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The Flip-Side of the First Amendment
Michael Eisner

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” Employing just 45 words, the founding fathers managed to establish the freedom to pray any way you want—or not pray; say anything you want—well, almost anything; publish any ideas you want—of course libel is out; get together in any place you want—sort of; and if that’s not enough, to complain to the government about anything else you want to complain about.

But no matter how many times the First Amendment is quoted, there is one key aspect of it that is consistently overlooked, an aspect that is of special significance to all of us who work in news and in entertainment: the First Amendment does not apply to us.

Of course, I am well aware that we are all direct beneficiaries of the First Amendment. But our role is passive. The fact is that the amendment is not directed at us. It all goes back to the first of those 45 words, “Congress shall make no law....” In other words, it is setting rules of behavior for the government, not for us. This makes the amendment all the more remarkable. After all, most legal documents dictate the behavior of citizens, instructing us on everything from how to drive
our cars, to how to build our homes, to how to pay our taxes, to even how to protect corporate trademarks with large round ears.

The First Amendment does just the opposite. It regulates the government, and lets us be. This puts the United States in stark contrast to most other nations. Consider the words of Nelba Blandon, who was Nicaragua’s Director of the Office of Mass Media a decade ago. Here is what she had to say about the editorial content of one of Nicaragua’s newspapers, *La Prensa*: “They accused us of suppressing freedom of expression. This was a lie and we could not let them publish it.”

This is why I say the First Amendment does not apply to us. It applies to the would-be Nelba Blandons and keeps them off our backs, leaving us free to express ourselves as best we can.

**Hiding Behind the Constitution**

Consider my own experience. I’ve been involved in the making of TV shows, movies, theme parks, and news. I’ve been involved in producing mediocre entertainment, good entertainment, occasionally great entertainment, and sometimes even important entertainment. At Paramount, we made “Reds,” which was about the communist John Reed. At Disney, we made “Blaze,” which was about Louisiana Governor Earl Long, and “Nixon”...about Nixon. Never once did I think, “What will the president think?” or “What will a governor think?” or “What will a mayor or city council think?” I say this not because I am fearless, but because the First Amendment gives us nothing to fear.

What I do think about is how we in the media sometimes conveniently embrace the First Amendment. How many times have you seen entertainment executives justify the release of vile programs and repugnant lyrics by sanctimoniously proclaiming, “Freedom of speech?” This same self-serving behavior can be seen in the newspaper business as well, as certain publishers will print egregious material and then eagerly hide behind the skirts of the Constitution, saying, in effect, “The First Amendment made me do it.”

I am sure that when we were all in school, we read the Bill of Rights often and thoroughly, and knew well that the first five words are, “Congress shall make no law,” and realized that the First Amendment
limits the government from acting repressively. We also learned, however, that the First Amendment does not give license to the media to act irresponsibly. Because the First Amendment does regulate the government, it has made our jobs much easier. But, at the same time, it has also made our jobs more challenging. The government has to allow freedom of expression; we have to make choices. We all have to be editors—journalists and entertainers alike. Since the government will not tell us what we can’t do, we have to tell ourselves what we can’t do.

This makes for tough choices. For example, last year we recalled an album because we found the lyrics offensive. Because we are far from perfect, the album did get recorded and it did get released. When one of our executives brought the offensive lyrics to our attention, we took what we felt was the appropriate action.

Then there is a certain television show you may have heard of that last year we decided to keep on the air, despite the fact that its star walked publicly out of the closet. It would have been very easy, instead, for The Walt Disney Company to simply walk away from the show. But, we didn’t for a very simple reason: “Ellen” was a good show. It was creative, intelligent, well written and—of particular importance for a situation comedy—it was actually funny. Just recently it won the most coveted award in broadcasting—the Peabody Award. In other words, our most controversial show passed the same test as arguably our least controversial show—“Home Improvement.” It was creatively worthy, and we stuck by it.

There is a constant tension between allowing artists who work for us to have the right to free expression, and exercising personal responsibility regarding the content of the product we put out. These decisions are tough. But they are decisions that must be honestly confronted. We are dealing with the human core here. We know what is embarrassing, what makes us so anxious as to be unpleasant, what forces us to lose our poise and cover our face. Edit we must—not to stifle conflict or conviction, but to eliminate debasement.

I guess what I am talking about is good taste and good judgment. We are brought up to have it, then generally lose it during our teenage years, and hopefully get it back. The underlying issue is not content, but the way content is presented. Almost any subject can be dealt with
tastefully in entertainment or in news; and almost any subject can be
dealt with in ways that demean. Done well, all sorts of issues are
worthy of exploration, from heterosexuality to homosexuality, from
peace to violence, from infidelity to blissful marriage, from democracy
to merciless oppression, from racial harmony to riots.

But there is a boundary—and, generally, we can all recognize
where that line is—where fantasy, adventure, and escape turn to
irresponsible depiction and inappropriate behavior. Short-term prof-
its—even long-term profits—do not excuse clearly unethical deci-
sions. Citizens fighting like hockey players on television over sexual
infidelities; disc jockeys who make racial and incendiary comments;
rock groups advocating violence on women and police—these all are
permissible under the First Amendment, but they are not desirable if
we aspire to call ourselves civilized.

Avoiding the Race to the Bottom

Of course, the pressures are great to just join in. In all our busi-
nesses, a race to the bottom seems to be gaining momentum. But I
believe that most of us are willing and wanting to head in a different
direction. This is because we find that it is the high road that tends to
take us to the best destinations, while the low road often leads to a dead
end. Of course we all take detours, travel the dark at times rather than
the light. But in the end, the light hopefully will prevail.

We are part of the civilized world, or at least we are supposed to
be. Does not civilization depend on less brutality and aggression? We
separate ourselves from the rest of the animal world by learning
manners and poise and suppressing our primal instincts. And if all we
do in creating intellectual product is feed those suppressed desires, we
will simply be encouraging barbarity.

There is no exact formula to tell you what is right, and on occasion
in the creative process content is produced that later you wish had
never made it out of the editing room. But more often than not, diligent
and thoughtful discussion results in quality programs. The fact is that
quality generally does win out. From “Schindler’s List” to “Sixty
Minutes” to “Seinfeld” to “Beauty and the Beast,” it is work of quality
and honor that is valued in the long term.
The choice of the high road or the low road is one we all get to regularly make—thanks to the First Amendment. By not dictating the road we must take, it leaves us no choice but to choose for ourselves. It allows us to revel in responsibility, to strive to edit our careers—and our lives—wisely and well.

In the end, when we find ourselves on our deathbeds, I don’t think we will say to our adoring family hovering nearby, “Do you remember that really salacious nude roller skater I put on the air back in ’98? Wasn’t that great television?” And I don’t think our adoring spouses will smile and say, “Yes dear, that was wonderful.” If we keep this in mind, I think we’ll all do all right.

**Character Education in the First Three Years of Life**

Norton Garfinkle

Over the past decade a new consensus has been taking hold around the view that character building ought to be one of the nation’s educational priorities—a common-sense notion that, surprisingly enough, seemed rather novel and revolutionary when it was first proposed by character education advocates as recently as ten years ago. Not only has character education been put on the national agenda, the educational community has also come a long way toward defining the specific components of successful character education programs in primary and secondary schools—including such factors as parental involvement, the style and content of instruction, effective school administration, and even the role of athletics programs.

One area of character education we are only beginning to explore is the experience of very young children. The recognition that preschool intervention can be of decisive help in equipping children for learning dates back at least as far as the Head Start program of the 1960s. Recently we have seen renewed attention by policymakers to the role played by a child’s earliest experiences in providing the
foundation for educational aptitude. In 1997, the White House sponsored an important and widely publicized conference on child development which highlighted the impact of early childhood on the growth of intelligence and cognitive skills.

But only now are we focusing on the evidence that those early years are also critical in laying the groundwork for the growth of moral character. Many of the strongest contributors to positive character development occur in the first three years of life, and many of the toughest character problems that educators are likely to confront have roots in experiences that take place long before the child first arrives at the schoolhouse door. In the effort to shape a comprehensive approach to character education, it would make sense to factor in consideration of the child’s earliest years.

“Attachment” as Cornerstone

If a central conception has emerged in child development research over the past 30 years, it is that of “attachment.” Experts agree that the child’s attachment in the first years of life to what is called the “primary caregiver” (usually, though not necessarily, the mother) forms the cornerstone of both cognitive and moral development. Studies have found that infants develop security in their caregivers based on their experiences of consistent, sensitive, helpful, responsive care. A secure attachment derives from the infant’s confidence that his or her help-seeking signals will receive a prompt and appropriate adult response and that the emotional exchange with the caregiver will be loving, accepting, and kind.

Securely attached infants exhibit more intense play as well as less frustration when faced with problem-solving tasks. When they need help, they ask nearby adults; they are more curious and eager to learn; in nursery school, they tend to be social leaders, initiating and participating actively in group activities and being sought out by other children. Securely attached infants have been found to exhibit more friendly, cooperative behaviors toward peers and adults than ambivalent or avoidant infants, and they exhibit less fear of strangers.

The quality of the attachment relationship affects the child’s developing moral sense in several ways. Assured security helps the child to form meaningful social relationships, experience early inter-
action, and learn what interactive human relationships are like. The responsive parent models caring behavior as well as responsible social behavior. A firm attachment to a loving, caring parent can aid in the transmission of specific moral directives, and early discipline can begin to provide a framework for a child’s evolving sense of self-control. Therefore, it is important to strive for high-quality attachment and to help parents learn how to achieve this.

**Balancing Warmth with Limit-Setting**

The impact of different parenting styles on the formation of character has also been well documented. It can be dramatic from a very early stage. One researcher, Dr. T. Berry Brazelton, who has worked with many children, claims to be able to tell whether a child will succeed or fail in life by observing the child at the age of eight months. “A child’s sense of competence, his expectation of success, and his motivation to work toward it are laid down in the first years,” he writes.

Of course, the game is not in any sense over at age three, either in a positive or a negative sense. Later experiences—including those with family, peers, teachers, and other figures in the neighborhood and community—are critical and can in many cases make up for deficiencies in the earliest years. But the earliest years lay the groundwork for later development.

Based on the interaction of two key factors, warmth and restrictiveness, we can identify four main styles of parenting. Researchers have found that children whose parents are **warm and restrictive** make a relatively effortless accommodation to adult expectations. Those with **warm, permissive** parents tend to be self-confident and self-assured but unconcerned with following rules because they expect their transgressions to be overlooked. Children whose parents are **cold and restrictive** tend to be angry, anxious, and sullenly compliant. Finally, the most delinquent children tend to have parents who are **cold and permissive**; such children are hostile and rule-defying.

The preferred style has been described as “authoritative parenting” by the leading researcher Diana Baumrind, whose pioneering work beginning in the 1960s envisioned a four-fold typology, contrasting “authoritative” with “authoritarian,” “permissive,” and “rejecting-
neglecting” parenting styles (categories that closely parallel the four styles described above).

The preferred “authoritative” parenting style helps develop what Amitai Etzioni has identified as the two key dimensions of moral character: empathy and self-discipline. Attachment and warmth lay the groundwork for establishing empathic feelings about other human beings, while parental limit-setting teaches the child to defer gratification.

It is important to stress that the essential moral transaction, even in the earliest years, is based on two-way interactions between the child and parents, siblings, peers, and others. Morality, in Martin Buber’s brilliant formulation, requires a reciprocal I and Thou relationship based on an empathic understanding of each participant for the other.

We should also hasten to point out that it is not normally necessary for parents to consult voluminous child-rearing manuals to master these various principles. Most parents instinctively grasp the moral dimension of the child-rearing mission. Harvard psychiatrist Robert Coles found in speaking with mothers that they had, in his words, “learned to think of their quite young children, none over a year old, as even then on the way to adulthood and so in need of being strengthened or disciplined, protected or taught to accommodate themselves to the needs of others.”

But what if parents fail? Because children are so susceptible to their parents’ reactions and to modeling their parents’ behavior, whatever goes on at home has a profound impact on their development. This is true not only for the large majority of children from well-functioning families, but also of the smaller number of severely dysfunctional families.

Research has amply documented the deleterious impact of family dysfunction on the child’s emotional future. Our most serious concerns, naturally, focus not so much on the “less-than-ideal” parenting styles as on physically violent, abusive, or extremely neglectful home environments. While the evidence suggests, reassuringly, that the majority of battered children, contrary to media portrayals, will not automatically replicate abusive behavior in adult life, battered and
abandoned children are obviously at much higher risk for adopting such behaviors and can suffer other major setbacks in their emotional and mental development. Some examples:

- Children who have suffered physical or sexual abuse appear to be more likely to exhibit depression or antisocial behavior.
- Children from high-stress family environments have problems in attention regulation and self-control.
- Family climate may play a role in substance abuse extending well beyond infancy and early childhood. Low family cohesion, high conflict, a high incidence of death and divorce in the family, and parents’ permissive views of alcohol use characterize the families of youth at high risk for substance abuse.

**Effective Intervention**

What can be done to prevent at-risk children from suffering such deprivations or distortions in early character development? Numerous studies have shown that various intervention programs can be effective, though results vary depending on the design of the program and its intensity and comprehensiveness. One well-known, long-term project—the Carolina Socio-Moral Abecedarian Project—showed significant beneficial effects from intervention in disadvantaged households. Various studies of enrichment programs in orphanages have shown how such efforts can reduce the likelihood of mental retardation. Research suggests that the earlier the intervention, the better. A 1973 study of severely deprived Crèche children in Lebanon adopted at different ages showed that those adopted by two years of age had no lasting deficit, but that children who were severely deprived for longer than the first two years did not entirely make up for their earlier deficit, although they developed at a normal rate after being adopted.

More recent intervention efforts have focused on teaching parents parental skills. These initiatives have been shown in various studies to be effective in increasing caregivers’ positive behaviors toward their children.

At present there exist numerous local programs to help disadvantaged parents with early childcare (we are focusing here on childcare programs proper, rather than on preschool programs such as Head
Start. Funded by grants from federal and state governments and private institutions, they fall broadly into two categories—family support programs, which involve home visitations by parental trainers, usually weekly; and so-called two-generation programs, which offer a variety of activities for both parents and children (hence the “two-generation” label). Both are designed to give parents positive guidance on the basics of good parenting.

There are also some significant private programs that attempt to improve the skills of parents. Parents as Teachers (PAT) educates parents about emotional, physical, and intellectual development by sending 8,000 trained professional parent educators to parents’ homes. Lamaze educational programs provide instructional magazines and other educational materials as well as direct instruction to more than 3 million new parents each year through 13,000 Child Birth Educators and more than 3,000 Nurse Educators. These programs provide information to parents concerning best practices with respect to prenatal and early childhood physical, mental, psychological, and moral development.

The president’s recent childcare proposals could greatly expand funding for such efforts—in particular, the proposal for an “Early Learning Fund” of $3 billion in challenge grants to states over five years. Among the activities that the fund would support are parental training and home visitation.

The “First Community”

The simple biological and human reality is that the formation of the responsible citizen really begins in the cradle. Thus programs to improve parenting skills are an extremely cost-effective way to strengthen the moral character of the citizenry. Those based on well-documented “best practices” can play a significant role in helping families provide their children with the basic elements of positive character structure. Public policy should concern itself not only with disadvantaged families, but also with improving the quality of character education throughout society.

There is a case to be made that the character education agenda will not be complete until such a focus on the early years comes to be seen as integral to the overall character education effort. These efforts need
not be by the government. There are some very successful private parent education programs. But those programs can only be encouraged and supported by the important role that government can play in promoting character education in those earliest years of life.

The family is the “first community.” It is the agent for transmitting society’s values to each new generation. It is also the bedrock of the social order, the main force for shaping individuals into responsible members of their communities and of society as a whole. The family provides the basic support for an ordered society, but in a healthy nation, society, in turn, should support the work of the family. In our collective effort to build a morally healthy society from the ground up, the earliest years of life are the appropriate place to begin.

**Freedom of the Press: Freedom from Accountability?**

Nat Hentoff

In 1989, the *Globe*, a supermarket tabloid, published a story based on a book, *The Senator Must Die*, by a former contract CIA agent, Robert Morrow. It claimed that the true assassin of Robert Kennedy was Khalid Khawar. Born in India, Khawar had been working, the magazine’s report continued, for the Iranian secret police together with the Mafia.

Khawar was indeed present in the Ambassador Hotel in Los Angeles when Kennedy was killed, but all he was doing was taking photographs for a Pakistani news magazine. On learning that he had been accused of this horrifying crime, Khawar sued the *Globe* for libel. Because of the article he had received death threats from all over the world, he says, and his three sons had also been threatened with death.

During the lawsuit it became clear that none of the people at the *Globe* involved with the story had tried to check its accuracy. As Mike
Wallace added in his account of the libel suit on CBS’s “60 Minutes,” “The Globe had not even tried to contact Khawar.”

The jury awarded Khawar $1.175 million because, it said, the magazine had engaged in reckless disregard of whether the story was true or not. The Globe appealed, and the California Court of Appeals affirmed the verdict in favor of Khawar. As one of the appellate judges said to the lawyer for the Globe during oral arguments, “What you’re saying, counsel, is that the newspaper has no business to take a look at what is printed in this outlandish book and determine whether there is a scintilla of truth in it.”

The Globe has appealed to the Supreme Court of California and has been joined by an array of the nation’s leading newspapers and broadcast organizations. Among them: the Los Angeles Times, the New York Times, the Hearst Corporation, the Associated Press, CBS, NBC, ABC, the Society of Professional Journalists, and the Reporters Committee for Freedom of the Press (of which I am a dissident member in this case).

Why are all these formidable press institutions going against Khawar, who surely has been unfairly treated by one member of the press? The reason is called “neutral reporting,” a qualified press privilege available in a minority of states. It is defined by Kelli Sager, a Los Angeles attorney who specializes in media cases and is involved in this one: “It is the idea that a news organization can neutrally and accurately report on a matter of public controversy without taking sides, without knowing or making a judgment on who’s telling the truth, because it is important for the public to know what charges are being made.”

To “accurately report,” in this context, means that if you make no mistakes in reporting what someone else has said in a matter of public controversy, you are under no obligation to check the facts—no matter how damaging or bizarre the charge is. In its account of the Khawar case, CBS’s “60 Minutes” revealed the dangers of unfettered neutral reporting—even though CBS itself has signed on in support of the Globe. On the air Mike Wallace said, “This case is about a human being and his family. I know damn well I would never in a million years have been permitted to put on ‘60 Minutes’ what the Globe put on in their magazine.”
The presidents of CBS, NBC, and ABC News refused to appear on that segment of “60 Minutes,” but Howard Kurtz, the *Washington Post*’s press critic, was characteristically forthright: “To hurl a charge of murder and not call the accused: ‘Can we get your side of the story?’ That seems to me to be just the epitome of journalistic malpractice. The nation’s top news organizations have a knee-jerk tendency to rush to the defense of any journalist in trouble. They’re afraid [the case] would set some kind of legal precedent. I don’t think we should apologize for the worst excesses of our business.”

A friend of mine is the attorney for a news organization that is supporting the *Globe*. “If Khalid Khawar wins in the California Supreme Court,” I asked him, “will you support the *Globe* in the Supreme Court of the United States?” “Oh, no,” the attorney said. “I wouldn’t take a chance of losing up there. Neutral reporting could then be a lost cause throughout the country. I want to keep the case in California.”

The lords of the press are justifiably apprehensive.

Forgiveness

_On the fifty year anniversary of Israel, Golda Meir’s line comes to mind: “Someday, when peace comes, we may forgive the Arabs for having killed our sons. But it will be harder for us to forgive them for having forced us to kill their sons.”_
What is “public philosophy?” To begin, public philosophy should be understood in contradistinction to the classical conception of a “universal” or “perennial” philosophy that is addressed to all human beings at all times. A public philosophy is rooted in, and addressed to, a particular public in a specific historical situation. It may include some universalizable claims, as did, for example, Abraham Lincoln’s Gettysburg Address. But that speech was addressed principally to citizens of the United States who found themselves in the midst of a great war fraught with contested moral significance. The validity of Lincoln’s assertions for other political communities raises a different set of issues altogether.

Second, a public philosophy goes beyond fundamental moral propositions such as “All men are created equal.” Public philosophy links such propositions with specific conceptions of sociopolitical institutions and public policy, within a basic understanding of how the world works. So, for example, scholars at the University of Chicago and elsewhere have developed neoclassical economics into a broad social theory with applications for law enforcement, family policy, and many other public issues. Through think tanks, pundits, and other promotors, this social theory has become a widely discussed (though less than dominant) public philosophy.
Third, a public philosophy represents an effort to solve specific public problems. In the United States, one of the most creative periods for public philosophy occurred between 1890 and 1920, as intellectuals and political leaders grappled with the challenges of an economy whose base was shifting from agriculture and crafts to industrial corporations, a society in rapid transition from rural small towns to large cities, a diversifying population swelled by unprecedented waves of immigration, and an increasingly corrupt and unresponsive political system. This period spawned the era of Progressive reform and culminated in the New Deal, whose public philosophy dominated the US political landscape from the 1930s through the early 1970s.

Today, the United States is facing a similarly broad array of problems. I would single out three: the economic anxiety produced by the shift from a hegemonic national industrial economy to a global information economy; the social disintegration associated with the decay of traditional sources of stability and meaning—such as nuclear families, neighborhoods, and voluntary associations—along with the growth of a social understanding focused almost exclusively on individual rights; and the political dysfunction that accompanies the decline of traditional parties and the rise of a politics dominated by the media and concentrated economic power.

Beyond these dominant features of the American landscape (some of which have their counterparts in Europe), there are problems common to virtually all Western democracies: a dramatic imbalance between the social promises of the welfare state and the resources available to meet those promises; an increasing orientation toward present consumption at the expense of investments for future needs; a growing tension between the requirements of national unity and the centrifugal tugs of subnational identity groups based on region, ethnicity, or religion; an escalating citizen mistrust of government and established institutions in general; and the weakness of the voluntary associations of civil society that should discharge many of the functions that governments perform badly or not at all.

As one might imagine, intellectuals and political leaders in the United States have begun to respond to these problems with efforts (some quite preliminary) to forge new public philosophies. We are beginning to ask ourselves some basic questions: Is the approach to
economics and governance inherited from the New Deal adequate to our changed circumstances? Has the enormous expansion of rights over the past three decades imposed excessive costs in the currency of social decency and solidarity? Has the effort to reform traditional political structures during this same time period culminated in the disempowerment of the citizens these reforms were intended to serve?

In these fluid circumstances, it is hardly surprising that proposed responses to these difficulties diverge sharply from one another. Some on the left argue that the insecurities of the new economy necessitate an expansion of the New Deal welfare state in the direction of social democracy. Some on the right argue for the end of the welfare state, or at least its devolution to subnational authorities. Neoliberals argue that collectivist means are no longer adequate to progressive ends and that the programs and governance institutions inherited from the New Deal must be “reinvented” in accordance with norms such as competition, choice, and responsibility. Thinkers inspired by the tradition of democratic theory and the experience of the 1960s recommend a turn toward “deliberative democracy” that increases direct citizen participation and diminishes the influence of interest groups on political outcomes. Proponents of civil society and community recommend a turn away from both official politics and the market in the name of voluntary structures that rely not on coercion or hope of gain, but rather on solidarity in pursuit of shared ends.

I cannot hope to do justice to these complex countercurrents. In the body of this essay, I sketch an approach to public philosophy within the US context, an approach that I call “liberal community.” While it touches on all of the central problems I sketched earlier—economic anxiety, social disintegration, and political dysfunction—it bears most directly on social issues. And it reflects not only my scholarly background in political philosophy, but also experiences gleaned from four national presidential campaigns and from two and one-half years of service to President Bill Clinton.

**Why Liberal Community?**

What are the public problems in the United States today to which the theory and practice of liberal community are a response?
First, as a society we have unduly neglected the conditions of individual nurturance and growth. It is worth reminding ourselves that we are not born citizens, we are not born virtuous, we are not even born knowing how to be parents. We must learn these things through specific processes lodged in specific institutions. We need an enhanced focus on families, neighborhoods, schools, voluntary associations, and religious institutions (among others) as key sources of character formation. That is one reason why liberal communitarianism is typically linked to an appreciation of what is called “civil society”—the dense network of voluntary attachments that stands between individuals and the state and that help connect us to one another and to the polity’s public institutions.

The second problem is what I will call “economism”: the tendency (for purposes of political analysis, policy formulation, and institution building) to believe that social and public behavior can be understood as guided only by a narrow calculus of self-interest. That perspective is simply inadequate as a way of understanding human action, and from a political standpoint it is entirely self-defeating. Our public institutions do not possess enough carrots or enough sticks to induce appropriate individual behavior. If a well-ordered society is to arise and persist, most of its members must do the right thing most of the time because they believe that it is right—or at the least, out of ingrained habit rather than conscious calculation.

That principle applies not just to the political sphere, but to the economy as well. The economy is not just the concatenation of individual self-interest; it is also a structure of rules that must be obeyed, for the most part not because they are enforced by some external authority but because the players believe that it is appropriate to obey them. This also applies to the virtues of the workplace. There is no business that can observe its employees so carefully as to terrorize them into maximum productivity or prevent them from sabotaging the business or stealing from it. In the workplace, as elsewhere, most people behave appropriately because they believe it is right, or do so out of habit. And here again, these beliefs and habits are not innate and do not arise spontaneously. They need to be created, and we must therefore concern ourselves with the social processes by which that occurs.
Another practical problem driving liberal communitarianism is what I will call hyperindividualism. (For now, let me simply list some of the manifestations of this error; I will return to these points later.) First there is the tendency to assert rights without accepting responsibilities. Second is the tendency to ignore or avoid responsibility for the consequences of our individual behavior for others, starting in our neighborhoods with simple issues—whether we mow our grass, paint our houses, repair broken windows, attend to litter on the streets. We are resources—positive or negative—for those around us; what we do or fail to do for ourselves affects them as well. And the fact that we affect people in that way is a source of moral connection with them that must be examined systematically. A third manifestation of hyperindividualism is the desire to gain the benefits of social cooperation without accepting the burdens of the shared activities that are needed to produce those benefits. A final manifestation is the tendency to assert our freedom at the expense of connection with other human beings. Liberal communitarianism is in part a response to the perception that the kinds of behavior to which hyperindividualism characteristically leads can make it very difficult to sustain a well-ordered society, and in particular a well-ordered liberal democracy.

A final category of practical problems giving rise to the communitarian impulse is a loss of confidence in the definition, acceptance, or enforceability of a shared national identity. We Americans have endured an extended period in which the vociferous discussion of plurality has all but drowned out the quiet contemplation of unity, to the extent that we are no longer sure of the meaning of the ancestral phrase “e pluribus unum” or of the terms on which it might be reasserted.

Let me offer some examples, drawn from the daily newspaper, of specific problems that reflect the kinds of concerns just sketched: a large number of young people growing up without even rudimentary training in the core virtues of human beings and citizens; an epidemic of teen violence and sociopathic behavior; an equally troubling (and likely related) epidemic of individuals whose biological responsibility for children is decoupled from the emotional, economic, and moral responsibility to remain connected to them and care for them; and the high percentage of people who cherish the right of trial by jury but who are themselves unwilling to serve as jurors. In a similar vein is one of
my favorite anecdotes from the savings and loan scandal: when it became clear that our country would be compelled to pay billions of dollars to resolve the crisis, one man stood up in a crowded town meeting and said, “I don’t understand why the taxpayers have to pay for this; why doesn’t the government do it?” A final example: in state after state, it has proved almost impossible to draft public school curricula in such a way as to pass muster with the various political forces arrayed as judges, jurors, and executioners of any publisher brave enough to come forward with an eighth-grade history textbook. This is the symptom of something gone seriously awry—the loss of balance, moderation, and unity in our common life.

**Liberal Community: Broad Themes**

So much for the problems that evoke a liberal communitarian response. Now let me sketch that response, beginning with the general concept of community.

Adapting Aristotle, I think of community as a sharing association involving two or more human beings. This simple definition directs our attention to some key dimensions of analysis. Communities will reflect what it is that their members actually share. There are important distinctions concerning how something is shared. Sharing can take the form of participation in a good that is collectively produced, such as national defense. Alternatively, sharing can take the form of participation in a common activity that would be diminished without the co-participation of others. The homeliest example of this would be the telling of a joke. Telling a joke to oneself is not the same (and hardly ever as good) as telling it to others—particularly if they laugh. But regardless of the response, the presence of others generates a qualitatively different experience.

Based on this general definition of sharing association, we can see that communities range from the small to the very large: friendships, families, neighborhoods, voluntary associations, religious institutions, cities, regions, national political communities. There are even transnational communities: for example, the international community of scientists with its own membership, rules, and purposes. This underscores the broader point that it is meaningful to talk about individuals separated by vast distances who nonetheless share things
important enough to constitute communities in the full and proper sense.

Many communities are brought together and held together by *shared purposes*. Here are some instances of this: sports teams, political campaigns, scientific laboratories, orchestras. These examples, among many others that might be offered, have some common characteristics. All have tolerably clear goals (which is not to say that they are lacking in complexity). These goals structure a range of debates over appropriate strategies and tactics for carrying them out. They orient common enterprises that do not in any way entail uniformity—the absence of differentiation or individuality among their members—but are consistent with a wide range of individual goals and expression and do not require the subordination of individuality to collective purposes.

In groups so constituted, there is a place for legitimate self-interest and even intragroup competition. There is a tolerable midpoint in all these groups between self-effacement and what in sports is called hot-dogging. There is a certain point of self-promotion and self-display beyond which members of communities of shared purposes are expected not to go, and are subject to disapproval if they do. Nonetheless, up to a point the display of individual distinctiveness and excellence is fully consistent with the pursuit of the shared purposes of the group.

The final point about community, so understood, is that the shared purposes constitute a basis for defining the common good. The common good is not some theoretical notion floating in moral hyperspace. It is a practical reality. It is what the members of the groups have in common. It is what they accept and pursue in common.

I do not want to suggest that shared purposes or overlapping interests are sufficient to define a community; if they were, a wide range of commercial relations and transactions would qualify. There must also be some combination of the following. First, there must be some ingredient of what Aristotle called *fellow-feeling*, a kind of emotion connecting the different members of the community. There must be some special *moral weight* accorded to the particular family or party or country to which one is affirming a connection.
And finally, there must be a sense of *shared fate* with the other members of the group. This can take a number of forms: the sense that we are all in it together, that what happens to the person across the street in a sense happens to me as well; or a kind of sympathetic identification—being able to say about misfortunes befalling other members of the community, “There but for the grace of God go I.” These latter ingredients of community might be called “nonpurposive sharing,” as an alternative (in some cases) or an adjunct (in others) to the above developed idea of shared purposes. This second kind of sharing can involve history or myth, ethnicity or race, religion or faith, or even strongly held sentiments or feelings.

Whatever their other features may be, communities also require some stability of attachment over time, that is, some continuity. That suggests that processes of very rapid change—economic, social, or moral—stand in tension with the maintenance of community, however constituted and understood.

This consideration raises an important practical question about the relationship between community and modern political economy. Many believe that the United States and other advanced industrial democracies need a multiplicity of vibrant communities along the lines just sketched. Many of these same people also believe that there is no serious alternative to an open global economic system, along the lines promoted by treaties such as NAFTA and GATT. The basic thesis is that over time, we will all be better off (as measured by our income, opportunity, and standard of living) if we accept the need for openness. But the forces of openness are also the forces of what Joseph Schumpeter called creative destruction. In order for the promise of this openness to be realized, many forms of economic activity—and many forms of community, rural and urban, that have grown up around these activities—will be severely weakened if not undermined altogether.

What form of political economy is most compatible with the maintenance of community? This is an unresolved problem. It is made even more complex by the fact that given the basic assumptions of modern life, a period of prolonged economic stagnation is itself inimical to the maintenance of community because it unleashes highly
conflictual forces among individuals and groups. So the conundrum is that we need economic growth to diminish conflict within communities, but at the same time the only way in which growth can be achieved under modern circumstances makes it difficult to sustain the stability of specific forms of economic production that lie at the heart of particular forms of community. This tension represents a grave challenge for all who take seriously both community and economic dynamism.

Community is, among other things, a cooperative endeavor. Membership in a community therefore entails the willingness to accept the burdens as well as the benefits of that cooperation. More generally, it embodies the principle of reciprocity, the willingness to do one’s fair share to promote the community’s purposes and uphold its institutions, provided most others do so as well. A leading liberal theorist, John Rawls, has advanced versions of these propositions, one more bit of evidence that the phrase “liberal community” is not a contradiction in terms. From a communitarian perspective, two points must be stressed.

First, if one views community as a cooperative endeavor to produce a joint product, then one’s willingness to participate in that process of production affects the claims one can make on the community. One is not free to say, as in Woody Allen’s famous quip, that 80 percent of life is just showing up. You have to do something; if you do not, your legitimate claim on the community is thereby diminished. So Rawls’s notion that individuals are sources of valid claims at least must be modified to include the dimension of relevant performance as well as bare existence.

Second, the idea of reciprocity itself rests on an underlying sense of solidarity with other members of the community. It is this more primordial identification that makes it possible to accept and discharge the responsibilities of reciprocity.

**Liberal Communitarian Constitutionalism**

The public purposes that constitute communities must be converted from abstractions into specific institutions and policies, as well as specific understandings of citizenship and of relevant virtues. The next step, therefore, is to lay out what might be called liberal communitarian constitutionalism.
Consider the Preamble to the US Constitution. The Constitution is admirably terse in every respect. The Preamble could simply have said, “We the people of the United States do ordain and establish this constitution of the United States.” But it says more than that: “We the people of the United States, in order to” and following those words “in order to” is a long list of shared purposes that give the constitutional institutions their point. Our Constitution is the model of a community based on broad shared purposes that are not so general as to be devoid of meaning or as to fail to distinguish our liberal democratic community from other forms of community.

A liberal democratic constitutionalism interprets public institutions and policies through the constitutional purposes as established in the Preamble. From this perspective, when Franklin D. Roosevelt interpreted the powers and responsibilities of his presidency in light of the need to preserve domestic tranquility and promote the general welfare, he was operating appropriately and not, as many conservatives allege, in a paraconstitutional manner.

The second key aspect of liberal communitarian constitutionalism occurs at the other end of the Constitution—namely, the specification of rights. John F. Kennedy’s famous declaration, “Ask not what your country can do for you, ask what you can do for your country,” represents one among an array of four basic options concerning the relationship between citizens and their government. Kennedy’s notion of giving without receiving emphasizes sacrifice in a manner that draws on civic republican traditions. The opposite option—receiving without giving—reflects the philosophy of entitlement or (as some would have it) dependency. The third option, which might be called libertarian, involves neither giving nor receiving. The fourth, the distinctively communitarian option, involves both giving and receiving—the path of reciprocity.

From this fourth perspective, we can talk both about what is right about rights and also about what has gone wrong with the contemporary practice of rights. Rights represent claims of individuals against government. Pushing rights claims beyond due limits can undermine the appropriate relationship between citizens and government—the relationship of reciprocity. During the past generation, the multiplication and enforcement of rights has at the very least pressed up against
these limits, a phenomenon that has evoked a communitarian re-
response.

First, communitarians suggest a moratorium on the creation of
new rights, not necessarily forever, but at least long enough to give our
politics and society a chance to catch up, to contemplate what we have
done, or to revise what seems excessive or unwise.

Second, communitarians emphasize that rights imply responsi-
bilities and that a system in which everybody claims rights but no one
discharges responsibilities will undermine itself, sooner rather than
later.

Third, communitarians propose that rights be interpreted with an
eye to the common good. For example, the fourth amendment to the
US Constitution prohibits unreasonable searches and seizures. The
word “unreasonable” is not self-defining; it needs to be interpreted;
the question is, interpreted in light of what? The communitarian
answer is: in light of the requirements for maintaining one of the
fundamental purposes of community as defined by the Constitution—
namely, domestic tranquility. It is one of the tacit theses of the
Constitution that securing domestic tranquility is fully compatible
with enjoying the blessings of liberty for ourselves and our posterity
and, more starkly, that if we do not secure domestic tranquility it will
be very difficult if not impossible to enjoy the blessings of liberty.
Today, there are millions of Americans who are afraid even to venture
out of their homes at night. Whatever else may be true of their lives,
they can hardly be said to be free.

This third strand of the communitarian critique of rights can be
pushed even farther, to the acknowledgment that there are some
responsibilities and duties without corresponding rights. An example:
from the communitarian perspective it is meaningful to talk about our
responsibility to future generations. This responsibility may confer a
right on generations to come who will judge and criticize our activity,
but we today enjoy no right that corresponds to that responsibility.
One might well examine and reject the national fiscal habits of recent
decades with that principle in mind.

The final element of the liberal communitarian critique of rights is
the recognition of the incompleteness of rights as a moral vocabulary.
To say that I have a right to do X is not the same as saying that X is the right thing for me to do, all things considered. There is a gap between rights and rightness, a gap that can only be filled by a moral understanding that goes beyond the simple vocabulary of rights to include notions such as decency, integrity, honor, and care. During the past generation, I believe, we have been less concerned than we should have been with thinking through the meaning of that richer vocabulary and with making it effective in our personal and collective lives.

**Public Policy**

Let me now move from liberal communitarian constitutionalism to public policy. Again, I want to outline a number of proposals.

Here is the first: children should not be having children. The consequences are bad for the young parents, and even worse for their children.

As President Clinton has argued, there is only so much to be done with public policies that work from the outside in unless they are complemented by moral changes that work from the inside out. Nonetheless, there are some steps that could help. I and many others vividly remember the school-based antismoking campaign launched a generation ago. It featured truly horrifying films. Cadavers were cut open to show how the innards of people who died from lung cancer actually looked. These films proved remarkably effective in cutting the incidence of smoking by teenagers, not because the impulse to smoke and be “cool” had in any way diminished, but rather because young people were made to understand in a concrete way what the consequences of apparently desirable but, in fact, imprudent action could be. While teen pregnancy is a more complex phenomenon, it may nonetheless prove responsive to a comparably broad-based and serious effort. In his 1995 State of the Union address, President Clinton called for a voluntary-sector National Campaign to Prevent Teen Pregnancy, which came into existence soon thereafter. After years of relentless increases, the teen pregnancy rate is now on a downward trend.

A second example of liberal communitarian public policy: Clinton campaigned on the basis of the idea (which, to the astonishment of many, he articulated in his acceptance speech to the 1992 Democratic
National Convention) that if you are biologically responsible for a child, you are morally and economically responsible as well. The world would be a better place if everyone intuitively accepted that principle and acted in accordance with it. But too many do not, as shown by the woeful statistics on US child support collections. Here again we must act from the inside out, and also from the outside in. Public officials at every level must speak out to begin to change the moral climate within which the responsibilities and duties of parenthood are understood. At the same time, public policy must act to shore up that responsibility. Accordingly, the Clinton administration proposed, and Congress adopted, an array of steps to make child support enforcement more reliable and enforceable for custodial parents and their minor children while offering new incentives for noncustodial parents (usually fathers) to remain involved, emotionally as well as financially, with their children.

A third liberal communitarian public policy: I emphasized earlier the principle of accepting the burdens as well as the benefits of community. One of the burdens (though it is not only that) is the responsibility of doing productive work if one is able. If we are serious about that principle, we must be prepared to reinforce it through public policy. This poses a major challenge: millions of Americans are working full time throughout the year but are earning incomes below the poverty line for themselves and their families.

During the 1992 presidential campaign, Clinton argued that no family headed by a full-time worker should be in poverty and that if market mechanisms do not reliably operate to honor that principle, it is the responsibility of the community as a whole to make it real in the lives of its members. That is why the single largest domestic policy item in the five-year budget proposed by President Clinton in February 1993 and accepted by the Congress in August of that year was an expansion of the Earned Income Tax Credit available to low-wage workers. In effect, if there is a gap between the poverty line and what you earn through full-time work for yourself and your family, the government will send you a check at the end of the year to close much of that gap.

Here is a fourth example of liberal communitarian public policy, of government acting in a way that reinforces the reciprocal relations
between individuals and the community. During the 1992 campaign, Clinton urged national service, invoking the memory of John F. Kennedy, the example of the Peace Corps, and the rewards from service that can accrue both for individual volunteers and for the community as a whole. In September 1993, President Clinton signed a bill creating a new corporation for national service that enables about 20,000 people annually to participate in a year of full-time service to earn a benefit that can be applied afterwards to education and advanced training expenses. Once again, the principle of reciprocity: the individual accepts responsibility and makes a contribution to the well-being of the community that is honored in both moral and material ways.

More broadly, liberal communitarians are committed to inquire systematically into the appropriate social responsibilities of all sectors of our society. For example, television stations and networks do not just spring up like mushrooms; they exist and function because of a legal and regulatory system that has been described as a public license to print money for private purposes. The question arises whether there are any responsibilities that correspond to the rights licenses confer upon television stations. (This is the question that underlies discussions about violence on television.) Along with many members of Congress, the American people are concluding that this question must be answered in the affirmative. There are serious issues as to how our society can translate these concerns into practice without breaching constitutional guarantees of free speech. Nonetheless, the concerns are legitimate, and an anything-goes approach regarding broadcasting decisions—decisions that affect the ability of parents to raise their children—is intolerable. That is why the V-chip legislation of 1996 requires television manufacturers to install new technology that enables parents to screen out programs that contain unacceptable levels of violence, profanity, or sexuality; and the networks consented to establish a ratings system to facilitate parental awareness and choice.

Another example of this broader inquiry into the responsibilities of key social actors: corporations are created by, and act within, a structure of law. Questions can be raised as to whether corporations should make economic decisions with some regard for the communities these decisions affect so deeply. If a corporation chooses to close a plant in a particular community, does it have any responsibilities to
that community, or can it simply say good-bye without further ado? The US Congress examined that question a few years ago and responded with a law requiring corporations to give communities adequate prior notification of projected plant closings. It is not my purpose to defend that particular piece of legislation (which is not regarded as notably effective). What I am defending from a communitarian perspective is the propriety of raising that question.

That question cannot be raised in a void, of course. One must pay due attention to the facts of modern political economy, and to the general structure of law and regulation required for sustainable economic growth and global competitiveness in the circumstances in which we find ourselves today. Nonetheless, taking all this into account, we are not free to ignore the impact of specific economic decisions on communities that are organized around, and depend upon, productive functions located in particular places.

**Public Morality**

Let me now turn from public policy to public morality. I would argue, in the spirit of Aristotle, that each regime requires specific kinds of habits and virtues, and that one can therefore talk meaningfully about liberal democratic virtues. As I noted earlier, these habits and virtues are hardly innate. They must be created, and that will not happen unless the institutions responsible for character formation are in good order. One of the underlying motives for liberal communitarian thought and practice is the belief that these institutions are not working well today and that shoring them up is an urgent necessity. In this connection, we must address the special challenges confronting families, public schools, and voluntary associations as they struggle to serve as “seed beds of virtue.” We must focus on their capacity to reinforce not particularistic class or ethnic agendas, but rather the moral basics on which we do agree, basics that underlie all of the matters we so noisily dispute.

This leads to what I call the “e pluribus unum question.” A liberal democratic polity, particularly but not only the United States, is an assemblage of diverse subcommunities. What, if anything, makes the broader polity a community? One answer is... nothing: any nation made up of diverse subcommunities with profound social and reli-
gious differences must be understood as a Yugoslavia in the making, and as we become more conscious of the true extent of our differences, we will realize that only fragile and eroding habits are holding us together. This is the pessimist’s answer. I do not subscribe to it. But there is certainly a quiet fear abroad in our land that it might just turn out to be the right answer if we continue down the road we have been traveling for the past generation.

In a more optimistic spirit, let me ask, “If something rather than nothing holds us together, what is it?” Three kinds of answers are typically offered. The first has been called modus vivendi—the Yugoslavian experience with a minus sign: what holds us together is the belief that we must find a way to live together because the alternative is bloody conflict. This is the principle articulated most memorably by Rodney King, who appeared on television and asked plaintively, in evident shock at the conflict his legal imbroglio had sparked, “Can’t we all just get along?” No higher principle; just the negative proposition that the conflict is intolerable and disproportionate to our differences (in spite of the fact that they are profound).

The second answer invokes some shared conception of justice. This is the point of view that John Rawls has articulated for more than two decades; it is a view with an honorable ancestry that goes all the way back to Aristotle; and there is obviously much to it. It is what Abraham Lincoln had in mind when he declared that a house divided against itself cannot stand: if half the country believes that slavery is just and the other half that it is unjust, the basis for permanent existence as a single political community may well have vanished.

A third kind of answer, related to but distinct from the second, invokes an ensemble of shared public purposes as the basis of national community. This is the point of invoking, as I do, the Preamble to the Constitution as setting forth the public purposes that guide our interpretation of the meaning and spirit of our national public institutions; and more broadly, of advancing a constitutional faith as the most promising ground of principled political unity consistent with cultural heterogeneity.

But let us reflect a bit more deeply on the liberal community as a community of subcommunities. What are the distinctive features of a liberal national community stemming from this internal heterogene-
ity? First, by definition, not all the purposes and commitments of the subcommunities will be shared. That is one of the considerations that leads a liberal democratic community to define a distinction between what is public and what is not. We need that legal and constitutional line in order to sustain the distinction between what the subcommunities are required to have in common and what they need not.

The metaphor of the line might suggest a neat division. The reality is less tidy. Consider the example of federal laws, binding on the states, concerning the prevention of “child abuse” or “neglect.” But what is the meaning of these terms? In particular, is it child abuse or neglect when Christian Scientist parents, acting out of sincere religious conviction, refrain from seeking orthodox medical treatment for their seriously ill child? And if it is, what rights and duties of state action are implied? This is one of a family of problems that crop up in a liberal polity that is a community of diverse subcommunities. In many instances, the effort to define a public purpose in common terms will run up against some subcommunity’s conception of these same terms.

This fact raises an even broader question about the relationship between subcommunities (religious or otherwise) and the broader national community. Sociologists and neoconservative social theorists have long talked about these subcommunities as “mediating institutions.” The question is, do they simply connect individuals to political institutions, or do they also function as sources of potential opposition to those institutions? In my judgment, the latter is clearly the case. In practice, this will always raise the question of when it is appropriate to accept this opposition and when it is necessary to override it. I have argued that our practical maxim ought to be “maximum feasible accommodation.” But that does not mean unlimited accommodation, and the line I would want to draw is as contestable as any other.

**Conclusion**

Let me conclude this essay on a less than celebratory note by sketching some of the dangers of community. First, there is the oft-expressed fear that the liberal communitarian approach to rights can end by diluting key democratic liberties. Witness the ongoing debate between leading communitarians and the American Civil Liberties Union. The ACLU’s argument is that by strengthening the voices and
forces of community, we are in fact inviting the very majority tyranny that our institutions were founded and designed to prevent.

That is not a frivolous objection. The proper response is that the kinds of public purposes communitarians invoke do not typically override established rights. Indeed, it is a misunderstanding of the communitarian impulse to describe it as the desire to retract or weaken a regime of rights. The point, rather, is to ask what we must do to strengthen and sustain such a regime. That is why liberal communitarians emphasize what the sociologist Amitai Etzioni has called the “moral voice”—processes of persuasion and dialogue as alternatives to both tyrannical coercion and permissive indifference.

Consider the much-debated issue of campus speech codes. There are two extremes that typically govern this debate. One is that college authorities ought to create a framework of legal or regulatory coercion within the campus community. The other is that the authorities ought simply to disregard what goes on when students hurl epithets at one another (an example of what I earlier called “permissive indifference”). But there is an alternative to both coercion and indifference. It involves mobilizing the campus community to learn in a systematic way from instances of the abuse of speech—to create organized forums within which the kinds of passions that these abuses evoke can be discussed in a way that changes attitudes and behavior.

The second danger of community is that the focus on what is shared can promote conformity and weaken individuality. This is a fear that can be traced back at least to von Humboldt and John Stuart Mill. And once again, it is not a frivolous objection. The communitarian response is that individuality can only be cultivated within a framework of discipline and a structure of rules. The classic analogy is to artistic forms. The sonnet in poetry, the sonata in music—they simultaneously shape activity and provide a framework for the enactment of genuine individuality. Communitarians contend that individuality does not arise spontaneously; in order for individuality to be expressed from the inside out, there must be a process of character formation from the outside in that habituates us to the processes of self-discipline.

The third danger of community is the risk that the quest for increased connection and solidarity within the sphere of politics can
heighten conflict and even produce brutality. This is the danger of what might be called the politics of fraternity, which first became evident during the French revolution and which has been episodically glorified ever since. The politics of fraternity leads to a quest for constant peak experiences of communal activity, experiences such as war and insurrection. This quest is dangerous because (pace William James) there really is no moral equivalent of war. The pursuit of heightened fraternity implies, and engenders, a craving for strife.

In this regard, as in so many others, Aristotle was on the right track: there is a permanent distinction—inscribed, if you will, in the nature of things—between the kinds of ties and experiences and emotions that are characteristic of friendship on the one hand, and those characteristic of everyday citizenship and politics on the other. That does not mean that the experience of politics lacks profundity and compelling power. But it does mean that the longing for connection and meaning that has so often disfigured politics during the past two centuries represents an unwise transposition of desires from one sphere to another, very different one.

From this standpoint, an essential task of a liberal communitarian politics is to nurture forms of solidarity that do not shade over into fanaticism and xenophobia. I would suggest that an enlightened patriotism compounded of particularistic national loyalty and universal human principle offers our best hope for achieving this result. That is the highest possibility of a regime that takes its bearings from the Declaration of Independence.
A few years ago, President Clinton asked me to try to identify steps that could be taken that would help extend the good economy we have had into the next decade. As my colleagues and I went through a series of issues, the promotion of the new digital economy rose to the top of the list as, if not the most significant thing, certainly as one of the most significant things we could do to continue the good growth of the US economy.

One significant part of the digital economy is the Internet. Internet-related commerce includes a variety of activities: the digital delivery of products and services (airline tickets, software, music, banking services, educational services, medical diagnostic services, etc.); the retailing of physical goods, where the sale is completed on the Internet and then the goods are delivered physically (e.g., Amazon.com); the building of the Internet infrastructure itself; business-to-business electronic commerce; and new kinds of direct marketing and advertising, where businesses accumulate groups with common interests into a common network, and then others pay to advertise and market to those groups on the Internet. If you take these commercial activities all together, they are transforming our economy. I don’t think it is hyperbole to say that the impact of this will be at least as great as the Industrial Revolution. It is in some way affecting all sectors of the economy, and specifically having an effect on productivity in most sectors as well. It is reforming the way we work and reforming the way we act as consumers. And it is all happening very quickly, in a much more compressed timeframe than in the Industrial Revolution. The number of people on the Internet has gone from three million a couple
of years ago to now over 100 million. By the year 2005 projections are that there will be over a billion people on the Internet. But in order to allow this environment to flourish and grow we need to have the right policy environment.

When we went out a couple of years ago to talk to companies and investors who were working in this area, there were two major concerns that they had. The first concern was the lack of a predictable global legal environment for doing business electronically. That is, if a digital signature means 150 different things in 150 different countries, it is very difficult to do business on the Internet. Or, since a lot of what is sold on the Internet is intellectual property, if intellectual property protection is not recognized around the globe it is again hard to do business electronically. So, these business people were looking for a predictable global legal environment for the conduct of electronic commerce.

The second thing they were concerned about was that governments would come in and over-regulate, over-tax, and over-censor the Internet, and therefore strangle its development as an economic medium. And indeed there were good examples, and good evidence, that this was occurring, both here and abroad.

Last summer, in response to these concerns, the president issued a strategy for electronic commerce that we are now in the process of implementing. Without going into too much detail, what we are trying to do is get a series of global agreements, and also a series of understandings and institutions put in place in the United States, that will enable electronic commerce to grow. There are a few principles that guide this development that I would like to discuss, principles that involve some changes from the commercial, economic, and legal paradigms in the Industrial age.

The Private Sector Must Lead

The first principle is that there needs to be private sector leadership, not just in the development of the industry itself, but also in the development of collective action where it is necessary. We should not expect to rely on government regulation. The reason for this is not ideological. It is not that government is bad. Government action is appropriate in certain cases. But the digital economy simply moves too
fast, and thus requires too much flexibility for the pace at which government moves and the ways in which government works. Therefore private sector leadership—industry self-regulation—is the most desirable first step.

The second principle is that this needs to develop as a market-driven environment. There were two different models that one could have considered for the development of this new digital economy. The first model, which was the one that most governments initially turned to, came from the telecommunications and broadcast industries, which essentially are regulated industries, and in some countries have historically been government-owned. That model essentially says that government will regulate or control the industry. Although it may let the private sector operate, it can operate only in a very restricted framework. Because telecommunications and broadcast operate that way, many governments started to say, “Well, the Internet ought to be an extension of telecommunications policy, and, therefore, a regulated industry.”

The other model is to say that buyers and sellers should be able to come together freely, and do business free of government interference, and that the role of government is simply to help set terms and conditions for contracts, so that if the buyer and seller wish to they can enter into a contract that has the appropriate legal protections.

What we are arguing is that the second model should hold for electronic commerce. It should be a market-driven arena, based upon contracts and commercial code, not based on government regulation. What makes that so significant is that over the next few years telecommunications, broadcast, and the Internet will converge. You will have the Internet on your television set, you will have broadcast television on your personal computer, and you will make telephone calls from both of them. This converged environment should also be market-driven, and not regulated. Therefore we have to go through a thorough deregulation of the telecommunications and broadcasting industries. The reason for this is that when markets can operate properly, they are the most efficient allocators of resources. And the reasons why we regulated telecommunications and broadcast in the first place, while perhaps valid originally, no longer exist today.
The government regulated the broadcast industry because there was limited spectrum to allocate. The government got involved in allocating the spectrum, and thus was conferring commercial advantage. It therefore regulated that commercial advantage. With the Internet, there is almost unlimited bandwidth, and there is no need for that kind of allocation. The story is similar with telephones. When we first built out the telephone infrastructures, the scale of investment necessary, relative to the size of the companies that existed at the time, was huge. So government licensed monopolies. And because it was licensing the monopolies, it then regulated the industries.

In building out the Internet, we are likely going to have one of the greatest competitive environments the world has ever seen. There will be telephone companies, computer companies, software companies, consumer electronics companies, satellite companies, wireless companies, publishers, Internet service providers, even electric utilities—all competing to build out the Internet. The best thing we can do is let that competition occur and back off, rather than try to regulate it.

**When Regulation Is Necessary: Keeping It Minimal and Predictable**

The third principle is that where governments do have to act—which they will in certain areas like intellectual property protection, the formation of uniform commercial code, and the application of taxation—our actions should be minimal, transparent, and targeted only in areas that are necessary. We should not be looking to pass omnibus legislation. We should instead be acting only in very targeted ways, where there is a clear and demonstrated need.

The fourth principle is a particularly hard one to understand: Whatever we do in the policy world needs to respect the nature of the medium. For example, this is a medium where technology will change very rapidly, so any policy has to be technology-neutral or it will be outmoded before it’s enacted. Similarly, this is by nature a decentralized medium, so any attempts to centrally control this new medium will be impossible. Therefore we do not need to go through a debate about censoring the Internet: we cannot censor the Internet. Whether it is desirable or not—and I would argue it is not—it cannot be done. And life is too short to spend too much time doing things that are impossible.
So we need to respect the decentralized nature of the medium. What that means, for example, is that we need a new paradigm when we think about how to protect privacy on the Internet, which is an important societal goal, or how to ensure that the Internet is a safe environment for children. And that paradigm does not involve central government regulation, but rather involves empowering people to protect themselves, giving them the tools to protect themselves. For example, in the content area, when parents sign up with Internet service providers they should have options they can check off for filtering packages, based on their own value systems, so that they can decide themselves what is appropriate for their home. If you’re the type of parent who mistakenly believes that you understand the Internet better than your children, and you want to let all the content through, you should have the ability, in your browser software or your search engine software, to filter out what you don’t want. If you love violence and you hate sex, you can filter it that way, or vice-versa. But that should be the choice of the parent, and the tools should be there for the parent to do that. Similarly, with privacy, we think there should be self-regulation on the privacy front, rather than heavy-handed government regulation, which, in any event, would be harder to enforce.

A Global Revolution

The final principle is that this is the first marketplace being born globally, and so we need, from the very beginning, a global framework for electronic commerce. We cannot have the traditional model, where industries grow up within countries and then the countries negotiate how to make them work together. There must be a global framework of agreements. But most often those agreements will be agreements for governments to do something which is very hard for them to do, which is not to act, because that’s what helps create a predictable environment for industry: to know when governments will act and when they won’t.

Let me conclude by noting that, in discussions around the world, we are now engaged in trying to implement the strategy that we released last summer. We are optimistic. In a number of areas, ranging from our call to make the Internet a duty-free environment, to our call for no new discriminatory taxation of any sort against the Internet, to
our call for copyright protections, to our call to privatize the technical management of the Internet, to our call to protect trademarks on the Internet—we are making progress on all of these things, and we are hopeful of concluding agreements in the next few months that will bring these goals to fruition. There are a number of other areas where we have to continue to work, but we are optimistic that by the year 2000, we will have a framework in place that can help move this digital economy forward.

One thing I did a few years ago was to read some histories of the Industrial Revolution. It was very interesting, because during that period there were fundamental changes in economic, legal, and commercial paradigms. Those countries that embraced those changes were the ones who moved ahead and succeeded in the Industrial Age, and those that tried to hold on to their old ways of doing things fell backwards.

We are in a similar period of change right now. We need to have the courage to embrace this future, to change the way we think about the government-business relationship, and to change the paradigms by which we make international agreements. That is what we are trying to do.

Empowering the Consumer—Esther Dyson

With some justification, many people, both potential users and potential government regulators, perceive the Internet as a scary, unregulated place. The Net makes it easy for lots of people, not just well-capitalized mass marketers or obsessive creeps, to get at information and use it for undesirable and even dangerous ends. The problems arise when information travels among Websites—or away from them to places where people and companies assemble databases of information. The interconnectedness of the Net makes safeguarding privacy an increasing challenge: People are rightly concerned about the combination of data from different sources: Web behavior, buying habits, travel history, income data. Often, facts are innocuous unless they are combined with other facts.
In response, players in the marketplace and governments are both setting up systems to foster privacy. As a society, we cannot totally guarantee everyone’s privacy. But we can create a situation where people choose the level of control of their own data according to trade-offs they determine for themselves, and provide them with a means of recourse when promises are breached. When that happens, I believe, people will feel more comfortable on the Net overall and will no longer fear the visibility it fosters.

**The Consumer Needs Tools, Not Protection**

Marketers glibly say that the consumer is king, but in practice he’s not. In the real world, experienced marketing and consumer-affairs hands will tell you, consumers are not very good at protecting their own interests. They are too busy consuming, or working, or just living regular lives. The groups that claim to protect their interests often end up with their own agendas, which may have more to do with Washington power battles and fund-raising than with genuine consumer interests.

A customer can’t easily express her privacy preferences: She may have one preference for a site dealing with computer-industry issues, and another for her neighborhood afterschool chat. (We present different faces at work, at school, at church or temple, at the doctor’s office.) The difficulty is that personal information changes character as it travels, in a way that packaged “content” does not. Besides, your concerns for security may depend on the kind of interaction you are having: Are you simply giving your name, or are you transferring cash and revealing deep dark secrets? Of course, you can refuse to supply any data, but greater granularity would be beneficial to both customers and marketers.

The solutions most often presented in response to this situation generally miss the point. We do not need new government regulation that stops the free flow of information voluntarily given, outlaws cookies, and makes customization difficult (except perhaps where children and coercion are concerned).

Nor do we need a Direct Marketed Association—a force equal in power to the Direct Marketing Association but aligned with someone’s
vision of consumers’ interests. After all, consumers don’t all have the same interests; what they really need is choice.

Two complementary initiatives are currently underway in response to these challenges: TRUSTe and the Platform for Privacy Preferences. They offer a way for both sides to express themselves, and some way to ensure that they are telling the truth. TRUSTe is a disclosure and validation system enabling a user to reliably control information even after she has given it to a second party. The Platform for Privacy Preferences allows a user to define, see, and control the information about himself, and to determine which information to reveal to any particular Website. It also will include a standard vocabulary by which users and Websites may express and negotiate privacy preferences.

Personally, I like both initiatives because they are not moralistic, evangelistic, or dependent on government—other than for enforcement on the basis of fraud. They are examples of the kind of grassroots effort at decentralized regulation and customer control that I hope to see proliferate on the Net.

TRUSTe

“Trust, but verify.”—Ronald Reagan

TRUSTe is a labeling and certification organization. It has a host of sponsors and partners that should help it gain credibility, including Netscape and IBM. Two well-known accounting firms—Coopers & Lybrand and KPMG—are helping to design the program and validate Websites’ privacy claims; they see a big business opportunity in conducting online “privacy audits.”

The most visible part of TRUSTe is its Trustmarks™, which highlight and point to a Website’s privacy practices, allowing a customer to choose for himself whether to deal with a particular site. Each Trustmark™ is linked to the privacy statement of that licensee. According to TRUSTe’s Website, the privacy statement must, at a minimum, disclose the following:

- What type of information the Website gathers.
- How the site uses the information.
• Who the site shares information with.
• Whether users can correct and update their personally identifiable information.
• Whether users will be deleted or deactivated from the site’s database upon request.
• Whether users may opt out of giving specific information to third parties.

How does TRUSTe validate the licensees who post its logo on their Websites? First of all, it talks to them directly, requiring them to fill out a questionnaire and to sign a legally binding contract. It encourages them to have their data-processing systems audited by an accounting firm. It does random spot audits itself. And it has borrowed an old trick from the direct-mail industry: It “seeds” a site with fake data, just as a mailing-list broker seeds a list with his mother-in-law’s name so he can find out if a one-time-use list is being used twice or more. Only in this case, TRUSTe applies the technique on behalf of the consumers whose data is being (mis)used.

What happens when someone fails in compliance? That is part of what TRUSTe hoped to determine during its start-up operations in 1997—ideally without too many instances of noncompliance, but enough to show that the program has teeth. When there is a problem, it can surface through TRUSTe’s seeding and spot checks by auditors, through tips from whistle-blowing employees, or through complaints from consumers whose data have been misused. First, TRUSTe sends off a formal notice and gives the target an opportunity to respond. If the response is inadequate, TRUSTe can pursue it according to contract—revoking the license to use the mark, auditing the miscreant, and publicizing the results on a bad-actors list. The wrongdoer has to pay the costs of determining its noncompliance, and ultimately could be sued for fraud. If the breach appears willful and fraudulent, TRUSTe can call in the local jurisdiction under which the license was signed (usually a US court) and sue. TRUSTe can also call in the FTC or other government agencies in serious cases.

**The Platform for Privacy Preferences**

The Platform for Privacy Preferences (P3P) helps people define what they want to keep private or to share, and to which private...
vendors or categories of sites they want to reveal each item. Users will be able to embed their preferences and restrictions in a browser or software tool that can communicate directly with Websites and other electronic partners.

Best of all, as a user you can store and manage information in a way you can understand. For example, you could specify (by filling in a simple form):

- Give name, address, vegetarian preference, and credit card information to dailysoup.com;
- Give name and e-mail address to the Electronic Frontier Foundation and the CNET news service (because you want alerts from them);
- Give password and pseudonym (no name or e-mail address) to the sweetsorrow discussion group;
- Give nothing to any site not specifically noted.

P3P does not guarantee security on its own, but it is designed to work with other systems for security and authentication from the sites you visit (not much for your e-mail address, a lot for your credit card number).

More interestingly, P3P will allow you to negotiate, setting conditions. People will be able to use automated tools and forms to express a relatively simple set of preferences; those with complex lives may want to sit down with a privacy expert to develop a complex set of preferences. For example, “I don’t want to reveal my age, unless I get a senior citizen’s discount worth more than 10 percent of the price of an item or $400 in absolute value. (That information cannot then be reused; I don’t want to get any catalogs for walking aids, retirement homes, or annuities.)” Or, “I’d like to be visible to other single women between 35 and 45 in my discussion groups, but not to any men at all.”

Overall, P3P will let you control what information gets out to whom while still allowing you the genuine benefits of information exchange—including earning points in an airline club, ordering your special style of support hose by e-mail, receiving customized news, or hearing about advances in turtle ties. You can also use it to record and
manage data about all your Web transactions—including whatever promises merchants make to you about data practices.

Would users trust such an automated system? That will depend in part on the compliance system behind the scheme. (The user’s and the site’s choice of auditor or validation scheme could of course be specified in the label.) For all the same reasons as for TRUSTe, the merchant-side/Website users of P3P will have to devise some provisions for attestation—for example, by using TRUSTe. TRUSTe Trustmarks are a logo for people to see on a Website, pointing to information for them to read; P3P labels and customer data are computer-readable information and rules that will eventually need the same kind of jurisdiction and enforcement that TRUSTe provides for its logos.

As much as I hate the term, what TRUSTe, P3P, and the like are about is customer “empowerment”—transforming passive consumers into active customers who can monitor vendor practices for themselves. It is true that there needs to be some kind of broad movement to give customers the tools to become “active.” TRUSTe and P3P are part of that movement. In the end, the actual enforcement and use of the tools needs to be decentralized into the users’ hands. That is the point of these tools—putting power into individual hands.

For additional background information on internet privacy issues: the Center for Democracy and Technology (www.cdt.org); the Federal Trade Commission (www.ftc.gov); the Electronic Privacy Information Center (www.epic.org); the Center for Media Education (www.cme.org); the Electronic Frontier Foundation (www.eff.org); Privacy Times (www.privacymtimes.com); and the National Telecommunications and Information Administration (www.ntia.doc.gov).
Peer Marriage
Pepper Schwartz

Our generation has been the first to witness the emergence of “partnership” or “peer” marriages on a large social scale. Such marriages differ from their traditional counterparts in at least four key respects: men and women in these relationships regard each other as full social equals; both pursue careers; partners share equal authority for financial and other decision making; and, not least important, husbands typically assume far greater responsibility for child-rearing than in the past. Many of us—including much of the feminist movement, of which I have been a part—tend to regard these marriages as a major social breakthrough, the culmination of an arduous, generation-long effort to redefine women’s roles and to secure for women the same freedom and dignity that society has traditionally accorded to men.

Yet in recent years conservatives, particularly the adherents of the “pro-family” or “family values” movement, have increasingly called for a rejection of the peer marriage ideal and a return by society as a whole to the traditional role-differentiated model. Bolstering their case is a significant body of traditional social theory arguing for the superior stability of the role-differentiated marriage, in which the husband serves as sole provider and main figure of authority, and the wife bears the lion’s share of responsibilities for child rearing and day-to-day household maintenance.

Contemporary concerns with marital and family stability are certainly warranted. In a society with a 50 percent divorce rate—in which a host of social pathologies can be traced directly to havoc in fatherless or broken homes—policymakers and theorists are right to place a high priority on measures aimed at keeping families intact. Yet
it is far from self-evident that the road to greater marital stability lies in a return to tradition. Over the past generation, I would argue, broad changes in society—and in the expectations that men and women bring to the marital relationship—have undermined much of the original basis of the traditional model of marriage. In reality, as I will try to show here, peer marriage offers a new formula for family and marital stability that may be both more durable and better adapted to the demands of contemporary culture than the older form. New data from studies that I and others have conducted support the notion that peer marriages are at least as stable as traditional unions and may in the long run prove more resilient vis-à-vis the special social pressures that marriages confront today.

**Marital Stability and Marital Satisfaction**

There is a close connection between marital stability and happiness or satisfaction in marriage—in both practice and theory. Even the most hard-headed theorists of the traditional model—such as sociologist Talcott Parsons or economist Gary Becker—have invariably sought to reconcile their advocacy of gender-based role differentiation with the possibility of marital satisfaction. To justify the traditional division of labor in marriage purely on the basis of men’s and women’s different biological aptitudes, historical experience, or cultural training is, after all, not a difficult theoretical task. But to posit happiness and mutual satisfaction as the outcome of such a union is another matter.

This is not to say that happiness was or is impossible to achieve under the traditional marital regime. Many people, especially when the larger culture supports it, find happiness in holding up their part of the marital bargain: women who like to be in charge of the kitchen, and men who want to bring home the bacon but do not want to cook it. In the past, and even today, this contract has worked for many people. Increasingly, however, it does not work as well as it used to. It did not work for me as well as it worked for my mother, and it didn’t work for her all the time, either. The gender-based division of labor, so automatic for so much of history, increasingly fails to bring the promised emotional fulfillment that was supposed to be a major part of its contribution to family satisfaction and stability—emotional fulfillment which is increasingly vital to marital stability today.
We may contrast the experience of my mother’s generation with that of my own. Like so many women of her era, my mother traded service for support, a transaction with which she usually seemed content. She bore almost complete responsibility for raising her children and at the same time had full charge of household upkeep: cooking, cleaning, keeping my father’s closets and drawers impeccably neat, and so forth. My father, not atypical of his generation, was a man who never packed his own suitcase for a trip. In return, he provided handsomely—beyond my mother’s wildest dreams, since she had grown up in poverty and was forced to drop out of high school to support her ailing mother and her youngest sisters. Having met my father as a secretary in his fledgling law office, my mother was very grateful to have been pulled from destitution into a different social class. Later she could afford to finish high school and college, raise three children, and become a docent in an art museum. Her lifestyle with my father was something secure and in a sense wonderful, exceeding all her childhood expectations.

The arrangement worked well for my father also. He was not born to privilege. The eldest of five growing up on a farm in Indiana, he put himself through law school, transferring from the University of Chicago to night school at Loyola when times got rough. He scrambled to better himself and his family. He and his wife had the same goal: to achieve the means for the good life. They entertained clients and traveled.

But my father also expected my mother to do everything he told her to do. After all, his own father had been dictatorial; it was something a woman owed a man—even though, in my grandfather’s case, his wife had purchased the farm for the family. No matter. Leadership at home was owed a man as part of his birthright. When my mother—an intense, intelligent woman—would occasionally resist an order or talk back, my father’s response to her was scathing and uninhibited.

What was the bargain my mother willingly made? She had a husband who loved her, who created an increasingly luxurious environment, and who ordered her around and reminded her—almost incessantly—about how lucky she was to have him. Love and what my generation of women would call patriarchal control went hand in
hand. On my mother’s side, gratitude, deep resentment, and anger all came in a neat package. The marriage lasted 55 years, until my mother’s death. Children were launched. The marriage could be declared a success. Nevertheless, under today’s circumstances, I would expect such a marriage to survive ten years at best.

Today my mother would have had a chance at her own career, at which she had the talent to excel. She would have had a new identity as a human being with core rights and her own sense of entitlement. (Surely, she promoted mine.) She would have had a different standard of equality and different ideas about equity. She would probably not have thought it enough to have been rescued from poverty. She would have felt entitled to a different style of family decision making, and she would have had the options—and the cultural support—to demand more. But if my father had remained the same man he was when I was growing up, he would not have acquiesced. Under contemporary circumstances, the marriage most probably would have broken up—much to my own, my siblings’, and probably my parents’ disadvantage.

And that is one reason why I believe peer marriage—a marriage founded on the principle of equality and supported by shared roles and a greater chance of shared sensibilities—is an adaptation in the direction of greater family stability rather than instability. Indeed, in contemporary culture, a peer or partner relationship between spouses has become increasingly vital to keeping families intact. It also offers new advantages to children, to which I will return in a moment.

We must be clear, however, that the mere existence of separate careers does not guarantee a peer marriage. Such a marriage also requires a comprehensive reconceptualization of the partners’ roles. Dual incomes alone are insufficient to guarantee stability.

**Money and Work**

Indeed, much empirical research, some of it my own, indicates that labor force participation and achievement of high income by women destabilizes marriage. A number of studies, including the well-known Income Maintenance Study done out of the University of Michigan, found that when one raised the income of low-income women—hoping to stabilize families by reducing poverty—divorce
increased substantially. Theorists have deduced that, under such circumstances, growth in income simply opens a new option for women to leave the relationship, an option that many of them exercise. Moreover, many studies show high-earning women with higher breakup rates. It is unclear whether high earnings make women less willing to tolerate unwanted behaviors or other disappointments on the part of their spouses, or whether men find women who are ambitious or aggressive (or who possess other traits consonant with career success) unsatisfying to be with in the long run. At any rate, the correlation is real enough.

Nor do couples necessarily adapt smoothly to equalization of income and status between partners. In American Couples, a study of 6,000 married, cohabiting, and lesbian and gay couples, Phil Blumstein and I found that a partner’s power rose in relation to his or her relative income as compared with that of the spouse or live-in lover, but not necessarily in the ways we would have predicted. Women’s power rose and became equal to their partners’ when they had equal income—but only if they had a supportive ideology that allowed them to claim equal power. And power did not necessarily increase proportionally to the income differential. For example, more power did not release women from as much housework as one might expect. Higher-income career women did less, but not equivalently less, and their partners did not do proportionately more. (Male partners of high-earning women did feel their partners were entitled to do less housework, but did not feel required to do more themselves!) Feminists may be inclined to despair: Are men so resistant to participation in household labor that nothing will induce them to pitch in appropriately?

Yet—and this is the key point—it remains to be seen whether the tensions we found are the permanent consequence of change or merely transitional pains that arise as couples, and society as a whole, grope for a new definition of the marital relationship. Many men are clearly uncomfortable with the weakening of the traditional male role as sole provider. And, notably, there has been little effort—outside a small and probably unrepresentative “men’s movement”—to reconceptualize the husband’s role under these new economic circumstances. However, several changes are conspiring to move society as a whole beyond this sometimes painful transitional phase: transfor-
mations in the economy, in the attitudes of younger men, and in the cultural definition of marriage itself.

In the first place, in the contemporary economy female income has become an important ingredient of family prosperity (even, in many cases, a necessity). Economists have long recognized that household income has maintained stability in the United States over the past decades only through large-scale entry of women into the work force. The two-income household, once an exception, is now increasingly the norm.

Furthermore, corporate restructuring and downsizing have tended to intensify the trend. Women’s labor force participation has become increasingly vital to family stability in a society where job security is, for all but a few, a thing of the past. Men are now beginning to realize that their hold on continuous employment after age 40 is, to say the least, shaky. By age 55, less than half of all men are still fully employed. Women, having many of the skills necessary for a service-oriented society, stay employable longer and more steadily. Indeed, in our society, the nonworking wife is increasingly becoming a symbol of exceptional wealth or conspicuous consumption—or of a major ideological commitment either to the patriarchal family or to a vision of the female as the primary parent.

There are signs that these new economic realities are beginning to affect attitudes among men in their 20s. Young boys today are increasingly growing up in two-parent families where females are either the chief provider or an essential contributor to family income. Moreover, they understand their own economic futures as providers to be far from secure. Partly as a result, more and more young men are seeking in marriage someone to be part of an economic team rather than an exclusive parenting specialist. Just as women have in the past sought “a good provider,” so, I predict, men will increasingly want to marry (and stay married to) a woman who can provide her share of economic stability.

But possibly the most important change has come in the subtle cultural redefinition of the marital relationship itself. In a society in which divorce is prevalent and the economic independence of both spouses is the rule, marital stability depends increasingly on factors of personal satisfaction and emotional fulfillment. The glue holding
marriages together today is neither economic necessity nor cultural sanction, but emotion. Marital stability in contemporary society increasingly depends on sustaining the emotional satisfaction of both partners. It is here that peer marriage shows its special advantages.

Under these new economic and cultural circumstances, the ability of men and women to participate in each other’s lives—to build companion status—becomes essential to marital survival. Equality is a crucial ingredient of this form of intimacy. When women have validation in the outside world through career, and when couples can operate as a team on both economic and home issues, partners become more similar to each other and achieve greater emotional compatibility—or so I would hypothesize on the basis of my research with peer couples. With more outside experiences to bring to the marital community, the woman becomes a more interesting companion for the long run. Moreover, whatever competition or tensions may result from this new arrangement, women today probably need some of these career-related personality traits simply to stay competitive with the women men increasingly meet in the workplace. This was less important in a society where home and family were sacrosanct and a mother and wife—no matter how far she was from being a “soul mate”—was automatically protected from outside contenders for her spouse. However, that is not the society we live in any more, nor is it likely to return. And even though income creates independence and therefore opportunities for separation, the recognition that spouses would lose their mutually constructed lifestyle if the marriage ended has its own stabilizing effect, as I have found in my interviews with dozens of peer couples.

**Love versus Money**

Of course, even today, if one were to analyze marriage in purely economic terms, the traditional model can seem to offer certain advantages over the peer arrangement. Becker and others have contended that, at least during child-raising years, couples with the woman in a full-time mothering role tend to gain more income. And a few studies have shown that men with working wives have lower incomes than men with nonworking wives. Economically ambitious couples probably calculate correctly that one parent, usually the male, should be released from most parental duties to earn as much as he
can; the payoff here will lie in enhanced family income and social status, in which both partners presumably will share.

But this approach fails to address the real problem at the base of today’s shaky marital system—maintaining a high standard of emotional fulfillment. “Efficient” role allocation frequently leaves partners leading parallel and largely separate lives. Mom and Dad did that—each an expert in their separate spheres. It worked when there was less expectation that marriage should produce a soul mate, and when Mom’s tolerance levels were higher for the habitual carping at dinner. While this system did and does work for some, it tends to diminish emotional partnership. People in such “parallel marriages,” financially secure, look at each other ten years later and say, “Why you?”—and they divorce, often with children in primary grades.

Secrets of Peer Success

One key to the success of peer unions lies in joint child rearing—the creation of a male parenting niche in day-to-day family life. Indeed, I would go so far as to say that joint child rearing constitutes the secret of successful peer unions and a new pathway to marital and family stability in contemporary life. Joint child-rearing cements a new intimacy between husband and wife and, research shows, builds a critical and difficult-to-sever tie between the two parents and the children.

Some theorists in the past have actually argued against a model of significant daily paternal participation in parenting, on the grounds that male involvement will erode the natural dependence of men on women and that men, resenting the extra burden, will ultimately leave. Of course, a lot of men are leaving in any case. And certainly some studies, particularly among working-class men, show child care and household labor participation to be associated with lower marital satisfaction. Still, other researchers have found large numbers of men whose perception of shared participation correlates with greater marital satisfaction.

On the woman’s side, moreover, the picture is not at all ambiguous. Shared labor has a major impact on women’s satisfaction in marriage—and since more women than men leave relationships, this is a significant finding. A 1996 study by Nancy K. Grote and others
showed that the more traditional the division of labor, the lower marital satisfaction was for women (though not for men). However, both men and women reported higher erotic satisfaction and friendship with one another when household labor, including parenting, was shared more equitably.

My studies and others show several other important benefits to joint child rearing: First, the more men participate, the more attached they are to their children. Second, the more they parent, the more grateful wives are. Third, under joint parenting, it becomes harder for either the husband or the wife to consider leaving. And finally, unless the men are manifestly awful parents, children benefit from their father’s attention, skills, and additional perspective. This extra parenting and contact with the father can represent a real boon for children.

While my study draws from interviews with only about one hundred couples, some research based on large data sets reinforces my findings. In Bitter Choices: Blue Collar Women In and Out of Work, E. I. Rosin showed that a substantial number of working-class women interpreted the husband’s help with children and housework as an expression of love and caring. A very interesting study by Diane Lye at the University of Washington found, among other things, that men who had the lowest divorce rates had the highest interaction with their sons around traditionally male games—football, baseball, etc. Interestingly, the same was true of men who participated in similar activities with their daughters. Other studies have found a lower divorce rate among men who attended prenatal classes.

Still, one may argue that we are talking here about atypical men. Only a certain kind of fellow will participate in a prenatal class: peer men are born, not made. Yet that is not what I found in my own research. Most men I interviewed in egalitarian marriages did not come to them by way of ideological motivation, nor were they married to women who described themselves as feminists. The usual road to peer marriage was happenstance. The four most common routes: (1) A serious desire on the part of the husband to father more, and more effectively, than he himself had been fathered (men in these situations were frequently wrestling with significant pain left over from paternal abuse, neglect, or abandonment). (2) A job that required shift work or
role sharing and which, over time, greatly attached the father to the parenting role. (3) A strong-willed working partner who presumed egalitarian marriage; men in these cases were mostly prepared to structure the marriage any way their wives (often not declared feminists) preferred to have it. (4) The experience of an unsatisfactory, highly traditional first marriage in which the wife was perceived as too emotionally dependent during the marriage and too economically helpless after it was over; men in these cases consciously selected a different kind of spouse and marital bargain in the second marriage.

Were they happy with their new bargain? Most of these men expressed pride in themselves, their wives, and their home life. Were these typical egalitarian marriages? It is impossible to say. But these marriages, while not invulnerable, looked more stable for their integration—in much the way traditional marriages often appear: integrated, independent, and satisfied.

“Near Peers”

Some of the most troubled contemporary marriages, I have found, are those, in essence, caught between the old and the new paradigm—marriages that are neither fully traditional nor fully peer. I called such couples “near peers,” since they professed belief in equal participation but failed to achieve it in practice. I believe the experience of such “near peers” may lie behind some of the frustrations that lead conservatives and others today to declare, in effect, that “We have tried equality and it has failed.” In reality, what many couples have tried is inequality under the label of equality—an experience which has given equality, in some quarters, a bad name.

In “near peer” marriages, the wife typically devoted vastly more energy to the children while holding down a job. Although the husband made certain contributions to child rearing and household upkeep, and professed an eagerness to do more, actual male performance fell short of the intended ideal, stirring the wife’s resentment. In most cases, “near peer” men still controlled the finances and exercised veto power over the wife. The wife, performing a full-time job outside the home with little or no relief inside of it, was typically caught in a “slow burn” of inward anger. Paradoxically, such women did not long for more equality, since they assumed it would bring more
of the same—increased responsibilities with no substantial male contribution. These women felt trapped and overwhelmed and many of them, I found, would have been happy to leave the work force if it were financially possible. Furthermore, all their power—and much of their pleasure—continued to reside in the mothering role. They loved their children, felt compromised at the inadequacy of parenting time, and, perhaps surprisingly, rarely considered that one answer might be greater paternal participation. In truth, many such women were unwilling to surrender hegemony at home.

In such marriages, each spouse typically clings to his or her traditional powers while simultaneously craving a more partnership-oriented relationship. The result is emotional disappointment and conflict. Women in such relationships tend to view egalitarian gender roles as oppressive—seeing more respect, security, and satisfaction in the role of full-time mother. Yet they simultaneously resent the husband’s low participation and quasi-autocratic behavior, since they feel they have earned equality and crave it on an emotional level.

**Roadblocks and Suggested Policy Reforms**

While I have found that there are many different routes to a stable peer marriage, achievement of such a relationship is not automatic, as the experiences of the “near peers” attest. Several barriers stand in the way.

In the first place, it is often hard to avoid role differentiation, especially when partners have been strongly socialized to one or the other role. For example, it is simply not in the couple’s best interests for the “bad cook” to prepare dinner while the good one does dishes. Even though cooking can be learned—quite easily, in fact—the startup costs (bad meals for a while) stop most couples in their tracks. The better the homemaker-parent and the more outstanding the provider, the less likely there is to be taste for change.

Other inhibitors to peer marriages include the gender-based organization of jobs in the outside world (which affect evaluations of each partner’s career prospects), and the overall pull of the status quo. Yet in a sense, the biggest roadblock we face is our sense of the possible. Many women and men simply do not believe an egalitarian marriage is feasible—unless they happen to be in one. Even many who desire the
The peer model do not believe it can be achieved within ordinary working schedules. And most women expect significant male resistance and see a risk in asserting themselves, fearing that conflict with their husbands will lead to defeat and deeper resentment on their own part, or even divorce.

These are all reasonable cautions. The pleasure of sharing the day-to-day administration of home and family is not apparent to many men, especially those socialized to the older model. Nonetheless, today we find an increasing number of young men and remarried men actually yearning to be an involved parent. This represents a shift in ideology, a new view of “what is important in life.”

However, women, too, need to change. Many women are used to being taken care of and are trained for submissive interaction with men. In effect, they set up during courtship many of the inequities they will complain about in marriage—and ultimately flee from. They want intimacy, yet they often establish conditions—such as maximization of mate income—that subvert family time and marital closeness.

In addition, there are several public policy reforms that might assist in the formation of peer marriages and thereby help anchor families of the future. Such reforms might include classes on marriage and the family in high school, where young men and women can learn a model of partnership, equity, and friendship; more pressure on employers to offer flextime and on-site child care, so that individuals are not penalized for their parenting choices; and afterschool care in the public schools (until 6 p.m.).

There also needs to be more cultural support from the larger society. Most parents do not want to see their sons in the role of primary parent, do not want their sons’ careers compromised, and still view a woman’s work—including care for children—as unmanly. Moreover, most women are not encouraged to think of themselves as potential providers; only recently have they come to imagine themselves as fully committed to careers. I know there is a great split of opinion over whether young mothers should work at all, much less be encouraged to be responsible for their own economic welfare. But I would suggest that too much specialization in parenting and insufficient equality of experience may be more injurious in the long run than the difficulties involved when both partners juggle work and home.
Conclusions

We must recognize that there is no one form of marital organization appropriate for all couples. But I believe the “pro-family” or “family values” movement has been needlessly antagonistic to feminist models of marriage. After all, the two sides in this dialogue share some important goals: we do not want marriages to break up unless they absolutely have to; we want children to be loved and cherished and brought to adulthood in an intact family if there is any way it can be accomplished without punishment to either the children or the parents; we want people to want to form lasting bonds that strengthen the extended family.

The big question is how best to accomplish this. I suggest that shared parenting and increased spousal satisfaction are the most effective routes to family stability. I think that newfound feelings about equity and emotional closeness are essential to modern marital durability. Peer relationships will be good for women, children, and families—and a great benefit for men as well. Peer marriage is not a feminist or elitist vision. It is a practical plan to lower the divorce rate. But in order to see how well it works, society needs to offer the cultural and structural support to permit both men and women to parent, to participate in each other’s lives, and to have the time together that a strong relationship requires. Whether peer marriage will actually work better than traditional marriage is, at this point, a matter of conjecture. We do know, however, that traditional roles have failed to ensure stability. The new model is an experiment we can ill afford to ignore.
Curbing Teen Pregnancy: A Divided Community Acts Together
Jeffrey S. Luke and Kathryn Robb Neville

The rural coastal county of Tillamook is one of the poorer counties in the state of Oregon. In 1990, Tillamook’s teenage pregnancy rate (24 pregnancies per thousand girls age 10 to 17) was one of the highest in the state. But by 1994, the rate in Tillamook had dropped to the lowest in the state—7 per thousand. This drop reflected an overall reduction in both births and abortions, and occurred while other indicators were going in the opposite direction: the juvenile crime rates and high school drop-out rates both increased between 1990 and 1994.

Unfortunately, despite recent minor declines in the national teen pregnancy rate, successes such as Tillamook’s are the exception. Since the issue of teen pregnancy stirs deeply held values, most attempts to address the problem get derailed before they get started. Community discussions degenerate into divisive quarrels about values and religious beliefs. How Tillamook County managed to avoid these hurdles and attack the problem is the story of this essay. Gathered from over 60 interviews with involved community members, and focus group interviews with over 30 Tillamook teens, it is a story of increased awareness, of multiple organizations, and of a variety of strategies. It is also the story of how a community worked together even though there was not agreement on basic values or on the best way to address the problem at hand.

The Groundwork

Initially, the problem of teenage pregnancy in Tillamook provoked intense conflict. A 1987 proposal by the Tillamook County Health Department to establish high school-based health clinics,
which would distribute birth control, generated significant public controversy. Incensed by the thought of birth control being dispensed to their children, many citizens felt the proposed clinics were an invasion of family privacy. Other citizens objected on other grounds, believing that abstinence education, not condoms, was the appropriate approach. The school board voted 4-1 against the proposal.

Although the health clinics were rejected, during the heated debates the community learned that since 1980 their county’s teen birthrate had been significantly higher than the state average. To further investigate this problem, a survey was conducted in all three high schools. It revealed that 63 percent of the students were sexually active, while only 33 percent had used birth control.

This knowledge sparked a number of actions. The first was a compromise relating to the health clinic proposal. The district hired two nurses, who divided their time among all the schools. While they spent most of their time attending to general health needs, they could also provide students with information about the Health Department, where contraceptives could be obtained. The nurses, however, did not dispense contraceptives at school.

Also responding to the teen pregnancy data, the Health Department administrator began giving speeches to community groups such as the Kiwanis and Lions club, to highlight the problem. And other agencies began focusing on teen issues. In the fall of 1987, a “Risk Factors Forum” was convened by a local physician. Participants were encouraged not to talk about moral philosophy, but to discuss ways to help Tillamook adolescents avoid a variety of risky behaviors, including alcohol and drug abuse, as well as at-risk sexual activity. The often insurmountable hurdle of basic values was deliberately avoided.

Of course, one way to reduce teen births is to increase the number of abortions by teens. This was something many church leaders and other community members did not want to promote. In 1988, the Oregon Health Division began analyzing and reporting teen pregnancy data differently. Data on all pregnancies (including abortions) were now being collected and reported, not just births. This provided an important reframing of the issue. Targeting teen pregnancies instead of teen births enabled those groups that sought to reduce abortions and promote abstinence to be brought into the fold.
Unlike textbook approaches to community interventions, which generally prescribe comprehensive and coordinated programs, what began to emerge in Tillamook were multiple, smaller initiatives. Each group or agency pursued their own self-organized initiatives based on their unique mission and niche in the communities. Schools improved their health education curriculum. Churches made explicit efforts to stress abstinence to their youth. The YMCA expanded its programming for girls. And so on. The uniqueness of each approach decreased competition for scarce funds and decreased “turf” protection. It also enabled those with different values to approach the problem in the way they thought most appropriate. There was no grand, comprehensive strategy. There was no one coordinator. But all parties were aimed toward the same outcome—the reduction in teenage pregnancies.

Health Education for All—and by All

Tillamook’s pregnancy prevention efforts occurred on three levels: Primary prevention addressed all youths and sought to enable them to make better decisions so that they would not engage in risky behavior. Secondary prevention targeted sexually-active youth and focused on ensuring that pregnancy would not occur. Tertiary prevention sought out teenage mothers and fathers and aimed at preventing second pregnancies.

Primary prevention efforts revolved largely around health education. In the public schools, there was an effort to ensure that reproductive and sexuality education were “age appropriate.” In other words, fifth graders might learn about anatomy and puberty, while high school students would learn about more salient issues like dating and, eventually, contraception. The underlying philosophy was that kids learn best when the information is relevant.

In addition to “age appropriateness,” all three Tillamook County school districts incorporated contemporary sexuality issues into their curricula. Teachers and health instructors tried to convey the seriousness of sexuality issues. As one instructor stated, “I really try to get the kids to understand that it’s not funny, it’s not a game...it’s a very serious, serious issue.... I try to get them to see the resultant outcome of what happens with irresponsible behavior.”

Non-teachers were also called upon. School nurses visited classes to discuss various health, reproductive, and sexuality issues. Topics
for younger students included child safety, communicable diseases, HIV/AIDS, and puberty. For older students the nurse would also discuss abstinence, family planning methods, and local access to family planning services.

In addition, all three school districts made use of guest speakers. Health Department personnel, representatives from the Women’s Crisis Center, and teen parents from the local Teen Parent Program met with classes. These visits ranged from the traditional lectures to more interactive role-playing exercises. In addition to classroom instruction, schools required students to attend monthly, two-hour schoolwide assemblies with speakers who often had personal stories or afflictions that related to teen sexuality issues. According to the teens, these personal stories—along with role-playing exercises, childbirthing videos, and vivid pictures of STDs—had the greatest impact on them.

Education was not limited to the schools. Beginning in 1989, the Tillamook County religious community became more active with teen pregnancy prevention by providing education on abstinence and other sexuality issues. One program, “Sex on the Safe Side,” took place in 1989 and was attended by 300 students. It offered a two-hour class each week, for six weeks. The classes—held in a high school auditorium and open to all teens—covered topics such as abstinence, media exploitation of sex, dating issues (including date rape), and abuse. In addition, the series helped students focus on developing sexual decision-making, refusal, and assertiveness skills. “It has probably been one of the biggest contributors to getting the word out among the kids about abstinence,” said one representative of the religious community.

**Secondary Prevention: Sexually Active Youth**

Whereas primary prevention focused on all adolescents, secondary prevention efforts targeted adolescents who were sexually active and at risk of becoming pregnant. The Tillamook County Health Department is the agency where sexually active teens most often sought assistance for family planning services. But the agency realized that in order to fulfill its goals, it had to reach a larger proportion of sexually active teens.
As a first step, the Health Department changed the way they scheduled appointments for teenagers. It was noticed that teens often would fail to show up for their family planning visits. Staff members realized that the typical five-week wait for an appointment was contrary to the way adolescents spontaneously organize their lives. In response, they developed the “You First” program in 1991. Through that program, which was advertised in the school newspapers and through posters, if a teen called he or she was seen within 48 hours. By 1994, the number of adolescent clients seen at the Health Department was nearly 3.5 times greater than 1990.

At each appointment, the nurse counseled the adolescent before outlining various contraceptive choices. As one nurse stated:

When teens come to an appointment in here, we need to find out where their head is. They’ve got choices and they need to know it. We try to find out where they’re coming from, and have them consider abstinence first. If that isn’t possible, next we try to get them to use condoms...or pills.

In another strategy, the Health Department began incorporating family planning discussions into all office visits for females ages 10 to 45. Because women were asked to complete a sexual history section on their check-in forms, the staff could easily ascertain when a woman was sexually active and not using birth control. This created a natural situation for the nurse to integrate family planning counseling into the visit, regardless of the patient’s reason for seeking medical care.

The contrast between the Health Department efforts and those of the religious community highlight the uniqueness of what was happening in Tillamook. The two groups had very different approaches—ones that, in many communities, have led to heated arguments, unbridgeable disagreements, and, ultimately, inaction. But with a primary focus on a common end goal, Tillamook’s citizens were able to take action. As one member of the religions community said, “I’ve seen the Health Department trying to do things, we’re trying to do things, everybody’s trying to do things.” This does not mean that the religious community viewed themselves as having given in: their message was still exclusively one of abstinence.

**Tertiary Prevention: Targeting Teen Parents**

The Teen Parent Program sought to enable teen parents wanting to complete their high school education. Beginning with only a few
members in 1987, the program grew to include 25 teen parents in 1996. With nearly half of the parenting students exhibiting learning disabilities, individual attention was necessary to provide academic assistance. The staff also communicated individually with the teens about birth control options, arranging family planning appointments for them when necessary. As one staff person said, “We teach different options. We teach abstinence. We teach responsibility.”

While some students chose to attend the Teen Parent Program because prenatal and parenting classes were not offered at the high schools, others chose the program because they did not want to face the same alienation they faced in the regular schools. And by enabling these students to continue their education, the program provided the students with hope for their future, which often serves as a contraceptive. As for effectiveness, the program has been successful in preventing its students from having a second birth (abortions are not tracked). Between 1993 and 1995, for example, program statistics indicate that second births by participants in the Teen Parent Program dropped from six to zero.

Other programs include Babies First and Healthy Families. The key pregnancy prevention component to these programs was the home health visits where public health nurses and trained paraprofessionals attended to a variety of medical and social issues confronting teen parents and their children. Whereas babies might receive physicals or shots, the mother could receive well-baby advice, general medical care information, family planning counseling, contraceptive supplies, and connections to additional community services.

**Stealth Attacks**

The problem of teen pregnancy can also be addressed indirectly, and various groups in Tillamook did. Between 1990 and 1994, several programs were initiated that—although initially appearing distant from teen pregnancy—likely contributed to the reduced rate. As one administrator said of his program, “It’s not focusing on teen pregnancy, but it looks at kids getting in trouble.... Kids who are in trouble or who are potentially in trouble—how can we work together to meet those kids’ needs.”
The Tillamook County Family YMCA, sparked by the local discussions of teen pregnancy in the late eighties, realized that it had few activities for girls. In response, it developed softball, basketball, volleyball, and gymnastics for girls. The YMCA believed that kids have positive experiences, or “little wins,” when they participate in youth sports. As a result they develop more self-confidence, and this personal strength better enables them to avoid substance use and risky sexual activity. The YMCA’s involvement in programming for young girls and adolescents was particularly important because Tillamook had no parks or recreation department to provide these activities. Without the YMCA’s increased programming, recreational opportunities for girls would have been limited or nonexistent.

Drug and alcohol programs also likely had an indirect impact on teen pregnancy. In 1988, substance abuse prevention curricula began entering all three Tillamook County school districts. A number of programs sought to teach kindergarten through 12th-grade students the hazards of drug use. In 1990, the Oregon State Police began the DARE program (Drug Abuse Resistance Education), where a police officer visits elementary schools, teaching kids about refusal skills. Alcohol and drug prevention efforts also extended into extracurricular activities. (The schools supported a youth drama club consisting of 25 junior high and high school students who wrote and performed short educational plays about teen issues.) These drug and alcohol prevention programs appeared to help prevent other at-risk youth behaviors. As one school administrator stated, “I think that some of those programs...deal with the same thing—the refusal skills.... If you learn to say no to cigarettes in the fourth grade, it may help you to say no to sex in the tenth grade.”

Students learning refusal skills from substance abuse prevention classes also learned similar personal safety skills in Sex Abuse Prevention classes. In 1988-89, all three school districts in Tillamook County developed and began implementing Personal Safety/Sex Abuse Prevention curricula for students in kindergarten through 12th grades. Students in kindergarten began with the importance of not talking to strangers, while fifth graders learned about inappropriate touching and refusal skills. As the progression continued, seniors finished high school learning about such issues as sexual harassment, domestic violence, and rape.
Another program that addressed teen pregnancy indirectly was “Employees for Tomorrow,” a work-based mentoring program for at-risk students that began in 1987. It relied heavily on donations from area businesses and foundation grants until it was discontinued in 1995. While in the program’s early years it served only seven youths, in its final year there were 30 students participating, learning useful skills and developing ideas for, and confidence in, their future. According to the teens interviewed, having future plans helped keep them from becoming pregnant. As one teen stated, “Like, say you are really into sports and you get a scholarship and stuff and you are going to go off to college. You wouldn’t want to get pregnant.”

Welfare reform may have also had an impact on the pregnancy rate. Oregon first implemented its version of welfare reform—the JOBS program—in October 1990. Under the JOBS program, local offices of Adult and Family Services (AFS), like the office in Tillamook, required teen mothers to spend at least 30 hours per week in school, at a teen parent program, or “investing in herself” some other way. The goal of AFS was to eliminate the perception among teens that getting pregnant and public assistance are viable options for the future. As one community leader stated, “I think that...requiring kids that were on welfare to go back to school had a huge impact, because they no longer could get out of school by being pregnant.” In addition to finishing school, teen JOBS participants also had to attend drug or alcohol rehabilitation or mental health counseling, if it was deemed appropriate. Program representatives from the Teen Parent Program noticed the difference that these requirements made for their parenting students: students got specialized help and had to learn to be accountable.

Of course, it is difficult to assess the impact of the JOBS program. Since this Oregon welfare reform was statewide, it would not necessarily have affected Tillamook County any more or less than neighboring counties that did not see a dramatic drop in their teen pregnancy rates. But given that teen pregnancy rates seem to respond best to a multiple-strategy approach, it is quite possible that JOBS helped reinforce other teen pregnancy prevention efforts within Tillamook, and that in other communities, since these multiple efforts did not exist, the JOBS program was unable to make a difference on its own.
Historically, the focus of most pregnancy prevention efforts, both direct and indirect, has been on young women. Tillamook also began to drive home the father’s legal responsibilities. For example, the county could prosecute a father (teenage and older) to gain financial support for his child, requiring support payments even if the father lived outside the county. With expanded staff in the Child Enforcement section in the early 1990s, the District Attorney’s office aggressively pursued child support from adolescent and adult fathers.

The DA’s office also began more seriously prosecuting sex offenses in 1990, with the aim being to reduce sexual victimization of young women by adult males. Perhaps as a result, a trend appeared. From 1990 to 1994, nearly 70 percent of teen births statewide were fathered by post-high school, adult men who were four or more years older than the teen mom (for births where the father’s age was reported). During this same time period in Tillamook the age difference was not as extreme, and it even showed a marked decrease, so that by 1994 there were no fathers in Tillamook who were four or more years older than the teen mother.

The Difficulties of Sustaining Momentum

In 1995, the teenage pregnancy rate in Tillamook County increased to 15 per thousand teen girls, reversing its dramatic five-year low of 7 per thousand. What happened? Just as the reduction of the rate was not the result of one change, so too with the reversal.

The “Employees for Tomorrow” and DARE programs both ended in 1995. There was also a reduction in the frequency in school visits by teen mothers, who would share their stories and role-play with the students. (Teen focus group interviews had revealed that these visits often had a strong impact on them.) Sexuality education in Tillamook also underwent a transition between 1994 and 1995. The central Tillamook district collapsed its two-tiered sexuality education into a single, sophomore course, abandoning the “age appropriate” approach.

Between 1990 and 1995, key leaders in the county changed jobs or moved away. By 1995, it was estimated that there was roughly a 70 percent turnover in ministers, greatly hindering the involvement of the religious community in teen pregnancy reduction efforts. The
original alcohol and drug prevention specialist assigned to the schools had left, and as one program administrator said, “We never saw the same face [twice] after she left.” In small communities, successful efforts can be quickly endangered when staff turnover erodes momentum.

Teenage pregnancy reduction in Tillamook also lost its energy because many groups turned their attention elsewhere. Although teen pregnancy remained an issue for a few agencies, many local leaders and agencies felt the community was succeeding at reducing teen pregnancies and “were off to fight other dragons.” Some felt that it was an ongoing issue for the Health Department, but not for them. Others believed they had internalized prevention into daily operations and became complacent. As with all important community problems, people can lose interest. People feel they have succeeded, attention is caught by other urgent community issues, budgets tighten, and energy dwindles.

**Lessons in Strategy**

What can be learned from the experiences of Tillamook? First of all, the community must be made aware of the problem. In Tillamook, the battle over the health clinics played a crucial role in this process. More importantly, the degree to which Tillamook strategies and community actions were not centrally coordinated cannot be overemphasized. This conflicts with earlier social planning efforts that often insisted that community action be centrally coordinated—if not run by a single agency—to reduce duplication. But the Tillamook experience clearly shows that when there is some agreed-upon outcome, the multiple strategies approach has strong benefits. Allowing for multiple strategies encouraged all agencies and groups to participate in ways they knew best and cared about most. There did not have to be agreement about fundamental values, which would likely never occur with an issue like this. Community members essentially agreed to disagree. Less time and resources were then lost fighting over “which one strategy is best” or who should lead. Also, the multiple programs and repetition of prevention messages were a powerful counterbalance to the barrage of pressures teens have telling them to have sex.

Unfortunately, the Tillamook experience pointed out a common weakness in galvanizing communities to address local issues. Despite
its success, the community got complacent, key personnel were pro-
moted or moved to another community, other issues emerged, and
energy slowly dissipated. In a world of scarce resources and attention,
getting the issue on the agenda, and then sustaining this attention over
several years, are the biggest challenges Tillamook and other commu-
nities face as they address their most pressing problems.

A Note on Trust

Eric M. Uslaner

In August 1996, my family took its annual sojourn to the Delaware beaches. On the way, I stopped to buy some fruit at a local stand. There was lots of fruit, and quite a few customers, but no one was minding the store. Instead there was a sign directing people to put their money in a locked mailbox and take what they paid for. One of the customers seemed very impressed. He turned to others and said, “How trusting!” I chose my fruit, paid, and felt a bit warmer toward society.

A week and a half later I left a cooler to briefly “guard” a parking space. When I got back with the car, the space was still there, but the cooler was gone. My wife turned to me and said, “You believe too much in what you write about. You trust people too much.” Would I have been better off not being so trusting?

In this specific case, the answer is yes. But for society at large, and in the long run, the answer is no. Trust in others has big payoffs, both for individuals and for society. Data from the 1992 American National Election Study shows that “generalized” trusters, who have faith in most other people (“particularized” trusters will be discussed below), are more likely than mistrusters to vote, to give to charity, to volunteer time, to be willing to serve on a jury, to join voluntary organizations, and to attend political rallies. They are also more likely to say that it is wrong to buy stolen goods. They are less likely to claim government benefits they are not entitled to, to keep money they are not entitled to, and to fail to make a report after hitting someone’s car.

Generalized trust produces moral behavior because it has moral foundations. We do not decide to trust “most people” because we expect them to do good deeds; we can only make this judgment about the handful of people we know well. Instead, generalized trust reflects
a belief that most people share our fundamental values and will not try to exploit us even if they could. Generalized trust rests on a moral foundation. Its roots lie primarily in our early experiences and the moral lessons we get from our family. People with strong moral codes volunteer. You cannot take a Scrooge and make him into a Bob Cratchitt by placing a soup ladle in his hand and directing him to help out in a homeless shelter. Some social interactions, as I shall argue below, can increase trust. But such effects are limited as it is difficult, and often impossible, to overcome years (or decades) of socialization.

**The Different Flavors of Trust**

Trust is always a gamble. When I place my faith in you, I put myself at risk. You might take advantage of me, as did the person who walked off with my cooler. Yet we cannot simply withdraw all trust, unless we want to be hermits. But we can limit our confidence in others. Thus we confront two key, and interrelated, questions: Whom do we trust, and how do we make this decision?

The simplest decision rule is to rely on direct experience. This means trust someone after they prove trustworthy. But this approach does not correspond with reality. Grounding trust in such a manner is very limiting. We do not know most people, so our faith in strangers cannot be based on such direct experience. Yet many people do in fact demonstrate a broad faith in those they do not know. People who place trust in strangers are optimists. But the optimism that leads to trust does not result primarily from direct experiences; it stems from the general experiences people have with strangers, and from values transmitted from parents to children.

Unfortunately, generalized trust in others has fallen sharply in American society over the past four decades. In 1960, the first time the question was asked in a national survey, 58 percent of Americans believed that “most people can be trusted” (as compared to “you can’t be too careful in dealing with people”). By 1995, the figure had fallen to 35 percent. And both aggregate trends and individual-level survey data provide firm support for a linkage between waning trust in other people and our declining civic participation. This is not surprising since, as stated above, generalized trusters are far more likely to participate in political and civic life than mistrusters.
Generalized trusters have an indirect impact on society as well. The “Lake Wobegon effect” tells us that a person living in a friendly community is more likely to participate in community life than the same person residing in more hostile social climes. So in the 1960s the Scrooges living in trusting communities were more likely to vote and join voluntary organizations than their counterparts living in places with relatively few trusters. But this means that as generalized trust has declined in the last few decades, there has been a multiplier effect. In the less trusting nineties, mistrusters have dropped out of civic life, as they are no longer surrounded by an environment that promotes such engagement.

Thus far we have discussed two forms of trust: trust grounded in direct experience, and generalized trust. There is a third type. It often occurs that someone will only trust people like him- or herself. This is “particularized” trust. We see it in the balkanization of daily life. We do not trust strangers because they may be different from ourselves. Yet we realize we have to trust someone beyond our family and close friends, so some people become particularized trusters. Whites only trust whites, blacks only trust blacks. Trust breaks down along class, racial, ethnic, religious, and ideological fault lines. Particularized trusters tend to participate only in their own group’s activities. They withdraw from the rest of society, and often demonize it. Particularized trust ultimately undermines civic life.

Of course, the classifications of “particularized” and “generalized” trust have their limitations. There are some people who essentially trust no one. And people generally accord different people different levels of trust. Nonetheless, the categories of “generalized trusters” and “particularized trusters” serve a purpose, describing the general disposition different people bring to the public arena.

One Variable in the Equation: Religion

One part of our lives that can have a particularly large effect on our levels of trust is religion. Religion can affect the trust we have in others in numerous ways. On some level, most religions teach that we are all children of God. Such a message would seem to help promote generalized trust.
As we know, though, abstract lessons generally affect us less than the lessons of our daily experiences. Thus, what religion leads people to do may be of greater importance than what religion teaches. Many faiths lead their followers to commitments to secular endeavors. Religious traditions exhort followers to give of themselves, especially to the needy: priests and nuns take vows of poverty and work in missions in poor countries, and much of organized Jewish life revolves around raising funds to aid those who have less. Religion may also mobilize people in a more conventional sense: the clergy may mobilize people into political and social action. All of these examples of religiously inspired involvement in the broader community help to develop the generalized trust that, in turn, inspires an even greater commitment to civic action.

Religion, of course, is not a constant, and changes within American religion have also impacted trust. There is disagreement among students of religion whether our faith—or our manifestation of it—has been declining, staying flat, or simply evolving. The best evidence suggests a mixture of the three. There has been a decline in church attendance, but only for Catholics. Protestants remain as pious and numerous as ever, but in a different way—there are fewer mainline believers and more fundamentalists. This last development is of particular importance to the issue of trust.

In 1972, 35 percent of Protestant church members were self-identified fundamentalists. By 1993, the figure had risen to 50 percent. This is noteworthy because fundamentalists belong to fewer secular organizations than liberal or moderate Protestants. Data from the General Social Survey show that, among white Protestants, fundamentalists who are active in their churches are substantially less likely to join secular organizations than self-identified religious liberals who are similarly active in their churches. Perhaps the fundamentalists are less tolerant of those who are different from themselves (they do seek to convert them), so they do not immerse themselves in secular institutions. Their religious values lead them away from the potentially corrupting influences of other groups. Whether the result of basic values or of social practices, the General Social Survey reveals that fundamentalists have less confidence in people in general—less generalized trust—reserving their trust for others who believe as they do.
Over the last few decades, fundamentalists have not only increased in number, but have also become a larger religious and political force. This increased clout, however, has not led to greater integration into the larger political and social system. In 1993 fundamentalists joined almost 20 percent fewer secular organizations than they did two decades earlier.

Religion is just one of many realms that influence trust. But changes in religion point to other, perhaps more important, factors shaping trust. Generalized trust means trusting strangers, people who are not like ourselves. Members of liberal or mainstream religious denominations welcome strangers. They have been leaders in the civil rights movement and have been more than willing to form coalitions with people outside their own circles. In contrast, fundamentalists fear people who think of the world differently from themselves. If you do not accept their world view, you are more than an unsuitable coalition partner: your moral code is suspect and you cannot be trusted. In any realm of life, such a sharp division between “us” and “them” is likely to result in fear and/or avoidance, and trust is then inevitably undermined.

**Restoration**

Is there a way that we can convince people that they should place their trust in people who are not like themselves? Direct approaches are difficult. If you tell people that they should become more trusting, or should become more active in civic life, they will question your right to impose morality upon them. Can we coax Scrooges into becoming Bob Cratchitts without making them feel like moral lepers who would just as soon dismiss us as listen to us? If direct exhortation will not work, maybe a sneak attack will.

This is the strategy that Muzafer Sherif and his colleagues employed in social experiments in the 1950s. They induced deep hostility (particularized trust) among two groups of summer campers. And then they sought to put Humpty Dumpty back together again. It was not easy. Sherif and his colleagues found the solution through what they call “superordinate tasks.” The two groups of hostile campers had to come together to get themselves out of a collective fix. The camp made them ride in the same truck on a field trip. When the truck “broke
The two groups were compelled to cooperate to help get it moving. They also found themselves forced to cooperate to remove boulders that were blocking the camp’s water supply.

The campers did not see these “superordinate tasks” as exercises in building trust. Instead, they were exigencies of the moment—that just happened to build trust among formerly warring groups. Trust emerged as a by-product of digging oneself out of a ditch. Rescuing the truck built common interests, a sense of control, and ultimately fostered generalized trust among all the campers.

We cannot engineer truck breakdowns on all of our highways and back roads, but the lessons of Sherif’s experiments can be helpful. Simply bringing diverse peoples together, or simply preaching the merits of generalized trust, are not likely to be effective methods of trust building. Interaction among diverse groups, centered around the achievement of common interests, is a more productive model. As for specific ways to follow this approach, a number of things come to mind: Boy Scouts, Girl Scouts, national service, sports.

Consider, for example, sports. In sports, people of all backgrounds meet on the playing fields, helping to build the tolerance that is essential for generalized trust. But it does so on the sly. People do not play games to make themselves more moral. Morality lessons are a by-product, not the main event, in athletics. And this is good, as advice on how to become better citizens would fall on deaf (or hostile) ears. As with many strategies, extremes undermine the objective. In the case of sports, when it becomes the source of one’s identity, when one gets too carried away, you retreat into your world of particularized trust.

In the end, restoring trust will require more than can be described in these few pages. But while it will be tough to regain the generalized trust that we as a nation have started to lose, it will not be impossible. This essay hopefully provides a framework for understanding some of the steps that might help us promote faith in our fellow citizens, and achieve the social benefits that come with such faith.
Beyond Sentiment and Place: The Tangible Ingredients of Community

Dennis Hale


I imagine that readers of this journal spend less time asking themselves why they believe in “community,” and more time thinking about how community can be nurtured, why it seems to have disappeared from so many places, or how its meaning has changed over time. But these two books suggest the importance of achieving some clarity about the first question—Why is community important?—before moving on to the others.

Everyone is aware of the conventional answers to this question. Community is important...

• ...because it helps people who are in need of assistance. In this view, “community” is the ultimate safety net, and just as the community must take care of the vulnerable, everyone must take care of the community.
...because without community, people are isolated and lonely, and their lives have no meaning. Isolated individuals, furthermore, are prone to self- and socially-destructive behavior; a heightened sense of community is therefore an antidote to a common 20th-century social pathology.

...because without community, democracy is impossible. In order to govern themselves, people need to work together; community provides an emotional and institutional context for such collective action—it is the necessary affective element in “self-interest, rightly understood.”

...because individuals are fulfilled by participating in the wider affairs of their community. Human beings are social animals, in this view, and we find our highest and best use in serving others.

Much of the debate about “communitarianism” in recent years has been over claims such as these, and over the relative importance of such claims now and in the past. Did the founding fathers have a “sense of community?” Was community ever meaningful, or were we always a nation of radical individualists? And while the two books under review are not about communitarianism as such, but about actual communities—two cities in upstate New York, and two small towns on Maryland’s Eastern Shore—those interested in the idea of community will want to come to grips with the stories these books have to tell.

A Story of Decline

The stories are unfortunately grimly familiar, especially the Rabrenovic volume, which chronicles the social, political, and economic decline of Albany and Schenectady in the decades since the Second World War. A majority of the American electorate now lives in the suburbs, which means that most Americans likely have either lived through such central-city decline personally, or have experienced it vicariously in stories heard around the dinner table.

The story has a simple plot: major industries close down or relocate; the city’s tax base erodes; property values decline; the percentage of the city’s households living in poverty increases, and with it the city’s social service expenses; high taxes encourage further
migration to the suburbs. Meanwhile, those residents who either will not or cannot leave are forced to struggle with increasing crime rates, the loss of community institutions, racial conflict, and weak, ineffective, or corrupt city governments. And billions of dollars in federal urban renewal and economic development money does little or nothing to stem the decline.

Rabrenovic observes early on that

[In] earlier times, residents of urban communities survived economic hardships by banding together and taking care of one [an]other. They formed ethnic and labor organizations to provide services and support for their members, or to demand concessions from businesses and government.

Now, she argues, it is far more difficult for such organizations to sustain themselves, since capital has become so mobile. Nor have social service organizations, such as settlement houses, been able to flourish under modern conditions. In fact, the only kind of community organization that has survived the general decline (though fitfully) is the “neighborhood association”—defined as a group of property owners (mostly) who band together to defend their “place-based interests” and to lobby for better services from the city administration. Her book is largely a study of how such organizations fared in both gentrifying and declining neighborhoods in Albany and Schenectady: the former an industrial city becoming a service city, the latter an industrial city on the skids.

In each city, neighborhood organizations suffered the usual problems associated with collective action: wavering commitments from members, leadership conflicts, free riders, a loss of morale, and misunderstandings among members with different experiences and backgrounds. But in the main the organizations survived, as did similar organizations in other neighborhoods not included in this study—whatever might be said about declining participation in voluntary organizations in general (the so-called “bowling alone” phenomenon).

As Rabrenovic notes, one important benefit that organization members derived from belonging was a real (if modest) increase in the control they could exert over their environment—though this increase was much greater for middle-class gentrifiers than for the hard-core
poor. Collective action is expensive, but it works: city officials were more likely to pay attention to a neighborhood’s gripes if an organization could apply the right kind of pressure, or merely frame a request in a timely manner.

**Giving the Community Force**

None of the above is surprising, however. The real lessons of this book come between the lines, and they are not stressed by the author—so in what follows I may well be departing from her own views.

First, both Schenectady and Albany have experienced a net loss in organizational life over the period covered by this study. Both cities in the past had party machines, churches, settlement houses, corporations, and labor unions, and all of these organizations had some significant degree of power over their members, congregants, clients, and employees. This power involved coercion. Party machines could influence votes and distribute favors; churches held sway over the moral lives of their congregants; settlement houses established control over the behavior of the poor; and corporations and unions controlled jobs and wage levels. The cities had municipal governments, which of course were themselves powerful, up to a point. But these governments operated within a social context that was highly structured and extensively controlled by organizations outside the city government. Furthermore, both organizational networks and the city governments coexisted with and supplemented an older and deeper network of extended families. In other words, “community” was not a vague sentiment, or an ideal to be sought after. It was a tangible entity, even forceful, capable of establishing limits as well as opportunities—not, in other words, a “safety net” only, but also a framework for public and private life, and a network of rules and constraints.

No longer. The most striking difference between the two cities now and in the past is how anarchic they—and all modern cities—have become. The most visible sign of this anarchy is the explosion of street crime in both cities (another grimly familiar story). And in both cities, and in each kind of city neighborhood, crime was the most relentless enemy of collective action, even when it was also the motive for certain kinds of action (“neighborhood watches,” for example). The anarchy extends also to the social structure, with increasing
numbers of children who are effectively orphans. And anarchy is visible in the lack of building code enforcement—slum housing deteriorates because landlords ignore maintenance needs, and the city does nothing to interfere—as well as in the general deterioration of public behavior. Drunks congregate on street corners; drug deals take place in broad daylight; prostitutes solicit customers in residential neighborhoods; unruly children trash the local swimming pool.

From this loss of organizational life and resultant anarchy comes a second lesson: civic action by well-meaning citizens is very difficult to sustain under these circumstances. Neighbors are reluctant to attend organization meetings at night because of the fear of crime. Deteriorating housing drags down the value of neighboring properties, giving owners an incentive to leave quickly, before their losses become irretrievable. The fear of crime makes it harder for strangers to trust one another, aggravating underlying racial tensions and cultural misunderstandings. Life in the neighborhood becomes nasty, brutish, and short—and no amount of “community good will” will slow the decline all by itself.

What democracy requires, in other words, is not the sense of community but the concrete reality of community institutions with authority and the power to act. It may be that government’s greatest contribution to the public good is its ability to foster a climate where such organizations can flourish.

But what kind of organizations? The biggest difference between the organizations that once existed in Albany and Schenectady and the neighborhood organizations that have replaced them is that the latter are almost purely defensive and by necessity parochial. They exist to preserve the character of this neighborhood—which means, in practice, the quality of “our” municipal services and the value of “our” property. As much as these current organizational leaders acknowledge their connection to the wider community, they have no power over that community, no mandate from their members to concern themselves with larger matters, and no power to force broader aims on reluctant constituents—many of whom are content if they can simply hang on to what little they own.

The organizations that once characterized city life sought ends that were either wider or deeper: the control of state government;
advancing the interests of the universal church; improving the charac-
ter of the poor; improving the conditions for working people in an
entire industry. If we are to have stronger communities, we will have
to have stronger intermediary institutions. Where we do not already
have them—for example, in poor neighborhoods—we should be
thinking of how to create them all over again. Why can’t we reinvent
the settlement house and the orphanage, or make it easier for inner-
city churches to serve the social and educational needs of their par-
ishes? For that matter, why can’t we reinvent the local political party?

It will be objected that these institutions “evolved” into extinction,
and cannot be brought to life again, anymore than the dinosaurs can.
But institutions are not life-forms; they are the embodiments of public
ideas. And one of the most powerful public ideas in modern times is
the misguided belief in the autonomous citizen—liberated from de-
pendence on parties, churches, unions, and even families, and the
related belief in the power of markets to solve all problems. These
beliefs have led us to take deliberate steps to undermine the power of
organizations to constrain their members. The result is the anarchic,
disorganized cities described by Rabrenovic, where the simplest forms
of collective action are nearly impossible, even when ventured by the
most dedicated and selfless citizens.

Community: More Than a Feeling

Meredith Ramsay’s book tells a slightly different story, with its
own ramifications for communitarianism. In Princess Anne and
Crisfield, Maryland—the former an agricultural center, the latter a
coastal town dependent on fishing and crabbing—economic develop-
ment was blocked by residents who feared radical changes in their
local ways of life. Sometimes change was blocked by the “good ole
boys” down at the courthouse, who were just shrewd enough to keep
out any industry willing to pay more than subsistence wages to local
workers. But sometimes change was blocked by the people at the
bottom of the social pile, who feared that new employers would
simply exploit them in new and more painful ways. The result of this
intersection of divergent interests was what outsiders are likely to
mistake for “community stability”—nothing much changes in Prin-
cess Anne and Crisfield, and people who object either stay away or
leave pretty quickly.
The only interruption to this pattern of sleepy, small-town oligarchy came from brief eruptions of democratic politics in both towns, at different times in the late 1980s and 1990s. In each case, the rebellion came after notable threats to the local quality of life were created by outside interests (e.g., a noxious clam-processing plant). But in each case, the “not-in-my-backyard” impulse was not enough, all by itself, to sustain a renewal of democratic politics. That would have required a more lasting organizational base—e.g., a political party, with connections to the larger worlds of state and national politics and an organizational incentive to cultivate local voters. (Ramsay notes that political parties were conspicuous by their absence in rural Maryland—a phenomenon familiar enough to students of V.O. Key, and one that has not changed much even in the wake of the Voting Rights Acts of the 1960s.) Such an organization could mediate, at critical moments, between vulnerable communities on the margins of the economy and the outside forces with the resources such places need—forces that are vastly more powerful than even the “good ole boys” in the Princess Anne courthouse.

What Princess Anne and Crisfield do not need more of is a “sense of community”—that they have, in spades. Local citizens have known each other for years—often for their entire lives. Families have lived side by side for generations, and take some comfort from familiarity even when it is busy breeding contempt. Ramsay notes that even across the racial divide there is a degree of understanding not granted to outsiders. And unlike the anarchic lives of inner-city residents up north, life for the citizens of Princess Anne and Crisfield has been as predictable—and at times as oppressive—as life in a medieval village.

What the citizens of rural Maryland do need more of is organizational life. They need what parties, churches, unions, and civic associations can provide: strength, continuity, and democratic renewal. That, after all, is one of the main reasons why community is important in the first place—because it provides an organizational context within which democratic citizenship can be something more than a hopeless sentiment.
LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

From the Libertarian Side

We, The People—And Pets—of The United States of America...

Until recently, dogs that attacked humans were quietly put to sleep, and malpractice cases against a veterinarian were often settled out of court for a few hundred dollars awarded to the pet’s owner. Recently, though, a new front on the legal scene has emerged: pet owner rights. The Wall Street Journal reports that lawyers specializing in pet owner advocacy now argue that the “intrinsic value” of a pet to its owner warrants significant monetary compensation when a pet dies accidentally. And, when defending clients whose dogs have mauled people, these lawyers call upon animal behaviorists and character witnesses to testify that the accused dog may just have been “having a bad day.”

In one case, a Kentucky court awarded a woman $15,000—some of which was for “loss of companionship”—in a negligence suit against a veterinary clinic when her dog died after being sterilized. In New Jersey, after its case was appealed all the way to the state’s highest court and the town of Haworth incurred $60,000 in litigation expenses, a dog accused of biting a child was spared a death sentence by Governor Christine Todd Whitman. The owner’s attorney argued that the issue was not simply one of property, and that “the state’s procedures for dealing with canine family members was objectionable.” New Jersey law has since been revised so that, in some cases, it is now
the plaintiffs’ responsibility to prove they did not “provoke” a dog’s attack.

Tufts University Veterinary School professor Gerald Tannenbaum fears that “we may be on the verge of a [litigation] explosion.” But Steven Wise, a pet owner rights attorney, hopes such cases will pave the way for “non-human” animals to achieve the same rights as their human counterparts.

**Lions and Tigers and...Fingemail Clippers? Oh My!**

Long gone are the days when teachers were permitted to use a ruler or paddle to discipline students. And good riddance! However, Carol Comstock, a fourth-grade teacher in York County, Virginia, is facing criminal charges of assault—and a 12-month jail sentence and $2500 fine—for trimming a student’s fingernails.

Comstock felt Savanna Merrill’s nails were a distraction and sent a note to Savanna’s mother saying that Savanna had been playing with her nails in class. Savanna’s mother, Rita, says although she trimmed her daughter’s nails, Savanna came home the next day and told her that Comstock had trimmed them again. Mr. and Mrs. Merrill were unable to contact the school superintendent to discuss Comstock’s actions and decided the next logical step would be to contact the county sheriff’s office to issue an assault warrant. Comstock was served the warrant a few days later. “She took my little girl’s hands in her own and cut her. To me, that’s assault,” Mrs. Merrill told the *Washington Post.*

School officials are sympathetic to Comstock, who is still teaching. James Majka, chairman of the York County School Board, said, “It seems strange to me that a parent would go so far as to file charges for simply clipping nails.” And superintendent Steve Staples feels that while Comstock did not use good judgment in clipping Savanna Merrill’s fingernails, she did not commit assault: “I think we had someone with good intentions,” he said.
From the Authoritarian Side

Take a Chill-Pill

A 13-year-old boy’s sense of humor may sometimes be raunchy, and is often goofy, but it usually is not viewed as grounds for suspension. School officials in McKinney, Texas, did not agree.

When Aaron Smith and a group of eighth-grade classmates were working on a school-related slide presentation, they saw a drawing of a rat with a light sabre sticking out of it. One classmate mentioned that the rat resembled a chihuahua, which the boys thought was funny, and with a creativity limited to youth, the Chihuahua Haters of the World (CHOW) club was born. Smith created a website for the club at home, wherein he mentioned that CHOW members were students at Dowell Middle School in McKinney.

Because of its acronym, CHOW was placed on an Internet list server for chow dogs, and was discovered by Fort Worth chow breeder Jan Ray. Ms. Ray contacted McKinney school district authorities to express her displeasure at the website, which she assumed was school-related: “If children are going to use the Internet at school, it should be supervised,” she wrote. McKinney school district authorities, also assuming that Smith had created the website in Dowell’s computer lab, suspended Smith and removed him from his computer class—despite his parents’ vouching that it was indeed created in their home, and Smith’s volunteering to take the school’s name off the site. Smith was surprised by reactions to his website: “The whole CHOW Web page was just for fun,” he told the New York Times.

The Orange County Register reports that Mrs. Smith contacted the ACLU, who helped arrange an agreement between Smith and the school district: Smith would be allowed back into his computer class and his suspension would be erased from his record if he placed an apology on his website. Although the web server that carried Smith’s page has taken it down because of technical problems, the ACLU hopes it will be up again soon.

In May, Smith received a “Free Spirit” award and a $10,000 cash prize from the Freedom Forum for his “unique contribution to nourish freedom of spirit and life.”
**From the Community**

**Staying in Bedford Falls**

With the help of a $50 million pledge from philanthropist Walter Annenberg, an initiative called Rural Challenge is seeking to prevent small towns from declining. The group is based on the idea that, in the words of national director Paul Nachtigal, “If students really understand their local place and how they fit in that local place, they may be more likely to return...[helping] the community become more stable and sustainable over the long haul.” The program tries to promote this understanding of place by getting schools to use the world around them as a laboratory, with students studying everything from nearby wetlands to a local firehouse.

The program is comprised of former educators and administrators, who came together in 1995 to allocate Annenberg’s pledge. According to the *Denver Post*, Rural Challenge scouts visit communities nationwide who have applied for grants, and award money to those communities where they believe positive change can be made within a school district—not just one school—and the community at large. Recently a grant was awarded to a group of Western Colorado charter schools. Student projects were created specifically for each school: in one school, students worked with wildlife rehabilitation experts; in another, students participated in a science class that taught them about their region’s specific ecosystem. Nachtigal hopes that such “place-based educational reform” will “help folks rethink the notion that rural places are just resources to be extracted.”

**Learning from Those Who Know**

Raising a child is a formidable task, but raising a deaf child—especially when parents are hearing—poses special difficulties. Perhaps the most significant challenge is knowing of, and being sensitive to, a deaf child’s special needs. Deaf children, for example, are prone to feeling abandoned, and thus are often “clingy” with their parents. And among the numerous communication problems that arise, there is the initial fact that both parent and child are learning to “speak” at the same time.
Enter the Chicagoland Deaf Parent-to-Parent Project, a two-year-old endeavor. According to the American News Service, the project joins hearing parents, a social worker, a psychologist, and deaf parents in an effort to educate hearing parents about services and special schools for deaf children, and provide support and information about parenting deaf children. Parents learn that the reason deaf children feel abandoned is that, from the child’s perspective, the parent often just disappears. This problem can be easily overcome by having hearing parents make a point of letting their children know whenever the parent enters or leaves a room.

Parents also learn to understand just how dependent they are on their hearing by participating in workshops. And by simply getting to know each other, deaf parents can serve as models for hearing parents. “Hearing parents will know their deaf children can become parents, doctors, anything they want,” says project coordinator Lynda Myers, a social worker who is also deaf.

Nora Pollock

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Right about Rights?

H.G. Wells once asked for Gandhi’s views on a document Wells had coauthored entitled “Rights of Man.” Gandhi did not agree with the document’s emphasis on rights. He responded with a cable that said, “I suggest the right way. Begin with a charter of Duties of Man and I promise the rights will follow as spring follows winter.”

Keshavan Nair
THE COMMUNITY’S PULSE

Father Time

Hours married employees spend with their children:

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<tr>
<th></th>
<th>Workdays (1977)</th>
<th>Non-Workdays (1977)</th>
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<tr>
<td><strong>Men</strong></td>
<td>1.8</td>
<td>5.2</td>
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<tr>
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</tr>
<tr>
<td><strong>Women</strong></td>
<td>3.0</td>
<td>8.3</td>
</tr>
</tbody>
</table>

European Disunion

Percentage of Belgian citizens who described themselves as “very racist”: 22%

Percentage of French citizens who described themselves as “very racist”: 33%

Prozac?

Rates of satisfaction with “the way things are going in this country today”:

- October 1995: 23%
- March 1996: 28%
- July 1996: 29%
- January 1997: 38%
- August 1997: 49%

Innocent Youth

Teenagers who claim:

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<tr>
<th></th>
<th>Age 12</th>
<th>Age 17</th>
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<tr>
<td>Their school is drug-free</td>
<td>71%</td>
<td>22%</td>
</tr>
<tr>
<td>They would report someone using illegal drugs at school</td>
<td>74%</td>
<td>24%</td>
</tr>
<tr>
<td>They would report someone selling illegal drugs at school</td>
<td>78%</td>
<td>26%</td>
</tr>
<tr>
<td>They know someone who sells illegal drugs</td>
<td>10%</td>
<td>52%</td>
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Compiled by Peter Rubin
It’s Time to Bury the *Times* Doctrine

Shortly after *New York Times v. Sullivan* was decided, I wrote that the Supreme Court had magnified the power of the media without imposing on it any concomitant responsibilities. Succeeding decisions have only served to increase the force of that criticism. In the years since the *Times* decision was announced, defaming public officials has become a national sport. But it is not a harmless sport. It is destructive of both the local and the national communities. In “The Right to Be Wrong—Heretical Thoughts of an Ex-Newscaster” (Spring 1998), Carl Stern says correctly that it has cheapened our public discourse. It has also served to impoverish our public life. The combination of the *Times* doctrine and the Independent Counsel law serve to discourage all but those with the thickest hides from entering public life.

The consequence of the *Times* doctrine has made it very difficult for public officials or public figures to recover damages for defamation. That has been the result of the doctrine, but that was not its purpose. Justice Brennan made it very clear that *Times* was designed to further the principle on which the First Amendment was based—“the principle that debate on public issues should be uninhibited, robust, and wide-open.” As I wrote in 1967 in the *Harvard Law Review*, making it difficult for public plaintiffs to sue the media does not itself assure debate: “Unless the *Times* doctrine is deepened to require opportunities for the public figure to reply to a defamatory attack, the *Times* decision will merely serve to equip the press with some new and rather heavy artillery which can crush as well as stimulate debate.”
What is to be done? Should the *Times* doctrine focus on the content of the defamation rather than on the status of the plaintiff as it does now? Carl Stern suggests that the *Times* doctrine should be triggered only when the content of the defamation involves a public issue. This proposal is made in the belief that it will limit the scope of the *Times* case. I do not believe it would have that effect. This is a proposal that if adopted would, I think, soon be found unsatisfactory.

Interestingly, in *Rosenbloom v. Metromedia* (1971), three of the Justices on the Supreme Court considered the public issue alternative. But ultimately, in *Gertz v. Welch* (1974), the Supreme Court squarely rejected this alternative. The reason it was rejected has become less persuasive over the years. Justice Powell felt that those who sought out the public life had in a sense agreed to accept a higher degree of media criticism—even abuse—than those who chose to remain in private life. If public officials have indeed made such a bargain, its Faustian quality is increasingly evident both to them and to us.

There is a better reason why revising *Times* to reach only public issues will not work. It is very difficult to distinguish the public from the private. Suppose a congressman is found by the Tidal Basin in Washington with his girlfriend in the middle of the night? Suppose the president is charged with conducting an adulterous affair? If the press reports this information, should it be considered a public issue or a private matter? To ask the question is to answer it. The press in our time consider such matters the public’s business.

Another remedy that Carl Stern suggests is a proposal that a remedy in lieu of damages be created to permit a court to determine the truth or falsity of an alleged defamation. But a court decree on such an issue is not enough. If the judgment in such an action vindicates the plaintiff, then that judgment should be published in the offending publication. One problem I believe with vindication proposals is that they shy away from requiring publication. This is a mistake. If an individual is defamed in the media, then true relief can only come by vindication in the media. Still another remedy would be to provide a right of reply for defamation as an alternative to damages. Efforts to restore reputation by judicial remedies alone cannot succeed. An opportunity to respond in the media that presented the defamatory material is critical.
Right now in this country we are beginning to have a debate about the wisdom of the Independent Counsel law. That debate is generated to some extent by the concern expressed by many that the quality of our public life and those who actively participate in it is steadily deteriorating. Similarly, the *Times* doctrine has been a powerful—and more long-standing—contributor to the decline of American public life and discourse. Carl Stern is right. It is time to reconsider the *Times* case and to explore whether there are alternatives that will stimulate debate, encourage wider participation in the political process, and elevate the quality and content of our public discourse.

*Jerome A. Barron*

*The George Washington University Law School*

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**Where’s the Beef?**

For many years I have been an avid reader of your journal and have championed many of its ideas, where appropriate, to my friends. I have been especially attracted to your idea of coupling rights and responsibilities.

You may imagine how pleased I was to see a “Universal Declaration of Human Responsibilities,” signed by 24 former heads of state, in the Spring issue. You cannot imagine how disappointed I was with the actual text.

I had to laugh (and cry) at the thought of how the Israelites would have reacted if Moses had come down from the mountain with such a vague, general, long-winded, politically correct list. “Everyone has a responsibility to promote good and to avoid evil in all things.” That’s helpful.

How about: Support yourself and your children. Obey the law. Pay your taxes. Respect the rights of others. Expect adverse consequences if you do not. Etc. After the leaders of the world produce a simple direct list of responsibilities we can turn to the theologians to define the nuances and the fine print.

*H.S. Kelly*

*Greens Farms, Connecticut*
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