

The Responsive Community

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UP FRONT

When Communities Are Not In Control

E.J. Dionne Jr.

First, imagine that a company in your hometown gets a contract to sell tens of thousands of high-tech gadgets to a company in Italy. Let's call your town Prosperityville. The company expands and hundreds of new jobs are created. All this economic activity means soaring revenues for the local government. Your community has enough money to attract better teachers, fix up the neighborhood park your child loves to play in, and even offer you a tax cut.

Then imagine somebody else's town—call it Badlucktown—where its biggest company, an auto parts factory that employs 2,000 people, shuts down. The company has found that wages in China are much lower and a plant there will be closer to its burgeoning Asian market. Hundreds of people move away. Having lost its largest taxpayer, Badlucktown's government faces bankruptcy unless it raises taxes, closes down schools, cuts teacher pay, and shuts the neighborhood swimming pools.

These are tales of “glocalization,” a powerful concept introduced at a conference in Cernobbio, Italy last month by Federico Stella, a law professor at the Catholic University of Milan. Like the story of the two towns, his idea illuminates the powerful ambiguities of the global economy. Local problems can be solved or deepened by what the global economy does—often courtesy of decisions made far away from Main Street or city hall. Professor Stella put a hopeful spin on the concept: the desire of citizens to influence what happens in their communities will create pressure for a more democratic way of solving problems across national boundaries. The question is, “How?”

Glocalization is worth thinking about in the wake of the vote to grant China permanent normal trading status. Supporters of free trade with China and the rest of the world argue that a more open system can increase the world's wealth. Broadly speaking, that's true. But free traders have not adequately answered critics who worry about the new inequalities the global market creates—Prosperityville and Badlucktown. Nor have they explained how those global environmental and labor standards President Clinton likes to talk about can be enforced across national borders. If free traders are destined to carry the day, they're obliged to do more than talk.

That point was driven home at the Council for the United States and Italy meeting by Jay Mazur, president of UNITE, the American textile workers union. Mazur described the global market as an "economic Wild West," a "system for which there are a hundred different rules of law that are much discussed while the might of raw power prevails." Yet when global rules on the environment and labor are proposed, they are seen "as a sin against free trade, an unworkable protectionist ploy, and worse."

Those are fighting words. While the predominately free trade audience insisted on the benefits of robust commerce across national borders, it fell to Richard Gardner, the former American ambassador to Italy, to try to square the two arguments. Free traders like himself, he said, needed to acknowledge the tensions in their own position. Most free traders rightly insist on global rules protecting intellectual property and patent rights. But when those rules are applied to pharmaceuticals, Gardner said, their prices can go so high that very sick people in the Third World find life-saving drugs unaffordable. Who will adjudicate this conflict?

Most free traders understandably insist on international rules protecting property from government expropriation. But Gardner, a Columbia law professor, noted that tough environmental or worker safety regulations are sometimes seen as a "taking" of private property because they impose costs on the property owners. What rules will a global system use to determine the difference between expropriation and reasonable regulation?

Gardner's examples are powerful because they point to cases where property rights collide with other rights. A global economic

system will have to settle such conflicts if it hopes to protect property rights and other values at the same time. It's reasonable to have global rules protecting property rights. Why is it unreasonable to have global social rules too? For his part, Mazur said business leaders have a choice: take "the path to reform at the international level," or face a series of local and national insurgencies on behalf of the environment and workers' rights—another form of glocalization.

If free traders want to maintain popular support for their system, they'll have to deal with Mazur's complaints and Gardner's questions. And if Prosperityvilles are to maintain their good fortune, they'll need to lend a hand to the good folks of the Badlucktowns.

Extremism in the Protection of Liberty Is No Virtue

Amitai Etzioni

If you prefer that no one sees what you look like under whatever you wear, you'd better avoid the airports of New York City, Miami, Chicago, Atlanta, Houston, and LA—and soon, most others. Before you protest, "Come on, even George Orwell..." here are the bare facts: the U.S. Customs Service is introducing new X-ray machines that see through cloth and reveal whether people are concealing guns or contraband.

Should you rush to become a card-carrying member of the ACLU to protect whatever shreds of privacy are left? If you read on, you will see why just the opposite may be called for. Many of the new technologies that civil libertarians fight, while curtailing privacy to some degree, are so beneficial that most of us are likely to welcome them.

ACLU representative Barry Steinhardt recently alarmed an audience at the 92 Street YMCA in New York City by telling them that customs officers are able to see you walking through an airport as if you had only a birthday suit on. The fact is, though, that these machines meet some rather strict libertarian guidelines. These machines can only be used if the individual consents to be searched—in

writing. And even then a supervisor must approve the screening. One cannot help but wonder, what is the ACLU recommending? Does it prefer pat down searches, which many find more intrusive? Random searches, which amount to suspicionless searches? Or does it seek to fashion a new right—for travelers to bring into the United States whatever guns or explosives a Bin Ladin might desire?

You may grant that civil libertarians have overplayed their hand here, but are there any other signs that they are going overboard? Take next their reaction to DNA testing. This new crime-fighting tool allows public authorities to take thousands of violent criminals off the streets. In England, over 70,000 suspects have been linked to crimes through their DNA. In the U.S., where the national DNA database is new, the FBI already reports that 200 outstanding cases have been solved this way. Better yet, DNA testing has achieved what should be a civil libertarian's dream: it has sprung at least 70 innocent people out of jail in the U.S. alone.

Civil libertarians oppose DNA testing, though, arguing that keeping the results of the DNA tests of criminals (many of whom have a strong tendency toward recidivism) constitutes an unnecessary violation of privacy. The ACLU announced that it “believes that any proposal to create wholesale DNA data banks of suspects presents a frightening potential for a ‘brave new world’ in which genetic information is routinely collected and used in ways that will likely result in abuse and discrimination.” And Philip Bereano, an ACLU board member, frets: “These are technologies in which powerful organs in society control members with less power.”

Cameras in public places, such as parking lots and street corners, are also objected to despite the fact that they are an effective tool for deterring crime. Cameras that are used to capture the license plates of those who run red lights save lives, while simultaneously replacing cops at street corners. The Supreme Court has not objected, ruling that privacy is not violated when a reasonable person has no expectation of privacy. Edward Borges of the ACLU fears that cameras “raise the specter of an Orwellian Big Brother government scrutinizing the minute-to-minute activities of its law-abiding citizens as they go shopping, as they congregate on the corner to discuss the problems at their children's school, and as they sneak a kiss to a lover when they think no one is looking.” Another ACLU representative believes that

“we will no longer be free to engage in public activities without fear that government officials, who are supposed to be working for us, are watching everything we do.”

E-Z passes have not fared much better. These passes allow motorists to drive through a tollbooth without stopping, relying on a transponder within a card on the windshield that debits the motorist's account. In the UK, these devices are also employed to catch speeders. Civil libertarians are troubled by both measures, despite the fact that E-Z passes have been widely welcomed by millions of users, not to mention the fact that people are still free to pay tolls the old-fashioned way. Moreover, no one seems to have a right to speed, and the difference between catching speeders one way or another is a technical rather than a constitutional matter. “We've been concerned any time government develops the technology to track where everybody is going, to in effect spy on people,” states Norman Siegel. “It's the opening of the door for government databases to collect information on people's lawful behavior.” He also fears that the information could be used in political campaigns or to smear public personalities.

All this is not to deny that civil libertarian groups do play an important role in our public life. They serve to countervail a built-in tendency of public authorities to extend their powers beyond what is needed. The question, nevertheless, stands: Is pushing their arguments to such extremes the best way for civil libertarians to maintain the difficult balance between individual rights and the common good (especially public safety and public health)? Or would we all be better off if they focused on those practices engaged in by customs agents, police officers, and other law enforcement personnel which truly offend our rights? And should civil libertarians cool their rhetoric when the challenges to our liberties are either minor or hypothetical? Your call, but I suggest that before you send your next donation, look again, or attach a note: Extremism in the protection of liberty *is* a vice.

ESSAYS

Liberalism, Communitarianism, and the Common Good: An Aristotelian Perspective

Thomas W. Smith

It is an argument decades if not centuries old: Communitarians fault the liberal tradition for encouraging a rootless, empty individualism that is unable to provide the resources of character and culture that popular government requires. Liberals, for their part, think that the drive for community masks an unconcern for individual rights and freedom—they say that the flip side of communitarianism is intolerance and coercion. A tradition older than either of these, however, may be able to cast an informative light—and perhaps even recast the current debate.

In contrast to each side of today's scholarly dispute, Aristotle understood both individual interests and the needs of the community as grounded in the common good. But while Aristotle is often identified as a proponent of community, his account—particularly his articulation of the conditions for the common good—is ultimately neither communitarian nor liberal. Thus, reading him can give us a new perspective on the relation between community and individual interests, and may help us move beyond our usual way of framing the debate. And it is especially helpful to inquire into this problem with Aristotle as a guide, since he does not base his argument on any particular religious doctrine and thus provides today's theorists with a common ground for discussion.

Aristotle is not optimistic about the possibility of having a common good. While he thinks that it depends on people being just to each other, he also emphasizes the persistent reality of injustice in human affairs. He argues that most political regimes are more or less unjust, and so our laws and mores deform our characters as much as they form them. Moreover, he thinks that most people equate political rule with the kind of power masters exercise over slaves. Yet if we are habitually unjust and the common good requires justice, how could we possibly hope for it? To answer that, one must first look at Aristotle's explanation of the origins of injustice.

The Supply Problem

Aristotle offers a very different account of the origins of injustice than do today's political theorists. For many today, the motive for injustice stems from our unwillingness to adopt the other's point of view. That is, we are unjust to others when we refuse to respect their notion of the good. From this perspective, the cure for injustice is often a form of sensitivity training, wherein we are told to walk in someone else's shoes in order to learn tolerance and respect.

Whatever the benefits of this approach, it differs strikingly from Aristotle's. For him, we are unjust because we are tempted to take more than our fair share of the common wealth. Human life is subject to strict limits: goods like material wealth, honor, political power, and security are in short supply. The scarcity of these goods makes us compete for them, and this competition prompts conflict and sometimes even the desire to lord them over others. All this ruins our chances for the common good.

In contrast to modern economies of growth, the ancient economy was stagnant, and so wealth was fixed in Aristotle's time. The scarcity of material goods led to civil war and domination in the ancient city. Factional strife generally arose between the rich and the poor. Moreover, the difficulty of providing material resources led ancient political communities to see hierarchy and domination as central to their life. Ancient citizens exercised tyranny over women and slaves to free up their time for politics and culture.

Honor is also a limited resource. Human beings simply cannot recall and celebrate every great deed. One might be able to honor, for

example, the fastest woman on earth, but winning her gold medal requires beating her competitors. Her dash into the light demands that they fall back into darkness, if only because her medal is worthless if everyone gets one. Yet if we compete vigorously for honor in things like athletics, how much more will we do so for civic honor? Even more than our own, the ancient culture was defined by a love for prestige. Sensing themselves to be in the middle of a fierce competition for acclaim, ancient citizens took precautions against each other. In this sense, the ancient Athenian emphasis on freedom can be seen as motivated in part by fear of domination. Ancient citizens cherished freedom of speech and democratic institutions because they protected the people from the lordship of an honor-coveting elite. In a like way, the Athenian tradition of private prosecution protected citizens from ambitious lawyers, and popular juries shielded them from the power that experts in the law hold. So part of the cause of civil strife in Aristotle's time (as well as our own) was the drive for distinction.

Inseparable from this drive is the competition for power. Power obviously provides prestige, and so satisfies the desire for distinction. But in addition, it seems to ensure our security. Power can protect us from both bad luck and the machinations of others. And since political offices are in short supply, people compete fiercely for them. It is no mistake that we employ the same word for competition in war and politics: campaign.

The Demand Problem

Scarcity of goods, however, is not the only reason we try to take more than our fair share of them. In addition, human beings overgrasp because we desire far more than we strictly need; we demand more and more of goods that are already in short supply. Aristotle sketches the problem in his account of acquisition. Business expertise for Aristotle aims at the self-sufficiency of the household with a view to the good life of those living there. Initially, he says, human beings traded in order to make mutually beneficial exchanges of the goods they needed in their households. And because these goods were not always portable, people invented money as a medium of exchange. However, over time, people discovered ways of making more and more profit from their trading. But when one engages in economic life for the sake of unlimited profit, business has no limit, since it aims at

infinite acquisition. For some reason, human beings tend to seek unlimited wealth; we desire far more material wealth than we require for a flourishing life.

Aristotle argues against this view of business. He thinks that if we treat economic activity as an end in itself rather than as a means to a flourishing life, we paradoxically undermine the conditions for such a life. A businessman's pursuit of unlimited wealth, for example, necessarily decreases the time and energy available for his loved ones. Indeed, it may tend to subordinate his spouse and children to his career. When people forget the limits of their economic life, they forget the basic purpose of that economic life (sustaining a decent household), and moneymaking takes over their lives. In short, Aristotle thinks that people desire far more than they strictly need, and they will often do wrong to satisfy those desires. Indeed, Aristotle says that human desire is by nature unlimited, and so people are always demanding more and more. Such excesses are the cause of the "greatest injustices."

Reorientation?

This means that our own misorientation is the root of injustice. If the unjust person were not excessively devoted to external goods like money, honor, and power, the political community would be better off. Conversely, justice does not mean sensitivity to (or respect for) other people's notions of the good, but rather the willingness to cooperate in common ventures that cultivate the shareable goods at the heart of a flourishing life. For an Aristotelian, there is no divergence between interpersonal and intrapersonal virtues. The virtues that manage our relationship with ourselves, such as temperance and courage, and the virtues that manage our relationship with others, such as justice or friendship, are the result of the same orientation of our characters.

The cure for injustice, then, must be personal reorientation. Justice cannot be achieved apart from the effort to form reasonable people so that they will not want to overreach for external goods. The common good requires an education of human desires. The question is whether citizens can somehow transform themselves from individualistic competitors fighting over scarce resources to partners in a collaborative, convivial community. If such a community were both

satisfying and possible, overgrasping unjustly would not be in our interest, because it would undermine the conditions for our own fulfillment.

Part of the task of Aristotle's political philosophy is to get us to see that this reorientation is in our interest. To do so he must address both the supply and demand problem. First, he must show how communities can achieve goods that do not foster competition and mastery because they are not scarce. That is, he must argue that communities can foster goods that do not diminish when we share them. Second, he must show how these shareable goods address the demand problem. That is, he must show how our desires are satisfied more by attaining shareable goods in a cooperative community than they are by overreaching individualistically for power and profit. In short, he must argue that the common good makes us happy.

But the problems are clear. Aristotle thinks that most of us are unjust, and the sources of our injustice (the scarcity of resources and the strength of our desires) seem intractable. So why should we think that people will change their lives? Further, since the common good requires cooperative activities, it would require allowing others to have some control over our lives. Yet, given the way Aristotle thinks most of us behave, we have little reason to trust that we would be treated fairly if we did so. It seems that any sacrifice for the common good opens us to exploitation and even domination. So how could Aristotle argue for a common good?

Friendship: Equality *versus* Interdependence

He does so in his account of friendship. Aristotle emphasizes that most people identify happiness with the possession of tangible, external goods such as pleasure or wealth or honor. He notes that many of us value friendship as a way of acquiring and protecting these scarce resources. If we give more than we take from a relationship, he says, we feel exploited. So we tend to insist on equality in our relationships to protect ourselves from such exploitation.

But Aristotle also discusses relationships such as the family and politics that do not involve equality. In relationships based on equality, the same (or at least commensurable) goods are exchanged. Yet partners in unequal relationships do not give and take the same

things, and they should not try. Parents and children, for instance, do not exchange the same goods. Parents give their children life, and in return children bestow affection and honor. Yet Aristotle emphasizes that we cannot expect equality in the family, for children can never adequately reciprocate their parents' gift. In giving the child life, parents bestow literally everything, for contained in that gift is every love, experience, joy, and sorrow the child will ever have.

Most people believe that affection is a kind of currency that equalizes unequal relationships. That is, most people think that the recipient of a favor should love the benefactor more than vice versa. But in reality, Aristotle argues that the opposite is true; paradoxically we love those on whom we bestow our favors more than they love us. Some say that the situation is like usury: the lender likes being owed and the debtor hates owing. But Aristotle thinks that this analogy is wrong because it does not properly characterize love. Rather, Aristotle thinks this paradox is better exemplified by the love craftsmen have for their work, the love poets have for their poems, or the love parents have for their children. *Aristotle thinks that human beings love activity, and so we flourish when we are able to bring wonderful things into being.* For an Aristotelian, somehow we *are* more when we *act* more. Artists love their creations because art reflects their inspiration, their capacity for action and creation. Parents love their children because they satisfy their desire for abundant existence. (During my daughter's christening celebration, my father smiled at my mother with delight, gestured at their many children and grandchildren playing happily and said, "Look at what we did.") At their best, politicians love politics because it affords them the opportunity to use zoning laws or health care reform to improve people's lives. Such actions are the stuff of flourishing for an Aristotelian.

For this reason Aristotle thinks that our own happiness depends decisively on our surrounding communities. Human beings are developmental creatures. We require massive socialization in order to develop our capacity for flourishing actions. We depend on our family, friends, religion, culture, and politics to make us who we are. These communities make possible deeply satisfying moral and intellectual excellences such as generosity, evenhanded dealings, practical wisdom, a persistent willingness to render to each what is due, and a willingness to avoid unnecessary strife by not pushing one's claims.

Indeed, in the absence of such communities and the cooperative ventures they make possible, we have no way to vent our desire for flourishing action. This means that the condition for human flourishing is one of diversity and interdependence. For Aristotle, our most precious relationships meet our needs by providing what we lack. Far from being the source of contention and distrust, for Aristotle diversity is the condition for flourishing.

Moving from the Family to the Polity

At this point it is easy to formulate more questions and objections. Unequal relationships such as family and politics are open to enormous abuses. Further, even if one could imagine a common good in a loving family or between excellent friends who mutually complete each other through their diverse talents, how could one achieve a common good in politics? After all, Aristotle himself characterizes politics as a place of competition and conflict. To answer such questions, Aristotle outlines the conditions for a common good in politics by showing what the common good would require in our more intimate relationships. Once we see what the common good requires in our families and friendships, we can see what it would require in politics.

In the family, Aristotle says, children are the common good of the parents. What does this mean? First of all, sexual difference makes procreation possible. In our sexuality, we discover that our happiness demands another's love. In this way, sexuality is a sign of our radical need for a completion we cannot ourselves supply. Loving procreation is one of the ways through which sexual difference can be transformed from a wound dividing us from ourselves and each other to an opportunity for flourishing. Healthy sexual partnerships are not characterized by overgrasping for power and profit. The dominant concern for true lovers is not equality in what is given and taken. Rather, the drive is for mutual, complementary self-giving. For Aristotle, a beloved completes us by supplying what we lack, and we can take joy in that fact. Loving partners want their abundant care to spill over itself, bearing fruit in a creation that attests to their mutual affection. In procreation our differences become the means by which we complete each other by bringing forth new life. And this life allows us to give even more.

The new life is a mutual gift and common work. Loving parents who know the power of example inevitably realize that they must struggle to be the kind of people they want their children to become. In thinking about how to raise a child well, parents must become wise enough to recognize the good and the true and the beautiful and learn how to pass them on. The child thus presents the parents with an opportunity to grow in seriousness and goodness. Further, the parents' activity is present in whatever good the child accomplishes through her life. So it is not merely that parents give to their children in return for affection; children give as well through their achievements, often without being aware of it. In a loving home, different gifts, abilities, and mutual dependence are the basis for the common good. In this way, a family can become a caring, disciplined, mutually perfecting school for virtue in which each partner is valued because everyone would diminish in his or her absence.

Aristotle thinks that an analogous situation would have to be realized in order to achieve a common good in politics. He is not so impractical as to think that family love could provide the glue for political community. Rather, he thinks that fellow citizens would have to base their relationship on something he calls likemindedness, which means political agreement on what is advantageous. One could imagine a loving household where different strengths and weaknesses were somehow woven together into an interdependent community that produced shareable goods impossible to attain outside of that union. By extension, one could imagine a political community whose bright, colorful fabric has been woven out of the diverse needs and excellences of each member. The goal of such a politics would be the flourishing of each individual citizen. Yet that individual flourishing is impossible outside of community, because community is the condition for pursuing the goods in which individual flourishing consists.

Just as a common good in a home would require cultivating love rather than profit and power, a common good in politics would require an education of our passions. Politically active people would have to direct their desires for glory and power to practical wisdom, even in order to know how to use the power that has been given to them. Why would one want to cultivate apparently impractical, intangible goods like justice, practical wisdom, or friendship when

massively practical tangible goods such as wealth and power are available? Aristotle's answer is simple: because shareable goods like justice and wisdom are better for us.

This may seem like a strange line of argument. We typically think that the pursuit of happiness is an arbitrary affair. Happiness is the satisfaction of desire, and we tend to assume that since everyone has different desires, it makes no sense to think publicly about the question, "How can I become happy?" But Aristotle's startling and refreshing invitation is this: "Think more carefully about what is good for you. If you are attentive enough, you may find that shareable goods like wisdom, love, and friendship are actually more fun to have and use than money, distinction, and power."

First, Heal Thyself

Paradoxically, Aristotle thinks that the common good demands attending to our own business first. This does not mean that Aristotle wants us to become narrow self-promoters. Rather, he says that in order to have a decent society, we must become good. In turn, in order to become good, we must cultivate a certain kind of self-love. He carefully distinguishes this true self-love from selfishness. The real self-lover attends to her own business because she attends to what is truly in her interest. Thus the true self-lover gratifies only what is best in herself. In fact, Aristotle argues, if we competed not for wealth and power but for beautiful actions, all the needs of the community would be met and each individual would have the greatest good, virtue. It may seem like common sense, but for Aristotle the health of community depends on nothing other than the health of its participants. Decent community cannot be imposed from the top down, no matter how well-intentioned the effort.

Aristotle thinks that we cannot mind anyone else's business unless we mind our own. How can we be decent parents if we do not strive to become the kind of people we want our children to emulate? How can we be reasonable civic and political leaders if we do not strain every nerve to cultivate the wisdom necessary to use authority well? Political problems are human problems, and they require a human solution. The problem of injustice is never "out there" to be solved merely by reforming institutions and policies. For an Aristotelian, the problem lies first and foremost in our own souls, to use his

ancient term. And attending to this task of soul formation first and foremost is the most practical thing we can do to improve human affairs.

Several corollaries follow from this. The common good is thicker (and perhaps harder) in smaller communities because it requires an intimate familiarity with, and concrete care for, each individual. It follows that as we move towards the level of the nation-state, the common good would be thinner. One of the most pressing questions for a contemporary Aristotelian is how one could pursue national political and economic policies that foster and protect local common goods.

Further, for Aristotle we are deeply compromised individuals living in deeply compromised communities. This means that the common good requires patient forbearance and forgiveness. We must be extremely hesitant to casually equate our own short-term political preferences with the “common” good. We must refuse to push our claims too far, even when we are in the right, for such assertions often tear at the fabric of our community. We must realize that our laws and rules are invariably imperfect, and thus require us to be flexible and reasonable in their application. Finally, we must refuse to kick our fellow citizens when they fall down. In our more honest, reflective moments we realize that we have already fallen right down there with them.

Finally, I think one of the most important corollaries flowing from a realization of the conditions for the common good has to do with our economic life. Modern societies have tried to reduce the problems associated with a limited supply of material goods by creating consumptive economies that ensure positive growth. But this addresses the supply problem at the cost of exacerbating the demand problem. For Aristotle, injustice stems precisely from our overgrasping for external goods. Yet the reduction of citizens to consumers means that our economy actually encourages overgrasping. Since Aristotle thinks that an excessive demand for wealth hinders flourishing, part of his economic advice is to limit consumption and thereby decrease the demand that makes the pursuit of money so attractive in the first place. For an Aristotelian, any economy is embedded within and is meant to serve its larger social and political culture. An Aristotelian connects successful engagement with the world’s goods to a lively

sense of limits. How can we ensure the blessings of material prosperity and at the same time refuse to let our pursuit of material wealth undermine our commonwealth? Therein lies the challenge. For Aristotle, we cannot know how much is enough until we know how much is more than enough. Yet our frantic working, buying, and spending are inimical to the cultivation of the wisdom we need in order to know what to do with the prosperity we already have.

Wisdom from a Realist

Aristotle is neither a communitarian nor a liberal, but might be sympathetic to what is best in both. The guiding hypothesis of liberalism is that no one is a better judge of what is good for me than I am myself. But this means that liberal political theorists must raise the question of how to structure society and politics rhetorically: Most typical people living here want comfort, security, and wealth more than they want virtue, holiness, or struggle, right? Well, then, here are the institutions and practices you need to get those liberal goods. But the growing unease with this approach is a sure sign that the answer to the liberal question is no longer self-evident. People are starting to ask, “What do I want out of life? Are these liberal goods really enough?” Communitarian critics of liberalism speak to our sense that in our frenzied pursuit of wealth, convenience, and freedom—not guided by sustained reflection on what satisfies our deepest longings—we have overlooked something essential to our humanity. So Aristotle might agree with communitarians that liberalism needs to be much more thoughtful in assessing the worth of intangible, shareable human goods, and figuring out how to foster and protect them.

Yet Aristotle is not straightforwardly communitarian. He does not issue any abstract recommendations for the creation of political community. Indeed, the central thrust of his political teaching is to reform oneself before doing anything else. This means that his articulation of the conditions for the common good cuts both ways. To be sure, he does challenge us to try to improve our political community. He argues that it is in our interest to be responsible with our communities because we depend on them for our own flourishing. Yet since Aristotle thinks that most of us are habitually unjust, and since he emphasizes the persistent reality of power and competition in politics, he is quite sober about the possibility that the common good can

be achieved. Think about how difficult it is to change a bad habit. To say that attaining the common good is inseparable from the reform of our own lives is to say that the common good is well nigh impossible in many times and places. And liberalism provides remarkably well the economic and political resources for a secure politics of common advantage. So for all its faults, liberalism has a great deal to offer.

In the end, like any great teacher, Aristotle challenges us with hard questions more than he consoles us with easy answers. Can we balance individual interest and community through a pursuit of the common good? Dare we try?

"The very concept of 'national culture' frightens some liberals, who prefer to think of national solidarity in terms of loyalty to a set of procedures and institutions. Yet the constitutional order of the United States is not simply a list of abstract liberal values. It is more than an instrument of cosmopolitanism. Rather, the constitutional order of the United States is a finite historical entity with a record of specific tragedies, successes, failures, contradictions, and provincial conceits that are lost to view if we look upon it as merely a set of ideals and rules for political conduct. Millions of people, moreover, do have an 'ethnic' feeling for the United States as a community to which they truly 'belong.'"

David A. Hollinger

Confessions of an Alleged Libertarian (and the Virtues of “Soft” Communitarianism)

Jonathan Rauch

Lately I have begun to understand how a Methodist must feel when everyone he meets calls him a Lutheran. People often describe me as a libertarian. All right, it's true that I often write in a skeptical vein about government. Yes, I have come to see a higher, Zen-like power in leaving things alone. I generally do subscribe to H.L. Mencken's dictum, "All persons who devote themselves to forcing virtue on their fellow men deserve nothing better than kicks in the pants." But still. I know, in the visceral and insistent way the Methodist knows he is not a Lutheran, that my worldview is not quite congruent with what most people today regard as libertarianism.

It is hard to evade one label, however, when you can't offer another. If not "libertarian," then what? For a while, I tried "curmudgeon." A curmudgeon, in my own enlightened sense, is a person who is against improving things for the sake of it. (These days, "curmudgeon" is not the same as "conservative," because, ever since Barry Goldwater, many American conservatives have been radical reformers.) I tried "radical incrementalist." A radical incrementalist is a person who seeks to foment revolutionary change on a geological time scale. The trouble is that "curmudgeon" and "radical incrementalist" both describe my temperament but say nothing of my beliefs. So I gave up. And then, a little while ago, I figured it out. I am, I discovered, a soft communitarian.

A what? You roll your eyes, and I can't blame you. Bear with me, however. There is a fair amount of undesignated soft communitarianism about these days, and it signifies the emergence of an important sort of thinking.

A soft communitarian is a person who maintains a deep respect for what I call “hidden law”: the norms, conventions, implicit bargains, and folk wisdoms that organize social expectations, regulate everyday behavior, and manage interpersonal conflicts. Until recently, for example, hidden law regulated assisted suicide, and it did so with an almost miraculous finesse. Doctors helped people to die, and they often did so without the express consent of anybody. The decision was made by patients and doctors and families in an irregular fashion, and, crucially, everyone pretended that no decision had ever been made. No one had been murdered; no one had committed suicide; and so no one faced prosecution or perdition.

Hidden law is exceptionally resilient, until it is dragged into politics and pummeled by legalistic reformers, at which point it can give way all at once. The showboating narcissist Jack Kevorkian dragged assisted suicide into the open and insisted that it be legalized (and televised). At that point, the deal was off. No one could pretend assisted suicide wasn't happening. Activists framed state right-to-die initiatives, senators sponsored bills banning assisted suicide, and courts began issuing an unending series of deeply confused rulings. Soon decisions about assisted suicide will be made by buzzing mobs of lawyers and courts and ethics committees, with prosecutors helpfully hovering nearby, rather than by patients and doctors and families. And the final indignity will be that the lawyers and courts and committee people will congratulate themselves on having at last created a rational process where before there were no rules at all, only chaos and darkness and barbarism. And then, having replaced an effective, intuitive, and flexible social mechanism with a maladroit, mystifying, and brittle one, they will march on like Sherman's army to demolish such other institutions of hidden law as they encounter.

The enemy of hidden law is not government, as such. It is lawyers. Three years in law school teach, if they teach nothing else, that as a practical matter hidden law does not exist, or that if it does exist it is contemptibly inadequate to cope with modern conflicts. The American law school is probably the most ruthlessly anti-communitarian institution that any liberal society has ever produced.

For eons, hidden law has coped sublimely with adultery. As long as the adulterer was discreet and the wife either didn't know what was going on or was willing to pretend she didn't know, everybody

else also pretended not to know. Public law's rather different way of handling the situation was on display in the Clinton-Jones-Starr-Lewinsky affair, and it was not superior. So, also, for sexual conduct involving adults in the workplace. Hidden law was imperfect for situations where flirting got out of hand, but today's sexual harassment law, in which platoons of lawyers scour office e-mails for hints of unwelcome overtures, is proving itself not just imperfect but grotesque.

Why Soft?

What about the "soft" part? Why a "soft" communitarian? Because there is a harder variety that replicates the lawyers' mistakes in a communitarian direction. The hard communitarian, seeing that hidden law has broken down, demands a series of public laws or subsidies to reestablish it. Require children to support their aging parents, require students to do involuntary volunteer work, make voting mandatory—that sort of thing. The archetype of the hard communitarian is Lee Kwan Yew, the former prime minister of Singapore. In America, an example might be Rudolph Giuliani, the mayor of New York City.

We softies, by contrast, understand that hidden law works precisely because it is not formal: the very act of formalizing it destroys it. We believe, therefore, that public law's next big project should be to sit down and shut up. That is, public law should be careful, infinitely more careful than at present, not to burst into every room it sees and immediately begin breaking crockery. It should strive to stay out of hidden law's way, rather than obviously trampling it with each elephantine footfall. When personal behavior needs regulating, we soft communitarians prefer exhortation to legislation and shame to jail. A good, albeit controversial, example of an effective soft-communitarian activist is Bill Bennett, with his *Book of Virtues*, his "index of leading cultural indicators," and his denunciations of gangsta rap. Bennett says he opposes legal regulation of song lyrics, but he certainly does not oppose confronting recording company executives and demanding that they read aloud some of the lyrics they sell. He practices censoriousness rather than censorship. That is "soft" in a nutshell.

From my own “soft” point of view, the anti-individualism of some strains of communitarianism mainly misses the point. “By and large,” writes Steven Jones in the Spring 2000 issue of this journal, “communitarians believe that contemporary societies, particularly Western societies, have become so committed to the values of freedom and individualism that social order and moral cohesion are in danger of disintegrating.” That may be true of ACLU hard-liners and Ayn Randians, but most ordinary people and their values, I think, have not changed very much. Most Americans are deeply committed to our families, our friends, our churches or clubs—our communities. Few of us are interested in asserting rights in antisocial or disruptive ways. Mostly we’re communitarian individualists who instinctively, and almost unerringly, navigate unmarked paths between self-assertion and self-abnegation.

What has changed, and changed dramatically, is the extent to which law, and its mania for formal adversarial process, blocks or subverts those quiet, low-friction pathways. For the aggrieved or angry few, law offers itself as an irresistibly potent weapon. The larger number who prefer communities to courts will often find law standing foursquare in the way. Do your supervisor’s inappropriate personal comments make you uncomfortable? If you hoped to raise the matter informally and settle it quietly, you’re out of luck. In any company big enough to have a lawyer and a personnel department, a harassment complaint is apt to trigger a grinding legalistic machinery that begins with an investigation and is always at risk of ending in a courtroom train wreck; victims who survive this ordeal sometimes say they wish they had never spoken up in the first place. To a soft communitarian, the notion that individualism is the problem, or that new laws—even ostensibly communitarian laws—are the solution, seems perverse.

We soft communitarians are soft in a further sense: like F.A. Hayek (who in some ways was a soft communitarian), we do not believe in taking an uncritical attitude toward social norms, even deeply embedded ones. With all due respect to folk wisdom, I favor gay marriage, even though nothing could be less traditional. Now that we know that homosexuals exist—that they are not just neurotic heterosexuals who need a few jolts of electroshock—the extension of the nuptial contract to them is not a sundering of tradition but an

extension of it. Thoughtful criticism allows us to see this. Soft communitarianism is not blind obeisance to tradition. It aspires to be rigorous rather than rigid.

An interesting question about soft communitarianism is: So what? Who could be against such a mushy and innocuous doctrine? Or who, anyway, apart from everyone who ever went to law school? You might point out that soft communitarians can be found toward the drab center of both political parties, where everyone is for “values” and “civil society.” You might also note that soft communitarianism is perfectly consonant with most major strands of libertarianism. The reason I am often mistaken for a libertarian—even though I am more comfortable talking about rules than rights, I prefer reasonableness to reason, and I care about government’s effectiveness rather than its size—is that my soft communitarianism leads toward a persistent skepticism about the oozing encroachment of public law into every pore of daily life. Maybe the soft communitarian and the libertarian, like the Methodist and the Lutheran, are just two versions of basically the same thing.

But not so fast. The fact is, many libertarians I know react with discomfort, often bordering on hysteria, to soft-communitarian talk. They feel that if their life is not the law’s business, then it also is nobody else’s business. They are deeply uneasy with social instruments like shame or opprobrium, which smack of big-nosed authoritarianism in a new guise.

And here a certain sort of libertarianism comes full circle to join hands with a certain sort of leftism. The libertarians and the leftists come to blows over economic issues—who should run the health care sector, for instance—but they glare in hostile unison at the soft-communitarian project (which, remember, also enlists some libertarian types of its own; this gets complicated). Underlying their hostility is an implicit theory of coercion that is worth grappling with, because it lies at the heart of today’s culture wars. In that connection, consider Michael Warner.

A War Against Norms

Warner is, to begin with, an English professor at Rutgers University. But he is probably better known as a leading queer studies

scholar. And, more than that, he is an activist, closely associated with an extremely controversial group called Sex Panic!, which organized in the mid-1990s to oppose what it regarded as the squelching of sexual freedom by gay and straight conservatives alike.

I ought to say, not that it matters, that I am discussed in passing in Warner's new book, *The Trouble With Normal: Sex, Politics, and the Ethics of Queer Life*. Warner quotes me on gay marriage and says I am "more honest than most" of his ideological adversaries: a compliment I can return in kind. Because *The Trouble With Normal* is, in large measure, an answer to Andrew Sullivan and other gay conservative advocates of homosexual marriage and assimilation, and because it concerns itself with various intramural disputes in the gay world (strategies for AIDS prevention and the like), booksellers will confine it to the "gay interest" shelves. That is a pity. Warner is that rarest of writers, an honest extremist who is smart enough to see through to most (though not all) of the depths of his own positions and who is fiery enough not to flinch. His agreeably written and commendably concise book thus turns out to be, among other things, a 200-proof distillation of the case against soft communitarianism.

For example, Warner is shrewd enough to see that the standard defense of gay marriage by gay activists is wrong. This defense holds out marriage as just one more lifestyle option. It is available to heterosexuals, so it should be available to homosexuals as well, and that's all there is to it. But this is wrong. Marriage, as Warner aptly puts it, is "a social system of both permission and restriction." Spouses and society alike view matrimony as something special and exalted; it is not merely allowed, it is encouraged. Far beyond merely creating legal arrangements, it is freighted with the social expectations and implicit requirements of hidden law. It is a bargain not just between two people but between the couple and society: the spouses agree to care for one another so that society does not need to, and society agrees in exchange to view their commitment to each other as inviolable and sovereign and, indeed, sacred.

Traditionalist conservatives understand that marriage confers special status under hidden law, which is why they so fiercely oppose extending it to homosexuals. I understand that marriage confers special status, which is why I favor extending it to homosexuals. And Warner, piping up from the radical left, also understands marriage's

special status, which is why he *opposes* gay marriage. When marriage is available to gay people, he realizes, gay people will be expected to marry, and married homosexuals will conduct themselves with the same (let's face it) smugness that characterizes married heterosexuals. "The effect," Warner says, "would be to reinforce the material privileges and cultural normativity of marriage." Homosexuals who do not marry will be regarded as less respectable or less successful than those who do.

In Warner's view, that would be a profound miscarriage of social justice. For Warner is against not just the sexual norms of the moment but the very notion of sexual norms. That is not to say he would decline to pass harsh judgment on a rapist. But where consensual sex is concerned, he insists, society should just butt out. Not only should the law stay out of the bedroom (a standard libertarian position), so should norms, because all norms create "hierarchies of respectability."

Warner opposes sexual norms for two reasons. The first is that he is a radical egalitarian. He believes in the moral virtue of diminishing differences—moral, economic, or political—between people and groups. There is no arguing with a radical egalitarian on that point, so I won't.

The second reason goes a little deeper. Warner makes a move which ordinary classical liberalism rejects out of hand but which has an undeniable kind of deep sense to it. In standard liberal theory, coercion and force involve violence or the threat of violence: "Your money or your life." Because, in modern democracies, the state possesses a monopoly on legitimized violence, a coercive policy will be, by definition, a state policy. Nothing that private people or institutions do by way of criticism or exclusion is coercive.

To Warner and others of his school, that view of coercion is laughably narrow and naive. Norms use the clubs of stigma and shame to punish deviants, nonconformists, and radicals. Many people would much rather be jailed than humiliated or ostracized, which is one reason American prisons are so crowded. In a psychological sense, the denial of respectability can be just as coercive as the denial of physical freedom. Nowhere in his book does Warner argue the theoretical case for his extended notion of coercion, but it is apparent

on every page. He regards moralizing as a kind of mandating, speaks of “the effect of coercion in the politics of shame,” and refers to the “deep coerciveness” of the sort of thinking that privileges marriage. In his world, all social norms are more or less coercive, which means that all of them are oppressive when applied to consenting adults’ sexual or social lives.

Whatever its theoretical shortcomings, this sort of thinking exerts a broad attraction in today’s America. Lots of people view Gary Bauer’s or Jerry Falwell’s strident condemnations of the “homosexual lifestyle” as being every bit as oppressive and intrusive as, say, sodomy laws. For that matter, lots of people believe that moral criticism causes violence by fostering hate, or that moral criticism actually *is* violence (“words that wound”). Many people in America—a majority, maybe—feel queasy talking about “virtue” and “vice” because that sort of talk implies judgmentalism, which implies a “hierarchy of respectability.” People prefer sanitized expressions like “values.” I would be curious to see what would happen if you visited a randomly selected college campus and asked the students whether it is right to judge other people’s lifestyles. My guess is that most students would be appalled at the notion.

What is useful about Warner is that, being both bright and radical, he has no use for the mushy middle, where most ordinary people are content to leave such ideas. He understands the implications of his view of coercion and does not shrink from embracing them. The sort of nightmare society that a Falwell or a Bauer dreams up in order to scare donations out of church ladies is precisely the sort of society Warner wants to create. To be sexually free, we need to be able to explore all possible sexual avenues with an open mind, and thus without fear of shame or stigma. Keeping certain sexual behaviors hush-hush means that most people never think about trying them, which amounts to “constraint through ignorance.” There should be no more closets of any sort. Rather, says Warner, let “all the gerbils scamper free.”

And so, in the end, it is not gay marriage Warner opposes—it is marriage, and all the conventional notions of shame and responsibility that go with marriage. He does not actually demand that marriage be abolished, because, being a pragmatist, he would rather undermine it by extending all its benefits to unmarried partners—in fact, to

everybody. He is likewise not foolish enough to imagine that sexual norms could be eliminated anytime soon, but he believes that the proper role of socially enlightened activism is to favor de-norming at every turn.

Although Warner's view is extreme, it is more influential than you might suppose. All three of the states and all but a handful of the municipalities that offer domestic partner programs for their workers include opposite-sex couples, who, of course, could perfectly well get married if they wanted the benefits of marriage. The large majority of corporate partnership programs also allow heterosexuals to participate. Who is to say, after all, that marriage is better than some other arrangement? Only recently, and with great effort, was the national welfare debate retrieved from the hands of nonjudgmentalists who argued that government's job was to help the indigent, not to judge them.

Norms and Nature

I am not a soft communitarian because I think shame and stigma are sweet and lovely things. They are not. A weakness of the soft-communitarian position is its unwillingness to admit the truth in much of what Warner says. In some respects, norms are oppressive and shaming is coercive. Having admitted this, however, one can go on to see what Warner, and other anti-communitarians, do not: that soft communitarianism is less oppressive, usually much less so, than the real-world alternatives. Shame and hypocrisy are not ideal ways to deal with philanderers and small-time mashers, but they are better than Paula Jones's litigators and Kenneth Starr's prosecutors. Shame is valuable not because it is pleasant or fair or good but because it is the least onerous of all means of social regulation, and because social regulation is inevitable.

The implication of Warner's view is that the only just society is one without any sexual norms regulating the conduct of consenting adults. But, of course, a normless society is as inconceivable, literally, as a beliefless individual. What would a culture without shame or guilt or "hierarchies of respectability" look like? How is a shameless society even imaginable, given the unbudgeable fact that humans, like dogs and chimpanzees, look to each other for guidance and approval and clues on how to behave?

The fact is, there are going to be norms; the question is always, What sort of norms? In Warner's world, the norm would be one of extreme social permissiveness. People who expressed anything but approval of sexual adventurism would be stigmatized: shamed for engaging in the oppressive act of shaming. If you don't think this can happen, ask any student or professor who has been on the receiving end of a P.C. vilification campaign.

It is also a fact, I think, that shame is a core constituent of a social animal's temperament. Human beings crave the admiration of other human beings more than they crave anything else—even, in many cases, life. Warner seems to view shaming as a political sanction that, with enough effort, we can teach ourselves not to use. But not to shame or be ashamed is like not loving, not laughing, not eating, or talking. So the Warnerian project is to repeal not just shame but humanity. In that sense, Warner's utopia is like the Marxist utopia, which repealed greed. My guess is that Warner's normless sexual utopia would be about as successful, and about as good for the downtrodden and marginalized, as Marx's classless economic utopia turned out to be.

Oddly, the words *child* and *children* scarcely ever appear in Warner's book. This is an astonishing blind spot in a work of social criticism. Being a defender of gay marriage, I'm as tired as the next fellow of people who use children as a cover for all sorts of authoritarian arguments. Still, Warner seems to find the very concept of parenting unfathomable. The thought that sexual adventurers might be expected to keep certain of their activities out of the sight of 10-year-old boys and girls, in exchange for being left alone, does not seem to have occurred to him. ("No, darling, that's not a game. Those two people are doing what we call 'fistfucking.'") If you believe, as seems plausible, that there is a genuine clash of interests between parents and sexual adventurers, then the old dictates of hidden law—"keep it out of sight," for instance—seem to be a pretty ingenious way to strike a balance.

Some especially conservative parents are indignant because sexual adventuring is too visible, while some especially radical adventurers are indignant because they are not allowed to copulate in front of City Hall. Everyone else wishes the conservatives and the radicals would stop pushing the envelope before the bargain collapses altogether,

leaving nothing but cops and politicians and lawyers to tell us how to behave. In the end, the man who wants to replace norms with nothing is the best friend of the man who wants to replace norms with laws. Dr. Kevorkian no doubt thinks of himself as a great champion of the right to die. In fact, as is obvious to everybody but himself, he is a godsend to opponents of assisted suicide. Michael Warner is the Jack Kevorkian of sexual liberty.

The good news is that Warner will fail in his mission of denorming the world. He will be unable to persuade American homosexuals to rise up and rebel against hidden law and its Main Street codes of behavior. The tide is running against him, and he knows it. Perhaps the most heartening aspect of Warner's book is its rage and despair over what Warner regards indignantly as the taming of homosexual politics and culture, the growing ascendancy of "gay" over "queer." Homosexuals are moving toward embracing the contract with hidden law. They want to follow the rules and be respectable, and the heterosexual majority seems more and more inclined to let them.

The further good news is that gradually, quietly, Americans are becoming aware of the existence of hidden law. Slowly—OK, sometimes very slowly, and with the legal establishment still winning more battles than it loses—Americans are beginning to rediscover the lost continent of convention that lies between law and libertinism, between banning and condoning. They are, I like to hope, beginning to see that the hidden constitution, with its elaborate rules of etiquette and its byzantine architecture of pretense and its elaborate hierarchies of respectability, is much like the written constitution: It restricts us so we can be free.

Manners in the Age of New Communications Technologies

Gary T. Marx

Actor Laurence Fishburne was so angered by an audience member who wouldn't turn off his wireless phone recently that he broke character during a Broadway play to admonish the chatty offender. The New York audience gave Fishburne a 30-second standing ovation.

—*St. Louis Post-Dispatch*

While there are entire academic industries devoted to charting the appearance of new laws and technologies, little academic attention is focused on the appearance of new manners. Unlike revolutions, manners are not widely studied. Their existence is commonplace, taken-for-granted; they have no easily identifiable time-place origin to the lay person. In a “make my day” America that has become increasingly reliant upon legalistic regulation and retribution, it might be thought that only sissies, the naïve, or the hopelessly effete could argue for the importance of manners.

Yet it is not possible to legislate or engineer everything. Much social order is left to voluntary compliance with informal understandings. This is not only efficient, it is a central feature of communal existence. In our rush to control problems through formal rules, markets, or physical engineering, the importance of civility and thoughtfulness is too often overlooked. This is especially salient as today's new technologies change the nature of our interaction (and even the location, as the bounds of human interaction extend ever further into cyberspace). The result is two-fold: first, incivilities that have already been with us arise more frequently or have their impact magnified as a result of the new tools of communication; and second, there now exists a class of social interactions for which manners have not even been prescribed, let alone ignored. Consider the following:

- A luncheon date is interrupted a number of times by one person answering and talking on a cell phone.
- Your fax machine runs out of paper after receiving a long, unsolicited (and unwanted) fax. You miss several critical messages as a result.
- A teacher receives a phone call at home on a Sunday morning from a student she does not know requesting references for a term paper. Within the first few minutes of the call, the student interrupts the conversation three times to respond to call waiting signals.
- You and a colleague disagree about what was said during an important phone conversation. You are shocked to be told, “I know I am right because I taped it.”
- You have an unlisted phone number and you call to find out what time to pick up your child at a party. Unbeknownst to you, the person called has caller ID and is also very involved in charitable and political organizations. You soon begin receiving phone solicitations for contributions.
- Two days after receiving an e-mail, it is again sent—along with a terse note inquiring as to why you have not yet responded.

A great many related examples could be given. Many—such as sending e-mail attachments that destroy computer files or erasing a competitor’s voice mail messages—go beyond bad manners. Others involve incompetence or sloppiness, such as accidentally sending an e-mail to the wrong address, listing literally hundreds of names on an outgoing e-mail, or repeatedly trying to send a fax to a phone line without a fax attached. Here I am concerned with insensitivity and hazy areas, rather than indefensible (and sometimes criminal) maliciousness or carelessness. Certainly, new judicial interpretations, legislation, regulation, bureaucratic policies, and technical protections are needed. But that is not enough. We also need new communications manners—ways of behaving that go beyond the purely legal and merely formal.

Why Manners Matter

In the broadest sense, manners are about showing respect for the other’s personhood. Manners as an aspect of ritual are a central factor

in the production of social order. Yet because they are generally so effortlessly expressed and usually not codified (or the codification in etiquette books is not widely known), we tend to be aware of their significance only when they are breached or, in new situations such as those described above, when they have not been adequately developed.

The locus of manners is social interaction. (Individuals cannot show bad manners toward themselves.) In analyzing manners, we must look at mutual and often reciprocal obligations between at least two participants. To show good manners affirms social solidarity. It communicates something about how the person involved in the interaction views both himself or herself as well as the other person. In Erving Goffman's terms, this involves the deference others show to us and the demeanor we show to them.

Unlike many noninteractive, Emily-Post forms of manners that are more issues of style and fashion (What side does the knife go on? Is it acceptable to wear a colored shirt to a formal gathering?), unmannerly telecommunications behavior can impose real economic and social costs on the recipient of a communication. Also, in contrast to the upper-class conventions discussed by Norbert Elias, the manners of interest here are inclusive rather than exclusive (in principle), and functional as well as symbolic. Rather than being elitist, such manners can be seen as a democratic form of behavior available to everyone. Individuals can choose whether or not they show good manners with respect to the far-reaching, rapid, and anonymous nature of the technology. In choosing to do the right thing, we affirm not only our respect for the other individual but for the society of which we are a part.

What's New?

Of course, questions of etiquette were present with the appearance of the telephone more than a century ago. Then the major issues involved the conditions and ways by which it was appropriate for a caller to remotely intrude into another's life. Even Alexander Graham Bell chose not to have a telephone in his study. Manners also emerged concerning voice tone, the beginning and ending of conversations, interruptions, and party lines.

Beyond these largely settled concerns, the contemporary forms of telecommunication bring a variety of new issues involving their ability to transmit, intrude, impose costs, record, and deceive, even as the non-face-to-face (“distance-mediated”) character of telecommunications remains central.

Autonomy. Many of the new issues center around the decline in what one might call “communicative autonomy.” For the average person, it has become more difficult to prevent communications from reaching us, to avoid having external costs imposed upon us without our permission (e.g., through a tied-up fax machine, an unlisted number captured by using caller ID, or e-mail spam), and to protect the privacy and confidentiality of our communications.

Previously there were greater environmental limits on unwanted telecommunications. One had to individually dial each phone number, or lick each stamp, in order to reach someone. But with automated dialing machines, e-mail, and voice mail, the sender need not observe the resource limitations previously imposed. It becomes possible to reach an enormous number of persons with minimal effort and cost, and in ways that are more intrusive than mass mailings. The greater ease of sending information inundates recipients with a flood of unwanted communications; the worthlessness of these materials can only be fully determined once they have been minimally attended to. That, of course, takes the recipient’s time and equipment. The increased facility of communication raises questions as to when a response (even if only an expression of disinterest) is appropriate. As a colleague wondered, “Am I really supposed to respond to 56 e-mail messages on Monday morning?”

It is not just that we are forced to receive messages from those we don’t care to hear from. With cell phones used in public, we become an involuntary audience for the personal, and previously private, communications of strangers. As for our own privacy, it becomes vulnerable through the increased use of communications devices that allow for interception by a third party (absent special protections such as encryption). Radio transmissions via cordless and cellular phones can be picked up, listened to, and recorded by pirates, yet we have no code of manners concerning notifying others when one is using a device that is susceptible to such interception.

Civility. The mechanically distanced nature of much new communication (e.g., the isolated individual sending messages at a computer terminal or responding to the requests of an electronic voice) may make it hard to remember that there is (or eventually will be) a human being at the other end. This situation is hardly conducive to civility. In traditional face-to-face encounters there always exists the possibility of immediate retaliation or exiting, possibilities that lessens the frequency of insults. With the new media, however, a hostile canned message can be fully expressed and simply waits to be encountered. Anonymity reduces the chance for the prospect of reciprocity to serve as a deterrent, as does the remote quality of the communication (even if the sender's identity is known). The "flaming" exchanges that can be read on some computer bulletin boards take anonymous public denunciation and humiliation to new lows. And as manners, like most human behaviors, are educated by habit, one concern is that the incivility fostered by the new communication technologies will seep into traditional forms of communication.

Communicating Effectively and Truthfully. The new sources of misleading communications are numerous. For one, the absence of visual or auditory cues may result in misperception or a failure to appreciate subtlety and irony. This problem is compounded by the fact that the speed of much communication is not conducive to careful editing and reflection.

Second, as people become habituated to, or are raised with, these new technologies, certain communicative skills may wane. In limiting and channeling our response possibilities, the format of the new technologies may alter our communication patterns by lessening reciprocal social skills and weakening our ability to express nuance and complexity. Of course, the technology also offers new opportunities for sociability. Yet it may blur the line between genuine and faked intimacy. If anyone and everyone can be immediately reached in a seemingly personal way, then what is left to set apart this pseudo-intimacy from communications that in fact *are* personal?

Third, the new technologies make it easier to conceal, deceive, and manipulate. With options for call conferencing and forwarding, we may not know who or where the other party to a conversation is, even if we initiated the call. Beyond the outright lying made possible by the lack of visual cues, there are also devices for disguising

auditory identity—voice-changing telephones which, to quote an ad, offer “a voice even your mother won’t recognize.”

Finally, e-mail can be unreliable and sometimes just disappears into the ether or arrives weeks after it was sent. This offers wiggle room to liars who have ignored a message. Unlike speaking directly to a person or to a lesser extent leaving a message on an answering machine, with e-mail there is no certainty that the message was received. It thus becomes possible to deny, at least occasionally, that a message was ever received. (This may be partially a case of a return to an old problem, prior to phones, when mail was the only way to engage in remote communication.)

Equality. Ease of communications is highly valued in our society and is increasingly seen as something that everyone, regardless of circumstances, is entitled to (note government programs to subsidize telephone service for the poor). With the new technologies, however, the role of the telephone as an egalitarian device permitting anyone to communicate with anyone else, regardless of social location, is changing. While traditionally a phone was a phone and that was that (whether you had basic black or a turquoise princess model, the service remained the same), recent innovations offer clear advantages to the sophisticated user able to afford them. With this comes increased inequality and risks of misuse. A less level field offers new opportunities for the abuse of power, absent the self-restraint on the part of privileged telecommunicators that manners can provide.

New Rules

In spite of obvious value conflicts, it is possible to identify some core societal values that should define communications etiquette for the new technologies. These can be stated as principles that affirm respect for the dignity of the other person and imply a golden rule reciprocity. They involve politeness, honesty, trust, and the maximization of choice.

Given the rapidity of change and the immense variability in communication’s contexts, the principles I’ll list are offered as broad guidelines intended to inform discussion, rather than as rigid universal rules to be automatically applied. Nevertheless, they are offered both as empirical predictions and as normative directives. I think research would identify them as the background assumptions that

inform how people respond to new communications technologies. (The earlier examples are disturbing because they violate one or more of these principles.) The principles may conflict and their meaning and applicability is of course subject to context and interpretation—one person’s autonomy may be another’s restriction; what offends the dignity of the sender doesn’t necessarily offend the dignity of the receiver of a message and vice versa. However, since we alternate in the roles we play as senders and receivers of communication, there is some equivalence. Understanding how these issues are perceived and how conflicts in these principles are resolved and applied in varied settings is an important research task.

Appropriate principles include:

- **Noncoercion.** The initiator of the communication must respect the recipient’s desire not to sustain the communication.
- **Externalities.** Do not impose costs on another that they are unaware of or cannot control.
- **Respect Intentions.** Don’t consume communications erroneously sent to you beyond what is required to identify the mistake.
- **Informed Communicators.** Individuals should be informed of the communications technologies being used.
- **Intrusions and Invasions.** Respect social boundaries and spaces.
- **Rights of Reproduction.** Communications should not be recorded without the knowledge and consent of the parties involved.

Just the Beginning

Even with a degree of consensus around broad principles, new issues will continually arise. Is it appropriate to ask an individual before adding to your web site a link to theirs? Is it bad manners for individuals around a meeting room table to be secretly communicating with each other through e-mail on unobtrusive devices? What new issues will arise with video phones, particularly if they can be used as part of cell phones in public places?

In a world of violent conflict, extremes of inequality, and population and environmental problems, little telecommunication incivilities are minor indeed. Yet as an old popular song claimed, “little

things mean a lot”—in this case not only because of the momentary costs, but also because of their social symbolism and potential for immunizing us against larger cruelties.

Finally, while the argument for greater attentiveness to manners and for the need for new manners (which is also an argument for greater self-regulation as an expression of social values) has been applied to telecommunications, the general theme has much wider applicability. The broad ethos also applies to other aspects of contemporary life, from driving to talk show media. We create a decent society not by marketplaces, laws, and technology alone. These must be supplemented by continued regard for others, particularly when technology aids us in behaving otherwise.

Scott Willis, *San Jose Mercury News*. Reprinted with permission.

The Face of the New Philanthropy

Peter Frumkin

Two forces are in the process of propelling private philanthropy toward a major transformation. Over the coming decades, a massive intergenerational transfer of wealth—estimated at well over \$40 trillion—is expected to redefine the landscape of giving as the affluent parents of baby boomers leave their final mark on society. The sheer size of this wealth transfer will inevitably place tremendous power in the hands of a broad and diffuse group of individuals with widely divergent values and priorities. In addition to the wealth that will be applied to philanthropic purposes as demographic shifts slowly work themselves out, a second, more immediate development is already underfoot. A rising number of entrepreneurs, some with already substantial personal resources, have begun to challenge philanthropy's traditional conventions and practices. With a strong “do-it-yourself” inclination, many of these wealthy entrepreneurs have expressed a commitment to bringing to philanthropy the personal energy and drive that they have brought to their businesses. As philanthropy braces itself for both an infusion of funds and new practices, the line dividing public and private spheres will surely all but be redrawn in ways that will have real consequences for the shape of our democracy.

Both the intergenerational transfer of wealth and the rise of entrepreneurial giving will take place at a time when a substantial proportion of public funds have already been committed well into the future to entitlement programs, leaving little for publicly funded discretionary spending. At precisely the time that government's spending ability will be constrained, private philanthropy will be flush. The ultimate effect of the shift will be the rise of a new, yet to be defined form of pluralism, one in which private visions of the public good are enacted in countless different ways across the nation.

What are the distinguishing features of the new philanthropy? Although it is still emerging and evolving, three critical philanthropic precepts are ascending. First, many donors have begun to eschew philanthropic consultants and advisors, preferring instead to take full responsibility for philanthropic decision making. Second, many of the new donors are seeking out deeper, more lasting, and more engaged relationships with recipient organizations. Third, the new donors are demanding more personal satisfaction and recognition from their philanthropy. All of which is producing diffuse and pluralistic giving patterns.

Disintermediation

Since the end of the 19th century, when major donors like Carnegie and Rockefeller inaugurated a “scientific philanthropy” that sought to attack social problems at their root, many donors have felt as though philanthropy, to be effective, requires professional expertise and oversight. The process of grantmaking seemed complex and fraught with difficult decisions about effectiveness and fairness. Now, however, all this seems to be changing. Just as the trend toward disintermediation has swept through the investment world and empowered individuals to take control of their own finances, donors are now seeking ways to cut out the middleman and to make philanthropic decisions themselves.

The new donors have responded strongly to the introduction of a range of new vehicles for carrying out philanthropic purposes. Large mutual fund companies, which have become eager to meet not just the investment needs of clients but their philanthropic needs as well, have been responsible for the most important breakthrough. Rather than sit idly by as philanthropic funds are transferred out of mutual fund accounts as a result of estate planning, several large funds established their own public charities that act in many ways like community foundations, though they offer great flexibility, practically no regulations, and little paperwork. The largest such fund, established by Fidelity Investments, has already attracted over two billion dollars in a very short period of time. It is now the third largest American charity in terms of annual gifts received and the single largest private grantor of funds in the country. Donors can deposit funds in their accounts, receive a deduction for the full amount of their gift, and then recom-

mend grants as they see fit over time. One reason for Fidelity's surging popularity is that this kind of fund speaks directly to the desire of new donors to make their own charitable decisions. Gift funds are not in the business of telling donors what they should be supporting. In fact, the growing market segment that these funds have cleverly claimed is that of new, independent-thinking donors who want control and convenience, not hand-holding and second-guessing. Because these funds typically operate with much lower expenses than traditional foundations and are growing very quickly, they have caused considerable panic within the mainstream philanthropic establishment.

New technology and new ways to give are also changing the approach of smaller donors who are just learning about philanthropy. Today, there are several internet-based giving sites, including a large and elaborate one hosted by America Online, where donors can find information about charities and direct contributions to the organizations of their choice. These sites make information easy to access and remove barriers to giving. Like the gift funds, on-line giving sites tend to start with a commitment to empowering donors to make their own decisions. The on-line giving movement is explicitly pluralistic in its philosophy and resistant to attempts to channel and concentrate giving to pre-selected organizations. At the same time, the push to empower small donors has been engaged by banks, which now make opening a gift account almost as easy as opening a checking account. Instead of attempting to channel small contributions to a single institutional source, like the United Way, from which grants can then be made, the new vehicles seek to remove this step from the giving process.

The continued move toward philanthropic disintermediation will both fuel competition within the field and, more significantly, change the meaning of community. Donors have been linked together in many ways over the years. From community chests to federated giving programs, individual donors have long been encouraged to direct their giving to local causes. Community foundations have been a particularly important fixture in philanthropy for almost a century. Set up in cities or regions, these foundations allow residents to pool their gifts and estates into one large foundation. Unlike most private foundations that simply grow by wisely investing their initial endowment, community foundations depend on a steady stream of inputs or

contributions to grow their corpus. To some extent, the increasing desire of donors to make their own philanthropic decisions has called into question the viability of the professional advisory services offered by community foundations and the expenses that these services create. As a consequence, community foundations are in the midst of a serious reexamination of their identity and place in the changing philanthropic landscape. Drawing on donors from all around the country, the gift funds have quietly redefined the boundaries of philanthropic giving. The more than 20,000 individuals who have contributed to date to the Fidelity fund do not share a geographic connection to one another. Instead they are linked only by an impulse to give. In this sense, the boundaries of America's philanthropic community are being redrawn for the first time in a century.

Engagement

Having awoken to the fact that giving need not start and end with the donor's writing of a check or the approval of a grant by a foundation's trustees, the new philanthropy has begun to change the character of the engagement between donor and donee. Unhappy with the traditional detachment that comes between the time of the award and the receipt of a report on program activities, donors have begun to question the wisdom of low levels of engagement. To ensure maximum social impact, some donors now seek to become more involved in their gifts by advising on the design and implementation of the program, by helping the recipient organization connect to other funders, or by providing technical assistance when the donor has expertise in fields such as law, accounting, or management. Several groups of new donors are now actively teaching high-engagement giving to young people and seeking to expand its currency.

The new donors' interest in connecting and engaging with recipient organizations contradicts the professional grantmakers' inclination to maintain an arm's length relationship between donor and donee. This distance was long thought necessary in order to allow for objective evaluations of performance and to preserve the fairness of future grantmaking decisions. It is also far easier and less time consuming to limit the scope of the giving relationship to pre- and post-grant evaluation, rather than to expect grantmaking professionals to take partial responsibility for the execution of a program.

As they become more and more comfortable with giving, the new donors will come to define for themselves an engagement style that fits their personality, skills, and level of commitment. For nonprofits, these decisions about style can have significant consequences. High levels of donor engagement may mean access to resources and talents of great value to the nonprofit. This change may also entail extra work, as donors need to be handled and satisfied. Over time, however, almost all nonprofits learn to work with the different engagement approaches of their donors and understand that considerable variation is to be expected. The most difficult question raised by higher levels of engagement is one of propriety. While nonprofits will likely see a *major* donor's desire for input as reasonable, small donors may find their approaches less well received. Ultimately, patterns of reciprocity and norms of engagement will emerge as the relationship between giver and recipient becomes richer and deeper.

The most significant consequence of the rise of donor-driven giving may well turn out to be a greater amount of philanthropy being conducted while donors are alive. Many donors now believe that the idea of waiting until old age to begin giving is no longer personally or socially acceptable. Pressure to start giving is already being placed on some of the high-tech entrepreneurs who have amassed large fortunes, and several large gifts have already resulted, with more surely on the way. As donor-driven philanthropy picks up pace, one casualty could be perpetuity, an idea that attracted many people to foundation giving over the past century. After years of experience watching many large foundations drift fairly far from their donors' intent, taking charge of one's giving seems more and more appealing to many wealthy individuals.

Philanthropy for Whom?

Perhaps the most significant change looming on the horizon relates to our very understanding of philanthropy's place in society. Established philanthropic and societal norms encourage donors to think of philanthropic funds as public trusts to be used for public purposes, and most large institutionalized foundations have clearly adopted this perspective. In recent decades, this has led to a rising consensus within the ranks of professional grantmakers about the kinds of programs that need to be funded and about the importance of

procedural fairness, openness, and accountability. The new donors, however, are now demanding more of a voice in defining what public purposes are worth pursuing.

From where did the conception of an institutional philanthropy that reduces the role of the donor originate? Following the regulation of the foundation field through the Tax Reform Act of 1969, foundations went through a period of intense self-examination and self-criticism. Led by their national association, large foundations started a three decade-long crusade to improve the image of philanthropy and to make it more publicly accessible. Critical to this reform effort was the widespread adoption of a new code of philanthropic conduct, new hiring practices, greater levels of reporting, and a mantra holding that philanthropic funds were really public funds held in trust. As a consequence, foundations were encouraged to listen to the opinions of grantees and to involve them in the grantmaking process. The goal of this approach was to ensure that philanthropic funds were used wisely, that the voice of the public was heard, and that the public interest was served.

The position that philanthropic funds were really just public funds held in trust led some donors in the 1970s to establish foundations that turned over grantmaking decisions to grassroots leaders of the local community. Within these small “alternative funds,” usually funded by a group of wealthy individuals with progressive political views, the donor’s interests and opinions were completely sublimated. By removing the donor’s values and interests from philanthropy, the goal was to let the genuine needs and desires of the community surface. These early experiments in the turning over of decision making from the donor to the community represent today a very small fraction of current philanthropic practice. Nonetheless, many of the largest and most visible private foundations have approximated this approach, operating as quasi-public institutions where procedural values such as transparency and fairness have trumped almost all substantive values. While few of the large foundations have given away power, many have come to embody the view that philanthropy is really about listening to the community when defining which public needs are most deserving of philanthropic support.

The alternative perspective on giving, which has gained increasing currency in recent years, starts with a different premise entirely. It

holds that only when philanthropy is anchored in the private visions and commitments of donors will philanthropy fulfill its calling to breathe pluralism and innovation into society. Accordingly, philanthropy is best conceived as an activity that allows donors to use their funds to explore their own private visions of the public good. Some donors do this by giving to organizations that have played important roles in their lives or in the lives of their families. Others give simply because they identify on a personal level with particular causes or organizations. In either case, the new donors are less interested in improving the transparency of philanthropy than in maximizing both the psychic and social benefits their giving creates for themselves and for the public. Accepting the premise that philanthropy is just as much about the donors as it is about the public has significant consequences for how the success of any philanthropic endeavor should be judged: any measurement of grantmaking effectiveness must consider not just the social outcomes generated, but also the experience and sense of satisfaction realized by the donor.

From all indications to date—ranging from the mega-gifts of billionaires like Turner, Gates, and Annenberg to the steady giving of the new Fidelity contributors—this more donor-centered understanding of philanthropy is rising. In the years ahead, this trend will challenge and at times confound us. There will surely be large gifts that seem ill-advised and inefficient. There will also be smaller gifts that advance ideas that appear misguided, wrong, or worse. Instead of castigating giving that does not proceed solely on an independent and professionally managed assessment of the most urgent human needs, we may need to be more open to the fact that philanthropy must have a certain autonomy and protection within which donors can operate. Only when donors have the ability to use their philanthropy to do something that is meaningful to them will giving likely flow at high levels. In this sense, tolerance may be the critical determinant of the future supply of philanthropic funds.

Though hard to see now, the contrasting assumptions of donor-driven and professional philanthropy may weaken over time as our understanding of the place of private giving in public life continues to evolve. The expression of multiple competing private visions of the public good, though untidy and chaotic at times, ultimately embodies

a particular public philosophy: one that affirms the view that individual acts of caring and giving do aggregate up, not necessarily to a single coherent program or strategy, but instead to a common understanding that the wealthy have responsibilities to society. Though they may carry out these responsibilities in a broad and pluralistic way, the ultimate result will be the production of a new, national community of caring in which donors and donees are joined together in deep and lasting ways.

As the rise of philanthropic pluralism beckons us, we need to remind ourselves that the temptation to argue that government can and should remove, through taxation, more funds from private control in order to pursue a narrower range of public purposes will be strong, particularly as the amount of money within philanthropy continues to mount and as the causes selected by donors seem diffuse and idiosyncratic. Getting past concerns over the efficiency of such a system will be necessary if the pluralism of the new donor-driven philanthropy is really to take hold. Granted adequate room to operate, philanthropy may well lead us to reopen and rethink solutions to long-standing public problems, even when consensus or complacency dictates otherwise. Given the triumph in recent years of a relatively crowded center in American politics, expanding in all directions the bandwidth of solutions to public problems can reasonably be viewed as a valuable proposition.

Moral Federalism

Alan Wolfe

For all the talk of globalization, it matters greatly these days where you happen to live. If you are gay and want recognition of your union with a person of your own sex, it helps if you are a Vermonter. If you are poor and want public assistance to send your child to a private school, you can be thankful if you live in Milwaukee. And if you like having the Ten Commandments posted in your local courthouse, Alabama is the place to be. In the absence of national policy on some of the most contentious issues of the day, America is engaged in an experiment in moral federalism, as state and local governments take sides in the country's culture wars.

Moral federalism is not a new idea. Mormons moved from one place to another before settling in Utah to practice polygamy. When gambling was illegal and divorce hard to get everywhere else in America, it was big business in Nevada. African-Americans were willing to risk their lives to escape from states that did not consider slavery immoral in order to live in states that did. New York and several other states liberalized their abortion laws before *Roe v. Wade*.

Yet moral federalism is also hard to sustain. The U.S. Supreme Court ruled polygamy out of order in 1878; California and other states now compete with Nevada's gambling industry; *Roe* overturned abortion restrictions nationwide; and no one can consider slavery—abolished by the 13th Amendment in 1865—just one more alternative lifestyle.

Liberals and conservatives both find reasons to oppose moral federalism, and for the same reasons. Both believe that allowing states to experiment with public policy with respect to lifestyle issues can interfere with the exercise of rights on the one hand or the need for a common morality on the other.

For civil libertarians, no abridgement of individual rights ought to be permitted no matter what a state or local government's reasons for so doing. And some rights are indeed so fundamental that they are codified as constitutional amendments and hence cannot be compromised by state and local governments. No one argues anymore that it's acceptable for a state to segregate its schools or deny blacks the right to vote. And almost every American today agrees with the principles of the Civil Rights Act of 1964.

The problem arises when liberals discover a right where the Constitution is silent or ambiguous. When liberals proclaim abortion a right or insist that such programs as affirmative action or bilingual education be constitutionally protected against initiatives to repeal them, they foreclose diversity among the states in the way they accomplish their goals.

Conservatives also believe in rights, if in different ones. Had the Supreme Court not frowned upon it, the Religious Freedom Restoration Act would have severely limited the flexibility of the states to draw their own lines on separation of church and state. In insisting upon a right to life that crosses state boundaries, Alan Keyes endorses in reverse the judicial nationalism of *Roe v. Wade*. If there is an absolute right to bear arms, state and local governments would be prevented from regulating guns.

Moral federalism can also be damaged by an emphasis on wrongs. Satan's work does not stop at state lines; if conservative Christians believe homosexuality to be an abomination, they will seek to limit its consequences wherever they can. "Zero tolerance," today's term for prohibition, trumps moral federalism as thoroughly as rights inflation. And liberals can be as inclined to prohibition as conservatives: feminists against pornography want it banned everywhere, and anti-smoking activists often think globally.

Because America requires both a common morality and respect for rights, moral federalism can never be a panacea. Yet when a society is bitterly divided over morality, allowing states and local governments to express different moral outlooks may make a lot of sense. Under a system of moral federalism, there will always be some people who believe that either their rights or their morality have been taken from them; homosexuals in Mississippi and Florida no doubt

feel as aggrieved by their state's refusal to allow them to adopt children as religious believers in Massachusetts feel about the provision in their state's constitution forbidding state aid to any religious institution—or the provision that says the first provision can't even be amended by initiative.

So long as there exists a wide range of moral climates among the states, however, those who feel strongly enough about exclusion in one may find another that is more compatible. That, after all, is why Vermont is now the home of Ben and Jerry's and why the Southern states attract religious believers from all over the country. Not everyone will be able or willing to move for moral reasons, but allowing them that option may be preferable to insisting that all states be required to adhere to the same moral outlook.

Economic issues, such as which industries ought to be regulated or how much different groups should pay in taxes, can be compromised by splitting whatever differences exist. Moral issues, which usually involve bitter differences over deeply held principles, cannot be easily resolved by moving decimal points or shifting dollar signs. When the government makes a decision about all-or-nothing principles, it's hard on the losers, who tend to take their defeat as a betrayal. Once American government stopped focusing so much on tariffs and started focusing more on abortion and gay rights, courtesy and bipartisanship gave way to ideological bitterness and paranoia.

Moral federalism allows for more winners because there are scores of governments, not just one, in play. When conservative Christians, unable to transform America into a society that respects religious values, can nonetheless point to a few states in which public policy considers religion vital, they are less likely to feel marginalized and excluded. And when liberals appreciate that gay rights are respected in some places, they are less likely to condemn America as inevitably intolerant.

When it comes to morality, we have little idea what works and what does not. We will never know whether asking couples to take stronger marriage vows can prevent divorces unless the idea is tried somewhere. Nor do we know whether allowing gay men to marry would reduce the risk of sexually transmitting disease. The original idea behind federalism was to encourage experimentation. Before

Washington either forbids or encourages a particular moral way of life, it ought to know more about the consequences of moral intervention.

By its very nature, moral federalism is too messy to offer definitive answers to the question of how people with different views of the world can nonetheless live together in the same society. But if it prevents American society from falling apart, it will have done more than its share of the work.

No Rights Without Responsibilities?

"Basic individual rights are inalienable, just as one's social obligations cannot be denied. However, it is a grave moral error to argue that there are "no rights without responsibilities," or vice versa. Thus, a person who evades taxes, neglects their children, or fails to live up to their social responsibilities in some other way is still entitled to a fair trial, free speech, and other basic rights. The number of basic rights we should have may be debated, but those that are legitimate are not conditional. Hence, policies that deny criminals the right to vote while in jail (as holds in both the UK and the US), some even after they have served their term (as is the case in many states in the US), should be modified. Following the same principle, nobody should be denied the basic necessities of life even if they have not lived up to their responsibilities, such as to find work. There are sufficient other ways to show our disapproval and punish irresponsible individuals if this is called for.

As a corollary, a person whose rights have been curbed—perhaps a person has been denied their right to vote because of a registration foul-up or jail sentence, or has been silenced through a meritless libel suit—is still not exempt from attending to their children, paying taxes, not littering, and other social responsibilities.

In short, while rights and responsibilities are complementary and necessitate one another, each has its own moral standing and are part and parcel of ends-based relationships. A good society does not deny a person her basic rights even if she does not live up to her responsibilities, just as it does not exempt from responsibility those whose rights have not been fully honored."

from *The Third Way to a Good Society*, by Amitai Etzioni

Devolution as if Community Matters

David Morris

“Preserving our federal system . . . ensures that essential choices can be made by a government more proximate to the people than the vast apparatus of federal power.”

— Supreme Court Justice Anthony Kennedy

In May 1998, President Clinton issued Executive Order 13083 on federalism. Its centralizing language generated such a firestorm of opposition from conservatives and state and local elected officials that the House of Representatives voted 417-2 to reject it. On August 5, 1998, the President “suspended” the order and went back to the drawing board.

Exactly a year later the President issued a second executive order (13132). This one tilted in the opposite direction, forbidding federal agencies from preempting state law unless the Congressional bill contains an overt intention to do so. In determining whether to establish uniform national standards, the President ordered federal agencies to “defer to the States to establish standards.”

Two days before Executive Order 13132 was issued, the Senate Governmental Affairs Committee voted 12-2 in favor of the Federalism Accountability Act of 1999, the contents of which were far more restrictive of federal actions than the President’s, and, unlike the contents of an executive order, would be enforceable in the courts. This time the firestorm of opposition came from an unlikely coalition of centralists: 300 environmental, labor, consumer, and business organizations. Late last September this alliance succeeded in derailing a companion federalism bill in the House (HR 2245).

As this brief political history shows, “Who should have the power to make the rules?” is rapidly becoming a central question in American politics. Much of the discussion thus far revolves around the relationship between Washington and the states. But why frame the question so narrowly? Brooklynites probably find Albany (New York’s state capital) as remote and unresponsive as Washington. The position of my organization, the Institute for Local Self-Reliance, is that authority should be pushed down to the lowest possible level. Higher levels of government (and the courts) have the ultimate responsibility to protect minorities from the tyranny of the majority, especially with respect to civil liberties and rights. But when higher levels of government do act, they should create minimum (not maximum) standards, allowing communities to craft superior standards at their discretion.

This is not just a minor bureaucratic concern. Devolution and preemption impact virtually every sector and every product we buy. Consider the case of hogs. Stripping communities of their authority was an essential first step in establishing giant industrial hog farms. Unable to regulate these enterprises and deprived of their right to sue over damages caused by the massive manure lagoons, communities were rendered helpless in the face of an invasion that threatened both their livelihoods and their health. As a result, the hog sector has been transformed from one populated by hundreds of thousands of family farmers to one controlled by a few dozen industrial hog facilities.

While states undermined the ability of local governments to protect family hog farmers and their communities, Congress was giving states more authority to protect their family dairy farmers. As part of the 1996 Farm Act, Congress allowed the New England states to collectively do what the Constitution bars them from doing individually: form a dairy compact that sets minimum farm prices for milk sold within the region. The compact expired last October and, after a bitter and prolonged struggle, Congress renewed it. Thus far, our experiment with creating a tiny “dairy nation within the nation” has much to recommend it.

Family hog farmers are dwindling in numbers, but the ranks of family wineries are swelling. Shut out of many markets by the increasing concentration of wholesalers, small wineries have begun to use the Internet to sell directly to customers. This has raised federalism

issues. Because of the historical controversies regarding the role of liquor in America, when Prohibition was repealed states were allowed to continue to regulate and even ban the sale of liquor, even when their actions interfered with interstate commerce. That is why we still have counties that are “dry” and states where liquor can only be sold through government outlets. But although states can prohibit the sale of liquor, in the age of the Internet they cannot reach into another state to penalize the seller. So Congress must now decide whether to give states the right to sue in federal court for “injunctive relief” to stop out-of-state sellers.

Electronic commerce itself has become another battleground in the federalism wars. To effect competition, the federal Telecommunications Act of 1996 banned local and state laws that “have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunication service.” In several rulings regarding this provision, the Federal Communications Commission (FCC) seems to have come down on the side of eliminating local authority. When a Kansas town prohibited a private company from providing what the town thought were duplicative local phone services that would inevitably raise rates, the FCC warned it was violating the law. But when Texas eliminated the right of its cities to own telecommunications lines, even when those same cities owned roads and electric distribution lines, the FCC refused to intervene.

The FCC has also intervened on behalf of the centralists in a dispute between Portland, Oregon, and AT&T. As a condition for allowing AT&T to provide high-speed Internet service through its newly acquired cable subsidiary, TCI, Portland required the telecommunications giant to allow customers to choose any Internet service provider without having to pay a premium to AT&T’s own provider, Excite@home. After a lower court upheld the city’s authority to demand “open access,” FCC Chairman William Kennard received a standing ovation from the National Cable Association members when he urged local governments to keep their hands off cable companies’ Internet services and invited opponents to formally request that the FCC strip Portland and other cities of their power.

The debate over federalism is a debate about the locus of decision making. As such it should not be restricted only to units of govern-

ment. Consider the credit union, a financial institution owned by its depositors—one depositor, one vote. Recent changes to federal statute and regulatory rules have allowed—even encouraged—credit unions to expand. The changes have sparked a debate within credit unions about the relationship of scale and geography to democracy and effectiveness. Some believe growth will enable credit unions to reach more people and remain competitive in an increasingly complex market. Others question the effect of this expansion on the community bonds once critical to the mission of these cooperative institutions.

In Washington, the debate about federalism often seems abstract. Indeed, even the cognoscenti get confused. On September 6, 1999, the *New York Times* issued the following correction: “A headline yesterday about efforts in Congress to shift political power to the states referred incorrectly to the movement to limit Congress’ ability to impose laws on the states. It is known as Federalism, not anti-Federalism.” But in our communities, labels are far less important than content. For it is there that remote decision-makers affect our personal lives. In order to sort out the needs and rights that must be balanced, we need to keep in mind Justice Kennedy’s caution that proximity should be accorded a high value. The most important question of all might be, “How can we embrace devolution as if community matters?”

After nine years, the Communitarian Platform is again open for endorsements. The text of the platform, a list of previous endorsers (which includes John Anderson, Robert Bellah, Betty Friedan, Francis Fukuyama, and other leaders of society), and a form to sign the platform are available at www.communitariannetwork.org.

THE COMMUNITY BOOKSHELF

Who's Really in Power?

Edward W. Lehman

G. William Domhoff, *Who Rules America? Power and Politics in the Year 2000*, 3rd edition (Mountain View, California: Mayfield Publishing Company), 335 pp.

In 1967, G. William Domhoff published the first edition of his now classic *Who Rules America?* The book proposed that what he came to call “class domination theory” best explained how political decisions are made in America. It presented detailed empirical data which Domhoff claimed demonstrated that a cohesive upper class, in conjunction with the corporations it controlled and the policy institutes they together fostered, determined all pivotal government policies. He followed that up with a second edition in 1983, and a third in late 1998. While neither revision is merely a formulaic update of the original, ultimately Domhoff refuses to budge from his central thesis that his class domination theory supersedes all other accounts of U.S. political life. The array of theoretical opponents has widened since 1967 and includes not only his *ur*-nemesis, pluralism, but also Thomas R. Dye’s institutional elitism, Marxism, and Theda Skocpol’s state-centered theory.

Yet, despite needless paradigmatic intransigence, this latest edition refurbishes important empirical and even theoretical lessons of which we too often lose sight. But it also suffers from strategic theoretical deficits. Let’s start by looking at Domhoff’s six core empiri-

cal claims: First, big business is not an atomized aggregation of profit seekers, but is linked via regional networks and a nationwide “corporate community” that includes “corporate lawyers, military contractors, and agribusinesses as well as corporations” Second, a fairly cohesive social upper class exists composed of families bound by shared institutions and distinctive lifestyles. This upper class is over-represented in the corporate community. Third, “policy-formation networks” (i.e., key foundations, think tanks, and policy discussion groups) generate “data” and “experts” that significantly influence a broad range of state decisions. Most of these nonprofit, nonpartisan organizations are subsidized to some degree by wealthy individuals, families, and corporations. Domhoff deploys C. Wright Mills’s concept of the “power elite” to depict those found at the overlap among the corporate community, social upper class, and policy-formation networks.

Domhoff’s fourth empirical claim is that policy-formation networks often “interact with public relations firms, the public affairs departments of large corporations, and middle class volunteer groups in an effort to influence the individualistic and antigovernment dimensions of the American value system.” Fifth, public opinion and elections are likely to influence pivotal economic policy only in unsettled times such as during unpopular wars or domestic upheavals. In stable interludes, big business, especially when united (in what Domhoff terms the “corporate-conservative coalition”), has the most sustained influence over economic policy (particularly when compared to those he calls the “liberal-labor coalition”). And sixth, big business’s enormous influence over policy directions stems not only from its lobbying activities; it flows also from the fact that the corporate community and the policy-formation networks associated with it supply a disproportionate segment of top-level state appointees.

Although these six lessons merit reinvigoration in our national consciousness, Domhoff’s book does not elucidate their sociological import fully because of its constricted theoretical framework. Nonetheless the new edition, more than the two previous ones, has a multidimensional theoretical potential that distinguishes Domhoff’s work from the crude one-dimensional Marxisms with which it has often been unfairly equated.

Tiers—Linked, but Distinct

The bedrock of Domhoff's multidimensionalism lies in his approach to the interaction of class and politics. He rejects the binary formulation of class *versus* politics implicit in Marx's slogan reducing the state to the "executive committee of the bourgeoisie." Instead, he implicitly models the exchange between actors in the stratification system and in the state as a multi-tiered *polity*, and he rejects the conflation of one tier with another.

Tiers are interdependent but each level of the polity is differentiated from the others, confronts unique exigencies, possesses distinctive values, and manages a modicum of self-regulation. For example, Domhoff rebuts institutional elitism's inclination to focus inordinately on the role of large corporations and nonprofit groups to the detriment of class analysis. He acknowledges that these are two differentiated spheres which need to be conceptualized on their own terms so that their interactions can be studied more vigorously. Consequently, while readers may be puzzled by his insistence on distinguishing between the social upper class and the corporate community (especially since the former tends to disappear in the latter half of the book), Domhoff's consistency permits him to examine the relations between rich families and corporate control as an empirically open question rather than as a matter for theoretical fiat.

Further, his incipient multidimensionalism permits him to see that the existence of a corporate community does not in itself account for big business's political influence. Domhoff's appreciation that policy-formation networks—as well as interest groups and social-movement organizations—form distinct tiers of a polity differentiated from (but linked to) the corporate community opens the door for empirical analyses of how, when, and by what routes corporate power penetrates state decision-making.

In addition to corporations, the upper class, and policy-formation networks, Domhoff's theoretical model includes three other tiers: the media, political parties, and the state. Unfortunately, these are not as richly elaborated as the others. For example, any treatment of the American party system that does not focus on issues of party decomposition, realigning elections, and the "rhythm" of democratic politics cannot render a satisfying account of what ails U.S. electoral politics.

As for the state, while I am not satisfied with Domhoff's models, he can no longer be accused of being a simpleminded instrumentalist who sees the government as mirroring the interests of powerful nonstate actors. Moreover, the book's new concluding chapter contains Domhoff's reflections on factors that might permit the American state to enact significant proposals promoted by the so-called "liberal-labor coalition." These ruminations are an inadvertent confession that state autonomy may still be possible under the right set of circumstances, and thus brings Domhoff perilously close to the state centrists and pluralists he has been criticizing.

When Domhoff explicitly discusses the state, his treatment is multidimensional. Scattered throughout the pages of *Who Rules America?* is a fragmented-federalist portrait of the American state. Domhoff's American state is not just national, but regional and local too; and on each level it is divided into conflicting spheres far more complex than the constitutionally prescribed executive-legislative-judicial formula might suggest. It is regrettable that he makes little use of this rich imagery of the state other than to wield it as an argument against the likelihood of state autonomy in the U.S.

Struggling with Power and Class

Probably Domhoff's most frequently discussed theoretical failure is his tendency to conflate class, status, and power. Here his incipient multidimensionalism falters. The conflation prevents authentic study of the relation between positions in the stratification system and the ability to pursue ends despite resistance—and threatens the explanatory validity of the entire exercise.

Two omissions regarding power are especially damaging. The first concerns what Dennis Wrong calls the actual/potential problem: Is power either domination that has been exercised or the prospect for future domination? Domhoff cannot make up his mind. Domination replaces power as the core concept although the two terms are never disentangled. The "power elite" is just that simply because it dominates. On the other hand, we are told that domination means only "the power to set the terms under which other groups and classes must operate, not total control." This murky formulation makes an unambiguous assessment of Domhoff's core hypotheses difficult and per-

mits him to have it both ways regarding the classic debate over the “zero-sum” concept of power. His definition of domination would seem to cast him with Talcott Parsons and other opponents of Mills since it suggests all sides may have some power. Yet, throughout most of the book Domhoff reverts to a zero-sum interpretation of the data and equates the winning of particular battles with virtually complete hegemony over opponents.

The second omission is that despite Domhoff’s efforts not to do so, he tends to conflate political power (the ability to set, pursue, and implement collective goals for society) and intermember power (the ability to set, pursue, and implement particular goals versus competition in the stratification system). Unless we keep these two categories analytically distinct, and acknowledge the possibility of their empirical separation, we cannot study (1) whether the most privileged actors always have a special edge in influencing state policies, or (2) whether the state ever has any capacity to act autonomously. Domhoff’s conflationary analysis of power prejudices both questions.

In addition, Domhoff’s image of social class remains oddly one-dimensional. He struggles to move beyond a narrow economic formulation by attempting to fuse Weber’s categories of “class” and “status group” into his notion of “social class,” although without sufficient attribution or success. It is significant that Domhoff never provides a formal definition of social class; instead he tells us that “there is general consensus . . . on what is meant by the term.” In the final analysis, however, social class remains fundamentally economic with communal and associational bonds and shared lifestyles serving only as secondary or recessive characteristics.

Ignoring Old Struggles and New Developments

Domhoff’s one-dimensional approach to social class may account for his inability to weigh the possibility of *intra*-class competition and conflict. He cannot deal with the classic notion of “class *versus* status politics” because, for him, associational, communal, and lifestyle factors are primarily tools for advancing or safeguarding economic interests. Nor does the book contain analyses, so central to the work of Pierre Bourdieu, of the potential contradictions between the differential access to economic and cultural capital that occur within the same

class. Certainly gender, race, and religion are never granted any autonomy from economic position.

Moreover, Domhoff's theoretical scaffolding postulates no possible structural grounding for tenacious intraclass economic differences. Although over the years he has become more comfortable in admitting that the "corporate-conservative coalition" is, from time to time, split by disagreements between moderates and ultra-conservatives, he lacks the conceptual tools to consider this as more than ephemeral or to acknowledge persistent and strategic cleavages in the upper class. His dismissal of the viability of any alliance between business moderates and the so-called "liberal-labor coalition" is attributable, at least in part, to this theoretical impoverishment.

The new edition of *Who Rules America?* is also silent about two exciting developments in social analysis over the past generation: communitarianism and the study of social movements. To be sure, Domhoff makes passing references to social movements as well as to shared moral understandings. However, he seems unaware of what new empirical questions these approaches raise. Perhaps his avoidance of the social-movement literature stems in part from the fact that social-movement strategies are not the primary vehicle for a "power elite." It is less privileged groups (like labor) that have historically resorted to such strategies. Today, social movements are often linked to "identity politics." Their place in the contemporary world, and how they foster consensus and conflict, deserve more serious thought than Domhoff has provided.

Communitarian thought is another matter. Domhoff seems to accept an autonomy for shared moral understandings. He recognizes that America's individualistic and antigovernment values have distinct historical roots and are not just products of the power elite. Moreover, he acknowledges that the "presence of people from privileged backgrounds in the liberal-labor camp suggests that religious and social values can sometimes be as important as class in shaping political orientations . . ." However, the book does not give values their due as likely sources of agreement on rights and responsibilities. Such understandings must be treated not merely as potentially independent of class domination (as, for example, the American Creed presumably is) but also as partially constitutive of the class system (consider how Weber saw the Protestant Ethic molding modern capitalism).

Ultimately I am ambivalent about the current edition of *Who Rules America?* This new book, despite flaws, is marked by a greater multi-dimensional potential and a generosity of spirit. Moreover, it is a welcome reminder—in this era of growing self-interest, inequality, and corporate power—that what *is* is neither necessarily good nor inevitable.

THE MORAL DIMENSION OF THE MEDIA

Madison Avenue Meets the Bible

Gerald L. Zelizer

When John Wycliffe undertook the first complete translation of Scripture from Latin to English in the 14th century, his act elicited charges of sacrilege from the church. Today, feelings are again being aroused as publishers, using creative new marketing strategies, are publishing a host of Bible editions that use unconventional formats or draw upon lessons from today's secular world to embellish the sacred text. Most notable are Pocket Canons—slender, pocket-size paperback editions of 12 biblical books. After initially appearing in Great Britain with sales of 900,000, the books were recently introduced in the United States. On each cover is an artsy photograph. The book of *Exodus*, for example, shows a winding road seen through the windshield of a car; *Revelation* is depicted with a mushroom cloud, and *Ecclesiastes* by some half-eaten grapes.

Most controversial are the introductory essays to each Bible, which are not the usual reverential fare. Novelist Louis de Bernieres, writing on *Job*, calls God a “frivolous trickster” and a “sarcastic megalomaniac.” Fay Weldon says of Paul in *Corinthians* that “there is so little love in Paul, other than ‘in God,’ which seems like a way of getting out of the need for it in person, and perhaps why many cruelties are to be perpetrated in God’s name.” Francisco Goldman introduces *Matthew* by invoking “the horrors, injustice, and racist and

hypocritical acts committed in [the Bible's] name" in the Spanish conquest of the Americas.

Other media have also employed irreverent strategies to promote the Bible. In a PBS series directed by Bill Moyers a few years ago, scholars and clergy extracted Biblical messages which might be featured in the News section of *USA Today*: dysfunctional families, racism, and environmental responsibility. One rabbi even labeled Abraham "a pimp" for pawning off his wife Sarah as his sister to a lusty pharaoh.

Surprisingly, even religious publishing houses have adapted secular market strategies to their versions of Scripture. In 1990, the largest publisher of Bibles, the Zondervan Publishing House, published its first "specialty" Bible, *Women's Devotional Bible*. Interspersed in the classical biblical text are meditations directed to the particular religious needs of women. Following the success of this first specialty Bible, which sold more than three million copies, Zondervan published a host of niche Bibles: *Men's Devotional Bible*, *The African American Devotional Bible*, *Couples' Devotional Bible*, *Recovery Devotional Bible*, and even a Bible for Hispanic Christian women, *El Nuevo Testamento Devocional Para La Mujer con Salmos y Proverbos*. Tom Mockabee, senior vice president at Zondervan, says the specialty Bibles are tailored for the "ages and stages" of life and point to Jesus' capacity to address people "where they are."

Many of the meditations in the Zondervan Bibles flow inspirationally and naturally from the biblical text. Others, though, seem to use the text as pretext, and tortuously hang today's topics and attitudes onto a biblical hook. For example, the *Couples' Bible* includes a devotion on romance in the passage on Ruth's liaison to the man Boaz; yet in the Bible, Ruth was actually attached to Boaz as an appendage to a property transfer. In the *Women's Devotional Bible*, a graphic passage in Ecclesiastes on the ravishing decay of old age is transformed into a meditation on how modern medicine retards aging. *The Song of Songs*, an anthology of exotic love poetry attributed to King Solomon, is promoted in the *Teen Devotional Bible* as "Sex is good! God made it!—When they're part of a marriage commitment, sex and love and desire . . . are gifts to be enjoyed." A valuable religious message—except that the words marriage, bride, and groom never appear in *Song of Songs*.

Not surprisingly, many are not enamored with these interpretive touches, which squeeze current subjects out of ancient words that spoke of far different matters. When the Pocket Canons first appeared in England, the distributor pulled out of a deal to send them to bookshops and wrote to more than 18,000 clergymen to urge the withdrawal of the books. Dorothy Patterson, editor of one Bible for women, was quoted as acknowledging that “we have gone overboard with this. It’s one thing to have focused a Bible on a large segment of the population that would, for example, have a different understanding of things, but when you come down to everything but an ‘Elvis Bible,’ you’re getting a little bit ridiculous.”

Admittedly, these marketing strategies borrow heavily from the world of commercial, secular marketing, and often read into the Bible matters that were not originally intended. But that may be necessary. Even though Bible sales are up sharply, almost two-thirds of those polled by Barna Research did not read the Bible outside of church during the preceding week, and readership declines precipitously from seniors to the young. Perhaps the fusing of secular strategies and treatments with the sacred text will entice people not only to buy the Bible, but also to crack its cover. That would not diminish the Scripture’s sanctity, but actually enhance it.

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RESEARCH NOTE

Small Groups and Civic Engagement— All About Me?

Melissa K. Marcello and Robert Perrucci

Following in the tradition of Alexis de Tocqueville, academics and social commentators have long been interested in the study of voluntary associations in the United States. Tocqueville's oft-quoted *Democracy in America* offers the proposition that the level of broader political participation can be traced to membership in voluntary associations. A variety of associations—from religious to secular, from fraternal to philanthropic—are viewed as requisite components of a healthy civic life in a democracy. The assumption is that association membership, in and of itself, fosters community engagement.

But can we ascribe to all voluntary associations the same social outcome? Are associations of every type equivalent in terms of their impact on participation in political and community life? These are not questions of only theoretical interest. In the late 20th century, a relatively new form of voluntary association referred to by many as the “small group movement” has emerged. Small groups, and support groups in particular, are appearing on the American social landscape in great numbers and varieties. This movement has been viewed as a retreat from participation in large-scale, rational, bureaucratic structures, and a return to more intimate, community-based, voluntaristic associations.

While the increasing size of the small group movement is not in doubt, academics are not in accord when it comes to the impact of this trend. From this scholarly disagreement arose our research questions: Does small group membership foster increased participation in the wider community, as suggested by Robert Wuthnow? Or does small group membership discourage civic involvement and encourage self-absorption, as suggested by Robert Putnam? Or does it, perhaps, depend on the type of the group? Using data collected by Wuthnow in his survey of small group membership among the American public, we endeavored to critically examine and test competing hypotheses about the impact of small group membership on community involvement and political participation.

We first examined whether differences in civic engagement are linked to the characteristics of individual group members. Perhaps self-selection occurs if people with specific characteristics (concerning age, race, sex, and class) are attracted to groups that engage in certain activities and not others. Second, we identified various types of small groups (religious, secular, and mixed) and how these variations might result in different levels of member participation in the civic sphere. Third, we sought to determine whether properties of a group, and member experiences in the group, have an effect on the broader civic engagement of members. To that end, we looked at the role played by the structure of a group (how formal is it?) and its interpersonal climate (do members feel close?) in contributing to the development of “social capital” that “spills over” into broader social participation.

Setting Up the Study

In collecting his data, Wuthnow and his associates conducted in-person interviews with 1,021 participants in small groups. On average, the groups were comprised of about 25 members. Respondents were asked to identify their group as one of the following: youth group, singles’ group, couples’ group, women’s group, men’s group, bible study group, prayer fellowship, house church, covenant group, self-help group, anonymous group, Sunday school class, special interest group, discussion group, support group, and therapy group. Based on that identification, groups were classified as secular (“Parents Without Partners”), religious (“Wednesday Bible Study”), or

secular and religious (“Alcoholics Anonymous”). This resulted in 412 respondents in secular groups, 113 in religious groups, and 443 in mixed groups.

To measure an individual’s participation in the wider community—we call this civic engagement—we looked at each person’s response to the following question: “As a result of being in this group, have you done any of the following?” The alternatives listed included: (1) “worked with the group to help other people in need outside the group”; (2) “participated in a political rally or worked for a political campaign”; (3) “donated money to a charitable organization, other than your church or synagogue”; (4) “became more interested in social or political issues”; (5) “became more interested in peace and social justice”; and (6) “changed your attitudes on some social or political issues.” Seeking to get a broad picture, the first three activities are about behaviors representing involvement in community affairs while the last three involve changes in attitudes or thinking about public issues. (Respondents’ answers to the six active and passive statements revealed a statistically acceptable level of internal reliability, thereby providing some confidence in the measure of “civic engagement.”)

Testing the Variables

Characteristics of the Individual. A fair amount of previous research has indicated that education and occupation are positively associated with civic participation. This is not surprising, as education provides communication skills and organizational abilities, and certain occupations provide opportunities to exercise leadership outside the workplace. We thus expected to find that a small group member’s education, occupation, sex, age, and income would be related to level of civic engagement. Instead we found that none of these individual characteristics affected small group members’ level of interest and activity in the civic sphere. How do we account for this unexpected finding? Two factors come to mind: First, our sample included only people who already belonged to a small group. Since they were already “joiners,” and our sample did not include “non-joiners,” it is difficult to detect the effect of individual characteristics on civic engagement. Second, it is possible that those who belong to groups that provide “support and caring”—a defining characteristic

of many small groups—do not fit the prototype of the voluntary association member referred to in much of the literature. They may join small groups because of their small size and their focus on inward-looking, expressive goals, in contrast to the more instrumental orientation of most larger voluntary associations.

However, we did find that individual characteristics were related to the type of small group that one joins. Members of secular small groups have more education and income, and higher status occupations. In contrast, members of religious small groups have less education and income, and lower status occupations. Members of mixed secular/religious groups are in the middle on education and occupation, but they have the lowest incomes of all three group members. In sum, small group members' status characteristics do not affect their level of civic engagement, but do influence the type of small group to which they belong.

Type of Group. Does the type of small group influence civic engagement? Some scholars have argued that, because of the distinct religious social capital created by church-built social networks, groups embedded within religious organizations are more likely than other groups to produce civic and religious volunteers. Our research, however, raises doubts about half of that proposition: members of religious small groups are actually the *least* likely to be interested and active in civic affairs. Members of mixed groups are the most civically engaged, followed by members of secular groups.

Why do religious small groups yield those members who are the least engaged in civic affairs? Although such groups may produce a distinct form of social capital—religious social capital—we must also consider the context of its procurement. It is likely that within a religious group, information that is exchanged about opportunities for participating is overwhelmingly about church-sponsored ministries and social services. And, as time for voluntary activity and civic engagement is often limited, members of religious groups may choose to invest themselves in church-related activities as opposed to broader community affairs.

Characteristics of the Group. As reported above, members of secular, religious, and mixed groups differ in their education, occupation, and income. It would follow that the groups themselves may also

differ in their internal structures and modes of operation. Members of varying educational and occupational backgrounds bring with them different skills and competencies (human capital), which may in turn produce different experiences within the groups (social capital). Of particular relevance to the issue at hand is the question of which small group experiences provide opportunities for learning about how to organize and participate in community groups with collective goals. For example, prior research on social movement organizations indicates that when groups have formal structures they tend to be more conducive to member participation in group activities, and when they have clear internal committee structures they tend to attract more members and more volunteer labor. With these ideas in mind, we classified the groups in terms of their degree of formalization (elected leaders, committees, regular meetings) and the level of cohesion/integration among the members.

We found that secular groups have the greatest degree of formalization, while religious groups have the least, and mixed groups have moderate formalization. Perhaps surprisingly, mixed group members report feeling the greatest sense of unity and belonging among the membership, while members of religious groups report somewhat less, and secular group members report their groups to be least cohesive and integrated. These findings suggest that in order for group members to feel a sense of belonging to the group—an emotional connection to other members—some form of structure is necessary; but if groups are too structured, they tend to erode feelings of belonging.

Relative Importance

The final task in our research on civic engagement was to bring together and assess the relative importance of the different factors. We used a statistical technique—linear regression—that permits the simultaneous examination of what is more important for determining civic engagement: the type of group to which one belongs (secular, religious, or mixed), the individual characteristics of the members (education, occupation, income), or the internal structure of groups (formalization and cohesion).

Our findings indicated that, controlling for the effect of individual and group characteristics, the most significant factor is the type

of small group in which a person is involved. Members of a group with a mix of secular and religious activities are significantly more likely to be involved in civic affairs (an average involvement in 2.9 of the 6 activities listed earlier), while members of religious groups are least likely to extend their participation beyond their small group (average involvement in 1.7 activities). Members of secular groups are involved in 2.5 activities. (The differences in civic engagement between the three groups are statistically significant.)

Group characteristics—or what goes on in a group—also make a difference. The degree of formalization of a small group is both positively and significantly related to civic engagement. This finding suggests that the opportunities for modeling and practicing group-process skills are transferred by group members to the world outside the small group, specifically to the civic arena. We further found that the cohesion and integration that members feel about their small groups also has a positive impact on the level of members' political interest and activity.

As for the individual characteristics of group members, the only one that continues to influence civic engagement is having completed some college (but not necessarily having a college or graduate degree). A member's occupation, age, sex, income, and race do not have an effect on civic involvement after the influence of group factors is taken into account. Bearing in mind that the sample used in this study only includes "joiners" (i.e., persons who all belong to at least one group), our analysis suggests that these individual characteristics have very little independent effect on civic engagement.

Two Cheers for Small Groups and Civic Engagement

Given the recent spate of concern about civic disengagement expressed by academics and the popular press, the project of identifying new sources of community involvement and evaluating the claims about growing or declining "social capital" becomes increasingly important. While most of the public debate concerns the question of whether or not Americans are joining voluntary associations with the same frequency as in years past, our research suggests that social scientists may need to hone the question. For example, despite the claims of some analysts, the growth of the "small group movement"

has produced neither self-absorbed, inward-looking “retreatists,” nor a new wave of small group members who are active in a wide variety of community affairs. The actual outcome is more nuanced: some small group members are socially involved and some are not; the difference can be attributed to both the type of small group in which people are involved, and the opportunities they provide for learning social and organizational skills and for establishing close relationships with other group members.

This analysis has important implications for those concerned with declining social capital and political apathy. Most obvious are some of the explicit findings: the growth of religious small groups could, counter-intuitively, result in declining involvement in the public social sphere. But that is not the only concern. Our research should also serve as a general warning against assuming that all civic engagement has the same social impact. For example, while much of the literature seems to assume that civic engagement is inherently good because it inevitably leads to a stronger civil society, we prefer to approach this normative view with the same caution that we applied to small groups. The small group members in our study who reported participating in a political rally could have been attending a rally for David Duke or one for Paul Wellstone. Does this difference matter? Is it one that should make us think about what we mean by civil society? Until there are answers to such questions about civic engagement, and in light of the discovery that participation in some small groups is not as favorable towards broader public involvement as some might have hoped, we offer two cheers for small groups rather than three.

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FROM OUR CRITICS

The Deficiencies of Community

Zygmunt Bauman

We are being told repeatedly by many on both left and right that the *community* is the most likely candidate to restore individuals' lost sense of identity. Yet modernity spent most of its time and a lot of its energy on fighting communities—those larger than life groupings into which people are born, only to be held inside them for the rest of their lives by the dead hand of tradition strengthened by collective surveillance and blackmail. From the Enlightenment on, it has been seen as a commonsensical truth that human emancipation, the releasing of genuine human potential, requires that the bounds of communities should be broken and individuals set free from the circumstances of their birth. We seem to have come full circle now. The idea of community has been recovered from the cold storage where modernity bent on boundless humanity confined it, and restored to a genuine or imaginary past glory. It is on the community that many hopes bereaved by bankrupt or discredited institutions now focus. What had been once rejected as a constraint is now hailed as the “enabling capacity.” What was once seen as an obstacle on the road to full humanity, is now praised as its necessary condition. Humanity, we are told, comes in many forms and shapes, and thanks to commu-

Excerpted from *Alone Again: Ethics After Certainty*, published by Demos, a London-based think tank.

nities, traditions, and cultures, the inherited forms of life are here to see to it that this is the case.

Social thought was always keen to repeat the stories told or merely thought of by the power holders, and to disguise their intentions and ambitions as descriptions of social reality, of its laws or its “historical tendencies.” During the age of the modern cultural crusades launched against regional, local, or ethnic self-management, self-congratulating obituaries of communities filled social-scientific treatises. But powers eager to present their own particularity as human universality are today thin in the field, and there is naturally not much point in narrating their by-now faded dreams. The new powers that took their place do not speak the language of universality. On the contrary, they appeal to what *distinguishes* one human collectively from another. To gain more grip on their own territories and without hope or urge to encroach on the territories of the others, they are ready to admit that the plurality of human forms is here to stay: no more a regrettable yet temporary flaw, but a permanent feature of human existence. And social thought, promptly and obligingly, changes the tune.

The argument about the supremacy of supposedly “natural” community in the life of the individual runs as follows: each one of us is born into a certain tradition and language, which decides what to see before we begin to look, what to say before we learn to speak, what to consider important before we start weighing things against each other, and how to conduct ourselves before we start pondering the choices. Thus in order to know what we are, to understand ourselves, we must fathom and consciously embrace that tradition; and in order to be ourselves, to keep our identity intact and waterproof, we must support that tradition with all our heart. In fact, we owe it our complete loyalty; and we ought to offer its demands an unquestionable priority whenever calls for loyalty—in that society of multiple loyalties—clash.

The argument, as it were, reverses the true order of things. Traditions do not “exist” by themselves and independently of what we think and do; they are daily reinvented by our dedication, our selective memory and selective seeing, our way of behaving “*as if*” they defined our conduct. The communities are *postulated*; and the meaning of their being “real” is that many people, in unison, follow

that postulate. The call to give the “community of belonging” our prime and undivided loyalty, the demand to consider ourselves the community member first, and all the rest later, is precisely the way to make community a “reality,” to split the larger society into little enclaves which eye each other with suspicion and keep at a distance from each other. And because these communities, unlike modern nations well-entrenched in the coercive and educational institutions of the nation-state, do not have many legs to stand on except our individual loyalties, they require an unusually intense emotional dedication and shrill, vociferous, and spectacular declarations of faith; and they sniff in the half-hearted, lukewarm, and undecided fringes the most mortal of dangers.

So there is another contradiction between the “community narrative” and the true state of affairs it narrates. The siren-song of community is all about the warmth of togetherness, mutual understanding, and love; such a relief from the cold, harsh, and lonely life of competition and continuous uncertainty. Community advertises itself as the cozy home amidst a hostile and dangerous city; it draws profusely, overtly, or obliquely, on the very contemporary image of the sharp divide between the fortified and electronically protected homestead and the street full of knife-carrying strangers, the wasteland subjected to a chary “neighborhood watch.” Community seduces its proselytes with the promise of freedom from fear and the tranquillity of *chez soi*. But again, the reality is all too often the opposite. Given the endemic brittleness of foundations, community can ill afford anything but full and militant dedication to the cause; its self-appointed guardians are day and night on the lookout, searching for real or putative traitors, turncoats, or just the half-hearted and irresolute. Independence is frowned upon, dissent hounded down, disloyalty persecuted. Pressure to keep the intended flock in the fold is unrelenting; the craved-for coziness of belonging is offered at the price of unfreedom.

The overall effect of all this is yet another case of the by now familiar tendency to expropriate the individual’s moral responsibility. It is now the community, or rather the self-proclaimed wardens of its purity, who draw the boundaries of moral obligations, divide good from evil, and for better or worse dictate the definition of moral conduct. The paramount concern of their moral legislation is to keep the division between “us” and “them” watertight; not so much to

promote moral standards, as to install *double* standards (as the French say, *deux poids, deux mesures*)—one for “us,” another reserved for the treatment of “them.” True, unlike the depersonalized world of privatized individuals, the postulation of community neither promotes moral indifference nor suffers it lightly. But it does not cultivate moral selves either. It replaces the torments of moral responsibility with the certainty of discipline and submission. And the disciplined selves are in no way guaranteed to be moral, while the submissive selves can be easily deployed—and are deployed—in the service of the cruel, mindless inhumanity of the endless (and hopeless) intercommunal wars of attrition and boundary skirmishes.

Risk and Limits

We have come a long way in our search for the sources of moral hope, but remain, so far, empty-handed. Our only gain is that we have learned where such sources are unlikely to be found. Bureaucracy and business were never famous as shrines of ethics and schools of morality. But nor can much be expected from the entities meant to compensate for the harm they have done to the moral backbone of human selves. Back to the family? Processes of privatization reach deep into the heart of family life. And even making parents unpaid policemen, as those who propose fining parents for their children’s misbehavior want, would hardly stem the tide. Back into the community fold? Here, moral responsibilities are more likely to be put into deep freeze than resuscitated. More than two centuries after the Enlightenment promised to legislate for an ethical and humane society, we are left, each of us, with our own individual conscience and sentiment of responsibility as the only resource with which to struggle to make life more moral than it is. And yet we find this resource depleted and squeezed.

This is not just a matter of concern for moral philosophers and preachers. However worried they may be, there is every reason for their worry to be widely shared. The dilemma we confront now has been expressed poignantly by the great German/American ethical philosopher, Hans Joas: “The very same movement which put us in possession of the powers that have now to be regulated by norms . . . has by a necessary complementarity eroded the foundations from which norms could be derived. . . . Now we shiver in the nakedness of

nihilism in which near-omnipotence is paired with near-emptiness, greatest capacity with knowing least what for.”

We have seen that all the designed and tried artificial substitutes for spontaneous moral impulses and the individual responsibility for the Other have failed, or worse, ended up disarming the ethical safeguards against the danger of the human thrust towards control and mastery to degenerate into inhuman cruelty and oppression. We can repeat now with yet greater conviction Max Frisch’s words: at the end of our long modern march towards a reason-guided society, we are returned, as far as the terms of our coexistence are concerned, to our old resources of moral sense and fellow-feeling, guiding us in daily moral choices.

For such guidance, we have no indubitable and universally agreed upon codes and rules. Choices are indeed choices, and that means that each is to some extent arbitrary, and that uncertainty as to its propriety is likely to linger long after the choice has been made. We understand now that uncertainty is not a temporary nuisance, which can be chased away through learning the rules, or surrendering to expert advice, or just doing what others do. Instead it is a permanent condition of life. We may say more—it is the very soil in which the moral self takes root and grows. Moral life is a life of continuous uncertainty, and it takes a lot of strength and resilience and an ability to withstand pressures to be a moral person. Moral responsibility is *unconditional* and in principle *infinite*—and thus one can recognize a moral person by their never quenched dissatisfaction with their moral performance; the gnawing suspicion that they were not moral enough.

On the other hand, a society that engages its members, as the *polis* did, in the different yet imperative task of caring for and running common affairs so that the common life could observe the standards of justice and prudence—such a society requires neither disciplined subjects nor satisfaction-seeking consumers of socially provided services, but rather tenacious and sometimes obstinate, but always responsible, citizens. To be responsible does not mean to follow the rules; it may often require us to disregard the rules or to act in a way the rules do not warrant. Only such responsibility makes the citizen into that basis on which can be built a human community resourceful and thoughtful enough to cope with the present challenges.

Conceivably. And no more than that, since no guarantee is given that such a community will indeed be built, and since there are no foolproof methods to make sure that it is. In fact the only assurance is the relentless effort of the builders itself. What may help in this effort is the awareness of the intimate connection (not contradiction!) between autonomous, morally self-sustained, and self-governed (often therefore unwieldy and awkward) citizens and a fully-fledged, self-reflective, and self-correcting political community. They can only come together; neither is thinkable without the other.

THE COMMUNITY'S PULSE

Rethinking the "Golden Years"¹

Percent of older Americans (50-75) who believe retirement is "a time to take it easy, take care of yourself, enjoy leisure activities, and take a much-deserved rest from work and daily responsibilities": 28% (32% of retirees and 23% of nonretirees).

Percent of older Americans who believe retirement is "a time to begin a new chapter in life by being active and involved, starting new activities, and setting new goals": 65% (61% of retirees and 70% of nonretirees).

The Court Hangs Tough²

The percent of Americans with confidence in:

	1966	1975	1999
The Presidency	41%	12%	22%
The Congress	41%	11%	12%
The Supreme Court	50%	35%	42%

Thoughts for Summertime³

1939: Do you think it is indecent for men to wear topless bathing suits?

yes-33%

no-67%

1992: Do you think women should be permitted to sunbathe topless on public beaches if they choose to, or do you think topless sunbathing on public beaches should be banned?

permitted-34%

banned-66%

1992: Would you, yourself, consider sunbathing topless on a public beach if it were allowed? (Asked of women)

yes-7%

no-93%

1. Peter D. Hart, 1999.

2. The Harris Poll.

3. *The Public Perspective*, February/March 1999.

Compiled by Dan Doherty

LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

From the Libertarian Side

Overreaction? YES MA'AM!

In post-Columbine America, educators and policymakers are searching for creative ways to preempt destructive, antisocial behavior by reintroducing civility and other basic social norms into schools. Such is the case in Louisiana. Beginning this past school year, the state's public school children were required, by state law, to use courtesy titles such as "ma'am" and "sir" when addressing their elders. As the *Washington Post* reports, several other states, mainly in the South, may adopt similar proposals. Some, such as Kentucky, plan on using "Mr." and "Mrs." instead of the traditional southern "ma'am" and "sir." And taking the Louisiana model a step further, Kentucky Governor Jim Hodges has announced a \$900,000 character education initiative to accompany the school manners legislation that is currently under consideration in the state legislature.

Supporters of the Louisiana law argue that the measure is a helpful step in restoring the order and civility that have been lost over the past few decades. Critics of the legislation, however, claim that the law embodies a return to old-time racist values—keeping people in their place—and that it is an unconstitutional intrusion on the student's First Amendment Rights. Joe Cook, executive director of the American Civil Liberties Union of Louisiana, warns that the manners law is a dangerous move toward a "totalitarian society." Cook explains that the ACLU's "objection is that this is forced speech, that you are forcing

young people to speak in a certain manner or they will be disciplined... It reminds me of how inmates in prison are required to address their warden." Defenders have pointed out that students already risk discipline if they don't speak in a certain manner: third graders are usually not allowed to address their teachers by their first names.

The Louisiana legislation's author, state senator Donald Cravins, himself African-American, explains that he was motivated to create the legislation after his wife, a public school teacher, became frustrated over the increasingly poor behavior of her students. While not a panacea, Cravins notes, "It just makes life a little easier. We cannot progress as a society where there is little civility. We have to be able to communicate without cursing each other or killing each other."

Freedom from Self-Regulation?

In the fall of 1999, over 300 Internet and computer industry executives, legal experts, and community leaders met in an attempt to develop standards to control illegal and dangerous content on the Internet without government regulation. The conference produced several recommendations, including a voluntary rating system for Internet content, filtering technology, hotlines for the public to report illegal content, and a voluntary code of conduct for Internet service providers.

The ACLU, while acknowledging that the conference's recommendations did not involve government actions or even binding agreements on Internet service providers or content producers, proclaimed the conference's report to be a sign of an encroaching Big Brother. Branding the proposed hotline operators as "self-appointed judges," ACLU President Nadine Strossen went on to argue that the conference's recommendations would stifle Internet speech, produce burdensome costs that would be passed on to consumers, and eventually lead to increased government regulation of Internet content.

Supporters of the proposals, in contrast, have asserted that preemptive self-regulation is actually the best way to *avoid* increased government regulation. Some even went so far as to claim that companies have a basic moral responsibility to prevent illegal and dangerous content, like bomb-making instructions, from being disseminated.

From the Authoritarian Side

What a Lovely Day for an Outdoor Culinary Excursion

At the State University of New York at Albany, a picnic to honor baseball great Jackie Robinson became the focal point of a curious controversy. A group of 40 students objected to use of the word “picnic,” asserting that the word referred to the lynching of blacks. Though the word is actually derived from a 17th-century French term for a social gathering at which each person brings a different dish, Zaheer Mustafa, the university’s affirmative action director, asked student groups to refrain from using the term “picnic.” As Mustafa explained, “Whether the claims are true or not, the point is the word offended.”

In deference to the offended students, the university and participating student groups decided to replace the word “picnic” with the word “outing.” This action, in turn, provoked offense among the university’s gay community. In the end, the university simply publicized the event without a noun to describe what was going on.

The SUNY incident is reminiscent of the situation last February in Washington, D.C., in which an aide to Mayor Anthony Williams was forced to resign after using the word “niggardly”—meaning miserly or stingy—to describe part of the city’s budget. The word’s similarity to the racial slur offended some. The aide, David Howard, was eventually rehired. It doesn’t look like any such rectification will occur in Albany.

Secret Agent Spot

Police in Gloucester, England, have begun an ongoing sting operation in an effort to enforce a law that forbids bigoted verbal comments. In a column in the *Chicago Sun Times*, John O’Sullivan reports that “Operation Napkin,” as the action is called, involves undercover officers eavesdropping on private conversations in restaurants in the hopes of uncovering offensive speech. One man has already been arrested as a result of the program, and another was detained for impersonating an Indian waiter, though he was later released due to the relatively innocent nature of his offense.

As O'Sullivan noted, in *1984* George Orwell foresaw a world in which the most serious crimes would not be those against body and property, but rather "thought crimes." And what evidence does a thought crime leave behind? "The evidence for thought crimes," O'Sullivan writes, "has to be sought in the nearest equivalent to thoughts: private conversations."

Last year an official British report proposed criminalizing the making of racist remarks in one's home. Is there an "Operation Bug-the-Dog" in the near future?

From the Community

www.smalltown.com

La Grange, Georgia, a city of less than 30,000 people that is a little more than an hour's drive southwest of Atlanta, will soon become the largest community in the United States that is completely wired to the World Wide Web. According to the *New York Times*, the city plans to install modems and computer equipment in every home, school, government office, and retail store in town.

La Grange's mayor, Jeff Lukken, explains that the city was motivated to undertake this massive program in order to promote community prosperity. "It's important to have a work force with the right skills, the ones that meet the standards that information technology companies demand," said Lukken.

Beyond the educational and job-training advantages that La Grange's ambitious program will create for the city's population, having the entire community wired to the Internet will also benefit local residents and merchants in other ways. Residents will be able to enjoy the benefits of e-commerce while maintaining established relationships with local store owners, since those owners will also be online. And parents will be able to download homework assignments from school web pages for sick children, while the parents themselves will be able to do more of their own jobs at home, making it easier for them to stay home with their children when the need arises.

When a Mentor Can Provide What a Parent Can't

Both common sense and science confirm that adolescents benefit greatly from the presence of adult role models in their lives. When a young person grows up with a disability, such role models can become even more crucial.

In the first program of its kind, researchers and social workers at Pennsylvania State University have begun a massive campaign to use the Internet to connect young men and women with significant communications disabilities with similarly situated adults. It is estimated that nearly two million Americans suffer from a severe communications disability, often caused by cerebral palsy, Lou Gehrig's disease, or some other degenerative condition or brain trauma which leaves them unable to communicate on their own. Many of these men, women, and children make use of augmentative and alternative communications technologies, commonly referred to as AAC.

According to the American News Service, so far 15 mentors have been matched with adolescents, and there are plans to expand the program to 60 pairs. The pairs communicate regularly via e-mail, discussing the problems and challenges of adjusting to adulthood with a disability. The program's administrators hope that the mentors will be able to reach the young people at a critical time. "These teens are at difficult transitions in their lives," says Janet Light, researcher and associate professor of communications disorders at Penn State's College of Health and Human Development. "The challenges of becoming an adult—such as the whole independent living challenge—are magnified significantly because of their disabilities."

The program's directors hope to continue recruiting mentors and matching them to young people in need of support. There are also plans to create programs for blind and deaf adolescents based on the AAC mentoring model. Light sees a bright future for the project, noting, "This is a low-cost program... All they need for this mentor-protégé program is access to a computer and the Internet."

Joseph Ura

CIVIL VARIETY

Is There Life Without a Downtown?

Olivia Hawkinson

No streetcars. No high-rise buildings. No Main Street. Fountain Valley has no downtown, and residents are darn proud of it. Located in Orange County, California, this self-described “nice place to live” thrives on sales taxes from shopping centers and “big box” chain stores scattered throughout the city, and residents meet at parks and recreation centers for community activities. Who needs a downtown?

Northern neighbor Los Alamitos has a different attitude. Residents, merchants, and city officials dream of a hometown hub where citizens can stroll from shop to shop. City planners have designed a “Town Center” plan to transform the east side of Los Alamitos Boulevard, from Katella to Farquar avenues, into a new downtown. Plans are in the works to transform another chunk of town, along Katella east to the Los Alamitos Medical Center. Local merchants meet once a month to brainstorm ideas for the new shopping area.

Born as farming communities, Fountain Valley and Los Alamitos were planned by their founding fathers as quiet bedroom communities. At the dawn of the 21st century, they’ve taken divergent paths: one successful, sans Main Street; the other, soul-searching for something more.

The Road More Traveled By

The farming community of Fountain Valley incorporated in 1957, decades after the surrounding bigger cities of Santa Ana, Huntington Beach, and Costa Mesa. Those larger cities grew up around existing downtowns while quiet Fountain Valley grew strawberries and lima beans. “Our master plan called for a residential community with no downtown because there was just one major thoroughfare through the city at that time—Brookhurst—which has all the retail and commercial businesses still,” said City Councilman John Collins. In the 1960s and 1970s, Fountain Valley grew into a bedroom community and the fields made way for housing tracts. Families were drawn here by the schools and jobs in aerospace and technology.

Today there is no city nucleus other than a geographic center, the Civic Center at 10200 Slater Ave., Collins said. The community center, City Hall, library, and Police Department are there. Two long blocks away, six-lane Brookhurst Street bustles with restaurants, strip malls, and one small movie theater.

The city is known in this part of the county as sales tax heaven—“big box” stores such as Costco, Sam’s Club, and Sportmart dot the shopping centers and lure thousands of shoppers from neighboring cities. The city earned \$8.8 million in sales tax revenue in 1999—about \$157 for each of Fountain Valley’s 56,000 residents, said finance director Liz Fox.

Weekend and lunchtime shopping draws residents together for casual mingling. After shopping at the Costco near Talbert Avenue and Newhope Street, residents pack the outdoor tables to eat pizza slices and hot dogs from the snack bar. “I’ve never heard any kind of suggestion to create a downtown or make an area that would serve as a central meeting place,” Collins said. “Most people would probably complain if it was going to be in their section of town. There’s so much residential it’s tough to get away from it.” Residents in the Green Valley neighborhood complained about traffic and noise when the city developed the Costco area in the late eighties, Collins said.

Paula Fitzgerald, a resident since 1974, said the idea of “downtown Fountain Valley” never occurred to her. “I don’t like the idea of fabricating a downtown,” said Fitzgerald, 52. “I don’t think we’re a

big enough city to be missing a downtown. Let people put their businesses where they want to—why does it have to be so centered? I think there’s already a tremendous heart here in Fountain Valley.”

The quest for a sense of community does drive residents to the city’s recreation center at Brookhurst and Heil Avenue, where softball fields, soccer games, and senior center activities draw hundreds of people on weekends. The city has outgrown the recreation center, and city officials are working on a conceptual plan to develop 23.5 acres for more fields and facilities at the center—a \$6 to \$8 million project for sports, picnics, and festivals.

The “Traditional” Approach

Cars speed along Los Alamitos Boulevard on their way to the San Diego (I-405), San Gabriel River (I-605), and Garden Grove (22) freeways. Many drivers cruise by without a glance at the sixties-era faded strip malls between Katella and Farquar avenues.

Residents, merchants, and city officials envision more on the main drag. The city council, after years of mulling over the idea, voted in December to fund the boulevard makeover with more than \$600,000 in Measure M transportation funds through 2002. The Town Center plans call for landscaped medians, road design changes to slow traffic and lure shoppers, increased parking, construction of plazas, and the moving of utility lines underground. The city also plans to transform the alley behind the strip malls on the east side of the street into extra parking and a pedestrian plaza. Palm trees will replace boring bushes, stylish light poles will bump 20-year-old street lights, and merchants will hide trash bins from view.

“I want to see palm trees out there on the boulevard,” said Rossmoor resident Judy Klabouch, who has owned Green Street Interiors—in the heart of the Town Center project area—for 23 years. “It would make people think they are someplace instead of just passing through. That’s real important to me.”

Residents and business owners rallied for the Town Center project for more than aesthetic reasons, said David Lepo, community development director. The city of 11,500 focuses on kids, families, and schools, he said. City Councilwoman Marilyn Poe said she wants to

provide residents a place to shop, eat, and spend more time in their community. Most people leave Los Alamitos for those leisure pursuits, she said. “They should be able to walk around in their community,” said Poe, 59, a 57-year resident. “They should be able to live in the city where they reside. Residing and living somewhere are two different things.”

The city also plans to develop the boulevard and Pine Street north of Katella, to connect with the expanding Los Alamitos Medical Center. The council will host study sessions on the proposed expansion of the Town Center project later this year, Lepo said. Merchants complain that the city is dragging its heels on starting Town Center construction south of Katella, but residents are hopeful.

“The city lacks a heart,” said Margrit Kendrick, 70, a city historian. “I’d like an outdoor area where it would be nice to shop, sit down, and have a cup of coffee. We’re becoming more and more of a sit-at-home, sit-behind-the-computer society,” said Kendrick, a 41-year Rossmoor resident. “It would be nice to have a place where we could go out on a nice evening, see our neighbors and chat a bit.”

COMMENTARY

Liberalism: The Good, the Bad, and the Neutral

I appreciate Ronald Beiner's generous review (Spring 2000) of my book, *Diversity and Distrust: Civic Education in a Multicultural Democracy*. I join Beiner in rejecting morally thin versions of liberalism, and I wholly endorse his assertions that "citizenship in a self-governing republic is a substantive good," and that the "virtues, social practices, and public agencies that fortify this good are to be welcomed." Indeed, these civic goods are not simply to be welcomed but planned for: we should be much more attentive to the civic consequences of a wide range of social and economic policies. In the book under review and in an earlier one (*Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism*), I try to offer a version of liberalism that takes communitarian and civic republican concerns seriously.

The overarching and regulative commitment to liberal justice insists on the basic importance of securing equal rights for all. Within the broad freedoms of the Bill of Rights, however, there is ample room for public policies to encourage people to use their freedom in ways that tend toward social goods. Government should avoid coercive interference with a broad array of liberal freedoms, but that does not mean that government policy must be neutral with respect to the ways that people use their freedom. We can, for example, respect the most intimate sexual freedoms while promoting stable long-term commitments by giving married couples various forms of favored treatment. In fact, we should promote greater justice *and* broaden the

scope of our moral judgments about sexual relationships by recognizing gay marriages.

In the book that Beiner has reviewed, I defend the underlying civic purposes (if not always the actual performance) of public schools, while acknowledging that the agenda and curriculum of liberal democratic common schooling is bound to be deeply objectionable to some religious and cultural communities. Indeed, much of *Diversity and Distrust* aims to show that if we want to understand the substantive values that a liberal political regime stands for, it is instructive to examine the deep conflicts between this regime's educational policies and civic aspirations, and the opposing educational aims of some religious communities. (I focus on pre-Vatican II Roman Catholicism and 20th century Protestant Fundamentalism.) I urge liberals to be tough-minded when responding to many religious complaints and to some forms of multiculturalism and the "politics of difference," for liberalism is not about the indiscriminate embrace of diversity, but about the promotion of distinctive and substantive liberal values, which remain controversial.

Where Beiner and I disagree is mainly with respect to the subtle political philosophy of John Rawls, especially as developed in his book, *Political Liberalism*. I cannot go into detail here, but I believe that the problems with Beiner's view are twofold. First, Beiner is too quick to dismiss the advantages of a theory of justice that allows us to live with—rather than trying to settle—many religious controversies and some long-standing philosophical problems. Something like Rawls's "strategy of avoidance" is essential in a modern constitutional regime: citizens can share deeply important political relations while disagreeing deeply about their religious convictions (a liberal public morality is not consistent with all religious differences, but it is compatible with many). Beiner is too quick to dismiss the importance of this historic development.

The reason why Beiner dismisses the "strategy of avoidance" has to do with our second disagreement. Beiner seems to me to exaggerate and misconstrue the sorts of controversies that a "political liberal" approach seeks to avoid. Let me try to put the point strongly: The aim of political liberalism as I deploy it (and I believe this is consistent with Rawls) is not to avoid promoting substantive political ideals and shared values associated with citizenship; rather, the aim is to avoid

some enduring religious and philosophical controversies *precisely so that we can get on with our shared business of promoting justice and other civic ideals*. Part of the aim is indeed to limit the scope of political morality—to prevent politics from taking a stand on religious questions as such—so that we can liberate our public morality from some avoidable controversies. But political liberalism is about picking our fights, not avoiding them altogether.

Oddly, at the end of his essay, Beiner concedes the essential point: “In the case of religion, for reasons that are familiar enough, the liberal state might well have good reason to do its utmost to display evenhandedness toward the various religious denominations, a way of dealing with religion that one might go so far as to call neutrality of aim” Beiner has spent an entire essay trying to debunk the distinction between “neutrality of aim” and “neutrality of effect,” so this last minute concession is a surprise.

In fact, the right sort of evenhandedness toward religion depends squarely on the distinction (which is central to liberalism but which Beiner calls “dubious”) between neutrality of aim and neutrality of effect with respect to religion. Consider, for example, some of the elements of a liberal ideal of good citizenship. It will include the capacity to think critically about principles of justice and to offer and demand public reasons for the way that we or others seek to direct political power; the willingness to treat other citizens as equals in spite of differences such as race, gender, creed, and ethnicity; and the readiness to take an active hand in common civic affairs, to deliberate and cooperate with one’s fellow citizens in order to address matters of common concern. Helping children to develop the capacities to lead independent lives and to think about what is required by justice will involve exposing children to the diversity of views held by their fellow citizens, helping them to engage contending political and moral arguments thoughtfully, and challenging them to think critically and reason carefully about complex matters of public concern. To promote these civic virtues *as civic virtues* is not to take sides on any religious controversy (and in this sense liberalism’s aims are neutral with respect to competing religious conceptions).

Of course, not every religious tradition will embrace these political virtues. Some will view the emphasis on critical public reason with deep hostility. Some will deny that children should be educated

within public institutions that treat citizens' differing religious traditions evenhandedly: such an institution, they will charge, sows the seeds of skepticism and draws children away from the religious traditions of their parents. Variations on these charges have been leveled against American public schooling by the 19th century Catholic hierarchy, and by Protestant Fundamentalists more recently. No one could contend that liberal civic virtues are equally attractive to every religious tradition.

Public educational policy has been deeply controversial from the start because (in part) of conflicts such as these. In defending the legitimacy of controversial civic aims, it seems to me extremely important to maintain the distinction between neutrality of aim and neutrality of effect. With respect to the various religious views of citizens, public programs should be neutral in their aims: public programs should not be designed with an eye to religious purposes as such, else they will rightly be charged with establishing a religious view. Our shared political institutions should be animated by reasonable civic concerns. Nevertheless, it is unreasonable to insist that public programs must be neutral in their effects. It is unreasonable to insist that public programs—educational or otherwise—that have legitimate civic aims (such as the promotion of good citizenship) must be equally attractive to all the different religious and cultural traditions in the polity. Such an aim is impossible to realize, and it would be both debilitating and incredibly divisive to pursue.

When public schools teach about the scientific evidence of man's origins they are viewed with deep hostility by some citizens who regard evolution as at odds with their view of God's role in the creation of human life. The distinction between neutrality of aim and neutrality of effect is crucial here. It is possible that teaching about scientific evidence (here as elsewhere) will have the effect of undermining certain religious views, but that is not our aim. Our aim is to inform children about bodies of evidence and approaches to knowledge that we regard as important to helping them make their way in the world as individuals, and helping them to act competently as citizens. It is not our aim to persuade them of this or that religious view.

Beiner and I also disagree about other constraints built into a "political liberal" approach to justice. I cannot elaborate on the point

here, but I believe that this version of liberal constitutionalism accommodates a wide range of public actions designed to address the sorts of civic concerns that unite Beiner and me (and the editors and no doubt many readers of this journal). Beiner goes wrong (along with other critics of Rawls such as Michael Sandel) in thinking that because “political liberals” want to avoid some controversies they must want to avoid all controversies.

Liberalism, properly understood, stands for the central political importance of protecting a broad range of individual liberties for all; it does not stand for a refusal to try and influence the way that people use their freedom in order to give due weight to other values. Citizens’ attitudes and behavior can be shaped by (among other things) education policy, housing policy, urban and metropolitan design and planning, community policing, regulations and political structures that shape cooperation in civil society, and by a host of other political measures. Liberal constitutionalism properly understood leaves ample scope for public measures designed to shape the ways that adults and children use their freedom.

I can only say in conclusion that I appreciate Ronald Beiner’s generous review, and I join him in affirming the possibility of a civically and morally robust liberalism. With respect to the long-standing conflict between liberals and communitarians, let me suggest that the time is ripe for constructive engagement designed to explore how the two approaches to politics can be reconciled. Surely any decent political theory will give due weight to liberal justice—the great aspiration to equal freedom for all citizens—as well as to the imperative to plan for good communities and responsible citizenship in a self-governing republic. Instead of trying to score abstract points by focusing on conflict, let us think about how both of these great political aspirations can be given their due.

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