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Contributors
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Editorial Information: Editorial correspondence should be directed to the Editors, The Responsive Community, 703 Gelman Library, The George Washington University, Washington, DC 20052, USA. We regret that we cannot be responsible for unsolicited manuscripts. If you would like to write for us, please send a brief manuscript proposal first.
Right after returning from covering the war in Congo five years ago, around the time of an Ebola outbreak there, I abruptly broke into the shakes and a high fever one night. I was living in Tokyo, so a Japanese friend helpfully called the health authorities and asked what to do with a foreigner who had just emerged from the central African jungle with a high fever.

Ten minutes later, I heard the sirens approaching my apartment. Then there was a pounding at the door, and a team of men looking like space invaders in bioprotection suits came to take the Ebola patient away.

Good for them!

In my case it was just malaria. But a lesson of the SARS outbreak is that we in the United States need to compromise on civil liberties to confront health risks more effectively.

After September 11, the Bush administration wisely pushed a Model Emergency Health Powers Act as a template for legislation by the states. Such legislation would permit governors to respond to health crises with a state of emergency in which they could impose quarantines, order vaccinations and the destruction of dangerous property, limit people’s movements and ration medicine, and seize
anything from dead bodies to private hospitals. The steps are tough and sobering, but would apply only in desperate circumstances and within safeguards. So far only 22 states have passed this kind of law, and California, New York, and Texas have all spurned it.

One main obstacle has been shrieks of protest by civil libertarians, whom I’m usually sympathetic to—but not this time.

“In a smallpox attack, you’re talking about a weapon of mass destruction,” notes Keith Richman, a Republican doctor in the California Assembly and sponsor of the law there. “The ability of the public health system to respond in an emergency will determine how many hundreds of thousands of lives you save.”

A smallpox attack is, I hope, very unlikely. But who knows? The spooks thought Iraq might have the smallpox virus, in which case it could now turn up anywhere, and North Korea may also possess it. A U.S. simulation called Dark Winter suggested that a smallpox attack could quickly leave one million Americans dead and the nation in complete chaos.

Aside from terrorism, 30 new diseases have popped up in the last quarter-century, from avian flu to AIDS. This is an age of global disease, when viruses flit across continents.

In the SARS outbreak, New York forcibly quarantined a man suspected of having the disease after he refused to isolate himself. That’s a real breach of liberty, but suppose he had been an irresponsible superspreader like Typhoid Mary and caused the disease to spin out of control?

Consider Hong Kong and Singapore in the SARS outbreak. Hong Kong reacted to the disease much as America would have. Meanwhile, Singapore required visitors from any country with SARS to pass through a thermal scanner that flagged anyone with a temperature over 100 degrees; such people were forcibly quarantined for 10 days. Singapore’s SARS patients were allowed no visitors, and schools were closed. And when a vegetable seller came down with the disease, all 2,400 people working in that market were forced into quarantine. When Hong Kong was still struggling with the disease, Singapore already seemed to be over the hump.
I first encountered the dictatorial approach to public health in rural China, which combated leprosy much more effectively than democratic countries like India. Leprosy is so humiliating a disease that sufferers sometimes do not seek treatment, risking infecting others. So China instituted rewards—turn in a leper (even your spouse) for cash. This policy wiped out leprosy in China, and the Chinese are better off for it.

The American Civil Liberties Union argues that the model U.S. law “could have serious consequences for individuals’ freedom, privacy and equality.” That’s right. But the alternative is to risk many, many deaths.

“I have very close ties to civil liberties,” said Lawrence Gostin, a Georgetown University law professor who drafted the model legislation (and who used to serve on the national board of the ACLU). “But I think we’ve got the balance wrong, and we’ve forgotten the other important issue of public health.”

If you disagree, how about if I visit your neighborhood the next time I’m back from an Ebola outbreak in Congo and feeling feverish?

The Resilience of Regional Identity: Misunderstanding McDonaldization

Jeet Heer and Steve Penfold

Not too long ago, McDonald’s seemed invincible. Not only did the fast-food giant serve burgers by the billions, its social influence appeared unstoppable. “The Golden Arches are now more widely recognized than the Christian cross,” maintained Eric Schlosser in his best-selling 2001 exposé Fast Food Nation. “The basic thinking behind fast food has become the operation system of today’s retail economy, wiping out small businesses, obliterating regional differences, and spreading identical stores throughout the country like a self-replicating code.”
Schlosser was popularizing an argument made by University of Maryland sociologist George Ritzer, author of the influential book *The McDonaldization of Society* (1993). McDonaldization, according to Ritzer, is “the process by which the principles of the fast-food restaurant are coming to dominate more and more sectors of American society as well as the rest of the world.” Not that everyone saw the spread of McDonald’s as a bad thing. In a much-discussed 1996 article on what he termed “The Golden Arches Theory of Conflict Prevention,” *New York Times* columnist Thomas Friedman noted that “no two countries that both have a McDonald’s have fought a war since they each got a McDonald’s.” (The NATO bombing of Serbia soon proved the theory wrong.)

As it turns out, the ubiquitous purveyor of the Big Mac is weaker than either its friends or foes suspected. The empire that Ray Kroc built recently announced its first quarterly loss since the chain went public in 1965. And while a federal judge in New York recently dismissed a liability case against McDonald’s brought by two obese teenagers, he also laid out a road map for potential future legislation against the practices of the additive-happy company.

Meanwhile, the McDonaldization thesis is coming under intellectual fire. In the burgeoning field of food studies, scholars are increasingly skeptical of Ritzer’s claim that fast-food standardization is “an inexorable process, sweeping through seemingly impervious institutions and regions of the world.” Students of the globalized Golden Arches (about 43 percent of McDonald’s nearly 30,000 franchises lie outside the United States) frequently stress that the chain is in fact remarkably flexible in responding to local conditions. Like the most successful missionaries of old, McDonald’s has achieved international reach by adapting itself to the idioms and mores of different climes. You can eat a McFelafel in Egypt, an egg-topped McHuevos burger in Uruguay, and a McLuks salmon burger in Finland.

The surprising mutability of McDonald’s is part of a larger story. Even as it crosses national borders, fast food can act as a touchstone for people’s sense of “imagined community,” the term that Benedict Anderson used to describe the mental connection between people who, though they might never meet, share a sense of national, regional, or local identity. “Ordinary people link their regional iden-
tities to commercial food products,” notes Donna Gabaccia, a professor of American history at the University of North Carolina, Charlotte. “Most fast food restaurant chains start in a specific location and when they spread, they take their regional identity with them—even KFC, which did originate in Kentucky.”

Many restaurant chains, Gabaccia points out, are still regional. The highways of the South, for example, are dotted with signs for Bojangles’, known for its Cajun chicken and country ham, and Shoney’s, where the menu includes Original Country Fried Steak and Grilled Liver ‘n’ Onions. Mass-produced foods can create a surge of pride even in supermarket aisles.

“There are lots of brands that have iconic significance for Southerners—the kind of things that those living outside the South bring back with them when they go home,” observes John Shelton Reed, an emeritus professor of sociology at the University of North Carolina, Chapel Hill. “Rebel Yell bourbon used to be that way. Duke’s mayonnaise. The Moon Pie. Lots of local soft drinks—Cheerwine in North Carolina, Ale-8-One from Kentucky, Blenheim Ginger Ale from South Carolina.”

Reed’s research was initially inspired by the Southern Agrarians, a group of early-20th-century writers and intellectuals who bemoaned the spread of a soulless, industrialized Yankee culture. But Reed departed from his mentors’ pessimism. He argues that the South remains culturally distinct in part because it gives its own regional flavor to mass-produced products. In 1001 Things Everyone Should Know About the South, Reed and his wife Dale Volberg Reed define “down-home” Southern cooking as cuisine using products historically produced by Southern farms—chicken, okra, bacon grease, and the like—whether it’s served at home or fried up at “plate-lunch restaurants, shopping-mall cafeterias, or interstate highway chains like Cracker Barrel.”

It is no surprise that scholars increasingly dispute the idea that mass production threatens the existence of particular cultural identities, either abroad or at home. For a decade, some sociologists and anthropologists have been trying to break down the distinction between global commerce and local attachments. The global and the local, it turns out, are more intertwined and reinforcing than they are.
mutually exclusive phenomena. Roland Robertson, among others, dubbed this relationship “glocalization.” “There is no good reason,” he writes, “other than recently established convention in some quarters, to define globalization largely in terms of homogenization. Even cultural messages which emanate directly from the USA are differentially received and interpreted. . . . [L]ocal groups absorb communication from the centre in a great variety of ways.”

The point about glocalization goes past corporate attempts to accommodate regional food tastes. It turns out that the restaurants themselves are remarkably successful at integrating into local social networks: fast food often succeeds by responding to local social changes rather than really creating them. Harvard anthropologist James L. Watson has spent more than a decade studying the McDonald’s restaurants of East Asia. He emphasizes the ways that different cultures find diverse uses for the same product. Watson notes that when McDonald’s arrived in Hong Kong in 1975, it tapped the emergence of a new urban middle class of consumers who were anxious to spend money on family entertainment. In China today, where teenagers suffer a dearth of social spaces, McDonald’s is an appealing place for high school students to spend hours goofing off. Even Ronald McDonald cuts a different profile in family-conscious China, where he is known as Uncle McDonald and has a spouse, Aunt McDonald. As in many developing countries, the novelty and relatively high prices of McDonald’s make it a symbol of chicness and new wealth. Many people are content to preserve their local cultures and to create new identities through food that is as processed and mass-produced as a Happy Meal.

Back in North America, the cultural power of fast food also comes from the way people use the apparently homogenous outlets as local social spaces. Critics of McDonald’s frequently note that the chain has designed its tables and chairs to discourage lingering: they are built to be serviceable for a quick meal but uncomfortable if you want to hang around after that Big Mac for some coffee and conversation. For critics, the chairs are meant to be a metaphor for a fast-food world, where companies conspire to move customers in and out as quickly as possible, and eating ceases to be a social act. The problem with this point is that it is too often overdone. There is no question that fast-food companies organize their restaurants to maximize turnover.
(witness the drive-thru), and that most customers move through relatively quickly, but if this is their only agenda, the fast-food companies are fighting a losing battle. Even if they are not public spaces in the political sense, fast-food restaurants are important social spaces for many people. Not only have fast-food outlets been the site of special rituals like weddings, funerals, and birthdays, but they are more often a place for the sort of mundane, everyday social rituals that sociologists love: flirting, gossiping, nursing hangovers, arguing about politics, finding a plumber, meeting your parent group, and just observing the neighborhood. Rants about homogenization simply miss the complexity of these sorts of local attachments.

But this point, too, can be pushed too far, treading into ground best left to corporate advertisers. For Ritzer and other critics of “McDonaldization,” there’s cold comfort in knowing that regional identities and local social networks can still be found in the food court. In fact, it might be argued that McDonald’s globalizing power comes from its ability to capitalize on the particularities of local and regional communities. Glocalization can be understood in many different ways: the term can equally describe a sophisticated corporate strategy that adapts a mass-produced product to local or regional tastes, or a “local” reinterpretation of apparently homogenous commercial forms. The trick is to find the right analytic balance, one that avoids either corporate apologia or sensationalist critique.

The ubiquity of the Golden Arches has ensured that McDonald’s has become a central symbol of globalization and American cultural imperialism. The company’s success, in many ways, has made it a more useful target: you can go almost anywhere and find a well-known icon to use as convenient shorthand for the power of mass commerce. But the relationship between form and use requires a more subtle analysis than simply counting up corporate symbols on the landscape. McDonald’s sells a lot of hamburgers, but in cultural terms, the company’s success has been its ability to integrate its outlets into existing social relationships rather than to obliterate them. Both in terms of food and sociability, the Golden Arches provide a real opportunity to understand the more subtle process of glocalization.
For Gabaccia, the fear of a fast-food planet just isn’t borne out by the facts. “People in New York and Los Angeles still eat very differently,” she notes. “I personally believe that regionalism is a more persistent element of American eating than distinctive ethnic cuisines. It has already survived 100 years of commercialization.” The human need for both novelty and tradition ensures that the world will never settle for a lowest-common-denominator diet or social life. “Production standardizes but consumption diversifies,” says Gabaccia—even in the shadow of the Golden Arches.

“I don’t mind the whip. It’s the cubicles I find demoralizing.”
Should Children Have First Amendment Rights?
Kevin W. Saunders

In 1949, Justice Jackson wrote: “There is danger that, if the Court does not temper its doctrinaire logic with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact.” Similarly, writing for the Court in 1963, Justice Goldberg stated: “[W]hile the Constitution protects against invasions of individual rights, it is not a suicide pact.” The position that the Constitution is not a suicide pact finds support in other opinions of the Supreme Court and lower courts.

Yet, how better for a society to commit suicide than to fail in its duty to raise its youth in a safe and psychologically healthy manner? We are so failing. While rates fluctuate, violent crime by youths is unacceptably high. Homicide is the second leading cause of death for 15- to 24-year-olds and the leading cause among African-American males of that age. Teenage pregnancy rates are also too high. Although down 11 percent from its 1994 high, the birth rate for unwed 15- to 19-year-olds was 41.5 births per thousand in 1998. Children also use tobacco and alcohol at unacceptable rates. The Campaign for Tobacco Free Kids cites government reports showing that more than 4 million 12- to 17-year-olds are current smokers, and 48.2 percent of
high school boys used tobacco in the month preceding a 1997 survey. The Campaign for Alcohol Free Kids reports that 10 million American teenagers drink monthly; that 8 million drink weekly, a half million of those binge drinking; that alcohol consumption is not uncommon at ages 11 and 12; and that a majority of grade five through twelve students say that advertising encourages them to drink. We are failing in our duty to society and its coming generations, and the First Amendment’s limitations on our ability to restrict the influences children face are among the roots of that failure.

The First Amendment does contain the most important of our political freedoms. Stating those freedoms very succinctly, the amendment says: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The importance of the amendment for adults is obvious, but its importance for children is less clear. Even if children should enjoy some First Amendment rights, the benefits those rights provide may well be limited by a child’s developmental stage. Rather than conclude that the rights of children and adults should be equal, the possibility of limiting children’s rights to correspond to children’s capacities should be considered.

Free expression also has its costs. While there are limitations on adult expression, those limitations are narrow. Only when a clear and present danger attends the speech or when the speech falls within certain categories—obscenity, fighting words, or libel—may adult speech be limited. When the recipient of the speech is a child still developing psychologically, the costs of unrestrained speech may be too high. Shielding children from harm adults may have to tolerate protects children in their development. This same shielding also serves to protect the rest of society. Any negative effects free expression has on children affect not only children but society as a whole.

The thesis of this article is that the First Amendment should function differently for children and for adults. For communication among adults, the amendment should be fully robust, perhaps even more so than under current law. Where children are concerned, however, the amendment should be significantly weaker. Society
should be allowed to limit the access of children to materials not suitable to their age. Most people might be surprised to learn that the two-tiered approach to the First Amendment that I am proposing would generally be considered a departure from existing interpretations; at the moment, courts make it very difficult to limit the access of children to violent materials, vulgar or profane materials, and the hate-filled music used to recruit the next generation to supremacist organizations. Legal prohibitions on distributing sexual materials to children are now constitutional, and my approach would extend this treatment to the materials listed above. No good reason requires that we recognize a right on the part of children to such access. Nor should the free expression rights of adults be seen as including a right to express themselves to the children of others. The full development and autonomy of adults may require the right to express themselves on a wide variety of topics, but that right should not include access to children not their own. Perhaps no one should tell authors, producers, or computer programmers what they can create. But that is not the same as saying that they have a right to a juvenile audience for their books, films, or video games.

Rebalancing and Redirecting First Amendment Protection

Those who argue for strong individual rights or autonomy consider the imposition of morality through the law illegitimate, but it is important to understand the nature of the objections. However complex or sophisticated the way in which the argument is presented, it seems to come down to the complaint that society’s attempt to enforce morality is paternalistic. That is, when the state forbids behavior that only affects consenting, competent participants, the only basis for the intervention is the state’s belief that it knows better than the individual what is best for that individual. There are, of course, contingent arguments over who is affected by the behavior, but the jurisprudential issue is over the right of the state to limit the individual’s ability to make decisions having an effect solely on that individual.

When the charge of paternalism is raised against a proscription regarding adult behavior, it has some impact. Clearly, it would further the individual’s own best health interests if the state were to forbid smoking. But our society believes that individuals should be
able to make their own decisions in such cases. The same applies to
the use of alcohol, although drug laws seem to indicate the limits of
the culture’s receptiveness to such autonomy arguments.

When it comes to issues of free expression, the antipaternalistic
feeling is particularly strong. Through the first half of the 20th cen-
tury, adult use of obscene materials was routinely suppressed, largely
on the theory that such use was not good for the individual. While
obscenity laws continue to exist, their enforcement has become more
lax and the likelihood that a particular work will be found obscene
has decreased. The decreasing acceptability of paternalism was cen-
tral in Stanley v. Georgia. In that case, the Supreme Court reversed a
conviction for the possession of obscene materials in the privacy of
the defendant’s home. The state argued that it had the right to protect
the mind of the individual from the effect of obscenity, but the Court
flatly rejected the claim, concluding that “if the First Amendment
means anything, it means that a State has no business telling a man,
sitting alone in his own house, what books he may read or what films
he may watch.” The Court went on to say that the state “cannot
constitutionally premise legislation on the desirability of controlling
a person’s private thoughts.”

Since many arguments against restrictions on free expression,
like many arguments against the enforcement of morality generally,
are based on antipaternalistic feelings, it is important to understand
just what is wrong with paternalism. Paternalism, when it is wrong,
is wrong because it is an affront to equality. When the state tells the
individual what is in the individual’s best interest, the state discounts
the individual’s own view as to how to balance his or her own
interests. It treats the individual as less able to make such a decision
than the majority the state represents, and numbers alone should not
resolve such disagreements over individual goods.

Children, however, are not equals in this regard. Knowing what
one’s best interests are requires an ability to make judgments that
children, depending on their age, may completely lack or that may be
insufficiently developed in them. “Paternalism” means acting like a
father. That may be inappropriate when the action is toward an adult,
but it is completely appropriate when a father or mother acts that way
toward his or her child. Children need to be taught how to act, both
when the acts involved may have an effect on others and when the
issue is what is in the child’s own best interests. The same is true when
the issue is what to read or see. There may be no right to interfere with
an adult’s decisions as to the materials he or she believes contribute to
understanding or happiness. With children, however, it is appropriate
for parents to decide what materials run counter to their child
becoming the sort of person they think the child should be and to
refuse to allow the child access to those materials.

The state also serves a role with regard to children that is, in a
sense, parental. The state may act in its parens patriae role in a parental
manner. When it does so, its role is paternalistic, but not in the
pejorative sense in which the word is usually used. The role of the
state, so long as the parents are not unfit, is secondary to the parents,
but just as preventing non-parents from selling tobacco to minors is
not objectionably paternalistic, limiting the ability of non-parents to
distribute harmful media to children should not be objectionably
paternalistic.

Allowing the state to limit third party expression to children
would enable society to promote good values without imposing
majority views on or limiting the personal autonomy of adults. The
community would have the period of the child’s minority to transmit
its values from generation to generation. This fits with John Stuart
Mill’s own recognition that society has the period of childhood to
teach its children how to act. At the same time, once a child reaches
adulthood, individual rights can come into full bloom. Such indi-
vidual rights may still interfere with or run counter to community
values, but the community had its opportunity to teach those values.
If it has failed to do so, the values may simply be of insufficient
strength to override the commitment to individual rights society also
recognizes.

Society may have a right to make people morally better, but it has
the period of minority to do so. Children must be trained, morally as
well as in other areas. They need to be made into the morally best
people they can be, but the project should be relatively complete by
the time the child reaches the age of majority. To carry it on beyond
that age is disrespectful of the equality of the individual. To engage in
the task before the age of majority is to recognize that children are, in
fact, not equals, in a sense, and that they need help in their development. The acceptance of a strong First Amendment for adults and a weaker First Amendment for children would allow society to protect children’s best interests as well as its own.

**Violence and the First Amendment**

The distribution of violent material such as videos and video games illustrates why the dual approach to the First Amendment makes sense. *Doom* is the best known of the “first-person shooter” genre of video games. In these games the player holds a realistic handgun and fires at people who pop up or come around corners on the video screen. Killing quickly and efficiently produces high scores. The games are such good training that adaptations are used by the armed forces and law enforcement agencies. Most users, however, are not soldiers but teenage boys.

In 1997, Michael Carneal was a 14-year-old freshman at Heath High School in Paducah, Kentucky. He enjoyed playing *Doom* and similar video games. He had also seen the film *The Basketball Diaries*, in which the film’s hero, in a dream sequence, goes to school with a firearm under his trench coat and guns down a teacher and several classmates. One morning Carneal went to his school with a stolen pistol, arriving just as a prayer group was breaking up. He opened fire on the group and with nine shots inflicted head or chest wounds on eight students, killing three. He did so with no firearm experience other than on video games.

Two years later, Eric Harris and Dylan Klebold went to Columbine High School in Littleton, Colorado. They were heavily armed, and by the time they were finished and committed suicide, they had killed a teacher and 12 students and had wounded 23 others. They too were avid *Doom* players. One had given his sawed-off shotgun the name of a character from the game. They also appear to have been influenced by *The Basketball Diaries*, going so far as to adopt the dress of the film.

In the wake of the shootings at Columbine, Congressman Henry Hyde introduced an amendment to a bill titled the Consequences for Juvenile Offenders Act of 1999. The amendment provided, in part:
Whoever in interstate or foreign commerce knowingly and for monetary consideration, sells, sends, loans, or exhibits, directly to a minor, any picture, photograph, drawing, sculpture, video game, motion picture film, or similar visual representation or image, book, pamphlet, magazine, printed matter, or sound recording, or other matter of any kind containing explicit sexual material or explicit violent material which—

(1) the average person, applying contemporary community standards, would find, taking the materials as a whole and with respect to minors, is designed to appeal or pander to the prurient, shameful, or morbid interest;

(2) the average person, applying contemporary community standards, would find the material patently offensive with respect to what is suitable for minors; and

(3) a reasonable person would find, taking the material as a whole, lacks serious literary, artistic, political, or scientific value for minors

may be fined or imprisoned for up to five years for a first offense and fined and imprisoned for up to ten years for subsequent offenses. The amendment provided definitions of sexual material and violent material. “Violent material” was defined as “a visual depiction of an actual or simulated display of, or a detailed verbal description or narrative account of—(A) sadistic or masochistic flagellation by or upon a person; (B) torture by or upon a person; (C) acts of mutilation of the human body; or (D) rape.” Congressman Hyde, in explaining the need for legislation, expressed concern that exposure to media violence left children desensitized to real world violence and unable to appreciate the tragic consequences of violent actions in which they might engage.

The amendment was not well received. Representative Conyers called it “an unparalleled assault on the first amendment.” He argued that it was patently unconstitutional and an attempt to turn attention away from the gun safety legislation he favored. Representative Foley argued that the amendment “tramples on the first amendment” and “tries to assume the role of parents.” The belief that parents’ role would be usurped was also expressed by others. In that regard, it is interesting to note that the amendment would only have addressed providing material to minors for monetary consideration. Parents could obtain videos for their children, and the amendment would
have protected the parents’ decisions by not allowing commercial distribution to children other than through their parents or other adults. Nonetheless, after debate, the House defeated the amendment.

The House defeat of the amendment was based, at least in major part, on the belief that its treatment of violent material was unconstitutional. Most scholarly commentary agreed. The consensus was that, while the distribution of sexually explicit material to minors may be prohibited, violent material enjoys greater First Amendment protection. Ordinarily, infringements on free speech must meet strict scrutiny. This means that the government must demonstrate to the court that the restriction is narrowly tailored to a compelling governmental interest. The obscenity exception to the First Amendment allows certain types of sexually explicit material to be treated as unprotected speech; in other words, infringements on obscene speech do not need to meet strict scrutiny. The state only has to show that such infringements have a rational basis. However, violent content is not generally considered to fall under the obscenity exception. Most commentators believe, and members of the House assumed, that banning violent content would have to meet strict scrutiny, even for children. That would mean providing evidence that specifically and convincingly demonstrated that a certain specific type of violent material (say, “first-person shooter” video games) is the direct cause of psychological or physical harm in children. Although it is rational to believe that this material has harmful effects on children, it is extremely difficult to demonstrate this with the scientific certainty required by strict scrutiny. As a result, members of the House concluded that banning such violent material would be unconstitutional.

Attempts to limit access by children to violent materials have been, thus far, unsuccessful. They should, however, not be so easily dismissed. First, it should be noted that Congressman Hyde’s approach was not intended to, and would not have had the effect of, removing the decision as to what is appropriate for children from the control of their parents. Indeed, the amendment would have had the effect of protecting the parents’ decisions. Without the amendment, strangers to the family can furnish material to children that their parents would find abhorrent. If the amendment had passed, only the parents could have made the decision that the children should be
allowed to view the videos in question, or at least no one with a commercial motive could have supplanted the decision-making authority of the parents.

There are two approaches that would allow a statute like that proposed by Representative Hyde to pass constitutional muster. I have argued the first in my book *Violence as Obscenity*. That approach is to recognize that material may be sufficiently explicit and offensive in the violence it portrays that, regardless of its sexual content, it may, in fact, come within the obscenity exception to the First Amendment. If such material can be obscene, then lesser levels of violence can be obscene as to children, when distributed to children, as in the case addressed by Representative Hyde.

The alternative is the approach I have advocated in this article—to recognize that there should be a dual First Amendment. Children simply should not have access to materials that may be fully protected for adults. The advantage to the dual approach is the access adults may have to the material without requiring that children be provided access to what may cause them physical or psychological harm.

**How Would the Dual Approach Work?**

If this call for a dual First Amendment and its application to the distribution of violent materials to minors means anything, it must mean that such distribution does not enjoy the level of protection the House of Representatives believed to be present in rejecting the Hyde legislation. As discussed before, the House believed that the violent content targeted by the Hyde legislation would be protected speech, meaning that regulation of it would have to meet strict scrutiny. While social science studies indicate that exposure to media violence causes an increase in violence in the real world, the studies do lack specificity. Human studies are necessarily afflicted with this shortcoming. A particular film may be shown to have some effect on an audience’s willingness to be aggressive, but the effects are small and not all viewers are affected. The factors that explain the differing effects must be determined and, if the material itself is protected, those other factors must be the focus of any efforts to reduce violence. Other studies, studies that correlate television viewing habits to
violence, must group programs into violent and nonviolent categories. If a study groups police dramas with slapstick comedy and finds that children who watch that combination are more violent than those who do not, it is unclear that all the program varieties in the violent category contribute to the effect. Yet, if the materials are protected, such specificity and narrow tailoring is required. An adequate study would seem to require separating a group of children into a variety of test groups and exposing each test group to a single variety of programming over a long period. Such an approach is obviously unacceptable.

Providing lesser First Amendment protection for children would mean a lowering of the strict scrutiny barrier. If access by minors to violent materials and adult distribution of such materials to minors are not protected by the First Amendment, legislation such as that offered by Congressman Hyde would have to meet only a rational basis test. Anyone challenging such a statute would be required to demonstrate that the statute was not rationally related to any legitimate government objective. The physical and psychological health of children are compelling governmental objectives. Without needing to meet strict scrutiny, regulations would not need to be as specific and as narrowly tailored to those objectives.

Even if the studies on the real-world effects of youth exposure to media violence fail to establish narrowly the precise genre of violence that has negative effects, a ban on renting violent videos to minors can meet the rational basis test. Scientific certainty is not required under rational basis. It need only be shown that it is “not irrational for the legislature to find that exposure to material condemned by the statute is harmful to minors,” as the decision in *Ginsberg v. New York* established. The psychological studies on the effects of violent television shows clearly meet this standard. It is equally the case that the science, while less fully developed, is sufficient to support a rational belief that violent video games are a danger to our nation’s youth and that limiting youth access would ameliorate that danger.

**Implementing the Dual Approach**

Due to the limited scope of this article, I have not been able to review the legal precedents that may or may not make it possible for
the courts to interpret the First Amendment according to the dual approach I have advocated. I believe that a proper reading of the case law supports my conclusion, but perhaps this approach to the First Amendment would require a constitutional amendment. In any case, recognizing the difference between the free expression interests of adults and children only makes sense. The dual approach would be in the best interests of children and society.
The Costs of Citizenship: Assimilation v. Multiculturalism in Liberal Democracies

Alan Wolfe

Of all the goods people value, citizenship has been the most unfairly distributed. Citizenship is usually conferred at birth, not earned. Those who pay the greatest price for the benefits of citizenship—people who fight in wars (of independence or defense) to make citizenship in a country possible—are followed by generations who sacrifice little to be citizens of the same country and who often take their citizenship for granted. Citizenship can either be a bargain or a burden depending on the country of citizenship; countries can provide freedom and opportunity, or they can enforce excessive taxes and oppressive laws. Mere accidents of chance create the awful sight of apathetic Californians born on one side of the border turning their backs on hard-working Mexicans born on the other.

Only through immigration do modern states eliminate some of the injustices of citizenship. Even this, however, cannot eliminate the unfairness of chance. Immigrants pay a price to be able to become citizens of new countries—cultural assimilation. Immigrants are forced to leave behind the culture of their upbringing and to lose control over the loyalties of their own children.

Still, for all its associated pain, immigration underscores the value of citizenship, for the native born and immigrant alike. By risking life and limb to get it, immigrants remind the native born why the citizenship they take for granted is priceless. By granting citizen-
ship to people from cultures radically different than their own, the native born acknowledge that citizenship is too precious to be distributed solely on the basis of luck.

In many North American and Western European states, conceptions of citizenship are changing as more immigrants are admitted than ever before. This has led to ferment and debate about how citizenship should be defined and what it should entail. Yet the value of citizenship itself is unlikely to be forgotten—unless we listen to a group of political theorists who, in defense of what they call multiculturalism, would redefine citizenship to the point at which it would not be worth much of anything.

**A Double Standard**

These political theorists begin not with a question to be explored, but with a proposition to be defended: States ought to respect the minority cultures within their borders. Depending on the theorist, different criteria of justice will be advanced, different minority groups will be considered, and different policies will be advocated.

Will Kymlicka, a Canadian, is among the most prolific of these political theorists. From at least the time of John Stuart Mill, liberals have worried that attempts to attach rights to groups—particularly ethnic, religious, or linguistic groups who stand for the particular against the universal—would restrict the rights of individuals to shape their lives as they choose. In a series of books and articles, Kymlicka has tried to show that such fears are misplaced. In his 1989 book *Liberalism, Community, and Culture*, Kymlicka wrote that cultural membership “is important in pursuing our essential interest in leading a good life, and so consideration of that membership is an important part of having equal consideration for the interests of each member of the community.”

In his new book *Politics in the Vernacular*, as in his previous work, Kymlicka distinguishes between the claims of national minorities and immigrants, but defends the appeals to diversity made by both. National minorities—Catalans, the Quebecois, Puerto Ricans, the Scots—constitute stateless nations. Because they lost out when the European state system came into existence, their desire to strengthen their national identity is at least as just as the desire of any existing
state to strengthen its own. Kymlicka does not have a theory of how the claims of national minorities ought to be judged, but he does believe that “the burden of proof surely rests on those who would deny national minorities the same powers of nation-building as those which the national majority takes for granted.”

Immigrants, according to Kymlicka, having voluntarily chosen to move to a new society, need not be granted the same ability to maintain their national identity. But, Kymlicka adds, that is not something they seek. He argues that nearly all the policies demanded by immigrants—from affirmative action to recognition of religious holidays and customs to laws against hate crimes—“are intended precisely to make it easier for the members of immigrant groups to participate within the mainstream institutions of the existing society.” Those who worry about balkanization—in an unfortunate choice of words, Kymlicka calls such distinguished worriers as Arthur Schlesinger Jr., Michael Lind, and Robert Hughes “incomprehensibly paranoid”—are on the wrong track. It is the rejection of multiculturalist demands for justice that causes balkanization, not the acceptance of them.

Even if this is true, Kymlicka’s insistence on treating national minorities and immigrants differently is, in the end, untenable. In Kymlicka’s scheme, the claims of national minorities end up trumping the claims of immigrants when there is a conflict. Giving national minorities greater power to preserve their cultural identity makes it possible for them to prohibit the multiculturalist accommodations for immigrants that Kymlicka otherwise supports. To see how distinguishing between national minorities and immigrants, though born out of an instinct to guarantee justice, does not achieve this end, one need only consider the case of Quebec.

Kymlicka supports the demands of the Quebecois for the official recognition of French, arguing that “[i]t is very difficult for languages to survive in modern industrialized societies unless they are used in public life . . . .” Since culture empowers individuals, it is legitimate for the Quebecois to “use the same tools that the majority uses to promote . . . nation-building—e.g. control over the language and curriculum of schooling, the language of government employment, the requirements of immigration and naturalization, and the drawing of internal boundaries.”
However, according to Kymlicka, Quebec should not be bound by the same limits that Canada is, because Quebec is a minority nation. Kymlicka’s guidelines would allow Quebec to impose its way of life on those who live within its borders in a way that Canada, because it is a majority nation, cannot. Indeed, Kymlicka, a self-described liberal, claims that “illiberal policies may be required if national minorities are to successfully integrate immigrants.” To be sure, both Canada and Quebec are constrained by internal national minorities: Canada by the Quebecois and the Quebecois by the Aboriginal peoples of Quebec. However, Kymlicka would allow them to pursue quite different policies with respect to immigrants.

When Kymlicka writes of Western countries such as Canada, he says that “certain services should be available in the immigrants’ mother tongue” and asks that the host society provide “the same degrees of respect and accommodation of the identities of ethnocultural minorities that have traditionally been accorded to the majority group’s identity.” However, according to Kymlicka, Quebec must have latitude to preserve Quebecois culture and should not be expected to accommodate immigrants to the same degree as the rest of Canada. Kymlicka supports Quebec’s policy of favoring admitting French-speaking immigrants. Kymlicka is sympathetic to the Quebec law that requires all commercial signs to be in French (at one time, only French was allowed, although now the use of other languages alongside French is permitted). He defends Quebec’s policy that allows native anglophone Quebecois to attend English-language schools, but forces immigrant Quebecois, including those from the former colonies of the British empire, to attend French-language schools. Kymlicka supports these policies, which, in enabling the Quebecois to strengthen their culture and identity, make it extremely difficult for immigrants to do the same. Kymlicka sacrifices the needs and, at times, the rights of immigrants to the needs and rights of national minorities.

A Static View of Culture

Kymlicka applies different standards of justice to different cultural groups, depending on whether they are national majorities, national minorities, or immigrants. Bhikhu Parekh, a member of the
House of Lords and the inspiration behind a widely discussed report, *The Future of Multi-Ethnic Britain*, wants to move beyond justice altogether. Nearly all societies in Western Europe and North America are now multicultural, he points out. These societies should pursue policies that enable minority cultures to flourish. For this, considerations of justice are necessary but not sufficient. Justice, Lord Parekh writes in his book *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, “is a cold and impersonal virtue. It prevents accumulation of resentment, frustration and anger and generates a basic sense of satisfaction with the political community, but does not by itself foster an enthusiastic commitment to and sense of moral and emotional identification with it. . . .”

As we move beyond justice, we will also, in Parekh’s view, have to move beyond citizenship. Citizenship is about “status and rights.” But there is also something called “belonging” which “is about being accepted and feeling welcome.” In societies like Great Britain, nearly all minorities, even those who become citizens in a legal sense, do not feel that they truly belong. True, “[t]his feeling of being full citizens and yet outsiders is difficult to analyze and explain,” but there are steps the majority can take in response: “Official and unofficial spokesmen of the wider society should publicly welcome the presence and contributions of different cultures, patronize their social and other events, and so forth, and help build up their self-confidence.”

Parekh does not believe that states like Great Britain are obligated to accept all the cultural practices of immigrants. He would ban *sati*, the Hindu custom in which a widow joins her dead husband on his funeral pyre, and he believes that female circumcision and polygamy are flawed. Even when prohibiting immigrant practices, however, the state should proceed cautiously; restrictions on female circumcision “should be enforced with compassion and sensitivity,” and the best way to limit polygamous attitudes is “by attacking the structure of patriarchal authority that generates and nurtures them.” Moreover, such bans should only extend to the most extreme customs. Although liberals might object to arranged marriages, Parekh would permit them and not discourage them, as long as children agree to let their parents choose their spouse for them.
Parekh believes that “[t]he dialogically constituted multicultural society both retains the truth of liberalism and goes beyond it. It is committed to both liberalism and multiculturalism, privileges neither, and moderates the logic of one by that of the other.” Yet in his more candid moments, Parekh could hardly be more dismissive in his views concerning the individual rights liberalism guarantees. “Free speech,” he writes in a typical formulation, “is not the only great value, and needs to be balanced against such others as avoidance of needless hurt, social harmony, humane culture, protection of the weak, truthfulness in the public realm, and self-respect and dignity of individuals and groups.” In the end, Parekh is willing to sacrifice rights such as free speech to communal values. Parekh’s priority is protecting the cultures of new immigrants; he does not expect immigrants to embrace the rights that are at the core of liberal democratic societies if these conflict with their own culture.

Parekh’s unwillingness to challenge arranged marriages is another sign that he does not expect immigrants to assimilate. Intermarriage has always been one of the most common routes out of ethnicity. Parekh, whose concept of culture is static, fails to discuss this. Yet his defense of arranged marriage can be read as an indirect assault on intermarriage, because one of the reasons parents insist on arranged marriages is to prevent their children from marrying anyone outside the group. Once a multicultural society comes into existence, it would, if it followed Parekh’s advice, be a multicultural society forever.

Haunting the dreams of multiculturalists is the specter of nativism. In the face of the extensive immigration they have experienced in the past few decades, nativists in societies like the United States and Great Britain would, multiculturalists believe, really prefer to send immigrants back to their homeland. But so, it would seem, do multiculturalists like Parekh—not literally, but symbolically. Instead of saying that immigrants would be better off had they never left their country of origin, Parekh would have them bring their country of origin with them. In either case, immigrants would not have to deal with the complexities of living in a liberal democratic society, and residents of liberal democratic societies would not, in being exposed to the different cultures of immigrants, be faced with the challenge that the way they have always done things may not be the best way to do them.
By sealing off immigrants, even after they become citizens, in miniature replicas of the societies they left, Parekh raises the question—why have immigration at all? If immigrants are treated as members of cultural groups and are discouraged from speaking freely, developing their full capacities as individuals, and planning their own lives, immigrants might as well stay home (although, if they did, they would most likely be poorer). Without exposure to and integration with the world’s many cultures, natives might as well just close their borders. By moving beyond justice, Parekh leaves the situation in some ways worse than it was when citizenship was solely determined by place of birth. Your roots are your fate, and nothing you do, even uprooting yourself, can change your destiny.

The Liberal Solution—and Its Problems

Brian Barry, a British political philosopher who teaches at Columbia University, has written *Culture and Equality*, a book dedicated to the destruction of the ideas of Will Kymlicka, Bhikhu Parekh, and some 20 or 30 other political philosophers who think like they do. Barry believes that citizenship should be about the flourishing of people, not the survival of their culture. In the take-no-prisoners style of argumentation associated with analytic philosophy at Oxford, Barry argues that multiculturalism contributes nothing to the creation of a just society and that, when multiculturalists do discover an injustice in the contemporary world, liberalism is by far the best philosophy for identifying and rectifying it.

Barry’s most persuasive point is that multiculturalists misrepresent liberalism. Barry argues that multiculturalists attack a straw man when they claim that liberalism is not really neutral because liberal policies affect different groups differently. Of course the liberal state takes sides; the liberal state is neutral only in the sense that it is fair. In pursuit of fairness, liberal policies fall differently on different groups: insisting that religion be relegated to the private sphere, for example, discriminates against those who prefer to live in a society in which religion is present in the public sphere. But all laws favor some and disfavor others; laws against speeding “discriminate” against speeders and “privilege” those who obey the speed limit. Merely showing that a law burdens some more than others cannot, in itself, be taken as an indication that oppression exists.
One case that seems to preoccupy every political theorist who has ever lived or worked in Great Britain is a law requiring hard hats for construction workers. Sikhs wear turbans. Should they be prohibited from doing so if they work in construction, as an astonishingly large number of Sikhs in Britain actually do? Barry establishes two default positions: either a regulation is sensible, in which case it should apply to all, or it is not, in which case it should apply to none. Both approaches treat everyone equally. Problems arise when we adopt a “rule-and-exemption approach” that seeks to retain a general regulation but to allow exemptions to avoid religious or racial discrimination.

Barry would not rule out all efforts at a rule-and-exemption approach, but he would set the standard very high before adopting one. If Sikhs can prove that the need for hard hats is exaggerated, then the regulation should be suspended for all. If they claim that keeping the law discriminates against them because of their beliefs, he questions whether their beliefs are quite as required as they are often made out to be; cultures, after all, including those shaped by religion, change, and within any given religion or culture, some people are always more strict in their observance than others. If they nonetheless prove that these beliefs are required by their religion, one can still question whether they need to work in construction. The point is to narrow down the exemptions to as few as possible. When all is said and done, Barry would allow Sikhs already employed in construction the right to wear their turbans, for their livelihood is so clearly tied to that occupation, but not any newly arriving Sikhs seeking jobs in the construction trade.

*Culture and Equality* is a refreshing alternative to the endless number of books that uncritically assume that all ways of life should be celebrated and not discouraged. However, for all the clear air that Barry leaves behind, his treatment of what citizenship demands is thin and unsatisfactory. Liberals like Barry are right to insist that citizenship implies one standard applicable equally to all within a state. However, Barry has no tools with which to make sense of people’s obligations to specific nations.

Universalistic strains of liberalism like Barry’s find themselves uncomfortable with national citizenship precisely because it exists
only when distinctions exist. Barry’s commitment to universalistic thinking is so strong that he would seek justice not only for all human beings, but also for other animal species. (“I can see no answer to the moral case for vegetarianism,” he says at one point.) The result, however admirable from a moral point of view, is an empty conception of nationhood. Never once do we get from Barry a sense of why the nation-state that guarantees citizenship may be worth dying for. Never once does Barry show appreciation for the symbols of nationhood and for the fact that to believe in those symbols sometimes means leaving rationality behind in favor of emotional attachment. In the preface of his book, at that spot where an author often locates himself by place, Barry writes “London–Merano–New York,” as if to inform the reader that he is a man of the world and thus a citizen of no particular country. Indeed, Barry’s prose is literally placeless. Writing from on high, he never seems to touch the ground. In the few places where he does touch on actual states—such as his attack on Michael Walzer’s efforts to connect conceptions of justice to particular national traditions—he quickly loses all patience. “[L]iberals,” he writes, “are universalists: for them . . . everybody in the world is equally entitled to the protections afforded by liberal institutions, whether they actually enjoy them currently or not.” To which one can only pose two questions: whose blood and sweat created those institutions, and do they not have a greater claim on them because of what they sacrificed to achieve them?

The Inevitable Need for Assimilation

A middle position between Brian Barry’s universalistic liberalism and more extreme versions of multiculturalism can be found in Diversity Within Unity (DWU) [Winter 2002/03], a position paper written by Amitai Etzioni’s Communitarian Network and endorsed by a number of leading thinkers from many societies, including Bhikhu Parekh. DWU discusses how to integrate immigrants into Western liberal democracies. It offers no grand theory and recognizes that it leaves many questions unanswered. The statement deliberately seeks to cool some of the passions the issue has aroused on all sides. Its objective is to insist upon certain common principles to which all members of a society should be expected to agree—such as abstaining from discrimination against women or respecting law and
order—while also allowing immigrant groups certain realms of autonomy, including rights to practice their religion or to influence the public school curriculum. Illustrative of the approach is its discussion of language. DWU leans in the direction of insisting on a common language (or common languages) for the society, but would also take positive steps, such as the provision of translators, to help those who speak another language make the necessary adjustments.

DWU correctly identifies citizenship as a crucial issue in the discussion. It also points out, again correctly, that “[c]itizenship should not be a free good. . . .” It is probably more correct, however, to say that citizenship cannot be a free good. Citizenship is always expensive. For citizenship to exist, people have to be taxed; as much as individuals do not like paying taxes, especially in the United States, the fact that they do—tax compliance is by and large voluntary—testifies to the fact that they realize they are paying for something. In addition, citizenship conveys obvious benefits, one of the reasons why it is financed through taxation. Those benefits are themselves expensive, because schools, welfare, and other such provisions cost a great deal.

However, the way DWU frames the debate over citizenship is not as helpful as it might be. The statement warns against two extremes: assimilation on the one hand and unbounded multiculturalism on the other. But assimilation ought to be the goal of liberal democracy, for it is not the extreme position to one side; that extreme, rather, is nativism—fear of any immigration. Assimilation ought to be the goal because, in reality, it always is. Native-born people who accept immigrants do so because they want to see them assimilate. Immigrants themselves, even if they do not assimilate, can do little to stop their children and grandchildren from doing so. There will always be assimilation; the question that divides people is how fast it should take place, how many exceptions to it there should be and under what conditions, and how its effects can be minimized. The best that government can do is, on the one hand, to welcome assimilation positively and not to encourage immigrants to believe that they can escape its attractions, and, on the other hand, simultaneously to welcome immigrants and to offer symbolic respect for diverse ways of life.
The age of nationalism is not far behind us, so it requires little imagination to recall all the horrors carried out in the name of the nation-state. Citizenship, we now know from those horrors, cannot be an end in itself; it must serve substantive goals, and the means of pursuing those goals must, in turn, be in accordance with fundamental human rights. For that reason, multiculturalists and liberals are right to put justice front and center in any discussion of citizenship, no matter how much their views of what justice requires differ. To the degree that we seek justice through citizenship—and, in the absence of world government, there really is no other way to seek it—we can do so only by accepting the legitimacy of the liberal state, asserting liberal principles against the state when it acts in an illiberal manner, while insisting on common political objectives when individuals or groups withdraw into self-interest or ethnic parochialism.
COMMUNITY INSTITUTIONS

When Corporate Media Giants Call the Shots: How New Rules from the FCC Will Squeeze Out Community

Sasha Polakow-Suransky

On June 2, the Federal Communications Commission (FCC) voted to change rules on ownership of television stations and newspapers, significantly relaxing the few vestiges of media regulation that remain. FCC Chairman Michael Powell pushed through changes that lifted restrictions prohibiting one company from owning both a newspaper and TV station in the same market; the changes also relaxed TV-station ownership limits in smaller markets. Most importantly, the FCC relaxed the previous 35 percent ownership cap, which prevented one corporation from owning TV stations that, taken together, reached 35 percent or more of the national TV audience. The changes raised the cap to 45 percent.

Critics from across the political spectrum contend that the rule changes will lead to a wave of media consolidation much like the massive buyouts that occurred after radio deregulation in 1996. They predict that the four major networks (ABC, CBS, Fox, and NBC) and a handful of other media giants will try to increase their reach dramatically by buying out as many independent local affiliates and other small stations as the new rules will allow. To save money while expanding their market share, they will replace expensive-to-produce local programming with cheaper national programming, downsize reporting staffs, and, since cross-ownership of TV stations and newspapers is permitted, consolidate news and television reporting into single newsrooms. As CNN founder Ted Turner argued...
in the *Washington Post*, “Large media corporations . . . sometimes confuse short-term profits and long-term value. They kill local programming because it’s expensive, and they push national programming because it’s cheap—even if it runs counter to local interests and community values.”

Chairman Powell assembled a 3-2 partisan majority and pushed through the changes, much to the chagrin of Democratic commissioners Michael Copps and Jonathan Adelstein. The FCC held only one official hearing on the rule changes, in Richmond, Virginia. Prior to the vote, the Democratic commissioners organized additional unofficial hearings throughout the country in an attempt to foster public debate. But Powell and the other Republican commissioners did not attend. In the end, despite their efforts to receive more public input, Copps and Adelstein failed to delay the vote.

**The Role of the Media**

Powell and his allies contend that the old ownership rules are no longer necessary. In their eyes, with the proliferation of cable and satellite TV, as well as the Internet, viewers have a broader array of programming to choose from than ever before. Congressman David Price (D-N.C.) vehemently disagrees. “It’s very important to counter the notion that because you have 200 flavors on cable TV that somehow you’ve dealt with diversity or with localism,” he said. “Two hundred flavors on cable TV does not amount to effective community voices. It’s a major confusion to say all this is irrelevant because we’ve had all these satellite and all these cable channels. That’s not what we’re talking about. We’re talking about localism and we’re talking about media as a component of community life. If the media doesn’t somehow strengthen that and facilitate participation in that then I think that we’ve lost a great deal.” Jim Goodmon, the owner of Capitol Broadcasting Company (CBC) in Raleigh, North Carolina, agrees: “You can have 500 cable channels and they’ll never mention your city. You cannot say cable and satellite are a substitute for local broadcasting.” And even taking Powell’s claim at face value, there is a disturbing level of concentration in cable and Internet. Ninety percent of the top 50 Nielsen-rated cable TV stations are owned by the four major networks and the top cable network owners. And media
giants AOL/Time Warner and Gannett own four of the top eight Internet news sites.

At a hearing on the rule changes that he held at Duke University in March before the vote, Price told the audience: “The key value at stake, I believe, is community, a value partly but not entirely addressed when we speak of ‘localism’ as a public interest goal. . . . The term ‘media’ suggests a linkage beyond the locality to the worlds of politics, economics, entertainment, and culture, but it also suggests communication within and across a locality or region whereby isolated ‘consumers’ of media have their identities as members of the community strengthened, their knowledge increased, and their participation enhanced.” Price worries that the decline in the numbers of locally owned TV and radio stations will irrevocably damage the vibrant community life that has been recognized as a unique part of American culture since the days of Tocqueville. “If the day comes—and I’m afraid it’s fast approaching—when local media are merely a conduit for nationally generated information and entertainment, we will have lost a critically important component of community life.”

Local Concerns, Local Control

CBC’s Goodmon, a veteran local broadcaster, owns both a CBS and a Fox affiliate. He was adamantly opposed to the FCC rule changes, a position which earned him the label of “old-fashioned.” But he insists that allowing CBS/Viacom, ABC/Disney, NBC, and Fox to buy out local affiliates like his own would disenfranchise members of local communities when it comes to influencing what they see on TV. “Only the local broadcasters are required to serve the local community,” says Goodmon. Faced with the prospect of airing Fox’s *Who Wants to Marry a Multi-Millionaire*, Goodmon’s staff discussed the show and decided to cut it. “We sat around and talked about it and said we’re not going to do that, we think it demeans women and the institution of marriage.” Goodmon’s Capitol Broadcasting Company also rejected the Fox show *Temptation Island*, on which attractive singles tried to lure the members of unmarried couples away from one another, after learning that one couple had a child.

Local church groups were thrilled; others protested that CBC was engaging in censorship. But the right of affiliates to reject network
programming is enshrined in the 1934 Communications Act, and it is a right Goodmon and other local broadcasters take seriously. “I am not saying here that we made the right decision . . . just that we made a decision,” says Goodmon. With a national network in charge, all programming decisions would be made on a national level and local citizens, whether angry or happy, would have no local broadcaster to hold accountable. Furthermore, Goodmon fears that popular community-based programming will vanish if affiliates are bought out by networks. He alludes to a game show called *Brain Game* featuring local high school students. He asked the audience at Duke, “With more centralized operations, will truly local children’s programming disappear in favor of children’s programming produced for national groups of stations?”

Goodmon argues that a 45 percent cap—the rule that prevents a single corporation from owning stations that, in sum, would reach more than 45 percent of the national TV audience—could function as a 90 percent cap in some cases due to an arcane rule known as the “UHF discount.” Before the advent of cable, television sets came with UHF and VHF dials. To receive UHF stations, viewers needed “rabbit-ears” or other special equipment. Taking into account that UHF signals were weaker, the FCC granted a 50 percent UHF discount, meaning that each UHF station was only counted against the cap as half a station. But today 85 percent of TV viewers have cable and the difficulties UHF station owners once faced are no longer relevant. Yet companies owning UHF stations still receive the 50 percent discount and hence can own twice as many stations. Indeed, UHF stations have been bought up at lightning speed for precisely this reason. Theoretically, if a company owned only UHF stations, under the old rules they could have reached 70 percent of the national audience; under the new rules, they could reach 90 percent. In reality, most companies own a combination of UHF and VHF stations, but the UHF discount does give media giants the ability to buy out even more independent local affiliates.

A study by the Project for Excellence in Journalism (PEJ) suggests that news coverage of local issues is worse on stations owned by large national corporations. The PEJ researchers examined 172 stations and 23,000 news stories over a five-year period. The study compared the quality of news produced by independent network affiliates and by
those stations owned and operated by out-of-town media giants. Defining quality largely in terms of local news relevance and community interest programming, PEJ gave 31 percent of stations owned by smaller companies an “A” grade for news, whereas only 11 percent of stations owned by the 10 largest media owners (among them the four major networks) received an “A”. PEJ did find that news quality improved as a result of the cross-ownership of TV stations and newspapers in the limited number of cities where this already exists. The pooling of news resources and the downsizing of staff saved money and led to higher quality coverage, according to the PEJ analysis, but it raises troubling issues about growing conformity in local news coverage.

The current debate calls into question long-standing beliefs about the potentially dangerous impact of excessive media concentration on the free democratic exchange of ideas. To dissident FCC commissioner Michael Copps, the impact of these rule changes will be far-reaching for political debate in communities large and small. “We are talking about fundamental values and democratic virtues . . . maintaining the multiplicity of voices and choices that undergird our precious marketplace of ideas and that sustain American democracy,” Copps told an audience at the University of Southern California. The rule changes directly conflict with the 1934 Communications Act, which Congress passed in order to protect localism, competition, and the diversity of voices on the public airwaves. While other industrialized countries developed highly centralized national broadcasting systems, the United States remained committed to decentralization, investing local commercial stations with the responsibility of providing “public interest” programming to local communities. The FCC has done away with many of the safeguards that made such localism possible. And the experience of radio deregulation in 1996 provides a cautionary tale of media consolidation’s impact on local communities.

Reason to Worry

In the first year following the passage of the 1996 Telecommunications Act, nearly 20 percent of the nation’s radio stations were bought out, many of them by radio giant Clear Channel Communic-
tions. Since passage of the act, the number of radio station owners has declined by 34 percent and 60 percent of stations have changed hands. Many local stations have shut down, and Clear Channel now owns more than 1,240 of the nation’s approximately 11,000 commercial stations. Prepackaged playlists and syndicated programming are piped in by satellite, and the influence of local communities on the news, talk, and music they hear has all but disappeared in markets where concentration has led to a near absolute Clear Channel monopoly. Pay-for-play formats and out-of-town management lead to uniform playlists across the country, devoid of local flavor. Tift Merritt, an up-and-coming country music vocalist whose record was named the number six best record of 2002 by Time Magazine, has never been played on her hometown station despite a large local fan base requesting her songs. Many stations are no longer run by local managers, nor can listeners be sure that local DJs are on the airwaves. The rise of “voicetracking” allows a DJ in Dallas to record news and weather for stations across the country, as well as call-in shows. According to Michael Bracy, director of government relations for the Future of Music Coalition, one DJ often covers 20 to 30 stations across the country. “Call-ins are faked. It’s basically fake radio,” says Bracy.

Clear Channel saves millions by eliminating local programming and staff and collapsing multiple stations into one office. In addition, the company functions as a centralized clearinghouse for advertisements. “Why have eight station managers if you can have one? Why have local programming when you can have syndicated programming? Why have local news when we can play CNN news instead?” Bracy asks rhetorically. In more and more small towns across the country, local news has all but disappeared on the radio as satellite feeds selected in New York and Los Angeles dominate the local airwaves. “The economic incentive is not to serve the community but to be smart on savings,” says Bracy. “When you take the decision out of the home town you basically lose local accountability and contact with that community’s discussions of local political issues.” And the FCC’s new rules may do precisely the same thing for television and print media. The suburban Baltimore-based company News Central has recently begun producing, from its Maryland studio, “local” weather forecasts and “local” news for communities as far away as Flint, Michigan.
Bipartisan Opposition

Democrats are not the only ones who see a tension between Powell’s deference to the market and the Communications Act’s goals of diversity, localism, and competition. Price’s fellow congressman Richard Burr, a North Carolina Republican, echoes many of the same ideas from the opposite end of the ideological spectrum. “I am a conservative. I believe in free markets and limited government. But I also believe in another equally important conservative ideal—the right of local citizens to influence decisions that impact their communities,” Burr told the audience at the Duke hearing. “Lifting the 35 percent ownership cap would be a final and fatal blow to ‘localism’ and local control. . . . Without a healthy number of strong, independently-owned local affiliate stations to give a voice to local viewers, the networks will simply buy more stations, beam more envelope-pushing programs into local homes, and cut off local debate and local control over television broadcast programming.”

Even the National Rifle Association (NRA) has joined the fray. NRA Executive Vice President Wayne LaPierre sent an urgent bulletin to members encouraging them to pepper the FCC with postcards opposing the media rule changes. Broadcast ownership rules, wrote LaPierre, “have for decades prevented the giant media conglomerates from gaining monopoly control over what your fellow Americans can read in their newspapers, see on T.V., and hear on the radio. And they have prevented gun-hating media giants . . . from silencing your NRA.” But, warns LaPierre, “If these rules are changed, a single media company could lawfully own and control virtually every news outlet in a community or even a whole state or region of America. And you better believe if these Big Media executives get the control they want over America’s radio and T.V. airwaves, it will be all but impossible for your NRA to fight our grassroots battles . . . by putting our message on the air. . . .” Alarmism aside, the argument is essentially the same as that of the political left: local citizens will lose influence and stations will become unaccountable to local communities if consolidation continues.

Despite hundreds of thousands of public comments opposing the rule changes, including more than 250,000 postcards received from NRA members, and a chorus of voices in Congress calling for Powell
to delay the vote, including Republican Senators Olympia Snowe (Maine) and Trent Lott (Miss.), Powell held the vote and the changes passed. The Senate is already considering legislation that would overturn the rule changes, and according to Michael Bracy of the Future of Music Coalition, there will likely be a flood of litigation challenging them. It remains to be seen whether the consequences of increasing deregulation of TV and newspaper ownership will be as dramatic as in the case of radio. But one thing is certain: the local character of many stations is likely to disappear, and as newspapers and TV outlets fall into the same hands, a greater homogenization of news coverage is likely. “I don’t see much evidence that the Republican majority on the FCC takes [localism] very seriously anymore,” says Congressman Price. “I think bringing free market ideology into this is corrosive. . . . It’s about as pure an example as you’re going to find of a free market ideology conflicting with communitarian values.”
The following is excerpted from a speech that Senator Kerry delivered in Manchester, New Hampshire, on May 19, 2003.

Visiting this nation more than 150 years ago, Alexis de Tocqueville observed that America is great because Americans are good. All over this country, Americans are demonstrating their fundamental goodness and decency to their fellow citizens and the world when they volunteer and serve. Washington doesn’t have all the answers and government doesn’t need to reinvent the wheel. What we can do is enhance local efforts, empower citizens to do what’s right, and bring together government and businesses to leverage the great work that is being done by volunteers—in Boys and Girls Clubs, religious groups, and thousands of different places and projects all over America. Teachers transfer values, mentors transfer values, helpers and healers transfer values—and they deserve a government that’s on their side in that important work.

But beyond Washington, in towns, suburbs, and cities across our country, our people think their government has turned away from [the ideal of citizenship]. They think elected officials no longer ask them to serve a cause greater than themselves. They think their leaders have given up on balancing rights with responsibilities. They think that our political debates too often descend into combat be-

*Editor’s note: As other candidates make statements that speak to communitarian concerns, we will run them.
tween entitlement and abandonment, between “something for noth-
ing” and “every man for himself.”

And they’re right.

Americans deserve a government that has as much faith in the ideals of America as they do. They deserve leaders for whom duty, honor, and responsibility are principles, not punch lines.

Yet for this administration, those words too often become little more than commonplace backdrops for political events—background music for their march to replace shared sacrifice with selfishness.

With George Bush in the White House, we have seen a “get mine and get out” ethic that in effect glorifies a creed of greed. Enron executives bilk the retirement savings of ordinary investors, and for months the administration resists reform. Polluters are given a free pass. Powerful corporations enjoy sweetheart deals at the expense of everyday Americans. Lobbyists come in from the cold to write laws favoring the companies that pay their lavish bills. Insiders ride a revolving door between the White House and major industries. Failed CEOs get golden parachutes while their employees get pink slips. And, for the first time in this nation’s history, the most privileged among us get enormous tax breaks during a time of war.

Nowhere is this disdain for a sense of common obligation clearer than in the administration’s indifference to the wider call to service. In the days after September 11, volunteerism soared all over this land; Americans were searching for ways to give something back. But President Bush turned aside proposal after proposal to tap into this new spirit. When Republican John McCain and Democrat Evan Bayh offered a bipartisan initiative to expand national service, the president rejected it. He did not even follow through on his own modest pledge to expand AmeriCorps and the Peace Corps.

He said he would “rally the armies of compassion,” but he left them high and dry—without the resources to wage their battles and with a leader who was absent from the cause he claimed to profess.

Whether it’s the economy or the environment, our schools or our servers, the story is the same. President Bush speaks of compassion, but withholds commitment. It is time to demand more of our leader-
ship and to answer the Americans who are asking to give more of themselves. It is time to renew the spirit of service and citizenship, of duty and the patriotism that belongs to no one president and no one party, but should enlist all our people to do their part, in many different ways, to make our country better.

The Call to Serve

We have seen before what happens when we appeal to the best instincts of America. Confined to his wheelchair, Franklin Roosevelt summoned Americans to stand tall against the tide of depression. Sixty years ago, his Civilian Conservation Corps sent millions of the young out to rebuild the nation even as they built a better life for themselves. John Kennedy called my generation to the Peace Corps—and Lyndon Johnson’s VISTA opened up the chance to serve in the most forgotten places in our own land, valleys of deprivation and despair so often unseen and unheard. And then, 10 years ago this month, President Clinton introduced AmeriCorps and inaugurated a new season of service.

I propose not only to build on that tradition, but to go beyond it—because today, our challenges are different and our commitment must be even greater. We need a new era of service—not an effort for one time, one purpose, or one group—but a permanent and national endeavor. For America now, service is not just an option, but an obligation of citizenship.

So I am proposing that we fulfill that obligation by creating a seamless web of service where every American—young and old, rich and poor, of every race, religion, and background—can enlist in a new army of patriots who will serve on all the front lines of our future: guarding our nation from danger abroad, strengthening our homeland security, reducing illiteracy, preserving our environment, providing after-school care, helping our seniors live in dignity, building new homes for those who need them—and in all of this, building a nation that is more truly one America.

This proposal will engage more than one million Americans a year in national service, with millions more volunteering some portion of their time and talents.
Enlisting the Young

A new Service for College initiative will call on young people both to help strengthen America’s security and to address unmet needs. For every young person who gives two years of service, America will pay the cost for four years of their state’s public college tuition. This will simultaneously strengthen our society, enhance our economy, and advance our values by opening doors of higher education to those who respond to a higher sense of duty to make our country better.

We have a good beginning with AmeriCorps—which in the past 10 years has gone from a good idea to a great success. Thousands of young people have served in inner-city and rural schools, in building low-income housing and in rebuilding communities in the aftermath of natural disasters. State and local initiative has led the way and bureaucracy in Washington, which has been held to a minimum, has gotten out of the way.

But in this administration, AmeriCorps has been cut and capped. I believe that is wrong—in terms of both our national work and our national spirit. As president, I will bring national service out of the shadows and into the center of national purpose.

My aim is nothing less than to make national service a way of life for each new generation of Americans. So I will set a goal within the next decade of enlisting 500,000 young people a year in Service for College—more than one out of seven young Americans working side by side, in many different ways, but with a common commitment to our best hopes and values.

Just think of what they can accomplish. AmeriCorps members already are playing a part in providing homeland security. All around the country, they have participated in emergency drills. They have helped the Red Cross to conduct disaster preparedness training and mobilized local communities to assemble emergency response plans. But more in service can do far more to safeguard this country. This is the time for young people to step forward with patriotism and pride, and volunteer to prepare for and to protect America from the threats we face.
America has already seen the impact of enlisting the young in meeting some of our hardest challenges. For nearly 10 years, young people have received assistance in paying for college in exchange for a commitment to serve as police officers after graduation. The Police Corps is an idea I’ve championed from the start; it has been one of the most innovative initiatives of the last decade. As president, I will expand it and it will continue to provide an even higher level of benefit for all four years of college. Whether the young people who are members of the Corps stay in police work or serve and then go on to other careers, they make our streets safer while they are in uniform—and, in a larger sense, whether in uniform or afterwards—they strengthen our rule of law and our shared understanding of rights and responsibilities.

And the ethic of service should not just begin when high school ends. So my proposal also calls for a bold new program of High School Service, which will make service and civics a requirement in every secondary school in the nation in exchange for the federal funding the government provides. And local communities will make the decisions on how to get this done.

Nothing our students can learn is more important than citizenship. Teaching them about the rights and responsibilities they have as Americans is as vital as teaching them algebra or literature. Literacy about our democracy is the lifeblood of this free society. But in a recent national test, more than 45 percent of 12th graders couldn’t explain how democracy benefits from citizen participation. That’s our failing, not theirs. We need to teach democratic values in our classrooms and educate students not only about how a bill becomes a law, but about how they can become full citizens.

And they should live as well as learn those lessons. So I propose that all high school students should also be required to do community service before they graduate. Today, the state of Maryland, many school districts around the country, and many high schools already require service. They have proven its worth—and shown that it is not make-work. Rather, it can make a difference in many lives and enrich all our communities. Communities can design these efforts to meet their own specific needs, whether it is providing after-school activities for younger kids, tutoring them in reading, spending time with
seniors, or helping to clean up and renew neighborhoods. There is a world of work for students to do and a nation of extraordinary volunteer organizations ready and eager to recruit them.

States and local communities will design their own service requirements that make it significant without being onerous. For instance, Maryland’s requirement is 75 hours over the course of high school, and local educators have discretion to implement this in ways that meet student needs. Nothing in this plan will prevent young people who need to work to save for college from being able to work. Certainly 50 to 100 hours in the four years of high school doesn’t seem too much to ask from young people as they take on the responsibility of being a citizen. We can and will assist local communities in shaping High School Service plans to fit what they seek to accomplish—and then we must assure sufficient resources to put those plans in place.

So, High School Service should be mandatory for students, but it should not be another unfunded mandate from Washington. Again and again, the federal government has issued demands and then left states with the burden of paying for them. This won’t be another one of those times. I propose that the federal government fully fund this service requirement—or states will not have to implement it. Government needs to do more than teach the next generation responsibility; it needs to show some responsibility of its own. If Washington doesn’t do its part, young people won’t be required to do theirs.

And there is something else they can do if we give them the chance. Teenagers 13 to 17 are too old for child care and too young for many summer jobs. Parents don’t want to leave them alone all summer, but too many families don’t have any alternative. I propose Summers of Service that will involve teenagers in the work of their communities. Supervised by AmeriCorps volunteers, they can visit nursing homes, clean up local areas, or teach seniors computer skills—and, in turn, they will earn a grant to apply to their college education.

The Role of Older Americans

I propose service not just for the young in years, but for those who still have so much to contribute after finishing their careers. As Robert Kennedy once said, “Youth is not a time of life, but a state of mind.” As president, I will defend and strengthen fundamental guarantees
such as Social Security and Medicare. But I also believe in calling on older Americans to contribute to a nation that continues to need all that they have to offer. My proposal for Older Americans in Service will enlist those who have now retired—because beyond the jobs they did, they have so much more to give.

There are those in the Greatest Generation who are doing that today. And now the generation of the 1960s is entering their 60s. Today’s Americans are living longer and staying healthier into their retirement; we need their experience and their energy—and in return, they will earn money that they can apply to an education grant for a grandchild or any other child they choose.

They have already done so much for their country. Here is what they can now do for their communities: older Americans can serve as positive role models for our children, signposts of stability in our classrooms, and the world’s most patient tutors. When they are part of schools, students behave better. When older Americans spend time tutoring, children learn more and learn faster. And older Americans have the credibility and compassion to help their infirm or disabled peers in ways that no one else can. Our older Americans are retired, not tired—and America cannot afford to waste their wisdom and vitality.

**Serving to Defend and Aid**

In another, very specific way, more Americans can do something vital for the nation through a new Community Defense Service comprised of hundreds of thousands of people in thousands of neighborhoods. Like crime watches in many of our neighborhoods, Community Defense Service captains will help show Americans how they and their families can best prepare for the threats we face. These volunteers will provide their neighbors with solid, reliable information about biological, chemical, or other terrorist threats. AmeriCorps members will organize the effort. The Department of Homeland Security would offer leadership. Firefighters and police officers will offer training and education. And the members of the Community Defense Service will be there working side by side with first defenders whenever and wherever they are needed.
In any proposal for national service, attention must be paid to the Peace Corps, the most powerful symbol of nonmilitary service in our history. If there was ever a time when everyday people in the most deprived countries, cities, and villages of the world need to see idealistic Americans working to help them, it is today in the aftermath of September 11. Peace Corps members are the greatest ambassadors of goodwill and democracy that this nation has ever had—and we need more of them. Today, there are 6,700 Peace Corps volunteers, far fewer than in the 1960s—when much of the globe was off-limits due to the Cold War. I propose a major expansion of the Peace Corps for this new century to 25,000 members. They will serve in the places they always have and in new areas of challenge—from the Middle East to communities in Africa ravaged by AIDS.

Finally, there is the form of service that has made and kept this country free, defended it from mortal dangers, and literally saved the world from the most monstrous forms of tyranny. Military service is honorable and noble. So often, it is the highest form of sacrifice. As president, I will seek to strengthen our armed forces by recruiting more active-duty personnel at a time when the military is having retention and recruiting problems. The difficult missions we face and the complex technologies we depend on demand that. And when so many reservists are also firefighters and police officers, relying exclusively on activating them during a time of crisis can actually weaken our security. President Bush has not led in recruiting young people into the military. I will. And as president, I will modernize our GI Bill benefits. Those who risk their lives for America deserve the best chance to learn more and earn a better life for their families.

I also believe no university that receives federal aid should be allowed to ban the ROTC from campus. It hurts our students; it hurts our colleges; it hurts our country. It is wrong—and under a Kerry administration, it will be illegal.

I believe that a new army of American patriots stands ready for a new era of service. They only await a call to service that is certain and true. It is time to sound that call again.
Virtue, Self-Interest, and the Good: A Dialogue on Communitarianism and Classical Liberalism

Amitai Etzioni and Jonathan Marks

The following dialogue between Jonathan Marks, a historian of political thought, and Amitai Etzioni, the editor of The Responsive Community, was conducted by email over the course of several months.

AMITAI ETZIONI: Professor Marks, you have written in the past that responsive or new communitarianism, which stresses the importance of values over laws and of dialogues over coercion, is quite compatible with liberalism. But liberals, while they mainly oppose the imposition of shared moral formulations of the good by the state, also fear socially shared moral understandings. They fear that such shared moral values will spill over into legislation and hence coercion, and believe that social pressure can itself be coercive. Hence they tend to hold that it is best for each person to formulate his own conception of the good.

JONATHAN MARKS: It is true that certain contemporary liberals, like John Rawls and Ronald Dworkin, sometimes write as if liberal societies must not side with any one conception of the good life. The liberal tradition, however, is another matter. John Locke knew well that citizens of liberal commercial societies have to understand peace, prosperity, and freedom as, at least in part, common goods to be secured through a common undertaking. He knew the importance of values and devoted his works not only to describing new liberal institutions, but also to persuading his audience to adopt the new values that would support and ease the work of such institutions. John Stuart Mill, who was acutely aware of the power of majority
opinion, nonetheless did not attempt to do away with shared moral understandings. Instead, he championed a new moral understanding that celebrated not only philosophers and scientists, but human beings altogether as thinkers mutually engaged in the pursuit of the truth and of the best ways of life. Mill consequently praised both theoretical and practical innovators, and he ridiculed traditionalists. Anticipating the communitarian emphasis on moral dialogue, he imagined nothing less than an intellectually active people. Although Locke and Mill wrote a long time ago, their formulations of liberalism, unlike those of Rawls and Dworkin, have made lasting and deep impressions on liberal thought and discourse. It therefore seems to me that communitarians ought to turn their attention more than they have thus far to the liberal tradition and consider whether or not it really shares the deficiencies of contemporary liberal theory.

AE: Let’s assume for the moment that the views you quote represent “true” or real liberalism, at least in its classical form, as distinct from either Dworkin or Rawls. Still, the values Locke does champion do not concern the moral fabric of society, its moral culture, and they tend to be rather individualistic. Peace is, of course, the core value for Locke, but he prioritizes it out of concern for the individual’s well-being and not as some kind of common good. The same holds for prosperity. Liberty is liberalism’s core value, often the one that justifies all others. Liberalism focuses on the rights individuals have and on preventing the state from infringing upon them rather than on duties or responsibilities they have to the common good.

Mill explicitly refuses to accord any standing to values that refer to the community rather than to individuals. Mocking traditionalists and cheering innovators may still make you a sterling liberal as long as you’re cheering liberty and rights, and paying no attention to the common good. Communitarians are not against liberty, but they seek to balance it with concern for other shared goods.

JM: I don’t want to deny that liberalism is profoundly individualistic. But I think liberal values nonetheless concern the moral fabric of society and the common good. The new moral understanding Mill champions is guided by a new moral standard: the permanent interests of man as a progressive being. The pursuit of the truth and of the best ways of life is a collective undertaking, not only of individuals
but also of generations. Each generation is responsible for increasing humanity’s stock of uncontested truths and for exposing falsehoods. Closed-mindedness is, for Mill, both a moral failing and an intellectual one, as well as a disservice to oneself and to others. Similarly, there is a moral dimension to Locke’s praise of the rational and industrious and his condemnation of the quarrelsome and contentious. The rational and industrious are praiseworthy not merely because they are efficient maximizers of profit, but also because their work draws human beings out of a state of relative poverty and brutishness and into a state of relative prosperity and civilization. The quarrelsome and contentious are blameworthy not because they never prosper—they frequently do—but because they are troublemakers who stand in the way of prosperity and civilization. They stand, in other words, in the way of the common good.

Also, I think it is important not to equate liberalism’s emphasis on rights with indifference to responsibility or virtue. Liberal citizenship requires vigilance to detect threats to freedom and courage to fight them off. It requires moderation because we will often be tempted to disregard the rule of law, the rights of others, and the importance of peace in order to advance our own interests or partisan convictions. Such virtues may be less dazzling than Spartan virtues, but they are not unimpressive. I find Steven Kautz’s portrayal of the liberal person in Liberalism and Community entirely persuasive on that point.

AE: Your last comment moves us even closer to what is needed—distinguishing between personal and social virtues, between liberal and communitarian ones. To define them first, what some liberals call virtues are personal attributes associated with being a good citizen (e.g., voting, keeping up with public affairs, serving on a jury) and with enabling a society whose bonds are based on a very thin, if any, shared moral culture to function (tolerance, self-restraint, open-mindedness). Or virtues are attributes that help each individual to prosper (e.g., industriousness). (Social conservatives and communitarians might well be reluctant to call these virtues in the first place.)

In any case, what is lacking here is the moral foundation for other-regard and for the common good, for caring and sharing, for making sacrifices for our friends and other members of the community. How can a liberal justify the obligation to take care of our aging
parents or to protect the environment for future generations? How can a liberal justify a relatively high and rising minimum wage, not as something that benefits the economy and hence oneself, but as necessary for a minimal amount of social justice? (You may say Rawls does, but aside from the fact that he greatly differs here from all the liberals that preceded him, his “basis” is again the individual’s interest—what if I find myself in this position?—not a moral one.) How can a liberal justify giving foreign aid even if it does not serve us a bit—not because it is the “rational” thing to do but because it is a good act?

You mention Spartan virtues to contrast them with liberal values, which to reiterate are thin and citizen-centered (rather than being centered on being a member of a good society), and you seem to suggest that communitarians do hold Spartan values—that is, highly austere, authoritarian, and aggressive ones. Reference to Spartan values helps clarify that once one recognizes the category of shared moral understanding and social virtues, one must make other distinctions, because not all shared values are communitarian. Two characteristics separate communitarian shared values from social conservative and authoritarian ones (including theocratic ones such as those of fundamentalists). First, communitarianism advocates a core of shared values, rather than a broad and inclusive body of religious or ideological tenets that delineate what one ought to eat and ought not to drink, the direction in which to bow to God, when one can have sex, and so on, which makes them oppressive and leaves little room for individual freedom. Second, authoritarian values tend to be coercive while communitarianism emphasizes the role of persuasion. It is not an accident that communitarian values are thicker than liberal ones but much less encompassing than social conservative (not to mention fundamentalist) ones and that they rely on persuasion. This reflects that responsive communitarians favor a balance between autonomy and social order, and do not merely value order.

JM: It is true that liberalism derives duties from rights. Nonetheless, liberalism does not promote indifference to others. The quintessential liberal premise is the natural equality and freedom of human beings, which the revolutionaries of 1776 affirmed when they declared that all men are created equal and endowed by their Creator with certain inalienable rights. That declaration within the Declaration applies not
j ust to members of our family or tribe, but to everyone. When Americans reflect on it, they extend their moral horizon to encompass the whole of humanity and the dignity of all human beings. When they embrace this declaration, they embrace a moral and political principle that extends beyond their own borders and lifetimes. This universalism of the Declaration, which responsive communitarians share but many communitarians reject, is the basis of the sentiment and the virtue of humanity. If humanity does not make liberals as charitable as good Christians, it does, at least, restrain them from being unjust, cruel, and indifferent to others. I should add that liberals, impressed as they are with the capacity of reason to relieve political, economic, and physical ills, are disposed to act energetically on their humane sentiments and their interests to relieve such ills. I cannot say what the liberal virtue of humanity dictates about wages, the environment, or foreign aid, but it does not leave liberals unconcerned about workers, future generations, or poor nations.

That said, you are right that liberalism teaches rational self-interest more than anything else. The liberal abhors cruelty, for example, not only because he is humane, but to a great extent because of the threat the cruel pose to him and to the community, which he values insofar as his happiness depends on it. The liberal worries about the poor not only because of his humanity, but to a great extent because of the threat that the conflict between the rich and the poor poses to the community and thus to him. Liberal morality never breaks free of a prudent regard for one’s own good or security, but it seems to me that one cannot ask more of human nature. Besides, even the virtue of humanity must be restrained if it is not to eventuate in utopian and dangerous policies.

I am describing liberalism in the best case. I agree with critics from Tocqueville on who argue that liberalism, left to its own devices, can foster narrow and ignoble selfishness. I even agree that liberals sometimes need to take counsel from other philosophic and political traditions to remedy liberalism’s deficiencies; you may well be right, for example, that liberalism is bad at accounting for friendship. But I also think that we must not deny liberalism’s revolutionary and fragile achievement, an achievement of both principle and practice. One surely denies this achievement when one claims that liberalism
is morally empty and even corrosive, as communitarians, in my view, too often imply. I know from your essay “The Monochrome Society” that you think the moral framework that holds together American society is the American creed, which includes the Constitution and Bill of Rights, as well as tolerance. I think it is hard to deny that the American creed owes much to liberalism, even if J. G. A. Pocock and company are right to argue that previous historians overstated liberalism’s influence, and understated republicanism’s influence, on the Founders. But if this is so, how can one maintain that liberalism is thin?

AE: You are very eloquent regarding liberals’ regard for others, including all human beings. But isn’t there a difference between acknowledging that all human beings have certain rights and suggesting that we have some obligations toward them, responsibilities for them? One may say that respecting rights is an obligation, but this merely takes two terms and pretends that there is no difference between them. From the claim that, say, everyone has a right to free speech, it follows that I should not act to curb it, but do I have an obligation to promote a world in which free speech can flourish? I should not violate anyone’s right to vote, but do I have a duty to promote democracy? Moreover, the rights about which we are speaking are legal and political, not social and economic. Hence they do not encompass any duties to poor people, the sick, and other vulnerable members of humanity. You say liberals are not “as charitable as good Christians”; are there any liberal reasons for one to be charitable at all? You speak about the rights of specific individuals, not concern for the common good, not a commitment to protect, for example, the environment. Hence, as you in effect acknowledge in the second part of your comment, there is a great need for a major communitarian wing to be added to the liberal construction.

I find your comment about human nature particularly helpful. If people were indeed selfish by nature, made self-centered by their Creator, communitarian philosophy would be naive whistling in the dark, if not delusional. However, human beings are actually social creatures by nature; they are bound to one another profoundly. They are more content and flourish better when they are members in good standing of families and communities. Therefore, other-regarding
acts are neither altruistic nor a way of serving one’s own interests, but a form of mutuality in which both sides—or better, all sides—gain simultaneously. Loving our children, spouses, parents, and, in less profound ways, our friends and other community members—and discharging our moral duties—makes us better. A liberal may say (as some economists do) that loving and acting in line with one’s moral commitments is self-interested because such acts yield psychic benefits for the actor. But if one equates other-regarding acts—staying up nights to help a sick child, spouse, or friend, sitting with someone during chemotherapy, sharing grief, and so on—with selling people Tupperware, then we are flattening all important distinctions in human life and reducing them to one simplistic notion. Other-regarding acts (including not only those performed for specific persons, but also those performed for the common good and general respect for moral values) feel very different from self-regarding acts (as we know from introspection), entail clearly distinguishable forms of behavior, and have radically different consequences.

So far my comments have been generic. Let me put them in the context of American history. While the Constitution provides the basic framework that holds together American society, it is not enough. It is true that the American creed owes much to liberalism, but as Tocqueville and others have pointed out, a successful American democratic system needs the support of an underlying civic morality. Even amidst the religious and economic diversity of 18th-century America, the Framers could count on a largely homogenous moral culture to cultivate a shared set of goods. The liberalism embodied in our political system was designed to adjudicate among fewer and stronger influences on moral life than we have today.

In the absence of a strong sense of the common good, liberalism itself has transformed into an ideology with its own understanding of the good—a point you admit when you state that it teaches rational self-interest. As such, a philosophy that originally presumed a neutral stance with regard to questions of the good has increasingly come to embrace liberty and rational self-interest as goods in and of themselves. Liberalism as a system cultivates the virtues appropriate to the successful negotiation of that system, and the result has been an overemphasis on individual liberty and self-interest. As those virtues
become entrenched and institutionalized in organizations such as the ACLU, any attempt to shore up the shared moral foundation of a society is interpreted as a threat to individual liberty.

You presume that we cannot expect more of people than rational self-interest, but I would argue that in the past we did just that. Both political and religious systems have asked adherents to sacrifice self-interest for the greater good, often without even a long-term, tangible reward for the one sacrificing. While responsive communitarians emphatically do not want a return to the old religious hegemony or any kind of political authoritarianism, we do believe that shared understanding of the good is possible across society and that human nature can be cultivated to recognize—and even make sacrifices for—that good. Human nature, then, is malleable, but in the moral cacophony encouraged by liberalism’s dominant approach to rational self-interest, it is difficult to find and then cultivate an understanding of the common good. You mention, for instance, that liberalism would need to turn to other traditions to account for friendship. This is an important deficiency, for when liberalism oversteps its bounds and operates as not just a political but a moral system, the conditions for civil society recognized as early as Aristotle—namely, friendship and broader affect-laden relationships—begin to erode. That erosion has progressed to a crisis point today.

JM: I appreciate your willingness to discuss human nature. One of the many things that distinguishes your thinking from, say, Benjamin Barber’s, or Michael Sandel’s, is your insistence that the argument for community must be founded on a definite understanding of human nature and even on self-evident truths. It seems to me that responsive communitarians and liberals in the tradition I have described can and should make common cause against relativism, which denies that one can have a serious debate about human nature and self-evident truths.

Let me point out one other matter I think we agree about. The well-being of liberal societies requires contributions from other traditions. Tocqueville is a model for me as he appears to be for you. He saw clearly and early on that modern democracy, what we call liberal democracy, has, like any political order, characteristic vices, and that a tendency toward radical individualism is among the most impor-
tant of these. He saw that liberal democracies are in need of outside help, from religion for example, to temper their individualism and strengthen the moral bonds their health requires. As the example of religion suggests, there are different kinds of outside help, and you have engaged in spirited debates with social conservatives about what kind is most likely to preserve a balance between autonomy and order.

I think our most important disagreement concerns your claim that liberalism was originally intended to be neutral about the good life. Let me give you one more example from Locke, which also places liberalism in a historical context. Locke wrote “A Letter Concerning Toleration” in an England and Europe in which religious differences provoked wars within and between states. To attempt to soften those differences, Locke could not appeal to self-interest alone. The duty to convert unbelievers could hardly be abandoned for consideration of worldly self-interest. Locke therefore insisted, in effect, that God himself decrees that each individual should investigate and decide for himself what true religion is, that every individual is his own supreme and absolute authority in religious matters, and that the care for an individual’s salvation finally belongs to the individual alone. To place such extraordinary weight on the side of individuals rationally investigating and judging the truth for themselves, and deciding what to believe and do accordingly, is hardly to be neutral on the question of the good life. While Locke leaves it to individuals to decide what religion to choose, he insures that all religious believers, if they are persuaded by him, will share a common moral understanding according to which human dignity depends upon accepting only that authority to which one freely consents. Lockean liberalism, while it does not outlaw the belief that one is not capable of judging the truth and that submitting to the authority of others is the only route to salvation, is plainly not neutral with respect to this belief or the way of life it implies. This failure of neutrality is not, in my view, accidental, but quite deliberate. Locke thought his understanding of human dignity was both better at securing peace and simply better than rival views. Madison and Jefferson, by the way, followed Locke in their own writing about religion in the American context.

But does the moral understanding liberalism promotes entail obligations to others? I think that it does. If I am right that liberals
believe not only in peace and prosperity but also in the dignity of all human beings, then only a hypocritical liberal would insist that he has only negative duties. Only a hypocritical liberal would insist that, to use your example, he can be concerned only with not violating others’ right to free speech and need not promote a world in which free speech can flourish, or that he can be concerned only with not violating rights and need not promote a world in which people can exercise their rights. It is true that liberals emphasize rights and rational self-interest over duties, regarding this emphasis as the surest direct safeguard of dignity and the surest route to the peaceful, prosperous, industrious, and intellectually active society in which human beings can lead civilized lives. It is also true that liberals will consequently, as I mentioned, be less charitable than good Christians and less well-disposed toward an ethic of sharing and caring than good communitarians. But this stance does not lead liberals to suppose that refraining from violating rights is the sum total of human virtue or that refraining from violating rights suffices for securing human dignity.

I agree with you that the conditions for civil society have eroded and that this erosion must be addressed. However, if the deficiencies of liberalism must take some of the blame for this lamentable state of affairs, I think that neglect of the liberal tradition, even among people who today call themselves liberals, deserves some of the blame, too. That is why, even though I share your opposition to Rawls and Dworkin and resist, just as you do, the reductionism of the economists you mentioned, I am so eager to distinguish the liberal tradition as a whole from these relatively recent and impoverished manifestations of it. Classical liberals and responsive communitarians, however much they disagree about the desired content of a shared moral understanding in the United States, are mutually concerned with reviving serious thinking about such a moral understanding.

AE: This is a good place to close. You are right that we have relatively little reason to quarrel with classical liberals. Our main differences, at least concerning shared formulations of the good, are with contemporary liberals. Some liberals hold out for complete state neutrality and are so fearful that socially shared understandings will lead to state-imposed ones that they oppose the former in addition to the latter. Indeed, there is a very regrettable tendency to treat state and society
as if they were one and the same thing, as if citizenship and membership in society were synonymous. Finally, there are a fair number of liberals who advocate a thin shared conception of the good; they see the merit of some virtues but either tie them to the liberal agenda and not to the common good (e.g., tying them to following public affairs and thinking critically) or connect them to a rather limited list of values (e.g., security). In any case, what is wrong with having two schools that differ and thus help highlight the core issues we face?

What Is Public Service?

In a recent study by Paul C. Light of the Brookings Institution, college seniors were asked to define “public service.” According to the study:

Seniors defined public service almost entirely in terms of helping people. Asked what the words “public service” meant to them, 36 percent said helping people, 30 percent said helping the community, nation, or society, and 15 percent said doing something selfless. Only five percent defined public service as working for government or the military, and just two percent said working for a nonprofit.

In Search of Public Service, June 2003
We Are All Pluralists Now
Adam Swift


William Galston is that rare breed: a political philosopher with practical experience of national politics. (He was Clinton’s deputy assistant for domestic policy from 1993 to 1995.) The back cover to his important new book tells us that this experience “informs” his work and enables him “to speak with an authority rare among political theorists about the implications of advancing certain moral and political values in practice.” True, the style is generally accessible. Galston presents complex ideas with the kind of broad brush for which nonprofessionals will be grateful, and theoretical questions are helpfully illustrated by discussion of concrete examples. Nonetheless, readers wooed by these intimations of practicality are going to be frustrated.

As a contribution to political philosophy, the book is disappointing. Galston has set himself an ambitious task. He wants to lay out the political implications of a philosophical view about the nature of values—the view, associated with Isaiah Berlin and called “value pluralism,” which holds that moral values are heterogeneous, conflict with one another, and cannot be fully rank-ordered. And he
wants to do it in 132 pages. Yet there is a huge body of literature on this. In their different ways, all of the most influential moral and political philosophers of our time engage with the issue, and many have offered complex, precise, and sophisticated discussions both of the nature of value pluralism and of what it means for politics. Galston is aware of this literature. Indeed, he knows it well and is at pains to locate his own views in relation to those of others with whom he disagrees. But his way of dealing with those others is too often superficial. The book covers so much ground so quickly, and so often presents Galston’s take on difficult issues with minimal attention to counterarguments, that I was left feeling cheated. Or, more honestly, I was left feeling anxious that, given the convincing tone and appealing style, nonspecialists might think that he had presented authoritative arguments for his views.

His core argument is as follows: Berlin was right to hold that moral values are plural and conflicting. It follows from this that the polity should be very cautious about interfering with people’s chosen ways of life, pursuing a policy of “maximum feasible accommodation” with respect to the internal affairs of associations. As Galston puts it: “If . . . our moral world contains plural and conflicting values, then the overzealous enforcement of general public principles runs the risk of interfering with morally legitimate individual and associational practices.” Enlightenment liberalism gives too much weight to the value of individual autonomy, mistakenly thinking that the state is justified in intervening in private associations to ensure that its citizens possess or can exercise that capacity. Rather than autonomy, we should prefer the post-Reformation ideal of diversity, which properly respects individuals’ “expressive liberty”: their freedom to live in ways that express their deepest beliefs about what gives meaning or value to life. The state must guarantee individuals’ right of exit from groups and associations of which they are members, and it may do what is necessary to secure civic unity, such as ensuring that its citizens share the virtues (such as tolerance) and competences (such as the capacity for deliberation) needed for the survival of the liberal state itself. But value pluralism also means that we should acknowledge multiple sources of authority—individuals, families, religious and cultural groups, the state—refusing to accord blanket priority to the last of these.
The book, then, is a contribution to the crucial debate about the proper role for the state in the context of cultural and religious pluralism. This is a debate that will be familiar to readers of *The Responsive Community*—it underlies the *Diversity Within Unity* initiative—and it can be framed as concerning the relation between the individual and the various communities of which she is a member. Does the political community have the authority to demand, *contra* the potential claims of cultural subcommunities, that its individual citizens be brought up to be good liberal citizens? Should religious or other cultural groups be free from political interference to engage in illiberal practices, or in practices that do not embody egalitarian principles? Must the state ensure that the individual is free to leave the community in which she has been raised if she finds that it does not fit with her own understanding of what life is for or about? And so on. These are deep and important questions, and anybody interested in such matters would do well to engage with Galston’s provocative and stimulating take on them. (He answers yes to all three.)

And yet. His position is imprecise at key points and hence difficult to assess. This vagueness is inevitable in a book of this length, but it is exacerbated by Galston’s aim. He wants to carve out a middle way between an overweening autonomy-promoting state bent on requiring its citizens to understand how irrational their parents’ religious beliefs are, on the one hand, and a state that fails to protect individuals from oppressive cultural practices and lacks the means to ensure its own survival, on the other. He tacks between these two poles, and as soon as he says something that seems to commit him to a specific position, he qualifies his remarks, undercutting that commitment. As a result, it is difficult to figure out where he ultimately comes down.

That said, the emphasis on “diversity,” sometimes presented as “maximum legitimate diversity,” and on political pluralism—multiple sovereignties—suggests that the book should primarily be read as a defense of the rights of religious and other cultural groups (in practice, parents) to pursue their various (illiberal) ways of life against the allegedly homogenizing and expressive-liberty-denying demands of the liberal state. The substantive view being offered, then, is one that would significantly limit the ability of citizens to establish, as a political community, the values and principles in accordance with
which they and their fellows are to live, and that would thereby significantly limit the authority of the political community to ensure that children are brought up in ways that make them capable of meaningfully choosing as adults what kind of life they want to lead. As such, the position argued for is towards the “cultural rights” end of the continuum, at least compared to most liberal theorists, and, on my reading, compared to relevant Supreme Court judgments, too.

My main substantive worry is that Galston is too sanguine about the conditions under which an individual’s membership in an association is genuinely voluntary. We agree that there is no problem with adults freely choosing to join voluntary associations whose internal principles may conflict with the norms that govern the polity (as do those of many religions with regard to gender roles). But Galston pays insufficient attention to the processes by which people come to hold the views that inform their choices. For Galston, “the ability of parents to raise their children in a manner consistent with their deepest commitments is an essential element of expressive liberty.” That may be, but what about the interests children may have in living lives other than those to which their parents are deeply committed? Galston rightly demands that those who come to reject their parents’ values must be free to act on that rejection, but he is worryingly vague about the measures the state may enact to ensure that children are aware of, and, more importantly, prepared for, other ways of life. At one point, in discussion of the Amish, he suggests that it is enough for children merely to know about alternative ways of life, and the fact that some choose to leave is taken to show that exit is a real option. Yet later he offers a much more demanding (and satisfactory) set of conditions that must be met if exit rights are to be substantive rather than merely formal: in addition to knowledge of alternatives, children must also have the capacity to assess them, freedom both from brainwashing and from “forms of coercion other than the purely physical,” and the ability “to participate effectively in at least some ways of life other than the ones they wish to leave.”

Striking the right balance between the interests of parents and children is surely difficult. I don’t know a better of way of addressing it than via something like Rawls’s veil of ignorance. Suppose you didn’t know whether you were going to be a devout parent, whose expressive liberty consisted primarily in raising your children to
share your religious convictions, or the child of a parent preoccupied with transmitting her own, quite possibly false, religious views to her children. It’s not obvious that you would give any greater weight to the parent’s interest in living the life she believed in than to the child’s interest in enjoying conditions whereby she could judge for herself how she wanted to live her life. Of course parents should be free to raise their children as members of a particular faith. (I agree with Galston that religion is special and not properly regarded as merely another preference.) But it is arguable that the proper balance between a person’s expressive liberty and the interests of affected parties (here children) could be struck without moving as far as Galston wants to in the direction of “maximum feasible diversity.”

That is a disagreement on content, but a second problem is more fundamental. He often writes as if his position follows from acknowledgment of value pluralism. Not always. Occasionally he acknowledges that, as a philosophical doctrine about the nature of value, pluralism means only that moral judgments are complex, involve trade-offs between different values, and so on. Indeed, Galston is at his best when emphasizing those complexities and illustrating those trade-offs, and he makes many important points in doing so. But consider his subtitle. He mainly presents value pluralism as supportive of his substantive views. Those who reject monism should favor “diversity,” with that vague ideal cashed out in terms of a particular (though underspecified) view about respect for parents and cultural (especially religious) groups. That presentation is misleading. To repeat, nearly all political philosophers, including those whose conclusions he rejects, acknowledge some version of value pluralism. Those who disagree with his political conclusions need not reject that. It’s much more likely that they simply take a different view about how best to balance the relevant values. Taking value pluralism seriously doesn’t lead us uniquely in Galston’s direction. We are all pluralists now.
Reviving Liberalism, Respecting Local Context
Donald K. Emmerson


During the Cold War, democracy qualified was democracy violated. Soviet-style “people’s democracies,” Pakistani General Ayub Khan’s “basic democracy,” and Indonesian autocrat Sukarno’s “guided democracy” were all undemocratic. Faced with such abuses of language, it was natural to want to defend democracy from misappropriation—to rescue the unadorned noun.

Doubtful coinages have not disappeared. Witness the “managed democracy” championed by Russian President Vladimir Putin. But almost all of the Soviet-era “people’s democracies” are gone. Meanwhile, the global proliferation of democracy has spurred analysts to distinguish subtypes within this now vastly instituted and diverse form of government. In this new setting, a term that would have been dismissed as oxymoronic for most of the Cold War—“illiberal democracy”—has attracted increasing attention. The latest illustration is *The Future of Freedom: Illiberal Democracy at Home and Abroad* by Fareed Zakaria. (Ignored in Zakaria’s book is an earlier title, *Towards Illiberal Democracy in Pacific Asia*, written by several authors including Daniel A. Bell.)

“For people in the West,” writes Zakaria, “democracy means ‘liberal democracy’: a political system marked not only by [(a)] free and fair elections but also by [(b)] the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property.” A democracy is “illiberal” to the extent it has (a) but not (b).

But if democracy and liberal democracy are synonymous “for people in the West,” what might democracy mean outside the West, for people in the East? Zakaria does not ask this question. What he finds exemplary in East Asia is not its philosophy but its timing—the
wisdom of having put property rights and other priorities of eco-
nomic liberalism first, for the sake of prosperity, while postponing
democracy until the middle class is large enough to sustain liberal
politics.

In *East Meets West*, Daniel A. Bell not only asks what human
rights and democracy mean in East Asia. He offers answers, and
debates them. Basically, for Zakaria, as for “people in the West,”
liberal is good, illiberal bad. Bell, too, explores the case against
illiberal democracy. Unlike Zakaria, however, Bell zeroes in on East
Asian arguments against liberalism itself, or at least liberalism in its
more extreme forms, as in the hyperliberal privileging of rights over
responsibilities, individuals over communities, and minorities over
majorities. Both authors seek to understand and evaluate “liberal
democracy,” and both defend the adjective against the noun—per-
sonal freedoms against elected autocrats. But the two authors do so in
very different ways.

Bell’s method is unique. His book is an intellectual tennis match
in five sets, or chapters. Each chapter is a dialogue between disagree-
ing speakers. One of the speakers is always “Sam Demo”—short for
Democracy. Demo is the East Asia program officer of a fictitious U.S.-
based foundation that seeks to promote human rights and spread
democracy abroad.

The first two conversations take place in Hong Kong in 1997 and
1998 between Demo and another made-up character, “Joseph Lo,” a
“well-connected” human rights activist whom Demo knew when
they were undergraduates at Princeton. In the next two dialogues, in
Singapore in 1999, Demo contends with the real-life senior minister of
Singapore, Lee Kuan Yew—considered by some to have been the
chief proponent of “Asian values” when that topic was debated in the
1990s. Set in Beijing in 2007, the fifth and final chapter involves Demo
in conversation with “Wang,” a fictional professor of political phi-
losophy at Beijing University.

The first dialogue introduces arguments for the need for local
knowledge. Blatant and universally condemned violations of human
rights—genocide, torture, slavery—“can never be justified, no matter
what the circumstances,” says Joseph Lo, and of course Demo agrees.
But Lo goes on to claim that significantly milder deviations from
Western-liberal norms may indeed be justified, at least temporarily, depending on actual conditions in a given locale.

The rest of Bell’s dialogues illustrate the philosophical and instrumental importance of local knowledge. In Singapore, Lee Kuan Yew makes the case—Bell incorporates actual quotes from his speeches and writings to give the character in the book authenticity—that the individualism underlying Western-liberal conceptions of democracy holds little local appeal. Singaporean society values family ties more than individual desires, argues Lee. Singaporeans, he claims, readily tolerate limits on liberty in order to avoid anarchy and assure stability and prosperity. Alluding to his small and vulnerable country’s long record of social peace, economic growth, and clean, effective government, Lee asks rhetorically, “why should we change?”

Demo does not take these arguments lying down. Answering Lee’s claim that Singapore has competitive elections and is therefore democratic, his American guest cites specific evidence of official abuses: threatening to withhold services from neighborhoods that vote for opposition candidates, legally harassing such candidates to the point of bankruptcy, sharply curtailing their freedom to campaign, and compromising the secrecy of voting by numbering the ballots.

Local knowledge thus turns out to be more than a one-way rationale for relativism. Yes, it can be helpful in challenging the imposition of a uniform, off-the-shelf standard of democracy on a richly particular place. But local knowledge can also be used as Demo uses it: to doubt the claim that a particular place lives up to a standard of democracy that is generally agreed upon, including agreement as to which official steps and rules make elections less democratic by curbing the opposition’s ability to compete.

Liberal though he is, Demo does not build his case against Lee in the manner of so many of Lee’s Western critics, by reaffirming the universal desirability and suitability of personal freedom. Instead, in the most original part of a highly original book, Demo meets Lee on Lee’s own moral ground: the higher virtue of loyalty to something larger than the individual. If the government of Singapore does not trust the judgment of its citizens enough to stop restricting them, patronizing them, and keeping them politically inert, Demo asks Lee,
how can it be sure they will feel like they are enough a part of their country to defend it in a crisis?

Less decorously put, why wave the flag if it isn’t yours? If the average Singaporean doesn’t feel respected as a person and as a participant in forging the destiny of this precarious little Chinese-majority city, why should he or she bother defending it from the Muslim millions—Indonesians, Malaysians—who surround it? Demo even repeats to Lee something one of Lee’s ministers, in real life, once said: that Singapore with its modern economy is like a five-star hotel—good for a vacation but not a lifetime. Would a tourist in a resort willingly defend it to the death, however pleasant its amenities might be?

By arguing that a more liberal democracy can serve Lee’s own cherished goal of ensuring the resilience of Singaporean identity, Demo forsakes a philosophical polemic for an instrumental advance. Lee is not convinced. But he is impressed. Bell has him admit to Demo, “you may be on to something.” Local knowledge wins again.

Bell himself, writing in his own voice, concludes that the case for democracy in East Asia “will not be made by relying on the abstract and unhistorical universalism that often disables contemporary Western liberal democrats. Rather, it will be made from the inside, from specific examples and argumentative strategies that East Asians themselves use in everyday moral and political debate.” Including, I would add, the examples and strategies articulated in East Meets West.

If Bell zooms in on East Asia, Zakaria’s lens is global. Zakaria’s remedy for illiberal democracy is another adjectival form: “delegated democracy.” By that he means a system in which talented managers with expertise in specific policy realms are appointed; insulated from partisan lobbyists, self-serving minorities, and apathetic or uninformed majorities; and authorized to make binding decisions for the long-run good of the country.

These virtues are embodied, for Zakaria, in two American institutions—the Federal Reserve and the Supreme Court. Characteristically, Bell is inspired by non-American examples. He devotes much of the final dialogue in East Meets West to a proposal by Professor Wang to create an upper legislative chamber for China: a Confucian-style “House of Scholars.” The chamber’s members would be chosen not
by election but for superior performance on competitive examinations. Bell’s respect for such a Confucian body and Zakaria’s for his American examples reflect the need both authors feel to protect the public interest from the damage that ignorant majorities and passionate factions can do.

Bell’s House of Scholars and Zakaria’s Federal Reserve and Supreme Court exemplify “delegated democracy.” True to his respect for local, East Asian knowledge, however, Bell does not offer this model of democracy as an across-the-board antidote to “illiberal democracy.” He prefers to explore the local resonance and aptness of an upper chamber whose meritocratic basis might, in a Chinese context, protect against majoritarian misrule. And he would doubtless be the first to note the impracticality of such an elitist House of Scholars in, say, the United States, where more than a few Americans would still rather be ruled, as William Buckley once opined, by leaders chosen randomly from the Boston phone book than by the entire Harvard faculty.

Within political theory, rights fundamentalists and cultural relativists argue about whether liberal democracy is universally desirable, or if its legitimacy depends on the contingencies of Western history and culture. For a rights fundamentalist, all rational human beings by definition want to be treated with respect and, therefore, also want a liberal democracy in which they assuredly will be. And if there are illiberal democracies or electoral autocracies such as Singapore whose citizens, by and large, appear to accept them, perhaps even to endorse them, who can be sure that these same citizens would not decisively reject the status quo if given the freedom to do so?

For a rights fundamentalist, the only way of disproving the universal immanence of liberal democracy as the one system naturally desired by humankind, including Singaporeans, would be to impose it—and thus create the requisite window of opportunity for candor. In reality, it’s hard to imagine any illiberal ruler permitting such a massive experiment merely to clarify a hypothesis in political theory, given the chance that a candid vote could terminate his regime.

On the other hand, conceivably, a successful philosopher-king may have less to fear than he might think. He could underestimate the
domestic legitimacy of his creation. If most of his subjects feel better off—wealthier, safer—under his regime than without it, they might, in a free vote, express that feeling and thus ratify his rule, even if by a smaller margin than in previous, managed elections. This result would not surprise a cultural relativist who had been arguing all along that absolutist or universalist democrats were mistaken to think all people wanted what they themselves wanted to want.

In the case of such an outcome, who would suffer from “false” consciousness: the sheeplike voters who didn’t know their own liberal interest? Or the less-than-liberal leader who didn’t know that he could afford to relax? And if a free and fair vote renews peacefully, without disorder, an effective but illiberal ruler for whom freedom and chaos are synonymous, will he not then have been reelected and refuted at the same time—a naked emperor stripped, in effect, by the honesty of his own recoronation?

Such counterfactual arguments end, if they end at all, in partisan deadlock. Unable to conduct the experiment that would settle their disagreement, the universalist remains free to deny the legitimacy of the offending regime and to declaim the authenticity of liberal values, while the relativist’s converse biases are left no less intact.

Bell tries to circumvent this deadlock by engaging with actual situations in particular places. In Singapore in 1997, two-thirds of those who responded to a survey run by a local think tank said they had little or no political influence. Roughly the same majority wanted at least some say in the policy process. Bell quotes these results as they were reported in the Straits Times, a Singapore daily regarded by Sam Demo (but not Bell) as a mere mouthpiece of the regime.

The implications of these bits of evidence are ambiguous. The universalist-liberal critique is corroborated by evidence of dissatisfaction. But the fact that such a survey could be locally organized and publicly reported at all stirs doubt as to just how impervious to dissent, and therefore unpopular, the regime in Singapore really is—and thus how preordained its ouster in a hypothetical free vote might be.

Bell avoids stalemated speculations by noting the utility of learning about the particular place whose receptivity or resistance to liberal democracy is in question. Whatever the ontological status of
local knowledge may be, knowing what the locals know can be put to
good use by someone who would spread among them the good news
of liberal democracy. Even someone with the universalizing instincts
of a Sam Demo could agree to that.

Pragmatism thus trumps polarization. Bell’s initially instrumen-
tal rationale allows him to forge a small piece of middle ground that
his characters then jointly enlarge in further conversation. The result-
ning conceptual space is as full of nuances as it is free of straw men.

Verbal choreography can be annoyingly indirect. Where does the
invisible author of a dialogue stand? Bell avoids this charge by
revealing his own views in an explanatory introduction and in foot-
notes at the bottom of almost every page. In the notes, the useful
fictions of the text are anchored and sharpened by real-world docu-
mentation and commentary in the author’s own voice.

A constructed dialogue can also be unfair. An author can tilt the
playing field by purposely burdening one side with weaker argu-
ments. Bell resists this temptation. Demo does have a tendency to
raise his voice, and sometimes he interrupts his conversation part-
ners, but not to the point of caricaturing American self-assurance.
After Demo leaves Lee’s office, the senior minister instructs his
Internal Security Department to find out what Demo is up to. But the
request is not implausible. Nor, in the exchanges between Demo and
Lee, has Bell slanted or garbled Lee’s ideas. The contending rationales
in East Meets West are expressed clearly and cogently, including those
with which Bell himself, as a liberal communitarian, disagrees.

In The Future of Freedom, Fareed Zakaria’s views are up front. He
mobilizes a range of cases and evidence from around the world,
including the United States, in support of three generalizations: First,
liberalism (the rule of law, the separation of powers, and the protec-
tion of basic liberties) and democracy (free and fair elections) do not
necessarily entail one another, and historically “have not always gone
together, even in the West.” Second, while democracy has expanded
around the world, liberalism has lagged, to detrimental effect. Third,
it is time to restore the balance, by liberalizing democracy, not only
abroad but in the United States as well.

The uncertain aftermath of an ostensibly “democratizing” Ameri-
can-led war in Iraq has made Zakaria’s arguments urgent. But their
implications on the ground are problematic. The longer the Bush administration postpones elections in Iraq, the more time there will be to restore order, incubate an independent judiciary, expand civic education, and generally promote a civil society—steps that can reduce the chances of violence, sectarianism, and demagoguery when the electorate is finally divided along partisan lines in voting booths. But this same constructive delay will undermine prospects for liberalism and democracy alike if it appears merely to confirm the Americans’ true purpose as domination instead of reform.

Zakaria ends his book by arguing that if Woodrow Wilson tried to make the world safe for democracy, the challenge today is “to make democracy safe for the world.” In keeping with his interest in Confucian ideology, Bell closes his book on a more harmonic note. Demo agrees to support Professor Wang’s plan for a House of Scholars to restrain majority rule in China, but only if that unaccountable body is subordinated to a lower and democratically elected chamber—a condition that Wang readily accepts. *East Meets West* ends with Wang quoting *The Analects* and joining Demo in a toast to cross-cultural friendship.

If this finale seems hopelessly romantic—China presently has neither an elective lower house nor a meritocratic upper one—it does at least pull Bell bravely out on the limb where Zakaria challenges us to be: standing up for original ideas about how to adapt liberal-democratic blueprints to a diverse world.

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**The Social Construction of Tax Policy**

Richard M. Coughlin


Liam Murphy and Thomas Nagel make a bold attempt to strip away the rhetoric, the inconsistencies, and the sometimes magical thinking that pervade the contemporary public debate over taxes.
and tax policy in the United States. The authors rigorously and meticulously examine the currents in moral and political philosophy that shape opposing perspectives. At the same time, their approach to the subject is radical in two ways: first, they seek to get at the root of the relationship between taxation and the broader issue of socio-economic inequality; and second, their core argument is squarely opposed to the way in which questions of “tax fairness” are usually framed in American politics.

Murphy and Nagel’s central argument is both encompassing and controversial: They argue that property as a concept and institution is the product of conventions that human actors have constructed in various settings over time. Because taxes are an aspect of the legal definition of property, it is wrong to attribute any moral significance to “pretax income” when weighing alternative tax strategies. The legal foundation of this argument is the notion that the definition of property is not derived from natural rights, but rather is constructed and institutionalized in specific social, political, legal, and economic contexts. Likewise, modern economic markets are not derived from natural law but are grounded in “conventional” (and ultimately arbitrary) statutory definitions of property and contracts. Thus both income and taxation must be considered as derivative of a legal system that defines property and frames the context in which markets operate. Murphy and Nagel conclude that “there are no property rights antecedent to the tax structure,” and that “pretax income, in particular, has no independent moral significance.”

One can hardly imagine a position more at odds with the tenor of the recent debate over fiscal policy in the United States. Among the various rationales offered in this debate for altering tax policy, one in particular both carries powerful popular appeal and, according to Murphy and Nagel, ought to be rejected in its entirety. Specifically, it is the contention that taxes should be cut to “give the people back some of their money,” as President Bush likes to put it. This argument, which Murphy and Nagel dismiss as “naive libertarianism,” nonetheless presents the biggest challenge to their brief, since countering it requires the ability to envision what the distribution and exchange of valued goods might look like in the absence of the laws and other institutions that structure social and economic life. Justice
Holmes’s famous dictum that “taxes are the price you pay for a civilized society” is pertinent here, for without a civilized society, there is no basis for orderly market exchanges or for protection of possessions that fall under the legal definition of property. Indeed, taking Murphy and Nagel’s argument to its logical conclusion, the very “money” (“pretax income”) that is proposed to be returned to the “people” depends for its very existence on the collection of taxes to support the core functions of government. An important corollary to this argument is Murphy and Nagel’s point that the affluent, as a group, have the most to lose if the institutions of collective governance break down, and consequently they should not object to being required to contribute a greater share of what they have to the maintenance of the common good.

The remainder—the bulk—of Murphy and Nagel’s discussion involves the systematic application of principles of justice to test the legitimacy of various types of taxes under varying individual and societal conditions. What sets their work apart from other discussions of tax policy is their preemptive exclusion of pretax income as a morally relevant consideration. Although the details of Murphy and Nagel’s discussion of specific tax strategies cannot be addressed here, the overall result of their analysis is a strong recommendation for establishing a tax system that is more responsive to those at lower incomes than is currently in place in the United States.

Murphy and Nagel’s main argument about “the myth of ownership” (i.e., “pretax income”) and the application of this idea to the discussion of various tax strategies mesh well with the communitarian notion that rights and responsibilities need to be considered as parts of an indivisible whole. Both perspectives share the assumption that there is a universally shared interest in sustaining institutions that contribute to a well-ordered, humane society, and both agree that this interest precedes and ultimately trumps narrow conceptions of individualism and market efficiency.

As compelling as Murphy and Nagel’s ideas are for achieving a more just tax system, translating their principles into better fiscal policy faces a series of formidable obstacles. Below I address two that come immediately to mind, although several others might easily be added to the list.
First, as a practical matter, the realities of politics do not leave much room for carefully reasoned arguments over tax justice. Murphy and Nagel repeatedly acknowledge this point throughout their discussion, but their admission does little to alter the reality of fiscal politics—and that reality, as evidenced by the sorry state of the political debate over the tax reduction bill signed into law in May of this year, offers little prospect for improvement in the foreseeable future. The quality of discourse on questions of tax policy is arguably more debased than on any other topic in contemporary politics, replete as it is with the use of misleading data, emotionally charged rhetoric, and simplistic arguments. Murphy and Nagel’s central argument requires a degree of reflection and receptiveness to challenging commonly held ideas seldom if ever found in American politics. For example, one can only pity the politician who attempts to explain to his or her constituents that their “pretax” incomes are nothing more than arbitrary socio-legal constructs that have no legitimate place in the discussion of tax reform.

Second, even under more favorable political circumstances, attaining a more just distribution of taxation along the lines Murphy and Nagel propose would require the use of extremely fine-tuned instruments, which would result in a tax system of daunting complexity. This presents a serious impediment to reform. As is painfully apparent to any American who has had to fill out an income tax return in recent years, the sheer complexity of the current tax system has become a serious problem in and of itself, irrespective of whatever underlying principles of justice may be at work. Beginning in early April every year, reports regularly appear in the news media describing the multitude of problems individuals have encountered in attempting to complete their tax returns. These reports typically emphasize the long and confusing instructions, the inconsistent or incorrect information that taxpayers receive from the Internal Revenue Service, and sometimes refer to studies showing that even the professional tax preparers, including highly trained CPAs and tax lawyers, cannot agree on the interpretation of many sections of the tax code. Although part of the complexity problem with the current U.S. tax code is due to so-called “Christmas tree” provisions intended to benefit narrow political constituencies, various well-intentioned measures that provide tax relief to broad categories of the population also
make for more complicated rules and instructions. For example, people with children, those with high medical expenses, those who contribute to charity, and low-income families with dependent children are all eligible to receive targeted tax breaks.

A patient and philosophically inclined taxpayer may be willing to deal with the even more complex mix of deductions, credits, and other adjustments needed to meet Murphy and Nagel’s carefully crafted criteria for tax justice. However, applying the sort of principles Murphy and Nagel propose—principles that undoubtedly represent a genuine intention to make the tax system more just—may have the unintended consequence of aggravating public frustration with a tax system that is regarded as incomprehensibly complicated or rigged in favor of those with the means to avoid paying their fair share. Moreover, all things being equal, more complicated tax rules increase monitoring and enforcement costs. In the United States, this task falls to public authorities who are, rightly or wrongly, widely perceived to be arrogant and unaccountable. It is likely that frustration with the current income tax system and negative perceptions of the IRS have contributed to the public’s receptiveness to simplistic (and often disingenuous) “flat-tax” or blatantly antitax initiatives. Perceptions, in short, matter.

By focusing so much attention on the fine-grained details of tax justice, Murphy and Nagel overlook, or at least underestimate, the extent to which widespread negative perceptions of the current tax system have played a critical role in undermining public confidence in the very institutions of government that must function effectively as a precondition of a “just” society. Murphy and Nagel are in the paradoxical, and unenviable, position of advancing proposals that would add to the popular appeal of the “naive libertarianism” that they are at such pains to criticize.
THE COMMUNITY’S PULSE

Who Says Consumerism Is a Problem?

[Which comes closer to your view? Consumerism and commercialism are a threat to our culture, OR consumerism and commercialism are not a threat to our culture.]

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<th>United States</th>
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The World of Television

[Has television] been a change for the better, a change for the worse, or hasn’t it made much difference?

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<td>Not much difference...</td>
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<td>remains strong . .</td>
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The Loss of Tradition

[W]hich of these comes closer to your view? Our traditional way of life is getting lost, OR our traditional way of life remains strong.

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<td>getting lost . .</td>
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RESEARCH NOTE

Engaging Our Youth: Promoting Positive Citizenship

Jonathan Zaff

All youth have the potential to succeed, and I argue in this article that an efficient strategy for promoting this success is to engage youth in empirically validated after-school activities.

One of the great disappointments of prevention programs for youth has been the “knowledge-only” approach, in which the main indicator of success is the increase of knowledge among youth in a particular subject area, such as the danger of joining a gang. Nancy Reagan’s “Just Say No” campaign had little or no effect on the drug culture of the 1980s, and DARE, the nationally renowned program that places police officers in schools to talk about the evils of drugs, is undergoing a restructuring after recent research has revealed that its impact almost completely dissipates by the time youth leave high school. Furthermore, a comprehensive review of knowledge-only teenage pregnancy prevention programs strongly suggests that scarce financial and volunteer resources be directed elsewhere. Money is soon to become more scarce if, as proposed by the Bush administration, 21st Century Learning Center funds are decreased by $400 million. Appropriate program spending is especially pertinent given that approximately 50 percent of youth engage in two or more high-risk behaviors, such as smoking, drinking, drugging, and engaging in sexual intercourse.
Despite these programmatic failures and the adult propensity to describe youth in negative terms (see the Public Agenda survey on adult attitudes toward youth), we must not forget that adolescents have the capacity to be social capital in their communities—positive citizens who work to make their homes, schools, and society a better place. They can exhibit positive citizenship in ways ranging from environmental activism, local and national election participation, and community or political organization to smaller prosocial actions like assisting someone with groceries. But with relatively little federal and state money appropriated to youth initiatives, implementing proven programmatic approaches is essential in helping them realize their full potential as citizens. Research shows that giving youth something to do during the day—be it sports, arts, academic clubs, the school newspaper, or volunteer work—not only prevents their participation in deviant activities, such as drug use and dropping out of school, but also promotes their participation in positive ones, such as going to college, being civically engaged later in life, and having an increased awareness of the surrounding world. Therefore, it is time that we recognize the importance of engaging our youth in society.

Considering that 30 percent of a child’s waking hours are spent on “free-time” activities not involving school, child care, and eating, engaging youth in after-school activities would seem to be a vital method for promoting positive citizenship. The after-school hours between two and eight in the afternoon are traditionally high-risk times when the most youth violence and drug use occurs. With approximately 66 percent of America’s children and adolescents living in homes with a single employed parent or two parents who are both employed (and no sign of this trend slowing), creating and sustaining programs that provide a safe and caring environment during nonschool hours could be considered a pressing need for promoting positive development. After-school programs also allow for more adult participation in the lives of adolescents, a fact that some programs around the country, such as Citizen Schools in Boston, are beginning to recognize. Instead of relying on the finite number of teachers in schools to prepare youth for the future, Citizen Schools goes to the biggest resource: tens of thousands of adults living in the Boston metro area.
After-school activities have the potential to teach life and academic skills to youth while engaging them in society. Such engaging activities are associated with positive academic, civic, and social outcomes. In fact, in a study I conducted with colleagues at Child Trends, we found that consistent participation in extracurricular activities throughout high school was associated with a 50 percent greater likelihood that youth would go to college, vote, and participate in volunteer activities in their communities. This was the case even after taking into account the effects of parenting, peers, socioeconomic status, the school environment, and several other individual and environmental factors. This analysis was conducted on a nationally representative data set (The National Education Longitudinal Study of 1988) developed by the Department of Education. James Youniss, Daniel Hart, and their respective colleagues have consistently found, through examinations of nationally representative (High School and Beyond and the National Longitudinal Study of Youth, respectively) and regional samples, that participation in civic activities in adolescence is associated with participation in civic activities in adulthood, while several other social scientists (e.g., Jacquelynne Eccles, Bonnie Barber, and Joseph Mahoney) have found that participation in extracurricular activities is associated with an increase in positive academic outcomes and a decrease in deviant behaviors.

While it appears that participating in various extracurricular activities might spur future prosocial and civic-minded behavior, there has also been a bipartisan emphasis within the political and scholastic worlds to engage youth directly in structured community service or other volunteer activities. President Bush has emphasized service, in particular the programs of the USA Freedom Corps; the late Senator Paul Wellstone and Senator Mark Dayton proposed the Hubert H. Humphrey Civic Education Enhancement Act; and the American Political Science Association (APSA) has become very involved in instilling civic responsibility in the country’s youth. Additionally, multiple structured service-learning programs have demonstrated preliminary success in influencing civic responsibility. The Quantum Opportunity Program, which has been conducted in five cities across the country, Learn and Serve America, and We the People . . . Project Citizen, are three good examples. Short-term results
reflect better grades in school, lower rates of negative behaviors, and higher rates of community service. However, results have not been as strong over the long-term or are difficult to interpret. For instance, the positive benefits of Learn and Serve America, a federally funded program, appear to dissipate within one year. Quantum Opportunity has only evaluated its program over a six-month period, and evaluators of Project Citizen and Learn and Serve have only a limited ability to draw a causal link between their programs and positive outcomes.

One interesting byproduct of civic programs, documented by Michael McDevitt and Steven Chaffee, is the potential for a “trickle-up” effect to the parents of participating youth. That is, increasing youth’s knowledge of civic issues acts as a catalyst for discussion with their parents, resulting in increased parental knowledge and a desire to acquire additional knowledge. Donald Green and Alan Gerber at Yale University have also recognized this phenomenon with regard to voting behavior, with door-to-door canvassing geared to youth resulting in multiple household members going to the polls. The youth’s peers follow them to the polls, as well. Clearly, more research must be done before we can be sure that these civic programs are cost-effective alternatives to the after-school activities that are already available to most youth, many of which are funded through the 21st Century Learning Center federal program.

Although it is important to have the designs of an empirically tested program, it is equally important to have the infrastructure to support the program. Funds must be available to purchase curriculum materials, engaging activities must be present in the community, adult volunteers or employees must be available to oversee the implementation of the program, and teachers must be well-versed in a broad array of civic activities. Also, what happens outside of the programs, during the majority of adolescents’ lives, is paramount to positive development. The quality of parent-child, sibling, and peer relationships, the neighborhood and school environments, and more distant factors such as the media and public policy have all been found to be associated with positive and negative youth outcomes. Therefore, raising responsible, productive, and active citizens must be a society-wide effort.
With this in mind, a goal must be set both for our adolescents and for our communities: as researchers, practitioners, policy makers, community members, and parents, we must strive to prepare adolescents for the assumption of the roles and responsibilities of adulthood and strive to prepare communities to support youth as they assume those roles and responsibilities. Research suggests (though not yet conclusively) that by engaging youth in formal and informal positive activities, we can expect the adolescents of today and the future to be and become positive citizens.

“Oh darn, now I’ve ceded the moral high ground.”

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“Insightful…. Etzioni is always thoughtful and deliberate.”—Publishers Weekly

NEW IN PAPERBACK

THE MONOCHROME SOCIETY

Amitai Etzioni

“Etzioni’s liberal communitarianism addresses a serious problem, namely how to arrest the atomisation of modern societies and improve the quality not only of citizenship but of life in general.”—Bhikhu Parekh,
Times Higher Education Supplement

“A readable collection of essays … Sometimes diffuse, more often enlightening: essays that make good individual points and together form a social philosophy worth considering.”
—Kirkus Reviews

“Even readers unsympathetic with communitarian ideas will find these well-thought-out and well-written essays thought provoking.”—Library Journal

Princeton University Press
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Montanans are not big fans of government regulation. From 1995 to 1999, their state had no speed limits. Montana motorcyclists are not required to wear helmets, and police cannot stop motorists for failing to wear seatbelts. Montana was one of the last states to raise its legal drinking age from 18 to 21. And in April, the Montana legislature voted down a bill banning open containers of alcohol in vehicles.

By voting down the bill, Montana retained its status as one of only three states that does not prohibit open containers of alcohol in vehicles and/or drinking while driving. Its refusal to adopt such a law means that the state will continue to lose 5 percent of its federal highway funding annually. But Montanans see these laws as unnecessary—and infringements on their rights. “I’m driving home from the lake. It’s hot. I pop a beer. As long as I’m not drunk, what’s wrong with that?” longtime Montana resident Andrew Vandaele asked, in response to a question from the Los Angeles Times.

Some might say it’s a matter of life and death. National highway statistics show that Montana is second only to Mississippi (one of the two other states that does not prohibit drinking while driving) in alcohol-related deaths per 100,000 people. Alcohol was involved in
47 percent of the fatal automobile accidents in Montana last year. The national average is 39 percent.

State Representative Jim Shockley was at the head of the forces that defeated the recent bill. “People say [drinking]’s part of the culture, and I think it is,” he told the *LA Times*. “As long as you’re sober, I don’t see the problem. It’s not the government’s role to tell us what our culture is. The government should reflect the culture, not the other way around.”

Bill Muhs, a representative of the state’s MADD chapter, which was one of the strongest backers of the bill, admitted to the *LA Times* that drinking while driving is a part of the culture that will be hard to eliminate. “There are still people here who measure distances in six-packs.”

**From the Authoritarian Side**

**Promoting Tolerance Prohibited**

A Kentucky school district has gone to desperate lengths to prevent the formation of a Gay-Straight Alliance at an area high school. At the beginning of the 2001–2002 school year, a small group of students at Boyd County High School, in rural eastern Kentucky, approached school officials about the possibility of forming a Gay-Straight Alliance club. The students noted that they had already found a faculty sponsor and that there were over a thousand high school Gay-Straight Alliance clubs nationally. School officials turned down their request—twice. Finally, this past fall, the students enlisted the help of the ACLU, which contacted the district superintendent, Bill Capehart, and informed him that federal law supported the establishment of such clubs: the 1984 Equal Access Act established that a public school must treat all noncurricular student clubs equally.

For a brief period, it appeared that the ACLU’s initial intervention had been effective. After consulting the district’s insurance
carrier, Capehart worried that the school could be found guilty of bias for barring the club. In October 2002, he informed the students that they could, in fact, form a Gay-Straight Alliance. Soon after the club started meeting, though, local community members began to protest. Two thousand people attended a Veteran’s Day rally against the club. The event included presentations by “antihomosexual experts” from California and Ohio.

The next month, Superintendent Capehart banned the Boyd High School Gay-Straight Alliance—and every other club. Banning all clubs, school officials reasoned, would protect them from any accusations of bias against the Gay-Straight Alliance. Despite the “ban,” some club activities continued, with the tacit approval of the administration. “We’ve continued to meet, in the hallway, before school,” Kyle Slone, a member of the school’s Christian fellowship club, told the New York Times. In January, the ACLU sued to have Boyd High School’s Gay-Straight Alliance club reinstated.

At nearby Huntington High—a West Virginia school just a few miles away—principal Jerry Lake approved the formation of a Gay-Straight Alliance, despite the fact that he described himself to the New York Times as an “ultraconservative Republican” and claims that he would never have joined such a club. Lake admits that some community members were not happy with his decision to allow the club. But he stands by it. “We have a history club, Bible club, Teenage Republicans, Teenage Liberals. If they want a club, there’s no violence or hatred, why not let them,” Lake told the New York Times. “Statistics show kids involved in clubs are kids who don’t drop out.”

From the Community

Honoring and Inspiring Organ Donation

Shelly Brady Koontz created the “Circle of Life” program out of love for her father and gratitude to the organ donor whose heart saved her father’s life. “Circle of Life” will honor organ donors and
recipients by printing special symbols on the death notices and obituaries of people who have donated organs and tissues or received transplants during their lives. The *Tulsa World*, Brady Koontz’s hometown newspaper, inaugurated the program in its June 1 issue. Area funeral homes have been directed to ask families whether their deceased relatives were organ donors or recipients and whether they would like the special symbol to be printed in their loved ones’ obituaries. The *World* is also planning an advertising campaign that will include testimonials from organ recipients and important facts about donation.

Brady Koontz hopes that her program will inspire more people to become donors. “I have high hopes,” she told the *World*. “All you have to do is look around the dinner table at the people you love and you’ll know that if they ever needed an organ, you’d pray for someone to give it. But you have to be willing to do the same.”

According to Oklahoma Organ Sharing Network spokesman Phil Van Stavern, 81,596 people nationwide are currently awaiting an organ transplant—but only about 25,000 people receive an organ transplant each year, and in 2002, 6,571 people in the United States died awaiting one. Van Stavern believes the “Circle of Life” program is the kind of step needed to alleviate the problem. “In death, [organ donors] can give someone the gift of life,” he told the *World*. “It’s really a call to action.”

*Elizabeth Tulis*

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

Richard Coughlin contends that there is “a distinctively communitarian rationale for wanting to limit socio-economic inequality” [“Does Socio-Economic Inequality Undermine Community? Implications for Communitarian Theory,” Spring 2003]. He aims to limit his discussion to the “instrumental consequences” of such inequality, which he thinks can be treated independently of social justice. He believes that until the 1970s American society was “‘equal enough’ (or at least moving in the right direction),” but that it is no longer so. To make such a judgment he recognizes that he needs a way of determining what constitutes an excessive degree of inequality, and even begins to sketch an answer to the question of how much socio-economic inequality communitarians would prefer under idealized circumstances, by seeking to derive a “few key principles of socio-economic stratification” from communitarian theory.

But is such a theory really independent of such principles, or are the principles in fact constitutive of the theory? According to Coughlin, communitarians are in favor of “minimizing social barriers and maximizing opportunities for the development of shared values”; and, observing that communitarians’ concern has been with an excess of atomistic individualism, he quotes Amitai Etzioni’s observation that social isolation “frays social bonds.” But the question is, which social barriers are to be minimized, which shared values developed, and which social bonds preserved and strengthened? The answer
cannot be, any and all of them, since, plainly, not all barriers are harmful and not all values and bonds are conducive to individual well-being and a healthy society. Some barriers are needed—for instance, among neighbors; indeed, as they say, good fences make for good neighbors. Strong ties are strong because others are weak. Work-related, creative, and recreational activities and intimate relationships need their own spaces within which to flourish. Social distance is not intrinsically harmful; it is needed to enable lives to function better within these spheres, above all in modern, complex, urban settings. As Georg Simmel observed, the money economy has both a “disintegrating and unifying effect,” and the former is the precondition of the latter. And, plainly, not all shared values are worthy of pursuit; we certainly don’t want to maximize people’s opportunities to develop exclusive ethnic and class solidarities, distrust of immigrants, patriotic fervor and hostility to other countries, aspirations to imperial ascendancy, and the like. And social bonds can coerce as well as connect: as Emile Durkheim saw clearly, social regulation and integration can be excessive as well as insufficient, restricting individuals’ freedom and stunting their development. What values should be shared and which barriers minimized depends upon normative assumptions.

The kind of community Coughlin has in mind, and the values he prioritizes, are evident from the examples he offers. The highly inbred social networks of the poor (as opposed to those of the rich) result in deprivation, limiting the poor’s means of “finding out about a job, a house to rent or buy, or other sorts of benefits.” The bad consequences of residential segregation along socio-economic lines are the reinforcement of the low status of low-income and working-class people and their lack of access to goods like decent schools, high-quality public services, and a low crime rate. Allocating goods exclusively through the market leads to “invidious extremes of individual wealth and poverty”; it leads to the unfairness (or injustice) of paying a “dedicated and talented high school teacher” less than a “marketing executive employed by a tobacco company”; and it harms the interests of “low-income, working families.” The resulting social barriers that arise along socio-economic lines do harm by “walling off citizens by socio-economic status.” And, by extension, one can see that shared values leading to behavior and policies that have similar conse-
quences, at home and abroad, are the values that communitarians should not seek to develop.

All of which shows that Coughlin is a left communitarian. By using the appellation “left” I mean to signify the standpoint that condemns unjustifiable but remediable inequalities of status, rights, powers, and condition and that is committed to reducing and, where possible, eliminating them through political action. In fact, he is really a center-left communitarian, since he holds that until the 1970s, American society was “equal enough” (equal enough for whom and in what ways? Was American society then not more racially segregated, sexist, and homophobic than today?). His (very moderate) egalitarianism is what serves to specify the content of his particular communitarian commitments. He claims to limit his discussion to “the instrumental consequences of socio-economic inequality” without reference to “its implications for social justice.” But this is self-contradictory, for the judgment that certain social barriers and the lack of certain shared values lead to unjust inequalities is precisely what leads Coughlin to see these conditions as incompatible with a well-ordered or well-functioning community. In the presence of these barriers and the absence of these values, the poorest and most disadvantaged are deprived of the chance to function as healthy persons and normal citizens; they are demeaned and humiliated; and there is a general failure to treat people with equal consideration and respect.

It is, therefore, no surprise that Coughlin thinks that principles of socio-economic stratification can be “derived from communitarian theory,” since they have defined his left-communitarian position in the first place. In other words, socio-economic inequality is not instrumentally but constitutively related to this brand of communitarianism: Coughlin takes to be a central communitarian commitment of our time (at least since the 1970s) a “substantial narrowing of the distance between the rich and poor.” Needless to say, I applaud this commitment (while wishing it to be more radical and applied more widely to other inequalities). Coughlin’s formulation reminds me of my favorite quotation from that straightforward egalitarian, R. H. Tawney, who, in his classic work Equality, wrote that egalitarian aspirations consist “not merely in the claim for an open road to individual
advancement, but in collective movements to narrow the space between valley and peak.”

Left communitarianism is, of course, not the only kind of communitarianism there is. My strong impression is that many, if not most, of the contributors to and readers of this journal are more or less sympathetic to this line of thought—not least because its present-day adherents often define communitarianism against libertarianism, which is plainly right-wing and thus anti-egalitarian (though they also tend to define it against feminism and the ACLU, which are not). But the argument advanced here is that what counts as a well-functioning community depends on principles that come from elsewhere: the label “communitarian” does not refer to a free-standing theory. So it is not true that there is “a distinctively communitarian rationale for wanting to limit socio-economic inequality.”

Steven Lukes
New York University

Communitarians Need an Account of Social Justice

Communitarianism provides a vision of the good society that gives pride of place to the importance of communal relations, but it does not base its political program on the value of community alone. The communitarian vision of the good society offers an account of the significance of community that coheres with specific interpretations of values such as social justice, democracy, and liberty. So communitarianism is not reductionist; it does not subscribe to the mistaken view that justice, democracy, and liberty are valuable only insofar as they promote community. This has implications for what would count as a “distinctively communitarian” argument for reducing inequality. Appealing to a wealth of empirical evidence, Richard Coughlin defends the idea that a society can be a “community of communities” only if it avoids extreme inequalities, for these tend to isolate the poor and (in a different way) the rich [“Does Socio-
Economic Inequality Undermine Community? Implications for Communitarian Theory,” Spring 2003]. Coughlin’s arguments for limiting inequality are persuasive, but in order to provide a full-fledged communitarian vision of a good society, communitarians must also develop their own conception of social justice which will have implications for what inequalities are just.

In his recent book, Next: The Road to the Good Society, Amitai Etzioni develops a programmatic conception of social justice that he thinks can ground communitarian concerns. He argues that treating people as ends requires that everyone have access to a rich basic minimum standard of living irrespective of their conduct. In my view, however, the idea of treating people as ends is too vague to underpin such a proposal; this idea can be interpreted in a variety of different ways that support radically different political programs. For example, those who insist that individuals should bear the costs of their voluntary behavior (including the gambles they choose to take), even if this means that they may suffer severe poverty, might also claim that this position treats people as ends because it treats them as fully responsible agents.

Towards the end of his article, Coughlin also implicitly provides the beginnings of a communitarian account of social justice. In answering the question “How much socio-economic equality would communitarians prefer under an idealized set of circumstances?” he does not appeal, as he did earlier, to an account of the empirical conditions that must be met for society to develop into a community of communities. Instead he focuses on the idea that individuals should be rewarded for their contribution to the common good. In Coughlin’s account, the contribution different individuals make to the common good will not always be adequately rewarded by the market, so there may need to be state intervention to rectify this; moreover, some of the rewards individuals receive through the market may exceed the contributions they have made to the common good, justifying a further adjustment of market outcomes.

Coughlin provides a possible answer to the question “Which inequalities are just?” but it needs to be embedded within a more developed communitarian account of social justice if it is to be persuasive. As it stands, his account raises more questions than it
settles. Is it a desert-based account? Should we say that individuals deserve to be rewarded for their contribution to the common good, or is it simply that they are entitled to such reward? How can they deserve or be entitled to such reward if their contribution depends in significant part on their good luck in having been born with a set of natural talents that enabled them, and not some other members of society, to make that contribution? This last question raises the issue of whether, in rewarding individual contributions to the social good, communitarians would be rewarding the wrong thing. Perhaps instead they should be attempting to disentangle those parts of individuals’ contributions to the common good that are due to their conscientious effort and hard work, and those parts that are due to their brute luck in happening to be born with a set of natural talents or capacities that enabled them to make those contributions. (It might be replied that it is impossible to disentangle these different elements. But it is not clear that the problems here are any more grave than those involved in coming up with a measure of social value by which “contribution to society” can be assessed in the first place.)

My argument is not that Coughlin’s position on these matters is mistaken. It is simply that the issues involved are complex and raise many of the concerns that are addressed by liberal egalitarians, post-Rawls, in their attempt to construct an adequate theory of social justice. These issues cannot be bracketed simply by saying that there is a need to develop a distinctively communitarian account, for in doing so, communitarians, like liberals and socialists, must defend a particular account of when individuals can legitimately enjoy the benefits, or suffer the burdens, created by their choices, given that individuals differ in the natural talents with which they happen to be born. To put the point differently, many liberals and socialists agree with communitarians that it is important to give individual responsibility its proper role in a vision of the good society, but they differ, at least potentially, on what it would mean to do that.

Andrew Mason
University of Southampton
CONTRIBUTORS

RICHARD M. COUGHLIN is a professor of sociology at the University of New Mexico.

DONALD K. EMMERSON is a senior fellow at Stanford University’s Institute for International Studies, where he also heads the Southeast Forum.

AMITAI ETZIONI is the author of My Brother’s Keeper: A Memoir and a Message. JONATHAN MARKS (jmarks@carthage.edu) is an assistant professor of political science and philosophy at Carthage College.

JOHN KERRY is a U.S. senator from Massachusetts and is running for president.


STEVE PENFOLD teaches history at the University of Toronto. JEET HEER is a Toronto-based cultural historian who writes frequently for the Boston Globe and the National Post.

SASHA POLAKOW-SURANSKY is a contributing editor at the American Prospect. He will begin a DPhil in South African history at Oxford in September.

KEVIN W. SAUNDERS is a professor of law at Michigan State University-DCL College of Law. He is the author of Saving Our Children from the First Amendment, forthcoming from NYU Press, from which his essay is adapted and excerpted with permission.


JONATHAN ZAFF is the executive director of 18–35, an emerging policy and advocacy organization dedicated to infusing national policy debates with an innovative and young perspective and to empowering young adults to be engaged in these debates. He was formerly a research associate at Child Trends.