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CIRCULATION MANAGER
An Economics of Civil Society

It is commonplace these days to bemoan the decline of civic participation in America. This is a real concern. We need to revitalize our sense of community involvement, the sense that we are all in this together. But I think it is a fantasy to suggest that volunteer organizations alone can take the place of government. Yes, we do need to revitalize civic organizations. But that should not be an excuse to tear down the social safety net—and it should not be a reason to raid things like Medicare, Medicaid, education, school lunches, and student loans. These are things that, through the years, have strengthened families, empowered people, and equipped them to reach out and participate in their communities.

Does that mean we should not work to improve them? Of course not. If states have better solutions, they should be given that opportunity. But we should also remember that before the federal government got involved, nursing home abuses were 40 percent higher, child protection programs were a disaster in 20 states, and half of all seniors died without health care. We cannot afford to turn back the clock. We can all dream of a world where individuals working on their own, face to face, can meet all the needs of our families, our children, and our parents. But that world is a mirage. (When wealthy Americans were asked if they would contribute more money to charity if social spending were slashed, only one in five said yes.)

That does not mean we should not try to develop volunteer organizations when we can. If there are things we can do to increase citizen activism, we should try them. Senator Dan Coats has recently made a good proposal: increasing tax incentives to help communities mobilize to meet their needs. Why not try this idea on an experimental basis, to see what kind of response it gets?
PROMOTING FAIRNESS—AND THE PTA

That being stated, my goal here is to suggest an alternative focus. We are not going to be able to truly empower people and rekindle citizen activism until we do something about the pressures and anxieties that are straining American families today. Over the past 20 years, 80 percent of American citizens have economically stood still or fallen behind. Tell people that the economy has created over eight million new jobs and see the reaction you get: “Yeah, eight million new jobs...and I’ve got two of them.”

Americans are not the type of people to make excuses. Most families are working hard to do the best they can for their children. And many families are doing the right things—they are learning skills, earning degrees, getting certified—so they can make a better living and a better life. They are working hard—and they deserve a break. The problem is that too many corporations keep doing the wrong things.

There is something wrong in America when the average CEO makes 135 times what the average working person makes. There is something wrong when the CEO of AT&T lays off 40,000 workers and sees his stock portfolio jump $5 million. There is something wrong when profits go up, productivity goes up, and the stock market reaches record highs—but the incomes of working families stand still. It is time we recognize that until we treat salespeople, steelworkers, and middle managers with just as much dignity and respect as we treat Wall Street bankers and CEOs, this nation is never going to fulfill the promise of the future.

There are some corporations doing the right thing—like Malden Mills in Massachusetts, which continued to pay its workers even after the plant burned down. We should consider giving incentives to promote good corporate citizenship—so that when a company invests in pensions, health care, gain-sharing programs, or decent pay, it gets a tax break. We should do all we can to promote good corporate citizenship.

This is not just a question of economics. This is about family and community. Every minute a mother is forced to work late to make ends meet is another minute she spends away from her children—not helping with homework, not reading them bedtime stories, and not
teaching them right from wrong. Every hour a father is forced to work overtime is another hour he spends away from Little League, away from church, away from dinner conversations, and away from his community. In addition, a lot of good neighborhood organizations—like Crime Watch and the PTA—that help families become closer, that help communities become stronger, that teach good values by example, lose the energy, talent, and spirit of a lot of good people.

Whether we admit it or not, working people all over America have been downsized and dismissed by a new corporate ideology that has devalued the dignity of work, the security of the family, and the fabric of our community. This is exactly the wellspring of fear, alienation, and anxiety that Pat Buchanan has tapped into today. But Buchanan appeals to the worst in us. In Buchanan’s world, all we have to do is mount the horses, ride to the guns, and chase foreign competitors, corporate CEOs, immigrants, minorities, and bureaucrats off our land. But while anger and blame may make us feel good, it’s not going to give America a raise. It’s not going to make corporations more accountable. It’s not going to make our kids smarter. It’s not going to strengthen our communities. It’s not going to rebuild our families. And it’s not going to give working people the tools they need to survive in a world where global competitors are paying people a dollar an hour, raiding the environment, and trampling human rights.

But the Gingrich revolution offers us no answers, either. The alternative focus offered by the Gingrich revolution—a kind of rampant individualism that leaves working families to go it alone in the face of cuts to Medicare, Medicaid, and education, that prays to the invisible hand of Adam Smith to solve all of our problems—is no solution at all.

“THE NATIVE HOME OF HOPE”

If we really care about empowering people, we must do much more. We must support the education that working people need to acquire the skills necessary to find good jobs and take control over their lives. We must protect pensions that people have worked hard for all their lives instead of allowing them to become piggy banks for corporate raiders, as this Congress seems intent to do. We must
support the right of people to organize, to bargain collectively for better pay, better benefits, and a better life. We must take a strong stand for corporate responsibility, and call on the downsizing deacons to treat working people with dignity and respect. We must support fair trade deals that protect the environment and workers’ rights, so we can compete on the quality of the product, and not on the misery and suffering of the people who make it. We must work to give America—all of America—a raise, instead of just the privileged few.

We need more than just anger—we need solutions. We cannot run away from the world, and we cannot hide. But we can use our trade agreements as leverage to lift the wages, living standards, and working conditions of people here and around the globe. Turning our sovereignty over to the World Trade Organization is destructive. But turning our lives and our futures over to multinational corporations consumed by the bottom line is just as destructive.

A philosophy that seeks to build community organizations but fails to recognize that the corporate culture of downsizing is weakening American families and raiding American communities is doomed to failure. As we demand more from a smaller and leaner government, and more of individuals, and more of community organizations, we must demand more of corporate America, too. The challenges we face are too great for any of us to conquer alone. We can retreat to 260 million different islands. We can build walls around us and hide behind the curtains. But every time we do, we take a separate thread of the American fabric with us, and our shared national purpose unravels.

Finally, I would like to share with you something I have learned from an author who was a student of the American West. Wallace Stegner reminded us that it was not the mythic cowboy or the lone ranger who tamed that great frontier. It was our natural striving for community. “Angry as we may be at what careless people have done and still do to a noble habitat, it is hard to be pessimistic about the West. This is the native home of hope. When it fully learns that cooperation—not rugged individualism—is the pattern that most characterizes and preserves it, then it will have achieved itself and outlived its origins. Then, it has a chance to create a society to match its scenery.”
America is indeed the native home of hope. But until we realize that we are all in this together—until we realize that we do have responsibilities to each other—we will never create a society to match our scenery. This is going to take more than just balancing the budget, unleashing the free market, or sending power back to the states. It is going to take a renewed commitment by everyone—from the kitchen table to the corporate board room—to work, family, community, and civic responsibility.

Representative David E. Bonior

Race: A Case for Optimism

The attitude with which we approach our democracy is an important feature of it, as real and influential as legislation or the GNP. Thus it is worthwhile to consider the attitudes with which our citizenry approaches the various difficulties that confront our democracy. One of these difficulties is the race issue, or, to be more precise, that aspect involving the black-white relationship.

Two broad traditions encompass reflection on the prospects for that relationship. One is a pessimistic tradition, the other optimistic.

The pessimists say that racial harmony on the basis of racial equality is impossible in America. Many impressive people have embraced this view. Thomas Jefferson, for instance, maintained that it is certain that blacks and whites “can never live in a state of equal freedom under the same Government, so insurmountable are the barriers which nature, habit, and opinion have established between them.”

Alexis de Tocqueville, Abraham Lincoln, Malcolm X, and an array of others have voiced similar sentiments. In the words of legal scholar Derrick Bell, we should not expect our society to overcome its racist past because “[r]acism is an integral, permanent and indestructible component of this society.”
There are, of course, well documented facts and trends that nourish the pessimistic perspective. Along virtually every significant socioeconomic index of well-being—from lifespan, to income, to wealth, to education—a large gap separates whites and blacks. Globalization of the private sphere and reduction of the public sector will likely exacerbate these divergences.

At the same time, there are facts and trends that reflect and nourish a different tradition, an optimistic tradition. At the level of formal legal change, one can point in this century not only to the legal reforms of the 1950s and 1960s, but also to the fact, often minimized, that at the height of the Reagan Era, statutes were enacted that went considerably beyond anything that could have been enacted even at the high point of the civil rights revolution—for example, the amendments in 1982 to the Voting Rights Act and the amendments in 1991 to the Civil Rights Act. In terms of other indicators, one can point to the dramatically improved position of the upper third of the black population, as well as the attitudinal transformations that have made possible numerous breakthroughs in many areas of American life—breakthroughs epitomized perhaps most dramatically by the ascendancy of Colin Powell to the highest circles of authority and respect.

What we confront, then, is a complex, ambiguous situation with respect to which we can choose to be either pessimistic or optimistic. Facts alone do not compel choosing one or the other. The decision is a matter of politics.

Our democracy can flourish only if the great majority of people adopt an optimistic perspective towards the race question. The optimism I envision does not ignore racism in its numerous guises. Nor does it privatize public matters, shifting blame to individuals for social disasters. Rather, the optimism I envision is one that acknowledges our massive problems but also recognizes that, through intelligent collective action, we can meet and overcome them.

It is important to champion this brand of optimism. For one thing, people are more likely to rally behind calls for progressive political action on racial and other fronts when they sense that what they do has mattered and can matter. A sense of possibility is an essential nourishment for political endeavor. That is why it is worthwhile to recall champions of racial justice and to value the difference that their
actions have made and continue to make in the life of the nation. The ferocious ongoing attacks against the monuments of the New Deal ought to put all on notice of the perils of permitting past progressive accomplishments to lose their stature in the public’s estimation.

Americans should be encouraged to be proud of what they and their forebears have accomplished in terms of transforming a pigmentocracy into a severely flawed multiracial society that is clearly more decent now than it used to be. They should be told that on the basis of our demonstrated ability to reform ourselves for the sake of racial justice we can realistically expect to build on past accomplishments and press further.

At the outset I mentioned that a number of distinguished persons have articulated the pessimistic tradition. By the same token, the optimistic tradition I have sought to sketch briefly has also been enlivened by distinguished persons. I think of Wendell Phillips, Charles Sumner, James Chaney, Andrew Goodman, and Mickey Schwerner. I think of Thurgood Marshall, Martin Luther King Jr., and Lyndon Johnson. My favorite, though, is a man who literally bore on his back the stigmata of racial oppression. Speaking in May 1863, only five months after the Emancipation Proclamation and before the complete abolition of slavery, Frederick Douglass asked whether “the white and colored people of this country can be blended into a common nationality, and enjoy together...under the same flag, the inestimable blessings of life, liberty, and the pursuit of happiness, as neighborly citizens of a common country.” He answered: “I believe they can.” So should we.

Randall Kennedy
Less Privacy Is Good for Us (and You)

At first you are horrified. Your remaining shreds of privacy are being peeled off of you as if you are caught in a nightmarish forced striptease. Neighbors listen in on your cellular phone. Your boss taps into your e-mail and medical records. A reporter easily pulls up on his home computer which video tapes you rented, what you paid for with your credit card, and with whom you traveled to Acapulco. Furiously you seek new laws to protect yourself from data rape.

Not so fast. Our ability to restore old-fashioned privacy is about the same as our ability to vanquish nuclear weapons. Once the genie of high-power computers and communication technologies has been let out of the bottle, no one can cork it again. We must either return to the Stone Age—pay cash, use carrier pigeons, forget insurance—or learn to live with shrunken privacy. Laws already on the books mainly foster a Prohibition-like effect: those keen to read your dossier do so sub rosa rather than in broad daylight.

Most important, giving up some measure of privacy is exactly what the common good requires. And, with some good will, we can mitigate the intrusive consequences. Take first a non-inflammatory case. Would you like Americans to be required to put out garbage in see-through bags, as residents of Tokyo are? You would if you realized that transparent bags help ensure that people will separate glass and cans from the rest of their trash. (If a person is keen to hide, say, used condoms from neighbors, he can put them in a paper bag within the clear bag.)

But what about more provocative cases, such as fingerprinting those who receive welfare checks? Such a practice makes them feel like criminals, civil libertarians complain. But would you rather continue a system in which numerous individuals each collect several welfare, unemployment, and Social Security checks? Moreover, once fingerprinting is widely applied, the stigma will wane. Students are already routinely fingerprinted when they take the LSATs.

Keeping computerized data about physicians who have been kicked out of hospitals maintains a record that shadows them long after they have paid their dues. But would you rather return to the
world we had until recently, in which doctors who killed several patients due to gross negligence in New Jersey could cross the state lines and repeat their performance with impunity? (The databank records only that a physician has been forced to leave “for a cause.”)

Child care centers and schools can now find out if security personnel they hire have a record of child abuse, a civil libertarian’s nightmare. But would you rather have your child in a facility like the one in Orlando, Florida, where a guard made sexual advances to boys, because management learned only after the fact that he was previously convicted of raping a 14-year-old? (Such people are entitled to jobs, but, in my book, not attending to children.) And while most of us would rather not have our sexual preferences advertised, we support the new Megan’s law that allows parents to find out when their new neighbor is a convicted child molester.

Does it make sense, in the hallowed name of privacy, to allow both deadbeat fathers and students who default on their loans to draw a salary from a government agency, just to avoid the use of computer cross-checks? Would you rather allow banks to hide the movements of large amounts of cash, or curb drug lords’ transactions? Would you rather be treated with an antibiotic to which you are allergic as you are wheeled into an emergency room, or have a new health card (in your possession) display a warning?

Will all these new knowledge technologies lead to a police state, as civil libertarians constantly warn us? As I see it, the shortest way to tyranny runs the other way around: If we do not significantly improve our ability to reduce violent crime, sexual abuse, and to stem epidemics, an ever-larger number of Americans will demand strong-armed authorities to restore law and order. Already too many desperate fellow citizens are all too ready to “suspend the Constitution until the war against drugs is won.” Let us allow the new capabilities of cyberspace help restore civil order, which is at the foundation of ordered liberties.

We are properly distressed when we are denied credit, or learn that the wrong person has been arrested, because of mistakes in databanks. But this is not the effect of a violation of privacy. It is the consequence of data poorly collected and sloppily maintained. We urgently need quicker and easier ways to make corrections in our
dossiers, rather than to try to ban largely beneficial new information technologies just because they need fine tuning. Congress should pass the Ombudsperson Office Law to this effect. Better yet, rather than wait until complaints are filed, it should proactively test samples of files to ensure that error rates are low and corrections expeditious.

Once one accepts that privacy is not an absolute value, we must look for the criteria that will guide us when additional trimming of this basic good is suggested. Guidelines include the following: tolerate new limitations on privacy only when there is a compelling need (e.g., to reduce the spread of contagious disease); minimize the entailed intrusion (e.g., measure the temperature of a urine sample for drug tests, rather than observe as it is being produced); double check that there is no other way of serving the same purpose; and, minimize the side effects (e.g., insist that we be allowed to refuse junk mail).

Frankly, most of us would rather prevent others from peeping into our records, but we can readily see the merits of tracking data about other people. Well, they feel the same way about us. Let those who have never speeded, have always paid their taxes in full, or have no other reason to be under some form of social scrutiny, cast the first stone.

Amitai Etzioni

Let Children Be Children

The murder of Iqbal Masih last year forced many Americans to look at a problem they would have preferred to avoid: child labor in developing countries. Iqbal was a world-famous human rights activist. He was also a young Pakistani boy whose mother had sold him to a rug maker when he was four. Iqbal eventually freed himself, and by the time he was murdered, at the age of 12, he had helped free 3,000 other bonded child laborers. That is probably why he was murdered.
But many millions of children in Pakistan, India, and other developing nations continue to work as gemstone polishers, glass blowers, and makers of matches, fireworks, clothing, and hand-knotted rugs, often in conditions that are unspeakable.

Children who knot rugs are crowded into filthy, poorly lit shops that have minimal ventilation for as many as 16 hours a day, 7 days a week. They are often chained to their looms, and they risk being beaten or even killed if they try to escape. Many die anyway because of the horrible conditions under which they work. Manufacturers consider young children to be desirable “employees” because they work hard and put up with pay and conditions that adults would not tolerate. The children receive no more than a couple of cents a day for their work; many get nothing.

A number of developing nations—India and Nepal, for example—have laws on the books banning child labor. Nevertheless, you hear some people using hard-nosed economic arguments to justify exploitation of children. They say that if child labor is what it takes to bolster the economy in a developing country, that is the price the country has to pay. And it is really nobody else’s business anyway. But many of these countries also have very high unemployment among adults. Why shouldn’t companies hire adults so that parents can support their children instead of having to sell them into bondage?

However, we do not have to wait for the companies making hand-knotted rugs to see the light (or for countries that are dragging their feet to start enforcing their child labor laws). These rugs are an important export item, and people who buy them can have a big say about the conditions under which they are made. The traditional weapon used by people who want to protest economic injustice is the boycott: Do not buy the product. But a boycott only punishes, and it often punishes those who act responsibly as well as those who do not.

A child advocate from India named Kailash Satyarthi had a better idea. He established a nonprofit foundation that allows consumers to identify and buy hand-knotted rugs that are not made with child labor. Rugmark, as the foundation is called, inspects companies that apply for certification and vouches for the fact that they are not using child labor to make their hand-knotted rugs. Inspectors also pay
surprise visits to Rugmark-certified companies to make sure they continue to abide by their commitment to use adult labor only. Consumers can recognize Rugmark rugs by a label that only Rugmark will carry.

Rugmark, which is now two years old, has signed up and certified 15 percent of the companies producing hand-knotted rugs in India. A number of others are moving toward certification, but the process is complicated and many carpet makers are understandably hostile to the idea of losing a cheap, excellent, and plentiful supply of labor. So far, the total production of Rugmark rugs has gone to Germany, where the country’s largest mail-order firm and several large department stores have agreed to carry them. But Rugmark has recently opened up shop in Nepal, with the support of 70 percent of the carpet manufacturers there. These rugs will soon be available for import to the United States. It is up to American consumers to start talking to stores and catalog companies that carry hand-knotted rugs. They should let the businesses know that they do not want rugs made by children, and they should urge those businesses to put pressure on the importers with whom they deal.

Albert Shanker

The Responsive Community and The Communitarian Network have fall, winter, and summer internships. Primary responsibilities include: research, reading and evaluating manuscripts, and editing. Internships are unpaid, but may lead to gainful employment. Send resume to: Internships, 2130 H Street NW, Suite 714J, Washington, DC 20052.
There seem to be at large in our culture two ways of understanding the rise of modernity. They are in effect two different “takes” on what makes our contemporary society different from its forebears. In one take, we can look on the difference between present-day society and, say, that of medieval Europe as analogous to the difference between medieval Europe and China or India. In other words, we can think of the difference as one between civilizations, each with their own culture.

Or alternatively, we can see the change from earlier centuries to today as involving something like “development,” as the demise of a “traditional” society and the rise of the “modern.” And in this perspective, which seems to be the dominant one, things look rather different.

I want to call the first kind of understanding a “cultural” one, and the second “acultural.” In using these terms, I am leaning on a use of the word culture which is analogous to the sense it often has in anthropology. I am evoking the picture of a plurality of human cultures, each of which has a language and a set of practices that define specific understandings of personhood, social relations, states of mind/soul, goods and bads, virtues and vices, and the like. These languages are often mutually untranslatable.
With this model in mind, a “cultural” theory of modernity is one that characterizes the transformations that have issued in the modern West mainly in terms of the rise of a new culture. The contemporary Atlantic world is seen as one culture (or group of closely related cultures) among others, with its own specific understandings—for example, of person, nature, the good—to be contrasted to all others, including its own predecessor civilization (with which it obviously also has a lot in common).

By contrast, an “acultural” theory is one that describes these transformations in terms of some culture-neutral operation. By this I mean an operation that is not defined in terms of the specific cultures it carries us from and to, but is rather seen as of a type that any traditional culture could undergo.

An example of an acultural type of theory, indeed a paradigm case, would be one that conceives of modernity as the growth of reason, defined in various ways: as the growth of scientific consciousness, or the development of a secular outlook, or the rise of instrumental rationality, or an ever-clearer distinction between fact-finding and evaluation. Or else modernity might be accounted for in terms of social, as well as intellectual changes: the transformations, including the intellectual ones, are seen as coming about as a result of increased mobility, concentration of populations, industrialization, or the like. In all these cases, modernity is conceived as a set of transformations that any and every culture can go through—and that all will probably be forced to undergo.

These changes are not defined by their end point in a specific constellation of understandings of, say, person, society, good; they are rather described as a type of transformation to which any culture could in principle serve as “input.” For instance, any culture could suffer the impact of growing scientific consciousness; any religion could undergo secularization; any set of ultimate ends could be challenged by a growth of instrumental thinking; any metaphysic could be dislocated by the split between fact and value.

So modernity in this kind of theory is understood as issuing from a rational or social operation that is culture-neutral. This is not to say that the theory cannot acknowledge good historical reasons why this transformation first arose in one civilization rather than another, or
why some may undergo it more easily than others. The point rather is that the operation is defined not in terms of its specific point of arrival, but as a general function that can take any specific culture as its input.

To grasp the difference from another angle, the operation is not seen as supposing or reflecting an option for one specific set of human values or understandings among others. In the case of “social” explanations, causal weight is given to historical developments, like industrialization, that have an impact on values but are often not seen as reflecting specific options in this domain. When it comes to explanations in terms of “rationality,” this is seen as the exercise of a general capacity that was only awaiting its proper conditions to unfold. Under certain conditions, human beings will just come to see that scientific thinking is valid, that instrumental rationality pays off, that religious beliefs involve unwarranted leaps, that facts and values are separate. These transformations may be facilitated by our having certain values and understandings, just as they are hampered by the dominance of others; but they are not defined as the espousal of some such constellation. They are defined rather by something we come to see concerning the whole context in which values and understandings are espoused.

It should be evident that the dominant theories of modernity over the last two centuries have been of the acultural sort. Many have explained its development at least partly by our “coming to see” something like the range of supposed truths mentioned above. Or else the changes have been explained partly by culture-neutral social developments, such as Durkheim’s move from “mechanical” to differentiated, “organic” forms of social cohesion; or Tocqueville’s assumption of creeping “democracy” (by which he meant a push toward equality). On one interpretation, “rationalization” was for Weber a steady process, occurring within all cultures over time.

But above all, explanations of modernity in terms of “reason” seem to be the most popular. And even the “social” explanations tend to invoke reason as well, since the social transformations, like mobility and industrialization, are thought to bring about intellectual and spiritual changes because they shake people loose from old habits and beliefs—in, for example, religion or traditional morality—which then
become unsustainable because they have no independent rational grounding in the way the beliefs of modernity—in, for example, individualism or instrumental reason—are assumed to have.

But, one might object, how about the widespread and popular negative theories of modernity, those that see it not as gain but as loss or decline? Curiously enough, they too have been acultural in their own way. To see this, we have to enlarge somewhat the description above. Instead of seeing the transformations as the unfolding of capacities, negative theories have often interpreted them as falling prey to dangers. But these have often been just as aculturally conceived. Modernity is characterized by the loss of the horizon; by a loss of roots; by the hubris that denies human limits and denies our dependence on history or God, which places unlimited confidence in the powers of frail human reason; by a trivializing self-indulgence which has no stomach for the heroic dimension of life, and so on.

The overwhelming weight of interpretation in our culture, positive and negative, tends to the acultural. On the other side, the voices are fewer if powerful. Nietzsche, for instance, offers a reading of modern scientific culture that paints it as actuated by a specific constellation of values. And Weber, besides offering a theory of rationalization which can at any rate be taken as a steady, culture-independent force, also gave a reading of the Protestant ethic as defined by a particular set of religio-moral concerns, which in turn helped to bring about modern capitalism.

THE DISTORTIONS OF THE ACULTURAL

So acultural theories predominate. Is this bad? I think it is. In order to see why, we have to bring out a bit more clearly what these theories foreground and what they tend to screen out.

Acultural theories tend to describe the transition in terms of a loss of traditional beliefs and allegiances. This may be seen as coming about as a result of institutional changes: for example, mobility and urbanization erode the beliefs and reference points of static rural society. Or the loss may be supposed to arise from the increasing operation of modern scientific reason. The change may be positively valued—or it may be judged a disaster by those for whom the traditional reference points were valuable and scientific reason too
narrow. But all these theories concur in describing the process: old views and loyalties are eroded. Old horizons are washed away, in Nietzsche’s image. The sea of faith recedes, following Arnold. This stanza from his “Dover Beach” captures this perspective:

The Sea of Faith
   Was once, too, at the full, and round earth’s shore
   Lay like the folds of a bright girdle furled.
   But now I only hear
   Its melancholy, long, withdrawing roar,
   Retreating, to the breath
   Of the night-wind, down the vast edges drear
   And naked shingles of the world.

The tone here is one of regret and nostalgia. But the underlying image of eroded faith could serve just as well for an upbeat story of the progress of triumphant scientific reason. From one point of view, humanity has shed a lot of false and harmful myths. From another, it has lost touch with crucial spiritual realities. But in either case, the change is seen as a loss of belief.

What emerges comes about through this loss. The upbeat story cherishes the dominance of an empirical-scientific approach to knowledge claims, of individualism, negative freedom, instrumental rationality. But these come to the fore because they are what we humans “normally” value, once we are no longer impeded or blinded by false or superstitious beliefs and the stultifying modes of life that accompany them. Once myth and error are dissipated, these are the only games in town. The empirical approach is the only valid way of acquiring knowledge, and this becomes evident as soon as we free ourselves from the thraldom of a false metaphysics. Increasing recourse to instrumental rationality allows us to get more and more of what we want, and we were only ever deterred from this by unfounded injunctions to limit ourselves. Individualism is the normal fruit of human self-regard absent the illusory claims of God, the Chain of Being, or the sacred order of society.

In other words, we moderns behave as we do because we have “come to see” that certain claims were false—or on the negative reading, because we have lost from view certain perennial truths. What this view reads out of the picture is the possibility that Western
modernity might be powered by its own positive visions of the good, that is, by one constellation of such visions among available others, rather than by the only viable set left after the old myths and legends have been exploded. It screens out whatever there might be of a specific moral direction to Western modernity, beyond what is dictated by the general form of human life itself, once old error is shown up (or old truth forgotten). For example, people behave as individuals, because that is what they “naturally” do when no longer held in by the old religions, metaphysics, and customs, though this may be seen as a glorious liberation, or a purblind enmiring in egoism, depending on our perspective. What it cannot be seen as is a novel form of moral self-understanding, not definable simply by the negation of what preceded it.

Otherwise put, what gets screened out is the possibility that Western modernity might be sustained by its own original spiritual vision, that is, not one generated simply and inescapably out of the transition.

THE ATTRACTION OF THE ACULTURAL

Before trying to say how bad or good this is, I want to speculate about the motives for this predominance of the acultural. In one way, it is quite understandable when we reflect that we Westerners have been living the transition to modernity for some centuries out of the civilization we used to call Christendom. It is hard to live through a change of this moment without being partisan, and in this spirit we quite naturally reach for explanations that are immediately evaluative, on one side or the other. Now nothing stamps the changes as more unproblematically right than the account that we have “come to see” through certain falsehoods, just as the explanation that we have come to forget important truths brands it as unquestionably wrong. To make such confident judgments on the basis of a cultural account would presuppose our having carried through a complex comparative assessment of modernity’s original vision, over against that of the Christendom that preceded it, to a clear unambiguous conclusion—hardly an easy task, if realizable at all.

Indeed, since a cultural theory supposes the point of view in which we see our own culture as one among others, and this at best
is a recent acquisition in our civilization, it is not surprising that the
first accounts of revolutionary change were acultural. For the most
part our ancestors looked on other civilizations as made up of
barbarians, or infidels, or savages. It would have been absurd to
expect the contemporaries of the French Revolution, on either side of
the political divide, to have seen the cultural shift within this political
upheaval, when the very idea of cultural pluralism was just dawning
in the writings of, say, Herder.

But even when this standpoint becomes more easily available, we
are drawn by our partisan attachments to neglect it. This is partly
because an immediately evaluative explanation (on the right side) is
more satisfying—we tend to want to glorify modernity, or vilify it.
And it is partly because we fear that a cultural theory might make
value judgements impossible. The latter notion is, I believe, a mistake;
but mistake or not, it plays a role here.

But another thing acultural theories have going for them has been
the vogue for “materialistic” explanations in social science and
history. By this I mean, in this context, explanations that shy away
from invoking moral or spiritual factors in favor of (what are thought
to be) harder and more down-to-earth causes. And so the develop-
ments I adverted to above—the growth of science, individualism,
negative freedom, instrumental reason, and the other striking fea-
tures of the culture of modernity—have often been accounted for as
byproducts of social change: for instance, as spinoffs from industri-
alization, or greater mobility, or urbanization. There are certainly
important causal relations to be traced here, but the accounts that
invoke them frequently skirt altogether the issue whether these
changes in culture and outlook owe anything to their own inherent
power as moral ideals. The implicit answer is often in the negative.

Of course, the social changes that are supposed to spawn the new
outlook must themselves be explained, and this will involve some
recourse to human motivations, unless we suppose that industrial-
ization or the growth of cities occurred entirely in a fit of absence of
mind. We need some notion of what moved people to push steadily
in one direction—for example, toward the greater application of
technology to production, or toward greater concentrations of popu-
lation. But what is invoked here are often motivations that are
nonmoral. By that I mean motivations that can actuate people quite without connection to any moral ideal, as I defined this earlier. So we very often find these social changes explained in terms of the desire for greater wealth, or power, or the means of survival or control over others. Of course, all these things can be woven into moral ideals, but they need not be. And so explanation in terms of them is considered sufficiently “hard” and “scientific.”

And even where individual freedom and the enlargement of instrumental reason are seen as ideas whose intrinsic attractions can help explain their rise, this attraction is frequently understood in non-moral terms. That is, the power of these ideas is often understood not in terms of their moral force, but just because of the advantages they seem to bestow on people regardless of their moral outlook, or even whether they have a moral outlook. Freedom allows you to do what you want; and the greater application of instrumental reason gets you more of what you want, whatever that is.

It is obvious that wherever this kind of explanation becomes culturally dominant, the motivation to explore the original spiritual vision of modernity is very weak; indeed, the capacity even to recognize some such thing nears zero. And this effectively takes cultural theories off the agenda.

**UNIFORM AND INEVITABLE MODERNITIES**

So what, if anything, is bad about this? Two things. First, I think Western modernity is in part based on an original moral outlook. This is not to say that our account of it in terms of our “coming to see” certain things is wholly wrong. On the contrary: post-17th century natural science has a validity, and the accompanying technology an efficacy, that we have established. And all societies are sooner or later forced to acquire this efficacy, or be dominated by others (and hence have it imposed on them anyway).

But it would be quite wrong to think that we can make do with an acultural theory alone. It is not just that other facets of what we identify as modern, such as the tendency to try to split fact from value, or the decline of religious practice, are far from reposing on incontestable truths that have finally been discovered—as one can claim for modern physics, for example. It is also that science itself has grown
in the West in close symbiosis with a certain culture in the sense I am using that term here, namely, a constellation of understandings of person, nature, society, and the good.

To rely on an acultural theory is to miss all this. One gets a distorted understanding of Western modernity in one of two ways: on one side, we misclassify certain changes, which ultimately reflect the culture peculiar to the modern West, as the product of unproblematic discovery or the ineluctable consequence of some social change, like the introduction of technology. The decline in religious practice has frequently been seen in this light. This is the error of seeing everything modern as belonging to one Enlightenment package.

On the other side, we fail altogether to examine certain facets of the modern constellation, closely interwoven with our understandings of science and religion, that do not strike us as being part of the transformation to modernity. We do not identify them as among the spectacular changes that have produced contemporary civilization, and we often fail to see even that there have been changes, reading these facets falsely as perennial. Such is the usual fate of those (largely implicit) understandings of human agency that I have grouped under the portmanteau term “the modern identity”—such as the various forms of modern inwardness, or the affirmation of ordinary life. We all too easily imagine that people have always seen themselves as we do, in respect, for example, of dichotomies like inward/outward. And we thus utterly miss the role these new understandings have played in the rise of Western modernity.

And so a purely acultural theory distorts and impoverishes our understanding of ourselves, both through misclassification (the Enlightenment package error), and through too narrow a focus. But its effects on our understanding of other cultures is even more devastating. The belief that modernity comes from one single universally applicable operation imposes a falsely uniform pattern on the multiple encounters of non-Western cultures with the exigencies of science, technology, and industrialization. As long as we are bemused by the Enlightenment package, we will believe that they all have to undergo a range of cultural changes drawn from our experience—such as “secularization” or the growth of atomistic forms of
self-identification. As long as we leave our own notions of identity unexamined, so long will we fail to see how theirs differ, and how this difference crucially conditions the way in which they integrate the truly universal features of “modernity.”

Moreover, the view that modernity arises through the dissipation of certain unsupported religious and metaphysical beliefs seems to imply that the paths of different civilizations are bound to converge. As they lose their traditional illusions, they will come together on the “rationally grounded” outlook that has resisted the challenge. The march of modernity will end up making all cultures look the same. This means, of course, that we expect they will end up looking like us.

In short, exclusive reliance on an acultural theory unfits us for what is perhaps the most important task of social sciences in our day: understanding the full gamut of alternative modernities in the making in different parts of the world. It locks us into an ethnocentric prison, condemned to project our own forms onto everyone else and blissfully unaware of what we are doing.
As we are all too aware, the last few decades have witnessed a decline in the popularity of marriage. This trend has not escaped the notice of politicians and pundits. But when critics point to the high social costs and taxpayer burden imposed by disintegrating “family values,” they overlook the fact that individuals do not simply make the decisions that lead to unwed parenthood, marriage, or divorce on the basis of what is good for society. Individuals weigh the costs and benefits of each of these choices to themselves—and sometimes their children. But how much is truly known about these costs and benefits, either by the individuals making the choices or demographers like myself who study them. Put differently, what are the implications, for individuals, of the current increases in nonmarriage? If we think of marriage as an insurance policy—which it is, in some respects—does it matter if more people are uninsured, or are insured with a term rather than a whole-life policy? I shall argue that it does matter, because marriage typically provides important and substantial benefits, benefits not enjoyed by those who live alone or cohabit.

A quick look at marriage patterns today compared to, say, 1950 shows the extent of recent changes. Figures from the Census Bureau show that in 1950, at the height of the baby boom, about a third of white men and women were not married. Some were waiting to marry for the first time, some were divorced or widowed and not remarried. But virtually everyone married at least once at some point in their lives, generally in their early twenties.

In 1950 the proportion of black men and women not married was approximately equal to the proportion unmarried among whites, but since that time the marriage behavior of blacks and whites has diverged dramatically. By 1993, 61 percent of black women and 58 percent of black men were not married, compared to 38 percent of
white men and 41 percent of white women. So, in contrast to 1950 when only a little over one black adult in three was not married, now a majority of black adults are unmarried. Insofar as marriage “matters,” black men and women are much less likely than whites to share in the benefits, and much less likely today than they were a generation ago.

The decline in marriage is directly connected to the rise in cohabitation—living with someone in a sexual relationship without being married. Although Americans are less likely to be married today than they were several decades ago, if we count both marriage and cohabitation, they are about as likely to be “coupled.” If cohabitation provides the same benefits to individuals as marriage does, then we do not need to be concerned about this shift. But we may be replacing a valuable social institution with one that demands and offers less.

Perhaps the most disturbing change in marriage appears in its relationship to parenthood. Today a third of all births occur to women who are not married, with huge but shrinking differences between blacks and whites in this behavior. One in five births to white mothers and two-thirds of births to black mothers currently take place outside marriage. Although about a quarter of the white unmarried mothers are living with someone when they give birth, so that their children are born into two-parent—if unmarried—families, very few black children born to unmarried mothers live with their fathers too.

I believe that these changes in marriage behavior are a cause for concern, because in a number of important ways married men and women do better than those who are unmarried. And I believe that the evidence suggests that they do better because they are married.

**MARRIAGE AND HEALTH**

The case for marriage is quite strong. Consider the issues of longevity and health. With economist Lee Lillard, I used a large national survey to follow men and women over a 20-year period. We watched them get married, get divorced, and remarry. We observed the death of spouses and of the individuals themselves. And we compared deaths of married men and women to those who were not
married. We found that once we took other factors into account, married men and women faced lower risks of dying at any point than those who have never married or whose previous marriage has ended. Widowed women were much better off than divorced women or those who had never married, although they were still disadvantaged when compared with married women. But all men who were not currently married faced significantly higher risks of dying than married men, regardless of their marital history. Other scholars have found disadvantages in death rates for unmarried adults in a number of countries besides the United States.

How does marriage lengthen life? First, marriage appears to reduce risky and unhealthy behaviors. For example, according to University of Texas sociologist Debra Umberson, married men show much lower rates of problem drinking than unmarried men. Umberson also found that both married men and women are less likely to take risks that could lead to injury than are the unmarried. Second, as we will see below, marriage increases material well-being—income, assets, and wealth. These can be used to purchase better medical care, better diet, and safer surroundings, which lengthen life. This material improvement seems to be especially important for women.

Third, marriage provides individuals—especially men—with someone who monitors their health and health-related behaviors and who encourages them to drink and smoke less, to eat a healthier diet, to get enough sleep and to generally take care of their health. In addition, husbands and wives offer each other moral support that helps in dealing with stressful situations. Married men especially seem to be motivated to avoid risky behaviors and to take care of their health by the sense of meaning that marriage gives to their lives and the sense of obligation to others that it brings.

MORE WEALTH, BETTER WAGES—FOR MOST

Married individuals also seem to fare better when it comes to wealth. One comprehensive measure of financial well-being—household wealth—includes pension and Social Security wealth, real and financial assets, and the value of the primary residence. According to economist James Smith, in 1992 married men and women ages 51-60 had median wealth of about $66,000 per spouse, compared to $42,000
for the widowed, $35,000 for those who had never married, $34,000 among those who were divorced, and only $7,600 for those who were separated. Although married couples have higher incomes than others, this fact accounts for only a quarter of their greater wealth.

How does marriage increase wealth? Married couples can share many household goods and services, such as a TV and heat, so the cost to each individual is lower than if each one purchased and used the same items individually. So the married spend less than the same individuals would for the same style of life if they lived separately. Second, married people produce more than the same individuals would if single. Each spouse can develop some skills and neglect others, because each can count on the other to take responsibility for some of the household work. The resulting specialization increases efficiency. We see below that this specialization leads to higher wages for men. Married couples also seem to save more at the same level of income than do single people.

The impact of marriage is again beneficial—although in this case not for all involved—when one looks at labor market outcomes. According to recent research by economist Kermit Daniel, both black and white men receive a wage premium if they are married: 4.5 percent for black men and 6.3 percent for white men. Black women receive a marriage premium of almost 3 percent. White women, however, pay a marriage penalty, in hourly wages, of over 4 percent. In addition, men appear to receive some of the benefit of marriage if they cohabit, but women do not.

Why should marriage increase men’s wages? Some researchers think that marriage makes men more productive at work, leading to higher wages. Wives may assist husbands directly with their work, offer advice or support, or take over household tasks, freeing husbands’ time and energy for work. Also, as I mentioned earlier, being married reduces drinking, substance abuse, and other unhealthy behaviors that may affect men’s job performance. Finally, marriage increases men’s incentives to perform well at work, in order to meet obligations to family members.

For women, Daniel finds that marriage and presence of children together seem to affect wages, and the effects depend on the woman’s
race. Childless black women earn substantially more money if they are married but the “marriage premium” drops with each child they have. Among white women only the childless receive a marriage premium. Once white women become mothers, marriage decreases their earnings compared to remaining single (with children), with very large negative effects of marriage on women’s earnings for those with two children or more. White married women often choose to reduce hours of work when they have children. They also make less per hour than either unmarried mothers or childless wives.

Up to this point, all the consequences of marriage for the individuals involved have been unambiguously positive—better health, longer life, more wealth, and higher earnings. But the effects of marriage and children on white women’s wages are mixed, at best. Marriage and cohabitation increase women’s time spent on housework; married motherhood reduces their time in the labor force and lowers their wages. Although the family as a whole might be better off with this allocation of women’s time, women generally share their husbands’ market earnings only when they are married. Financial well-being declines dramatically for women and their children after divorce or widowhood; women whose marriages have ended are often quite disadvantaged financially by their investment in their husbands and children rather than in their own earning power. Recent changes in divorce law—the rise in no-fault divorce and the move away from alimony—seem to have exacerbated this situation, even while increases in women’s education and work experience have moderated it.

**IMPROVED INTIMACY**

Another benefit of married life is an improved sex life. Married men and women report very active sex lives—as do those who are cohabiting. But the married appear to be more satisfied with sex than others. More married men say that they find sex with their wives to be extremely physically pleasurable than do cohabiting men or single men say the same about sex with their partners. The high levels of married men’s physical satisfaction with their sex lives contradicts the popular view that sexual novelty or variety improves sex for men.
Physical satisfaction with sex is about the same for married women, cohabiting women, and single women with sex partners.

In addition to reporting more active and more physically fulfilling sex lives than the unmarried, married men and women say that they are more emotionally satisfied with their sex lives than do those who are single or cohabiting. Although cohabitants report levels of sexual activity as high as the married, both cohabiting men and women report lower levels of emotional satisfaction with their sex lives. And those who are sexually active but single report the lowest emotional satisfaction with it.

How does marriage improve one’s sex life? Marriage and cohabitation provide individuals with a readily available sexual partner with whom they have an established, ongoing sexual relationship. This reduces the costs—in some sense—of any particular sexual contact, and leads to higher levels of sexual activity. Since married couples expect to carry on their sex lives for many years, and since the vast majority of married couples are monogamous, husbands and wives have strong incentives to learn what pleases their partner in bed and to become good at it. But I would argue that more than “skills” are at issue here. The long-term contract implicit in marriage—which is not implicit in cohabitation—facilitates emotional investment in the relationship, which should affect both frequency of and satisfaction with sex. So the wife or husband who knows what the spouse wants is also highly motivated to provide it, both because sexual satisfaction in one’s partner brings similar rewards to oneself and because the emotional commitment to the partner makes satisfying him or her important in itself.

THE IMPACT OF MARRIAGE ON CHILDREN

To this point we have focused on the consequences of marriage for adults—the men and women who choose to marry (and stay married) or not. But such choices have consequences for the children born to these adults. Sociologists Sara McLanahan and Gary Sandefur compare children raised in intact, two-parent families with those raised in one-parent families, which could result either from disruption of a marriage or from unmarried childbearing. They find that
approximately twice as many children raised in one-parent families than children from two-parent families drop out of high school without finishing. Children raised in one-parent families are also more likely to have a birth themselves while teenagers, and to be “idle”—both out of school and out of the labor force—as young adults.

Not surprisingly, children living outside an intact marriage are also more likely to be poor. McLanahan and Sandefur calculated poverty rates for children in two-parent families—including stepfamilies—and for single-parent families. They found very high rates of poverty for single-parent families, especially among blacks. Donald Hernandez, chief of marriage and family statistics at the Census Bureau, claims that the rise in mother-only families since 1959 is an important cause of increases in poverty among children.

Clearly poverty, in and of itself, is a bad outcome for children. In addition, however, McLanahan and Sandefur estimate that the lower incomes of single-parent families account for only half of the negative impact for children in these families. The other half comes from children’s access—or lack of access—to the time and attention of two adults in two-parent families. Children in one-parent families spend less time with their fathers (this is not surprising given that they do not live with them), but they also spend less time with their mothers than children in two-parent families. Single-parent families and stepfamilies also move much more frequently than two-parent families, disrupting children’s social and academic environments. Finally, children who spend part of their childhood in a single-parent family report substantially lower quality relationships with their parents as adults and have less frequent contact with them, according to demographer Diane Lye.

**CORRELATION VERSUS CAUSALITY**

The obvious question, when one looks at all these “benefits” of marriage, is whether marriage is responsible for these differences. If all, or almost all, of the benefits of marriage arise because those who enjoy better health, live longer lives, or earn higher wages anyway are more likely to marry, then marriage is not “causing” any changes in these outcomes. In such a case, we as a society and we as individuals
could remain neutral about each person’s decision to marry or not, to divorce or remain married. But scholars from many fields who have examined the issues have come to the opposite conclusion. Daniel found that only half of the higher wages that married men enjoy could be explained by selectivity; he thus concluded that the other half is causal. In the area of mental health, social psychologist Catherine Ross—summarizing her own research and that of other social scientists—wrote, “The positive effect of marriage on well-being is strong and consistent, and the selection of the psychologically healthy into marriage or the psychologically unhealthy out of marriage cannot explain the effect.” Thus marriage itself can be assumed to have independent positive effects on its participants.

So, we must ask, what is it about marriage that causes these benefits? I think that four factors are key. First, the institution of marriage involves a long-term contract—“‘til death do us part.” This contract allows the partners to make choices that carry immediate costs but eventually bring benefits. The time horizon implied by marriage makes it sensible—a rational choice is at work here—for individuals to develop some skills and to neglect others because they count on their spouse to fill in where they are weak. The institution of marriage helps individuals honor this long-term contract by providing social support for the couple as a couple and by imposing social and economic costs on those who dissolve their union.

Second, marriage assumes a sharing of economic and social resources and what we can think of as co-insurance. Spouses act as a sort of small insurance pool against life’s uncertainties, reducing their need to protect themselves—by themselves—from unexpected events.

Third, married couples benefit—as do cohabiting couples—from economies of scale.

Fourth, marriage connects people to other individuals, to other social groups (such as in-laws), and to other social institutions (such as churches and synagogues) which are themselves a source of benefits. These connections provide individuals with a sense of obligation to others, which gives life meaning beyond oneself.

Cohabitation has some but not all of the characteristics of marriage and so carries some but not all of the benefits. Cohabitation does
not generally imply a lifetime commitment to stay together; a significant number of cohabiting couples disagree on the future of their relationship. Frances Goldscheider and Gail Kaufman believe that the shift to cohabitation from marriage signals “declining commitment within unions, of men and women to each other and to their relationship as an enduring unit, in exchange for more freedom, primarily for men.” Perhaps as a result, many view cohabitation as an especially poor bargain for women.

The uncertainty that accompanies cohabitation makes both investment in the relationship and specialization with this partner much riskier than in marriage and so reduces them. Cohabitants are much less likely than married couples to pool financial resources and more likely to assume that each partner is responsible for supporting himself or herself financially. And whereas marriage connects individuals to other important social institutions, cohabitation seems to distance them from these institutions.

Of course, all these observations concern only the average benefits of marriage. Clearly, some marriages produce substantially higher benefits for those involved. Some marriages produce no benefits and even cause harm to the men, women, and children involved. That fact needs to be recognized.

REVERSING THE TREND

Having stated this qualification, we must still ask, if the average marriage produces all of these benefits for individuals, why has it declined? Although this issue remains a subject of much research and speculation, a number of factors have been mentioned as contributing. For one, because of increases in women’s employment, there is less specialization by spouses now than in the past; this reduces the benefits of marriage. Clearly, employed wives have less time and energy to focus on their husbands, and are less financially and emotionally dependent on marriage than wives who work only in the home. In addition, high divorce rates decrease people’s certainty about the long-run stability of their marriage, and this may reduce their willingness to invest in it, which in turn increases the chance they divorce—a sort of self-fulfilling prophecy. Also, changes in divorce laws have shifted much of the financial burden for the breakup of the
marriage to women, making investment within the marriage (such as supporting a husband in medical school) a riskier proposition for them.

Men, in turn, may find marriage and parenthood a less attractive option when they know that divorce is common, because they may face the loss of contact with their children if their marriage dissolves. Further, women’s increased earnings and young men’s declining financial well-being may have made women less dependent on men’s financial support and made young men less able to provide it. Finally, public policies that support single mothers and changing attitudes toward sex outside of marriage, toward unmarried childbearing, and toward divorce have all been implicated in the decline in marriage. This brief list does not exhaust the possibilities, but merely mentions some of them.

So how can this trend be reversed? First, as evidence accumulates and is communicated to individuals, some people will change their behavior as a result. Some will do so simply because of their new understanding of the costs and benefits, to them, of the choices involved. In addition, we have seen that attitudes frequently change toward behaviors that have been shown to have negative consequences. The attitude change then raises the social cost of the newly stigmatized behavior.

In addition, though, we as a society can pull some policy levers to encourage or discourage behaviors. Public policies that include asset tests (Medicaid is a good example) act to exclude the married, as do AFDC programs in most states. The “marriage penalty” in the tax code is another example. These and other policies reinforce or undermine the institution of marriage. If, as I have argued, marriage produces individuals who drink less, smoke less, abuse substances less, live longer, earn more, are wealthier, and have children who do better, we need to give more thought and effort to supporting this valuable social institution.
Balancing the Individual and the Community: Canada versus the United States

SEYMOUR MARTIN LIPSET
and
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Canada and the United States are remarkably similar as Western liberal democratic nations. Both nations seek to protect the rights of individuals while promoting and protecting the general welfare of the community. The two countries, however, strike different balances, with Canada tipping toward the interests of the community, and the United States toward the individual. Examining the relationship of citizens to the state with respect to a number of issues surrounding the law illuminates this difference. This essay examines the political and legal culture of these two nations with particular emphasis on the organizing principles and intellectual grounding of their histories and heritages; the constitutional protections afforded their citizens; the societal sense of rules and obligations in each nation; and their differing emphases on individual and group rights.

ORGANIZING PRINCIPLES

Canada has consciously attempted to enhance the protection of individual rights through the passage of the Charter of Rights and Freedoms in 1982. Despite this significant movement toward greater guarantees of individual liberties, the country has maintained its historic preference for the interests of the community over the rights of the individual. As the historian William Stahl has written:

It is clear why the Fathers of Confederation spoke of “peace, order and good government”....The virtues of monarchy subordinate the individual to the community. Loyalty and responsibility are stressed. Freedom may be a watchword,
but equality is not, and freedom is always tempered and circumscribed by obligations and the rights of others. But if subordination is preached, subservience is not....The individual curbs his or her egoism because not to do so would make life in family and community intolerable. And over all is emphasized the personal nature of social and political relationship. Monarchy is but the family writ large.

The values implied in “peace, order and good government” contrast sharply with the United States’ individualistic “life, liberty and the pursuit of happiness.” Thomas Jefferson gave flesh to John Locke’s skeleton of natural rights when writing the Declaration of Independence. He transformed natural rights into rights that are inalienable. As stated by Judge Richard Posner, “The men who wrote the Bill of Rights were not concerned that the federal government might do too little for the people, but that it might do too much to them.” In the United States, individual rights have traditionally been expressed as Lockean negative liberties—the “thou shalt nots” that limit the powers of government.

Europeans and Canadians, on the other hand, define constitutional rights more consistently with the social contract notions put forth by Immanuel Kant and Jean-Jacques Rousseau. As such, Canadian political philosophy emphasizes responsibilities. Canada’s premier conservative intellectual, George Grant, contrasts the two countries with a historical comparison of conservatives. He explains that American “conservatives” are more closely aligned with 19th century liberalism, which focuses on freedom from governmental intrusion. Conversely, a “traditional conservative...asserts the right of the community to restrain freedom in the name of the common good”—as Canadian conservatives do.

What is wrong with the American model of conservatism, continues Grant, is that it demonstrates disregard for communal rights and obligations. Consider the respective roles of courts. Americans prize their “division of power.” The courts act as independent arbiters between the citizen and the state. Canadian courts, on the other hand, are identified as an arm of the state. Also consider the Canadian Charter, which explicitly allows limits to be placed on rights and freedoms, and places the balance of powers on the side of the collective good. As Section One states, “The Canadian Charter of
Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

Further evidence of the difference between the principles of the two nations lies elsewhere in the Charter. It approves of a law, program, or activity “that has as its object the amelioration in a province of conditions of individuals who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.” And under “Equality Rights,” subsection one, the Charter “does not preclude any law, program, or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, color, religion, sex, age, or mental or physical disability.” Thus, while the United States has a Bill of Rights for individuals, but no bill of responsibilities for the community, Canada implicitly now has both.

CONSTITUTIONAL PROTECTIONS

What of the specific protections afforded in each nation? On the general level, Americans do not conceptualize rights as goals or ideas. Like Oliver Wendell Holmes, Americans believe that when one is in the position of asserting a legitimate right, the courts can, and should, strike anything or anyone who impedes such a remedy. The notion of remedy here is key. As Peter Schuck has noted, to Americans, rights imply remedies—if remedies are lacking, then it is questionable as to whether one is really dealing with an issue of rights, since “recent history suggests that the most likely consequence of according constitutional status to social and economic rights would be something that has not occurred in other liberal democracies—namely, a great increase in federal litigation.”

The difference between the countries above and below the border is also well illustrated by looking at how their respective constitutions deal with the notion of democracy. American law professor Frank I. Michelman notes that the Canadian construction of the “right” to democracy is at odds with the American understanding of democracy. From the American point of view, democracy is not a specific right—instead it cloaks other rights as a background value, whereas
in Canada, the “rhetorical placement of the norm of democracy [is] on a plane of shared primacy with the norm of freedom.” In the United States, democracy is clearly upstaged by liberty.

On the specific level, many things that Americans assert as rights and protections, Canadians deem as privileges. Such is the case with gun control. (See Table I.) Americans claim a Second Amendment constitutional right to bear arms. On the other hand, as Ted Thomas has noted, “Canada’s policy has been a restrictive one, based on a

<table>
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<tr>
<th>Proposed Law Banning:</th>
<th>Canada</th>
<th>United States</th>
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<tr>
<td><em>Cars in downtown areas</em></td>
<td></td>
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<tr>
<td>For a Ban</td>
<td>42%</td>
<td>25%</td>
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<tr>
<td>Against</td>
<td>46</td>
<td>68</td>
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<td>Don’t know/no answer</td>
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<td>8</td>
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<td><em>Transistor radios in public</em></td>
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<td>For a Ban</td>
<td>39</td>
<td>24</td>
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<tr>
<td>Against</td>
<td>49</td>
<td>69</td>
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<tr>
<td>Don’t know/no answer</td>
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<td>7</td>
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<tr>
<td><em>Smoking in all public places</em></td>
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<td>For a Ban</td>
<td>57</td>
<td>51</td>
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<td>Against</td>
<td>38</td>
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<tr>
<td>Don’t know/no answer</td>
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<tr>
<td><em>Handgun ownership by civilians</em></td>
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<tr>
<td>For a Ban</td>
<td>72</td>
<td>36</td>
</tr>
<tr>
<td>Against</td>
<td>23</td>
<td>59</td>
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<tr>
<td>Don’t know/no answer</td>
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<tr>
<td><em>Door-to-door salesmen</em></td>
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<tr>
<td>For a Ban</td>
<td>53</td>
<td>39</td>
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<tr>
<td>Against</td>
<td>40</td>
<td>54</td>
</tr>
<tr>
<td>Don’t know/no answer</td>
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<td>7</td>
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</table>

belief that ownership of offensive weapons or guns is a privilege, not a right.”

This is a privilege Canadians are clearly willing to curtail. Permits to own firearms are now only dispensed to applicants who pass an investigation into their criminal and mental health records. A restriction may be placed on a particular right if a citizen does not uphold the responsibility not to commit a crime against society. But the situation may be changing. As Schuck writes, “The Charter has added a new element—a public good—to the policy mix in Canada. The new element is the ability to make a credible claim that some right, privilege, or other entitlement is ‘protected by’ the Charter.”

Lastly, the divergence between the legal cultures of these two countries can also be demonstrated by reference to Herbert Packer’s distinction between “due process” and “crime-control” legal systems, both of which can exist in a common law system. The former, characteristic of the United States, emphasizes the adversarial process, the rights of the individual, and procedural safeguards. Packer explains that due process-oriented adjudication is set up like an obstacle course—at each stage the accused has the opportunity for a decision in his or her favor. Examples of such obstacles include search and seizure protections, proof beyond a reasonable doubt, and suspicion of circumstantial evidence. Such a process requires strict efforts to prevent error on the part of law enforcement or the prosecution. The exclusionary rule is an example of a judicially created safeguard of individual rights, which prevents the admission in trial of wrongfully obtained evidence against the accused. This can have the effect of precluding prosecutions altogether, as the application of the exclusionary rule can deprive the government of their case.

The crime-control model, of which Canada’s legal system is representative, emphasizes the interest of the community in public order over procedural protections of the individual. While the effect of specifically delineated rights in the Charter has lessened the dissimilarity between the two nations’ legal models, the change is only a matter of degree. It is true that the past decade has given rise to a political rhetoric and mood that is more conducive than in the past to individual liberty. (Indeed, Kim Campbell, former Minister of Justice and Prime Minister, has remarked that the Charter has
promoted a rights discourse that threatens the polity’s ability to recognize and accommodate divergent interests.) Since the 1982 passage of the Charter, statutes imposing excessive mandatory sentences, criminalizing abortion, and permitting police interrogation without the benefit of counsel have all been struck down by the Supreme Court of Canada. However, other decisions have leaned in the opposite direction, favoring the strength of gun control laws and the outlawing of obscene publishing. Even at a time when Canadians have applauded the extension of individual rights, these mixed outcomes in the area of criminal law are indicative of a continued communitarian thread running through Canadian society.

ATTITUDES TOWARD RULES AND OBLIGATIONS

The United States and Canada also diverge culturally in their respect for the law. It is irrefutable that Canadians demonstrate greater respect for the law than do Americans. Crime rates, particularly for violent acts, are much higher in the United States. Unlike in the United States, where videotapes of Rodney King stir discussions of police misconduct, in Canada, as Margaret Atwood has noted, the “Mountie is used as a national symbol.” Not surprisingly, when the two countries decided to go metric two decades ago, Canadians did what their government told them to do; Americans simply ignored the decision. Similar cross-border differences appeared in reactions to the efforts to drop the use of one dollar bills in favor of coins. And this attitude is further illustrated by public opinion findings in both countries on hypothetical laws restricting speech. (See Table II.)

This variation in respect for the law can be partially traced to the differences in the origins of the two countries. The United States was an outgrowth of a successful revolution; Canada was more or less abandoned peaceably by Great Britain, whose crown, however, remained a continuing source of legitimacy. The founding experience of Canada, according to Edgar McInnis, “did not undermine the bases of authority: Canadians...retained a more deeply internalized sense of obligation, of the need to conform to the rules....”
### TABLE II
**Support for Liberty and Order in North America**
(percent agreeing with each statement)

“It is better to live in an orderly society than to allow people so much freedom they can become disruptive.”
- Canadians: 65
- Americans: 51

“The idea that everyone has a right to their own opinion is being carried too far these days.”
- Canadians: 37
- Americans: 19

“Free speech is just not worth it if it means we have to put up with the danger to society of radical and extremist views.”
- Canadians: 36
- Americans: 28

“Free speech ought to be allowed for all political groups even if some of the things that these groups believe are highly insulting and threatening to particular segments of society.”
- Canadians: 51
- Americans: 60

**Average choosing value of social order rather than free speech for all the question:**
- Canadians: 47
- Americans: 35

Note: In the first three questions, “agree” implies support for order over liberty, but it means liberty in the fourth item. Hence the percentages for the latter were inverted to calculate the averages.

Source: Paul M. Sniderman et al., *Liberty, Authority and Community: Civil Liberties and the Canadian Political Culture* (Center of Criminology, University of Toronto, and Survey Research Center, University of California, Berkeley: 1988), figures 9A–9D. The column for all Canadians is not in the original report and was calculated from the data in the table assuming three English-speakers to one French-speaker. The bottom row, giving the averages, is also an original calculation.

### DIffering Notions of Liberty and Equality

The Canadian Charter is similar to the American Bill of Rights in that it provides a constitutional guarantee of individual rights and liberties. However, unlike the American Bill of Rights, it is also explicitly concerned with group rights. The first decade of judicial interpretation of the Charter began with an aggressive—even activ-
ist—set of rulings in favor of individual rights, but this was tempered as notions of collective and group rights, and concerns about the public order, re-emerged. Canadian law professor Patrick J. Monahan has commented on the 1992 effort by the Canadian provincial and federal governments to amend the Charter in ways which would satisfy Quebec’s desire for greater recognition and autonomy:

It is in the wider political realm where the idea that the Charter protects “group rights” has attained a greater degree of prominence. This was most obvious in the drafting of the Charlottetown Accord. The proposed Canada clause was primarily organized around concepts of group identity and collective rights. It referred to the fact that aboriginal peoples were the first peoples to govern Canada; to the fact that Quebec constitutes a “distinct society”; to the commitment to the development and vitality of minority language “communities”; to a commitment to racial and ethnic equality; to respect for “individual and collective human rights and freedoms of all people”; to the equality of female and male persons; and to the principle of the equality of the provinces.

Both countries emphasize egalitarianism, but involving somewhat different meanings. In the United States, “egalitarianism” places a greater stress on equality of opportunity for persons; in Canada, this value is qualified by a somewhat higher concern for equality of results for groups.

To highlight the different views on equality, consider some of the polling data on the opinions Americans have on the civil rights movement. While Americans view the equal opportunity objectives of the civil rights movement as laudable, the movement’s developing emphasis on “collectivist” goals—group quotas and preferences—meets with disapproval. Measures to outlaw discrimination on an individual level receive much higher approval ratings than demands for collective justice. Not surprisingly, Americans prefer more private, personal approaches to dealing with social issues, as compared with Euro-Canadian solutions that involve more government intervention.

Another difference between the American approach and that of Canada and other democracies is exemplified in German legal scholar Franz Wieacker’s “basic inventory” of rights common to most Western nations. Wieacker’s enumeration, in order of priority, includes
human dignity; personal freedom; fair procedures to protect against arbitrary governmental action; active political rights (especially the right to vote); equality before the law; and society’s responsibility for the social and economic conditions of its members. To an American, there are two key surprises. First is the absence of any reference to property rights, and second is the presence of welfare obligations by the state.

Why is the United States’ “basic inventory” so different from that of other Western nations? Largely, this is a consequence of the fact that the U.S. Constitution was written two centuries ago. As one of us has previously noted, “much of American behavior, after two centuries of national existence, can still be interpreted as derivative from its continued emphasis on equality and achievement.” The United States ratified the original amendments and upheld judicial review long before European nations and Canada adopted welfare rights. While Canada now adheres to the American model of revision and interpretations, the Charter was written in the early 1980s and its institutional mechanisms are more in line with the basic laws of most other liberal democracies, which reflect commitments to the community and to welfare.

But history does not explain all. Gerhard Casper, in assessing differences in constitutional rights, writes:

[D]ifferences regarding the rights that are accorded constitutional status in various countries are not merely a function of the age of the documents establishing those rights. To a great extent, the differences are legal manifestations of divergent and deeply rooted cultural attitudes toward the state and its functions.

And Mary Ann Glendon of Harvard University Law School argues that it is the legitimacy or status afforded to welfare obligations by their having been deemed “constitutional,” which serves to define or shape terms of the debate, public attitudes, or legislative deliberation.

In concluding her comparison of constitutions, Glendon alludes to the complexity of determining the appropriate equilibrium between individual freedoms and the societal or collective good, and in assessing what is the optimal balance between markets and central planning. She refers to this recipe of a “Bill of Rights” and a “Welfare
State” as “two halves of the divided soul of liberalism.” Who, we may ask, has the right recipe? Canada? The United States? Another country?

The analysis presented in this essay might indicate that the answer is not the United States. Americans, almost uniquely in the developed world, seem to lack the underpinning needed for effective collective action. But whether or not one accepts this conclusion, as Glendon makes clear, the balancing of the individual and the community is not an issue that should be left to the state, for neither a strong tradition of rights nor a host of affirmative welfare commitments can long be maintained without conscious support from the citizenry. By the same token, no amount of personal or collective responsibility can be mandated if it is not present in the political and legal culture.
VIRTUES

Civil Is Not Good Enough

CHRISTOPHER BEEM

For decades, the idea of civil society was of interest mainly to scholars. Now, quite suddenly, the term has taken on new political importance. Indeed, it is being hailed in some quarters as the new miracle elixir for the ails of American social life. Whatever the problem, from fragmenting families to declining voter turnout, social critics from across the political spectrum increasingly point to civil society as the solution.

Such hopes are almost surely overdrawn. Civil society, and its role in American society as a whole, is a complex business. Indeed, a return to the seminal writings of Alexis de Tocqueville shows that the institutions of civil society are necessary but insufficient to secure a well-ordered democratic polity. Strengthening those institutions is both a laudable goal and part of the answer. But there is more to our cultural and moral devastation than even a vibrant civil society can solve.

The Two Objectives of Civil Society

Civil society refers to those aspects of society that are independent of both the state and the market. Examples include families, civic and religious associations, unions, and political parties. For centuries, social thinkers have argued that a vibrant civil society is a good thing, and, for a democracy, even a necessary thing. Civil society helps us to achieve two related but distinct social objectives. First, it enables individuals to form groups and associations which are not under the direct control or oversight of the government. The organization and operation of these groups develop into independent loci of political power, which, in turn, temper the power and reach of the state. Second, while these groups have their own identities and aims, their normal, everyday operation reflects and reinforces the norms of
democratic society. Through group interaction, citizens come to recognize their commonalities and differences, and they learn to resolve the latter through reasoned argument and compromise. So civil society is also where one learns the skills and habits of good citizenship.

As Tocqueville masterfully demonstrated, a vital civil society traditionally accounted for our nation’s uniqueness and much of our social strength. But civil society in the United States is not what it used to be. Political scientist Robert Putnam and others have noted that the past generation has seen the disintegration of families and the precipitous decline of neighborhood groups, civic and political organizations, churches, PTAs, and volunteer organizations. A languishing civil society obviously cannot carry out its dual mission. Many people therefore conclude that the collapse of civil society is largely responsible for the sorry state of American society.

These critics thus affirm our nation’s growing sense of unease, and they go on to offer an explanation. Intractable problems of crime, drugs, and the underclass; escalating violence in the media and on our streets; a shrill and belligerent political climate; rising tensions between races and classes; the evaporation of even the most basic social courtesies—all these examples of our unraveling social fabric ostensibly result from a collapsed civil society. Politicians and political thinkers from all sides therefore argue that we must renew civil society in order to renew American society.

Here, too, their arguments manifest two related but distinct objectives. The first objective—that is, civil society as a means of contravening the centralizing instincts of the state—is associated with the rhetoric of the 1994 Republican majority, but is also reflected in President Clinton’s claim that “the era of big government is over.” Thus, among Democrats and Republicans alike, there is widespread agreement that the federal government has accumulated too much power, and has taken on tasks that it cannot possibly do well. It has thereby eviscerated the strength of those nongovernmental institutions that can do them well. Worse, they argue, this condition has engendered a domineering and paternalistic tendency within the government, and a dependent, weak-willed spirit within the citizenry. Because the government is now the problem-solving institu-
tion, the drive, self-sufficiency and resilience that characterized the American ethos have been compromised. Significant differences remain, of course, regarding the degree and manner of governmental diminution. But both sides agree that a proper balance requires the restoration of local, nongovernmental institutions.

The second objective is also clearly reflected in the contemporary national debate. In this case, social critics believe our problems are rooted in the dissolution of a shared conception of social morality. We no longer have a sufficient sense of our responsibilities to others and to the common good. This common moral sense is a necessary condition for democratic society; because it has begun to disappear, our social and political intercourse has become mean-spirited and contentious. We must therefore rebuild those institutions that reinforce and cultivate the demands of democratic citizenship. Civil society is thus purported to be the essential means for achieving a recivilized, remoralized American culture.

Among civil society advocates, there is a rather deep-seated belief that any tension between these two goals is merely surface: a robust democratic society will possess a civil society that both secures pluralism and instills civic virtue. Senator Dan Coats, for example, rightly notes that the devolution of federal power is not sufficient to assure a vibrant civil society. At the same time, he appears quite convinced that a rejuvenated civil society would both “minimize social dislocation” and precipitate “a rebirth of republican virtue.” Representing the left, political theorist Benjamin Barber claims that “civil society is the domain...that unites the virtue of the private sector—liberty—with the virtue of the public sector—concern for the general good.”

But it is worth considering just how optimistic this belief really is. For at least when taken to extremes, the two objectives associated with the concept of civil society are not only distinct, they are contradictory. In the first instance, when civil society is operating as it should, it stands in healthy opposition to the state. To this end, pluralism—even sectarianism—is a good thing. As with Madison’s factions, the greater the number of independent organizations, the freer the society, and the more stable the democracy. The second objective, however, calls for a strong sense of moral cohesion. Despite
our inevitable and fundamental differences, civil society helps to
inculcate a shared set of values, norms, and beliefs. As a result,
pluralism is legitimate only insofar as it operates within the param-
eters established by our common understanding of civic virtue.

There surely are examples of civil society that function exactly as
proponents intend. And it would be a good thing if our society could
cultivate and proliferate such examples. But while much ink has been
spilled about the numerical decline of American civil society, not
much has been said about its moral decline. In short, I judge that much
of the civil society that remains fails in the task of moral formation. I
am therefore unable to share the more immoderate hopes of many
civil society advocates.

CIVIC VIRTUE AND AMERICAN CIVIL SOCIETY

Consider some contemporary examples of “civil society.” Recent
insight into the Michigan Militia and The Nation of Islam shows that
these organizations both reflect American pluralism and (to say the
least) stand against the power of the state. But while these associa-
tions are also explicitly—even adamantly—concerned with moral
rectitude, they do not foster what most Americans would call civility,
let alone advance a common understanding of civic virtue. Similarly,
there are any number of neighborhood institutions—including a
rapidly growing number of residential community associations—
that ably reflect the idea behind the call for a “new localism,” but that
are also organized and oriented around a barely hidden segregation-
ist, even secessionist, agenda. What of the family, the “seedbed of
civic virtue?” Surely many families positively exemplify the most
deleterious tendencies of our materialistic, individualistic culture.
And no family has remained completely unscathed by these cultural
forces. These examples could be readily expanded, but my objective
is not to offer an exhaustive account. I simply wish to point out that
in many instances, the active, dynamic expression of civil society in
contemporary America not only does not alleviate our society’s
moral failings, it manifests and reinforces them.

To be sure, problematic, even hateful examples of civil society
have always been present within American society. Indeed, the very
fact of rampant pluralism is evidence of American exceptionalism.
But it is also fair to say that historically, the pluralistic instinct was sometimes tempered by, sometimes governed by, but always at least contested by a higher set of ideals. In the 1850s, Abraham Lincoln invoked the moral principles in the Declaration of Independence to repudiate the anti-immigrant philosophy of the Know Nothings. Some one hundred years later, Martin Luther King Jr. appealed to the very same principles to bring down the social ethos of Jim Crow.

These illustrations reveal that the innately American impulse to join groups and form associations is not enough. For all its normative value, civil society is not sufficient in and of itself to preserve and maintain a well-ordered polity. Americans need to have a set of regulative principles that can reign in and evaluate the empirical datum of civil society in America—in effect, to help Americans distinguish between good and bad civil society. While the contents (and even the existence) of such a set of principles have been subject to sustained debate, the appeals of Lincoln and King illustrate that there is a core set of moral and philosophical principles that has historically served this function. These principles—as John Courtney Murray would have it, these truths that we Americans hold—constitute the American public moral consensus.

TOCQUEVILLE AND THE PREREQUISITIES FOR CIVIL SOCIETY

In Tocqueville’s parlance, the equivalent term for civil society is “political society”—that is, the myriad associations, both civic and political, that characterized and even dominated American social life. (For Tocqueville, as for Karl Marx, “civil society” refers only to private economic activity.) But while his terms are different from ours, the status and function of these associations within American society are not. Tocqueville maintained that the normal operation of these associations produced the two positive social goods outlined above. They both prevented “despotism of parties [and] the arbitrary rule of the prince” and also inculcated “the spirit of liberty,” that is, the mores and beliefs upon which democratic society depends. Tocqueville therefore believed that the proliferation of civil society accounted for the success of the American experiment. For this reason, modern advocates continually appeal to Tocqueville to buttress their case for the restoration of American civil society. But
precisely because of this important legacy, it is essential to note that
the relationship outlined above between civil society and a public
moral consensus, and in particular the inadequacies of unadorned
civil society, is one that Tocqueville affirms.

Within the concept of what we call civil society, Tocqueville
draws a distinction between civil and political associations. The
distinction centers, not surprisingly, on the political import of the
association in question. Thus, political associations include local
governments, political parties, and the political activities of interest
groups, while civic associations include churches, charities, and
groups organized around various nonpolitical avocations and inter-
ests. This distinction is rarely mentioned in the contemporary debate,
and indeed it is very fluid even in Tocqueville’s own writings. But it
is nevertheless important for the argument I want to make. Political
associations seek to influence society’s laws, and their actions directly
relate to the virtues of public citizenship. Tocqueville is therefore
eager to note that these associations are particularly powerful, and
potentially very dangerous to the social order.

To be sure, Tocqueville concluded that the political operation of
American civil society was almost universally benign. “Political
associations in the United States,” he wrote, “are...peaceful in their
objects and legal in the means used; and when they say that they only
wish to prevail legally, in general they are telling the truth.” Never-
theless, Tocqueville was quite aware that such was not always and
everywhere the case. Tocqueville acknowledged what everyone in
France already knew—French culture still bore deep wounds from
the centralized, all-consuming monarchy of the Old Regime, and,
later, from the Jacobins’ systematic efforts to either wipe out or
wholly reconfigure the most basic features of French social life. Born
of this patrimony, the political associations in Tocqueville’s France
were combative in behavior, militaristic in organization, and single-
minded, even ruthless, in the pursuit of their objectives. The opera-
tion of such groups was not only not useful, it was positively
destructive of the body politic. Indeed, the unsavory characteristics
of these political associations were so apparent to Tocqueville’s
audience that they account in large measure for his vigorous defense
of American civic institutions.
Along with this legacy of absolutism, Tocqueville also believed that the difference between French and American political associations resulted from the extent of political suffrage: in France, political associations could at least claim that they represented the disenfranchised, the unheard majority. But most importantly, Tocqueville believed American political associations had positive effects because in America, “differences of view are only matters of nuance.” The arguments that appeared so pivotal to the American body politic were couched within a domineering agreement that made these disagreements, in reality, matters of subtle distinction. Indeed, these arguments actually served to strengthen the underlying agreement, and this fact is singularly important in accounting for the benign function of American civil society.

Tocqueville took it as a general rule that “[f]or society to exist and, even more, for society to prosper, it is essential that all the minds of the citizens should always be rallied and held together by some leading ideas.” Tocqueville’s discussion of “the spirit of liberty,” and of “self-interest rightly understood” are efforts to explicate the leading ideas of the American experiment, and clearly he believed that the underlying unity built on these ideas was essential to American democratic society. But more to the point, this underlying unity also had the favorable effect of diminishing the formation of militant and militaristic groups. In the face of decisive agreement on basic political questions, such groups knew they had no chance of making an impact. Instead, American political culture fostered the development of groups that actively yet independently promoted political and cultural unity. Tocqueville thus maintained that the political associations within American civil society functioned well and served the body politic because they operated within the context of a shared set of mores, values, and beliefs. The rampant association-building that so characterized American society was able to secure pluralism and foster the ethos of American citizenship because there was already basic agreement about the features of that ethos.

THE NEED FOR MORAL CONSENSUS

For those who have attached their hopes to a renewed civil society, Tocqueville’s distinction must give pause. For it is now more
than 160 years since Tocqueville’s journeys, and the continued viability of this American ethos, like the viability of civil society itself, can no longer be taken for granted. Undermined by a variety of cultural and intellectual forces, the moral consensus that once grounded our society and culture is no longer the moderating and sustaining force that it was. And the logical extension of Tocqueville’s argument is that if our common core of beliefs and values were to disintegrate—were differences to become more than a matter of nuance—then the happy function of factions and associations could no longer be assumed. Indeed, one could reasonably expect that political associations within American civil society would take on the militaristic features Tocqueville associated with French civil society.

The Michigan Militia and the Nation of Islam are obvious exemplars of this militarization of politics. But in the current climate—pertinently referred to by James Davison Hunter as the “Culture Wars”—even more mainstream groups like the Christian Coalition, the National Rifle Association, the American Association of Retired Persons, and the National Organization for Women, have come to reflect the belligerence and inflexibility associated with this militaristic orientation. (In his book, Hunter notes that “the National Organization for Women...has a ‘War Room’ in its national headquarters in Washington, D.C., a windowless room with charts, maps, a conference table, and a dozen or so telephones.”)

The recent behavior of these and many other organizations, and the combative and shrill nature of most any interaction between them, brings to mind an uneasy recognition of Tocqueville’s description of European civil society: “the main aim of these organizations being to act and not to talk, to fight and not to convince, there is nothing naturally civilian about their organization, and indeed military ways and maxims are introduced therein....” Tocqueville believed that without an agreement on basic principles and beliefs, political associations cease to have a positive function, and indeed, serve to undermine the body politic. Contemporary American political culture once again shows the prescience of Tocqueville’s analysis.

The impact of the dissolution of the American moral consensus clearly is reflected in the concern most Americans have about their country, and the hopes they attach to a revivified civil society. But
Tocqueville’s distinction between French and American civil society also shows that if the American moral consensus is moribund, the ability of civil society to restore that consensus is precisely what cannot be expected. The independent associations that constitute American pluralism can still serve a vital function—namely, they can temper the power and reach of the state—but they cannot produce civic virtue without a strong and common notion of what civic virtue is.

All of this means that along with civil society, our nation’s core set of values and beliefs must likewise be reexplored, rearticulated, and reinforced. Our society must reconnect the intra-national, even tribal identities associated with and instilled by the institutions of civil society, with the grand, broader, and more fundamental set of unifying ideas and ideals that make up the American moral consensus.

**SUGGESTIONS FOR A REVITALIZATION**

The questions and problems associated with consensus are both perennial and daunting. At bottom, the issues they bring to the table are metaphysical—questions about the truth and the good; questions, in other words, that are as profound and perplexing as questions get. Unfortunately, the contemporary climate in the United States only exacerbates the difficulties.

Academia continues to reflect a dominant intellectual climate that spurns these questions, let alone any attempt to find answers. The cultural impact of any intellectual movement is, of course, hard to document, but one would be hard pressed to claim that postmodernism and like-minded critiques have had no impact on the well-documented decline in respect for authority and basic moral norms. A postmodernist ethos is also clearly evident in much of the divisive political rhetoric associated with multiculturalism and identity politics. Questions of causality aside, these phenomena have extended to the farthest reaches of social life, and are representative of a culture that is, to say the least, unreceptive to the notion of moral consensus. Debates within religious denominations, for example, are often filled with the same sterile rancor that pervades the rest of our culture. Thus, even among people who ostensibly share a set of very explicit
and specific metaphysical claims, the ability to get beyond square one appears utterly illusive. What then of a debate between believers of all persuasions, still more, a debate between believers and secularists?

I am rash enough to press onward. I therefore propose two avenues which I believe can at least focus the discussion, and which may thereby help us out of our cultural morass.

I would begin where Lincoln and King began. For if being an American means more than living within certain geographical boundaries, that identity must derive from the truth claims outlined in the Declaration of Independence. Some may doubt that these claims are indeed self-evident in the sense intended, but there surely remains some basic and widespread assent to the notion that all people are equal, that they possess rights of liberty and self-determination, and that it is the task of government to secure those rights. Indeed, I strongly suspect that for the vast majority of Americans, that assent is both vigorous and unquestioned. If so, then these claims can serve as a foundation by which Americans can try to reestablish and reinvigorate a set of shared moral beliefs.

I would propose a similar discussion focused around the political objectives outlined in the Preamble to the Constitution. Of course, few Americans are likely to disavow the framers’ aspirations either. This observation may seem banal and useless. But again, if we can agree that these are laudable goals, and that the American polity is constituted by these goals, then here, too, is a place to start. Indeed, a moral consensus grounded on these documents alone affords us the means by which we can, for example, properly condemn the posturing of the Michigan Militia, or the vitriolic excess of Louis Farrakhan. Just as importantly, this foundation also provides a point of appeal against those numerous and powerful cultural forces that both undermine domestic tranquillity and compromise the general welfare.

The second avenue is reflected in the Declaration’s appeal to the Creator. Tocqueville and Murray believed, as many still do, that the moral beliefs that form a democracy cannot be adequately grounded without the presupposition of a divine being—if there is no God, we are not equal, nor are we all of inestimable value. Of course, rebuilding a democratic moral consensus requires that we attend forth-
rightly to the fact that the roots of our nation’s moral vocabulary are religious in nature. More fundamentally, I quite agree that the legitimacy and viability of democratic life requires that its moral claims are, and are understood to be, universally true; it is not enough to say they are true merely for us. But in an atmosphere of religious pluralism that makes the circumstances of the founding seem trivial by comparison, a moral consensus that rests on explicit theological claims appears simply impossible. More to the point, I question whether such claims are indeed necessary. My own contention is that moral beliefs about human rights and equality can be grounded in the universal features of human existence. I can hardly defend that assertion here; I merely want to suggest that there are arguments that can undergird the moral and truth claims of the Declaration, and that thereby aid in the restoration of a substantive moral consensus, that would be amenable to religious and secular citizens alike. At any rate, if America is still the last, best hope on earth, then it is worth trying to develop these kinds of arguments.

Perhaps the difficulties associated with cultivating a public moral consensus account for the inordinate hopes sometimes attached to the idea of civil society. It is, after all, easier to call for more PTAs and neighborhood associations than it is to struggle for consensus amidst unbridled, even frenzied sectarianism. Of course, the suggestions in this essay hardly begin to surmount these difficulties; but Tocqueville’s analysis supports the more basic point that the task is unavoidable. Without a shared set of ideas, a society cannot function. Whatever the difficulties, the renewal of American society requires that we attend not only to our institutions but also to our most fundamental beliefs.
Throughout the country there is an effort to incorporate people with disabilities into community life. While such efforts face obvious obstacles, they have significant success when they turn to the community as a primary resource. In addition, the experiences of such programs demonstrate that benefits flow to both the individuals with disabilities and the community at large.

Some eight years ago, Tim—a person with severe mental retardation, no reading skills, and limited language ability—was about to leave public school, where he had been in a separate special education class for his entire school career. The options for Tim in Midland, Michigan were to continue to live with his parents or to enter a group home and work at a “sheltered workshop”—an industry that employs only people with disabilities, often at token wages. Tim’s parents, longtime members of the community, decided that these options were not enough, and that Tim, being a part of the community, should have the opportunity to live in his own apartment or home. After much discussion, a “circle of support”—composed of friends, family, community members, and human service providers—was created to help Tim plan for and get the assistance he needed.

Circle members located an available house and, with some creative financing and arrangements for a live-in roommate who would also provide needed help, Tim moved into his own home. Tim’s circle has continued to meet for six years and a sense of family and community has developed as they have solved problems, struggled, and celebrated. Tim began to get to know neighbors and obtained a job as a courier for a local organization. The dream of Tim being a member of the community is being realized.
Tim’s success has impacted on the lives of other people in his community. Circles have been developed for 90 other individuals in Midland who need special help to live in the community. Prominent local citizens, including the mayor and a legislator, are members of circles. Circles are directly touching the lives of some 5 percent of the population of this small town, and their impact continues to expand. Midland’s citizens are engaging in ongoing efforts to share what they have learned. For several years now they have sponsored monthly visitations that allow others to come and learn from Midland’s efforts.

Tim’s story is important because it illustrates that people with significant challenges can be part of their communities and that other people are willing to help if asked and supported. Part of the challenge of building community in our country is to address directly the isolation and segregation of substantial numbers of people, which occurs at costs that are high, both socially and fiscally. In *The Psychological Sense of Community*, Seymour Sarason describes the negative impact of exclusion and segregation on the health and well-being of our society. Efforts to include children and adults with disabilities in the community can counter this impact. As people participate in these programs of inclusion, they increasingly realize that the relationships of trust and support that they develop—with both the individuals with disabilities and others in the circle—contribute to their lives and to the social capital and fabric of the communities in which they live.

“CIRCLES” AND OTHER SUPPORT STRATEGIES

Circles of support are intentional groups of family, friends, neighbors, and human services personnel who are requested by an individual, often aided by a facilitator, to plan and provide ongoing support and assistance in reaching visions of a better life. Initial work focuses on helping to identify people in the community who are willing to consider helping—ministers, big brothers, local high school students, and so on. Members of circles meet periodically and share in providing help to an individual. Fortunately, people are often surprisingly willing to assist in such efforts when it is clear that they do not have the total responsibility for an individual but that it will
be shared among the group. It appears that, in part, people do this because it brings meaning and an additional sense of community to their own lives.

Several other strategies are being used elsewhere to build similar relationships and connections. In Texas, the Developmental Disabilities Council has funded a series of statewide projects to promote friendships between people with disabilities and members of the community. Typically, a paid facilitator works to identify people in the community who might be willing to meet, spend time with, and provide some support to a person with a disability. The facilitator also identifies people with disabilities who are interested in making such connections, facilitates introductions, and provides support and assistance as the relationships develop.

The benefits of such a program clearly flow both ways. David is a typical member of the conservative community of Midland, Texas. He befriended a young adult named John, a mentally retarded person who had lived in an institution all of his life and had recently moved into his own home. John joined David and his family in many events—basketball games, Mexican food at their house, hot dogs at John’s house. David remarked that “John reminds me to stop and smell the roses. I get so caught up in the daily rush. Then John calls and I remember: it’s the little things, like friendship, that make life worth it.”

Other efforts for building social supports for people with disabilities have focused on community associations. In Chicago’s Logan Square area, the local neighborhood association has made a concerted effort to support the involvement of people with disabilities in block clubs, churches, and social and recreational organizations. In Community Building in Logan Square, Mary McConnell tells an illustrative story of Lorraine, a woman in her 60s who lived in a group home, and Mary, a member of the Episcopal Church of the Advent:

Lorraine’s introduction to the church came about through Mary and her mother. When Mary was first asked if she would take Lorraine to church, she was reluctant to take on the responsibility on a regular basis. “Once I met Lorraine, there was no way I could not take her to church,” Mary says now, praising her friend’s enthusiasm and her genuine ways....Lorraine has been welcomed by the pastor and the
rest of the congregation. The Sunday services and other church activities have become a high point in her life.

Leaders of the neighborhood association see this process as part of building and enhancing the social capital of their community.

**EMPOWERING FAMILIES AND INDIVIDUALS**

Linkages to individuals and institutions are not the only ways to facilitate the incorporation of the disabled into communities. A complementary approach is to make it more feasible for families with children with special health care needs to provide for their children outside of an institutional setting. A range of supports is often now provided to such families to keep their children at home: public cash payments, in-home services such as nurses or aides, and so on. In addition, the health care profession is seeking to develop partnerships with such families in “family-centered health care,” a 10-year practice and policy initiative which gives families the opportunity to provide input into the policies and procedures of hospitals and state departments of public health. The goal is to give greater consideration to the needs, perspectives, fears, and culture of the family.

Perhaps most important is the growing number of programs and networks throughout the country in which families help other families. The Family Support Network in Michigan, for example, operates out of the Michigan Department of Community Health. Families of children with special health care needs throughout the state meet periodically to provide support to one another. Families know first-hand the various issues and can also help one another in traversing the often intimidating, uncoordinated world of the medical and human services systems.

Of obvious importance to children with disabilities and their families is the school setting. In school, most students with disabilities must currently leave mainstream classes to get help—those with milder disabilities in a “resource room,” others in separate classes or schools. Starting in the late 1980s, however, a number of states—including Kentucky, New Hampshire, Vermont, Texas, Indiana, and Michigan—began to experiment with “inclusive education.” In schools throughout the United States, children with disabilities are increasingly leaving their separate classes and are being provided an oppor-
tunity to learn with other students in “regular classes,” where sup-
port is provided both to children and teachers.

When inclusive education is implemented with reasonable plan-
ning and support for teachers, a number of results are worth noting. Students with disabilities develop friendships and improve their skills. Simultaneously, nondisabled students are engaged in real-life character development, problem solving, and “emotional learning.” And teachers learn to put into practical effect teaching strategies designed to respond to multiple learning styles and abilities, attempting to build a community of learners.

The implications of inclusive education are just beginning to be explored, as are the implications of this type of schooling for community building in our larger society. We know, however, through recent research, that learning occurs best when individuals have a sense of support and relationship, and when they see meaning and purpose in learning activities. From related brain research, we know that emotional intelligence—the capacity to deal with our emotions, feelings, and relationships—is at least as important as typical cognitive ability for success in life. Inclusive education provides a unique opportunity to contribute to building such learning strategies into the fabric of the school and, consequentially, the community of which the school is an important part.

For adults with severe disabilities, full incorporation into the community means focusing on some of the fundamentals of indepen-
dence. This often means being supported in owning their own homes or living in apartments with a range of assistance and support, rather than having their options limited to home-like programs such as group homes and nursing homes. Tim’s story in Midland, Michigan is one of many increasingly occurring throughout the country. The provision of supports and services is being disconnected from the institutions which have traditionally provided them. Rather, supports are being provided in the typical places in which people live, work, play, and go to school. Additionally, creative financing efforts are being developed that utilize public funds, funding by parents, and traditional housing financing mechanisms. In Midland, Michigan, for example, the David Reece Fund assists people with disabilities in purchasing, leasing, and managing their own homes. On behalf of the
individual, staff members handle payment of taxes and maintenance of the property. Supports for the individual range from periodic assistance with budgeting to full-time personnel for individuals with high health care needs.

Similarly, assistance is being provided in the area of employment—from assistive technology to intensive training and problem-solving supports. The goal is to help people with disabilities move beyond unemployment and sheltered workshops. In the 1980s, a national initiative for implementing “supported employment” began. The idea was simple: provide people intensive training and ongoing support to help them maintain employment as they need it. People like Tim, for example, would have typically worked in a sheltered workshop at a simple task like packaging, and would have been paid only a few dollars per week. Instead he is working as a courier for a nonprofit agency where he has opportunities to interact with the many people he knows in town.

LESSONS FOR COMMUNITY BUILDING

Out of efforts such as circles, family support, and job training, new images of human services systems are emerging that are truly person- and family-centered. These approaches connect publicly-funded services to the efforts of members of the community caring for one another. In doing this, they provide people with disabilities and their families with greater possibilities and with a more fulfilling community life. But the inclusion and support of people with disabilities as valued members of their communities is making these communities better as well. Community ties are strengthened and inclusiveness is expanded. Furthermore, by combining concepts of responsibility, community, caring, support, and self-determination, these approaches can have an impact on other attempts at community building. These strategies could well be applied to older people, dysfunctional families, at-risk youth, and others. The challenge is to explore and devise methods by which individuals and groups using these strategies may be linked to others engaged in local, state, and national community-building efforts.
The Journalist’s Dilemma

Arthur Charity, Doing Public Journalism

Reviewed by Christopher Conte

Most journalists fancy themselves to be objective, detached observers who bravely report the news as they see it—even if their audiences do not want to hear their message. New York Times reporter Herbert Matthews, answering critics who said his powerful coverage had helped propel a revolutionary named Castro onto the world stage some 30 years ago, put it this way: “A newspaperman walks with the great of many lands, but he must go his own way—right to the end of the road.”

The intervening years have punctured the myth of objectivity. Few would disagree today that value judgments shape the journalistic enterprise, determining how stories get framed and what “facts” are selected as newsworthy. The romantic pride that reporters like Matthews took in their independence has been replaced by a certain hardened fatalism, exemplified by CBS News correspondent Lesley Stahl, who said a few years ago: “We are going to be loathed and despised for one reason or another no matter what we do. That’s our job.” Still, detachment remains a guiding principle of the journalistic enterprise.

Many Americans, however, are coming to see detachment as far less heroic. Journalism increasingly is identified with a corrosive cynicism. Reporters are seen as members of an unresponsive political elite, more interested in insider strategies than in serving the general public. Perhaps most important, they are rightly criticized for contributing to the deteriorating quality of public discourse—after all, who invented the sound bite and honed the snap judgment and
stinging one-liner of television programs like *Crossfire* and the *McLaughlin Group*?

In the last few years, a handful of journalists have sought to counter these trends and inject a new civic-mindedness into the news business. In the process, they have questioned the very notion of journalistic detachment. Their credo, “public journalism,” has rapidly spread to hundreds of newspapers. Now it has a “primer and desktop reference” in the form of Arthur Charity’s *Doing Public Journalism*.

This compendium of ideas and case studies describes the editors who pioneered this new style of journalism at newspapers like the *Wichita Eagle* and the *Charlotte Observer*. Their basic premise is that the traditional detachment and “passiveness” of the press must give way to a more proactive involvement in society. “Journalism,” Charity writes, “ought to make it as easy as possible for citizens to make intelligent decisions about public affairs, and to get them carried out.”

Charity is at his best in describing the first half of that equation. Reviewing efforts by public opinion analysts like Daniel Yankelovich and organizations like the National Issues Forums and the Study Circles Resource Center to restore thoughtful dialogue to our public life, he demonstrates that reasoned deliberation is an acquired skill. And he builds a strong case that newspapers, as one of the few institutions that reach across our increasingly fractured and atomized communities, are uniquely suited to nurture constructive discourse.

Charity’s description of the lost art of “public listening” is particularly useful. He shows how journalists can rebuild links to the public, and thereby escape domination by the institutions or elites they cover. He demonstrates the inadequacies of polls, explores how reporters can depict more accurately the shades and nuances of public opinion, and provides antidotes to such journalistic shortcuts as stereotyping members of the public and quoting only people who hold extreme views. He also suggests that reporters can help focus public opinion by pointing out areas of agreement as well as disagreement among competing interests. All these ideas he buttresses with numerous examples of reforms, ranging from a decision by editors at the *Virginian-Pilot* in Norfolk to reorganize reporters’ beats around

**JOURNALISM AS ACTIVISM?**

Public journalists could be satisfied with these achievements alone, but they take their ideas further. Civic virtue, Charity argues, is not its own reward; people want solutions, and they will lose interest in journalism if it does not get their “judgment” acted upon. But just how far should journalists go in helping to solve, rather than merely illuminate, society’s problems? On this, the most controversial aspect of public journalism, Charity is less clear.

At times, he seems to uphold traditional journalistic standards. He suggests, for instance, that newspapers should remain neutral and that they can “advocate democracy without advocating specific solutions.” But he goes to great lengths to prove that newspapers can, and should, define and seek to put into effect the “public judgment” on various issues. For all his certainty that the public’s will can be known, he offers few specific examples of what it is. He ignores the role of elections in this regard, and at least some of his attempts at describing the public’s views are rather facile; he suggests, for instance, that the public wants schools to teach “the basics,” and chides “reformers” for stressing “higher-order skills”—as if the two were mutually exclusive.

Similarly, he warns against journalistic arrogance, but describes how some reporters are so “empowered” by their newfound skills at public listening that they believe they speak for “the people” when they interview public officials. And while asserting that the news pages should be kept open to dissenting views, he seems to play down issues on which there is no consensus. Thus, he chides education reporters for dwelling on church-state cases and other issues on which the public does not have a “coherent voice,” as if our uncertainty about these matters makes them a less important topic for public discussion.

Statements like these chill many conventional journalists. These critics ask whether news organizations can be truly open forums if
they also seek to codify the public will. And they fear that the rhetoric of public journalism could lead to a dangerous hubris, involve journalists in activities that undermine their credibility, and perhaps even encourage a new tyranny of the majority.

More discussion of the positive aspects of the ethical tradition of detachment might ease these concerns (Charity addresses ethics only briefly near the end of his treatise). In the hands of fallible people, after all, good ideas easily can be pushed too far, and successful strategies today can become destructive habits tomorrow. Who tells the unpleasant truths—and what happens to dissent, diversity, and new ideas—when public journalism is taken up by unsophisticated practitioners?

Choice? No Thanks.

In the small Japanese city of Habikino, the public schools decided to grant junior high school students a new freedom. Students in the summer session could choose whether to wear the normally required school uniforms or wear their own clothes. On the first day, 80 percent of the children came to school in uniform. Within a week, all of the students were wearing the uniform, and the idea of an option eventually died.

Washington Post, 24 March 1996
Especially Noted

JEREMY G. MALLORY


Richan’s book seeks to teach the average citizen how to become a lobbyist. Using case studies of hot-button issues (abortion, the environment, welfare reform, and mental health services) to illustrate the basic principles of how one can have an effect on the political process, Richan provides a step-by-step look at how lobbying is accomplished. These steps include doing basic research, writing a position paper, meeting with elected officials, speaking in front of audiences, and testifying at hearings. He also provides background perspective on how the political scene is changing to make individual lobbying more important, and a section on using new telecommunications technologies to make lobbying more effective.


As more Americans realize the importance of voluntarism, increasing attention is being focused on how to make it an educational experience. One significant part of that experience is the reflections of the participants themselves. Goldsmith gives a detailed guide for using journals as a part of service-learning and community outreach programs. She details various forms of journals—personal, dialogue, and team journals, for example—and the material requirements for making the project work, and then describes various exercises for making the journals an integrated and educational part of the service-learning experience.

Many calls for civic involvement have lamented the decline of shared public spaces such as town squares and central plazas; the spaces have declined, but the need still exists. A recent survey reveals that 90 percent of New Yorkers see public spaces as a cornerstone of their lives. The *Directory* is a catalogue of groups—youth, elderly, safety-oriented, neighborhood, and cultural, to name a few—that have effectively taken action on that concern and preserved some portion of public space. The *Directory* includes a “Bill of Rights and Responsibilities” with regard to these spaces. In addition to a catalogue of the various groups and contact information, the authors provide a section entitled “You Can Do the Same Things in Your Neighborhood” for each entry, which details some of the steps that each group took to accomplish its goals.


This collection of essays brings together scholars from different disciplines and ideologies to assess the contributions of socio-economics—a discipline developed by Amitai Etzioni—to academic discourse. Sciulli explains its relevance in terms of sociological theory, research, and policy implications, each of which is expanded upon by the different essayists. Topics include industrial relations, the family, human rights, the media, and feminist theory.
From the Libertarian Side

It's a Shame

While legislators in Texas work to bolster drunk driving laws, the American Civil Liberties Union (ACLU) paints their efforts as “overly dramatic.” At issue, according to the Austin American-Statesman, is requiring persons convicted of driving while intoxicated to replace their license plates with red plates that read, “DWI.” The replacement plates would have to stay on the drunk driver’s car for 10 to 180 days.

Texas ACLU Executive Director Jay Jacobson opposes the effort to shame drunk drivers. Arguing against the power of shame, he believes that the program is “an overly dramatic solution that is not likely to have any significant impact except to embarrass and give the ability to point a finger.”

The license plate program has parallels in Washington and Oregon.

Limbaugh’s Libertarian Leanings

According to the Washington Post, television and radio personality Rush Limbaugh, usually of a conservative ilk, used his May 21, 1996 show to decry the censorship of Jason Gardner, a fourth grader who was reading about condoms during class. Jason’s teacher took Limbaugh’s The Way Things Ought to Be from the 9-year-old when he saw the title of the chapter the child was reading: “Condoms: The New Diploma.” The teacher offered to return the book to Jason’s parents. Limbaugh usually opposes school discussion of condoms,
but, Limbaugh argued, the chapter on condoms is actually a satirical attack on the distribution of condoms in school. Limbaugh supporters deluged the school with telephone calls in support of the child’s right to read the book.

**From the Authoritarian Side**

**Arbitrary Uniformity**

On Tuesday May 21, 1996, officials at Muskogee High School in Oklahoma suspended three seniors for failure to adhere to a dress code during graduation services, while overlooking other students’ transgressions. *Tulsa World* reports that Garrica Johnson and Sydney Watts wore Kente clothes during graduation and Danaj Battese Trudell placed an eagle feather in her mortarboard after receiving her diploma cover. As a result of their attire, each will have to attend 25 days of summer school before the school will release their diplomas and transcripts. Free from punishment were the students who wore Christian crucifixes outside their graduation gowns.

The three students have contacted the American Civil Liberties Union (ACLU), which has agreed to take on the case. The *Washington Post* quotes C.S. Thornton of the ACLU:

> It concerns us that there were some students who wore visible Christian crosses and that was considered appropriate.... [I]f that’s okay, then why in the world would they punish these girls so severely? There’s an impermissible discrimination going on here.

**Workers of the World Unite...**

In the era of increased competition and the desire for greater productivity from workers, Mid-South Pick N Pack, a division of Hambleton-Hill Publishing, has found a way to keep its employees chained to their desks—they chain them to their desks. According to the *Wisconsin State Journal*, Bobby Northington was a temporary
(employee at Pick N Pack when his supervisor, Bonnie Hobbs, used a chain and padlock to lock his right leg to the table at which he was working. Hobbs was apparently upset with Northington for leaving his desk to give a stick of gum to a coworker. Hobbs will not comment except to support a company statement that indicates conflicting stories about the events in question.

After being chained to his desk for 40 minutes, Northington was released. He finished his shift, left, and did not return. He has filed suit against Hambleton-Hill for damages.

From the Community at Large

A New Sex Education

In Nashville, Tennessee, city officials have recently increased efforts to curb the public safety and public health risks associated with prostitution. According to the Tennessean, Nashville’s innovative approach targets both prostitutes and the “johns” who solicit them.

The Magdalene Project (named after Mary Magdalene—a prostitute-turned-holy woman) has been organized by a program specialist in the public defender’s office, and an Episcopal minister. The pilot program provided prostitutes with health care, job training, and addiction counseling. Administrators hope to expand it to include a residential treatment facility. The Magdalene Project is currently dependent on private donations, but is awaiting approval for city funds.

Prostitutes usually receive jail time for arrests, although incarceration is limited because of prison overcrowding. However, the other perpetrator in this crime—the john—often escapes with little or no penalty. Nashville hopes to change that by adopting a program to complement the Magdalene Project: a “school for johns” similar to the one begun in San Francisco in 1995. First-time offenders pay a fine and enter a day-long class on a Saturday. Judy Bawcom of Nashville’s
Work Group on Prostitution says that during this time johns are “going to come face-to-face with what they’ve done.” In San Francisco, that means first-time offenders will learn about the risks to themselves, the harms inflicted upon the prostitutes, and the damage done to the community. A police officer explains that johns frequently get mugged or worse; a former prostitute details some horror stories of her career; a public health official shows the men the effects of sexually transmitted diseases; a community representative highlights the anger the community feels toward johns and the fears that prostitution-related crimes cause.

The Magdalene Project has not been in existence long enough to judge its success, though its first graduate did lapse back into prostitution after eight months in a janitorial position. As for the school for johns in San Francisco, only two of more than 400 graduated johns have been arrested again.

**Defense Conversion Fosters Foster Care**

Over the last few years Hope for the Children, a nonprofit organization run by Brenda Krause Eheart of the University of Illinois, has engaged in a first-of-its-kind experiment to provide long-term family environments for foster children. The project seeks to give hard-to-place children the opportunity to grow up in a stable family and community. Eheart explains, “Kids need a stable home, nurturing, and permanence if they’re going to be happy, productive adults.” Such a goal requires ingenuity and hard work.

To create a sense of community, in 1994 the organization purchased 84 housing units on the decommissioned Chanute Air Force Base in Rantoul, Illinois. It converted 16 of the houses into apartments for senior citizens. The seniors were carefully screened and selected from a nationwide applicant pool. They were to provide the multi-generational aspects and mentor relationships of traditional communities. Reduced rent was coupled with a service requirement.

In addition to the seniors, Hope for the Children sought families familiar with special-needs children. It offered these families rent-free housing and a salary of $18,000 per year for one parent to stay at home. Then, to bring members of the community together, an
Intergenerational Center was added, which houses community activities and a library. The uniform houses, well-kept lawns, and stay-at-home parents give the community—Hope Meadows—an anachronistic 1950s feel. Eheart explains, “We’re a normal community with one exception: The child is at the center.”

According to Springfield’s State Journal-Register, the experiment is progressing nicely. Fifty-six seniors, 17 parents, and 37 children are residing in the community. Though the project currently depends on grants, Eheart sees the possibility of self-sufficiency through seniors’ rents and community service.

No Smoking Signs

The nation’s highways and byways are going to be less smoke-filled in the future not because of more efficient cars, but because of the efforts of the Interfaith Center on Corporate Responsibility (ICCR) and 3M Media, one of the nation’s largest billboard advertisement companies. On May 2, 1996, 3M announced that it was phasing out all tobacco advertisements on its domestic and international billboards. As of December 31, 1996, 3M will no longer accept tobacco contracts. By the end of 1998, all of its long-term contracts with tobacco companies will expire.

The phase-out represents years’ worth of efforts by the ICCR and 3M. The Star Tribune reports that in the mid-1980s 3M began to decrease the appearance of tobacco advertisements on its billboards. In 1990, the ICCR began to push 3M toward a total ban. Within four years, the revenue from tobacco contracts was just 2 percent of 3M’s total billboard revenue. 3M’s parent company sells medical supplies, and it decided that it could not support one subsidiary’s products to improve health and another’s hawking of products that cause harm.

Tobacco industry response has been mixed. Philip Morris spokes-person Tara Carraro indicated that her company disagreed with the decision, but respected 3M’s right to make it. In the New York Times, Maura Ellis of R.J. Reynolds Tobacco Company is quoted as being “leery of attempts to restrict commercial free speech.”

According to wire reports, Rev. Michael Crosby of ICCR declared, “[W]e hope its [3M’s] courageous decision will challenge
other media companies to balance the public good with corporate profits.” The ICCR is expanding its efforts beyond advertisement groups. It is now pressuring tobacco company suppliers to stop selling products to tobacco companies (one such supplier being H.B. Fuller Company, which supplies glue to seal cigarette wrappers).
POLICE RIGHTS
Do you agree with this statement:
The police should have the right
to round up suspected drug us-
er, even if they don’t have spec-
ific evidence.
Respondents from inner-city
neighborhoods:
Agree 57%
Disagree 43%
Respondents from greater
metropolitan areas:
Agree 47%
Disagree 53%

BELIEF IN GOD
Percentage of adult Americans
who say they believe in:
God 96%
Heaven 90%
Miracles 79%
Angels 72%
Hell 73%
The Devil 65%

SPANKING: OUT OF FAVOR
Do you approve of the use of
spanking as a form of punishment
in public schools (percent approv-
ing):
1958 62%
1964 71%
1983 44%
1994 38%

PROBLEMS OF POWER
Do the following institutions have
too much power in the United
States today? (percent saying
yes)
Government:
Federal 60%
State 58%
Local 62%
Corporations 58%
Entertainment 55%
Churches 46%

FAMILY LEAVE
Of all eligible workers under the
1993 Family and Medical Leave
Act, only 2–4% have actually
taken leave.
Of those persons taking leave, 59%
do so for medical reasons,
rather than to care for elderly par-
ents, sick spouses, or their chil-
dren.

ENGLISH DEFICIENCY
Percent of students with limited
English proficiency in selected cit-
ties:
Santa Ana 69%
Los Angeles 46%
Houston 25%
New York City 15%
Chicago 14%
Dade County 13%

1. Robert C. Davis et al., eds., Drugs and the
5. Ibid.

Compiled by Frank Lovett
Osamu Takahashi, now 49, was born with a number of deformities. While unable to walk, he is physically capable of getting around in a wheelchair. His family, however, kept him home while his siblings attended school, and made him eat his meals alone in his room while the rest of the family ate together. When his siblings had friends at the home they told Takahashi to stay out of sight, so his existence would not be known. Until the age of 26, he was permitted out of the house only about once a year. His case, although extreme, demonstrates the shame many Japanese associate with physical disabilities.

Chieko Okada was repeatedly told that because of her paralysis she was prohibited from taking the entrance examinations required for university application. Although she was eventually permitted to attend a university near her home, as she was seeking a job upon graduation, Okada was informed that companies could not accept her because of her disability. Ultimately, the 22-year-old took a job with a center for the handicapped in Tokyo. She had difficulty finding housing, though, as landlords repeatedly turned down her applications for rental.

Naotaka Kumeta, a 25-year-old man who was paralyzed in a car accident when he was doing a term abroad in Oregon, bemoans the inherent paradox of the treatment of disabled people in Japan. In a New York Times article, Kumeta remarked, “People say Japan is a very developed society. But for the handicapped it is very backward, decades behind the United States.” For instance, Tokyo’s busiest subway station has no elevator, so Kumeta has to be carried by railway employees and other volunteers down long flights of stairs to catch his train. Furthermore, the disabled are often discouraged from
working, from marrying, or even from going to movie theaters or restaurants.

The situation is rather ironic. Japan is a country where gym classes do not allow captains to pick teams for fear of hurting children’s feelings. It is a country where a blind person can take a taxi cab without fear of being cheated on the fare. But it is also a country lacking any law prohibiting discrimination against the disabled, and a country where handicapped people are treated as a blemish.

**SWEDEN: CHURCH AND STATE**

Since the 16th century, Lutheranism has been the official state religion of Sweden. Until 1951, Swedes were not even allowed to quit the church and stop paying it 1.1 percent of their income in taxes. Currently, the Church collects its annual $1.68 billion budget primarily from taxpayer money. The king has to be Lutheran, and the state appoints bishops for the church.

Despite these inextricable ties between church and state, Sweden has a very low level of religious participation. According to a *New York Times* story, 87 percent of Swedes are members of the Lutheran Evangelical Church of Sweden, yet the pews of Sweden’s cathedrals are largely empty on Sundays. Carl-Einar Nordling, head of church affairs in Sweden’s Ministry of Public Administration explains that “Sweden is not very religious in the traditional sense. Very few go to Sunday mass, for instance, and many couples are not married and have their babies out of wedlock.”

Now, after more than four centuries as the state religion, the Lutheran Church and the Swedish state have agreed recently to a partial separation. Starting on January 1 of this year, children born to at least one Lutheran parent are no longer automatically members of the church. By the turn of the century, the king and the Civil Affairs Minister will no longer have to be Lutheran. The changes are due in large part to Sweden’s recognition of the growing existence of religious minorities. Sweden’s new ethnic mix includes 75,000 Muslims, 16,000 Jews, 3,000 Buddhists, and 3,000 Hindus.

But the changing relationship of church and state hardly amounts to a divorce. The Church will continue to collect revenue through
taxes, and will retain control over funeral homes and cemeteries, even
those used by non-Lutherans. Though Sweden is not a religious
country in the traditional sense, Nordling believes that “the Church
of Sweden plays an important role in the life of many Swedes anyhow.
It represents our roots. It is the most Swedish thing you can think of.”
FAMILY VALUES FOR EX-CONS

When a bunch of ex-convicts—including armed robbers and murderers—sit down together for heart-to-heart talks and family-style meals, something happens that billions of dollars in state-of-the-art lockup cells could not achieve: the majority of the former prisoners go straight, returning to mainstream America as carpenters and counselors, housepainters and business owners, defying dismal national odds.

The secret that is saving taxpayers millions every year is a brand of self-help, with a strong dose of group support. From the sprawling $30 million Delancey Street complex in downtown San Francisco to a neighborhood Dismas House in Nashville, Tennessee, former prisoners are made to look themselves in the eye, accept their pasts, and face their futures one meal at a time. “What we do works because it involves former prisoners as active participants. They have responsibilities,” said Terry Horgan, executive director of Dismas, Inc.

A similar philosophy lies behind San Francisco’s Delancey Street, where 500 hard-core criminals—after doing their time—live in 177 apartments in an upscale complex. Named for the section of New York where immigrants assembled at the turn of the century, Delancey Street sees the ex-offenders and drug addicts it houses as new arrivals in another America where they must learn the language, social values, and employment skills of success.

Mimi Silbert, a criminologist and psychologist, modeled Delancey Street after her own extended family in an immigrant neighborhood of Boston. “Everybody works together, lives together, yells together, cries together. We’re lunatics on taking responsibility for everything—not just self, but neighbors and community as well,” said Silbert, who cofounded Delancey Street in 1972. The program has no staff and uses no government funds. It operates on the income from a moving company, restaurant, and other commercial enterprises managed and staffed by ex-cons. Residents interview the applicants. Sex offenders are the only criminals not accepted.
Shirley Lamarr, the daughter of an alcoholic mother, walked into Delancey Street after a life of drugs and prostitution. She remembers watching TV as a teenager. “And I’d see these perfect families and I’d say, ‘Why ain’t my life like that?’ I remember always wanting to be something but I hadn’t a clue as to how to go about that,” she said. Like all new arrivals at Delancey Street, Lamarr was given daily chores. She had to change her image—wear clothes that made her look like a mainstream success. Eventually, Lamarr said, she began to feel like she looked, “like a lady.” Then, despite her misgivings, it was her turn to help a newer Delancey Street resident. Combining this “outside-in” approach with “doing for” somebody else is what makes Delancey Street work, said founder Silbert. “It is long and hard—not a huggy, feely process—but it’s possible.”

From its success in San Francisco, Delancey Street has created similar programs in North Carolina, New York, New Mexico, and Los Angeles, where in 1993 the foundation bought the abandoned Midtown Hilton Hotel to accommodate 500 residents. Around 1,000 ex-cons nationwide participate in the program at any given time, Silbert said.

In 24 years, 11,000 ex-convicts have graduated from Delancey Street’s program without a single incidence of violence or arrest during their time there, according to Silbert. No one leaves without a high school equivalency diploma and job skills in at least three trades. Although two long-term studies claimed that around 90 percent of the program’s graduates have not returned to prison, Silbert called the reports “silly counting games.” “What matters is that most prisoners spend their lives going in and out of prison. Most of our people stay out,” she said. And staying out saves money, since annual costs of incarceration average $25,000 per inmate. Dismas House and Delancey Street graduate 1,450 ex-convicts each year, saving taxpayers millions annually.

Still, the vast bulk of government criminal justice money goes not to rehabilitation but to enforcement and corrections, according to Claire Johnson, senior researcher at the National Council on Crime and Delinquency. “Rehabilitation programs are not something that all politicians are eager to embrace right now because of the get-tough-on-crime trend,” added Johnson whose nonprofit agency is
currently assisting the U.S. Department of Justice in a national study on correctional options.

Dismas House is a more modest effort than Delancey Street, but based on a similar foundation: The people who are the problem can take responsibility for the solution, given the right kind of support. Dismas is the inspiration of the Rev. Jack Hickey, a former Vanderbilt University chaplain ordained in the Dominican order. In 1974 Hickey opened a modest home in Nashville to a handful of Tennessee prisoners. Believing that ex-convicts could best learn new patterns if surrounded by strong and motivated models, he invited college students and local volunteers to share in the group living experience. Hickey’s experiment flourished. Dismas has expanded to 10 centers operating in five states serving 250 ex-convicts a year.

Participation in evening meals and house meetings is mandatory for everyone who lives in a Dismas House. It is sharing with this extended family the ups and downs of their days—and their lives—that helps former prisoners develop the social skills and self-esteem to function in society, said Stefanie Dziedzic, who lived at the Dismas House in South Bend, Indiana while attending Notre Dame University. “It was a place where people said ‘Yes, I have problems; yes, I want to get help.’ When you see people talk about it so openly, it challenges you to confront the realities of your own family and childhood,” Dziedzic said.

Of the former prisoners who go through Dismas House, only one quarter are arrested or convicted of another crime, while the national rate is twice that. The success is in part a result of careful screening, said Donna Blackburn, executive director of the Tennessee Board of Parole. Dismas House screens out some of the most violence-prone, including sex offenders, but makes a special effort to draw in people who have no family or other support and may be more likely to reoffend.

In the end, the program has saved Tennessee taxpayers millions of dollars, said Blackburn. Angela Lynn of Dismas House tallied the state’s savings at roughly $25 million since 1974. According to Justice Department figures, repeat offenders account for most of the $30.5 billion the country spends each year catching and locking up lawbreakers. Yet neither the Dismas House nor the Delancey model,
which cut rates of reoffense, has been incorporated into government rehabilitation programs, despite interest expressed by the Reagan and Clinton administrations.

It is hard to say whether alternative programs like Delancey Street or Dismas House could eventually alter the national cycle of arrest and rearrest. But after years of devoting herself to the bootstrap process of group- and self-help, Silbert finds that the personal progress of thousands of ex-convicts is enough to keep her going. “I’ve been doing this for 25 years—smashing my head against a brick wall. The bricks are beginning to move. I can feel it,” said Silbert.

*Jane Braxton Little, American News Service*

**KEEPING HOMES AFFORDABLE—PERMANENTLY**

Newly graduated from Howard University in Washington, D.C., with a degree in architecture, Tara Seabrook had an appreciative eye for the gracious brick homes that line the streets of many of the city’s older neighborhoods. She also knew she could not afford to buy one. Over the last decade, rising home prices have combined with stagnating incomes to make home ownership difficult for many Americans. Even college graduates like Seabrook often find themselves forced to live in neighborhoods less desirable than the ones in which they grew up. “My house had been broken into twice,” she recalled. “It was kind of scary. I moved out to Maryland.”

But her retreat to the suburbs was short-lived. This past January, Seabrook moved into the Lealand, an attractive six-unit cooperative building on 16th Street, near stylish Dupont Circle. Seabrook was able to afford her new home for one reason—the work of the New Columbia Community Land Trust.

Community land trusts are private, nonprofit organizations dedicated to keeping housing affordable in lower-income areas. When the trusts acquire property, they help people of modest means buy the homes—but the trusts retain ownership of the land underneath. The land is leased to the homeowners, who must agree to sell
the building back to the trust at a preset price if they ever want to move. If Seabrook, for example, wanted to sell her share of the Lealand co-op, she could—but within some limits.

“You get what you put into it, plus the improvements, plus some appreciation, but not much,” said Ron Holloway, president of New Columbia. As Seabrook put it, “I’ll get my share back.” She will not, however, reap the full market value. In other words, she will not make a killing. But, according to land-trust advocates, that is the point: the resale restrictions keep the property affordable for the next buyer.

First established in the 1970s, land trusts have tripled in number in the past decade, according to the Institute for Community Economics, a nonprofit organization in Springfield, Massachusetts. More than 100 are operating or being developed in 31 states and the District of Columbia, where New Columbia opened for business in 1990.

New Columbia’s executive director, Pamela Jones, said her land trust was founded by a number of neighborhood organizations worried about the speculation that can accompany neighborhood revitalization. “As the neighborhood developed and property values went up, people saw opportunities to make money,” she said. The owners, who are often absentee landlords, would sell out to developers, who fixed the buildings up and put them back on the market at premium prices.

The Lealand, built in 1911, was one of the first black-owned buildings in the area. But by the late 1980s it had been targeted by developers for conversion to high-priced condominiums, raising the threat that its longtime tenants would be forced out of the neighborhood. “Some of the folks have been living there for over 20 years,” Jones said. A free-market developer could have turned the Lealand into condos that would have fetched $225,000 apiece, she said. Instead, with New Columbia’s help, the tenants formed a co-op and bought it themselves, at $3,633 per share, with carrying charges of $700 a month.

Historically, government agencies as well as private organizations have used subsidies, such as below-market-rate loans, to help people of modest means purchase homes. The home buyers are then free to sell at whatever price the market will bear. The land trust
arrangement avoids this pitfall, say its advocates. Land trusts keep homes affordable over time so that the subsidies do not have to be provided over and over again, said Julie Orvis of the Institute for Community Economics. The institute promotes the land trust concept and also maintains a revolving loan fund that lends money to land trusts. Its efforts helped create 468 new land trust units last year, raising the nationwide total to over 4,000.

A typical institute borrower is the Community Land Cooperative of Cincinnati, which is trying to keep housing affordable in the city’s fast-developing West End. “What’s happening is that we’ve got developers coming into an area where traditionally poor people have lived,” said Diane Forte, the associate director. “We’re trying to protect what’s left.” Since 1980, the cooperative has made 44 homes permanently affordable, and given lower-income West End residents an alternative to public housing. Its clients would not likely qualify for mortgage loans on their own. According to Forte, “The people that we deal with, banks probably wouldn’t look at.”

Land trusts have generated some controversy for the restrictions they place on their homeowners, who cannot reap the full benefits of owning a home when it comes time to sell. And this limitation on owners can lead to another problem. “The biggest detraction [of land trusts] is that if not handled properly, the occupant can revert to a renter’s mentality,” said Don Hinkle, senior loan officer at the Delaware Valley Community Reinvestment Fund in Philadelphia. “The residents start to perceive the land trust as a landlord.”

But the very element of the land trust model that gives some people pause—restrictions on resales—is how the trusts keep real-estate speculators from boosting prices. “The idea is to limit what it can be resold for to keep it affordable for the lower-income people who are coming in behind them,” Jones said. While noting the possible downside, Hinkle said that land trusts often take tenants beyond the passive tenant mentality. “All it takes is organization and a little bit of democracy—regular membership meetings that build a sense of community.”

In any case, the land trust gives people like Seabrook a foothold in the housing market. She hopes in the future to buy a home without going through a land trust, one with no resale restrictions. “I see this
as kind of like a stepping stone,” she said, and not just for her. “Future generations can benefit from it, too.”

Mark Lewis, American News Service
Restoring the Corporation’s Historical Purpose

In “Value and Values: Whom Should Corporations Serve?” (Spring 1996), Nell Minow again—and appropriately—addresses the role of the corporation in society. This issue daily becomes more critical as corporate power expands with little restraint and next to no accountability.

Although Minow notes that “corporations are traditionally spoken of as created to maximize the wealth of investors,” in her book *Power and Accountability* she comes closer to identifying the real reason sovereigns and states initially granted life and special powers to private corporations. There Minow observes that, “in the original concept of the corporation, charters were granted to meet a particular perceived need. Each company had an industrial purpose....The corporation’s mission was seen as providing goods and services that society had determined to be desirable.”

In fact, as I demonstrate in *Tyranny of the Bottom Line*, the early corporations were chartered for a *public* purpose, not an industrial one. Stockholders, like workers, were allowed a fair payment, but this was not the mission of the corporation. “The development of the corporation,” according to business historian Ross Robertson, “was in reality the transformation of an instrument of communal service to accommodate the demands of a new industrial age.” Narrow self-interest came later. As David Finn observed, “It was not until the middle of the 19th century that a profit-making commitment to stockholders was formulated as the major corporate goal. In the process, what was once management’s obligation to contribute to the public good became a matter of [the manager’s] personal taste.”

America’s colonization was accomplished largely through corporations: the Jamestown Company, the Massachusetts Bay Company, the Plymouth Company, and the London Company. John P. Davis, in his massive study on corporations, noted that “The government of England... aimed to secure the development of colonies, a
public purpose, through the stimulation of private interest by grants of political and commercial privileges.” As the colonizing corporations metamorphosed into colonies, their weak governments in turn looked to chartered private corporations to meet public needs. These early corporations mainly provided transport, water, insurance, library, and banking services.

Inevitably corporate charters were extended to other types of enterprise less concerned with the public interest, such as manufacturing. Although many saw such corporations as dangerous, legislators, especially in the new, unpopulated states, sought to attract them, not infrequently stimulated by decidedly nonpublic campaign contributions. Populist concerns were swept aside and, especially during the 19th century era of westward expansion, the corporation’s public purpose atrophied.

But the last straw, the *causa finalis*, was the well-intentioned securities acts of 1933 and 1934. This legislation sought to prevent the kinds of abuses that occurred during the 1920s in the financial markets by requiring corporate accountability to financial investors. Unfortunately, accountability to other stakeholders—to employees, customers, and communities—was not mandated. As a result, in the succeeding years business executives, financial investors, policymakers, and the general public came to accept the policy implicit in the legislation that accountability was owed only to stockholders and not to other stakeholders.

Legally mandated corporate accountability to stockholders produced today’s emphasis on stockholder returns above all other interests. The result has been abuses—often costly and sometimes fatal—of workers, communities, customers. *Many, perhaps most, of these abuses can be prevented by extending full and fair accountability to all stakeholders, not just to stockholders.* Accountability compels responsibility: corporate managers at all levels will think differently about decisions such as those made by executives at A. H. Robins (the Dalkon Shield), Dow Corning (silicone breast implants), Union Carbide (lethal leaks and emissions), and North Carolina’s Imperial Food Products (chicken processing plant fire). And accountability will enable stakeholders to, as Minow proposes, use their money and their voting authority to support the policies they choose—to effectively “vote with their feet.”
Accountability to stockholders was attained through legislation; should accountability to stakeholders also be legislated? Because legislation is often co-opted, I believe the better approach is to build a national citizens’ movement demanding accountability before any laws are introduced (and this demand may even make laws unnecessary). With the launch in April of the Stakeholder Alliance, this movement has begun.

The Alliance will bring pressure in the marketplace and in all legitimate forums for a comprehensive, annual *Corporate Report to Stakeholders*, supplemented by periodic ad hoc reports as necessary. For example, city councils will be able to require this report before granting industrial revenue bonds; colleges may require such reports before companies are allowed to recruit on campus. The Stakeholder Alliance will bring the muscle of hundreds of public interest organizations and hundreds of thousands of individuals to bear on corporations to demand the full and fair accountability that the free market system requires.

I wish there were more stockholder activists like Nell Minow, who recognize a responsibility of the corporation beyond the mantra we teach in MBA programs to “maximize stockholder wealth.” I would, however, encourage her to rethink her conclusion that “The ultimate aim of a corporate governance structure must be that it is continually reevaluated so that the governance structure can adapt itself and the company as necessary for changing times and needs.” The ultimate aim of a corporate governance structure should be to serve the interests of the public that grants it a charter—indeed that grants it not only special benefits but life itself—by seeking a *balanced* return to all stakeholders.

Ralph Estes

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Corporations, Responsibility, and Shame

If America is going to depend on personal responsibility more, and on government less, then the largest, most powerful and pervasive “persons”—corporations—are simply going to have to do their part. In moral terms, they are going to have to accept the responsibilities that go along with their rights and privileges. That is basically what Nell Minow is talking about. It is not new or radical. To the contrary, it is simply an attempt to get back to traditional moral and social values in the economic sphere—and to what corporations originally were supposed to be for.

As others have pointed out, corporations were not invented to make money. They were supposed to be “mediating institutions”—guilds, boroughs, and the like—which gave stability and structure to the large social space between the individual and the state. Even after the corporate form was adapted for commerce, these entities were expected to serve the public interest above all else.

Today, corporations continue to enjoy the extraordinary legal privileges that went along with that bargain. The Supreme Court has deemed them “persons” under the Fourteenth Amendment, for example, and therefore entitled to the protections of the Constitution. But corporations have shed their corresponding responsibilities. Increasingly, they have become disrupters of the very stability and cohesion they were supposed to promote.

If we continue a policy of liberal permissiveness towards these artificial persons, while we real people try to toe the line, then we should not be surprised if the result is continued social breakdown and environmental decay—and more demands for governmental regulation. The first big impetus for such regulation, let us not forget, came at the end of the last century, when state charter restrictions on corporations were crumbling and the federal government had to fill the void.

Most people agree that top-down regulation is not the best answer. That leaves two alternatives. One, we can ignore the problems. Or two, we can try to build a proclivity for decent behavior into the workings of corporations themselves, so that regulation is less necessary.
Employee ownership is just one approach. More broadly, there is local ownership, along the lines of the Green Bay Packers football team. Tiny Green Bay can compete with Dallas and New York largely because of the unusual stability and support that comes when local residents are also shareholders. Green Bay fans do not have to worry that a greedy owner will abscond with the team. Think of the boost that civic spirit in America would receive if more businesses were owned that way.

Individual and family ownership can work much the same way. Owners who sit in church on Sunday with employees and neighbors are less likely to be cavalier about such things as spewing poisons into the groundwater or laying people off. They may be inclined to dig down a little deeper for the local community chest campaign. (It is not surprising that in recent years, corporate contributions to local charities have diminished, as big national firms have displaced local ones.)

Individual owners are not always paragons of civic virtue, but they at least have the ability to forsake a measure of profit for a larger good. The managers of large, publicly-traded corporations lack this moral freedom. If they forsake some profit, they invite the fury of Wall Street analysts. Shareholders might sue. The large publicly traded corporation separates ownership from individual responsibility, and often even awareness. In so doing, it tends to reduce all involved to the lowest common denominator of pecuniary self-seeking. As a shareholder in two mutual funds, I could not tell you, on any given day, the corporations that I am an “owner” of. I suspect I am not the only one.

There are ways to address this problem that are simple and direct. For one thing, we can make corporate officers and directors more personally responsible for the actions of the companies they lead. There should be less hiding behind the corporate veil, where wrongdoing is concerned.

Second, we can administer a dose of good old-fashioned shame, in the form of public information about corporate behavior. Both shareholders and customers need to know more about the corporations they deal with, so they can make informed decisions in the market based on their highest values, not just pecuniary ones. The
SEC already collects financial data on publicly traded corporations, for the benefit of Wall Street. Now we need to add social and environmental data for the benefit of the rest of us, who may operate on a different calculus of loss and gain. Many corporate leaders would like to do more for their communities, but worry that they could suffer competitively. Public information along this line would help to shift the balance and bolster the best instincts in the business world rather than the worst.

Ideologues *qua* economists will say corporations serve the nation best when they think of monetary gain the most. These Pollyannas need to think a little harder. Adam Smith’s notion of an “invisible hand,” guiding individual acquisitiveness to the benefit of all, was premised on a world of individual entrepreneurs, rooted in localities, with ties of affinity and “moral sentiment” that transcended the pursuit of pecuniary gain. It was premised on a world in which the corporation as we know it barely existed. If free markets are to work the way Smith envisioned, we have to reconnect the corporation to the moral universe he valued so highly. It will not just happen by itself.

Jonathan Rowe  
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**Bringing the Traditional Virtues to Left Liberalism**

In “A Few Questions for Communitarians” (Spring 1996), David Anderson raises important questions for those of us who are left liberals sympathetic to communitarianism. Do we share the communitarian concern that society suffers from an excess of individual liberty and a deficiency of personal responsibility? And how is our view of society’s “moral crisis” different from that of conservatives who would roll back, if not dismantle, the welfare state?

We left liberals reject conservative claims that the welfare state, by rewarding irresponsible behavior, has caused society’s moral
problems; careful empirical analysis fails to sustain the claim that programs such as Aid to Families with Dependent Children are a major variable explaining increased illegitimacy or related problems. Yet, we should acknowledge that any social safety net strong enough to assist responsible adults and their children will be subject to abuse by those who act irresponsibly. Welfare programs invariably protect some persons from the untoward consequences of their own moral weaknesses. There is a tension here that cannot be eliminated, though it may be moderated: social justice demands state assistance to those whose impoverished state is no fault of their own, but any program for providing assistance will encourage some persons in their irresponsible behavior.

This does not mean that we should abandon the welfare state. Nor does it mean that those who act irresponsibly should be left to starve out in the cold. We left liberals rightly insist that it is an affront to the principle of equal citizenship to allow any American to go without adequate food, shelter, or medical care. Yet, it is regrettable that any decent welfare system will give encouragement to the moral weaknesses of some, and we should be open to suggested reforms reasonably calculated to diminish that encouragement.

Any workable version of a left-liberal society will require in abundance at all levels such traditional virtues as self-restraint, diligence, integrity, dependability, and reasonableness. Consider: the cost of a national health care plan would soon become exorbitant if most of us did not act responsibly and reasonably in our health habits. Yes, we should have the right to smoke, drink, and eat what we want. But if we do not exercise those rights responsibly, then the result will be a system unable to sustain itself. More generally, a society in which our lives are bound together by government programs of social provision is one in which we have good reason to be concerned about the moral character of our fellow citizens. Too many of us left liberals have ignored this connection between virtue and the kinds of government programs we advocate.

Communitarians are alarmed at the extent to which claims to rights have proliferated at the same time as has irresponsible behavior in the exercise of those rights. They worry about the sustainability of a social system that grants people broad liberties but does little to
inculcate the virtues needed for the reasonable and responsible exercise of those liberties. We left liberals need to take these worries seriously and be attentive to the need for institutions and practices that foster qualities of character that counteract the all-too-human tendency to abuse liberty.

Virtue may be its own reward, but if society fails to reward it as well, too few people will refrain from abusing their liberties—such is an important lesson of communitarianism. Instead of denying the importance of virtue, we left liberals should focus on how existing economic arrangements let down far too many people who live responsible lives. Conservatives blame the welfare state for the alleged decline of virtue, but an unrestrained market is much more corrosive. Society’s values are shaped powerfully by its system of economic rewards and incentives, and it is unreasonable to think that virtue will thrive in a system that fails to provide economic security for a substantial proportion of responsible people at the same time that it delivers exorbitant rewards to rentiers and ruthless corporate executives.

The left-liberal project of employing public power to modify the social effects of the market remains an unfinished one. Especially urgent is the need to bring well-paying jobs to the inner city, and it is more than regrettable that many inner-city children grow up under conditions in which the connection between virtue and economic reward is tenuous at best.

Many left liberals worry that a commitment to the traditional virtues is incompatible with the recent social liberation movements to which Anderson refers: feminism and the homosexual rights movement. But the rejection of traditional conceptions of gender is perfectly consistent with acknowledging the social importance of the traditional moral virtues. Conservatives have conflated traditional institutions (such as heterosexual marriage) with traditional virtues (such as fidelity and discipline), which are qualities of character that can be exhibited outside of traditional institutions. There is no necessary connection between old-fashioned gender roles and old-fashioned virtues. Left liberals should reject the conflation of the two and turn the discourse of virtue against conservatism and its efforts to roll back the advances American society has made over the last
half-century. Communitarianism can be an important ally of left liberalism in this regard.

At the same time, left liberals should not bemoan the current state of society as if it were at its moral nadir. Contemporary society is in many respects the product of left-liberal politics and is much the better for it. It is plausible to think that there has been a decline in the traditional virtues, and it is prudent to pay attention to the cultivation of those qualities of character critical for the well-being of society. But in assessing society’s moral health we should avoid the mistake of equating the decline of traditional institutions with the decline of traditional virtues. The left-liberal commitment to social progress demands that some traditions be left behind even as others are assimilated into new institutions and practices.

Andrew Altman
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Early Communitarians

And while we are demanding and ought to demand, and will continue to demand the rights...God forbid that we should ever forget to urge corresponding duties upon our people: The duty to vote. The duty to respect the rights of others. The duty to work. The duty to obey the laws. The duty to be clean and orderly. The duty to send our children to school. The duty to respect ourselves even as we respect others. This statement, complaint and prayer do we submit to the American people and Almighty God, 1905.

W.E.B. Du Bois, The Declaration of Principles of the Niagara Movement
CHRISTOPHER BEEM directs The Council on Civil Society, a project jointly sponsored by the University of Chicago Divinity School and the Institute for American Values.

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SEYMOUR MARTIN LIPSET is a professor of public policy, public affairs, and sociology at George Mason University. His most recent book is American Exceptionalism: A Double-Edged Sword.

MICHAEL PETERSON is Professor of Special Education and Rehabilitation in the College of Education at Wayne State University. He is co-director of the Neighborhood-Based Personal Supports Project in Detroit’s Empowerment Zone.


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