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Volume 11, Issue 4, Fall 2001

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On Recruiting Teachers:
A Communitarian Approach
Representative David E. Price

My press secretary earned his pay the day he thought up the idea: a press conference in North Carolina State University’s empty football stadium, the vacant seats dramatizing the number of teaching positions the state would have to fill in order to meet public school needs over the next ten years. This compelling visual attracted television and newspaper cameras and helped me give a conspicuous local sendoff to my Teaching Fellows Act, H.R. 839, introduced in the 107th Congress on March 1, 2001.

Actually, North Carolina could fill that stadium and the basketball arena next door and still fall at least 6,000 short of the 80-90,000 new teachers it will need to hire over the next decade. Nationally, estimates run in the range of 2.2 to 2.5 million. Projected shortages are much more serious in some states and districts (especially inner cities and the rapidly growing West and South) and subject-matter fields (such as special education, mathematics, physical sciences, and foreign languages) than in others. The challenge is exacerbated by the approaching retirement of the many teachers hired during the baby boom enrollment years and an attrition rate among new teachers that still has some 30 percent leaving within five years.

Most proposed school reforms will flounder without the recruitment of large numbers of qualified teachers. Many school districts
already are struggling to recruit and retain teachers; they often em-
ploy underprepared teachers, particularly in fields where the knowl-
edge required for teaching can command far more pay outside the
classroom. But while the quantity and quality of the teaching force is
arguably the pivotal education issue of the next decade, neither
political party has given it top billing on its education agenda or has
moved far beyond stereotypical responses to the challenge.

Neither offering federal stipends or student loan forgiveness to
prospective teachers—as proposed by the Clinton administration—
or exhorting individuals to pursue teaching careers—an approach
favored by the current president and first lady—is likely to produce
the kind of intensive, sustained effort we need to nurture prospective
teachers, strengthen their professional identity, and help them suc-
ceed as they enter the classroom. We need a “third way”—not in the
sense of splitting the difference between current partisan approaches,
but as a way of transcending both. I believe that the Teaching Fellows
Act, while hardly a comprehensive solution, represents such a third
way and does so by drawing on familiar communitarian concepts and
values.

The Teaching Fellows Act would set up a competitive process
whereby states could apply for matching (75-25 percent) federal
grants to establish or expand scholarship programs for prospective
teachers. The proposal is based on a program enacted by the North
Carolina General Assembly in 1986. It awards four-year scholarships
of $6,500 annually to high school seniors and obligates them to teach
for four years in the state’s public schools. The program typically
selects some 415 fellows per year from 1,800 or so applicants. The
percentages of minority (about 20 percent) and male (25 percent)
students recruited exceed their share of the state’s teaching force.
Fellowship recipients join cohorts of anywhere from 25 to 240 stu-
dents at one of 14 colleges and universities—two private, twelve
public, two historically black, one historically Native-American—
participating in the program. These groups of fellows participate in an
extensive extracurricular program on each campus during the school
year and with fellows from other campuses in the summer.

The Teaching Fellows Act would give states the option of making
the year of application and selection for the program either the senior
year in high school or the sophomore year in college, when students
would perhaps be better prepared to make a mature career choice. It would also authorize a second fellowship program: a “Partnership Program” aimed at community college students, particularly those being trained as teaching assistants, who might with encouragement go on to obtain full teaching certification. Here, too, students would be offered $6,500 fellowships, with pro-rated aid for part-time students. States could use up to 20 percent of their grant for institutional purposes, strengthening partnerships between two-year and four-year colleges and universities and compatibility among their curricula.

The legislation pegs first-year authorization levels at $200 million for the Teaching Fellows program and $100 million for the Partnership program. The size of the grants awarded to individual states would depend on the overall funds available, the relative size of the state’s student population, and the minimum amount deemed necessary by the Secretary of Education to run a viable state program. (North Carolina’s Fellows program currently subsists on an $11 million annual budget.)

The Teaching Fellows Act goes beyond previous national programs and proposals in the ways it draws on values embedded in community life. Central to the legislation are the ideas of reciprocal obligation and community service. In this it resembles the National Health Service Corps, which helps finance students’ medical and dental education in exchange for service in underserved areas, and early National Service proposals, which envisioned young people being given scholarships as compensation for community service. The program recognizes that talented students will have other options, often more remunerative, and that special incentives may be necessary to encourage them to prepare for a teaching career. At the same time, teaching is regarded as a uniquely valuable and personally rewarding way of serving the community—an appropriate way for those who have enjoyed opportunities in education and personal development to “give something back,” and a career that, once students have embarked on it, will often prove challenging and satisfying.

The Partnership program, in addition, places special emphasis on enabling students to serve their home communities. Martin Lancaster,
who as president of North Carolina’s community college system helped me formulate the Partnership proposal, notes that beginning teachers, including those recruited through scholarship programs, are all too often lured by “the bright lights of the city or the rich suburb,” leaving rural and inner city schools behind. But community colleges typically contain people more deeply rooted in those underserved areas, and enabling them to complete four-year degrees would be a promising strategy for identifying and training a cadre of “homegrown” teachers.

A second communitarian feature of the Teaching Fellows approach is the setting it provides for teacher training. It does not merely throw money at individual students but seeks, through a rich extracurricular program, to promote *esprit de corps* and collaborative learning, to strengthen professional identity, and to provide a support system as students first enter the classroom as teachers. Students participate in various community and school-based internships and experiences that go well beyond normal teacher preparation. The summer enrichment programs feature a statewide bus tour, orientations to school systems and educational issues, internships, and other opportunities ranging from Outward Bound to international travel.

The program’s third communitarian feature is its decentralization and flexibility. The Teaching Fellows Act offers federal support for clearly defined purposes, but it is designed to foster innovation, adaptation to local needs, and an assumption of responsibility on the part of those running the program. A state must take the initiative in identifying its needs and developing a proposal, and it must assume responsibility for 25 percent of program costs. Campus programs heavily rely on local initiative and communal spirit.

Federal decisions on program renewal and funding would be based on a state’s success in meeting the legislation’s objectives: recruiting and retaining teachers. Yet the legislation assumes that the route to success is not through regimented, top-down administration but through a decentralized structure that engages and empowers local leaders and participants. States would be given the option of running their programs through nonprofit organizations separate from their department of education, an arrangement that has fostered innovation and flexibility in North Carolina.
State programs on the Teaching Fellows model obviously are only a partial solution to the looming shortfall in teacher quantity and quality. Questions remain concerning the optimal size of these programs: their decentralized, community-based character may also effectively limit their size and scale. Complementary recruitment efforts extending beyond college students to early retirees and persons open to a career change will also be necessary. Retention remains a pressing problem. Though Teaching Fellows programs need to address this problem by maintaining greater continuity in their mentoring of new teachers, low retention also raises broader issues of teacher compensation, working conditions, and professional autonomy.

While programs to attract more college students to teaching are no panacea, they have been successful enough in North Carolina and a few other states to warrant replication, with support from the federal government. The Teaching Fellows program has helped North Carolina stabilize the decline in the number and quality of students entering teacher education programs. It attracts good students (the average SAT score for 2000-01 recipients was 1198, compared to the state average for college freshmen of 988), and enhances their preparation significantly. When surveyed after graduation, 78 percent of the fellows felt that they were better prepared than other new teachers. Their principals agreed, ranking fellows’ performance above that of other new teachers in every area assessed, including student discipline, curriculum planning, instructional methods, working with parents, and decision making. The presence of Teaching Fellows programs has also provided models and incentives for the general improvement of teacher-preparation programs on participating campuses. Retention rates are slightly above the state average for new teachers. In 2000-01, 73 percent of Teaching Fellows graduates who had completed their service payback were still employed in public schools.

In order to extend this type of success nationwide, federal policymakers must go beyond the dominant partisan approaches to teacher recruitment. Firmly grounded in communitarian values, the Teaching Fellows program offers an attractive model for how they can begin to do so.
The Promise and the Peril of “Communities of Character”
William A. Galston

According to recent press reports, President Bush is planning to launch a new initiative, “Communities of Character,” to emphasize the role of the president as moral leader and to focus public attention on the values that unite Americans. This initiative, modeled in part on Bill Clinton’s post-1994 values campaign, will downplay proposals that require Congressional approval and focus instead on mobilizing the private and voluntary sectors to address problems like drugs, school safety, and the impact of the news and entertainment media and the Internet on civic and community life—especially on our young people.

Communities of Character rests on some sensible premises. Surveys taken in Democratic and Republican administrations, in bad economic times as well as good, show persisting concern over what the American people see as the declining moral and civic condition of the country. At the same time, despite the increasing ethnic and religious diversity of the population, surveys also show that Americans continue to agree on a significant number of moral and civic values, which they regard as appropriate guides for public policy, the voluntary sector, and even public education. Americans have long believed that government’s reach, though vital, should be limited and that community-based action can achieve important public purposes. And there is broad support for new forms of partnership between government and voluntary associations, although the details matter a lot—witness the travails of the administration’s faith-based initiative.

Despite this general public support, my own experience suggests that it will not be easy for President Bush’s initiative to achieve its hoped-for results. As a policy adviser in the Clinton White House, I worked with others of like mind to revitalize America’s civic life. While we scored some programmatic successes—creating the Corporation for National and Community Service, for example—I have to say that the broader effort to use the White House’s convening authority and bully pulpit to stimulate a new ethic and practice of citizenship did not succeed, despite the personal involvement of both
the president and the vice president. The adverse cultural trends were too powerful to overcome, and sustained presidential involvement proved hard to achieve. When pitted against the more urgent demands of legislative and foreign crises in White House deliberations, the citizenship agenda typically took a back seat.

On the other hand, presidential advocacy can sometimes evoke a civic response out of all proportion to the effort and resources invested—John F. Kennedy’s inaugural call to civic contribution and creation of the Peace Corps are classic examples. Early in the Clinton administration, some of us became alarmed by the soaring rate of teenage pregnancy, which had adverse consequences for children, young parents, communities, and the nation as a whole. I and others urged President Clinton to speak out. He did so in his 1995 State of the Union address, calling not for a new federal program but for a national leadership coalition to confront this problem. In response, a group headed by Isabel Sawhill, a former Office of Management and Budget official now at the Brookings Institution, founded the National Campaign to Prevent Teen Pregnancy. Translating President Clinton’s vision into reality, this organization has rallied the private sector, foundations, the entertainment media, states and local communities, academic and religious leaders, and concerned young people around the goal of a one-third reduction in the teen pregnancy rate by the middle of this decade. Outside observers believe that the Campaign has helped change the climate of opinion around this issue and contributed to a significant decline in teen pregnancy during recent years.

Whatever the specific policy focus of President Bush’s new initiative turns out to be, the idea at its heart is hardly alien to our political traditions. Franklin Roosevelt once remarked that the presidency is preeminently a place of moral leadership, and most modern presidents have tried to use their office to mobilize the people around policies they regarded as morally grounded.

President Bush’s emphasis on character and community also has deep roots in American history. During the debate over the ratification of the U.S. Constitution, James Madison spoke for many when he insisted that a self-governing republic presupposes the existence of virtue among the people to a higher degree than any other form of
government. Thomas Jefferson pleaded for the division of larger units into small wards, which would give every citizen the opportunity to participate in the character-forming benefits of self-government. A generation later, Alexis de Tocqueville praised the United States for resisting excessive political centralization and for giving its citizens opportunities to participate in local self-government, which he regarded as key to forming civic character and resisting the tendencies toward selfishness and isolation that are endemic in a commercial society. The Bush initiative draws as well on another key aspect of Tocqueville’s analysis, one that has drawn renewed attention among scholars and policymakers: his emphasis on the importance of voluntary associations for strengthening human connections, building trust, and carrying out civic tasks.

As part of his Communities of Character initiative, President Bush reportedly plans to call for strengthening moral and civic education in public schools. This would represent a return to a goal that animated the creation of free and universal public education in the United States, starting in the early 19th century. It is only in recent decades that our public schools have downgraded moral and civic education, a trend that citizens and public officials are now uniting across party lines to reverse. Foundations and voluntary organizations are working to upgrade civic and character education curricula, schools across the country are adopting “service-learning,” which combines community-based work with classroom reflection, and Maryland has taken the lead in making service a condition of high school graduation. Senator Paul Wellstone (D-MN) has recently introduced a bill that, through significantly increased federal support, would promote local schools’ commitment to cultivating civic knowledge and action among young people.

While President Bush’s initiative does have roots in American traditions, some cautionary notes are in order. Administration officials would be ill-advised to regard Communities of Character as a substitute for a mainstream legislative agenda. At the same time that President Clinton was advocating “small-bore” issues such as school uniforms, he was rallying the American people in defense of Medicare, Medicaid, education, and the environment, while laying the foundation for historic agreements on welfare reform and a balanced federal budget. Nor did President Clinton make the mistake of ad-
vancing a free-standing values initiative, distinct from his legislative proposals. Instead, he framed his entire agenda as a defense of mainstream public values. President Bush must understand that his new initiative cannot unite the country if his other proposals are dividing it.

Nor should he ignore the programs now clustered in the Corporation for National and Community Service, which provide opportunities for tens of thousands of young people and seniors to contribute to their country each year and have successfully addressed many community-based problems. Rather than being relegated to obscurity, the Corporation should be treated as an important partner.

The country must hope that the President’s new initiative avoids the mistakes that weakened his father’s well-intentioned and heavily advertised, but largely ineffective, “Points of Light” campaign. Recognizing local “heroes” is no substitute for crafting or supporting programs with clear objectives and measurable results. And the initiative must respond to a new reality that increasingly troubles conservatives and liberals alike: the hyperextension of market values into every sphere of our lives (commercial advertising in public schools, for example), which stands in tension with the development of moral and civic character.

In a time when mistrust of government runs high, professing moral leadership is inherently risky. The people will be alert to signs of hypocrisy and will not be reassured if senior White House aides frame this initiative as a matter of political strategy and electoral advantage. And in a period of increasing ethnic and religious diversity, an appeal to the values that unite us can easily backfire if specific proposals trigger intense moral disagreement. For example, while abstinence-based programs have shown some encouraging results, an approach to teen pregnancy reduction that focuses exclusively on abstinence is bound to prove divisive.

If the Communities of Character initiative is to have any chance of succeeding, it must redeem the promise of presidential leadership. President Bush must involve himself in the process of public advocacy—not just by occasionally delivering well-wrought speeches, but by engaging the people regularly and directly, in a variety of venues, to explain to them why this initiative matters and how it can make a
difference. Thus far, unfortunately, this president has shown little appetite for sustained persuasion (his recent speech on stem cell research is an honorable exception), preferring instead to invoke the purity of his intentions. But in democratic politics, a “heart,” however good (and who but God really knows), is no substitute for a sound argument.
To a large extent, the history of ideas is the history of words. Consider, then, these two: “individualism” and “self.” Can we imagine what our present-day discourse would sound like without these two nouns? We can’t live without them. But at the same time, we can hardly stand to live with them. The duel between individualistic “rights talk” and the communitarian emphasis on responsibility used to be a roughly even match. But today it is only rarely a contest, for the former nearly always wins, hands down. And, just as in so many of the professional sports of our day, those few contests that do occur tend to be fought out between near-freakish exaggerations of the human form, players whose bulky or etiolated physiognomy bears little relationship to the dimensions of ordinary human life. We are not comfortable with the prospect of an entirely rootless, atomistic, and self-seeking culture. But the alternatives seem to appeal even less; and so we sleepwalk onward.

All the more reason, then, to remind ourselves that “individualism” is actually a relatively new addition to the lexicon of Western thought—and that our concept of the “self,” particularly in its reified, psychological sense, is even more so. That is not to deny that both
words have long and distinguished pedigrees, informed by rich antecedents and fertile anticipations. They did not acquire their power overnight. Indeed, a deeply rooted belief in the dignity and infinite worth of the individual person has always been a mark, and a mainstay, of what we imprecisely call Western civilization. But being rooted in the past is different from understanding it or drawing upon it rightly. Sometimes a long look backward may be needed, if only to assess where one has arrived, not to mention where one ought to be going.

**The Roots of Individualism**

One does not need to look very hard to find a host of antecedents. Elements of the West’s foundational emphasis on the individual can be detected as far back as classical antiquity, particularly in the Greek discovery of “philosophy” as a distinctive form of free rational inquiry, and in the Greco-Roman stress upon the need for virtuous individual citizens if one is to sustain a healthy republican political order. Other elements appeared later, particularly in the intensely self-directed and self-oriented moral discipline of Hellenistic-era Epicureanism and Stoicism. And perhaps even more importantly, the traditions and institutions arising out of Biblical monotheism placed heavy emphasis upon the infinite value, personal agency, and moral accountability of the individual person. That emphasis reached a pinnacle of sorts in Western Christianity, which brilliantly incorporated the divergent legacies of Athens and Jerusalem into a single universalized faith, one that enabled every individual man and woman, irrespective of tribe or nation, language or culture, to come into a full and saving relationship with the Deity.

Nearly all the most influential spokesmen for Western Christianity, whatever their differences on contested questions of faith or morals, served to reinforce this belief in the central importance of the individual human person. *The Confessions* of Saint Augustine bespoke the importance of the individual precisely through the gripping tale of individual conversion it rendered. The 15th-century Renaissance scholar Pico della Mirandola offered an effusive *Oration on the Dignity of Man* as a ringing assertion of the individual human being’s profound moral freedom. To be sure, Protestant reformers, particularly those of Calvinist hue, took a far dimmer view of unredeemed human
nature, and a far more robust view of the doctrine of original sin. And yet, with their belief in the priesthood of all believers, which radically deemphasized the efficacy of the institutional Church, and their insistence that salvation was to be gained only through an uncoerced individual confession of faith in Jesus Christ as the redeemer of a sinful world, the advocates of a reformed Christian faith intensified the emphasis upon the conscience and choices of the individual believer. That such changes lent support to the key economic developments of the age, particularly as reflected in the rise of commerce and capitalist enterprise, only made it all the more likely to succeed.

None of these expressions of belief, explicit and implicit, in the individual amounted to anything approaching what we mean by modern individualism, however, and it is important to grasp why. Such freedom as the premodern individual enjoyed, particularly since the advent of Christianity, was always constrained by two things: either by belief in the existence of an objective moral order, which could not be violated with impunity by antinomian rebels and enthusiasts; or by belief in the inherent frailty of human nature, which indicated that virtue could not be produced in social isolation. Although nearly all influential Western thinkers before the dawn of modernity had conceded the signal importance of the individual, none employed the term “individualism” to express that belief.

Instead, “individualism,” like many of our most useful terms, began life as a term of abuse. It first appeared in French, and in the discourse of one of the most fierce opponents of the French Revolution and modernity. The 19th-century French archconservative Joseph de Maistre devised the label of “individualism” to describe much of what he found horrifying about the Revolution: its overturning of established social hierarchies and dissolution of traditional social bonds in favor of an atomizing and leveling doctrine of individual natural rights, which freed each individual to be his or her own moral arbiter. Maistre’s “individualism” was not an affirmation of personal dignity, but a nightmare of egotism and moral anarchy run riot.

A few years later, the French writer Alexis de Tocqueville, in his classic study *Democracy in America*, also employed the term “individualism” in a manner that was subtler, if no less critical. Individualism was, he argued, a characteristic pathology of “democratic” societies,
i.e., societies which lacked any legally recognized distinctions of rank and station among their members. Although the American nation was but a few decades into its history, Tocqueville already found individualism to be one of its defining characteristics, and therefore, he thought, a characteristic of all modernity, since America represented the avant garde of modern history, the first “great republic.”

But Tocqueville’s complaint was different from Maistre’s. Egotism, he thought, was an emotional disorder, a “passionate and exaggerated” self-love, of a sort one could find throughout human history. The selfish ye shall always have with you. But individualism was something else. It was a self-conscious social philosophy, “a mature and calm feeling, which disposes each member of the community to sever himself from the mass of his fellows and to draw apart with his family and friends, so that . . . he willingly leaves society at large to itself.” For Tocqueville, individualism was not merely a self-indulgent form of social atomism, or a sustained hissy fit, but something quite new: a conscious and calculated withdrawal from the responsibilities of citizenship and public life. For Tocqueville—who was, unlike Maistre, a qualified friend of democracy—there was no greater threat to the new order than this tendency toward privatism.

So “individualism” began its life as a critical term. Now and then, particularly when it is employed by social critics, one will see indications that it has not entirely lost this sense. And yet the disparaging view of these two French critics seems strikingly at odds with the self-conception of most Americans, who after all had no experience of feudal, aristocratic, monarchical, and other premodern political institutions, and who are likely to see individualism, in one form or another, as a wholly positive thing, the key ingredient in what it means to be American.

If anything, the language of individual rights, and the tendency to regard individual men and women as self-contained, contract-making, utility-maximizing, and values-creating actors, who accept only those duties and obligations they elect to accept, grew steadily more powerful and pervasive in the latter part of the 20th century. The recourse to individual rights, whether expressed as legal rights, voting rights, expressive rights, reproductive rights, sexual rights, membership rights, or consumer rights, has become the near invincible
trump card in most debates regarding public policy, and it is only in
the rarest instances (such as the provision of preferential treatment for
members of groups that have been subjected to past legal or social
discrimination—a policy that has always been controversial) that this
trump has been effectively challenged. The fundamental commitment
to what Whitman called the “solitary self” has never been stronger.

A Balance Lost

It is important to remember that this has not always been the state
of affairs in America. One should not ignore the profound influence of
religious, republican, radical communitarian, socialist, feminist, and
other nonliberal elements in our national saga, including the most
deplorably illiberal institution of all, chattel slavery. What national
commitment to individualistic values we now possess has certainly
evolved over time, and there have always been countercurrents chal-
lenging the mainstream.

Much of the best scholarship in colonial and early national history
in recent years has reminded us of just this fact. Political scientist
Barry Alan Shain’s book The Myth of American Individualism argues
powerfully that it was not Enlightened liberalism, but a very con-
strained form of communitarian Reformed Protestantism, that best
represented the dominant social and political outlook of early America.
The political theorist Michael Sandel, one of the most influential
communitarian critics of rights-based liberalism, has recently argued
that until the 20th century, America’s public philosophy was largely
based on the “republican” assumption that the polity had a formative,
prescriptive, “soulcraft” function to perform in matters of the economy,
the family, church-state relations, personal morality, free speech,
constitutional law, privacy, productive labor, and consumption. That
assumption, observes Sandel, has been so completely undone by the
individualistic liberalism of our own day that we have forgotten it
was ever there.

Yet even Sandel would concede that in the end it was the expan-
sive, mid-19th-century voices of men like Ralph Waldo Emerson and
Walt Whitman, romantic American nationalists and prophets of the
unconstrained self, that have had the better end of the debate, sound-
ing the liberatory yawp that has resounded over the rooftops and
resonated through the streets of the American imagination, even unto the present day. It was Emerson who declared famously that a society is a “conspiracy against the manhood of every one of its members,” and that “nothing is at last sacred but the integrity of your own mind.” And it was Whitman who declared that “the Great Idea” was “the idea of perfect and free individuals,” and that “nothing, not God, is greater to one than one’s self is.” And although both men would live long enough to be deeply disillusioned by the crass economic opportunism and material acquisitiveness that took hold of American society in the post-Civil War years, one could hardly deny that such driving, self-interested ambition was a logical corollary to the spirit of unrestrained self-development. So, too, was the unforgettable image of Mark Twain’s Huckleberry Finn, the semi-noble, semi-savage boy “lighting out for the territory,” rather than face any more of the pinched and morally questionable rigors of “sivilization.”

As the example of Huck Finn suggests, American thought and expression have always been rich with figures of heroic individuality—and correspondingly poor in convincing and binding representations of community or social obligation. Whether one considers our accounts of the great colonial religious controversies, such as those involving rebels Roger Williams and Anne Hutchinson, or the moral fables embedded in our popular culture, such as those offered in One Flew Over the Cuckoo’s Nest, The Dead Poets’ Society, and Fiddler on the Roof, we seem to have a boundless appetite for tales of personal liberation. We are almost invariably asked to side with the put-upon individual, cast as an unjustly thwarted soul yearning to breathe free, and we are instructed to hiss at the figures of social or political authority—the John Winthrops and Nurse Ratcheds of life, whose efforts to sustain order establish them instead as monsters and enemies of humanity.

There have, however, been a few notable efforts to present a counterexample to this pervasive celebration of individuality. The immense human suffering and dislocation wrought by 19th-century industrialization led to a rash of utopian novels, perhaps best exemplified by Edward Bellamy’s fabulously best-selling 1888 fantasy Looking Backward, an effort to imagine a perfected postindustrial Boston, reconstituted as a socialist cooperative commonwealth in the
year 2000. Bellamy openly reviled individualism, proposing in its place a post-Christian “religion of solidarity,” which would radically de-emphasize the self, and instead emphasize social bonds over individual liberty (and traditional Christian doctrine). The popularity of Bellamy’s book showed that there was a market hungry for such ideas, and many of the most “progressive” forces of the day, whether one thinks of the cooperation-minded Knights of Labor, the theological advocates of a modernist “social gospel,” or such Progressive reformers as Herbert Croly, Jane Addams, and John Dewey, unreservedly admired and emulated its spirit.

The Progressive movement itself advanced, at least in some of its manifestations, a new corporate ideal, which sought to downplay individualism and instead to defend and preserve “the public interest,” in the face of industrial capital’s depredations. In the hands of a sophisticated thinker like Dewey and some of his followers, a case was made that the values of community and individuality, far from being in opposition, are mutually supporting and mutually sustaining, particularly in an age dominated by large industrial combinations, immense asymmetries of wealth and power, and vast impersonal networks of communication. It was pointless, in their view, to attempt to restore the small-scale community of days past. The forces of economic and social modernity had rendered such community, with its personal bonds and face-to-face business transactions, obsolete. The task ahead was the creation of something new, which Dewey called “The Great Community,” a systematically reconstituted social order that, it was hoped, would adapt the best features of the old community forms to the inexorable realities of the new economy and society.

In retrospect, though, the new corporate ideal seems never to have had a fighting chance. Historians have patiently documented a thousand ways in which American life in the 20th century has in fact become more corporate, more organized, more standardized. But Americans’ self-conception has never quite followed suit. Perhaps doing so would have cut too much against the American grain. To be sure, the privations of the Great Depression gave the values of community and solidarity a temporary boost in American social thought, as the historian Richard Pells has convincingly argued. But even Franklin Roosevelt’s New Deal, riven as it was by pragmatic accom-
modations and intellectual inconsistencies, paid such values little more than lip service.

The decisive blow, however, was administered by the rise of the totalitarian regimes of Europe, whose terrifying success in suppressing the individual for the sake of the collectivity threw all corporate ideals into doubt and disrepute, from which they have yet to recover. The concerns generated thereby decisively shaped both the liberalism and conservatism of the postwar years. Libertarians like Ludwig von Mises and Friedrich Hayek, liberals like David Riesman, Lionel Trilling, and Reinhold Niebuhr, even conservatives like Robert Nisbet and Russell Kirk—all paid their disrespects to the Leviathan state, and thereby called into question the efficacy of any modern corporate ideal. Instead, the social and political thought of postwar America seemed to be dedicated to a different ideal: the guardianship of the self.

There were examples galore of this neo-individualist turn. Riesman’s *The Lonely Crowd* warned against the conformism of “other-direction” in the American personality, and William Whyte’s *The Organization Man* deplored the predominance of a “social ethic” in America’s white-collar classes. Ayn Rand’s fierce pop-Nietzschean novels celebrated the autonomy of the individual creative genius, and reviled the dullness of hoi polloi. Neo-Freudian psychology concerned itself with the problems of the ego, and such leading psychological theorists as C.G. Jung and Erik Erikson focused obsessively on the problem of individuation. Even the emergence of a New Left movement in the early 1960s, which purported to rebel against the complacency of its liberal forebears, did little to alter this trend, since the movement’s communitarian tendencies were no match for its commitment to a radical, near-anarchic standard of behavioral and expressive liberty in speech, dress, sexuality, drug use, and so on. As such, it provides a textbook illustration of the difficulty entailed in pursuing the politics of progressive reform while remaining programmatically suspicious of any and all sources of authority and value outside the self.

This difficulty represents a serious obstacle not only to radicalism, but to the reform aspirations of both liberalism and conservatism in contemporary times, since each of these ideological camps contains
within itself anarcho-libertarian elements that, while undeniably popular, work against the establishment and sustenance of communal values, and thereby undermine the very idea of a stable public interest. For conservatives, the principal problem stems from an ideological commitment to economic liberty; for liberals, it arises out of an equally rigid commitment to moral and expressive liberty. In crucial ways, both ideological camps have in common an unwillingness to accept the need for an authority, a tradition, an institutional nexus that is capable of superseding individual liberty in the name of social cohesion and the public interest.

Sources of the Self

In the age of modernity and postmodernity, then, the self has become the chief source of moral value. The term “self,” which has had an amorphous history, has nevertheless evolved into something crucially different from the term “soul.” It is a psychological term, largely stripped of metaphysical implications. The “self” is understood as the seat of personal identity, source of mental cohesiveness and psychological integrity—the vanishing point, as it were, where all lines of psychological energy converge in the life of a “healthy” and “integrated” individual. The word “soul” maintains a link to the transcendent realm, and is suggestive of an imperishable essence distinct from the bodily state. But the “self” is immanent, secular, worldly, transitory, adaptive, pragmatic. “Soul” is a word that rarely crosses the lips of modern thinkers, unless they employ it in a deliberately rhetorical or fanciful way, as do the neo-Jungian advocates of “soul-making,” or the authors of books proclaiming the “lost soul” of this or that wayward entity. “Souls” are judged by the vanished God of faith; “selves” by the all-too-present God of health. By way of compensation, though, there remains a lingering ambiguity about “self”—some residue of the romantic “authentic” self always lurking in the corners of psychotherapeutic discourse, promising a kind of God-experience, though one that is free of creedal, dogmatic constraints. The “authentic” self may well be drawn toward “spirituality,” but not toward conventional organized “religion.”

There are complications inherent in such a strictly psychological approach to the self. As the communitarian thinker Charles Taylor has argued in his magisterial study Sources of the Self, personal integ-
rity inevitably rests on a moral foundation, on a set of prerational moral presuppositions. In other words, a moral disposition toward one’s world, and a prior assent to certain moral criteria, are the preconditions of there being any psychological order and consistency at all in a human personality. If Taylor is right, then health is built upon morality, rather than the reverse. And this is often precisely what we are doing when we talk about the self. As Joseph Davis has pointed out, therapies for survivors of childhood abuse, which have become the principal model of psychological recovery in our time, are openly geared toward the construction of new life-narratives, ones that serve to overturn the disabling effects of the abused individuals’ life experiences. The cool pastel language of “narrativity” is intended to give an aura of moral neutrality to the process. But that is pure deception, thinly veiling what is actually going on. In fact, far from being morally neutral, such “redescriptions” are in fact meant to reallocate moral praise and blame in the client’s world, in entirely new and “healthier” ways. Most often, they do this by recasting the client as a “victim,” and the abuser as a moral transgressor. The explicit language of sin may have been banished, but not the lingering concept of moral responsibility. No less than the born-again evangelical, such individuals are engaged in rewriting the story, and the meaning, of their lives.

An even bigger problem with a subjectivist moral order is the inherent instability of the self. One of the most powerful themes of postmodernism is its assertion that the modern self cannot bear the weight placed upon it by fragmented modern life, and that in fact, the multiplicity of our world requires us to operate on the basis of multiple selves. Just as in atomic physics, where the unsplittable entity (the atomos) turned out to have an unnumbered multitude of particles and subparticles in its makeup, so too, the self has proved to be a complicated and vulnerable entity, as vulnerable as the idea of truth itself. Rene Descartes had inaugurated modernity with the assertion that the “I” is the most fundamental building block in our apprehension of reality, the still point in a moving world. Now it appears that the self, far from being foundational, is the most protean and variable thing of all. In the postmodern view, the search for “individual integrity” and “authenticity” is outmoded. The postmodern self is not a unitary thing, but an ever-shifting ensemble
of social roles—a disorderly venue in which the healthy ego functions less as a commander-in-chief than as a skilled air-traffic controller.

It is hard to know how to respond to this description, or to the phenomenon it describes. Ought one to celebrate it, in the manner of such writers as Robert Jay Lifton, Walter Truett Anderson, and Sherry Turkle, who find exciting elements in the postmodern liberation from unitary personality? Or is one obliged to deplore it, in the manner of the late social critic Christopher Lasch, as an effort to “redescribe” mental illness and moral incoherence as a new form of mental health and moral clarity? Or should one merely treat it neutrally, as a provisional account of a new set of psychosocial conditions, to be analyzed and somehow coped with? Whatever one’s answer to those questions, it seems clear that the modernist ideal of the individual has been rendered far more confused and unsteady than ever before.

One thing seems clear, however, and that is the need to rescue the idea of individual dignity from its captivity in the realms of individual psychology and postmodernist subjectivity by returning it to the public realm, where it may be able to find a firmer footing and deeper roots. This would mean reaffirming the core meaning of individualism: its insistence upon the transcendent value of the person. But it would also embrace the core insight of communitarianism: the recognition that the self is made in culture, and the richest forms of individuality can only be achieved in the sustained company of others. And it would build upon Tocqueville’s further insight that it is in the school of public life, and in the embrace and exercise of the title of “citizen,” that the selves of men and women become most meaningfully equal, individuated, and free—not in those fleeting, and often illusory, moments when they escape the constraints of society and retreat into a zone of privacy, subjectivity, and endlessly reconstructed narratives of the “self.”

In short, the word “citizenship”—a word that the social sciences, including political science, have done so much to disparage in the past century—needs to be restored to its proper place. Equality and individuality—and freedom—take on a different meaning when they are understood in tandem with it. Indeed, citizenship is an artificial construct meant to encompass, and correct for, the imperfections and inequalities inherent in the endowments of nature and the accidents
of culture. In addition, it grounds itself in something that the social-
scientific view of human nature has sorely neglected: the human
ability to initiate, to deliberate, to act, and in so doing to transform the
very conditions of action. The proper study of politics takes seriously
the human capacity to be a cause and not merely an effect. More than
anything else, Tocqueville feared that their tendency toward indi-
vidualism would inhibit Americans’ willingness to act in public ways.
Accordingly, the most fruitful response to the present-day disintegra-
tion of the self may be a movement away from the characteristic
preoccupations of modern sociology and psychology and toward a
fresh reconsideration of our political natures, in all their complexity,
contingency, and promise. The Western Christian tradition has al-
ways taught that the fractured soul is healed not by drawing in upon
itself, but by being poured out into relationship with the things
outside itself. That insight still has much to commend it.
The Responsive Community • Fall 2001

THE COMMUNITY AND THE STATE

Can Legislation Solve Our Moral Problems?
Christopher Beem

Much of the consternation over John Ashcroft’s appointment as Attorney General centered around the fact that, as a conservative Christian, he believes that government has not only the right but the responsibility to legislate morality. “I think all we should legislate is morality,” he told the religious magazine Charisma in December 1999. “We shouldn’t legislate immorality.” He has also said that in order to make moral decisions, he relies primarily on God, Scriptures, and his faith.

Such a reliance on religion, liberals believe, is typical among those who seek to connect morality and law, and they say this is precisely the problem with asking the state to handle moral decisions: any effort to legislate morality will inevitably appeal to a set of beliefs that are meaningful only to a few. In a pluralistic culture like ours, that means any such effort amounts to a kind of cultural tyranny and is therefore bound to create more problems than it solves. Witness, they say, the example of Prohibition. There, too, a vocal minority, acting on its religious beliefs, attempted to force a broad moral consensus where there was none to be had. The disastrous results were, they believe, a foregone conclusion. The sentiments of conservative Christians like Ashcroft only serve to reinforce their longstanding concerns.

Liberals aren’t alone in expressing these concerns. Many of Ashcroft’s fellow conservatives also dispute the idea that government is the proper means for addressing moral questions. While many are deeply concerned with the moral condition of our society, they argue
that the institutions of American civil society—families, neighborhoods, and congregations, especially—are the best means through which we can effect change. Indeed, many conservatives argue that our contemporary problems flow from the fact that these very institutions have been undermined by an all-too-pervasive government. Thus, both liberals and conservatives hold that pursuing morality through law is a bad idea; if we desire to fashion or refashion a more moral society, we will have to look elsewhere.

I think both lines of reasoning—amplified at least in part by Americans’ overwhelming cynicism towards contemporary politics—greatly overstate the matter. While I grant that a good, moral society must be built upon more than the letter of the law, I want to dispute the more basic and, I believe, misguided notion that government should not try to legislate morality. In fact, I want to argue something almost exactly the opposite: that it is extremely difficult and rare for government not to legislate morality. Therefore, the connection between legislation and morality ought not to be affirmed by conservative Christians alone. Any American who worries about the moral condition of their society cannot responsibly ignore this question. And that means they cannot responsibly ignore politics, nor can they deny the moral duty of the state.

**Martin Luther King, Jr. and the Legislation of Morality**

To make this case, I want to focus first on another Christian American, Martin Luther King, Jr. In the 1960s, many Americans were arguing that the legal strategy of the civil rights movement was fundamentally flawed. These Americans maintained that all the civil rights laws in the world were not going to change white people’s attitudes toward African Americans; no changes in the law would make the races love each other. If such a thing were to happen at all, it would come about only through the actions of congregations, parents, and teachers, and by changes in the countless little interactions that take place between the races each and every day. Because racial attitudes lay deep within the human heart, and because questions about race relations were profoundly controversial, the issue was beyond the pale of legal redress. The legislative agenda of the civil rights movement was, at best, beside the point.
Martin Luther King, Jr. admitted that the ultimate solution to “the race problem” was beyond the reach of law. He even agreed with the proposition that morality cannot be legislated. But King also argued that the legal agenda of the civil rights movement was not pointless. His famous and most piercing response was that while the law could not make the white man love the black man, it could make him stop lynching him. Enactment and enforcement of the relevant legislation would, King insisted, portent more than a trivial change; lynchings were not beside the point.

But King went on to offer a more descriptive and expansive account of the relationship between law and morality. While he acknowledged that the issue of race relations was controversial, he appealed to a more fundamental point of moral agreement: he centered the debate about civil rights around the fundamentally moral, and fundamentally American, principles of equality of opportunity and equal justice for all. When King spoke to fellow Christians, he was more than willing to frame the moral argument in exclusively Christian terms. But in the public square, King felt compelled to make the moral argument by appealing to principles that he and all Americans shared. “The American dream,” King said, “reminds us that every man is heir to the legacy of worthiness.” The treatment of African Americans contradicted—indeed, belied—that belief, and civil rights legislation would help to overcome that contradiction. If enacted, it would help Americans live up to their own beliefs—indeed, to the beliefs that defined us as a people. Passage was not only legitimate, it was essential.

The legacy of Prohibition has led many Americans to believe that legislating morality involves the criminalization of private behavior. Though King’s point about lynching illustrates his belief that the criminal law played an essential part in the civil rights debate, he also insisted that the moral dimension of legislation far transcended this limited domain. Protecting the rights and political freedom of African Americans was intimately associated with achieving the broader notion of human equality. The Civil Rights Act of 1964 and the Voting Rights Act of 1965—and, importantly, the federal power required to enforce those laws—were indispensable means by which Americans’ united belief in this moral principle could be realized.
These two features of King’s analysis—the framing of legal arguments in terms of underlying American ideals and the extension of the relevant role of the law beyond the criminalization of private behavior—enabled him to posit an essential connection between the quality of our society’s laws and the moral quality of our society. In a 1962 address before the National Press Club, King said that the “habits, if not the hearts, of people have been, and are being, altered everyday by federal action. These major social changes have a cumulative force conditioning other segments of life.” While the most important aspects of integration were unenforceable, changes in the law could positively affect the society’s moral condition. If the laws were good ones, if they conformed to the basic truths that Americans hold, they would ultimately foster fundamental changes in people’s social behavior. And, therefore, King believed that such laws could have an important, positive impact on society’s moral condition.

The subsequent years have lent credence to King’s position. Race relations remain deeply controversial, of course. But all would admit that civil rights legislation has made the principle of moral equality more operative within American society. Most relevantly, tolerance for and practice of mixed-race marriages has risen dramatically over the past generation. Would anyone deny that this very explicit change in attitude toward love between the races is directly related to changes in the nation’s civil rights laws? Indeed, can one imagine the former happening without the latter?

Legislation and Morality in Contemporary America

The objection will surely be raised that while King’s actions were noble and our country is better off for them, they are of little relevance to us now. The moral issues were strikingly apparent during the civil rights era, and to our nation’s credit, legislation addressed these issues. But now that those fundamental issues are settled, our problems are different and politics no longer rises to such lofty heights. What is more, the argument goes, America has changed since the 1960s. Most relevantly, pluralism has progressed apace; the triumvirate of “Protestant-Catholic-Jew,” the term that Will Herberg coined to describe the most prominent and public religions of 1955, has exploded into a plethora of competing forms of belief and nonbelief.
The expansion of religious pluralism has no doubt altered the fabric of our nation’s ideals and values. And, therefore, the question of how morality might be expressed through law has obviously been affected as well. But this expansion does not alter the fact that King’s model of public debate remains both descriptive of, and relevant to, American public life.

A recent survey by sociologist James Davison Hunter testifies to the underlying moral consensus that still exists in America. Hunter’s survey, released in 1996, found that 97 percent of Americans agree with the statement that “with hard work and perseverance, anyone can succeed in America.” 96 percent agree that “American Democracy is only as strong as the virtue of its citizens.” 93 percent agree that “America’s contribution is one of expanding freedom for more and more people.” To be sure, the survey also uncovered deep contention within the American body politic around more specific moral questions (e.g., abortion and homosexuality). But for all the disagreement, even rancor, that characterizes American public life, there remains a core set of values and ideals that are properly characterized as American, and which continue to receive nearly universal affirmation.

It was these values and ideals that Dr. King sought to promote through civil rights legislation. Unquestionably, the moral issues were drawn more sharply in the civil rights era. Contemporary debates do not as readily implicate the most fundamental American principles of freedom and equality. But controversial arguments in the American political arena continue to center around the meaning and standing of American ideals and values. The procession of those debates into law does not and never did mean that the law will inevitably be a good one, but it does mean that almost any legislation will have a moral dimension, and thus either a positive or negative effect on the moral condition of the body politic.

Consider the example of welfare reform, passed in 1996. The debate surrounding that legislation turned on a series of moral propositions: that Aid to Families with Dependent Children (AFDC) had created a culture of poverty; that it rewarded indolence, fostered dependence, and encouraged broken families. The argument in favor
of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was, in turn, framed in terms of the moral norms of equality, reciprocity, personal accountability, and the inherent dignity of work. It is undeniable that the law has brought federal policy more in line with those deeply held American values. As a result of the new law, many former welfare recipients have morphed into the working poor, and there are early signs that this change has left most Americans less prone to stigmatize them—and more disposed to assist them through both governmental and nongovernmental outlets.

But the moral debate does not end there. PRWORA is set to expire in 2002. The coming legislative session will therefore inevitably focus on renewing this legislation, and the very success of welfare reform has brought with it lingering questions about the standing of other distinctively American values. After resigning from the Clinton administration over PRWORA, Peter Edelman wrote that welfare is better understood as disability insurance, because for many recipients, some form of physical or psychological impairment stood in the way of their getting and holding a job. Recent studies by Sheldon Danziger at the University of Michigan and others confirm Edelman’s point. Those who remain on welfare (roughly a third of the former welfare population nationwide) are those with the most significant barriers to employment, including illiteracy, mental illness, and substance abuse. For others, it is their children who suffer from these conditions. Surely there are those who needed a push toward self-sufficiency. But the notion that all former welfare recipients (and their children) can be helped most responsibly through a single, work-based program strains against the facts, and thereby, against basic notions of fairness and decency. As economist Nancy Folbre puts it, “If there is one thing Americans agree on, it’s the ideal of giving all children a fair opportunity to succeed in life.” The question of how best to ensure this ideal will surely be a large part of the upcoming debate. And that means that, as it was in 1996, the coming debate about welfare reform will be deeply and inexorably moral. It will once again be a debate that is argued in terms of American moral principles.
Welfare reform, like civil rights legislation before it, is merely one example among many. Campaign finance reform, health care, environmental policies, debates about vouchers and charter schools—all of these contentious and contemporary debates center around distinctively American values. Indeed, it is hard to think of a debate that does not involve, at its core, moral questions. Even the most arcane appropriations battle turns on deciding how much we are willing to pay for some social good and how much we want it relative to other social goods. In every case, there is no reason to assume that some speedy and mutually agreeable resolution is on the horizon. But if such a resolution were to come to pass, it could lead to a better understanding and appreciation of the principles that informed the debate in the first place. And that means it is also possible that, in King’s language, such changes could positively affect the moral habits of all Americans.

I am not arguing that politics is always laudable. Partisan gamesmanship, log-rolling, and the like—all of this is endemic to democratic politics, and all too often it undermines the pursuit of the commonweal. And I am not arguing that Americans are wrong to champion apolitical civic activity. There is much to admire in the actions of Habitat for Humanity or the quiet decency of a neighborhood watch program. But I do contend that these and similar actions do not constitute a substitute for politics. Social concern and civic-mindedness cannot be fully and adequately expressed outside the political arena, and to think otherwise presents us with a diminished notion of our moral, civic, and social lives.

The belief that we neither can nor should legislate morality rests on a truncated understanding of both morality and law, and a selective understanding of American political history. Conservative Christians are correct to see an inherent connection between law and morality, and they are correct in their desire to realize that connection through relevant legislation. If they err, they do so to the degree that they infuse their legislative initiatives with a morality that is articulated and understood in exclusively Christian terms. But the former does not require the latter. As King recognized, political debates in America are and ought to be grounded in the moral principles that transcend our differences. For those debates provide us with the
unique opportunity to better understand and live out our shared principles, and thereby make our society and ourselves more moral. All Americans ought to concern themselves with the political process. But those who are concerned about the moral condition of our society have a particular obligation to attend to the moral expression that is at the heart of the political enterprise.
Democratic Soulcraft
R. Bruce Douglass

The 18th amendment to the United States Constitution was the product of a failed attempt to legislate morality, and it has come to be regarded as a prime example of why it is unwise to use the coercive powers of government for any such purpose. But the civil rights movement headed by Dr. Martin Luther King, Jr. was no less an effort to promote a particular morality through law, and it succeeded. Not only did the resulting legislation affect people’s attitudes and behavior as intended, but it is now commonly viewed as a prime illustration of the right way to achieve change in a democratic society. In fact, more often than not, the same people who dismiss Prohibition as a misguided and even antidemocratic initiative celebrate the Civil Rights Act of 1964. They view this and related pieces of legislation as essential steps in America’s ongoing effort to realize the promise of its democratic ideals.

But why is this the case? Christopher Beem thinks that the civil rights movement succeeded where Prohibition failed because the former appealed to ideals that were widely shared by the American people whereas the latter did not. No doubt that is true, but it is not the whole story. No matter how much such movements may be able to appeal to what Beem characterizes as “core” values, they almost always have to contend with the fact that, at the time of the struggle, people disagree about what those values are and what they mean in practice. King and his allies had to deal with this problem just as much as the advocates of Prohibition, and it is mistaken to think that the latter were any less convinced than King was that their cause was a fulfillment of American ideals. They simply had a different view than their opponents of what those ideals were.
An alternative explanation is that King and his followers were right in what they claimed about the meaning of American ideals whereas the proponents of Prohibition were not, and the American people had the good sense to recognize that this was the case. But surely it is naive to think that the matter is that simple. Even if it is true that the Civil Rights Act was more unambiguously a manifestation of democratic ideals than the 18th amendment, both were the products of overtly political struggles, and their fate was determined as much or more by the political dynamics at work in the nation than by anything having to do with the intrinsic merits of the two causes. Prohibition failed because it was championed by political forces whose fortunes were declining whereas the Civil Rights movement succeeded because it was supported (albeit cautiously) by forces that were in just the opposite position.

To acknowledge that this is the case is not to be cynical, but it is to recognize that democratic politics is inevitably driven by the struggles for advantage among competing interests as well as ideals. What is accepted as legitimate in the use of governmental power depends very much, therefore, on the balance of power in society. Beem is right to think that it is impossible to govern well without engaging in some degree of legislation on sensitive moral issues. But different parties will have different views about which forms of this activity are appropriate, and what actually happens is usually determined more by their electoral fortunes—and thus the mood of the electorate—than by any sort of principled understanding of the role and limits of government.

Both the liberal and conservative forces in American politics today have ideals that they are prepared to impose on the country by governmental action, and the public seems to be willing to accept—and even want—some amount of this activity. But there are limits to what it will tolerate. At present, the majority of Americans seems to be quite willing, for example, to have the civil authorities take action against forms of behavior that can be shown to be injurious to our physical well-being—such as smoking tobacco, using illicit drugs, and not wearing seatbelts while riding in automobiles—unless the behavior in question has a strong popular following (such as the use of firearms or gas-guzzling vehicles). But people tend to be wary of policies that appear to prohibit—much less require—a particular kind
of conduct on the grounds that it is morally right or wrong. Still, even that sentiment can be overridden: citizens will tolerate moral judgments by the government when, as Beem shows in his discussion of welfare reform, virtues that are closely tied to the economic and cultural interests of the middle class, such as the work ethic, are at stake.

**Controversy and Compromise**

It is a confusing situation; the ambiguities and even contradictions it involves are unlikely to please partisans on any of the relevant issues. But this is what is to be expected in a society with real diversity that is seeking to handle the resulting conflicts fairly. It is a situation that lends itself, moreover, to just the sort of compromises among competing values and interests in which communitarians specialize, and for that reason it tends to be appreciated more by communitarians than by those with more extreme views. But even communitarians cannot be altogether happy with the way moral problems are currently being addressed by the government. What in particular is worrisome about the way such matters are now being handled in this society is that it provides little room for any sort of vigorous governmental action that might challenge the more respectable forms of self-destructive and/or antisocial behavior. After all, only so much can be done to address the problems we now face by attacking the vices of smokers, drug users, and welfare recipients. Sooner or later, Americans will need to recognize that the behavior of the rest of us must also change in certain ways if we are to avoid doing serious (and perhaps permanent) harm to the social fabric and the natural environment. Communitarians have long recognized that this is the case, and the specific policies they have advocated go a long way toward demonstrating that it would in fact be possible for our civil authorities to take action on the relevant issues (e.g., child-friendly divorce laws, taxes on gasoline, gun controls, etc.) without imposing a particular “sectarian” morality on the rest of society.

This does not mean, however, that the measures advocated by communitarians are not partisan. For it is not possible to take a stand on issues as controversial as the ones that are typically discussed in the pages of this journal without taking sides. But it is one thing to take
a side on a contested issue and quite another for a particular subcul-
ture to essentially dictate to the rest of the population how the matter
will be handled. And if there is anything that characterizes the
political style of communitarians, it is an emphasis on inclusion and
ongoing conversation among the many different subcultures that
now exist in the United States. The reason this is the case is not just that
communitarians tend to favor persuasion over coercion as the way to
go about influencing people’s behavior. It is also that communitarians
believe they can learn from one another and improve their approach
to almost any issue if they are prepared to engage in such give-and-
take, and they are convinced that a willingness to take part in such
conversation with people of other beliefs and backgrounds is one of
the more important parts of what it means to be a democrat today.

It is highly unlikely, therefore, that anyone who has really ab-
sorbed communitarian thinking and taken it to heart will ever know-
ingly try to impose a policy on the rest of society that can fairly be
construed as a power play by one of contemporary American society’s
different religious, ethnic, or racial groups at the expense of the others.
In fact, if anything, communitarians can be expected to do just the
reverse, doing all they can to ensure that the laws enacted by our
government are not prejudicial to the legitimate interests of any of
those groups. The premium communitarians place on persuasion
means, moreover, that they are unlikely to favor any action by the civil
authorities that lacks broad popular support. Especially is this the
case if the law or policy in question is one that would impinge directly
on the personal lives of individual citizens. For all the importance they
attach to community and all the critical things they have had to say
about modern individualism, communitarians recognize full well
that individuals have a right to conduct their lives as they choose, and
they understand that there is something precious about the liberties
that enable the inhabitants of this and other comparably democratic
societies to experience such self-determination. Even if they are con-
vinced that a given measure is badly needed, therefore, communitarians are not about to do anything that would result in the
imposition of the policy in question on the rest of the population if
they are unable to persuade a broad cross-section of their fellow
citizens that such a policy needs to be adopted.
The Requirements for Change

Broad popular support is one thing, however, and consensus quite another, and even though some communitarians have actually spoken in terms that suggest that consensus needs to be achieved before government action can legitimately be taken on matters that are subject to any real controversy, surely that is hyperbole. For not only is it unrealistic to think that any unanimity can ever be achieved in societies of the magnitude and complexity we now have, but it is also a recipe for just the sort of inaction that communitarians usually criticize whenever they encounter people who are skeptical about our ability to solve social problems. Communitarian thinking, as we know it now, is unmistakably a philosophy of action, and it only makes sense to embrace it if one believes that we can actually do something constructive about the problems facing us as a nation—and to do it in part, at least, through the use of public power. But that is not going to happen if communitarians allow themselves to believe that every affected party needs to agree before any action can be taken. The only people who are served by a view of that sort are the ones who want nothing ever to change.

This country would never have achieved anything like the Civil Rights Act that was passed by Congress in 1964, for example, if the proponents of that legislation had adopted such a view. For at the time, there was still widespread opposition to any such action by the federal government (and not just in the South, either), and this sentiment was represented by some of the most powerful figures in Congress. Many of those figures were convinced (probably correctly) that their electoral prospects depended on doing all they could to prevent the passage of any such legislation, and they were well situated to prevent consideration of the legislation, let alone its adoption. It took enormous effort, therefore, just to override their opposition, and it is unthinkable that anything more could possibly have been achieved by Dr. King and his allies in Congress at the time. It was precisely, in fact, the persistent refusal of the opposition to change its mind about the merits of racial segregation in the face of an intense, broad-based national effort to shift public opinion on the matter that made the legislation in question necessary. There would have been no need for new laws if the defenders of segregation had been prepared...
to accept voluntarily the dismantling of the laws and policies they favored.

The most that communitarians (or anyone else, for that matter) can reasonably hope to accomplish through their efforts to stimulate conversation and influence public opinion about the issues that matter to them, therefore, is to persuade a majority of their fellow citizens to accept, if not actively support, the adoption of the kind of laws and policies they favor. To be sure, what exactly that means can be expected to vary from one issue and level of government to the next: getting an ordinance adopted by a city council is a very different matter from amending a constitution (especially the federal one), and it is prudent, to say the least, to assume that the size of the backing one needs to have in order to justify such action will increase with the magnitude of the issue and the level of government. But however the relevant majority may be defined, it will always be the endorsement of some citizens—not all of them—that is used to justify the action being taken.

Even if communitarians succeed in bringing about highly inclusive conversations about the issues that matter to them, and through those conversations they are able to achieve the kind of broad-based support they are looking for, inevitably some people are going to benefit more from the laws and policies they favor than others. Indeed, some people will not benefit at all; in their own minds, at least, they will be victims. No matter how much communitarians cast themselves as defenders of the common good and are justified in doing so, there will always be those who see the communitarian agenda as a threat and are prepared to fight it. Some will do so out of nothing more than naked self-interest; others will do so because they have a different understanding of what the common good is. But whatever their reasons may be, those who react this way (e.g., the NRA) can be expected to do everything they can to prevent the measures advocated by communitarians from becoming law, even in the face of broad popular disapproval.

Such resistance cannot be expected to disappear once the legislation in question has actually been adopted, either. It can be expected to continue in one form or another as long as any significant number of citizens disapprove of the measure and would like to see it over-
turned. Even if the ranks of the disaffected do not grow, therefore, it takes time—usually at least a generation and often more—for any new law or policy that is an outgrowth of real controversy to be accepted as a *fait accompli*. People’s hearts and minds, as well as their behavior, need to change if the same old battles are not to be fought over and over again indefinitely. This is not something that can be expected to happen overnight, nor can it be expected to happen automatically. Even the most sensible innovations in policy need to be implemented wisely if they are to have anything like the desired effects, and even when that happens, they also need to be interpreted intelligently if they are to win the kind of acceptance that makes for lasting approval.

No matter how strong and principled a democrat one may be, therefore, some degree of “soulcraft” is inevitable if one is at all serious about effecting significant social change. Communitarians are right to insist on persuasion as the correct way to go about pursuing such change in a democratic society and to be wary, in turn, of any innovation that is unlikely to be achieved that way. But there are limits to how far that commitment can be carried without undermining their ability to help move the nation forward in the direction(s) they believe to be desirable. The more ambitious their agenda becomes, moreover, the more evident that is. For it is just not possible to pursue seriously anything like the aims that Amitai Etzioni (and other communitarians) have in mind when they speak of “the good society” without doing more than just engaging people in conversation. In so far as communitarianism is a political movement with a political agenda—which it clearly is—its purpose is the passage of the right kind of *laws* every bit as much as the creation of the right kind of public life. And the laws in question cannot possibly have the desired effect unless communitarians (and all others who support them) are prepared to see these measures enforced and promoted in ways that are designed to get all citizens—opponents as well as supporters—not just to behave differently but to adopt a new outlook. There are better and worse ways to accomplish this, of course, and some of them are undoubtedly more compatible with communitarian thinking than others. But there is no getting around the fact that in one fashion or another, hearts and minds need to be changed, and no matter how this is done precisely, it always entails the exercise of power.
The Bounds of Civic Morality
Thomas A. Spragens, Jr.

It is often said that “you can’t legislate morality,” yet Christopher Beem argues that “it is extremely difficult and rare for government not to legislate morality.” Civil libertarians insist that we should not try to legislate morality, but some moralists, both reformers and conservatives, nevertheless advocate the deployment of law on behalf of the moral principles they champion. The fact is that all of these arguments can be correct without contradicting one another because the central terms at issue are multivalent. Just as a recent chief executive maintained in a celebrated jam, “it depends upon what the definition of ‘is’ is,” the right way to understand the relationship between morality and legislation depends upon what we mean by “legislate” and what we mean by “morality.”

The claim that morality cannot be legislated is correct if morality is understood in the Kantian sense of actions motivated by a good will. The difficulty here is that forces of external compulsion are ultimately unable to control internal states of mind, attitudes, and desires. That is why Locke famously insisted, in his Letter concerning Toleration, that not only was the state not entitled to use its powers to achieve religious salvation for its citizens, but it could not accomplish that end if it tried. For if justification before God is accomplished by faith and acceptance of grace, as Locke assumed, the determinants of human fate reside in an inner citadel unreachable by legal mandate or proscription.

Beyond this empirical claim, some warn that it is simply improper for the state to even try to legislate morality. This admonition rests upon a belief in the moral sanctity of the soul, not simply upon its empirical impenetrability. It is the moral insistence upon the freedom
and dignity of the human spirit that animates our deepest convictions about human rights, civil liberties, and the importance of personal autonomy. And those beliefs and commitments place principled limits upon the legitimate purchase of state and social power over peoples’ hearts and minds.

One last important constraint on attempts to legislate morality in liberal societies is that attempts to encourage “good morals” or to compel actions dictated by such moral standards must be confined to norms of civil morality; they cannot properly extend to norms of good behavior predicated upon controversial “comprehensive” moral and religious beliefs. The law can legitimately be used—and sometimes should be used—to encourage people to act as good citizens and to prevent them from acting as bad citizens. It should not be used to coerce people to be good Christians, good utilitarians, or avatars of political correctness. As John Rawls has reminded us in his recent writings, we live in a society where people are committed to different conceptions of the human good. It is beyond our capacity to adjudicate the competition among these comprehensive conceptions in any definitive way—and it is certainly beyond the capacity and the right of the state to do so. We can cooperate fairly and successfully as fellow citizens without trying to enforce such contestable judgments upon one another.

The Role of Law

These proper limitations on the scope of the law can be overextended and improperly construed, however. We should not be blind to the ways that law can encourage better moral character, nor be dissuaded from using the law to improve behavior, even when it is unable to change attitudes and intentions.

There are at least three ways that law can be used productively and legitimately to foster good behavior and civic virtue. First, laws can properly compel people to act in accord with the moral standards that inform our democratic system when they would be disinclined to do so on their own. No social order is or could be ethically vacuous, and a liberal and democratic society should not let its commitment to liberty and tolerance lead it into a genial nihilism that undermines its constitutive purposes. The classic examples here are the various
enactments that protect citizens’ civil rights and liberties against those who would seek to suppress ideas, persecute religions, or suppress and exclude other racial or ethnic groups. Where some widespread disposition and commitment to fundamental ethical and democratic norms is present, moreover, legal enactments can have the significant collateral benefit of softening prejudice and enhancing intercultural understanding and mutual accommodation. Second, the law can properly serve as the vehicle for expressing the moral sense of the community with respect to the social obligations it recognizes and the moral values it seeks to promote. Draconian strictures are not the proper mechanism to employ here, but it is the legal recognition of these obligations and values that provides a valuable and legitimate persuasive effect. Third, laws can properly be used to encourage good traits of civic character through the incentives resident within them; conversely, we must scrutinize legally enacted social policies to ensure that they do not inadvertently induce negative dispositions, character traits, and behavior patterns.

To summarize the practical imperatives generated by these several considerations, then, we can say that legislators in a democratic society should not hesitate to use the force of law to defend the fundamental moral standards intrinsic to a liberal democratic regime. And they should routinely and carefully consider the impact of their enactments upon citizens’ moral habituation and perceptions—and thereby upon their character and behavior. But they should also take care not to overreach themselves by undertaking futile crusades, by engaging too coercively or intrusively in attempts to refashion citizens’ hearts and minds, or by seeking to enforce on people contestable features of comprehensive moral systems that transcend the domain of political morality.

Looking at some specific cases may serve both to illuminate these precepts and to indicate that their deployment can be a tricky matter. Making these casuistic judgments can be difficult for two reasons: it is not always clear when a relevant boundary has been crossed, and the several principles may sometimes be in tension with each other.

The civil rights acts passed by Congress in the years between 1964 and 1968 exemplify an appropriate use of legal mandates to defend fundamental moral principles that lie at the heart of democratic
values and practices. Opponents invoked the bromide that “you can’t legislate morality” in debates over these acts, meaning that legal enactments cannot force anyone to like and respect other people against whom they bear prejudice. That is true, but in this instance irrelevant. For if the law cannot directly mandate attitudes, it can require people to treat other citizens in a manner commensurate with their status as rights-bearing civic equals. Moreover, the legal enforcement of equitable treatment has in this case had a salutary indirect impact upon popular attitudes and sentiments by affecting habituation and perceptions. Since much prejudicial sentiment and behavior represents reflexive deference toward established social mores—for example, the idea that it is simply normal and proper for different racial groups to sit in different places—laws that force a change in social customs produce changes in perceptions that in turn lead to important shifts in attitudes and behavioral patterns.

A proper recognition of the role that law plays in moral habituation, and therefore in shaping attitudes and actions, suggests that American law both misses an important opportunity and may bolster less than optimal civic attitudes and behavior by the way it treats—or fails to treat—the moral obligation to assist those in distress. American jurisprudence has often been reluctant to define as a tort a failure to intervene on behalf of someone in danger or distress, and there are compelling reasons for this reluctance. But where someone stands idly by and watches another suffer or perish when he or she could have assisted without significant self-endangerment, that abdication of basic moral and civic responsibility should be subject to penalty under the criminal code. A society delivers a perverse moral message when it provides no legal sanctions whatsoever in cases like the recent one in which a California college student did nothing to prevent his friend from sexually assaulting and then killing a child in the restroom of a Las Vegas casino. We may not be able to demand moral heroism of each other, but we need not accept the moral cretinism that produces such a breakdown of basic civic responsibility.

It is also both prudent and proper for a democratic society to take into account the likely consequences upon civic character and social morality of laws and social policies concerning social support services and reallocation of income. As Michael Sandel has persuasively argued in *Democracy’s Discontent*, this kind of consideration was quite
common for much of our history. Perhaps because of our deepened moral pluralism and the notion that a liberal polity must remain neutral *vis a vis* competing conceptions of the good, we have tended in recent decades to bracket, ignore, or suppress such concerns. But, as Sandel insists, this inattention to the impact of social and economic policies is neither required nor prudent. A democratic society need not ignore and cannot be indifferent to the ways its legal arrangements foster or discourage attributes of good democratic citizenship such as self-reliance, self-respect, social responsibility, and public spiritedness. Since the ways we organize our work lives and the criteria by which we reallocate income can have significant consequences for such components of our collective civic character, canvassing and assessing these consequences should always be a legitimate part of policy discussions in this area.

**Legislation’s Limits**

If these last two examples arguably represent lost legitimate opportunities to use law in support of morality, in other instances we have—by the standards I set out above—transgressed the relevant boundaries and undertaken to legislate morality in unwise and/or improper ways. Prohibition was one obvious example. Society had the right to try to protect itself against the ills produced by alcohol abuse on grounds both of collective prudence and distributive justice. But outright prohibition of liquor sales was an exercise in futility, and it arguably was too intrusive in its attempt to regulate private behavior. Moreover, to the extent that it was animated by a belief that alcohol consumption was intrinsically wrong in some moral sense, the policy of prohibition constituted an illegitimate attempt to enforce upon recalcitrant subjects a contestable comprehensive morality they rejected. When it comes to the consumption of potentially destructive substances such as drugs or alcohol, the wiser and more appropriate strategy is to avoid enforcing moral condemnation through legal proscription of consumption and instead to deploy the full force of the law against the collateral social offenses sometimes produced by that consumption. Rather than, for example, having a high drinking age, it would be far better to institute stronger and rigorously enforced penalties for public drunkenness and DUI.
Laws that criminalize specific forms of what some consider to be sexual immorality or perversion are also improper attempts to legislate morality. I refer not to crimes such as sexual assault or the seduction of children. Here there are victims, real and potential, who are entitled to protection by the organized force of society. Instead, I have in mind laws such as anti-sodomy statutes or anti-polygamy statutes—both of which criminalize consensual relationships between or among adults. Once again, these laws fail on all counts: they are largely ineffectual, they are improperly intrusive in people’s private lives, and they seek to impose contestable comprehensive moralities rather than to encourage civic morality.

Singling out for distinctive punishment crimes based on animosity towards a particular group (i.e., hate crime laws) and making alienation of affection—breaking up a marriage by causing one spouse to lose affection for the other—an actionable tort represent interesting and difficult borderline cases in attempts to legislate morality. It is entirely proper for a pluralist democracy to stigmatize racial/ethnic/cultural hatreds and to discourage violence or intimidation based upon them. Using the public status of law to express our communal reprehension of these prejudices, and designating punishment for crimes they engender, is therefore both reasonable and proper. The question here is how to do so without dragging the law into quagmires and creating other ethical dilemmas. To prosecute the killers of James Byrd and Matthew Shepherd for committing hate crimes rather than solely for murder may express justifiable social condemnation and enhance deterrence. But enforcing such laws requires the difficult task of determining the killers’ motivations, which may prove more distracting than edifying. And enacting harsher penalties for these genuinely detestable offenses raises other moral conundrums: Is it morally worse, say, for someone to be animated by ethnic animosity rather than by undiscriminating sadism? Rather than putting hate crimes in a different category from overtly identical offenses that might be differently motivated, it might make more sense to designate “group intimidation” as a distinct and separate offense with specific sanctions of its own. For example, burning a cross on someone’s property may be categorized and penalized differently than burning a campfire there. This way of dealing with the problem could produce the desired deterrent and hortatory effects sought by proponents of
hate crime legislation while avoiding some of the attendant difficulties.

Similarly, it might be preferable to change the status of alienation of affection actions, in jurisdictions that still recognize them, from a civil tort to a criminal offense with token sanctions. In that way, such suits might not be the morally and evidentially problematic tactic in bitter divorce cases they generally are today while society could nonetheless signal its condemnation of those who actively encourage others to abandon their marital commitments.

Reasonable people may differ about the best ways to deal with specific cases like these and with the issues they present. Sorting out these questions is part of what democratic deliberation should be about. The important point is that these deliberations need to be conducted whenever the interplay of law and morality becomes an issue, as it often does. And they need to be conducted with reference to the criteria and considerations I set out earlier. The opposing extremes that border these efforts to negotiate the interaction of law and morality are both unacceptable. It is both improper and self-defeating for a liberal democracy to succumb to the crippling simplicities of a legal positivism that insists upon enforcing a mutually exclusionary categorical distinction between law and morals: liberal democracy is not morally neutral but instead is predicated upon substantive moral commitments it can and should defend. On the other hand, the epistemic humility, the social pluralism, and the respect for personal dignity and autonomy that inform and characterize today’s liberal democracies make it improper and dangerous for them to conflate law with morality—something that is possible only for regimes that seek to become republics of virtue engaged in exercises of comprehensive soulcraft, not an available option for liberal societies. Instead, the wise and proper course is to use the force and the legitimating value of law to defend our fundamental constitutive ideals and to encourage the liberal civic virtues—but to do so subject to the principled constraints that we must recognize as appropriate upon all public action.
Lawmaking in a Good Society

Amitai Etzioni

The issue Christopher Beem’s text raises is pivotal for communitarians: Why should we not be much more willing to enforce the good through law? If one can enact civil rights reforms, minimum wages, and welfare reforms—why not ban abortions, divorce, and homosexual activities?

Liberals can avoid this issue because they basically hold that there should be no shared formulations of the good, thereby ensuring that no one will be forced to heed them. I write “basically” because there are several nuances and qualifications to the basic liberal position, variations to which liberals attribute great significance—but, as I see it, these variations do not alter their basic position. Thus, some liberals, evoking the work of Isaiah Berlin, are willing to define some conduct as beyond the pale but insist that all other formulations of the good are equally legitimate. Others maintain that a few virtues (e.g., teaching citizens to think critically) must be promoted by the liberal state because they are needed to maintain its liberalty; Tom Spragens refers to these as the “traits of civic character.” Still others are quite willing to enact laws that protect civil and individual rights. These laws are considered legitimate because they protect the individual from the state rather than encompass a morality enforced by the state. Also, these rights are viewed as truths whose validity any “rational” person would recognize, or they are considered to be “natural” or self-evident—but not based on a community’s shared formulations of the good.

Beyond the well-known liberal objections to legislating morality, and the already listed limited exceptions, liberals escape the Beem challenge in a way they are much less willing to acknowledge: they justify policies based on those substantive values of which they do
approve, with what amounts to a philosophical slight of hand. They deny that shared formulations of the good inform these policies, instead finding some other way to endorse them. Thus, some liberals who favor the minimum wage support it not in the name of a substantive conception of social justice, but either because it can be said to protect some inalienable right, because poorly paid people will make inattentive citizens, or in the name of some abstract concept of fairness that “every rational person” would endorse. Some who favor stewardship of the environment, a common good par excellence, claim that environmental laws should be respected because individuals choking on polluted air cannot conduct themselves as citizens of a liberal state must, and so on. But such links are not found for those additional substantive values that others hold dear.

Spragens helpfully narrows the issue by pointing out that not all legislation is coercive. Some of it is merely expressive, encouraging good traits, honoring good deeds. However, this is a narrow escape hatch since most legislation—maybe 99 percent of it—has a coercive element in addition to any expressive one. (Taxing, of course, is included.)

A major difficulty with the liberal position is that it does not deal with the protection of children. Children do not fit into contemporary liberal formulations, which implicitly assume that people are born at age 21 with their individualized values fully formed. (Once one acknowledges that values are acquired through the processes of moral education that draw on the shared moral culture of the community, one cannot avoid questioning why one should oppose the influence of such a culture on a person of any age, given that people’s character requires continued communal reinforcement.) Thus to favor legalization of drugs and drinking underage, as Spragens implies that he does, does not take into account the effects of such measures on children, who are unable to form responsible judgments and who, once addicted, tend to remain addicted when they become adults. Indeed, protection of children, especially those 13 and younger, is a major substantive value communitarians should endorse (and the state should enforce) unabashedly because children are a major social good—and a particularly vulnerable group. (The same is true of older senior citizens.)
Which takes us right back to the Beem challenge. How are we to tell those values that are to be enforced by the state from those that should be supported only by the moral voice of the community?

**Guiding Criteria**

Prudential considerations apply. If a law cannot be effectively enforced (or if it can only be enforced through undemocratic means) or if it has major corruptive effects, it has at least one strike against it—especially if it suffers from both of these faults. Prohibition seems to be everyone’s favorite case in point.

Bruce Douglass introduces another major consideration: a value must have “broad” political support for it to be properly codified through law. Some might see this position as majoritarian. That is, as moral differences in a democratic society that concern public policies must eventually be brought to a closure, a majority in the legislature should carry the day. Indeed, this is a very common occurrence in the United States Congress these days, where laws are enacted by very thin majorities. Civil rights reforms had such a majority and hence were legitimately turned into laws; banning abortion and divorce do not, and hence stay off the books.

Another interpretation of “broad” support does not directly concern the political process. We must, as Douglass notes at one point, put a high premium on persuasion. As I see it, there are basically two rather different kinds of laws: “bare” ones—laws that have been somehow pushed through the legislature by a narrow interest group, using trade-offs, campaign contributions, or some other stealth technique—and “covered” laws, which reflect a shared moral understanding, reached through a prolonged and well-developed moral dialogue. This understanding is much wider than a mere majority, often encompassing 70 to 80 percent of the public, and is much deeper than a mere vote because people’s values have been engaged and changed. (This leads not merely to much stronger support for a law than a majority vote does, but it also leads people to change their behavior voluntarily and hence minimizes coercion.)

While prohibition is a bare law par excellence, a ban on smoking in public places is my favorite candidate for a well-covered law. It was enacted after a very prolonged and persuasive dialogue brought
about a law that is widely supported and almost completely self-enforcing—a communitarian masterpiece. In between these two ideal types, on the bare side of the continuum there is bussing, opposed by the majority of whites and blacks; on the covered side, laws requiring the immunization of children.

One may say that policies concerning smoking and immunization involve matters of public health and hence do not rest upon moral commitments but upon self-interest. This is hardly the case. If the matter were left to self-interest, selfish parents would often assume that they need not accept the very small risk to their child and the trouble involved in immunizing them because other parents will immunize their children (what is called the “free rider” problem). To gain broader support for these policies, moral commitments to the common good are required. Similarly, for those who smoke, not smoking in public is an act of foregoing some pleasure for the sake of others’ health. Though they continue to endanger their own life through smoking, they have come to recognize that they should not endanger the lives of others.

All this does not mean that any law endorsed by very large segments of the public as morally sound should be enacted. We have not a majoritarian but a constitutional democracy; all morality enforcing laws that offend the constitution and its Bill of Rights—for example, those that would force marriage—should of course not be enacted, despite whatever amounts of support they have (unless it is under the very exceptional condition that the support is strong enough to pass a constitutional amendment). And vice versa: enforcement of the Bill of Rights requires no majority votes. (When laws do not directly seek to violate rights but seem to impinge on them at the margin—by banning hate speech on campuses that receive federal funds, for instance—it is typically left to the courts to decide whether basic rights have been offended.)

Moreover, for those laws that are enacted, we can grant exceptions to certain minority groups. Although the rest of the nation can be expected to follow one law, reflecting one set of values, those who strongly hold to a different set can be granted a waiver from this particular law, making enforcement less insensitive to what we have concluded are legitimate value differences. The Native American Church’s use of peyote for religious ceremonies is one such exception.
The criterion for allowing these exceptions is itself subject to the formulation of shared moral understandings. For instance, some hold that we ought to consider whether the behavior in question infringes upon a compelling public interest.

**Advancing Dialogues**

Both Beem and Douglas may well ask: Cannot legislation itself be used to form new moral understandings, and isn’t this sometimes appropriate? Before I can get to the core of this matter, I must clear away some of the underbrush.

Surely legislation can be used to trigger a moral dialogue. Indeed, sometimes laws are introduced—despite the fact that most everyone realizes that they will not be enacted—to launch or to nurture a moral dialogue. For instance, some 20 bills to make divorce more difficult were introduced in the last two decades of the 20th century in Midwestern states. None were vigorously advanced, none were enacted. But they did help call attention to the issue.

Also, minor matters may be settled through legislation which, once enacted, people will accept as legitimate although they have not been previously involved or considered in the matter. For example, a legislator may determine how many hours high school students may work in fast food restaurants. However, this presumes that the basic matter has been settled: they should be allowed to work there in the first place, even on school days, and so on.

We should note, though, that there is a tendency to turn even relatively small legislative matters into symbols for much more significant moral issues. For instance, Germans have refused to change a regulation that requires chefs to prepare pork for their cooking exam, despite appeals from Turks to allow turkey instead. This conflict—as in so many “minor” ones—bespeaks a much more important issue: the Germans are not quite prepared to cease to see themselves as a Christian nation (and as an “immigrant country” in which “foreigners” come to stay and become members of the community). Thus, without moral dialogues preparing the ground, often even seemingly small legislative matters cannot be settled, let alone the larger issues that they reflect.
What about major matters?

Often reference is made to a military base commander who ordered desegregation of his base prior to the executive desegregation order of 1948. The rhetorical question is repeatedly asked: Why cannot the commander-in-chief, the president, follow suit and lead Congress to increase the minimum wage, enact national health insurance, or whatever else the petitioner favors? I should first note that we know precious little of what happened in that blessed military base. Was the command to desegregate preceded by moral dialogues? Did the command merely lead to new behavior, but not to moral endorsement of the new conduct? We know one thing, though, most assuredly: we do not run a democratic nation the way military bases are run.

To push the point, people who cheer for the law to truly lead on major matters and for moral endorsement to follow—thereby pushing people rather than merely hastening the pace of their dialogues—presume in the back of their mind that the legislation will be in line with values they cherish. However, the impropriety of such a reliance on the law becomes all too evident if we imagine that the law is used to enforce a value we do not share. What if, say, the law required us all to attend weekly meditation sessions in Buddhist temples? To give 10 percent of our income to a church of our choice? Of course, one could think of much more troubling examples.

In short, laws can legitimately trigger, nurture, maybe even quicken moral dialogues to some extent, but legislating a major change in conduct will by itself not lead to moral support; on the contrary, it is likely to provoke well-justified opposition. It is not merely imprudent to so act, but also a profound violation of our understanding of how a good (not merely democratic) society functions.

Furthermore, it is legitimate to try to raise or reinforce support for legislation through peaceful demonstrations, sit-ins, acts of civil disobedience, and strikes. If they successfully appeal to latent values within the public, generating new public support for a cause, their effect should not be thought to delegitimize the legislation that follows. However, if violence is employed, the opposite is true because it undermines the democratic process and because it entails forcing the majority to heed the values of a small group.
So where does all this leave the question Beem’s text evokes? A communitarian can readily agree that the basic liberal line against enacting shared formulations of the good, even if redrawn some, is difficult to hold. There is clearly room for enacting legislation if it is based on truly shared moral understandings, but only if it follows a prolonged and encompassing moral dialogue; if it has gained wide support, well above a mechanical majority (say, 70 to 80 percent of the people); if it does not offend the Constitution; and if it can be effectively enforced. Banning abortion, divorce, and homosexual activities fail to meet all these criteria. Stewardship of the environment does not, and—I would argue—neither does better protection of young children from violent material, abusive marketing (e.g., of Alcopops), guns (e.g., through mandatory locks and gun-free zones around schools), and pedophiles (Megan’s Laws), among others.

To receive The Communitarian Network’s FREE monthly electronic newsletter, “The Communitarian Update,” email the message “subscribe comnet,” followed by your name, to listserv@hermes.gwu.edu.
In the annex of Juan Pablo Duarte elementary school in New York’s Washington Heights, around the corner from the Mi País supermarket and Macarena clothing store, 19 parents perch on child-size chairs to begin unlocking the mysteries of a foreign language. Timidly, they lift their voices in unison and chant, “The weather today is sunny and cool.”

It takes patience and commitment, struggling three mornings a week to master the names of the days, the seasons of the year. But these grown-up students sense the importance of their English lessons—and know they are lucky to have won a spot in class. At any time, as many as 200 of their neighbors are waiting to get in.

The millions of people streaming north from Latin America during the past three decades form the largest immigrant bloc since the Irish fled the potato famine of the mid-19th century. Their numbers, common language, and ease in maintaining ties to nearby home countries have raised concerns over whether Hispanic immigrants and their offspring will merge into U.S. society as the Europeans of the last great migration did. In recent years, some people’s perception that Latinos are sidestepping the American mainstream has created pockets of resistance—a backlash against bilingual education, reluctance to offer public services in Spanish. But is this backlash warranted? Are Latinos actually bypassing the fabled American melting pot?
One of the most comprehensive national polls ever conducted of Hispanics provides convincing evidence that the country is retaining its fabled ability to integrate people of foreign cultures. Based on interviews with 2,417 Latinos, as well as more than 2,000 non-Hispanic white and black Americans included for comparison, the survey provides a nuanced portrait of the way Latinos—both immigrant and native-born—are finding a place for themselves in American society.

The survey also helps to explain why it often appears to outsiders that Hispanics are avoiding the melting pot: since nearly half of the 35 million Hispanics living in the United States today were born outside its borders, many are near the beginning of a gradual process of shedding their original identities.

Although the poll, carried out by the *Washington Post* in collaboration with researchers at the Henry J. Kaiser Family Foundation and Harvard University, offers only a snapshot in time and does not trace individuals over the years, its results nonetheless illuminate how the process of assimilation works and the many factors that shape the evolving attitudes of Hispanics over decades and generations.

Its findings suggest that assimilation is not an all-or-nothing activity; instead, the fluid and dynamic process of securing a place in America can be thought of as having roughly three phases. At the start are many recently arrived immigrants who came to the United States as adults, such as the parents wrestling with a new vocabulary at Juan Pablo Duarte elementary.

The second phase involves people who are “bicultural,” embracing both English and Spanish and drawing pieces of their identity from old and new ways. Those in the third stage, the most assimilated, were born in this country or came here at a young enough age that many of their attitudes and beliefs mirror those of the society surrounding them, although they reach back at times to embrace vestiges of their cultural heritage.

That is not to say assimilation follows a single track. It is leading some Latinos into poverty and an eroded work ethic, while bringing others the bounty of the American dream. Nor is the process of change entirely a one-way street. As Hispanics adopt American ways, their
own traditions exert a growing influence on American culture, from tastes in food and popular music to the economy and politics.

**Strangers in a Strange Land**

To understand what it is like to be new in America, consider the group portrait of foreign-born Latinos who, according to the survey, account for nine in ten Hispanics at the onset of assimilation: three-fifths have not graduated from high school. Two-fifths earn less than $20,000 a year. The majority have no credit cards, and a third have no driver’s license.

They see their adoptive home in a faintly hostile hue. Most believe that discrimination against Latinos is a big problem.

At first glance, these people in the first stage of assimilation might seem resistant to American ways. But from the vantage point of people such as Martina Flores, the reality is more intricate. A resident of Chicago’s western suburbs, Flores is striving both to preserve her own values and to find a toehold in an alien culture.

Like many Latinos born outside the United States, Flores, who left her small town in the Mexican state of Zacatecas as a teenager, is disdainful of American morality. Now 35, she laments that her five children have been “exposed to so much here that I never dreamed of as a child and that shocks me still as an adult.”

She is forever striking compromises with her children to keep them from slipping entirely into a world that is not hers. She permits pizza one night if they will eat enchiladas the next. Her son can wear the baggy pants fashionable among his friends if he pairs them with a neatly pressed shirt.

But Flores is also keenly aware that, in one important way, she must follow her children into their world—by learning English. So every weekday, after ushering her brood off to school, she settles into an English class at a nearby YWCA.

She and her immigrant classmates do not expect—and do not want—English to lead them too far from their origins. But by deciding to learn English at all, these adults provide a powerful sign that, even among the most isolated newcomers, assimilation is underway.
It is a journey that can take time to begin—and to yield substantial results. Some 70 percent of foreign-born Latinos polled speak mainly Spanish at home, and many in this first generation never become fluent in English. But the shift to a new language is unmistakable nonetheless. Fewer than one in five Hispanics born in another country say they are completely unable to read a newspaper or book in English, and most say they can speak at least some English.

The tilt away from native language is visible in the withering of some institutions that have catered to the Spanish-speaking community. In Southern California, even as the Hispanic population balloons, the audience for Spanish-language movie theaters is drying up. During the past five years, Metropolitan Theatres Corp.—which since the 1960s has devoted some of its screens to films that are dubbed, subtitled, or made in Mexico—has had to cut the number of movie houses for Spanish-speaking audiences from 20 to 9.

The more English these Latino newcomers learn, the more rapidly their worldview begins to change—not just the language they communicate in, but the ideas they believe in and the values they hold. Learning English opens the door to everything from broader acquaintances across cultures to more diverse workplaces to television shows that expose newcomers to different habits, values, and beliefs.

Hispanics who are still moored in their native Spanish, by contrast, have more traditional values. They’re more likely than English-speaking Hispanics or whites to be intolerant of abortion and homosexuality, for example. Only one-quarter of Latinos who rely on their native language, the survey shows, say abortion should be legal, compared with more than half of those who mainly use English.

Such conservative moral beliefs may be related to the somewhat stronger role that religion—most often, Roman Catholicism—assumes for Hispanics who remain grounded in Spanish. 70 percent of these Spanish-speakers, but only 55 percent of those who rely on English, say religion is important in their lives. As Latinos become more comfortable with English, their view toward family also shifts. Nearly 95 percent of Hispanics who rely on Spanish, for example, believe that children should live with their parents until they get married, compared with less than 40 percent of those who mainly use English.
This emphasis on family produces contradictory effects on the process of assimilation. On the one hand, relatives enable immigrants who arrive with few job skills to secure a footing in the U.S. economy. On the other hand, intense family ties can slow down assimilation by maintaining allegiances to the people and place they left behind.

At Juan Pablo Duarte elementary in Washington Heights, it was so common for Dominican parents to pull children out of class for a month or more—to fly back to the Caribbean for weddings or Christmases or funerals—that the principal broadcast a new rule: Children who missed more than 10 days at the overcrowded school would not be guaranteed a seat when they returned. “This is a hard issue,” says Daniel Zimak, the interim principal. “They are connected [to] where they came from.”

**Best of Both Worlds**

By the time they arrive at the second stage along the path to assimilation, Latinos are equally at home in Spanish or English. Yet they are not merely dangling at the midpoint of two worlds.

Many Latinos in this stage live comfortably in a bilingual, bicultural world constructed from parts of Hispanic and Anglo cultures. For these Americans, this phase is more of a destination than a rest stop on the road to full assimilation. Others are part of a bridge generation that is in motion—still possessing the drive that marks the immigrant’s initial journey, but by now absorbing certain values and skills that make it easier to maneuver in their adoptive home.

This bicultural stage is shared by many Hispanics in the United States—slightly more than one in four Latinos surveyed. And it is these people who demonstrate most vividly just how varied assimilation can be.

Bicultural Latinos include many U.S.-born children of Hispanic immigrants. But they are joined by some first-generation Latinos who got a college education in this country or married non-Latinos or simply have lived here for a long time.

However, the group that adopts new habits and ideas the fastest, the survey suggests, are people who moved here as children. By the time they reach their late teens and twenties, the survey shows, three-
quarters of this “generation and a half”—as social scientists sometimes call immigrants who arrived as young children—are equally comfortable with English or Spanish. In contrast, 70 percent of those who arrived as teenagers still depend mainly on Spanish.

The educational gap is equally wide. Nearly half the young adults who were child immigrants—but only four percent who came as teenagers—have taken any college classes.

How quickly Latinos become “bicultural”—and how long they remain in this stage—is significant, because it helps to determine how well they fare in this country. In this phase, recent research suggests, Hispanics and other immigrants tend to make their biggest educational and economic strides.

For example, it stands to reason that Hispanic children who are fluent in English and Spanish do better in school than those who speak only Spanish. But remarkably, they often get better grades than Hispanic classmates who speak no Spanish. According to one large study in San Diego and Miami, bilingual students tend to spend more time on homework and less time watching TV than Latino youngsters who speak only English.

This group often ends up harboring ideas about social issues such as homosexuality that leave them smack in the middle—not as conservative as Latino newcomers, but not as Americanized as their Anglo neighbors or more assimilated Hispanics. Their views about gender roles shift, too.

Marisa Zambrano knows she doesn’t see eye to eye with her mother about being a wife. At 35, she lives with her husband and two young daughters in Joliet, Ill., speaking with a flat, midwestern accent that betrays no hint that she moved from Guatemala with her parents as a little girl.

Her mother put up with a lot from her father before he finally asked for a divorce, she says. “There was abuse and stuff. In Guatemala, that’s acceptable. ‘Oh, your husband hit you? You should just forgive him and try to make it better.’ I would have said, ‘I’m out of here.’”

But she appreciates other lessons she learned from her mother about female roles—lessons that she knows are out of step with
attitudes of many U.S. women. “Some of the traditional roles of the men being the leaders in the home and the women being the nurturer, I don’t think that’s a bad thing, as long as your husband is doing his part,” she says.

Even as they slide toward typically American points of view, however, Hispanics in the second stage tend to hold fast to at least one traditional Latin belief: a strong attachment to family. Bilingual Latinos—whether born in a foreign country or on U.S. soil—believe nearly as firmly as Spanish-speakers that relatives are more important than friends.

Most Americans a few years out of high school would shudder at the idea of living out their adult lives under the same roof as their parents. But 22-year-old Yansi Flores will never forget the exhilaration she felt signing a mortgage with her parents.

She remembers the chaos of the day in October 1998 when a two-story house in Woodbridge, Va. became theirs. Flores, who moved from El Salvador to Northern Virginia when she was four, raced to the settlement office, still splattered with ketchup from her manager’s job at a McDonald’s.

Chaotic as the day was, it was deeply satisfying because Flores knew it meant her family would stay together. In addition to her parents, she shares the five-bedroom, $136,000 house with her husband, her toddler and infant daughters, two brothers, and three cousins who arrived recently from El Salvador. “It’s better for us to be united this way,” Flores says.

Even under the same roof, Flores, like many Latinos in her transitional stage, sometimes senses that her ideas are distant from those of her mother, who strikes her as fearful and overprotective. Next year, Flores wants to enroll her 3-year-old daughter, Nancy, in a preschool ballet class. Her mother says young children belong at home.

Her parents “think in such old ways . . . I have to put my feet in their shoes to understand them,” Flores says. Flores doesn’t think of herself as either American or Salvadoran. “I don’t put myself in a category because . . . I’ll be confused myself,” she says. “I call myself ‘me.’”
A Complete Transformation?

While the millions of Hispanic newcomers have prompted fresh questions about whether the melting pot remains intact, the answer actually lies elsewhere: in the small core of fully assimilated Latinos, most of whose families have lived in this country for generations. Small as it is—only one in four Latinos surveyed says English is their language of choice—this group offers the most potent evidence that assimilation continues to exert its force.

About half of English-fluent immigrants have become U.S. citizens, the survey found, and less than one-fourth of all the highly assimilated have chosen to live in neighborhoods that are densely populated with other Hispanics. The survey also shows that between the first stage of assimilation and the third, the percentage of Latinos who have less than a high school education plummets from 67 percent to 16 percent. And often, their incomes climb in tandem.

While nearly two-thirds of Latino immigrants have incomes of less than $30,000 a year, the survey found, only about one-third of the most assimilated Hispanics have incomes that low—making them not as financially successful as Anglos but somewhat better off than African Americans.

While the signs of assimilation are unmistakable, many Latinos are settling into well-worn grooves of the lower classes. The poverty rate for Hispanics stands above 25 percent, twice the national rate.

Yet regardless of their relative economic success, most of those who speak English at home embrace a worldview strikingly similar to that of other Americans. Often, these views represent a dramatic break with the values of their immigrant ancestors.

One of the most notable transformations is the loss of “fatalism,” the attitude, common among the rural poor of Mexico and certain other Latin countries, that a person’s destiny rests in the hands of God or unseen forces of fate. When they are immigrants, the survey shows, about half of all Latinos believe it is pointless to plan for the future because they cannot control it. But by the time they have fully adapted to American ways, fewer than one in five holds that belief—about the same as the proportion of African Americans and whites.
As Hispanics adopt American values, however, they do not abandon their heritage. Fully 98 percent of third-generation Latinos, the survey shows, believe it is important to maintain their distinct culture—a larger proportion, in other words, than do those who are foreign-born or part of the second generation.

Her Latino origins are precious to Brooke Mann Esparza, 24, who works as a proofreader at an alternative newspaper and lives in a central San Diego neighborhood with a thriving gay community, an arts scene, and trendy restaurants.

Though her mother moved to California from Mexico as a child, Esparza felt like a misfit when, as an English major at the University of California at San Diego, she briefly joined a student organization that aggressively promotes Chicano identity.

She broke up with her Mexican American boyfriend because she felt he wanted her to be too traditional. Like one-third of college-educated Latinos, she intermarried, ending up with a rock guitarist named Ian Woodward, who is “kind of like Scotch-Irish-British.”

Despite the distance she has traveled from her family’s past, Esparza finds ways to stay connected. Growing up, she was struck by a photograph on her grandmother’s living room table, a black-and-white portrait of her aunt as a teenager in Mexico City.

The girl in the picture wore a polka-dot dress with ruffles at the sleeves and the hem, Rita Hayworth hair, and an expression “looking off into the distance like she was in some kind of sublime world.” She was dressed for a flamenco lesson, and her image motivated Esparza to become a serious flamenco dancer herself. “The culture aspect,” she says, “is a big reason why I stay with it.”

The attachment to Latin culture is stoked by more than fragments of memories passed on by parents and grandparents. As new immigrants arrive, they act as reminders of old-world tastes and sensibilities, even as they begin their own slow journey of adaptation to a foreign place. These layers of assimilation touch inside the Church of the Holy Spirit in Schaumburg, Ill., a primarily white and middle-class suburb just beyond the runways of Chicago’s O’Hare Airport. Now that Latino immigrants have moved into the area, the Rev. Bill
Tkachuk celebrates an extra Mass in Spanish on Sundays and tries to interweave the customs of his new parishioners with those of the Anglos who have always populated the church.

Last fall, he combined All Souls’ Day, a mournful commemoration, with Dia de los Muertos, a raucous celebration with strands of Catholic and ancient Aztec belief.

On a late October evening, some of the new Mexican arrivals bowed their heads and somberly lit candles for the All Souls’ rite, while some of the Anglos followed the Mexican practice of inscribing ancestors’ names on the ghoulish skulls typical of Day of the Dead folk art.

In the spare, whitewashed sanctuary, Luis Trevino was contemplating his own transition from the teenaged Mexican immigrant he once had been.

At 57, he is a deacon of the church and the owner of a successful printing company whose employees include a fresh generation of Mexicans. But on this night, he was adorning an ofrenda, an offering to the dead, with his grandmother’s image.

“I have always tried to hold on to the values . . . my grandmother taught me,” said Trevino.

“Now that is easier because of all the Mexicans coming here. They remind us, they always remind us, of who we are.”
Walking Through Open Doors
David Sciulli


Until very recently, policy debates in the United States over antipoverty programs were polarized. One view was that the poor face obstacles that other Americans do not (in housing, education, and nutrition) and that the primary antipoverty program should reduce these obstacles with direct transfer payments to the poor. The other view was that even if this was done and the door to opportunity and self-reliance was technically swung open, many poor people would simply not walk through it.

One of the heartening changes that came with Republican control of Congress in 1995 was that many policymakers began to merge these two views. Many Republicans started acknowledging that the poor indeed face unique obstacles, and that government at all three levels can play a role in reducing them. In turn, at least some Democrats—including Senator Joe Lieberman—began to acknowledge that antipoverty programs must revolve not only around rational incentives but also around appeals to the poor for self-help. Some Democrats even began to entertain the possibility that such appeals are not mean-spirited insults. President Clinton signed the Republican-initi-
ated change in antipoverty policy less than two years after their majority control took effect.

In *Fighting Poverty with Virtue*, Joel Schwartz defines this episode as the final of three key moments in American policymakers’ efforts to combat poverty. His thesis is that policymakers are essentially coming full circle to appreciate anew the wisdom of America’s original antipoverty crusaders, the often-maligned “moral reformers” of the late-18th to early-20th century.

According to Schwartz, the work of the moral reformers constitutes the first significant chapter in the history of American antipoverty efforts; his discussion of this period occupies over half the book. The essence of moral reform was the proposition that it is essential for poor people themselves to behave responsibly and consistent with the three “virtues” of diligence, sobriety, and thrift. The goal of successful policy was to reduce dependency and increase self-reliance, not to reduce the more artificial conditions of poverty. Thus, moral reformers rejected handouts to the poor (whether local alms or government expenditures). However, they did endorse structural and environmental reforms that were consistent with encouraging work and self-reliance, such as minimum wage laws, maximum hour laws, and work safety laws.

The next key moment in American antipoverty efforts came in the 1960s but was antedated by early critics of the moral reformers at the turn of the 20th century, in particular Jane Addams and Walter Rauschenbusch. The 1960s saw a sea change in thinking about poverty and how to reduce it. The most influential critics of work requirements and appeals to virtue in then existing antipoverty programs were William Ryan, who popularized the phrase “blaming the victim,” and Frances Fox Piven and Richard Cloward, who condemned these requirements and appeals as exercises in “social control.” These writers agreed that the federal government was imposing middle-class values on people who legitimately, indeed proudly, think and act in different ways.

Finally, the last key moment in American policymakers’ thinking about poverty came with the Republican Congress’s welfare reform—the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The title of the legislation itself reflects the merging of views described at the opening of this review.
The academic literature on poverty has long been mired in a stultifying liberal orthodoxy that results in contrary evidence, let alone contrary arguments, being labeled and dismissed as “conservative,” “mean-spirited,” and, yes, “racist,” “classist,” and “sexist.” Schwartz’s counterargument to such tactics is elegant and pithy: “to act virtuously is not so much to ‘act white’ as to act ‘nonpoor.’”

The format of Schwartz’s opening chapter reveals how skewed to the left the debate over poverty has become in the academy: he finds it necessary to argue for the virtues of diligence, sobriety, and thrift, then voice objection to a lifestyle of dependence and vice, and finally make the case for self-help. Moreover, he also feels compelled to repeat his central arguments endlessly in other opening chapters, reflecting his implicit perception of the academy’s predominantly liberal views on poverty. In trying to get a hearing among entrenched academics, he cannot avoid insulting the ability of more nimble general readers to grasp quite basic points. General readers, however, should not underestimate the need for repetition directed to learned audiences on this subject.

Schwartz’s book is an important contribution by yet another outsider to shifting sands in the academy—the latter, in turn, being a much belated response to the educated public’s (and, at times, the Democratic Leadership Council’s) growing impatience with liberal dogma. Indeed, I find it constructive to draw readers’ attention to how his position relates to other books written for a general audience on two different policy areas, race and crime. Like Schwartz’s book, these works directly confront the received wisdom, or “political correctness,” of the academy, and this helps to explain how they were written and received.

Think of the attacks academics launched against Stephen and Abigail Thernstrom for their excellent compilation of evidence, in America in Black and White, of African Americans’ extraordinary advances prior to affirmative action. Then think also of the more recent attacks James McWhorter has received for his argument, in Losing the Race, that affirmative action has helped to foster diffuse resentment and uneven perseverance among many second and even third generation middle-class African-American college students.
Consider how conveniently academic researchers have neglected the central thrust of Jack Katz’s argument regarding the sources of crime in *The Seductions of Crime*—namely, that crime is not driven by material need but by sensual, at times metaphysical, pleasures at a basic level. Crime is literally a way of life, a way of looking at the world, not an occasional or weekend jaunt or even a materially rewarding activity. Katz’s position is not only consistent with the evidence—after all, very few people in need turn to a life of crime—but consistent also with insights that Nietzsche and Freud presented generations ago.

Finally, consider that it took a courageous journalist, Patricia Pearson, to draw attention to the extent of spousal abuse by women, to say nothing of the extent of infanticide. Her book, *When She Was Bad: How and Why Women Get Away with Murder*, could not, I believe, have been written by a sociologist or political scientist seeking tenure on either coast. Social ethnographer Mitchell Duneier captures why: “sociology cannot survive the burdens of political correctness.”

Overall, Schwartz follows the lead of these other works in challenging liberal orthodoxy by, in his case, assessing today’s antipoverty programs and proposals with an impassioned reasonableness that is engaging, not proselytizing or ideological. He does for today’s poverty literature what the Thernstroms did for race literature a few years earlier: he places today’s situation in a highly accessible, grand, indeed magisterial, historical context—then makes an impressive case for an important, practicable policy position consistent with it. In Schwartz’s case, he calls for policies that instruct the poor how to walk through open doors. He accepts that policymakers must avoid moralistic heavy-handedness, but he adds that they must equally avoid accepting or ignoring irresponsible behavior. To do so, Schwartz holds, is to operate on the assumption that poor people are not really capable of living responsibly—as damning a thing to think about anyone in contemporary America as can be imagined.

Schwartz provides numerous examples of responsible behavior that is justly expected of everyone, including the poor. Let me conclude with one not in his book. Sociologists have known for decades that when male adolescents are frequently truant from school and have been since the third grade, statistics strongly indicate that they are bound not only for poverty but also for criminality. If parents,
whether singles or couples, fail to monitor their children at least to this minimal level, there is not a governmental program in the world that can compensate fully for such negligence—not any transfer payment, not any welfare to work rule, and not any faith-based initiative. If social activists call on parents simply to bear this responsibility, can anyone reasonably suggest that they are trying to subject poor parents to unreasonable social control or slight them by “blaming the victim”? To the contrary, such calls treat poor parents as reasoning, responsible adults with whom we all share a great deal.

If you have not been keeping up on debates over poverty and the policies intended to reduce it, Schwartz’s book is the one to read—first to catch up, then to anticipate what you’re likely to hear and see in the future.

**Have Communitarians Been Duped?**

Kelton Cobb

**John Ehrenberg, Civil Society: The Critical History of an Idea**


In *Civil Society: The Critical History of an Idea*, John Ehrenberg offers a real service: a genealogy of the concept of civil society that stretches deep into the history of Western civilization—well before thinkers like Adam Ferguson, Alexis de Tocqueville, and G.W.F. Hegel, who are typically identified as points of origin for the concept. Ehrenberg, a professor of political science at Long Island University, starts instead with Plato and works forward to Antonio Gramsci, Jurgen Habermas, and Vaclav Havel. He summarizes the innovations that roughly 25 brand name theorists, clustered chronologically, have made to the concept of civil society, then groups these thinkers into three distinct branches.

The reason Ehrenberg gives for casting his net so widely is that the reigning Tocquevillean conceptualization of civil society is
“undertheorized” and far too chummy with the agenda of the political right, namely in its trust in the market and its skepticism of the state. Ehrenberg is a Marxist—his earlier book, The Dictatorship of the Proletariat: Marxism’s Theory of Socialist Democracy, was an attempt to defend a democratic core in Marx’s political theory in light of its apparent demise in 1989. His ideology deeply informs his effort to deflate the current enthusiasm for civil society as the sphere of human life that exists between the individual and the state. Essentially, his criticism is that the Tocquevillean branch of the concept of civil society serves as an opiate of the people, making them far too complacent with the aims of the ruling class by inviting them into the comforts of a very undemocratic affection for localism.

Ehrenberg also contests the idea that a vibrant civil society is central to democracy. He argues instead that democracy’s key ingredient is a strong and interventionist state that is dominated by the collective action of the proletariat. Class struggle, not voluntary associations, is what allows a genuine democracy to thrive.

This is a strong and debatable thesis. But before examining its faults, it is worth dwelling on the enormous contribution Ehrenberg makes in his careful outline of the three branches of civil society. This genealogy comprises over half of the book and includes description—and often very even-handed analysis—of thinkers ranging from Plato and Aristotle to Aquinas, Dante, Luther, Marx, and Montesquieu. He examines how each theorist conceptualizes the interactions between state power, commerce, and the human bonds that are formed in the pursuit of noneconomic goods. The result is a very non-Marxist history of ideas. Ehrenberg does not dismiss any thinker as simply an organ of ruling class interests, but tries to understand them on their own terms and does a wonderful job of tracing the evolution of concepts from thinker to thinker.

The three theoretical branches of civil society that Ehrenberg identifies are, first, the classical/medieval view of the commonwealth, where society becomes civil when there is a reigning authority that can protect law-governed associations through the coercive power of the state. Second, the modern view of civil society as the realm of market-organized relationships. And third, a second modern view of civil society as the sphere of intermediate associations that serve to
counterbalance the state. In order to fit all the thinkers he cites into one of these branches, Ehrenberg broadens the meaning of “civil society” into a more encompassing concept that, unfortunately, he never identifies.

Ehrenberg views the first branch favorably on the grounds that it refused to separate civil society from politics. While recognizing different points of authority, Aristotle, Augustine, and Machiavelli all held that life was civil to the extent that a law-organized state served to contain the excesses of particularism. He views the second branch favorably as well, but for a different reason. Following John Locke’s contention that the protection of property is the justification for human association, a succession of thinkers (Ferguson, Smith, Hegel, and Marx) formalized the view that civil society is the realm in which individual needs and interests produce the institutions through which they can assert themselves. This expanding zone of institutionalized competition and market-organized desires came under scrutiny by Hegel and censure by Marx. Ehrenberg sides with the basic analysis that civil society is a free-for-all of economic forces, very undemocratic, and market-driven. Naturally, then, Ehrenberg has the least regard for the third branch—whose theorists include Rousseau and Tocqueville—given their naiveté about economic forces and their blanket endorsement of all forms of localism and voluntary association.

Ultimately, Ehrenberg guides this intellectual history into identifying a development in the modern period that is particularly well-suited to a Marxist analysis: that the economic interests of the bourgeoisie have become central to conceptualizations of civil society. In short, Ehrenberg concludes that civil society, under the pressure of modernity, has become the sphere of selfishness and exploitation that the second branch identified—and is therefore the problem to be solved, not the solution, if genuine democracy and economic justice are our desired ends.

Moving to his own constructive reflections, he draws from Gramsci and the Frankfurt School the assessment that civil society is simply bourgeois hegemony from which we have more to fear than we do from any state. The success of the “neo-Tocquevilleans” and communitarians such as Havel belies the insidious role of the market,
in Ehrenberg’s estimation, and diverts us from seizing the levers of political power in addressing these problems. He dismisses the whole Tocquevillean/communitarian branch as “moralistic,” naive about how provincial and exclusivistic local intermediate associations can be, and blind to the long reach of the market and the indispensable role of the state in bending the will of local groups whose goals are inconsistent with the common good. “Civil society,” he writes, “can just as easily impede democracy as advance it.” He contends that in endorsing localism and the idea of subsidiarity, communitarians fail to distinguish between bowling leagues and the Ku Klux Klan. Moreover, they play into the hands of antistatist conservatives. In contrast, Ehrenberg argues for the merits of state bureaucracies, where impersonal procedures and rules guard against arbitrariness and local prejudice. Decentralization, he contends, leads to inequality.

To make his case, he offers the example of how public lands, if left to the control of those living nearest to them, will be surrendered to market forces. Left to localism, wilderness areas are given over to mining and timber interests because the local economy benefits. Protection of these areas generally comes from federal policymakers and against the will of local associations. While this is generally true, it strikes me that Ehrenberg misses the fact that pressure on the federal government to formulate such land use policies comes from other corners of civil society. He makes it seem as if the state, on its own initiative or under pressure from unassociated but enlightened individuals, knows the common good and steps in to overrule the will of “civil society.”

Ehrenberg is guilty of several distortions in his depiction of communitarians. His criticism that communitarians fail to distinguish between magnanimous and malicious motives among voluntary associations is contradicted by the great attention that has been given to this problem by writers like Robert Bellah and Amitai Etzioni. His insistence that the communitarian view of civil society puts little stock in the role of the state likewise contradicts the work of theorists like Bellah, Michael Walzer, and Michael Sandel. Ehrenberg depicts communitarianism as a kind of libertarianism of local groups that is very antistate.

If communitarianism has a “center,” I would not describe it as antistate but as recognizing and even advocating the interplay of civil
society with the state, which has legitimate coercive powers. The state serves the indispensable role of adjudicating between the centrifugal demands of a noisy and active civil society, and that role of adjudication, of justice, is deserving of respect. The principle of subsidiarity, formulated in Roman Catholic social teaching and borrowed by many communitarians as a norm for understanding the relative roles of national and local associations, assigns considerable authority to lesser and subordinate organizations; however, it also insists on the responsibility and authority of the state to act when local bodies either cannot adequately cope, or when larger matters of the common good are at stake.

To be sure, *Civil Society* is worth reading for its genealogy of “civil society” and for its constructive argument, which runs against the grain of what many readers of this journal think about the meaning of that term. It is worthwhile to hear out a critic. But in the end, Ehrenberg’s portrayal of the neo-Tocquevillean approach is an egregious distortion—and, consequently, his polemics against it are unpersuasive.

**Especially Noted**


Anderson continues to shed light upon life in a most complicated and poorly understood community, the American inner city. His work here transcends standard ethnographies as he directs his sharp eye not only upon the subjects of his participant-observation and interviews, but upon a few individuals with whom he has had longstanding personal relationships. The result is a sobering piece of research that is infused with candor and pathos.

Anderson identifies two separate inner-city cultures, the “street” and the “decent,” both of which have their own deeply
entrenched system of rules and norms. While the latter emphasizes a strong work ethic, personal responsibility, and respect for most forms of authority, the former exists largely in opposition to these middle-class values. Among the many problems that Anderson addresses, particularly compelling is the paradox that inner-city youths face in navigating between these two worlds. In order simply to survive, even the most decent teens from the most decent families must adopt the language and manners of the street—and thus risk their claim to decency and acceptance in mainstream society, as police, teachers, and other authority figures find it difficult to discern the street youths from the decent ones.


Sirianni and Friedland document current attempts to infuse public health, environmentalism, journalism, and community organizing with a renewed civic spirit. Their book is a thorough and edifying resource for anyone interested in the development of the communitarian ethic.
A recent survey conducted by the National Marriage Project at Rutgers University asked 1,003 single and married men and women, ages 20 to 29, about their attitudes on love and marriage. Below are some of its findings.

- 94 percent of never-married singles agree that “when you marry, you want your spouse to be your soul mate, first and foremost”; 87 percent believe they will find that “soul mate” when they are ready to get married.

- 42 percent of young singles believe it is important to find a spouse who shares their religion.

- Over 80 percent of young women think it is more important to have a husband who can communicate his deepest feelings than to have a husband who makes a good living.

- 88 percent of all surveyed believe that the divorce rate is too high, with 47 percent agreeing that the laws should be changed so that divorces are more difficult to get.

- 78 percent of all respondents agree that a couple should not get married unless they are prepared to stay together for life; 6 percent say it is unlikely that they will stay married to the same person for life.

- 86 percent agree that one reason for divorce is too much of a focus on expectations for happiness and not enough of a commitment to the hard work needed for a successful marriage.

- 40 percent of the young adults surveyed agree that parents should stay together for the sake of their children.

Source: “Who Wants to Marry a Soul Mate?” The National Marriage Project, June 2001
Compiled by Jason Marsh
Can the methods of discursive ethics be applied to the present controversies of biopolitics? The assembly hall of the university in Marburg was filled to capacity when the social philosopher Jurgen Habermas delivered a Christian Wolff memorial lecture on “The Debate on the Ethical Self-Concept of the Species.”

Habermas began with a fundamental hypothetical question: What would it mean to make human life fully available for the purposes of selection or free scientific research? Explicitly restricting himself to the conditional voice, he first drew up a game plan for a “liberal eugenics.” One could imagine, he said, legal sanction and public legitimation for preimplantation diagnostics that selected against a limited number of serious inherited diseases. But as genetic technology continues to develop, stretching that to allow alterations of the cell nucleus, with the goal of preventing inherited diseases, would seem to constitute a logical further step. Thus would we be confronted with the paradox of trying to draw a clear line in the vague realm between a hypothetically justifiable treatment of diseases and the active planning of an individual’s genetic makeup.

Habermas conceded that he was employing alarmist methods, since molecular biology cannot yet perform the procedure that serves as his central example. But regardless of one’s particular ideology or
opinion, he argues that this form of intervention at the latest would be the point when the self-concept of the entire society would begin to change. And biotechnological breakthroughs are now coming so rapidly that the wise owl of philosophy is forced to fly during the day if it hopes to find the thoughts to describe its era. And what is the discursive ethical punch line? An embryo’s status, Habermas argues, is one of anticipation. The embryo, “regardless of any ontological conviction about when a person’s life begins,” must be viewed as a party with a voting right in the discursive community. “We should behave toward the embryo in anticipation of its will, like a second person who, after birth, will be able to express a view on this treatment.” Thus does Habermas contradict the naturalistic premises that associate human dignity with actualized qualities like consciousness of self or language ability.

The scientist who experiments with embryos in an effort to find new medical treatments cannot invoke an ethics of healing to justify the instrumentalization of prenatal life. If the medical ethos is to remain intact, it cannot allow for healing at the cost of third parties. “Missing from the experimental treatment of embryos is a clinical attitude toward a being whose post-facto will in the matter can in principle be presumed.” In other words, the embryo, if taken seriously as a potential interlocutor, must itself be granted the rights of a “patient,” which the doctor cannot sacrifice to the “collective good of medical treatment.” “Consumptive embryonic research is unjustifiable under the standard of a virtual doctor-patient relationship.” Without hesitation, Habermas supports the intuition that treats the mere thought of consumptive embryonic research as “repugnant.” In his view, preimplantation diagnostics also instrumentalizes the conditionally created embryo. With this diagnostic, an ethics of healing as interpersonal relationship can be invoked indirectly at best, in the argument that a particular kind of life might be viewed as unbearable by the realized embryo. “But the disquieting reality remains that we would be drawing a highly momentous distinction, for others as well as for ourselves, between a life worth living and a life not worth living.”

What most disturbs the philosopher, however, is the slippery slope toward self-instrumentalization and self-objectification. The eugenically programmed human about whom Habermas speculates
might end up deprived of the potential for a fully ethical existence of a self. What happens when you know that your genetic makeup is partly the product of your parents’ intentions? The unalterable natural basis of a life in which one must answer to one’s own self is replaced with a planned, social basis. Yet there is no way for parents to guarantee that a child will accept their intentions, however good, as part of its own identity. Genetic planning would thus create a piece of social nature immune to the kind of “revision” through learning that is otherwise available to children, who ultimately are able to choose whether they wish to live out their parents’ plans.

This is where Habermas sees the real moral scandal—in a relationship between persons that assumes the form of one between designer and product. In our modern moral idea of humanity we view ourselves as equals who cannot be forced into relations of dependence that are indissoluble by definition. Genetic “paternalism” would destroy this basic symmetry, for designer and product can never exchange their social roles.

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After ten 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.
LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

From the Libertarian Side

Conflicting Liberties

In a case that the Wall Street Journal calls a “head-on collision of two cherished liberal orthodoxies,” 12 staffers at the Minneapolis Public Library recently filed claims with the Equal Employment Opportunity Commission (EEOC), charging that patrons’ frequent use of library computers to look at Internet pornography creates a hostile work environment and thus constitutes sexual harassment.

The staffers seek both monetary compensation and changes in the library’s policy that will reduce their exposure to offensive material. Such policy changes could include privacy screens on computer terminals or greater control over what materials clients are allowed to print on library printers.

Though the staffers do not support the use of filters for adult clients, and their lawyer contends that it will be possible to balance respect for employee comfort with respect for the First Amendment, a preliminary finding by the EEOC in favor of the staffers has civil libertarians worried.

UCLA law professor Eugene Volokh told the New York Times that because losing a lawsuit over censorship poses far less financial risk than losing a sex discrimination suit, he believes the EEOC’s finding will encourage libraries to filter the Internet.
According to the *Journal*, the case puts the American Library Association in a bind, as it has been working to prevent the government from mandating any kind of restrictions on library screens, including filtering software that screens out pornography.

**From the Authoritarian Side**

**No Justice, No Peace**

The ACLU recently had to wage the battle for free speech against one of its own affiliates. This June, the Hawaii ACLU decided that Supreme Court Justice Clarence Thomas was an “inappropriate” guest for a debate on affirmative action and voted down a proposal to invite him to face off against ACLU President Nadine Strossen at a conference.

*Fox News* reports that the vote against the conservative Thomas came after several African-American members raised objections about his character and political leanings. One member called Thomas “an anti-Christ, a Hitler” while another argued that inviting him to speak would give the impression that the ACLU of Hawaii “promotes and honors black Uncle Toms who turn their back on civil rights.” When the matter was referred to the entire ACLU of Hawaii Board of Directors, a board member compared having Thomas discuss affirmative action to “having a serial murderer debate the value of life.”

Other ACLU members, both in the Hawaii chapter and higher up, disagreed with the board’s decision and took exception to the harsh personal remarks about Thomas. Vanessa Chong, the executive director of the Hawaii ACLU, said the decision not to invite Thomas contradicts the ACLU’s stated goal of protecting free speech and allowing the public to hear all viewpoints.

A spokesman from the ACLU’s national headquarters called the board’s actions “politically correct posturing,” and Robert Rees, who funds the conference in question, said Strossen herself was “disappointed” with the board’s vote.
**No Sign of Love**

The religious community of Pacific Palisades, California started a minor controversy when its attempt to promote community values ran afoul of Los Angeles County street-use regulations, according to the *Los Angeles Times*.

As part of an effort to generate an interfaith celebration of the 50th anniversary of Kehillat Israel synagogue, ten churches and temples sponsored a nondenominational “Celebration of Our Shared Values.” The program involved dozens of public displays, lectures, and dialogues designed to promote community and family.

One of the more creative elements of the week’s events was to organize the display of 3,500 stake-mounted placards reading, “love,” “courage,” “respect,” “integrity,” “passion,” “good works,” and “kindness” in front yards and along highways and thoroughfares throughout Pacific Palisades. Almost as soon as the signs were put up, however, they were confiscated by Los Angeles county street-use inspectors because the event’s organizers had failed to obtain the necessary permits for their display.

After the intervention of city Councilwoman Cindy Miscikowski, some of the signs were returned to Neil Selman, the event’s organizing chairman, and rehung. An aid to Councilwoman Miscikowski explained that because of the unusual circumstances that prompted the signs’ posting, “We asked the street-use inspectors to turn the other cheek.”

**From the Community**

**Accommodating Families**

The travel industry is slowly realizing what seniors are really looking for in a vacation: the chance to spend quality time with their grandchildren.
American Demographics reports that 20 percent of grandparents have taken a trip with their grandchildren during the last year, and an additional 12 percent have been on a trip with other children in their family. During the year 2000, grandparents traveling with their grandchildren represented one fifth of all trips taken with children—up from 13 percent in 1999.

To accommodate this sharp rise in “Grandtravel,” travel companies like Elderhostel have established new programs for intergenerational travel groups. In addition, America West Airlines provides discounts to seniors who travel with their grandchildren, and many hotels and resorts now offer vacation packages with activities and accommodations geared to meet the needs of the young and old alike. For instance, Loews Hotels advertises that its “Generation G” packages include discounts on adjoining rooms, photo albums, and phone cards to call home.

Grandparents and travel companies are not the only ones benefitting from these travel arrangements: 56 percent of children ages 6 to 17 said they “would really like to” travel with their grandparents, and 78 percent of kids ages 6 to 8 say they’d like to do so.

According to American Demographics, hotels and travel agencies have also seen an increase in the numbers of other “nontraditional” family groups. In addition to the young and the old together, it is not uncommon to see groups of adult cousins and siblings, gay and lesbian couples with children, and even large multigenerational groups traveling together.

An Encouraging Report

In Germany, the involvement of journalists in recent insider-trading scandals has weakened public trust, both in the press and in financial markets. In response, Germany’s economics ministry is considering establishing a voluntary code of ethics for the nation’s journalists.

According to the Wall Street Journal, Germany currently has no regulations preventing journalists and stock analysts from holding stock in the companies they cover. Furthermore, many companies give journalists gifts and discounts on such items as cars and airplane tickets.
Rather than putting a new law on the books, the German government plans first to try out a voluntary contractual code to encourage ethical behavior. The proposed code would likely require journalists to disclose their shareholdings in the companies they write about and return any corporate gifts in excess of 100 euros ($85). Plus, a federal securities watchdog group would be able to fine violators.

Many publications have already adopted their own rules limiting which companies their reporters can invest in. In addition, the professional group for stock analysts recently banned its members from buying shares in any of the companies they analyze.

_Mackenzie Baris and Joseph Ura_
Ungrounded Fears: American Intellectuals and the Spectre of European Harmonization—A Response to Michael Walzer and Noah M.J. Pickus

The peoples of the world are on the move: African immigrants waiting months in makeshift Moroccan towns for often illegal passage to Spain and Portugal; Chinese citizens requesting refugee status in South Korea; Turkish Kurds landing off the shores of Marseilles and demanding asylum; thousands of Albanians fleeing Kosovo for the shores of Italy; Mexicans dying in the Arizona desert of dehydration after being abandoned by their border smugglers.

Add to these heartwrenching stories of human suffering the fate of persons displaced by ethnic and civil strife in their own countries, whose numbers are estimated at 30 million for the past decade, and even without considering the legal and semi-legal movement of immigrants in search of new jobs and opportunities across oceans and continents, it is obvious that the 21st Century will be one of great migrations. Yet our habits of heart and mind are shaped by the geopolitics of a system of nation-states formed two centuries ago.

In “Dismantling the Leviathan: Citizen and State in a Global World,” [Spring 2001] I raised issues posed by this new situation through an analysis of the paradoxes and tensions in democratic nation-states. Michael Walzer and Noah Pickus raised objections in the pages of this journal to my empirical as well as normative claims,
often confusing the first with the second. For example, I argued—empirically—that globalization undermines the effectiveness of the nation-state in sustaining territorial dominion, administrative control, a more or less homogeneous cultural identity, and democratic legitimacy. Furthermore, I described the institutional transformations of citizenship, particularly in Europe, as a form of “disaggregation” of the components of citizenship.

Walzer claims that I exaggerate these trends and argues that the nation-state remains a crucial instrument of democratic politics. But I believe that these trends are far-reaching and that the capacity of nation-states to remain instruments of democratic politics will depend on novel institutional and normative responses to a rapidly changing present. I am not an enemy of the nation-state; I am not rejoicing at its historical *Aufhebung* (sublation). Rather, accepting that current global trends in economics, technology, armament, tourism, etc. are weakening this structure, I am asking what normative principles should govern our future thinking about practices of political membership and citizenship. I fully share Noah Pickus’s anxiety about a world of transients without commitments, residents without loyalties, and profiteers without civic virtue. Nonetheless, I am skeptical that we can recover the desirable traits of character by singing the songs of liberal nationalism, whose notes at times sound more national than liberal, and at others, more liberal than national.

Walzer and Pickus agree with me that the dual commitment of democratic states to human rights and popular sovereignty is a useful lens through which to examine the tensions and paradoxes in naturalization and immigration policies. Why then all their talk about “political reeducation” à la Rousseau and Lenin, about “Benhabib’s will replacing the will of the peoples of European democracies?”

Here is what I wrote:

But accelerating these processes of naturalization and incorporation through efforts at the EU level can also generate reactions in national communities whose political culture and institutions may not be ready to absorb these transformations. Political education about the changing nature of democratic politics is as indispensable as administrative and bureaucratic rationality in these areas.
In fact, I am suggesting that even if, at the EU level, liberalization measures on behalf of refugees, asylum seekers, and the naturalization of foreigners and guest workers were adopted, in the absence of some “political education”—by which I mean the democratic politics of debate, discussion, contention, disagreement and opinion-formation, nothing more and nothing less—there may be a backlash in many European countries. As demonstrated by the recent election results in Austria and Italy, which brought Joerg Haider and Silvio Berlusconi, respectively, to power, the anti-foreign backlash within the EU is already at work. The only way democrats and liberals can counter this is through political activity and the engagement of equal and free citizens. A good example of the kind of political education I have in mind would be the activities of the Protestant churches in Germany on behalf of refugees and asylees. I have expressed support for these activities in such journals as the German Fluechlingsrat. Zeitschrift fuer Fluechtlingspolitik in Niedersachsen (The Refugees’ Re-course: Journal for Refugee Politics in Niedersachsen).

The concept of “harmonization” offends Walzer and Pickus, in part because they attribute to it meanings which it simply does not carry in the context of European debates. Walzer accuses me of wanting to reach for a “single description of the contemporary nation-state” and of advocating a single set of policy recommendations; Pickus seems to view harmonization of refugee, asylum, and immigration policies as a surreptitious authoritarian encroachment upon democratic self-governance.

Within EU debates, the term ‘harmonization’ first emerged out of the jurisprudential concerns about different nations’ varied policies of granting refugee and asylum status—as existed between Germany and Britain, for example. Lawyers, jurists, politicians, and activists were concerned about three issues in particular: first, the emergence of “refugees in orbit”—that is, of individuals who had placed asylum or refugee status requests in more than one EU country, and who were being moved across borders or being kept in limbo without resolution of their status. Second, during the height of the Yugoslav wars, as massive numbers of refugees from Bosnia-Herzegovina started crossing the border into the EU (via passages in Hungary in particular), the German government invented the concept of “safe third countries.” It thereby denied these individuals refugee status on the grounds that
sending them back to a country like Hungary did not violate the Geneva Convention on the status of refugees, namely the principle of “non-refoulement”—not sending refugees back to a place of danger and persecution. There were concerns among the public that this policy was a cynical violation of the Geneva Convention. Italy, not being a signatory to this Convention, could brazenly send Albanians from Kosovo as well as Albania to their death in makeshift rafts on the Adriatic Sea. A third area of concern, which has gained prominence since the Amsterdam and Tampere accords within the European Union, is the “harmonization” of the language, residency, and employment status requirements necessary for the transition to citizenship. The alternatives posited by Walzer and Pickus do not consider the tensions within the European Union. They state the alternatives as being either the democratic will of individual nation-states in determining these matters or an encroaching, undemocratic Eurocracy. This is off the mark.

I suggest that we think of current developments within the European Union in light of the principles and tensions of federalism. Immigration and naturalization policies in Europe at this point may be more fruitfully illuminated by thinking of the period between 1776 and 1865 in U.S. history, when such decisions were in the hands of individual states and there was great variation across state borders in the rights and privileges accorded to foreigners and residents, including discrepancies in voting rights and obligations to perform military service. The passage of the Fourteenth Amendment not only established U.S. citizenship for African Americans but also clarified that within the territory of the U.S., all persons—not just citizens—were entitled to the due protection of the laws and to certain rights. As we know from recent historical scholarship (e.g., by Rogers Smith, Linda Kerber, and Peter Schuck), the establishment of clear guidelines for a unified American citizenship meant neither its full democratic implementation for many native-born Americans nor for foreigners seeking “naturalization” and immigration. However, as with the formation of any federative union, there will be struggles over power sharing—local versus unionwide jurisdiction, privileges of state rights versus commitments at the federal level.

This is precisely what is occurring in Europe today: while progressive city governments like those of Amsterdam and Bremen,
which absorb immigrants and integrate refugees and asylees into the system, want to give these foreign residents the vote, the linkage between national membership and voting rights, which has been removed for EU citizens, is being retained for Third Country nationals all over Europe. I happen to think that this is wrong and unfair; many parliamentarians in the EU, as well as local politicians, think likewise. There are others who dissented, including the German Supreme Court. There are no simple oppositions here between democratic localists and authoritarian centralists. If anything, the parties that support voting rights for Third Country nationals are the Social Democrats and the Greens in most countries. It is the nationalist forces and the Christian right coalitions who, more often than not, are opposed to these policies. I disagree, therefore, with Michael Walzer’s claim that I am seeking a single set of policy recommendations for each nation-state. Rather, in the case of each EU member-state, I side with those who defend universal human rights on the basis of the European Charter of Human Rights, which these countries have signed, and oppose those who want to exclude Third Country Nationals from political citizenship either through denying them voting rights or through imposing absurd restrictions on naturalization and immigration procedures.

Furthermore, Pickus claims that if foreign residents in the EU or permanent residents in the United States were given the vote prior to becoming citizens, this would mean a devaluing of citizenship. This is empirically false. As the activities of many Mexican and Central and Latin American immigrants in Los Angeles and Florida demonstrate, these individuals are perfectly capable of active political involvement and engagement, which they then carry on toward citizenship. Does Pickus have facts to suggest that there has been a fall in naturalization rates among this constituency? There are none that I am aware of. In fact, hasn’t the AFL-CIO’s recognition of this population’s potential to become activists persuaded it to change its position on immigration from these countries and start courting this constituency? I could provide similar examples from Berlin, Paris, Amsterdam, and London.

What is my position on immigration then, asks Walzer. Very simply put, there are some reasonable criteria for immigration, which can extend from knowledge of language to residency to employment
status to some familiarity with the laws and constitutions of a particular country. Each of these criteria, however, needs to be weighed against human rights concerns. For example, family unification considerations should and do legitimately override concerns about language competency and employment status in granting immigrant status to family members like children, the elderly, and non-gainfully employed partners. Furthermore, one has to vigilantly scrutinize the manner in which immigrants are required to establish language competency. It may be reasonable to be able to read one’s bank statement in Spanish, Italian, and German, but unreasonable to be asked to read Cervantes, Dante, or Goethe. As political theorists, we must not confuse principles of liberal-democratic membership with specific policy arguments, which always need to be tailored to concrete historical needs and institutions. What I would argue against is the exclusion of members of a specific human group from membership in a nation-state with a dominant cultural majority of another group in order to maintain or enhance the identity and legacy of this dominant cultural nation. The democratic state can never be merely the instrument of the cultural nation, precisely because it is founded upon the dual commitment to human rights and democratic self-determination.

The dividing line between Walzer and myself is philosophical: Walzer does not believe that human rights can be justified in any other than a minimal sense, which would include the rights to life and liberty—although, in his scheme, even the specification of liberty, beyond a thin sense of what one is entitled to do within the due protection of the law, is difficult. I defend a more robust sense of human rights that includes rights of political participation and certain social rights. I also believe that refuge and asylum are human rights and philosophically rest upon the moral obligations we owe to one another as vulnerable as well as rational human beings, rather than upon concerns for “mutual aid,” as Walzer suggests they do.

Surely, Pickus is correct that, historically, these rights claims have gained acceptance through the struggles of social and political movements. But neither the abolitionists who fought against slavery nor the suffragettes who fought for women’s rights did so in the belief that their claims were defensible only on contextual grounds, growing out of the local and historical sensitivities of specific communities—the
majority of whom at that time, of course, were opposed to emancipation from slavery and equal rights for women. These movements fought because they were advocating context-transcending validity claims, in the name of God’s law—the laws of reason, morality, decency, humanity, or good sense. Try as they may, Walzer and Pickus cannot neglect the inescapably conservative colorings of their Burkean appeals to the local, the particular, and the contextual. I choose neither the universal nor the particular, but situate political philosophy in the tension between them.

Seyla Benhabib
Yale University

Building Better Citizens

I appreciate Bill Galston’s thoughtful response to my essay, “Neutrality, Autonomy, and the Liberal State” [Summer 2001]. On several points, however, I believe that some clarification is needed to minimize the possibility that readers may misunderstand my argument.

First, although I do assert, as Galston notes, that principles and practices should be freely chosen in a liberal society, I believe that reexamination and revision of one’s current projects and goals, within one’s current framework, count as an aspect of this choice. Galston himself concurs in the importance of this ability to reexamine one’s current commitments. But if it is to be more than a hollow promise to which we merely give lip service, I maintain that the liberal state does have “an affirmative interest,” in Galston’s words, in promoting the development of this capacity. In the realm of education, this simply means inculcating it in those who take advantage of public schools, not advancing it as a mandate to be enforced on everyone. If I thought
free choice only encompassed new projects and goals, not the reexamination of current commitments, the development of the capacity for autonomy would be less crucial. Otherwise, however, the capacity for autonomy is what allows us to think “outside the box” in which we are already situated.

Second, although I have not shown, as Galston notes, that the capacity for autonomy is a requirement of liberal citizenship, neither have I asserted that it is such a requirement. I believe that a developed capacity for autonomy promotes better citizenship. But more importantly, I suspect that Galston and I differ in our notions of good, better, or best citizenship. In my view, citizens who engage in critical reflection are better citizens than “simple patriots” because of the thoughtfulness and sense of engagement I hope they would bring to public debate. A liberal society and government can function, certainly, with unreflective citizens. The habit of engaging in critical reflection, however, enhances the lives of individual citizens and their civic contributions as well.

Finally, Galston is correct to say that although some citizens must be capable of engaging in wider public inquiry, not all need do so. However, I believe that all must have the opportunity to develop the capacity for autonomy if they are to have a true choice between “simple patriotism” and a greater degree of critical reflection. In other words, it is not for us to prejudge the division of civic labor between simple patriots who choose representatives and representatives themselves who reflect and deliberate. In my view, a liberal society has an affirmative interest in developing the capacity for autonomy. From there on, however, simple patriots and reflective deliberators can sort themselves out as to who is who.

Emily R. Gill
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Amittai Etzioni doesn’t understand,” I thought with a jolt, judging by his reaction when Enola Aird said she was looking forward to a vacation with fellow African Americans [“Among Friends: An Interracial Dialogue,” Summer 2001]. Saddened, he wondered why she felt she could “not relax with people like me?”

“Because it’s great to have dinner with just the family,” I smiled to myself.

It’s not skin color. Everyone was white in my high school, but only our small, happy throng would sit around one table and chatter in Lithuanian at lunch. I don’t remember other classmates crashing our lunches, although we would have made room for them, switching to English. The dynamic, however, would have changed instantly, like when a visitor drops in on a family having dinner.

A heritage community is family writ larger. Anthropologist Edward T. Hall described it as having “deep, common, unstated experiences which members of a given culture share, communicate without knowing, and which form the backdrop against which all other events are judged.”

Children pick up the rhythm and body language of their heritage by being among people who transmit it in verbal and nonverbal ways. Ms. Aird speaks of the joy and comfort of “being with a critical mass of other Black people of shared values,” and “our profound need to have our children . . . play with other Black children and to bask in the glow of a community of adults who look like their parents.”

I know whereof she speaks. Throughout the United States, Lithuanian-speaking families sought out Lithuanian-speaking children for theirs to play with, brought them to Lithuanian-language school on Saturday mornings and Lithuanian-immersion summer camps in Vermont and Michigan. For the sake of heritage, mothers let careers go.

When Rev. Martin Luther King, Jr. led a march in 1966 to integrate Chicago’s Lithuanian Marquette Park, Lithuanians across the United States watched in anguish. The marchers demanded the right to buy a house wherever one could afford to live, but to Lithuanians it looked
like an assault on their community. Today, writes Jonathan Eig [“Black, White, and Green: A Tale of Integration,” Summer 2001], Marquette Park is Hispanic, black, white, and Arab, and property values are up again. Although, he notes, “something is missing—the sense of community is giving way to disconnection.” Well, yes. Hispanics, blacks, whites, and Arabs who mingle unimpeded in shopping malls and own adjacent houses may lack the vast complex of communication that defines community.

Speaking of her community, Ms. Aird let slip “Black nation” and “Black nationalism.” Professor Etzioni flagged it immediately. Nation and nationalism conjures hostility to “others.”

But when Ms. Aird spoke of Black nationalism, I only heard care for her family writ larger. A heritage community is, indeed, like a nation in its inclusiveness: people belong to it by birthright, not because they share common interests or live in the same neighborhood or have the same educational level or social status.

Are heritage communities too loyal to their country of origin? When “heritage Americans” visit the country of their origin, they find themselves perceived as “Americans” only. In fact, it is often in their country of origin that “heritage Americans” first realize how many deep, common, and unstated experiences connect them to others, regardless of heritage or skin color, with whom they share the American experience.

A heritage community is a responsive community that runs on social capital, upheld by American ideals grafted onto inherited and transmitted culture. It transfers social standards to American children (they are American children), can provide special comfort for the old, engages its teens with activities, and serves as a training ground for civic leaders. Its members are the ones with an anchor in a sea of atomized consumers.

If the U.S. is to bloom in the 21st century as a community of communities, then heritage communities (up to now invisible, resented, feared, tolerated, or valuable only as voting blocks) must become welcome. These multilayered, complex, inclusive, enriching, American environments should be encouraged to socialize more of their children, give comfort to more of their old, provide more teenag-
ers models of adults committed to their community, and should be hailed for being the initial training ground for mainstream civic leaders.

In its list of communities where citizens “learn to serve others—not just self,” the Responsive Communitarian platform could list “heritage communities” (ethnic and racial) right after “families.” When Amitai Etzioni realizes that heritage communities are not interest groups but families writ larger, he will no longer feel saddened that Enola Aird looks forward to a vacation amid African Americans.

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