “cultures,” and “institutions” as the attributes that should be shared, at least to some extent, in societies. DWU remains vague in its explanation of what unity entails. In this essay, I discuss the specifics of who is a threat to unity and what type of unity democratic societies should promote. I argue that shared identities are necessary but that citizenship should allow for multiple and overlapping identities.

### **Unity in Diverse Societies: Why We Need to Distinguish between Immigrants and National Minorities**

What DWU calls “unity” is often called “social cohesion” in European Union jargon. There is a venerable tradition of this latter concept in sociological theory going back to Emile Durkheim. In this literature, the issue of social cohesion arises not as a result of transnational migration—the focus of DWU—but because in large industrial societies most of the time individuals who interact in the public realm are strangers to each other. Social cohesion is provided by a functional division of labor in which individuals occupy different and complementary roles, rather than by a “mechanic solidarity” that relies on similarity. By uprooting *native* populations and by creating rules for public encounters between anonymous individuals, modern societies become structurally open for internal migration as well as immigration from other countries. However, generalized

mobility in an industrial society is not itself sufficient to provide the glue of social cohesion. Analyses of nationalism by Ernest Gellner, Benedict Anderson, and others have pointed out that something more than this is needed. Social and economic mobility require common "cultural capital"; an industrial division of labor requires a shared idiom in which strangers can communicate with each other. And democracy, which derives legitimate government from popular sovereignty, has relied on nationalism for answers to the question of who belongs to the sovereign people. The issue of "unity" that DWU raises is not one of immigration per se. It is rather a problem of overcoming those national boundaries that define immigrant minorities as "others" who do not belong or who must transform themselves in order to fit into the receiving society.

DWU's introduction states that "the people of free societies sense that they are threatened by massive immigration and by the growing minorities within their borders that hail from different cultures, follow different practices, and have separate institutions and loyalties." According to DWU, as a result of immigration, people feel threats "to their sense of identity, self-determination, and culture." DWU urges us not to dismiss these anxieties out of hand. Yet in order to respond to them properly, we should first assess whether these are reasonable and justified concerns. Why should immigration threaten the self-determination and cultural hegemony of native majorities? Nowhere in Western democracies have immigrant minorities tried to establish their own idioms as official ones to the exclusion of native majority languages, nowhere have they claimed a territory where they can rule themselves through their own institutions of government. Immigrants in these countries do not destroy the societies they enter, as European settlers did in the territories they colonized. Nor do they demand that the receiving society give them the same political autonomy that national and indigenous minorities enjoy in many North American and European democracies. Those who accuse immigrant multiculturalism of leading to "balkanization" must either be ignorant about the causes and horrors of the breakup of Yugoslavia or deliberately conjure up images of civil war in order to impose their version of cultural homogeneity. It is worth investigating what social cohesion or unity requires, but it is not at all obvious what problem immigrants pose for social cohesion when they ask that the receiving society respect their cultural traditions.

There is, however, little doubt that multinational states face a problem of political cohesion and territorial integrity when their minorities campaign for secession. DWU maintains that democratic societies can accommodate diverse cultures of immigrants within limits determined by the anxieties of their native populations, but it takes a much harsher stance against the demands of territorially concentrated national minorities:

Arguments that territorial groups or the home-born have a higher level of rights than immigrants are incompatible with the DWU model. Indeed, groups that are territorially concentrated are more inclined than others to push diversity to the point that it may endanger unity, as we witness with groups that are concentrated in one given area, which are much more likely to secede than dispersed groups. Some minority groups may have legitimate reasons to seek to secede, but this constitutes the death knell of unity. While in the past struggles for self-determination were usually involved in the breakup of empires and hence as a rule enhanced democratic representation, regions that now break away from democratic societies are unlikely to enhance self-government and may well weaken it.

This is a strong statement with which I disagree strongly on several points. First, what kind of rights are needed to protect a particular group of citizens depends on the specific disadvantage the group suffers. It is misconceived to think that all minorities have a claim to exactly the same rights. National minorities and indigenous peoples generally share aspirations for political autonomy that immigrant minorities do not aspire to. While immigrants suffer when they are excluded from full citizenship, national and indigenous minorities suffer from being coercively included in a polity defined by a rival nation-building project. Second, while it is true that granting national minority demands for devolution and autonomy may in certain cases facilitate a breakup of the state through secession, this outcome is not at all inevitable. In fact, the opposite hypothesis is even more plausible. In a liberal democracy, where minorities have all the political liberties and resources they need to mobilize, refusing national minorities territorial autonomy or dismantling their institutions of self-government pushes them towards a secessionist course. Because contemporary democracies can hardly fight civil wars against a secessionist minority, the risk that a denial of demands for autonomy will provoke a breakup of the state is higher than in authoritarian

regimes. Third, if national minorities are oppressed in this way and thus have “legitimate reasons to seek to secede,” DWU suggests that they should still be denied this right of exit because breaking away from democratic states is “unlikely to enhance self-government.” The question here is, whose self-government? If the cause of a secessionist demand is a denial of self-government for the minority, then the only self-government enhanced by the DWU position is that of an oppressive majority.

I agree with DWU that a general right of unilateral secession from democratic states would sound a death knell to political unity. But unity in multinational democracies such as Canada, Spain, Britain, or Belgium cannot be achieved by insisting that native territorial groups in these countries have no other rights than immigrants have. Let me suggest instead a different principle that might better serve the cause of unity in multinational democracies: The right of multinational states to territorial integrity and the rights of national minorities to self-government are two sides of the same coin. The value of the coin is impaired when either of its sides is severely damaged. If one right is persistently violated, the complementary claim will lose its legitimacy: As long as a multinational state respects a national minority’s legitimate claims to self-government, the minority has no right to secede. However, the minority is not bound to respect the territorial integrity of a state that persistently denies its autonomy rights. As a means of last resort, to regain its self-government either within or outside that state, the minority may threaten to secede. This implicit moral and political contract is what explains the remarkable stability of multinational democracies in Western Europe and North America. Endorsing it requires a quite different conception of “diversity within unity.” Citizens of such states must accept that their self-governing polity contains within itself not merely a diversity of religious, ethnic, or linguistic groups, but also several self-governing polities.

Although I disagree with DWU’s characterization of the threat that immigrants pose to unity and with its response to the claims of national and indigenous minorities, DWU does raise some interesting questions about what type of unity is required in democratic societies and what this unity entails. In many discussions of social cohesion, including DWU, shared values and identities are mentioned together so often that they appear to be almost interchangeable concepts, or at

least closely interconnected ones. In the rest of this article, I want to separate the ingredients of this package by distinguishing between values and identities and asking in which sense each of the two ought to be shared.

### **Sharing Democratic Values: A Sufficient Condition for Cohesion?**

In discussing what unity entails, DWU focuses on shared values. The document concludes by asking what a “modified but unified core of shared substantive values” in a society of immigration should look like. The only values it recommends are liberal democratic and basic communitarian ones (such as responsibilities that must accompany rights). The document states that these values alone “constitute an insufficient core of shared values to sustain unity among diversity,” but offers few suggestions about what might supplement them.

This focus on liberal democratic values is reminiscent of Jürgen Habermas’s use in the 1990s of the old American idea of constitutional patriotism to explain to Western Europeans why they should integrate their nation-states into a larger European Union and how they should integrate their immigrant minorities into the political community. Constitutional patriotism provides an attractive guideline for the latter task. In this model, immigrants don’t have to support the particular cultural traditions of the host society or to assimilate into a national identity defined by a history that is not theirs. All that is required is that they subscribe to those political values that are at the core of democratic constitutions. While basic values such as equality, liberty, and life are always controversial in their interpretations and applications, there is a body of well-established and widely accepted principles of human rights, the rule of law, and democracy that define the values that immigrants must be committed to if they want to be accepted into the political community. They can be asked to make this commitment because these values and principles are universalistic. Even if their contemporary codification may have originated in Western societies, their content is culturally neutral and ought to be shared by all groups and traditions.

However, as some critics have pointed out, if these values are indeed universal then they cannot shore up shared identities because they do not tell individuals which political community they ought to

identify with. At first glance, a statement like this one may seem a philosophical trick, a little brain twister that does not correspond to any problem in the real world. For instance, the German *Grundgesetz* contains a much more comprehensive list of fundamental democratic values than the Austrian federal constitution. If I endorse these values should I then think of myself as a German rather than an Austrian? Such confusion will hardly ever arise even for the most ardent supporters of universal values. This may be somewhat different with Austrian immigrants to Germany when they consider whether they should naturalize. However, even their decision will be primarily shaped by comparing the depth of their social affiliations to each country rather than the values of their constitutions. This holds presumably also for immigrants from countries that are less developed, and often also less democratic, than the receiving society. In this more familiar context, universal values shine in a rather particularistic color. They become the receiving society's values in contrast with those attributed to immigrants because of their origins. As I have emphasized above, this need not affect the validity of these values, but it does affect these immigrants' options. They are confronted with a dilemma of choosing between Western values and identities of origin—a choice that is not properly addressed in the ideal theory of constitutional patriotism.

An even stronger objection to advocating universal values as the basis of unity is that in the real world these values are never sold to immigrants in their pure universalistic substance. They always come wrapped up in a much heavier package that includes national histories and languages. I do not want to argue that this is wrong, but merely that it is not consistent with the shared values thesis. If immigrants have to learn the language of the receiving society and have to accept that its public culture will be shaped by the history of the native population, then these are good reasons for addressing the question of shared collective identities directly rather than hiding it behind a smokescreen of universalistic rhetoric.

### **Can We Share a Pluralism of Identities?**

In contrast with Habermasian constitutional patriotism, DWU does seem to recognize that unity requires more than sharing values. In addition to values, DWU mentions "culture" and "identities" as

part of what must be shared. However, DWU is largely silent regarding what type of culture or identities must be shared by members of a democratic society.

Only a few years after the American sociologist Nathan Glazer announced that “We are all multiculturalists now,” there is a growing mood that Western societies should once again become cultural melting pots. In a liberal version, this argument does not suggest full assimilation, merely that immigrants must adopt the national identity of the receiving country as their primary affiliation. They can, for example, remain Muslims as long as they become British, French, or German Muslims. They can also remain Turks if they learn to see their Turkish identity as an ethnic rather than a national one, so that it can be hyphenated with a dominant national identity. German Turks must then be turned into Turco-Germans in the same way that Irish immigrants to the United States have become loyal Irish-American citizens.

In the German context, accepting that people of Turkish origin can be “authentic” Germans is certainly an important step beyond a narrow ethnic conception of national identity. However, if this is not merely an option, but a requirement for accepting immigrants as equal citizens, such a mode of integration may become another strait-jacket for pressing unruly migrant identities into mutually exclusive national boxes. The fear behind this model is that immigrants have strong loyalties to political communities whose authorities operate outside the sphere of influence of the receiving state and often against its interests. The remedy is that immigrants are not only invited to *share* the national identity of the receiving society, but must accept it as *overriding* all other affiliations, especially in cases of conflict.

This is a misguided idea. It denies the transnational character of many contemporary migration flows and the pluralistic transformation of destination societies that has resulted from this. In a state of emergency, democracies may have to defend themselves by making sure that none of their citizens are loyal to their enemies. But democracy cannot flourish if precautions for emergencies serve as a pretext for constraining freedom in times of peace. Imposing national identities as overriding ones is like reacting to a crisis in globalization by going back from free trade to protectionism, or like reacting to terror-

ism by suspending civil liberties. It is a cure that may be worse than the disease and it ought to be banned from the arsenal of *preventive* medicine.

We need other principles for constructing shared identities in societies of immigration. I would propose two guidelines for this task. The first one is that we should conceive of such identities as *overarching* and *overlapping* rather than as overriding.

Let me illustrate this idea by looking at the legal status of dual nationality, which is rapidly proliferating throughout the Western world as a result of migration. The great majority of cases concern acquisition of two nationalities at birth. Nearly all states have provisions for the transmission of nationality by descent to at least the first generation born abroad. In countries like the United States, Canada, and Australia, which grant citizenship upon birth in the country's territory, children born to foreign residents will therefore be dual nationals. In most continental European states the first generation born in the country does not acquire citizenship automatically, but because the transmission based on descent applies to both parents, children from mixed marriages will also hold two nationalities. The third mechanism that produces dual nationality is naturalization, when applicants are either not released from their previous nationality or are not asked to renounce it.

The growing number of dual nationals among people of migrant origins forces democratic governments to take a stance on the issue of dual loyalty. There are four different responses to this problem. Austria is among the few Western European states that still insist that nationality should in principle be singular and that try to enforce this in the naturalization of immigrants, as well as when their own citizens naturalize abroad. Others, such as the United States, do not require written evidence that immigrants have actually renounced a previous nationality, but simply choose to ignore when they retain one. These countries assume that all immigrant citizens owe a primary loyalty to their new country and that this makes a second citizenship ineffective. The U.S. oath requires that candidates for naturalization "renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which [they have] heretofore been a subject or citizen." U.S. authorities have assumed that the sending

country will expatriate their citizens who swear this oath but have chosen to ignore the fact that this is often not the case. A third approach is to accept that a second citizenship will become active when dual nationals return to their country of origin, but that it remains dormant while they live in the country of immigration. Finally, a fourth perspective is to accept that dual nationals may simultaneously enjoy citizenship rights in two states, for example by voting from abroad.

The first stance is, in my view, out of sync with the real world and clings to a conception of exclusive loyalty that has no bearing on the actual formation of identities in contexts of migration. The second approach exemplifies the condescending tolerance that has been characteristic of great empires throughout history. A rule of primary loyalty cannot be simultaneously applied effectively by both sending and receiving states and implicitly assumes the superiority of the latter. I think the third perspective is adequate whenever dual nationality creates a real conflict between legal norms, rights, and obligations but that the fourth one should be accepted as the default position where no such conflict arises. DWU appears to support this approach when it suggests that “Dual citizenship could be allowed or even encouraged so long as appropriate principles and practices for reconciling conflicts among loyalties can be established—notably the principle that the nation of permanent residence takes priority.” Taken together, the third and fourth approaches to dual nationality recognize that for migrants national identities may overlap and cannot be neatly separated. This should not only be acknowledged for the legal status of nationality, but for cultural and ethnic identities more broadly, too.

The second guideline I want to propose is that shared identities in societies of immigration cannot be fixed in their cultural and historical content but should become *self-transformative*.

Multiculturalism has emphasized minority rights and autonomy, but it has sidestepped the more difficult task of changing established conceptions of nationhood among native majority populations in such a way that immigrants can come to share common identities without having to assimilate fully. The problem is that all national identities have historic depth, even if this depth may often be an

optical illusion that emerges from a selective view of history as the past of a present nation-state. Deconstructing national histories provides no answer to the real problem that citizens of a democratic polity must see themselves as sharing a common future, for the sake of which they are willing to make sacrifices. It is, however, impossible to imagine a common democratic future without also sharing the past. This past need not, and should not, be a historical narrative of national glories from which all atrocities have been purged. On the contrary, public remembrance of past crimes, especially those committed against religious and ethnic minorities, will be an essential condition for toleration and respect among today's diverse communities. This raises, however, a formidable problem for the integration of immigrants, who do not seem to share a common past with the host society.

The assimilationist solution to this problem is that immigrants must learn to forget their own national histories and adopt instead those of the receiving society as if these were their own. In American schools, immigrants' children would learn that their families arrived on a boat called the *Mayflower*, in French ones that their forebears stormed the Bastille, and in German ones they would learn to feel guilt about the Holocaust.

Conventional multiculturalism would instead accept that societies of immigration form a patchwork not only of diverse cultural practices, but also of separate historical memories and myths, and that immigrants will pass on theirs to subsequent generations.

DWU's position on these questions remains to be worked out. It asserts that "the teaching of history is a major way that shared meanings and values are transmitted and it should neither be 'particularized' nor become a source of attack on the realm of unity."

In contrast with radical multiculturalists, I do not think that there is anything wrong with teaching immigrant children to regard themselves as the inheritors of the past of the country in which they have been raised or born. I would add to this that children of immigrants should also have opportunities to learn in school about their parents' countries of origin. But the debate about how these demands can be reconciled does not address the more important task of making native majorities reimagine their own history so that it includes the divergent pasts of all groups who share a common future in a democratic

state. This may be difficult but it should not be impossible. Migration rarely hits a destination country out of the blue. There are nearly always past connections or present involvements that link the receiving state to the sending society. Tracing the origins of particular migration flows contributes to rewriting the histories of receiving countries in such a way that today's immigrant minorities will be included.

This is merely one illustration of the broader idea that shared identities can emerge from a public culture that transforms itself in response to immigration. The assimilationist perspective has been associated with the image of the melting pot. Multiculturalism has been characterized as a salad bowl in which each leaf retains its distinct taste and form, but which becomes more interesting the more separate ingredients are added. Canadians have introduced the metaphor of the multicultural mosaic, whose monochrome stones create the impression of a multicolored picture. Let me conclude by suggesting a somewhat less elegant label for the modified version of multiculturalism that I have defended in this article. One could call it the catalyst model. A catalyst triggers a chemical reaction that changes the substance to which it is added. We should not expect that immigrants will simply melt into national identities that have been constructed for native populations, nor should we promote segregated identities that will not support civic solidarity across ethnic boundaries. Instead, we should see transnational migration as a catalyst that sets into motion a process of self-transformation of collective identities towards a more pluralistic and maybe even cosmopolitan outlook. This would be a "rooted cosmopolitanism" in Kwame Anthony Appiah's sense: an attachment to a particular polity that excludes neither similar attachment to another country nor a broader commitment towards "global citizenship." The challenge is how to spread this attitude beyond global elites and migrant communities so that it affects the identities of native majority populations.

Do democracies need shared values? Yes, they do. However, universal democratic values cannot provide a common identity or a sense of affiliation with any particular political community. Do societies of immigration, then, need shared identities? Yes, they do. But national identities cannot be truly shared in such societies if they are connected with demands of exclusive loyalty. A shared identity of

citizenship that can preserve unity in democracies faced with national minority demands for autonomy and immigrant multiculturalism must be an overlapping and overarching identity rather than an overriding one: it must be compatible with a sense of simultaneous belonging to other political communities both inside and outside the borders of the state.

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## Taking Immigrants' Rights Seriously

Ruth Rubio-Marín

**M**y strongest disagreement with *Diversity Within Unity* (DWU) has to do with the way it treats national minorities and indigenous peoples. I will not focus on this at great length because I believe another commentator will discuss this. However, before I move on I would like to highlight and spell out why I think the document is seriously flawed in its treatment of these groups.

My disagreement stems both from considerations of justice and of political strategy. The document dismisses the secessionist claims made by some national minorities—even though it recognizes that some of these claims may be well founded—simply because they entail the death of unity, without giving a clue as to what is to be done about these groups. Should they simply be suppressed? How would this favor unity? Moreover, DWU argues that autochthonous and territorially concentrated groups should not receive special treatment over immigrant groups. However, most national minorities and indigenous peoples in most of the countries addressed already have special rights that allow them to preserve their distinct societies (including land rights, fishing rights, self-government rights, language rights, etc.). Groups that lack such rights often make their loyalty to the state conditional upon their recognition. It is not clear how revoking rights gained after decades of struggle or suppressing claims that are still being put forward ensures unity in any meaningful way. To the contrary, one would think this would encourage groups to embrace more radical positions such as advocating secession.

DWU's positions are more appropriate for immigrant groups. Immigrant communities virtually never claim to constitute separate

nations with a right either to form their own state or to have their own separate public institutions in the receiving society. As a result, the threat they pose to unity must be of a different kind, as DWU rightly notices. What most immigrant communities want is inclusion within society, not a right to a separate existence. What they ask for is that institutions be reshaped so as to accommodate their cultural or religious identities, instead of reflecting only the values and preferences of the majority population. The document seems to start out from the assumption that such a claim is a legitimate one to make in a liberal democratic state, where identity and culture cannot be “frozen” in time. Immigrants who see that the “basic shared core of identity and culture . . . does not reflect values dear to them are free to act to seek to change it—via the democratic and social processes available for this purpose in all free societies.” Too often, however, DWU’s solutions for providing unity involve limiting immigrants’ choices or accommodating them at the margin rather than allowing them to help shape the fundamental nature of the society. This reflects its failure to truly understand and to take seriously immigrants’ concerns, as well as its failure to understand the many sources of social solidarity (and of disunity) other than culture. Overall I find the document more suggestive than really useful in specifically addressing the most challenging issues in the multiculturalist debate.

### **The Dubious Distinction between Rights and Variances**

The document draws a distinction between rights, which must be respected by all as part of the universalist creed, and variances, which societies can decide to allow in order to accommodate ethnic and religious minorities. The distinction is unprincipled. Indeed, virtually every example of what the document considers “legitimate subjects for variation” refers to a practice that some religious minority group claims is guaranteed by its right to equal religious freedom. These groups claim that variances concerning laws and regulations on closing days, the treatment of animals, zoning, and the use of controlled substances are necessary for them to be able to worship in the manner of their choice.

Moreover, with no justification, DWU asserts that some of these variances “might be limited to a transition period and combined with helping immigrants and minorities in general to adapt to the prevail-

ing laws.” A statement of this type misses the point that what religious groups want is their permanent, and not their temporary, accommodation (because an agenda that only allows temporary accommodations will be rightly perceived as assimilationist), and that what is really called for is revisiting “the prevailing laws,” which obviously reflect the views of the majority, precisely to assess their impact on minority religious groups and to protect their rights. These laws may seem perfectly neutral because they have no explicit religious intent. But they were shaped by people who, naturally, made sure that the laws did not interfere with their systems of religious beliefs or practices. In other words, even if Sunday closing legislation can be justified on secular grounds today, the reason why the day chosen was Sunday, as opposed to Saturday or Friday, clearly reflects a Christian ethos. The question is not whether it is a legitimate variance for a majority to exempt the minority from such legislation but whether the minority has a right to that exemption.

### **The Risk of Reinforcing Patterns of Exclusion**

DWU often seems unwilling to reshape significantly common institutions so as to allow them to reflect existing diversity. Because it is so concerned about social fracture, DWU fears threatening the majority’s sense of the centrality of its culture. As a result, DWU is more inclined to expect immigrants to integrate into mainstream culture than to expect mainstream institutions to adapt to them. However, such an approach is often likely to have exactly the effect feared, namely to further already existing exclusion and divisiveness.

Think of a few examples. The document proposes a public school system built around neighborhood schools where 85 percent of the curriculum remains universal. Religious groups and other minorities can only provide input on 15 percent or so of the curriculum, but even there children should be protected against the teaching or implementation of illiberal doctrines. But what qualifies as an illiberal practice? The document is largely silent on this issue. It mentions that requiring Muslim girls to wear swimsuits (or exempting them from this) is one of the contentious issues in school settings, but the document does not take any explicit position on it. A similar issue—whether women should be allowed to wear headscarves in public schools and universities—is one of the most polemical issues in Europe. One of the

reasons both of these cases have become so controversial is that they both have been interpreted as involving the expression of sexism in public school systems, which, as DWU supports, are supposed to be committed to furthering liberal principles like equality. However, DWU reflects little upon the fact that imposing in public schools practices that conflict with students' religious beliefs (or preventing practices required by them), even in the name of liberal principles, can in the end encourage many parents to simply withdraw their daughters (but not their boys!) from the schools. And this, we have to admit, does little service to the individual girls and women or to the general society.

Similarly, DWU does not sufficiently address the possibility that the school system it endorses, with its emphasis on a largely uniform curriculum, its teaching of secular ethical values, and its prohibition of the teaching of religious doctrines that are deemed illiberal (think of the rejection of homosexuality) may encourage religious parents to send their children to private religious schools. This would defeat DWU's goal of having a robust public school system that serves as an important place for socialization, exposure to required civic values, and social and religious mixing. Thus, an effort to further unity by one means ends up producing a different form of exclusion, and DWU is virtually silent about these unintended effects.

### **What Does "Basic Rights" Mean?**

DWU argues that basic rights should set limits to acceptable forms of cultural and religious accommodation ("Basic rights must be respected by one and all"). Although this principle may be sound—and there is much discussion among liberal authors themselves as to whether the commitment of liberalism to pluralism should force us to embrace illiberal communities, at least as long as they provide for exit options—not specifying what exactly this principle entails lends itself to several recurrent mistakes. Clarity should replace silence in DWU and similar documents.

One of the most common mistakes that results from the vague reference to human or constitutional rights is to assume that those basic rights that a given country happens to have constitutionally entrenched at a certain point in time are all of the rights and the only rights that spell out the universal meaning of the liberal notion of

individual autonomy. In reality, there is diversity among liberal constitutional systems, both in terms of the kinds of rights that are considered basic or fundamental and in terms of how those rights are interpreted, including such rights as basic as the right to life (think of the different approaches of self-proclaimed liberal democracies towards the death penalty). Indeed, there is even large room for significantly different interpretations of the same constitutional right in the same country, as we can see by looking at the jurisprudential changes of national supreme courts. Thus, suggesting that certain human rights should shape the limits of how cultural and religious differences can be expressed is simply starting a conversation, not ending it.

This is apparent, for instance, in debates on whether multiculturalism is good or bad for women, debates that often hinge on contested notions of sex equality. Most of the constitutions of the liberal democracies that DWU covers do indeed prohibit discrimination on the basis of sex, but the range of meanings this prohibition is given is greater than one would imagine. In some countries, such as the United States, only intentionally discriminatory acts are constitutionally prohibited, whereas in others, such as many European countries, all that is required for an act to be considered constitutionally discriminatory is that it has a discriminatory effect on women. Some countries, like the United States, regard affirmative action with suspicion, believing that in many cases it may undermine equality rather than foster it. In contrast, Germany sees equality as requiring affirmative action and has inserted a clause in its constitution precisely in order to establish the *a priori* constitutionality of affirmative action measures. Some countries, like Canada, have invoked sex equality values when passing legislation prohibiting some kinds of pornography that are considered to be especially harmful for women, whereas similar legislative attempts have failed in the United States because they have been perceived as an infringement of freedom of speech.

It is true that basic rights should be ensured for all, but it is important to recognize that just as different countries understand rights differently, different groups within a country understand rights differently. Before arguing that a certain cultural practice infringes upon a certain right, there should be an attempt at intercultural communication. Majority groups ought to listen to minority groups' understandings of rights. The presence of immigrant cultures in our

midst sets a democratic dialogic obligation that a document like this should try to spell out in greater depth. What we cannot simply assume is that the definitions and meanings of rights are universally agreed upon or immutable.

### **Taking Rights as Absolutes**

Something else should be taken into account. Rights are not absolute. We accept limitations not only for the sake of important public interests, as the document suggests, but also for the sake of other rights people have. For instance, in many countries we accept limitations on the right to freedom of speech or of the press to protect people's right to their good reputation, or to privacy. The question, then, is why this should be any different when it comes to accommodating cultural or religious rights of minorities. For instance, some groups claim a right to the protection of their language. If we recognize this right, the question is not only whether or not some language policy (like the Quebec sign laws, which prohibit the use of English in public signs or at least require signs to bear French text that is larger than the English text) infringe upon freedom of speech, but also whether such infringement is justified by the right of the minority group to preserve its endangered language and culture. Similarly, when assessing the validity of hate speech regulation, we should ponder a possible conflict between freedom of speech and the right not to be discriminated against on the basis of one's religion, ethnic origin, or race. Such regulation can be seen not only as serving society's general interest in the peaceful coexistence of ethnically and religiously diverse groups, but also as serving the right of religious or ethnic minorities not to be discriminated against. In other words, DWU does not address the fact that rights might be and often are in tension with each other. Neither does it provide indications as to how to solve possible conflicts between rights, and in this sense too, saying that "rights" are a limit to ethnocultural and religious accommodation is again just the start of a conversation.

### **Complex Problems Require Complex Solutions**

Sustaining a liberal democracy is not just a task of designing the right institutions, or defining and protecting the proper set of rights. It also requires a strong civil society that promotes the liberal ethos.

No matter how well founded minorities' claims to cultural accommodation are, when the majority feels threatened in its sense of identity, its anxieties are likely to rise and those anxieties are then likely to stir up intolerant attitudes that undermine the liberal ethos. Unlike DWU, I think that describing prejudiced and xenophobic attitudes as such is a tribute to justice, not unhelpful. Like the paper, however, I think it is necessary to pay due attention to the complexity of the reasons why people have racist or xenophobic attitudes. This requires more than blaming the mere fact of diversity itself.

The document is not entirely blind to this. It mentions in passing that some of the "threats people feel to their sense of identity, self-determination, and culture" are related to "globalization, new communications technologies, and a gradual loss of national sovereignty." But it is virtually silent about how to cope with such things and makes no policy recommendations as to how to reduce their effects on people's lives. By doing so, and then, in contrast, presenting precise policy recommendations on how to cope with diversity, in effect, it dismisses the practical relevance of those other factors which are in theory recognized. DWU invites the reader to believe that the only issue in question is how much diversity liberal democracies can handle or should tolerate. This makes it seem as if social fracture can only be dealt with by reducing diversity. Complex problems require complex solutions. In identifying the elements that create complexity but addressing in practical terms only some, DWU's solutions are not adequate to the problems faced.

### **Taking Social Rights Seriously**

There are other factors that contribute to people feeling threatened, lost, or insecure that DWU does not consider at all. One of these, I believe, is fundamental—namely, the prevailing culture underlying modern forms of capitalism in more and more of the so-called liberal democracies. Hand in hand with the increasing loss of faith in collective action, this culture privileges negative or noninterventionist conceptions of liberty and makes the market and the individual consumer's choices within it the primary locus and expression of agency. The document mentions basic human rights, but fails to acknowledge that social rights are human rights too. All it says is that *if social rights are recognized* there should not be discrimination on the

basis of citizenship in their enjoyment: citizens and residents ought to be treated similarly. Here again, as with “variances,” DWU suggests that some of the rights that are most important to immigrants are merely optional—they may or may not be granted by the governing majority. The document says nothing about the fact that in most societies social rights are fading away, or about the impact this has on immigrants, who occupy the lowest rung on the social ladder, and on the most deprived sectors of the citizenry, which compete with immigrants for scarce jobs and may find it easier to blame the foreigner for his or her “otherness” than the exploitative economic system. The document is silent about how difficult it is for many people to feel in control of their lives in times of economic crisis or how unlikely it is for citizens to feel that they are part of the same people, in view of gross income disparities.

As we saw, the document goes on about the virtues of public schools where people from different social and religious backgrounds mix socially and are taught civic values, respect for the constitution, human rights, the merit of democracy, and the value of mutual respect among different subcultures. But what about the fact that in more and more countries, fewer and fewer resources are given to public schools and that, as long as this is the case, they will not provide a meaningful experience of social, ethnic, and religious mixing because privileged groups will put their children in private schools?

No word is addressed to the importance of solidarity, not only as a private virtue (as the emphasis on an individual sense of responsibility suggests), but as an element of a public and institutionalized culture that cuts across ethnic and religious differences. Nothing is said about the hopeless task of achieving this form of solidarity within a prevailing capitalist public culture that glorifies self-reliance and equality of opportunity as a definitional attribute of a free market society. This public culture looks upon any kind of state intervention with suspicion. Why should those interventions destined to protect the weaker cultural groups be an exception?

### **The Broader Context: Collective Action and Political Community**

In short, the serious challenges and concerns raised by the accommodation of ethnocultural and religious diversity in modern societies and the threat such diversity poses to the degree of social cohesion

required for the well-functioning of liberal democratic institutions have to be more comprehensively addressed than they are in this document. For the reasons mentioned above, insisting that no difference should be made between immigrants and autochthonous groups is likely to have greatly disruptive effects on unity. Moreover, this greater task requires addressing in more than a purely nominal way the factors other than diversity that feed people's anxieties, their sense of losing their identity, and their sense of living a threatened existence in today's world. Asserting human rights as the liberal ethos that cannot be compromised and that thus necessarily sets limits to whatever form of accommodation of minorities is legitimate, even if accepted in principle, begs the question of the content of such rights and their limits when they conflict with other legitimate rights and values. Leaving social rights out of the picture provides little service to the cause of ensuring social harmony and does not allow us to distinguish which problems have at their root patterns of socio-economic exclusion or oppression that would be better solved as social than as cultural issues. Building strong public institutions, such as a strong public education system, will be impossible if they do not sufficiently reflect the identities of cultural and religious minorities.

In the end, we may find that even those liberal democracies that are most inclined to accommodate cultural pluralism may need to ensure a certain degree of cultural homogeneity in order to shape a common identity, without which the functioning of liberal political institutions and the liberal ethos cannot be sustained. But if this is so, the case should be made more explicitly, and what type of unity is required should be spelled out to a greater degree than the DWU document dares to do. In my view, the forcefulness of this case will partly depend upon the prior exploration of other alternatives. This exploration, I believe, must take into account that what is increasingly in crisis is the very idea of political community and the trust in forms of collective action that it requires. The issues addressed by DWU cannot be dealt with adequately except as part of this larger issue.

## In Defense of *Diversity Within Unity*

Amitai Etzioni

In the tradition of Passover, which is upon us, let me start by noting that if all *Diversity Within Unity* (DWU) had achieved had been to occasion these three critical essays, we would have been richly blessed, it would have been *Da'yenu*. These essays contain carefully laid out arguments, draw important distinctions, and sharpen issues, all in the best academic tradition.

To further appreciate DWU, it has achieved quite a bit more. The very fact that public intellectuals from a large number of countries were able to fashion a joint statement on a thorny issue is of social import, further fortified by the fact that over 140 scholars from 20 nations endorsed it and translated it into several languages (for details, see [www.gwu.edu/~ccps/diversity\\_within\\_unity.html](http://www.gwu.edu/~ccps/diversity_within_unity.html)). Better yet, a sizeable group of public leaders will meet this summer to examine whether the ideas included in the document are ones they might embrace and whether they might be helpful in dealing with widespread and intense racism, xenophobia, and anti-immigration feelings.

All this is important because DWU is first and foremost, quite deliberately, a document that lays out a public philosophy, and in this sense is a political and not an academic document. This does not mean that it is improper to wonder if the definitions are sharp enough or whether there are related topics that the short 17-page document does not cover (or not in enough detail). But one should keep in mind what we are dealing with here. Just as one does not criticize a short story for not rhyming, one may not wish to focus here on the fact that the document does not deal with some exceptions to the rule—say, with immigrants from Suriname or the Dutch Antilles, and “only” with

religious minorities, whose treatment happens to be the main bone of contention.

I am not saying that because the goal is a public dialogue and not an academic one, one should tolerate counterfactual or illogical statements, and most assuredly not unethical ones, but one must keep in mind the main purpose of the document one is tackling. Above all, one needs to ask whether such a document moves public life toward one in which minorities and majorities can live better together, whether it can help to reduce the hate, the racism, the growth of the extreme right wing, and above all the violence, without violating academic or moral standards.

Professor Hollinger focuses on one segment of DWU, the one in which a compromise was worked out during the drafting sessions, between traditional establishment and full disestablishment. Hollinger notes that “remarkably few scholars or public leaders are willing to argue for disestablishment.” It seems questionable to him that people don’t go to church but still do not wish to disestablish. It might have been useful to ask why this is so common. Surely we do not wish to accept people’s positions as they are, but when looking for workable approaches, as DWU does, we’d also better find out how far their beliefs need to and can be modified.

Hollinger is concerned that state-funded social services provided by religious groups would promote the segregation of religious minorities rather than help them find their way into a community of communities. And he fears that such delivery of services would strengthen the hands of the extremists rather than the moderate leaders of these communities. It should be noted first of all that the United States, one of only two democracies generally considered to be disestablished, has long reimbursed numerous religious groups for health care and social welfare programs they provide (e.g., Catholic and Jewish hospitals and welfare agencies), covering about 40 percent of their costs, and over recent years has expanded the realm of faith-based services. This reimbursement has not had the effect of making these groups more extreme—because what makes a group more or less extreme is driven by many factors of which money is a relatively minor one, especially if it is equally available to, say, Reform and Orthodox Jews, Wahhabi and moderate Muslim groups,

and so on. These factors include schooling, integration in the workplace, and mass media, among many others. Indeed, whether or not public cash flows to religious groups, the children of most diehards tend to be moderate. Moreover, the fact that such provision of services may keep people tied to their ethnic group, rather than fully assimilating, does not trouble me because we do not seek to end such affiliations.

To ensure that sufficient integration will take place, DWU takes an uncompromising position on schooling and opposes schools segregated by religion or ethnicity, holding that all children should get the same basic education and mingle with children of other backgrounds. DWU favors a relatively small portion (15 percent) of the curriculum being dedicated to electives over which the different groups in society might have some say. Who will decide what these electives are going to contain, Hollinger asks? The religious groups? The DWU answer is: the same public educational authorities who are responsible for the rest of the curriculum. They may wish to consult with various groups about what to include in classes about, say, Turkish history and culture or Romany traditions, but the selection of teaching materials and teachers would be up to the people who run these public schools.

Hollinger is right that DWU focuses on religious minorities and not others, and that there are others. Some of the same issues arise with regard to these groups. (For example, how much variance should French schools allow for those who wish to learn Corsican instead of, say, Spanish as a second language?) However, there are surely some special issues raised by nonreligious minorities that DWU does not deal with. Actually, there are quite a few other such omissions in our short document, which seeks to outline a basic approach rather than cover all bases.

Hollinger closes by pointing out that religion would flourish even if no public funds were given to it. I agree. But the question is whether social services would. Even in the United States, we find that hospitals run by religious groups do much better than those run by profit-making corporations, and that religious groups are much better at dealing with drug addicts, hard-core criminals, and alcoholics than many secular ones are. We might be better off regulating what these

religious groups can and cannot do with public funds (e.g., discriminate in hiring) rather than banning them from receiving public funds for their social services. Above all, because in much of Europe religious groups play such an important role in delivering social services, there must be a compelling reason if we are to upset all these arrangements and turn them over to civil servants or wait until Europeans develop secular voluntary organizations. Hollinger does not tell us what that reason is.

There is much less reason for the endorsers of DWU to differ with Professor Bauböck's learned study of the various factors that make for social cohesion. Surely shared values are a factor, although it is true that not all shared values will have this effect. And it is true that we can all strongly favor human rights, but that this will not make us Austrian, French, and so on. But there are some values associated with one's nation—for instance, the commitment to peace that now is strongly embraced in Germany, which immigrants from different cultures without the German historical experience may not share. Moreover, values are embodied in institutions rather than existing separately. Thus, the partial separation of state and church that characterizes many Western European countries may not be a value/institution that many immigrants would readily accept. Finally, identities are indeed important, but they themselves are tied to our values. Thus, Austrians used to see themselves as playing an important global role as a bridge between the East and West, an identity they have lost; their identity is further undermined by the evolution of the European Union; and their identity has been weakened by immigrants who bring with them values that are incompatible with the ways Austrians see themselves.

DWU does not advocate that identities of the host country should be overriding, that they should wipe out the identities of immigrants or all of their loyalty to their country of origin. But it does call for layered identities and loyalties, in which the more encompassing community (the nation or the European Union) would provide the overarching identities and loyalties, within which various groups could maintain their *sub*-identities—for example, as Turkish-Germans. The test comes when loyalties come into conflict. Will Americans from Panama fight for the United States if the United States

invades Panama, or for Panama, or will they demand a right to sit out such a conflict? Will French-Canadians take their cues *on matters concerning national policies* from Quebec or Ottawa? Dual citizenship is not a problem if it means that a person has rights in two countries and involvement in both—as long as there is no conflict between the two. But as a rule, a nation will demand that in such situations loyalty to it will take precedence.

As for the need for transformative identities on the part of the majority, it is a point well taken, with which the DWU endorses very much agreed when they stated that “in each society, the basic shared core of identity and culture has changed over time and will continue to do so in the future.” But to elaborate, it is not simply a matter of finding a midpoint between different views. Say some immigrants favor forced marriage, yet the host country’s values abhor it—the solution is not *mutual* transformation. Societies should try to take from immigrants their best attributes, after a deliberative process, such as enriching their culture by absorbing cuisines, dance, and music from immigrants and expanding their sense of the diversity of the human race. But societies should not adopt their values and practices just to meet them halfway or to make them feel more at home.

Professor Rubio-Marín and Professor Bauböck both criticize DWU for stating, “Arguments that territorial groups or the home-born have a higher level of rights than immigrants are incompatible with the DWU model.” This point occupies a few lines in the short statement. Our main observation was that when a minority is concentrated in one geographical area (which native minorities are much more likely to be than immigrants) and maintains a strong sense of separate culture and identity, it is more likely to seek secession than immigrant groups spread throughout the population. Compare French-Canadians to Muslim immigrants in Canada, Corsicans to North African immigrants in France, and so on. It seems to me incontestable that territorially concentrated groups are more of a threat to unity than most immigrants. They may have been historically more disadvantaged, and most of their members were born into the society, while immigrants often chose to come. Hence native minorities may have all kinds of additional claims, but none of this changes the fact that they pose a greater threat to unity than most immigrants.

Rubio-Marín criticizes DWU for not treating minorities' claims as rights, and she supports recognition of group rights. The notion that there are group rights versus claims or interests is a troubling one. As Mary Ann Glendon pointed out in her book *Rights Talk*, expressing differences in terms of rights makes disagreement more contentious, litigious, and difficult to resolve peacefully than if they are put in other terms. It is very compatible with the DWU model to allow national minorities and indigenous peoples a high degree of political and cultural autonomy. But one can strongly favor doing right by such groups without invoking group rights. Using this terminology best associated with individuals fuels conflict. Personally, I see strong reason to hold that if a group has a subculture that conflicts with basic human rights—say, husbands beating up their wives, much less a culture favoring honor killings—individual rights should trump the cultural claims of the subgroup rather than asking whose rights, women's or the group's, should take precedence.

Professor Rubio-Marín raises numerous other issues, seeking specifications and elaborations. All of her questions are of great merit, and future academic treatment of the public philosophy of the political document at hand should definitely deal with them.

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*After 12 years, the Communitarian Platform is again open for endorsement. The text of the platform, a list of previous endorsers (which includes leading intellectuals and public leaders), and a form to sign the platform are available at [www.comunitariannetwork.org](http://www.comunitariannetwork.org).*

## The Dangers of School District Consolidation

Alan Ehrenhalt

**M**ike Huckabee, the governor of Arkansas, is as amiable a fellow as most governors, and normally spends a good deal of his time traveling around the state and mixing with his constituents.

Recently, however, he surprised the state capitol press corps by announcing that he would be sticking close to his office in Little Rock for the time being, communicating with the public via a special new gubernatorial website, and venturing out of town only for essential purposes. When would he surface again? "When it's safe," the governor said.

You'd think for sure that Huckabee had come down with a bout of Al Qaeda jitters, but that's not the case at all. It's the citizens of his own state that are making him nervous. Mike Huckabee has proposed a massive consolidation plan for the Arkansas public schools, one that would eliminate every local school district with fewer than 1,500 students—which means two-thirds of the ones that exist right now would have to go. He's not sure what some of the angry voters might say or do if he turns up among them.

To be fair, Huckabee is not talking about physical violence. He's talking about the verbal abuse that is all but guaranteed any governor who advocates closing schools. Huckabee's predecessor, Jim Guy Tucker, was booed at one appearance after another when he tried to sell a similar scheme in 1995. "I'm not looking for ways to create venues of screaming matches," Huckabee argues.

But to expect anything less dramatic than a screaming match would be unrealistic. Southern politics has a whole list of “third rail” issues, subjects so controversial that any officeholder who discusses them risks early retirement. Gun control is one of them. Messing with the Confederate flag can be another, as Georgia’s Roy Barnes learned to his surprise last fall. But school consolidation is right up there on the list. A governor who proposes it is tampering with the deepest strains of small-town identity that move decent citizens to fear and anger.

Mike Huckabee knew all this, so he didn’t take on a consolidation fight with any enthusiasm. Just last fall, as he campaigned for reelection, Huckabee proclaimed that “arbitrary consolidation based on sheer numbers will not necessarily lead to more efficiency.” But on November 21, the Arkansas Supreme Court changed the environment. It upheld a lower court ruling that Arkansas’s school finance system was neither adequate to meet pupils’ needs nor fair in the way it distributed its \$1.7 billion. The court gave state officials until January 2004 to do something about this. It didn’t demand consolidation, but since voters have shown no willingness to raise taxes, that quickly came to be the first option on the table.

And Huckabee, notwithstanding his earlier skepticism, began to talk of consolidation as if he were actually warming to the idea. “We have a chance to do it right,” he said in a newspaper article, presumably sent from a secure location. “The question is whether we have the political courage.”

### **“Huck No, We Won’t Go”**

To most of rural Arkansas, however, that isn’t the question at all. The question is how eliminating schools came to be the default idea. Almost every week, hundreds of protesters from the sparsely populated towns of northern Arkansas have been massing on the steps of the capitol building, chanting “Huck No, We Won’t Go.” They echo the sentiments that school consolidation opponents have been expressing for decades, in Arkansas and all over rural America: The local school is often the last remaining community institution and rallying point for local identity. When it goes, the community goes along with it. One of the leading opponents of Huckabee’s plan, state Senator Gene Jeffress, portrays the consolidationists as “people from urban communities who have little or no concept of rural life.”

Since the governor isn't getting out much these days, the protesters have to settle for reading his responses on the op-ed page, or watching him on TV, or going to his new website, which features a choice between audio and streaming video. What they hear from Huckabee is that his plan is the pedagogical equivalent of Wal-Mart: "the widest array of courses for the best price." Wasteful bureaucratic duplication will be stamped out, elementary schools will be protected, and rural community life will remain intact.

It's true that the plan doesn't talk about closing schools, just eliminating districts. Two small districts could merge and keep all of the individual schools operating, as long as the new combined district met specified standards of size and curriculum.

But if I were a parent in a little town in northwest Arkansas, where the high school graduates 10 kids a year, that pledge wouldn't be very reassuring to me. The one safeguard a tiny district has is the existence of its own administrative structure that would no more consider closing a school than it would entertain giving up football. Once that administrative apparatus merges into a larger regional one, there's nothing to stop the combined school board from shutting the smaller facilities down. And the citizens of small-town Arkansas understand this, no matter what the governor's streaming video tries to tell them.

### **Bigger Pools, Less Community**

You may think that Arkansas's 310 districts for 450,000 pupils are a little excessive, but the state is a long way from being the prizewinner. Oklahoma, which ranks 27th in the country in population, ranks 9th in number of districts, with 544. Nebraska, 38th in population, has more districts than Florida, Michigan, or Pennsylvania.

Indeed, many predominantly rural states have been arguing about school districts and school consolidation for the past century or more. When Oklahoma became a state, it had almost 6,000 districts, on the presumption that no child should have to walk more than a mile and a half to school every day. Over the years, the realities of meager population growth—or actual decline—have, in fact, forced significant consolidation in virtually every corner of rural America.

In the past decade, however, realizing the sensitivity of the subject, most states have made an effort to live with the systems they

have. Some have labored to shore up small and inefficient districts: South Dakota, for example, passed a “small school bonus” law in 1995, providing extra funds for any district with fewer than 600 pupils. That law has survived continuous efforts to repeal it.

Now, however, the issue is returning in most of the states where the number of school districts is disproportionately high. The reasons for this are easy enough to figure out: One is that local school systems are under far more financial pressures than they were just a couple of years ago. These pressures are magnified in any state where, as in Arkansas, courts have ruled that the current funding mechanisms are unconstitutional. And they are complicated by the federal government’s No Child Left Behind Act, which forces expensive new testing procedures on every school system while offering only a small fraction of the money it will take to implement those procedures.

So it is perhaps understandable that even a governor as politically prudent as Mike Huckabee would decide that merging school districts and ultimately closing some schools is the only way to proceed. But the plausibility of that option still begs one important question: does it really serve the purpose of improving education?

Elite opinion clearly thinks so. It always thinks so. The media and business establishment virtually everywhere takes it as a given that a consolidated high school with an Olympic-size swimming pool and electives in Japanese can prepare kids for adult life better than a two-room school where the principal is also the music teacher and the football coach. If schools were consolidated, the *Arkansas Democrat-Gazette* editorialized recently in a rather cloying “open letter” to the state’s children, “students in small schools that aren’t doing very well could get the chance to go to a bigger school and take different, interesting classes from great teachers. It’s all part of making Arkansas’ schools better, so young people like you can learn more and make Arkansas better.”

Unfortunately, there’s no clear-cut evidence that this is true. There is research concluding that big schools are better, and research concluding the opposite. One ambitious study conducted three years ago by professors at Ohio University and Marshall University found that small schools served to mitigate the effects of poverty more effectively than larger ones in a diverse array of districts scattered

across rural Appalachia. Of course, no one denies that a school can be too small and ill-equipped to meet the needs of its children. But there is no consensus about what the threshold for quality education might be. In all likelihood, there is no threshold. It depends on the people involved. For a newspaper to assure children in Mister Rogers-like tones that school consolidation will bring them more rewarding lives is to assume something that nobody in the world knows.

On the other hand, there are a few things about consolidation that virtually everyone knows. When two small schools merge into a larger one, the result is fewer opportunities: fewer jobs for teachers who are members of each community, fewer places on sports teams, fewer positions in the band, fewer chances for parents to join with neighbors in the local PTA. And as often as not, when a small town loses its elementary school, the town itself gradually dries up. The protesters are right about this. Even the enthusiasts for consolidation have to concede it.

This is not to say that no schools should ever be closed, or that no districts should ever be eliminated, or that budget pressures or court decisions don't sometimes make painful decisions necessary. But if consolidation is an austerity program, it should be sold that way—not as an opportunity to enter a brave new world of big gymnasiums and advanced placement.

The citizens of small-town Arkansas who have been converging on the state capitol deserve credit for having a little common sense. They understand that they are being asked to give up something tangible and important—the stability of the communities they live in—for the dubious privilege of submitting to reforms that may or may not help them in the long run.

Unfortunately, this is what happens to ordinary citizens all too often in America when it comes to education: they are asked to trade the security of their community life for the uncertainty of experiment. It's no surprise that people generally resist. If I were in their place, I would resist, too.

All of this might be something for Governor Huckabee to think about as he sticks close to the office.

## Rudeness in America

Deborah Wadsworth

Sometimes it's the little things that mean the most—a smile from a stranger, a door held open for you, some respect for your peace and quiet, or someone letting you merge on the highway. Recent surveys show that Americans believe that these niceties are becoming less common and that a lack of respect and courtesy has become a serious problem. For many, contemporary life can be a daily assault of selfish and inconsiderate behavior from others.

From the minor slights of sales clerks to the worst cases of “road rage,” it's clear that Americans are intensely frustrated by the lack of respect they encounter in their daily lives. But what counts as rudeness today? Do Americans have a shared definition of what is rude and what is someone just doing his or her own thing? Public Agenda's recent survey, *Aggravating Circumstances: A Status Report on Rudeness in America*, funded by The Pew Charitable Trusts, took a detailed look at what Americans think about courtesy, manners, rudeness, and respect.

*Aggravating Circumstances* grew out of a Pew/Public Agenda initiative that originally set out to explore Americans' attitudes about ethics, morality, civility, and manners. People had much to say about all of these concerns, and we at Public Agenda realized that each was undoubtedly worthy of a full study of its own. But we were especially intrigued by what some might consider a “less important” topic—respect and courtesy. Participants in our focus groups were clearly incensed by what they perceived as a widespread lack of civility and a decline in respect among their fellow citizens.

So we refocused our sights on such issues, which, to our knowledge, had not yet received attention in a thorough public opinion study. It might seem that conducting a survey on courtesy is less critical than exploring citizens' views on, say, health care or education policy. Yet most human enterprises proceed more smoothly if people are respectful and considerate of one another and easily become poisoned if people are unpleasant and rude.

In truth, we were not totally surprised by the outpouring of concern about these issues. Earlier Public Agenda studies had documented concern among adults and even high-school-aged youngsters about disrespectful behavior and incivility. What we did not anticipate was the level of unhappiness expressed by those interviewed for this study. In Public Agenda's research, Americans described an increasingly self-centered society where individuals lack a healthy respect for others and ignore their responsibilities to others. A decline in society's values and morality was cited by 62 percent of Americans as a major cause of this rude behavior. Nearly half (47 percent) believed the loss of a sense of community is a major cause of disrespect. Large majorities said they believe rude and selfish behavior has increased and that Americans really did treat each other with more respect in the past. More than 8 in 10 said too many parents are failing to teach respect to their kids, and even when parents try to do right by their youngsters, they said there are too many negative role models in society that reinforce disrespectful behavior.

But Americans do not simply pass the blame. We were surprised by our sample's honest appraisal of their own behavior—admitting that they themselves are frequently guilty of the transgressions that most upset them in others. Not only did 8 in 10 Americans (79 percent) in our study say a lack of respect and courtesy is a serious problem, a surprising 41 percent admitted that they're part of the problem and sometimes behave badly themselves.

### **Rudeness All Around**

Presented with a selection of inappropriate behaviors, respondents chose aggressive driving as the most prevalent. Nearly 6 in 10 respondents said they often encounter reckless and aggressive drivers on the road and 64 percent believe the problem is getting worse.

More than a third admitted to being aggressive drivers themselves, at least occasionally. Out of control parents at youth sports events generated disheartening responses. Of those who watched kids play organized sports in the past year, 71 percent reported seeing parents yell at coaches, referees, or players. Nearly half said they are often subjected to loud and annoying cell phone conversations, and 40 percent of those who at least sometimes experience such behavior said it bothers them a lot. Other sources of frustration included receiving crude or nasty email or Internet messages, encountering foul language in public (more than a third admitted to using bad language themselves), and a worsening litter problem.

People's experiences with bad behavior were virtually the same whether they were rich or poor, from the North or South, living in a big city or a small town. If this study shows anything, it shows that few people can count on being consistently treated with respect and courtesy as they go about their daily lives. The cumulative social costs—in terms of mistrust, anger, and even rage—are all too real to ignore.

Most focus group participants had stories to tell about their daily lives. Some talked about being intimidated on the highway by a bullying SUV driver; others of being interrupted by an incessantly ringing cell phone in the midst of a quiet dinner in a restaurant. One man even described the rush of adrenaline he felt in attempting to avoid being run down by a skateboarding teenager at the mall, and most had stories of sales clerks who refused to acknowledge their existence. Nearly one in four have been so affected by rudeness that they have even thought about moving just so they can “live in a community where people are nicer to each other.”

“Where is the decency then?” asked a Connecticut woman to the other members of one of our focus groups. “Where is the common courtesy? Where is it a given that you treat your fellow human being as a human being? What does it take to smile?”

### **The Business of Rudeness**

The average store is prime territory for incivility. Nearly half of all those we interviewed reported that they have walked out of a store in the past year due to the way the staff treated them. People de-

scribed their exasperation with clerks paying lip service to civility even as they behave carelessly, insulting customers by going through the motions while delivering rude and unintelligible answers to requests for help. To be fair, rudeness cuts both ways, and nearly three quarters of those we interviewed confirmed that they also often see customers being rude or disrespectful to people in customer service.

People believe that customer service has undoubtedly suffered from cost cutting and efforts to maximize productivity. Eight in 10 said “too many stores cut corners by not hiring enough sales help and forcing customers to wait for service.” Above all, nothing seems to cause greater exasperation than business by phone. Nearly everyone surveyed (94 percent) said it’s frustrating to “call a company and get a recording instead of a human being who can answer my question directly,” and 77 percent said telemarketing is “rude and pushy.” Taken as a whole, responses suggested that people believe that organizations and businesses are investing too little in what matters most—treating customers with courtesy and respect.

### **Rudeness Begets Rudeness**

Participants in this and earlier Public Agenda studies are particularly troubled by the behavior of the young and are quick to make clear that they hold parents responsible for not raising their children to be courteous and respectful. Anyone who has raised a child knows just how talented youngsters are at mimicking their parents’ behavior. In focus groups, parents themselves often acknowledge that they’re not parenting as well as they might.

According to our respondents, parental example is not the only way that rudeness begets rudeness. People see rudeness as a contagious disease, something passed on from person to person. Nearly 7 in 10 said they are less likely to be nice when they have to deal with someone who is rude and impolite.

### **Walking Away from the Problem**

Most people admitted they are reluctant to challenge rude behavior, and the fear that even a minor confrontation could escalate is typically behind that reluctance. Forty-two percent of Americans said

the best response to rudeness is just to walk away. About a third said the best response is to treat rude people with special kindness in the hope that they learn by example, and 20 percent said to let people know they are doing something wrong.

In response to some suggestions Public Agenda offered for reducing rude behavior, over 90 percent said it would be effective to notify management of employees who are rude so that action can be taken, but also to identify helpful employees so they can be financially rewarded. Nearly 8 in 10 said it would be effective to encourage motorists to report extremely aggressive drivers to police, and an almost equal number felt a public service campaign to promote courtesy on the road would be effective. Sixty-one percent believed a law banning cell phone use in public settings such as movies, restaurants, and museums would be effective. More than 7 in 10 Americans believed school policies banning cursing on school grounds would be effective, and a similar number wanted parents to teach their children that cursing is always wrong.

### **What Can We Do?**

The lack of civility in America is not a trivial problem. Civility is not merely a matter of better etiquette—it's not about which fork to eat a salad with. It is closer to what Stephen Carter, in a conversation about his book *Civility*, said: "civility is the sum of all of the sacrifices that we make for the sake of living together. And one of the things I think we are losing today in America is the sense of—to put it simply—going the extra mile, doing something we don't have to do that the law doesn't require of us in order to help someone else's life be a little better."

How can we bring about greater civility? Our natural proclivity in the face of social problems is to hope legislation might help to save us from ourselves. However, civility is the product of social norms, and the ability to legislate civility seems limited. In addition, hoping politicians will solve this problem is probably futile; policymakers themselves need help on this issue. At a bipartisan retreat held under the auspices of the Aspen Institute several years ago, members of Congress decried the loss of civility in their daily transactions and acknowledged that it has led to a rise in partisanship and divisive-

ness, which many agree undermines our ability as a society to tackle common problems.

One of the tough challenges involved in taking on the civility issue at the national level is that discussions of civility are often colored by ideology. Some conservatives, for example, are quick to point to the decline of civility as a corrosive example of the unraveling of the ties that bind us. Yet they are also quick to belittle as mere political correctness people's wariness to judge or label others. Some liberals, for their part, disparage the call to civility as a meaningless exercise in window dressing, a trifling concern. Even worse, they suspect that the call for nicer behavior is simply a way to forgo discussion about important issues facing our society.

### **Reasons for Hope**

Surely, though, we have the capacity to imagine a more civil world. Nearly half of our respondents said they often meet people who are kind and considerate, and people apparently still count on their neighbors to be friendly and helpful—64 percent gave their neighbors good or excellent ratings. Moreover, there is precedence for gathering the collective will to change our attitudes and to modify our behavior. Not very long ago, our society concluded that racism, disrespect for those who are gay, and insensitivity to those with handicaps were no longer acceptable. We began to teach respect for diversity, to not fear or hate those who are different. Many Americans in our study said things have gotten better in terms of showing respect and consideration to African Americans, people with disabilities, and gay people.

Our society has even had the courage to challenge behavior assumed to be "personal" and therefore "off-limits," such as smoking in public places, which is no longer accepted as the right of the individual. While we've still not achieved all we could wish, no one would deny that America has made progress on these fronts.

So, we face a dilemma. Daily life, from the perspective of those we interviewed, appears to be littered with unacceptable behavior, which has grown worse over time and shows no sign of abating on its own. The concept of a "tipping point"—that moment in an epidemic when it reaches a critical mass—probably is an apt description of what

we've come to in terms of our incivility and disrespect for one another. It will take significant individual and collective resolve to challenge this epidemic of rudeness. Perhaps the energy that participants say is required to cope with the stress produced by our present situation could be the very fuel needed to make the necessary changes.



*"He can wave till his hand falls off. I'm not going first."*

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## THE COMMUNITY BOOKSHELF

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### **Piety and Civility in the Public Arena**

Edward W. Lehman

Philip Selznick, *The Communitarian Persuasion* (Washington, D.C.: Woodrow Wilson Center Press, 2002), 165 pp.

I became acquainted with Philip Selznick's writings (apart from the first edition of his innovative and best-selling introductory sociology textbook co-authored with Leonard Broom) over 40 years ago as a graduate student at Columbia University. While studying complex organizations with Amitai Etzioni, I read avidly *TVA and the Grass Roots* (1949), *The Organizational Weapon* (1952), and *Leadership in Administration* (1957), not only because they offered models of first-rate sociological analysis but because they raised powerful political and moral concerns, too. I could never have imagined then that four years into a new millennium I would be reviewing Selznick's latest book!

I begin with this autobiographical note for two reasons. The first is to spotlight the extraordinary length of time that Selznick has been a major contributor as both a sociologist and a public intellectual. Judging from the book under review, more contributions are likely! The second reason is to emphasize that two of the pivotal figures in the new communitarianism (Selznick and Etzioni) have intellectual roots in the analysis of complex organizations and that this is not a coincidence. The study of organizations was at the cutting edge of mid-20th century sociology. Organizations were (and are still) seen as essential ingredients of the modern condition. Because organizations

permeate virtually every aspect of our lives, sociologists like Selznick and Etzioni—imbued with post-World War II American optimism—puzzled over how these “social machines with human parts” could be made not only more effective and efficient but also more responsive to staff, clients, and citizens and more congruent with democratic institutions. Many of these same issues, enriched by principles Selznick has educed during a subsequent distinguished career as a legal scholar, pervade his later writings on communitarianism. The theoretical scaffolding that emerged from his previous work suffuses *The Communitarian Persuasion*.

Early on, Selznick alerts us that this new book “is a kind of postscript to *The Moral Commonwealth* [1992]. . . . I have taken the liberty of referring the reader to that book for more extended discussion of some topics.” Yet this demurral is excessively modest in two respects. First, *The Communitarian Persuasion* deserves to be read in its own right because, although it is shorter than the previous work, it has been updated by the presence of nine more years’ worth of strategic citations. In short, Selznick remains at the cutting edge of debates over public philosophy. Second, its more concise (160-page) organization makes the book more accessible to the intelligent lay (that is, non-academic) reader. It demonstrates how astute Selznick is in wielding his sociological imagination with such a light touch. The book possesses the all-too-rare virtue of talking *to* while never talking *down to* those educated citizens wrestling with the tricky business of balancing individual rights and social responsibilities.

I suspect that readers will discover a particular section or chapter that especially resonates with them. Religious readers, for instance, may be attracted to the final chapter, which explores uncharted areas of convergence between religious sensibilities and communitarian theory. Those with a neopragmatist bent may be drawn to the parallels that Selznick finds between John Dewey’s thought and today’s communitarianism. However, *The Communitarian Persuasion* should be read as a coherent whole, for only in this way can one fully appreciate the strength of its discrete parts.

The book is divided into three main sections, respectively titled “Precepts,” “Programs,” and “Horizons.” Precepts lays out in four chapters what Selznick views as the essential elements of his

communitarian persuasion. In the opening chapter he argues that liberal theory's excessive individualism and moral neutrality have crippled its ability to respond effectively to the negative forces plaguing contemporary life. These limitations have inspired the new communitarian movement. However, Selznick contends that our search for a more viable public philosophy must not be framed as liberalism *versus* communitarianism. Rather, like other new communitarians, he seeks to preserve the virtues of liberalism within what he calls "communitarian liberalism."

The next three chapters present us with the core elements of this public philosophy. Chapter 2 explores the crucial concept of community and why it is an indispensable ingredient of both personal identity and human social life. Selznick makes clear that community is a varying aspect of all groups rather than a distinct entity. The social well-being of all groups (including societies and international organizations) depends upon the degree to which they are also communities. "A group is a community," he states, "*insofar as* it embraces a wide range of interests and activities; *insofar as* it takes account of whole persons, not just specialized contributions or roles; and *insofar as* bonds of commitment and culture are shared" (Selznick's emphasis). Although they are necessary sources of the trust upon which all groups depend, communities have defects as well as virtues. The principal dilemma that a community faces is how to manage the inevitable conflicts between its members' predilection for exclusion (particularism) and its need to emphasize inclusion (universalism) as well.

How the legitimate claims of particularism and universalism are best accommodated is the focus of chapters 3 and 4. The former, titled "An Ethic of Responsibility," makes a compelling case for a group's need to balance individual rights and social responsibilities. It also argues that principled self-interest, when properly understood, enriches group life and fosters the common good. Chapter 4 tackles the issue of particularism versus universalism, not on the level of a single group, but at the societal level. A viable society must balance the protection of the rights of its subgroups with the imperative to foster collective responsibilities for the sake of social order. Selznick refers to this topic as the "unity of unities." He argues that although diversity enlivens societies it is "not an absolute or unquestionable good."

The demands of social order must also be acknowledged by a society's subgroups. "Communitarians," he concludes, "are not radical relativists. They accept principles that transcend cultures and speak to our common humanity."

The section titled "Programs" reminds us that the new communitarians are not just concerned with academic theories. In the spirit of Dewey's pragmatism, they see that the "proof" of abstract theory depends to a considerable degree on the "pudding" of how it diagnoses problems and which policies it promotes. In chapter 5, he examines threats to the "social fabric"—that is, to the social and moral order. Liberalism's excessive individualism generates a myopia that impairs its ability to grasp modernity's impact on the social fabric. Once we move beyond equating liberty with self-expression and individuality, the search for an authentically modern balancing of rights and responsibilities can move forward more successfully. Rebuilding the social fabric requires a prudent expansion of social capital and the attendant generation of trust. This endeavor is not one-dimensional: there are important roles for persuasion and coercion, civil society and the state, and non-profit as well as for-profit sectors of civil society.

Chapter 6 concentrates on the challenges to individual rights in the modern world. It presents a powerful rebuttal to those who see communitarianism and the protection of rights as antithetical pursuits. The chapter's central argument is that

Claims of rights are suspect when they are driven by narrow self-interest; when they are uninformed by the values to be realized in particular contexts; when they are asserted without regard for costs and tradeoffs; and when rights are divorced from obligations, including the duty to enhance cooperation by finding common ground and reconciling competing interests. . . . Moreover, we cannot know what rights we should have without an understanding of the common good.

Selznick concludes the chapter by saying, "The communitarian critique reminds us that rights belong within and not outside the experience of collective life; within and not outside thoughtful concern for the fabric of society."

The domains today most commonly identified with societal problems and policies to resolve them—the state and the economy—are

the subjects of the next two chapters. In chapter 7, Selznick presents the case that a strong but not intrusive government is vital for a democratic polity. He places particular emphasis on the importance of community-based deliberations, the inevitability of bureaucracy along with a need for its periodic reformation, and the need for a “communitarian culture of democracy” that promotes civic virtue, diversity, and limited and responsive government in order to build trust and sustain the rule of law. Chapter 8 is especially compelling at this moment in light of the wave of corporate accounting scandals. “New communitarians,” Selznick begins, “have no trouble appreciating capitalist institutions.” He then proceeds to spell out what a capitalist *institution* should look like. Institutions are more than mere *organizations* in that they have a “distinctive character or culture.” When business enterprises are treated as institutions, the challenge becomes finding ways to promote cultures that recognize longer-term obligations to customers, employees, other firms, and the public. To encourage the development of a “corporate conscience,” regulation must be “reinvented,” Selznick argues. Firms must be allowed to succeed economically, but only while meeting their other obligations. He advocates “maximum feasible self-regulation,” but concludes that a “preference for self-regulation does not preclude a prominent role for government.”

The last chapter in the “Programs” section is titled “Social Justice.” It rebuts Hayek’s charge that social justice is a “mirage” and shows that its pursuit presumes an ethic of responsibility, or what Selznick calls a sense of “stewardship.” The quest for social justice is focused mainly on the “relief from oppression,” which in turn can only be understood in terms of higher moral standards and effectively enforced by the rule of law. Legal equality is possible only if the moral equality of all people is accepted. Moral equality mandates an “effective” equality of opportunity. It also requires a spirit of inclusion and the acceptance of difference, the curbing of egregious social, economic, and cultural inequalities, and the remaking of our society’s social safety net.

The title of the final section, “Horizons,” conveys two distinct yet interpenetrating meanings. On the one hand, it suggests an idealized (but probably unrealizable) future toward which communitarian theory points. On the other hand, in the usage of current cosmology,

“horizons” refers to how the edges of our universe reveal its deeper origins. Here the term returns us to part 1, “Precepts,” and addresses the implicit presuppositions from which communitarian thought derives. These overlapping connotations of future and origins add richness and subtlety to Selznick’s final two chapters, “The Common Good” (chapter 10) and “A Common Faith” (chapter 11). Chapter 10 is a spirited defense of the notion of the “common good” in a time of diversity and cynicism. It argues that communitarian thought rests on a “thick” or substantive conception of the common good and that consensus on certain public goods is possible. The possibility of consensus hinges on citizens exhibiting civic virtues, acting according to enlightened preferences, and accepting the rule of law. However, Selznick does not advocate simply reverting to traditional norms. He shows that consensus formation is not a mindless process. He rescues reason from the rational-choice theorists by demonstrating how it helps foster constructive deliberations over the common good. “Reason,” he states, “calls for an array of intellectual virtues, not only rigor in thought and argument, but prudence, openness, and dialogue as well.”

Selznick’s position on a “common faith” is no doubt familiar to many readers since chapter 11 was the basis for his essay on this topic in the Summer 2002 issue of this journal. Although most communitarian theorists acknowledge a connection between religious faith and communitarian ideals, few have ventured so deeply into this connection as he has. Selznick sees the relationship as a strong one but admits that some of his allies part company with him on this point. The great religious traditions and communitarianism, he believes, have much to teach each other and are mutually supportive. Both seek to transcend human alienation through a sense of community and a commitment to moral truths. Both religion and communitarianism succeed when they balance the legitimate claims of particularism and universalism, tempering piety with civility in their moral appeals. Piety is essential for community because it fosters “self-scrutiny, self-transcendence, loyalty, and humility.” But in isolation, Selznick argues, it “demands conformity and justifies exclusion,” so it must be moderated by civility, which “welcomes diversity, encourages toleration, and legitimates controversy.” Religions and communities are healthier when they seek both. He calls for an ecumenical program among religious

groups and like-minded secular thinkers that “honors piety as well as civility.”

I suspect that I have not done full justice to Selznick’s message. The amount of material that he has managed to make available in a rather short volume is admirable. With the possible exception of the somewhat controversial position on the centrality of religion, *The Communitarian Persuasion* is an elegant presentation of the consensus that has emerged among communitarian thinkers in the last decade and a half. Indeed, the extent of the consensus that this book reflects raises the following critical questions: Where do we—and Philip Selznick—go from here? Are we at the end of a major burst of communitarian theory, and should thinkers now shift entirely from *precepts* to *problems*? If there is still room for further productive elaboration of (and debate over) communitarian *precepts*, from where will thinkers draw their inspiration? Are *problems* the only reliable source of new theories, or are there developments in philosophy and sociology that need to be more closely examined?

These questions deserve to be answered, and I am sure they will be in the coming years. I am also confident that Philip Selznick will continue to play a vital role in these conversations.

## **What Is Civil Society (and Is It Really a Good Thing)?**

Francesca Polletta

Nancy L. Rosenblum and Robert C. Post, eds., *Civil Society and Government* (Princeton, N.J.: Princeton University Press, 2002), 408 pp.

**D**uring the last year, the Catholic Church has been charged with widespread cover-ups of sexual abuse in the priesthood; corporate America has been racked by scandals of insider trading and fraud; and in the Middle East, the same organization that builds

health clinics and free schools for Palestinians has also dispatched suicide bombers to Israeli targets. These would seem to be dark days for civil society. And yet, as the editors of *Civil Society and Government* point out, civil society tends to be discussed in almost exclusively positive terms. It is credited with promoting civic virtues such as trust, cooperation, volunteerism, and tolerance, deemed responsible for bottom-up challenges to oppressive governments, and seen as a vital defense against both an unrestrained market and an overly restrained one. The contributors to this volume generally share a positive assessment of civil society, but they also recognize its potential liabilities for a democratic polity, and they wrestle with what the state should do about those liabilities.

The book is organized around nine political and ethical traditions that address the relationship between civil society and the state: classical liberalism, liberal egalitarianism, critical theory, feminism, natural law, Christianity, Judaism, Islam, and Confucianism. Contributors, many of whom are prominent theorists themselves, were asked to address a series of normative questions from the vantage point of the tradition they know best, among them: Where should the line be drawn between civil society and the state? What does civil society require from the state in the way of protections and resources? How should the state interact with individuals and with communal associations? What role should civil society play in forming good citizens? With admirable discipline, the contributors by and large stick to the questions, and the resulting essays offer coherent synopses of each perspective while acknowledging internal differences among the proponents of each perspective and, especially interesting, tracing the evolution of each perspective over time. Each essay is paired with a brief critical response. In an introductory essay, Nancy L. Rosenblum, a political theorist, and Richard C. Post, a legal scholar, lay out their own conceptualization of the civil society/state relation, and a superb concluding essay by Richard B. Miller highlights points of convergence and disagreement among the perspectives.

Reading the essays together, what comes across immediately is that there is precious little agreement on what “civil society” is—specifically, whether it should include for-profit institutions, the family, and radical political groups. What is equally clear is that the definitional murkiness is unavoidable, reflecting as it does more

fundamental ideological disagreements. Classical liberals, who see civil society's chief virtue as lying in its voluntary character, define civil society as everything that stands between the individual and the state; they especially admire the market. For liberal egalitarians, an unbridled economy is as grave a threat as an unbridled state. As they see it, what counts about civil society is its capacity to nurture "public reasonableness" and civility—these make it possible to balance values of equality and liberty—and if theorists in this vein do not pointedly *exclude* for-profit institutions (as some liberal egalitarians do), they downplay them (as Will Kymlicka does in his essay).

There are other differences about what should be included in the category of civil society. For Habermasian critical theorists, civil society's key feature is its *publicness* (in Habermas's terms, civil society is made up of "weak publics"). It supplies the plural preferences and communicative resources that make public deliberation possible, and is defined against the strong public of the state and the private sphere of the family. Feminists, for their part, are wary of the implication that the family is nonpolitical. Feminists value the voluntary associations that, for women, have served as springboards to social change. However, the kinds of associations they cite in this regard have often used disruptive means and have behaved in ways that—*pace* liberal egalitarians' conception of civil society—are palpably *uncivil*. Finally, for Confucian and Judaic traditions, civil society can be said to exist at all only if it is conceptualized not in terms of its voluntary character—for the modern political traditions, a defining feature—but in terms of its associational character.

So, the general consensus that civil society is a good thing (albeit with risks and with good and bad versions) does not mean that it will be easy for people from different political traditions to reach agreement on what political arrangements civil society needs to flourish. There are certainly some areas of agreement. All the modern political traditions recognize the dangers, on one hand, of undemocratic and intolerant civil society institutions, and, on the other, of a government that overreaches in the interest of promoting liberal democratic values throughout society. It is no good to say that government should simply not assist organizations that cramp basic freedoms, because refusing governmental support to an organization often means, in effect, pulling the plug on it. The issue is when, and how, and how

much to intervene: whether a zone of privacy should be considered immune to governmental intervention, at what point noncoercive measures for bringing groups into line should be supplemented by coercive ones, and so on.

What is perhaps more valuable about the essays, in this respect, is that when ranged against each other, they suggest where the objections to any concrete practical political arrangement are likely to come from. For example, when liberal egalitarians argue that minority groups should be free from government interference but should not be free to suppress internal dissent, classical liberals wonder rightly whether it is possible to have one without the other. When classical liberals argue that, left undisturbed, civil society is marked by a “tendency to volunteerism,” as Steven Scalet and David Schmidtz put it in their essay, critical theorists rightly point out that this reification of civil society paves the way for seeing the state *a priori* as “an *alien intrusion*” that must be repelled (Scalet and Schmidtz’s emphasis). Feminists warn that if we want to expand the obligations of citizenship to include civic care and neighborliness, we must make special efforts to ensure that those duties do not fall, as they traditionally have, only to women.

Of course, from the vantage point of perspectives on the civil society/state relationship that stem from premodern traditions, many of these recommendations and concerns seem beside the point. The idea of a sphere of privacy granted by the state to its individual and corporate members is inconceivable in a classical Confucian perspective, in which a paternalistic state governs on the model of the family. In that perspective, privacy is seen as synonymous with selfishness. Essays on Judaic and Islamic traditions caution against looking for easy analogues to civil society in those traditions and at the same time point to the historical developments that have periodically created openings for something like civil society to emerge. These essays also remind us that none of the competing views of civil society has evolved in a historical vacuum. In this vein, Noam Zohar observes that one of the central problems for Israel today is renegotiating conceptions of the civil society/state relationship that were forged during a period of prolonged exile, when the state was experienced as an alien force in a covenantal community. And as John Kelsay points out, recent efforts to expand freedom of association in Muslim coun-

tries have often been widely seen as forms of Western colonialism. If “civil society” has a Western flavor, groups within Muslim societies will resist or embrace the development of civil society in part on the basis of what kind of relationship with Western powers they desire.

Indeed, the volume as a whole might have been strengthened by a stronger recognition that the processes by which different institutions gain autonomy and authority—and lose them—are thoroughly historical. Kymlicka’s offhand comment that it would be a misuse of governmental power to compel churches to become more internally democratic seems less than obvious at a time when criminal prosecutions may end up forcing the Catholic Church to do just that. Likewise, classical liberals’ faith in market institutions as seedbeds of cooperative virtues seems naive in the context of current corporate scandals.

This raises another point. We simply do not know yet whether the interpersonal trust that often develops within civil society institutions contributes to social trust outside of them; whether people who participate in civil society organizations are also likely to participate in politics; and whether, if they do, they are likely to participate in a public-spirited rather than sectarian way. Empirical answers to these questions would modify at least some of the arguments made here, and the volume would have benefited from a greater recognition that many of the claims staked by the various traditions are empirical ones.

These are hardly strong criticisms. Overall, the volume provides accessible but sophisticated introductions to a range of philosophical perspectives on civil society; highlights key lines of disagreement; calls to our attention some of civil society’s less obvious virtues; and offers important recommendations (albeit very different ones) about how civil society can be made to flourish for the good of democracy.

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## THE COMMUNITY'S PULSE

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**Young people generally think the government does a pretty good job . . .**<sup>1</sup>

*Government is almost always wasteful and inefficient.*

OR

*Government often does a better job than people give it credit for.*

	<u>All ages</u>	<u>15-25</u>	<u>26-37</u>	<u>38-56</u>	<u>57+</u>
wasteful and inefficient . . .	39%	29%	40%	41%	45%
does a better job than credited . . .	51%	65%	49%	50%	44%

*Government should do more to solve problems.*

OR

*Government does too many things better left to businesses and individuals.*

	<u>All ages</u>	<u>15-25</u>	<u>26-37</u>	<u>38-56</u>	<u>57+</u>
should do more . . .	47%	64%	51%	43%	38%
does too many things . . .	45%	31%	41%	50%	50%

**. . . but 15- to 25-year-olds sure don't like politics.**<sup>2</sup>

*Please check off all the words below that come to mind when you hear the word "politics."*

government — 73%	favoritism — 33%
power — 63%	necessary — 29%
lying — 53%	partisan bickering — 29%
corrupt — 48%	public service — 26%
boring — 47%	interesting — 17%
confusing — 45%	irrelevant — 8%
for the rich — 40%	ensures opportunity — 7%
democracy — 36%	responsive — 7%
white guys in suits — 35%	none of the above — 5%

**And young people don't follow public affairs very closely.<sup>1</sup>**

*Some people seem to follow what's going on in government and public affairs most of the time, whether there's an election or not. Others aren't that interested. Do you follow what's going on in government and public affairs most of the time, some of the time, rarely, or never?*

	<u>All ages</u>	<u>15-25</u>	<u>26-37</u>	<u>38-56</u>	<u>57+</u>
Most of the time	45%	25%	37%	50%	60%
Some of the time	39%	46%	45%	36%	33%
Rarely	11%	22%	14%	10%	5%
Never	4%	8%	5%	4%	1%

**The Obligations of Citizenship<sup>1</sup>**

*It is my responsibility to get involved to make things better for society.*

OR

*It is my choice to get involved to make things better for society.*

	<u>All ages</u>	<u>15-25</u>	<u>26-37</u>	<u>38-56</u>	<u>57+</u>
responsibility . . .	47%	47%	50%	47%	43%
choice . . .	48%	51%	47%	48%	45%

*Being a good citizen means having some special obligations.*

OR

*Simply being a good person is enough to make someone a good citizen.*

	<u>All ages</u>	<u>15-25</u>	<u>26-37</u>	<u>38-56</u>	<u>57+</u>
special obligations . . .	53%	38%	48%	60%	59%
being a good person is enough . . .	41%	58%	48%	35%	32%

compiled by Deirdre Mead

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Sources: 1. Survey discussed by William Galston at "The State of Society," an event held by The Communitarian Network, January 13, 2003. Survey by The Center for Information & Research on Civic Learning and Engagement, The Civic and Political Health of the Nation: A Generational Portrait, April 4-May 20, 2002. U.S. national sample of 3,246 individuals, age 15 and older. Volunteered responses are omitted. 2. Knowledge Networks Youth Activity Survey, January 29-February 25, 2002. Internet-based survey, U.S. national sample of 1,166 15- to 25-year-olds.

### **A Communitarian Gem: Article 41 of the New Swiss Constitution**

Winfried Brugger

**T**he United States has the oldest modern constitution that has been in force uninterruptedly. The U.S. Constitution marks the beginning of the modern constitutional age, whose march of victory began at the end of the 18th century. Since then, however, 200 years have passed, years during which some of the notions of what characterizes a good social and political order have been developed further, have been refined, and have undergone considerable change. One prominent example of this is the development of liberalism: economic liberalism, with its emphasis on negative rights, has been complemented by, and is now competing with, welfarist and neutralist variants of liberalism. Over the past 20 years, communitarianism has opposed excessive individualism, choice maximization, and neutralism in liberal thought.

But a balance between liberalism and communitarianism is hardly reflected in the U.S. Constitution's text. At best, such a balance can be gleaned from decisions made by the U.S. Supreme Court. The reason for this is that the hurdles for changing the Constitution have been set so high by Article V that proposed changes are hardly ever enacted—one is reminded, for instance, of the failure of the Equal Rights Amendment in 1982. In the United States, therefore, changes in

society and state are largely brought about through other means: such changes occur through constitutional interpretation, through political processes, and through discussions in society—for instance, about the relationship between rights and responsibilities.

In Europe, a change in evaluative concepts is much more often reflected in changes made to the text of a country's constitution. One reason for this is that the hurdles for such changes are lower; another reason is that many formerly socialist states have now, for the first time, drafted and enacted constitutions endorsing democracy and the rule of law. These constitutions' texts therefore reflect more of the present thinking in such societies about political arrangements. In this sense, many European constitutions are more "modern" than the U.S. Constitution. European constitutions are more modern in a second sense as well. While the U.S. Constitution is largely an organizational constitution, a blueprint of governmental powers and restrictions on their use, most European constitutions, in addition to such rules, incorporate substantive values. They not only mention the *who* and *how* and *what* of governmental power, but also emphasize particularly important goals—to *what ends* government shall act. A third sense in which European constitutions can be called more modern lies in the relationships between the individual and the community, between rights and duties, and between liberalism and communitarianism. These relationships are quite often addressed by the texts of new constitutions.

The new Federal Constitution of Switzerland is a brilliant example of these tendencies. It was passed in 1998 and 1999 and came into force on January 1, 2000. The English version can be viewed at [www.oefre.unibe.ch/law/icl/sz00000\\_.html](http://www.oefre.unibe.ch/law/icl/sz00000_.html). Switzerland is a federal state, consisting of the federation and the cantons (states). The 2000 Constitution did not change the federal structure of Switzerland but, instead, consolidated, amended, and systematized the constitution previously in force, which contained many amendments. The new Constitution is divided into "General Principles" (Title 1), "Fundamental Rights, Civil Rights, and Social Goals" (Title 2), and further parts containing organizational provisions. The Constitution's preamble already contains some remarkable passages, providing the following reasons for adopting the Constitution:

Resolving to renew our alliance to strengthen liberty and democracy, independence and peace in solidarity and openness towards the world;

Determined to live our diversity in unity respecting one another;

Conscious of our common achievements and our responsibility towards future generations; and

Knowing that only those remain free who use their freedom, and that the strength of a people is measured by the welfare of the weakest of its members . . . .

Article 2, Section 1 mentions traditional elements of constitutionalism such as liberty, the rights of the people, national independence, and national security, and Sections 2–4 add the following goals of the state:

(2) [The Swiss Federation] promotes common welfare, sustainable development, inner cohesion, and cultural diversity of the country.

(3) It ensures equal opportunities for all citizens to the extent possible.

(4) It strives to safeguard the long-term preservation of natural resources and to promote a just and peaceful international order.

The most instructive of the constitutional provisions about the relationships between freedom and order and between the individual and the community is Article 41. This is the first article in the chapter on “Social Aims.” Article 41 introduces a gradation of personal, social, and governmental responsibility. It endorses the interdependence of rights and duties, declares claims to social welfare to be limited by the financial capacity of the government, and connects integrity of the person with integration into the broader community. The state is committed to promoting the family and opportunities for individual self-realization, but also to the idea that there is a responsibility to work, and that work itself engenders responsibilities and indeed ennobles. Article 41 addresses risks such as illness and unemployment, which can affect anyone, and postulates that there are collective responsibilities corresponding to these collective dangers. See for yourself:

(1) The Federation and the Cantons shall strive to ensure that, in addition to personal responsibility and private initiative,

- a. every person shall benefit from social security;
- b. every person shall benefit from necessary health care;
- c. the family as a community of adults and children shall be protected and encouraged;
- d. every person capable of working shall sustain himself or herself through working under fair and adequate conditions;
- e. every person looking for housing shall find, for himself or herself and his or her family, appropriate housing at reasonable conditions;
- f. children and young people and people of working age shall benefit from initial and continuing education according to their abilities;
- g. children and young people shall be encouraged in their development to become independent and socially responsible persons, and they shall be supported in their social, cultural, and political integration.

(2) The Federation and the Cantons shall strive to ensure that every person shall be insured against the economic consequences of old age, disability, illness, accidents, unemployment, maternity, orphanhood, and widowhood.

(3) They shall strive to realize the social goals within the framework of their constitutional powers and with the means available to them.

(4) No direct subjective right to [entitlements] by the state may be derived from the social goals.

These provisions contain a good summary of liberal communitarianism. Their approach is clearly systematic, as is evidenced, for instance, in the gradation of responsibilities to be borne by the individual, by social groups, and by lower and higher levels of government, and in the commitment to supranational openness and supranational obligation. The guiding idea is the principle of subsidiarity, and the priority both of the particular over the universal and of society over the state. The above provisions also emphasize that people need community, education, and training, and that they need to transform themselves into responsible adults, taking care of themselves and their families. All must be given the opportunity to inte-

grate into society, yet cultural diversity must be preserved. Modern life makes us realize that there are many risks that the individual is often not able to cope with, such as serious illnesses, accidents, or invalidity. The state, therefore, is called on to develop adequate social security systems. Article 41 wisely refrains from saying anything in greater detail about these systems. It is also silent on the specific scope of further duties on the part of the collective to provide positive funding or support to its members. It is up to the politically responsible authorities to specify the required duties. But according to the Swiss Constitution, they are under an obligation to consider the issues I mentioned. These issues must not be forgotten, as they provide the standards whereby the welfare of individuals and communities in Switzerland can be measured. The drafters of the Swiss Constitution have put these standards into words that deserve to be noticed far beyond Switzerland's borders.

### **CALL FOR PAPERS**

Third Communitarian Summit  
Washington, DC, July 9-11, 2004

The summit will take place simultaneously with a meeting of the Society for the Advancement of Socio-Economics. The Communitarian Network invites paper proposals on any of the following topics: communitarian theory and philosophy; autonomy and social order; rights and responsibilities; the moral voice, moral dialogues, norms and laws; the moral infrastructure; family; character education; informal rituals and the ways we celebrate; communitarian economics; the community of communities; the global community; and universal values. For details, please visit [www.communitariannetwork.org](http://www.communitariannetwork.org).

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**—Jeane J. Kirkpatrick**



# Commentary

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## LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

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### From the Libertarian Side

#### A New Human Rights Violation?

**F**reya MacDonald, a 15-year-old student at Speyside High School in Aberlour, Scotland, is suing local education authorities for violating her human rights by giving her detention. Freya claims that her detentions violated Article 5 of the European Convention on Human Rights, which guarantees the right to liberty and security. Her lawyer maintains that Freya's detentions were illegal because the school did not obtain court orders prior to imposing them. Required to stay after school 11 times over the course of seven months, Freya claims that her detentions caused her to suffer "psychological damage," and that they were for mostly "trivial" matters.

Though Freya has not received any detentions since she returned to school last term, she intends to pursue her claims until detention is banned as a disciplinary measure. Characterizing her legal battle as a campaign on behalf of all schoolchildren, Freya explained, "If teachers treated us with more respect we would show them more consideration in return."

Many of Freya's classmates disagree with her stance and are vocally defending their school's detention policy. Avril Laing, 17, was one of several students who spoke to the *Aberdeen Press and Journal* in support of Speyside High. "For the school to maintain a

good working environment," she said, "some forms of discipline have to be used. This includes detention."

## **From the Authoritarian Side**

### **Strict Rules for British Satire**

A television commercial for "2DTV," a satirical British cartoon show, has been banned because it makes fun of President George W. Bush. The British Advertising Clearance Centre (BACC), a group that oversees British TV ads, claimed that the commercial was offensive and could only be broadcast after the producers obtained President Bush's permission.

In the animated commercial, Bush mistakes a toaster for a VCR, accidentally sticking a videotape into the toaster oven and burning it. The commercial also lampoons Prime Minister Tony Blair, portraying him as Bush's obedient dog, fetching a ball thrown by the American president.

The producer of "2DTV," Giles Pilbrow, called the ban "absurd," noting that the show itself included much fiercer satire than anything in the commercial. Pilbrow told the *Daily Telegraph* that the agency's statement that they needed to ask a public figure's permission to satirize him was an "idiotic request," noting that by that rule, satirists would also have to ask permission of figures like Osama bin Laden and Saddam Hussein.

## **From the Community**

### **The New American Extended Family**

Extended families have begun to reassemble, with adult children, parents, and grandparents moving to be closer to one another. Not only are more people trying to live in the same towns as their parents

or children, they are buying properties with adjoining homes, and building “in-law suites” and “granny flats.” In certain areas, 10 percent of home buyers are seeking properties that can accommodate adult children or in-laws.

This revival of the American extended family has spurred the repopulation of areas previously in decline, as well as led to the development of entirely new communities. Increasing numbers of baby boomers are moving back to their hometowns, and, in what Kenneth Johnson, a sociologist at Loyola University-Chicago, calls a “rural rebound,” nonmetropolitan areas are growing four times as fast as they were during the 1980s. Real estate developers are scrambling to offer new designs to accommodate extended families, creating communities that allow for multiple generations to live in close proximity. One firm that has specialized in retirement communities is now developing communities that include youth-friendly amenities like rock-climbing walls, as well as features like bingo parlors that appeal to an elderly population. Homes in some of these new “multi-generational” planned communities are selling twice as fast as predicted.

Experts cite a range of factors as contributing to this trend: more people working at home, economic downturn, middle-aged baby boomers moving to care for aging parents, and older baby boomers preparing for their own retirement. According to all accounts, we can best understand the revival of the extended family by focusing on the experiences of this baby boom generation.

For many of these Americans, family life in the past 30 years has been unsatisfying or nonexistent. As William Frey, a demographer and sociology professor at the University of Michigan, told the *Wall Street Journal*, “This is the first middle-aged generation where Ozzie and Harriet doesn’t dominate.” High rates of divorce, remarriage, and single-parenthood have left many individuals yearning to experience the kind of close-knit family life that today is seen mostly in old movies and television shows. Sociologists suggest that by returning to their hometowns, moving closer to children and parents, and building homes that allow more integration of work, community, and family, aging Americans are attempting to find the kind of comfort and security that family life over the last few decades did not afford.

## COMMENTARY

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### Sharing the Burdens of War

In “War without Sacrifice? The Loss of Personal Responsibility” [Winter 2002/03], Cheyney Ryan argues that support for war should include a willingness to die for the cause. He cites an eye-opening poll taken in June of 2002 that showed that although “almost 70 percent of young people agreed with the United States’s right to invade Iraq, an almost equal number would refuse to participate themselves.” It seems that the responsibilities of citizenship lie with others.

Indeed, a concern expressed by many is that the armed forces no longer look like America, that those who serve our country and might die in a war come disproportionately from particular disadvantaged groups. There is some truth to this claim. While reasonably well educated and screened for strong aptitude, members of the armed forces are more likely to be from less affluent blue collar and minority families. During the Persian Gulf War, 23 percent of the troops and 17 percent of those who died in combat were black, according to Darryl Fears of the *Washington Post*, yet only 12 percent of the general population is black.

Concerned about this unfair distribution of the burdens and costs of war and its possible influence on our willingness to go to war, Congressman Charles Rangel has introduced a bill that would require mandatory military or national service for all young people, ages 18 to 26, with the only exceptions being for extreme hardship, disability, or for the purpose of completing high school. Service

would be for two years. Those not needed in the military (as well as conscientious objectors) would be required to contribute to homeland security or to provide other useful community services.

Rangel's proposal would go a long way toward addressing Ryan's concerns. Moreover, it is as American as fast food or corn on the cob. From the time of the Civil War until Nixon ended the draft in 1973, conscription was the normal means of protecting U.S. interests at home and abroad. To be sure, the elimination of the draft in 1973 and its replacement by an all-volunteer force has had many benefits. Current enlistees are better educated and smarter than the population at large, and because they have chosen to serve, their morale and readiness are likely to be higher than would be the case with draftees. Still, the end of the draft may have eroded a sense of shared sacrifice and it may even have contributed in some small measure to the public's willingness to support going to war with Iraq.

But the idea of shared sacrifice should go beyond willingness to fight on the battlefield. It should include willingness to bear other costs—in terms of time, money, and exposure to risk at home or abroad. To take just one example, the government is asking health care workers to get inoculated for smallpox. This carries some risk, and although that risk is small it has generated considerable opposition, suggesting once more that many citizens are ready to support a war against terror, unless it requires them to assume some of the risk (although this issue is complicated by the fact that the government is not offering compensation for those adversely affected by the vaccine). As Congressman Rangel notes, putting a flag on one's lapel may be patriotic, but it is hardly a burden.

Of all the possible burdens, the one that is easiest to spread widely and fairly—at least in principle—is the financial cost of war. After all, most of us are beyond the age when we might be expected to fight or join the armed forces, and health care workers and other so-called first responders are relatively small groups.

It is for this reason that I have proposed a surtax on incomes to pay for the war on terrorism and any war with Iraq, including the very high costs likely to be associated with a prolonged occupation and reconstruction of that country. At present the amount of these costs is highly uncertain. William Nordhaus of Yale University esti-

mates that the costs of a war with Iraq, including postwar peacekeeping and reconstruction, could vary from \$155 billion to \$755 billion. The Congressional Budget Office estimates that a three-month heavy ground war followed by troops deployed for five years would cost \$272 billion.

The way the surtax would work is that everyone who pays income taxes—personal or corporate—would be asked to pay just a little bit more, say, an extra 5 percent. This means that if your tax bill at the end of the year would normally be \$1,000, you would pay an extra \$50 for a total of \$1,050. Because the surtax is a flat percentage of existing tax liabilities, it would not change the structure of income taxes in any fundamental way. In essence, taxes would be no more nor less progressive than they are now. The surtax rate could be set to produce whatever amount of revenue was needed to fight the war. A 5 percent surtax would yield roughly an extra \$70 billion in revenues per year. The surtax could be temporary and could be adjusted as circumstances required. For example, it should not be implemented in the middle of a recession or in the current sluggish economy, when deficit spending can be helpful because it creates jobs and leads to economic recovery. Revenues from the surtax could be earmarked for international and domestic security purposes if desired.

Just such a surtax was imposed during the Vietnam War. In 1967, President Johnson proposed a 10 percent surtax that was enacted in June of 1968. It was levied on both personal and corporate incomes, was a flat percentage of people's existing tax liabilities, and remained in effect for several years.

Contrast this with the way we are attempting to finance the current war by cutting spending on programs that serve lower- and middle-income Americans and passing along a huge debt to the next generation. These actions, especially the spending curbs, are sometimes justified by the exigencies of war. The point is that they would not be necessary—at least not to the same degree—if we weren't simultaneously proposing to cut taxes that primarily affect the wealthy and instead were using a surtax either to keep current revenues constant or to raise them.

Whatever the burdens of government, they should be fairly shared, especially during a time of war. If citizens are to be stakehold-

ers in our society, they need to believe in its legitimacy and in the evenhanded allocation of its benefits and burdens. Right now, our democracy is in danger of failing at this essential task.

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### **Taxation and Misinformation**

A recent survey by the Center for Information and Research on Civic Learning and Engagement asked Americans, “As far as you know, does the federal government spend more on Social Security or on foreign aid?” In recent years, around 23 percent of federal spending has been devoted to Social Security, while under 1 percent has gone to foreign aid. However, 63 percent of the respondents to the survey believed the government spends more on foreign aid, while only 14 percent chose Social Security, and 23 percent said they didn’t know. Strangely, the figures were hardly different for those old enough to receive Social Security now or in the near future—only 16 percent of those 57 and older chose Social Security, while 63 percent selected foreign aid.

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