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**T**<sup>Amitai Etzioni</sup>  
**oo Many Rights,  
oo Few Responsibilities**

**A** sociological prize of sorts ought to be given to the member of the television audience who, during a show about the savings-and-loan mess, exclaimed, "The taxpayers shouldn't pay for this, the government should!" He reflected quite well a major theme in American civic culture: a strong sense of entitlement that demands the community give more services and strongly uphold rights coupled with a relatively weak sense of obligation of serving the commons and without a feeling of responsibility for the country. Hence Americans recently called for more governmental services but showed great opposition to new taxes; they express their willingness to show the flag anywhere from Central America to the Gulf but a great reluctance to serve in the armed forces; and they even have a firm sense that one has the right to be tried before a jury of one's peers but use a variety of maneuvers to evade serving on such juries.

Although the imbalance of rights and responsibilities may well have existed for a long time—some may argue it is a basic trait of the American character—in recent years leadership has exacerbated this tendency. Thus, while John F. Kennedy was still able to generate a tremendous response, including thousands of volunteers to serve in the Peace Corps, when he stated, "Ask not what your country can do for you. Ask what you can do for your country," within recent years, Reagan and Bush preferred the less challenging course of suggesting to the citizenry that it could have its cake and eat it too, gaining ever more economic growth to pay for governmental services while paying ever less for them via tax cuts.

In many other areas, from public education to the war on drugs, facile nontaxing "solutions" have been offered. For example, it has been suggested that we may improve our system of education without additional expenditures by simply increasing parental choice among schools and thus, it is said, "drive the bad schools out of business." And to deal with the illicit demands for drugs, we are told to "just say no." Radical individualists, from the ACLU to libertarians, have effectively blocked most steps to increase public responsibilities, from drug-testing, even of people directly involved in public safety (such as engineers who drive trains), to dealing with those engaged in public health (e.g., requiring disclosure of sexual contacts by those who are carriers of the AIDS virus). Last but not least, in both state legislatures and in Congress the role of special-interest groups has grown so much, especially through campaign contributions, that the public interest is very often woefully neglected. Suggestions for reform have so far found only a rather small constituency.

A new communitarian movement is now taking on this set of issues, making restoration of civility and commitment to the commons its core theme. The young movement is in part social philosophy and sociology, in part a moral call, and in part a matter of adopting a different attitude toward public policies.

Communitarians point out the illogicality of demanding the right to be tried before a jury of one's peers without being willing to serve on that jury. Aside from being a selfish, indecent position (asking to be given but not willing to give), it is absurd to expect that most of us can be tried before our peers if most of us are not willing to be one of the peers. Communitarians show that in the longer run it is not possible to have ever more governmental services and at the same time pay less for them (and the longer run comes nearer every day.) They point out that a government that is trying to make do by serving numerous special interests neglects the other important matters for which there are no powerful pressure groups, from public education to public safety and health. And communitarians are showing that the Constitution, being a living document rather than a dead letter the Founding Fathers left behind, can be adapted to meeting the changing challenges of the time.

A discussion of specific measures communitarians are considering follows. Before these are outlined, it is necessary to stress two points to avoid common misunderstandings. Although several of these measures involve legal matters and governmental actions, that is, matters of the state, the core of the communitarian position is moral- and community-based rather than statist. What is needed most is a change in the moral climate of the country: a greater willingness to shoulder community responsibilities and a greater readiness to curb one's own demands. Without such change the required shifts in public service and the definition of rights will not be acceptable. Most important, the more the called-for changes are made morally acceptable and are *socially* enforced, the less need there will be for governmental actions—from policing to using courts and jails. One example: To enhance public safety, we need fewer drunken drivers. To combat drunken driving, we need, among other things, the moral commitment of individuals to the notion of a designated driver (as in Scandinavia), that is, one person per car who will not consume alcohol during an outing, party, etc. This is best done on a moral-social base. For example, those couples who come to parties and both drink would be subject to social criticism (unless, of course, they car-pool); the people who proudly state (as if saying, "look how responsible we are!") that

they are not drinking tonight because they are designated drivers would gain social approval accordingly, and so on. Similarly, we need to support sobriety check points (rather than fight them as the ACLU does) to help enforce the new social-moral dictum. The changed moral orientation ensures that drunken driving will be significantly reduced with very little state action and that whatever limited state action will be needed will merely round off new social pressures (e.g., in the form of designated drivers rather than drinking to excess being tolerated) and will be supported by the electorate.

There is no simple recipe for building a new social-moral climate for a more communitarian orientation. Societies change their moral orientation in complex, far-from-fully-predictable or controllable ways. But just as Betty Friedan's writings helped launch the women's movement and Rachel Carson's *Silent Spring* helped the environmental movement take off, so various communitarian writings may help the social-moral climate by calling attention to the need for greater responsibility to the commons. These include Robert Bellah, R. Madsen, W. Sullivan, A. Swidler, and S. Tipton's *Habits of the Heart* and books by Michael Waltzer, Michael Sandel, Charles Taylor, and Alasdair MacIntyre. One of the newest publications, and certainly dearest to the author's heart, is the quarterly *The Responsive Community*, whose editors are James Fishkin, William Galston, Mary Ann Glendon, and yours truly, and whose editorial board includes both conservatives and liberals, ranging from

Nathan Glazer and Ilene Nagel to Jane Mansbridge and Benjamin Barber. Next, a variety of public-interest groups have made communitarianism their theme, whether or not they use the term—including Common Cause and Ralph Nader's groups, as well as numerous grass-roots organizations. There is also a strong communitarian element in many organizations whose explicit purpose is something other, especially the environmental movement.

Less advanced but definitely moving in the right direction are various attempts to strengthen the teaching of civics in schools by such groups as the Thomas Jefferson Center and the Ethics Resource Center. What is yet to come is a major social movement, a kind of neoprogressive movement that would shore up the commons, making its main agenda the curbing of special interests and the serving of the public interests. Unfortunately, the recent public frustration with politicians has focused on attempts to "throw out the rascals" and impose term limitations, which will only lead to a new set of politicians committed to special interests replacing the other. Until elected officials' need for private money to win elections, the main mechanism by which they become obligated to special interests, is systematically reduced by various campaign-reform laws and public financing of elections, that part of the communitarian movement will lag. Finally, suggestions for creating a year of mandatory national service are meant to further enhance education and encourage the practice of service for and to the public.

Another misunderstanding that must be avoided is that the call for enhanced civic responsibilities and a greater measure of community service entails majoritarianism or even a measure of authoritarianism. To suggest that young Americans (or all citizens) ought to volunteer more often to serve the commons is not to say that those who refuse for reasons of conscience are to be disciplined. It is not to imply that the civic "religion" or set of values will replace the religious or secular values people uphold. Nor does the call for more sobriety check points, drug tests, and disclosure of sexual contacts by carriers of the AIDS virus legitimate the beginning of a police state. Communitarians are careful to craft suggested changes in public mores and regulation to allow for greater public safety, health, and education without falling into the opposite trap of radical communitarianism: authoritarianism.

The thrust of responsive communitarianism is illustrated by the following examples: to curb drug abuse it has been suggested that the government should conduct drug tests on all school kids, governmental employees, and corporate workers. This would entail massive violations of privacy both because a historically private function (urination) would have to be performed under controlled conditions and because the tests would often reveal private, off-the-job behavior. Persuasion not to use drugs seems more appropriate and keeps the door to a police state shut. On the other hand, drug testing of select groups of people whose drug violation directly endangers the public, e.g., pilots, seems justified on communitarian grounds. This is especially the case if they are informed when hired that their jobs will entail such tests; and that workers will be expected to give their consent to be tested when they sign their contracts.

Concerning matters of the rights of criminals versus those of their victims and public order, a wholesale removal of Miranda rights, as has been suggested by the Reagan administration, may well return us to more authoritarian days. At the same time, it seems reasonable and prudent not to throw out evidence when the Miranda rules were violated on technical grounds and clearly in good faith. Thus, for instance, one can fully support the Supreme Court's decision stipulating that when people confess before being read their rights and then again after hearing their rights that the second confession be allowed to stand.

In the same vein, sobriety check points, especially when they are announced so that those who enter public highways in effect consent to be subject to them, should be viewed more as a way to secure the right to drive freely than a curb on that right. Nor are airport screens, used to deter terrorist bombs, to be viewed as an unreasonable search and seizure, as the ACLU does. The intrusion is minimal, and the contribution to public safety, including the freedom to travel, is considerable.

The debate over the rights of students provides still another example of a reasonable communitarian position between according students full-fledged Fifth Amendment rights, in effect deterring teachers and principals from suspending them, and declaring students fair game to any capricious school authority. It seems reasonable that students who are subject to expulsion and suspension should be granted due process to the extent that they

are notified of the nature of their misconduct and given an opportunity to respond; both actions must occur before the expulsion takes place. Still, expulsion need not guarantee students the right of counsel or call for cross examination and the calling of witnesses because this would unduly encumber the ability of schools to maintain a satisfactory educational environment. In addition, schools need to be allowed to maintain for internal purposes further restrictions and simplified procedures for the reason that they are meant to be small communities, rather than adversarial environments. Far from a novel approach, several state courts are already modifying school policies in the directions we suggest.

Regarding the rights of people with AIDS, if to protect the public's health we choose to trace contacts, then we should also take pains to reduce deleterious offshoots of that policy. For example, AIDS testing and contact-tracing can lead to people losing jobs and health insurance if confidentiality is not maintained. Hence, any introduction of such a program should be accompanied by a thorough review of control of access to lists of names of those tested, procedures used in contacting sexual partners, professional-education programs on the need for confidentiality, and penalties for unauthorized disclosure and especially for those who discriminate against AIDS patients or HIV carriers. All this may seem quite cumbersome, but in view of the great dangers AIDS poses for individuals and its high cost to society, these measures are clearly appropriate.

One may, and ought to, argue about the details involved in such policies. Indeed, the changes should be carefully crafted. We need to reset a legal thermostat to afford a climate more supportive of public concerns, without melting away any of the basic safeguards of individual liberties. Those who argue that the various present interpretations of the Bill of Rights are untouchable, that any modification will push us down the slippery slope toward authoritarianism, must come to realize that the greater danger to the Constitution arises out of a refusal to recognize that the Constitution is a living document that can and does adapt to the changing social situation. Without such adaptation, without some measure of increased communitarianism, the mounting frustrations of the American people over politics being governed by special interests and over unsafe cities and spreading epidemics, will lead to much more extreme adjustments. Legitimate public needs are often not attended to, in part because such reasonable adaptations as selective drug testing, sobriety check points, and other such measures are disallowed. Basically the issue is not one of legal measures but a change of orientation to a stronger voice for the commons and less room for me-ism and special interests. At this stage of American history, the danger of excessive communitarianism, theoretically always present, seems quite remote. **NF**

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