

# The Responsive Community

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### Is Bush a Communitarian?

Dana Milbank

**I**t's been difficult to pin an ideological tail on the nascent Bush White House. One day the president is called a staunch conservative for nominating John D. Ashcroft to run the Justice Department and acting to restrict U.S. funding to overseas groups that support abortions. The next he's labeled a bleeding heart for helping prisoners' children and promoting literacy programs.

The problem, some Bush advisers and friends say, is that conventional political definitions do not adequately explain what the president is trying to do. His actions have less to do with the left vs. right, they say, than with his embrace of many of the ideas contained in the movement known as "communitarianism," which places the importance of society ahead of the unfettered rights of the individual.

"This is the ultimate Third Way," said Don Eberly, an adviser in the Bush White House, using a favorite phrase of President Bill Clinton, who also sought, largely unsuccessfully, to redefine the debate with an alternative to the liberal-conservative conflict. "The debate in this town the last eight years was how to forge a compromise on the role of the state and the market. This is a new way to rethink social policy: a major reigniting of interest in the social sector."

"Communitarianism," or "civil society" thinking (the two have similar meanings), has many interpretations, but at its center is a

notion that years of celebrating individual freedom have weakened the bonds of community, and that the rights of the individual must be balanced against the interests of society as a whole. Inherent in the philosophy is a return to values and morality, which, the school of thought believes, can best be fostered by community organizations. “We need to connect with one another. We’ve got to move a little more in the direction of community in the balance between community and the individual,” said Robert D. Putnam of Harvard University, a leading communitarian thinker.

Many of Bush’s early proposals fit this approach. In January, Bush moved to make it easier for the government to fund religious groups that cater to the poor and disadvantaged. He also gave a boost to AmeriCorps, the national service program that sends volunteers to help community initiatives, and rolled out an education plan that gave localities more authority over their schools. A week earlier, he spoke of the need for character education in schools. Even his tax plan has what are touted as community-building elements: a new charitable tax credit, a charitable deduction for those who don’t itemize, and a reduction of the marriage penalty.

Bush’s inaugural address, said George Washington University professor Amitai Etzioni, a communitarian thinker, “was a communitarian text,” full of words like “civility,” “responsibility,” and “community.” That’s no accident: Bush’s advisers consulted on the speech with Putnam. At the same time, Bush has recruited some of the leading thinkers of the “civil society,” or “communitarian,” movements to his White House: former Indianapolis mayor Stephen Goldsmith, University of Pennsylvania professor John DiIulio, fatherhood advocate Eberly, speechwriters Michael Gerson and Peter Wehner. Even Lawrence B. Lindsey, long before becoming Bush’s economics adviser, was a Federal Reserve governor who explored ways to lure capital to rebuild poor urban communities.

“It all hangs together,” said Goldsmith, who was assigned by Bush to help lead AmeriCorps and the new community-building effort. Might the civil society or communitarian label be the element that ties Bush’s policies together? “I don’t think it’s reading too much into it,” Goldsmith said. “This is the president, this is what animates him.”

Some of Bush's ideas are objectionable to civil liberties advocates and strict constitutionalists on the left and the right, but they also have broad support in both parties. Exhibit A was the appearance of Sen. Joseph I. Lieberman (D-Conn.) at a Bush event touting his "faith-based" efforts in January. "The new president has some promising instincts and there are some promising examples," said William Galston, a communitarian thinker at the University of Maryland who served as a Clinton policy adviser. Though Bush is inconsistent, Galston said, "the president, in moving in this direction, is building on one of the defining features of American society. It's potential common ground for a much wider swath of American society."

But Galston and other communitarians say Bush's fealty to communitarian thinking is inconsistent. While he espouses a range of community-building policies, his \$1.6 trillion tax cut is, at its core, a libertarian idea—give people back their money to limit government—they point out. At the same time, they add, his choices of Gale A. Norton to head the Interior Department and Spencer Abraham to be energy secretary reflect libertarian thinking: they both favor deregulated environmental and land policy.

Other communitarians wonder whether Bush's community-minded words are mere drapery, and they suspect that top Bush strategist Karl Rove, who introduced Bush to the thinking, sees it merely as a tactic to please religious conservatives. Rove declines to discuss the subject. Other communitarians say they fear that Bush, who believes in changing individual "hearts" through religious salvation, is more concerned with legislating religion than instilling community values.

Still, said Putnam, "this administration is doing some somewhat surprising things," particularly Bush's shot in the arm for AmeriCorps. Putnam held a series of seminars on communitarianism, attended at times by Goldsmith, DiIulio, and the Rev. Kirbyjohn Caldwell, a Bush friend. Bush's education plan would give local communities more power to create charter schools and set up their own education systems, as long as they meet performance standards. Bush has also called for a range of new programs: mentoring for the children of prisoners, prerelease rehabilitation programs in prisons, maternity group homes, and access to after-school and literacy programs for poor children.

In addition to a new charitable tax credit and expanded deduction, Bush is seeking to induce corporations, through tax incentives and a “compassion capital fund,” to pay for more charitable programs. His “faith-based initiative” would allow religious charities to receive government funds without giving up their religious teachings.

Bush is also preparing an initiative to promote fathers’ responsibilities to their children. While he hasn’t promised significant funding to his new Office of Faith-Based and Community Initiatives, Goldsmith, DiIulio, and Eberly believe they have a broad mandate. “There’s a specific mission, but there’s a broader effort of social-sector renewal writ large,” Eberly said. “This is about the incubation of democratic values and habits.”

Even more libertarian elements of Bush’s program, such as individual retirement accounts and tax credits for health care, have a communitarian element, Goldsmith argued, because they require individuals to be responsible for themselves and their families. Communitarians say Bush has yet to embrace some of their other favorite ideas: workplace flexibility to allow employees more time with families and communities, limits on urban sprawl, campaign finance reform, and having the wealthy pay more for certain government benefits. Still, Bush is mulling over another favorite of communitarians. Aides say he is weighing a levy, like the “e-rate” charge on phone bills, to get schools wired to the Internet. They say Bush believes such funds could build not just physical but civic infrastructures for communities, funding programs that bring neighbors together or promote civics education.

There is still no such thing as a card-carrying communitarian and therefore no consensus on policies. Some, such as DiIulio and outside Bush adviser Marvin Olasky, favor religious solutions for communities, while others, like Etzioni and Galston, prefer secular approaches. But both sides believe Bush is nudging the White House in a more communitarian, civil-society direction.

“It is very likely to make a positive contribution,” Galston said of Bush’s efforts. Olasky concurs. Bush has moved Republicans away from believing that individuals are “lone atoms” apart from community, Olasky said. “He is a civil society guy.”

## Keeping the Net Healthy

Esther Dyson

**W**ithin the past year, attackers have sabotaged Yahoo!, eBay, and many of the websites operated by Microsoft, flooding these sites with an unwieldy volume of traffic. What should we do to avoid repeats of these denial-of-service (DOS) attacks?

Most of the solutions suggested for such security problems (and future ones) involve strong government regulation and surveillance. And, understandably, many of the reactions to these proposals stress the dangers to individual freedom of a Police Net—the virtual equivalent of a police state.

But we don't actually need to make a one-dimensional choice between security and freedom. A more fruitful approach is to look at public security as a kind of public health/safety problem, and ask how we can improve public hygiene. For starters, people—at home, as well as at companies, universities, and any other organizations that use computers—need to be encouraged to secure their machines, both for their own safety and so their computers cannot be compromised to launch an attack on someone else (as was the case in the attacks on Yahoo! and eBay).

How to make this happen? Regulations and specific requirements would probably set a minimum, and a clear target, that criminals would take delight in attacking. As for government surveillance, limitations on anonymity, required registration of all users, etc.—the cure might be worse than the disease. (None of this means that criminals shouldn't be tracked after the fact and punished, but we don't all need to be trackable beforehand.)

Instead, there are a number of paths to pursue; there's no single solution. The insurance companies should get involved—and they *will* get involved, since this presents a nice business opportunity. Of course, the point is for them to take the trouble to *reduce* the risks rather than simply charging high premiums for high risks. Insurance companies need to get the expertise to assess their clients' security systems, and security consulting is a profitable new line of business—plus it's socially responsible!

Another step, one which could benefit from government/regulatory action, would be to require that companies disclose their security practices and potential liabilities in financial statements. ISPs and computer vendors would have to disclose the security provisions of the systems and services they sell, and could also be sued for negligence. In extreme cases, ISPs might refuse to take traffic from other ISPs known for lax security. Then we could let the market (and yes, even the lawyers) take care of this problem, far more flexibly than formal regulations and requirements could. Yes, it's a pity to bring in lawyers and liability, but that is an easier cost to bear than the loss of freedom.

In short, we need to understand that electronic security costs money, just like the locks, guards, and alarm systems of offline security. Power implies responsibility; if you buy a computer that can be used as a weapon, you need to make sure that it is designed and installed safely. Of course, your average user doesn't know how to set up a safe system, but he or she needs to demand service from someone who does. Smaller businesses (which don't file financial statements with the public) need to understand that they are liable, just like the guy who doesn't bother to shovel his sidewalk after the snowstorm.

Finally, government-sponsored "education" (and due-care precedents set in court) could be very valuable, but self-interested companies will also provide education: advertising and marketing that outline security hazards—and their own solutions. May the best solutions evolve in a decentralized world, in order to match the evolving, decentralized risks.

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## Good Intentions, Bad Idea

Stephen D. Krasner

**O**n December 31 of last year, President Clinton signed a treaty to create the International Criminal Court (ICC). His decision conveys support for a permanent tribunal that would allow judgment of individuals who are not brought to justice in national courts.

Would the world really have been a better place had the proposed criminal court—with its broader reach—been in place in, say, the late 1940s? The treaty establishing the court provides for prosecution of individuals involved in genocide, murder, extermination, enslavement, forcible deportation, torture, rape, sexual slavery, and enforced disappearance. This is a long list. Would the vigorous prosecution of all participants in the Nazi regime, for instance, have created a more democratic and stable Germany, Europe, or world?

The fundamental problem with the International Criminal Court is not that it may lead to the prosecution of American servicemen, although this could happen, but that courts are the wrong instrument for dealing with large-scale war, devastation, destruction, crimes against humanity, and especially with the prudential judgments that must be made to promote more stable and just political regimes. Judicial procedures are designed to judge the guilt or innocence of individuals, but developing stable democratic societies and limiting the loss of human life require political calculations, not judicial findings.

Judgments about individual guilt can point in one direction and judgments about political order and the promotion of peace and democracy can point in another. Executing the major leaders of the Nazi regime who were tried at Nuremberg was exactly the right thing to do. Other judicial procedures in Germany were not carried out in a way that clearly punished those with important roles in Hitler's Germany—in part because of the large number, perhaps in the millions, of Germans who actively participated in the Nazi system in one way or another, and in part because of anxiety among the Allies, particularly the Americans, about the attractiveness of communism, especially if economic conditions in western Germany deteriorated. Perhaps a more rational implementation of the denazification pro-

gram could have set Germany even earlier and more firmly on a democratic path, but lengthier and more extensive prosecutions might also have socially and politically dislocated the new Bundesrepublik. Decisions about prosecuting individuals for war crimes and crimes against humanity in postwar Germany involved a complicated political calculus in which complicity with the Nazi regime could only be one element. The authorities making these calculations, both the Allies and the leaders of the new German government, were the ones who would benefit from or pay for the decisions that were made. Better decisions might have been made, but the path that was chosen has produced a prosperous and democratic Germany without which a zone of peace in western Europe could not have been created. Would an international criminal court, whose prosecutors and judges would have been guided by legal rather than political criteria, have acted as effectively?

Trying the leaders of regimes whose countries have been militarily defeated and occupied is one thing, but the challenge in the contemporary world will more often be to encourage rulers who have violated human rights to make way for more democratic successors. The more such rulers fear prosecution by an international criminal court, the more they will resist leaving. Most people outside of Yugoslavia, and many within, would like to see Slobodan Milosevic sitting in jail, but would he (and his military and police supporters) have relinquished power without a fight if they knew that they would be shipped off to the Hague? How desperately would Baby Doc Duvalier have clung to his position, how many more Haitians would he have killed, if he feared going before an international criminal court rather than living on the French Riviera? What if Idi Amin had been faced with jail rather than a comfortable life in Saudi Arabia? All of these leaders might have fallen under any circumstances but might have left many more dead bodies in their wake.

The task of the new democratically elected Kostunica regime in Yugoslavia has not been made easier by pressure from Carla Del Ponte, the chief prosecutor for the International Criminal Tribunal for the former Yugoslavia. The Tribunal has every incentive to bring to the Hague the major perpetrators of the crimes against humanity that were committed in the former Yugoslavia. The success of the Tribunal, and the professional stature of its members, will depend on how

many convictions are handed down. But the consolidation of democracy in Yugoslavia may be more effectively accomplished if Milosevic is tried in Belgrade by a Yugoslavian court for more mundane offenses. Assuming that the government led by Vojislav Kostunica is committed to promoting a democratic polity, the decision to prosecute Milosevic and his cronies ought to be made by those who will enjoy the benefits or suffer the costs of their choices, not by an international tribunal sitting in another country.

If the ICC becomes operational, it will almost certainly be harder to get leaders that might be subject to indictment to leave office. But might the ICC discourage crimes against humanity from being committed in the first place? Probably not. Milosevic, Pol Pot, Saddam Hussein, the leaders of the Hutu militias, and others (Mao, for instance) had high incentives for killing many of their countrymen. Ethnic and class violence helped to keep them in or bring them to power. Will the possibility of being prosecuted at some point in the future, a future rife with uncertainty given the vagaries of politics, discourage such leaders from bloody choices that they would otherwise make? Will Saddam Hussein never again use poison gas against other Iraqis if the International Criminal Court is established? Would Milosevic not have played the ethnic card, and probably not have come to power, if there had been an international tribunal in place 15 years ago? The argument that the ICC will discourage crimes against humanity assumes that would-be despots will weigh the long-term possibility of criminal prosecution more heavily than the short-term advantages of criminal acts. We do not have empirical evidence, but my bet would be that such leaders would find the prospect of seizing and holding power much more compelling than the risk of ending up in jail at some unspecified point in the future when, and if, they lose power. The International Criminal Court is more likely to discourage despots from leaving office than it is to deter them from committing their crimes in the first place.

Judicial processes can most effectively contribute to healing the wounds of the past if they are conducted through national rather than international tribunals, and if they are designed to elicit the truth, as is the one in South Africa, rather than through courts designed to judge guilt and innocence.

When criminal prosecution is pressed without consideration of political realities, the search for justice could hinder democratic rebuilding in war-torn nations. Almost 30 countries have already made the wrong decision by ratifying the Rome Statute (more than 130 have signed) of the International Criminal Court. The United States Senate and the new Bush administration should reject this treaty. The impulse to create this court is humane, but the consequences of carrying out its mandate may in fact prove to be destructive.

## ESSAYS

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### COMMUNITARIAN THEORY

#### **Dismantling the Leviathan: Citizen and State in a Global World**

Seyla Benhabib

**T**he modern nation-state in the West, in the course of its development from the 16th to the 19th century, struggled to attain four goals: territorial dominion, administrative control, consolidation of collective cultural identity, and the achievement of political legitimacy through increasing democratic participation. Yet contemporary developments—such as the rise of a global economy through the formation of free markets in capital, finance, and labor; the increasing internationalization of armament, communication, and information technologies; the emergence of international and transnational cultural networks and electronic spheres; and the growth of sub- and transnational political actors—herald the fragmentation of all four of these state functions.

Globalization brings with it an increasingly volatile context in which the administrative-material functions of the state are embedded—one that far exceeds the state's capacities to influence decisions and outcomes. The nation-state is too small to deal with the economic, ecological, immunological, and informational problems created by the new environment; on the other hand, it is too large to deal with the aspirations of identity-driven social and regionalist movements. Un-

der these conditions, territoriality is fast becoming an anachronistic delimitation of material functions and cultural identities. As a global economy undermines the power of nation-states to define redistributive policies and to achieve economic justice, alternative sources of cultural hegemony are provided by the inter- and transnationalization of culture, the movement of peoples across porous state borders, and the rise of global media. Democratic legitimacy now has to be attained in nation-states where the “we” is increasingly frayed and amorphous. While the crises of redistributionist politics affect solidarity across social classes, the rise of multiculturalist and identity-politics driven movements fragment the “we” and render the nation-state’s boundaries fluid and porous. Who are “we”?

Against this background, I will focus this essay on the recent literature on political membership and citizenship. Political membership is but one aspect of a theory of citizenship, albeit a crucial one. It concerns the institutional processes of access to, and acquisition of, the status of citizenship. It deals with the principles and institutions of incorporating aliens and strangers, immigrants and newcomers, refugees and asylum seekers into existing polities. What should be the normative principles of democratic membership in a world of increasingly deterritorialized politics?

### Membership and the Paradox of Domestic Sovereignty

Democratic rule means that all members of a sovereign body are to be respected as bearers of human rights, and that the consociates of this sovereign freely associate with one another to establish a regime of self-governance, under which each is to be considered both author of the laws and subject to them. Since Rousseau, however, we know that the will of the democratic people may be legitimate but unjust, unanimous but unwise. “The will of all” and “the general will” may not correspond either in theory or in practice. Democratic rule and the claims of justice may contradict one another.

Yet this paradox of democratic legitimacy has a corollary which has been little noted: every act of self-legislation is also an act of self-constitution. “We, the people” who agree to bind ourselves by these laws, are also defining ourselves as a “we” in the very act of self-legislation. It is not only the general laws of self-government that are articulated in this process; the community that binds itself by these

laws defines itself by drawing boundaries as well, and these boundaries are both territorial and civic. The will of the democratic sovereign extends only over the territory which is under its power; democracies require borders. At the same time that the sovereign defines itself territorially, it defines itself in civic terms: full members of the sovereign body are distinguished from those who “fall under its protection” but who do not enjoy “full membership rights.” Women and slaves, non-Christians and members of nonwhite races, as well as servants and propertyless white males, have historically been excluded from membership in the sovereign body. They are, in Kant’s famous words, “mere auxiliaries to the commonwealth.”

Furthermore, as was the case with the American and French Revolutions, “we, the people” empowers itself as the sovereign in the name of truths held to be universal and self-evident, namely that “all men are created equal and endowed by their creator with inalienable rights.” Thus the democratic sovereign draws its legitimacy not merely from its act of constitution, but, equally significantly, from the conformity of this act to universal principles of human rights that are said to precede the will of the sovereign, and in accordance with which the sovereign undertakes to bind itself. “We, the people” refers to a particular human community, circumscribed in space and time, sharing a particular culture, history, and legacy; yet this people establishes itself as a democratic body by acting in the name of the “universal.” This tension between universal human rights claims and particularistic cultural and national identities is constitutive of democratic legitimacy. Modern democracies act in the name of universal principles which are then circumscribed within a particular civic community. This is the “Janus face of the modern nation,” in the words of Jürgen Habermas.

By focusing on this constitutive tension of democratic communities, I will articulate a vision of transnational political membership. I will argue that the rights and claims of others—strangers and foreigners, refugees and asylum seekers, immigrants and temporary workers—should be considered a central aspect of any understanding of membership in liberal democracies, and of theories of justice focusing on interstate relations generally.

In making this argument, I will first examine the objections to political deterritorialization voiced by civic republicans. Because citizenship entails membership in a bounded community, and because the right to self-determination of the boundaries as well as identity of this community is considered fundamental to democracy, civic republicans see political globalization as undermining democratic citizenship. I want to illustrate that these fears are exaggerated empirically and that, philosophically, civic republicans like Michael Walzer are wrong to conflate the boundaries of the ethical community, which is inherently culture-bound, with those of the democratic polity, *which is not culture-bound in the same manner and to the same degree*. I conclude by maintaining that liberal-democratic practices of immigration and naturalization, far from undermining the civic community, can enhance the value of specific legal and institutional traditions by making erstwhile strangers and foreigners into *partners in a community of democratic interpretation and articulation*.

#### Civic-Republican Skepticism and the Right to Political Membership

In this essay, I accept the distinction between immigrants on the one hand and refugees and asylum seekers on the other—although in reality, many people become immigrants because they have been made refugees by their home governments, and some, though not as many as their opponents would like to claim, demand refugee and asylum status because they are, in truth, “economic refugees” (i.e., more properly, immigrants).

Yet I uphold the refugee-immigrant distinction, even though it is inadequate to deal with the complexities of the flow of peoples in a globalized world. I do so because, from the standpoint of international law as well as moral philosophy, the duties and obligations we owe to strangers who seek entry into our communities on the grounds that they are persecuted—for their ancestry and ethnicity, beliefs or convictions, or because war, persecution, or natural disasters make their homes uninhabitable—is of a different kind than the obligations we owe others who choose to live in our midst. The claims of refugees and asylum seekers do generate stronger obligations of compliance on the part of receiving communities. Denying refuge and sojourn to refugees and asylees would violate a fundamental rule of human

morality—namely, to aid those in need—as well as stipulations of the 1951 Geneva Convention relating to the Status of Refugees. Therefore, recipient communities must stand under a “stricter burden of proof” to show why such claims are unworthy of recognition, or how or why recognizing them would jeopardize not just the economic standard of living but the very survival of the receiving communities.

Current international practice, however, is much more lenient. Michael Walzer aptly summarizes common thinking about these matters:

To take in large numbers of refugees is often morally necessary; but the right to restrain the flow remains a feature of communal self-determination. The principle of mutual aid can only modify and not transform admissions policies *rooted in a particular community’s understanding of itself* [emphasis added].

I think this formulation sets too easy a standard of compliance for the involved governments. What exactly counts as “admissions policies rooted in a particular community’s understanding of itself?” Walzer is among the few contemporary theorists to have discussed how significant questions of membership are to theories of justice and democracy. Yet his position is built around one aspect of the paradox of democratic legitimacy that I articulated above—namely, that of the collective self-determination of a democratic people—while leaving the dimension of universal human rights fully unrecognized. Walzer privileges the will of the political sovereign while seeking to allay the possible injustices and inequities that may result from such acts and policies by emphasizing a community’s ability to exercise fairness and compassion, sensitive contextual reasoning, and moral openness. I argue that this strategy is inadequate and that dilemmas of political membership in liberal democracies go to the heart of the self-definition, as well as self-constitution, of these polities precisely because, as liberal democracies, they are built on the constitutive tension between human rights and political sovereignty.

In an elegant passage which has been extensively quoted, Walzer writes:

To tear down the walls of the state is not . . . to create a world without walls, but rather to create a thousand petty fortresses.

The fortress, too, could be torn down: all that is necessary is a global state sufficiently powerful to overwhelm the local communities . . . . The distinctiveness of cultures and groups depends upon closure and, without it, cannot be conceived as a stable feature of human life. If this distinctiveness is a value, as most people (though some of them are global pluralists, and others only local loyalists) seem to believe, then closure must be permitted somewhere. At some level of political organization, something like the sovereign state must take shape and claim the authority to make its own admissions policy, to control and sometimes restrain the flow of immigrants.

There is a quick slide in Walzer's argumentation from the value of "the distinctiveness of cultures and groups" to the need for "closure" and thus the justification for "something like the sovereign state" to control boundaries and set admissions policy. Walzer does not distinguish between the methodological fiction of a unitary "cultural community" and the actual, institutional polity. A democratic polity with pluralist traditions consists of many cultural groups and subgroups, many cultural traditions and counter-traditions; furthermore, the "national" culture itself is formed by the contested multiplicity of many traditions, narratives, and historical appropriations.

Equally significantly, Walzer does not distinguish among principles of *cultural integration* and principles of *political integration*. Cultural communities are built around their members' adherence to values, norms, and traditions which bear a prescriptive value for their identity, in that failure to comply with them affects their own understanding of membership and belonging. Surely, though, there is always contestation and innovation around such cultural definitions and narratives: What does it mean to be an observant but a non-orthodox Jew? What does it mean to be a modern Muslim woman? What does it mean to be a pro-choice Catholic? Cultural traditions consist of such narratives of interpretation and reinterpretation, appropriation and subversion. In fact, the more alive a cultural tradition, the more contestation there will be about its core elements. Walzer invokes throughout much of his work, including but not limited to *Spheres of Justice*, a "we." This "we" suggests an identity without conflict, a unity without "fissure." It is a convenient methodological fiction, but its consequences for political argument can be invidious.

Political integration refers to those practices and rules, constitutional traditions and institutional habits, that bring individuals together to form a functioning political community. This functioning has a twofold dimension: not only must it be possible to run the economy, the state, and its administrative apparatus, but to do so, the legitimacy of the major societal institutions must be recognized by the community. The legal-rational authority of the modern state rests not only on administrative and economic efficiency, but also on belief in its legitimacy. But principles of political integration are necessarily more abstract and more generalizable than principles of cultural identity, precisely because modern states presuppose a plurality of competing as well as coexisting world views, precisely because in the modern state political life is one sphere of existence among many others with claims upon us, and precisely because the disjunction between personal identities and allegiances and public choices and involvements is constitutive of the freedom of citizens in liberal democracies.

Of course, there will be some variation across existing political communities as to what the constituents of such political integration will be; the typology of civic and ethnic nationalisms indicates such a range. Nonetheless, in liberal democracies, *conceptions of human and citizens' rights, constitutional traditions, and democratic practices of election and representation* are the core normative elements of political integration. It is to them that citizens as well as foreigners, nationals as well as resident aliens, have to show respect and loyalty, and not to the vagaries of this or that cultural tradition.

Precisely because Walzer conflates cultural with political integration, many of his wise claims about immigration and naturalization policy create the impression that they are the results of, what Kant would call, "contracts of beneficence." Walzer cannot thematise the dual, fractured identity of the members of the modern democratic sovereign as bearers of human rights qua moral persons on the one hand, and as bearers of citizens' rights and members of the sovereign on the other. In his view, the dualism of universal human rights principles and the exigencies of sovereign self-determination are eliminated in favor of the right to collective self-determination. Repeatedly, citizens' identity is given a thick cultural coating, while

human rights are contextualized. In a passage remarkably reminiscent of Edmund Burke's critique of the French Revolution, Walzer writes: "Men and women do indeed have rights beyond life and liberty, but these do not follow from our common humanity; they follow from shared conceptions of social goods; they are local and particular in character." We may indeed wish to ask how a conception of "shared social goods" is to provide a conception of rights since, *pace* Walzer, it is rights claims that, more often than not, are invoked to arbitrate among conflicting conceptions of social goods.

The democratic people constitute themselves as sovereign because they uphold certain principles of human rights and because the terms of their association interpret as well as flesh out these rights. Of course, the precise interpretation of basic human rights and the content of citizens' rights must always be spelled out in the light of the concrete historical traditions and practices of a given society. But these principles are not exhausted, either in their validity or in their content, through their embodiment in specific cultural and legal traditions. They have a context-transcending validity claim, in the name of which the excluded and the downtrodden, the marginalized and the despised, mobilize and claim political agency and membership. The history of democratic reforms and revolutions, from the workers' movements to the Suffragists, from antidiscrimination to anticolonial struggles, widens the circle of addressees of these rights, as well as transforms their content. It is precisely because these rights claims have a context-transcending quality that they can be invoked by those who have been excluded "from shared conceptions of social goods" and for whom the "local and the particular" have borne stigmata of inequality, oppression, and marginalization.

I have started this section by accepting the necessary, even if problematical, distinction between refugees and asylees on the one hand and immigrants on the other. Walzer, I explained, represents the civic-republican voice in debates around citizenship and immigration. He upholds the right of the democratic sovereign to define borders and boundaries and to enclose the geographical as well as civic territory. But he confuses political with cultural norms of integration, and for this reason, his perspectives on the political incorporation of foreigners and immigrants have the character of *ad hoc* considerations. In the final analysis, human rights claims become the

thinnest of moral reeds in Walzer's seemingly sturdy thicket of cultural ties and bonds.

### Principles of Political Incorporation in the Global Era

The normative perplexities of human rights and sovereignty can be most acutely observed through the citizenship and naturalization claims of foreigners, denizens, and residents within the borders of a polity, as well as through the laws, norms, and rules governing such procedures. The irony of current practices in most liberal democracies in the world, including the United States, is that whereas social rights and benefits (like unemployment compensation, retirement benefits, some form of health insurance, and in some cases, educational and housing subsidies) are granted to legal aliens and residents as well as citizens, the transition to "political rights" and "the privileges of membership" proper remains blocked or is made extremely difficult.

Once again, though, political practice is changing slowly but surely. In Denmark as well as Sweden, foreigners—that is, Third Country nationals—can participate in local and regional elections and be candidates for them. In Norway, Finland, and Holland, these rights are granted at the local but not regional levels. Similar attempts in Berlin, Hamburg, and Schleswig-Holstein to grant local election rights to those foreigners who have resided in Germany for more than five years have been declared "unconstitutional" by the German Constitutional Court; however, according to the Maastricht and Amsterdam treaties adopted by the EU member countries, EU nationals residing in a country other than that of their origin are entitled to vote, run for, and hold office at the local as well as EU parliamentary level. What we are beginning to see is a "disaggregation effect," through which the constituents of citizenship—like collective identity, political membership, and social rights and benefits—are being taken apart from each other. One can have one set of rights and claims without the other: one can have political rights without being a national, as in the case of the EU; more commonly, though, one has social rights and benefits, in virtue of being a foreign worker, without either sharing in collective identity or having the privileges of political membership. The danger in this situation is that of "permanent alienage"—namely, the creation of a group in society that partakes of property rights and civil society without having access to political membership. It is the privilege of political membership which now must be recognized as a right, and not just as a status granted to some

by a Kantian contract of beneficence. This means bridging the gap between “civil” and “political” citizenship.

Contemporary societies are complex, fragmented, and contradictory social structures. In such societies, human conduct and interactions assume many and diverse forms. We are members of a family, of a neighborhood, of a religious community, and of a social movement, as well as citizens of a national or multinational state or a federation—and none of these associations need monopolize our affection, allegiance, or identity. While the modern democratic state remains a possible structural expression of democratic self-determination, the complexity of our social lives integrates us into associations that lie above and below the level of the nation-state. These associations mediate the manner in which we relate to the state. If we stop viewing the state as the privileged apex of a form of collective identity but instead view it as a “union of unions,” then citizenship should also be understood as a form of collective identity that is mediated in and through the institutions of civil society. In the European context, this means that foreigners’ claims to citizenship in a political entity are established not through some hierarchical decision from above, but because individuals show themselves to be worthy of membership in civil society through the exercise of certain abilities and the fulfillment of certain conditions.

What are these abilities and conditions? Length and nature of residency in a particular country are undoubtedly top among such criteria. Minimal knowledge of the language of the host country as well as the proof of a certain “civil knowledge” about the laws and governmental forms of that country are others. Criteria such as these can be formulated and applied reasonably.

The increasing analytical as well as institutional separation of the three dimensions constitutive of citizenship—collective identity, political membership, and social rights and entitlements—suggests the need to rethink the “identity and virtues of citizens” from a normative point of view. In virtue of what do we establish our claim to exercise political rights? What abilities and competencies must we show to participate in and run for local elections? Increasingly, it is what one does and less who one is, in terms of one’s origin, that will and should determine these claims. In light of these considerations, citizenship

and incorporation practices in Europe as well as the United States need to be reformed.

Applied to the case of contemporary Europe, this means very concretely that differentials in the legal and political status of European Union citizens and Third Country nationals must be minimized, and that incorporation and naturalization procedures for Third Country nationals must be facilitated and adopted at the European Union level. At present, a European Union member—let us say, an Italian or a Portuguese national—can take up residence in Paris, Hamburg, or London, and run for office as well as vote in both European Union and local national elections after about six months. However, a Turkish or Croatian national, who may have been born in Germany, France, or the United Kingdom—or a Pakistani or an Algerian who may have resided in a European Union country for nearly a decade—cannot exercise these rights either at the level of the EU or in local elections.

On the one hand, throughout the European Union, national origins and citizenship rights are being disaggregated, in that political participation rights are being granted to nonnationals of various polities. On the other hand, however, the link between nationality and citizenship is being imposed upon Third Country nationals, who are being effectively disenfranchised of political voice throughout the European Union. Furthermore, at present, each European Union member country determines not only its own asylum and refugee policy, but its citizenship and incorporation practices as well. While some efforts are being made to harmonize asylum and refugee practices across the EU, naturalization and citizenship practices show great variations across member countries.

There are indications that after the meetings of Tampere in the fall of 1999 and of Nice in the winter of 2000, European Union countries have adopted the desirability of harmonizing citizenship and incorporation practices as well. Yet here, too, caution is necessary, for these harmonization efforts can be a double-edged sword: they can impel many European countries to realize that no longer are they sender societies and emigrant countries, but are, on the contrary, receiver societies and countries of immigration. Currently, this is true not only for countries like Italy and Spain, but even for countries like Greece and Portugal—erstwhile emigration societies that are now beginning to house large numbers of Albanians, Ethiopians, and North Africans

themselves. But accelerating these processes of naturalization and incorporation through efforts at the EU level can also generate reactions in national communities whose political culture and institutions may not be ready to absorb these transformations. Political education about the changing nature of democratic polities is as indispensable as administrative and bureaucratic rationality in these areas.

Whereas European countries still resist the idea that they are immigration societies, the United States has been founded upon this ideal since its inception. The transition from civil to political citizenship is most effectively practiced in the U.S..

While the process of political incorporation of newcomers is faster, smoother, and on the whole fairer in the U.S. than it is in most European countries, U.S. practices also insist upon the link between national status and citizenship to the degree that voting and political participation rights are not granted to legal foreign residents who have permanent residency status. The formation of a global civil society would be greatly enhanced if, in addition to making it constitutionally acceptable and legally easier for refugees and asylees who have fulfilled certain conditions to acquire citizenship, democratic participation rights were granted at the local and regional state levels to those who may be unable or unwilling to complete naturalization and change their citizenship of origin. The practice of dual citizenship, which is currently a murky constitutional and political practice in the U.S. as well as many other countries, could be made clearer and more accessible. Surely, in such cases there will be minimum residency, language, employment, and family status requirements as well. But even in the absence of the full recognition of dual citizenship status, granting resident foreigners the rights to vote and participate in local and state-level elections would—in addition to recognizing the link between civil and political citizenship—presume that these individuals, who already pay taxes and other dues, would also accept the burdens of membership, as well as its privileges.

### Porous Borders and Open Minds

The liberal-democratic state is a “union of unions”; while the virtues and abilities that make an individual a good neighbor, a reliable coworker, and an honest businessperson may not be immedi-

ately transferrable to the virtues and abilities required by political citizenship, it is just not the case that there is an ontological divide between them. Michael Walzer and other thinkers in the civic-republican tradition are wrong in their attempt to segregate political from civic identities. As I have argued elsewhere, the important question is: What are the social practices through which an “enlarged mentality” can be cultivated? This enlarged mentality enables citizens to exercise civic imagination and take the standpoint of the other(s) into account—which, in turn, enables them to woo the other’s agreement on controversial and divisive norms that affect both of their lives. Such an enlarged mentality, which should be considered a *sine qua non* for the *practice, not the acquisition*, of democratic citizenship, is based upon cultivating the virtues of membership and association, including the ability to negotiate conflicting perspectives and loyalties and the ability to distance oneself from one’s most deeply held commitments in order to consider them from the hypothetical standpoint of a universalistic morality. The democratic public sphere in which these virtues are cultivated is not opposed to global civil society but is an aspect of it.

My conclusion suggests that we should reject the Kantian distinction between the “right of temporary sojourn” and “the right to form more permanent associations.” I am not suggesting that they are identical. That would imply that first admittance should automatically lead to full membership—the logical consequence of an “open borders” position. Rather, I am urging “porous borders” that permit transition from first admittance to civil and then political membership along a continuum of transparent, publicly articulated, and constitutionally consistent conditions. Because human rights principles and sovereignty claims are the two pillars of the liberal-democratic state, practices of political incorporation must respect the fluidity of the boundaries between citizens and aliens, nationals and foreigners.

If there is a fundamental human right to exit, there must also be a fundamental human right to admittance, though not necessarily to membership. While admittance does not guarantee membership, it does entail the human right to know how and why one can or cannot be a member, whether or not one will be granted refugee status or permanent residency, and on what grounds. The actions of the liberal-democratic state should be consistent, transparent, and publicly ac-

countable in their treatment of foreigners as well as citizens. In articulating such conditions, the liberal-democratic state must treat the other(s), the foreigner and the stranger, in accordance with internationally recognized norms of human respect and dignity.

## IN RESPONSE: SUPPORT FOR MODESTY AND THE NATION-STATE

Michael Walzer

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**T**he first thing that I have to say, though it is of importance only to me, is that I am not now and never have been a “civic republican.” I fully agree with Seyla Benhabib that a democratic polity “consists of many cultural groups and subgroups . . . traditions and counter-traditions.” I have made my career out of describing differences and defending pluralism. No matter. Benhabib takes on a set of important issues, and it’s those that I propose to discuss. Her own argument is for a “disaggregation” of the constituent elements of republican citizenship. That is a fancy way of describing some modest and sensible proposals. But she also hints at a much more radical position. I will try to say something about the tension between her modesty and her radicalism—under five headings.

**One and Many.** Though Benhabib is careful to acknowledge that there is “some variation across existing political communities” and that the contents of both human and citizenship rights “must always be spelled out in the light of concrete historical traditions and practices,” she is mostly reaching for a single description of the contemporary nation-state and a single set of policy recommendations (“harmonized” across Europe and, if only it were possible, across the globe). She gives no examples of how any particular human right might have to be “spelled out” differently given different historical traditions. Indeed, she seems to hold exactly the opposite position: that human rights always and everywhere trump traditions.

But how far she really wants to go, how far any of us should want to go, in enforcing the “trump” is entirely unclear. The notion that there is a single correct policy—whether it is open borders, porous borders, easy immigration, easy naturalization, citizenship in stages—is sure, as Benhabib says, to encounter opposition. That policy would have to be imposed carefully, she says, so as not to generate a politics

of resentment and bigotry. She recommends “political education,” which actually means, since she is talking about adults, re-education.

But re-education is a dangerous business. It seems to me better, not only prudentially but also morally, to adopt a much wider understanding of difference than she displays. It is not the case that there is a single prevailing or emerging pattern. Rather, there are different ranges of difference (and of commonality) and different kinds of differences in different societies. And there are good reasons to think that immigration, naturalization, and citizenship policies should also be different. Universal human rights can be accommodated in a variety of ways; that is, they can be accommodated if one has a suitably minimalist conception of what they are. The more detailed and extensive the rights, the more they will require a single political regime, which would have to be installed everywhere in the world. And that would require in turn a lot of “political education.”

**Voting and Participation.** As I’ve said, Benhabib’s actual proposals are modest. She argues, for example, that guest workers and resident aliens should be allowed to vote in local elections. That was a fairly common practice in the United States in the 19th century, and it sounds like a good idea, especially when naturalization is difficult and lengthy, or when it is contested. (The U.S. also offers a nice illustration of authentic civic republicanism: the Know Nothing party’s proposal in the 1840s that 21 years of residency be required for naturalization. This was supposed to allow the proper political education of immigrants coming from feudal and monarchic countries.)

Benhabib recognizes the danger of her proposal: it might lead to “permanent alienage.” Because of this danger, I argue in *Spheres of Justice* that, in democratic nation-states, resident aliens, guest workers, and any other groups that fit into the old Athenian category of the *metic* should be put as quickly as possible on the road to full citizenship. Since, in most European countries, all the crucial decisions are made nationally, not locally, the most important pre-citizenship rights are probably those of political and economic organization. Allowing new immigrants to vote in municipal elections would be a useful reform, but it is more crucial that they be able to bargain collectively and participate freely in social movements. I am sure Benhabib agrees that whatever conditions she or I would want to attach to citizenship, the right to organize unions and join movements is unconditional.

**Immigration.** This is the really hard question—precisely because once people are inside, they are, in one sense or another, at one level or another, participants in democratic decision making. I can't figure out Benhabib's position on immigration. She says she is in favor of porous but not open borders. If "porous" means "not open," then it must be the case that, at some level of political organization, there exists a right "to control and sometimes restrain the flow of immigrants." But that is my position, which she quotes in order to illustrate the "civic republican" position she means to dispute.

Let's consider some examples, actual and hypothetical. Perhaps the most remarkable feature of American history is the long and difficult process through which the Anglo-Americans allowed themselves to become a minority in what they surely thought was "their own" country. Some of them resisted; nativist agitation was sometimes fierce, but, basically, they let it happen. There were economic reasons for this, of course, and vast empty spaces to fill, but still: for long stretches of time, America's borders were not porous but, literally, open. I certainly believe that the Anglo-Americans were right to open them, and would have been wrong to close them. But that is because they were themselves immigrants. I would not expect the Danes, say, or the French, or citizens of any other long-established, territorially-based majority nation, to allow themselves to become a minority in their own country. All the world is not America. In nation-states like Denmark, the cultural nation and the political nation are closely connected, and it seems to me that the first of these has a right to (try to) sustain the connection when and if it is actually threatened. It is that kind of limiting case that establishes the right of closure. Short of the limit, this right can be overridden by other rights. Does Benhabib agree or disagree? She says that "if there is a fundamental human right to exit, there must also be a fundamental human right to admittance." But what does that mean? Admittance anywhere, of any number? Who decides?

**Help.** Maybe the fundamental human right of refugees is not to be admitted here or there but simply to be helped. Help can take different forms: political or military intervention to change the conditions that forced the refugees to flee in the first place, so that they can go home; the movement of resources into their home country so that they can make a decent life there; some degree of international supervi-

sion, by agencies more committed to global egalitarianism than any that now exist, to guarantee their rights at home or to organize economic assistance. As Benhabib suggests, it is necessary to imagine a variety of national, regional, and global regimes, operating at different levels, providing different kinds of help, and engaging the loyalty of individual men and women in different ways. But all that isn't so hard to imagine; the necessary egalitarianism, it seems to me, is much harder. Divided loyalties are a common feature of political life; there has never been a republic that realized the Rousseauian/Jacobin goal of seizing the full affection and commitment of its citizens. I disaggregate my commitments every day.

**The State.** Nonetheless, the nation-state remains a crucial instrument of democratic politics. In the Fall 2000 issue of *Dissent*, Goran Therborn argues that states can still control crucial features of their economic life and sustain significant welfare systems. It would be very bad if this were not so, since no global institutions are yet subject to full (or even partial) democratic control. But if state politics is still important, then citizenship is still important, and it would probably be a mistake to go too far, too quickly, in disaggregating its different elements. We still depend on the competence and engagement of the democratic citizen; we ought still to set a high value on the community of citizens.

Nothing Benhabib actually proposes goes too far, too quickly. But her article seems to hint at bigger transformations, reflecting what seems to me an exaggerated account of the decline of state authority and effectiveness. The bigger transformations may well come, most likely as features of a highly undemocratic globalization. I doubt that she or I will welcome them; we may need to be re-educated.

## Can There Be Healing through Justice?

David A. Crocker

**F**rom Chile to Cambodia to South Africa, societies and international institutions are deciding how they should reckon with past atrocities—including war crimes, crimes against humanity, genocide, rape, and torture—that may have been committed by a government against its own citizens, by its opponents, or by combatants in an international armed conflict.

In deciding whether and how to address these political crimes, it is commonly believed that retributive justice—the indicting, trying, and punishing of perpetrators—cannot achieve the reconciliation of former enemies. For example, in his recent book *No Future without Forgiveness*, South African Archbishop Desmond Tutu contends that victims in South Africa (and elsewhere) should not press charges against those who violated their rights and that the state should neither make the accused “run the gauntlet of the normal judicial process” nor impose punishment on those found guilty. Among other arguments, Tutu insists that punishing human rights violators only further divides former enemies and impedes social healing. He contends that “reconciliation”—the restoration of social harmony—is the better course, and is best promoted when society grants amnesty and victims forgive their abusers. This article assesses Tutu’s consequentialist argument—and responds to it by arguing that retributive justice can contribute to different models of reconciliation.

### Seeking Harmony

What does Tutu mean by the vague and not infrequently contested term “reconciliation” and its synonym, “restorative justice”?

Tutu defines restorative justice (in contrast to retributive justice) as the repairing of broken relationships between perpetrators and victims. The wrongdoing has “ruptured” earlier relationships or failed to realize the ideal of “*ubuntu*,” a term from the Ngunui group of languages that refers to a kind of “social harmony” in which people are friendly, hospitable, magnanimous, compassionate, open, and nonenvious. Although Tutu recognizes the difficulty of translating the concept, it is perhaps best understood as a combination of the Western ideal of mutual beneficence—the disposition to be kind to others—with the ideal of community solidarity. Each benefits when others do well; each “is diminished when others are humiliated or diminished . . . tortured or oppressed, or treated as if they were less than who they are.”

Tutu claims that in South Africa, amnesty and forgiveness have maximized the *summum bonum* of reconciliation as social harmony, while trials and punishment would only have thwarted reconciliation. Even stronger, as the title of his recent volume suggests, without forgiveness (coupled with amnesty), not only is there no reconciliation, there is “no future.” Unless victims offer—and their abusers accept—forgiveness, former enemies will destroy each other and their society. Can these empirical claims stand up to scrutiny?

To answer this question, it is important first to consider the South African tool of amnesty and also what Tutu means by “forgiveness.” Many Latin American governments guilty of human rights abuses have granted unconditioned immunity to many of their leaders, military personnel, and police. South Africa’s Truth and Reconciliation Commission (TRC) has operated under a different model. The TRC’s Amnesty Committee has awarded amnesty to very few human rights violators. Amnesty has been granted if and only if the applicant has shown that his act(s) of commission or omission fulfill three conditions: (i) the act was chosen to advance a political objective (for instance, defense of apartheid or destruction of apartheid); (ii) the means employed were proportional to the end; and (iii) the perpetrator fully disclosed to the TRC the truth about the act. The applicant need not express remorse, confess moral guilt, or request to be forgiven.

An (alleged) human rights perpetrator—whether free, in hiding, indicted, sentenced, or serving time—had three options. He could

have chosen not to face the TRC, a choice made by many suspected or imprisoned perpetrators. However, he then ran the risk that he would be implicated by the testimony of others and either face prosecution and possible imprisonment, or, if already imprisoned, an even longer prison term. Alternatively, a wrongdoer could have applied for amnesty. Regardless of whether amnesty was granted or refused, his appearance before the TRC likely would have resulted in some kind of social opprobrium. If he lied to the TRC or failed to fulfill one of the other two conditions, then he risked denial of amnesty and the possibility of prosecution and litigation. If, however, the TRC judged that the wrongdoer met all conditions, he would go free (if already imprisoned) and/or receive legal protection from future legal proceedings.

The TRC's Amnesty Committee received 7,112 amnesty applications, many from police but disappointingly few from political leaders or military personnel. By November 1, 2000, the Committee had refused amnesty to 5,392 applicants (77 percent) and granted it to only 849 (12 percent). (Two hundred and forty-eight applications were withdrawn, 54 partly refused, 37 were duplicates, 142 are in chamber, and 88 are scheduled for decision). In its report, the TRC recommended that "prosecution should be considered" for those persons who had not applied for amnesty or were denied amnesty.

Consider now the second element in the "amnesty-forgiveness" complex. Tutu understands personal "forgiveness" in relation to a Reformation concept of divine grace. For him, forgiveness is completely unconditional; the wrongdoer's desert or merit—contrition, pleas for forgiveness, making amends, transformation—is entirely irrelevant. Forgiveness is also supererogatory. The victim who forgoes his legal rights to press claims and instead grants forgiveness, expresses, according to Tutu, the virtue of "breathtaking magnanimity" and "remarkable generosity of spirit."

Given the South African policy of amnesty and Tutu's ideal of forgiveness, one can ask the extent to which the South African combination of amnesty and forgiveness has contributed to reconciliation. Further, one wonders whether South Africa would have thwarted or advanced reconciliation if it had relied more on trial and punishment and less on the TRC. If South Africa prosecutes those who either never

applied for amnesty or were refused it, one can only speculate about what effects such efforts will have on reconciliation. Finally, one wonders if reconciliation is best achieved by granting amnesties, or whether national or international tribunals are the better course of action.

These questions are difficult to answer for at least three reasons. First, the empirical evidence with respect to South Africa has been largely anecdotal; little systematic data examines the TRC's use of amnesty and forgiveness in promoting reconciliation. More generally, few empirical studies compare the effects in different countries of the various types and forms of tools—including amnesties, truth commissions, museums, and trials—for reckoning with past wrongs. Second, one must remember that just because repaired relationships might have followed *after* forgiveness was offered and prosecution forgone, this does not prove that forgiveness without trials somehow *caused* whatever healing occurred. Further, since the TRC granted relatively few applications for amnesty and in its report urged prosecution of those denied amnesty, one cannot know the effect the *threat* of future prosecution may have in achieving reconciliation. If victims believe that there is a good chance that justice will be done rather than ignored or denied, they are more open to reconcile with their abusers. Third, to assess—albeit provisionally and speculatively—the relative impacts of amnesty-forgiveness and trial-punishment on reconciliation, we must do so in relation not only to *ubuntu* but to two other senses of reconciliation: peaceful coexistence and democratic reciprocity.

### Reconciliation as Nonlethal Coexistence

If reconciliation is conceived as no more (and no less) than peaceful, nonlethal, coexistence, then the TRC's amnesty device clearly had some initial success. Without the negotiators' agreement on amnesty, the transition from an apartheid government to democratic elections and an African National Congress (ANC)-controlled successor government likely would not have occurred. If negotiations had broken down and violence had ensued, it was, as Tutu argues, reasonable to suppose that a "blood bath" or "comprehensive catastrophe" would have resulted. Most observers believe that the agreement on conditional amnesty (in exchange for truth) contributed to averting such

nightmare scenarios and, perhaps, when coupled with forgiveness, ushered in the “miracle” of South Africa’s relatively peaceful and democratic transition.

The story, however, is more complicated. Although Tutu describes cases in which confessed violators asked for and received amnesty, and victims in turn granted forgiveness, he provides no evidence that these strategies themselves reduced racial and class conflict. Furthermore, even if one grants the pacifying effects of amnesty-forgiveness, these beneficial consequences may prove short-lived. If either side comes to believe that the other lied in its testimony or was insincere in offering or accepting forgiveness, social peace will deteriorate.

One may question, however, whether the many people *other* than those who offered and received forgiveness ultimately were satisfied. Even Tutu reluctantly admits that many people on both sides of the apartheid divide believe that the state’s failure to achieve retributive justice increases animosity and even justifies taking justice into one’s own hands. Private acts of vengeance are particularly likely when victims or their families believe that justice has not been done. As Richard Goldstone reminded the delegates at the 1998 Rome Conference (which agreed to a permanent international criminal court), “only by bringing justice to victims could there be any hope of avoiding calls for revenge.” Otherwise, he warned that “their hate would sooner or later boil over into renewed violence.” Although the high crime levels in South Africa undoubtedly have many sources—including extreme and widespread poverty—it is plausible that amnesty coupled with forgiveness has helped to *undermine* peaceful coexistence. When victims, bystanders, and perpetrators believe that killers deserve neither to be forgiven (at least until after they are punished and make reparations) nor to maintain their positions of social privilege, then amnesty-forgiveness may deepen social polarization rather than reduce it. By contrast, if perpetrators of human rights violations get something of what they have coming to them, then former enemies have a reason to renounce vengeance and live together peaceably. Aryeh Neier, president of the Open Society Institute, summarizes some evidence from Bosnia:

Peaceful coexistence seems much less likely if those who were victimized see no one called to account for their suffering. In

such circumstances the victims or their ethnic kin may take revenge themselves, in the same way victims of an ordinary crime might respond if they see no effort by the state to prosecute and punish the criminal . . . . Justice provides closure; its absence not only leaves wounds open, but its very denial rubs salt in them. Accordingly, partisans of prosecutions argue, peace without justice is a recipe for further conflict.

It is important to stress that the reconciling power of justice occurs not as a result of just any trial and punishment but only when both trial *and* punishment are seen as fair. International affairs scholar Gary Jonathan Bass, in his recent *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*, argues that although the causes of a defeated Germany's transition (after World War II) to a unified democracy were complex, the procedurally fair Nuremberg Tribunal was an important factor. In contrast, following World War I, the Allied-mandated but locally run war crime trials in Leipzig and Constantinople whitewashed, respectively, alleged German war criminals and Turks accused of massacring Armenians. The Allies rejected both trials as farces while Germans and Turks resented the trials as expressions of their enemies' vindictiveness. The trials contributed to an anti-Allies backlash that only deepened the bitterness between former enemies. The lesson is clear: only when its means and ends are fair does penal justice have the power to reduce conflict.

A more general rejoinder to Tutu's optimism about amnesty coupled with forgiveness is worth mentioning. When wrongdoers receive amnesty and are offered forgiveness instead of being justly punished, the effect is likely to strengthen what Latin Americans call a "culture of impunity." The deterrent effect of prosecution and punishment is weakened when people believe they can break the law and get away with it. In Africa, this lesson has had calamitous consequences. In July 1999, the United Nations, seeking to end the civil war in Sierra Leone, arranged peace accords that included amnesty and high government positions for Foday Sankoh, leader of the main rebel group, and three of his lieutenants. Sankoh's forces are responsible for such horrendous crimes as mutilation, gang rape, and forcing children to massacre their own families. This award of amnesty, as Peter Kakirambudde of Africa Human Rights Watch remarks, "shook the concept of accountability to the core" and paved

the way for the worst kinds of atrocities. His prediction is dire: “For the rest of Africa, where there are rebels in the bush, the signal is that atrocities can be committed—especially if they are frightening atrocities. The lesson to other rebels is that half measures will not do.”

Sankoh himself learned the lesson well. When Sierra Leone’s coalition government collapsed ten months after the amnesty, Sankoh—emboldened by impunity—resumed the slaughter of his countrymen and took 500 UN peacekeepers hostage, killing seven of them. Sierra Leone, the UN, and the U.S. have only begun to learn their own lesson. Acknowledging that amnesty only encouraged Sankoh to recommence and widen his atrocities, Sierra Leone’s new government arrested him, and the UN approved an international criminal tribunal for Sierra Leone. Yet Sierra Leone’s civil war rages on, and neutral UN peacekeepers from Jordan and India, unable to halt the conflict, will soon withdraw. We have not yet seen the end of the damage ensuing from an ill-advised amnesty.

Those contemplating crimes against humanity are deterred only when they know such acts seriously risk severe punishment. And such results occur only when the international community establishes stronger *ad hoc* criminal courts or, even better, a permanent international criminal court, as Bass recognizes:

At a minimum, long-run deterrence of war crimes would require a relatively credible threat of prosecution: that is, a series of successful war crimes tribunals that became so much an expected part of international affairs that no potential mass murderer could confidently say that he would avoid punishment.

#### Reconciliation as Democratic Reciprocity

One also can doubt whether South Africa’s amnesties coupled with forgiveness contributed to reconciliation in a second and “thicker” sense of “democratic reciprocity.” In this conception, proposed by Amy Gutmann and Dennis Thompson (among others), reconciliation goes beyond peaceful coexistence to include the give-and-take of deliberation and democratic decision making. One could argue that South Africa’s negotiated settlement and amnesty provision made elections possible and thus contributed to democratic reciprocity. Moreover, the TRC, which helped implement the transition from

apartheid, employed internal democratic processes and achieved broad-based popular participation.

It is unclear, however, if South Africa's victims were democratically represented *initially* in the negotiations; more importantly, they might not have agreed freely to an arrangement that gave even the worst rights violators the opportunity to exchange amnesty for truth. Tutu argues that the negotiated agreement should be taken as the will of the victims of apartheid, since many of the negotiators were themselves victims, and the ANC gained a resounding victory in the initial (and subsequent) national election. But these arguments are flawed.

The fact that some of the negotiators were themselves victims does not guarantee that the victims excluded from the negotiations would have agreed to the same amnesty provisions. As has been the case in Latin America, opponents negotiating a peace accord might postpone the question of amnesty or, were that not possible, exclude particularly heinous crimes or categories of rights violation from the amnesty option. Even the 1990 agreement between Chile's Pinochet government and its opponents excluded from the self-amnesty law (which the Pinochet government had passed in 1978) those who took part in a 1976 car bombing in Washington, D.C., which killed former Chilean ambassador Orlando Letelier and his U.S. assistant. Moreover, ANC electoral success does not imply endorsement by victims of the amnesty provision. The ANC might have received even *more* support had provisions for individual amnesty *not* been part of the negotiated agreement, or if conditions for amnesty had been limited even further. What's more, given the other electoral options, some voters might have voted for ANC candidates but not endorsed the amnesty provision. Although the parents of the brutally murdered Steve Biko may well have voted for the ANC, they also brought an unsuccessful court challenge against the amnesty provision, forcefully arguing that Biko's murderers be brought to trial.

One can also ask how successfully the strategies of amnesty-forgiveness, on the one hand, and prosecution-punishment, on the other, promote commitment to democratic reciprocity as compared to *outcomes* issuing from deliberative procedures. Again, little empirical evidence is available, and one must rely on anecdote and hypothesis. One can plausibly believe that seeing the guilty escape punishment,

let alone resume their official—even judicial—positions, diminishes the credibility of a new democracy and reduces citizen commitment to it. Moreover, fair judicial processes and deserved punishment would sharply distinguish between past injustice and present justice—with the result being that most people would strengthen their commitment to democratic institutions that instituted fair prosecutions and sanctions.

### Reconciliation as *Ubuntu*

One wonders whether the South African amnesty mechanism and private acts of forgiveness actually promoted reconciliation in Tutu's preferred sense of social healing and harmony. Results so far are mixed. On the one hand, Tutu recounts wonderful stories of hardened killers who confessed their crimes, expressed remorse, and asked for (and received) forgiveness. In all likelihood, when confessions are sincere, the granting of forgiveness helps repair personal relationships, especially in cases where perpetrators undergo an inner transformation or voluntarily pay restitution to their victims. On the other hand, one should be skeptical about how widespread such transformed personal relationships have been. Notably, Nielsen Market Research Africa found that two thirds of the 2,500 South Africans questioned believed that the TRC had caused a deterioration of race relations in South Africa.

What might have been the effects on *ubuntu* if the TRC had given a more robust role to prosecution and punishment? Might not national healing be furthered if South Africa conducts trials of those who were denied (or never applied for) amnesty when these individuals are suspected of planning or executing the most egregious crimes? Many hold the view of philosopher Jean Hampton (and others) that a broken relationship cannot be healed until the perpetrator, who arrogantly violated his victim's dignity, is "humbled," and the victim, who has been degraded, returns to something approaching her proper status. Judicial processes, punishment, and the payment of reparations can both bring down rights abusers and properly elevate their victims. An act of forgiveness that ignores proper rectification results in a relationship in which at least the victim—if not the offender—feels that the new relationship is not deserved. Hence, genuine for-

givenness may require trial, penalty, and restitution if strong and *genuine* reconciliation is to be achieved.

Moreover, one can find increasing evidence that *fair* indictments, trials, sentences, and punishments “stay the hand of vengeance,” diminish the likelihood of a cycle of reprisals, and thereby both reduce the polarization between adversaries and help unify the nation. Since Pinochet’s arrest in England, threatened extradition to Spain, return to Chile, and possible trial in Chile, more than 25 of Pinochet’s former officers have been arrested for kidnaping. Former Chilean political prisoners, not blocked by something like South Africa’s amnesty agreement, have filed more than 177 criminal complaints accusing Pinochet of torture and kidnaping. Not only did complaints and (prospective) prosecutions *not* undermine Chile’s January 2000 presidential campaign and election, but both candidates—including Joaquin Lavín, a former official in Pinochet’s government—said prior to the election that Chilean courts should have jurisdiction over Pinochet and justice should be served. As a *New York Times* editorial observed, the fact that “none of this has disturbed Chile’s fledgling democracy . . . suggests that those who feared the destabilizing power of justice underestimated its healing effect.” Seven months after the election, the Chilean Supreme Court (voting 14-6) stripped Pinochet of his senatorial immunity from prosecution. Although a small band of Chileans desperately searched for a strategy to keep him out of the dock, most Chileans believe prosecuting Pinochet would help unify a divided nation as well as consolidate Chile’s democracy.

It is undeniable that national or international trials—because of insufficient resources and/or a lack of will to arrest those indicted (Yugoslav and Rwandan tribunals), scapegoating (U.S. trials after the My Lai massacre), politicization (Leipzig, Constantinople, Republika Srpska), or overly ambitious prosecutions (Argentina)—have not always had such healing effects. In reckoning with past wrongs, trials must be combined with other tools, such as truth commissions, reparations, and judicial reform, to achieve success—and even then the beneficial results will not come quickly. Nuremberg, however, shows that reasonably fair trials and deserved punishment of those most responsible for atrocities help dissolve bitterness and rehabilitate a nation.

It might be argued, of course, that the sort of healing that the *Times* editorialist extols or that Nuremberg achieved is not a mutual love and social solidarity akin to that enjoyed by family members. Instead, the healing achieved may be the mutual respect and tolerance of fellow citizens who together deliberated and decided on the common good. This kind of reconciliation is a tremendous accomplishment nonetheless. Amnesty—especially conditional amnesty that is democratically approved—and personal forgiveness may play a role in achieving and sustaining this important goal. Yet, as I have argued, in reckoning with past wrongs, a society must be wary of *overestimating* the restorative effect of amnesty and forgiveness as well as *underestimating* the reconciling power of justice.

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## Reconciling Patients' Rights and God's Wisdom: Medical Decision Making in Pakistan

Farhat Moazam

**A**fter training and practicing as a physician in the United States for many years, I accepted an academic position in a medical university in Pakistan. Among one of my earliest experiences there was to sit across a desk from two brothers and tell them that their elderly father had widespread metastatic cancer and, therefore, not long to live. The patient, who lived with the oldest son and his family, was not present during this conversation, although an unmarried daughter, a daughter-in-law, and an adult grandson were. After listening attentively to what I had to say, and obviously upset at this news, one of the sons said, "We do not want him to know that he has cancer. How long he lives is in the hands of God in any case, and it is not right to make my father lose hope while he is so ill." He then added, "Doctor *sahib*, tell us what we should do next. You know best. You are not just our doctor, you are like our mother."

In these words lies the essence of decision making when illness strikes a family member in Pakistan. It is the family, rather than the patient, who takes center stage in this process. In the case of a conscious patient, the family and physician will generally protect the patient from the anxiety and distress associated with the knowledge of impending death. This is done by refraining from disclosure of the diagnosis or else disclosing it in ambiguous terms. The "doctor *sahib*," (*sahib* has an Arabic root, meaning "lord") remains the authority in all matters relating to the disease and medical interventions. She is often symbolically inducted into the family and is expected to direct rather

than facilitate the medical management. In the final analysis, however, God, not man, remains the final controller of life and the timing of death.

What follows are my reflections and illustrative examples of the role that families and physicians generally play in Pakistan in medical decision making, based on personal observations and professional experience of more than a decade of medical practice in Pakistan. The interconnectedness of the patient and the family, the dominant role of the physician, and the impact of religious beliefs will be highlighted. In the end, some of the potential risks for patients in such a system and the constructive role that a physician could play in circumventing these will be explored.

#### The Family: Ties that Bind

In secular societies, patient autonomy is generally accepted as the cornerstone of medical ethics when it comes to choices involving medical care and end-of-life decisions. The competent patient is considered an autonomous and rational agent who is sovereign over her fate and the locus for all choices regarding therapeutic interventions—witness the fact that by 1991, more than 40 states in the United States had enacted “living will” statutes that allow competent people to refuse therapeutic measures in the event of terminal illness and trump opinions of family members and physicians. In December of that same year, the federal Patient Self-Determination Act became effective in the United States, requiring that all adult patients admitted to a hospital be told of their right to formulate an advance directive.

This principle of autonomy has also been extended to the incompetent patient through court rulings and the legislature. Surrogate or substitute decisions (usually by family members) in the American legal context come into play only when an incompetent patient has not left an advance directive or a living will with instructions regarding the management of her terminal care. The substituted judgment works on the premise that the personal autonomy of the once competent patient must be extended to her current state of incompetency. The surrogate functions as an instrument to determine what the patient, if she had been competent, would have wanted done under the circumstances.

Medical decision making in Pakistan offers interesting contrasts to secular societies. For Pakistanis, the religion of Islam defines the role of the individual, the family, and the physician in life passages including birth, illness, and death. Islam dictates familial and filial responsibilities, obligations of physicians, decisions that involve end-of-life situations, and indeed how death itself is to be viewed. Whereas rationalism fuels the ethical and legal discourse of human relationships in secular societies, in Pakistan it is religion and an interpretation of divine injunctions that are the driving forces.

Family obligation to kin is considered a moral injunction from God. Aging parents in particular are to be treated with patience and humility. This is traced to a saying of the Prophet: “the best beloved of God is one who loves his family the most.” Increasing wisdom is attributed to advancement in years; grey-haired “elders” of a family are to be respected and obeyed. Relationships and connectedness are defined through mutual trust, care, and obligations rather than competing rights of individual members, and this forms the paradigm for the way humans must relate to one another within a family, not only during life but also when death is at hand. Concern for the patient’s autonomy and the loss of this autonomy to other members in the family would not resonate well in the social context of Pakistan. A legal concept of advance directives and living wills by an individual regarding her end-of-life care is alien to Pakistani cultural norms.

Reluctance to reveal the diagnosis of a terminal disease appears to be largely based on a concern of the family to protect the patient from what is perceived as additional distress. In my experience, at times this mirrored a cultural reluctance on the part of some patients to learn all the facts of their condition even when suspecting a grim prognosis, preferring to leave the decision making to the family. Furthermore, as Muslims believe in a divinely predestined time of death, which no human has the power to alter, discussions regarding the duration of remaining life are often seen as meaningless. Death, when it occurs, is generally considered to be through divine ordinance and not necessarily as a result of scientific failure. Although malpractice suits against physicians and hospitals do occur, the cases are few and far between due to a legal system that is not conducive to this form of litigation, unlike that of the United States.

## The Physician: An Instrument of God

The physician is often “adopted” into the family unit by being referred to as a mother, father, or an older sibling. After being addressed by pediatric patients in the United States as “doctor” for many years, it was a novel experience for me when children in my clinic in Pakistan were instructed to call me “Aunty” (or “Doctor Aunty”), with male physicians being referred to as “Uncle.” Parents and even grey-haired grandparents accompanying a child, while conversing with me, often expressed their respect by referring to me as being “like a mother” or an “older” sister to them. Of some interest is the fact that in this strongly patriarchal society, the mother is awarded a position of respect that is superior to all other relationships. This is based on the Prophet having said that *janat* (paradise) lies under the feet of a mother. Therefore, a female physician, being given equivalence to a mother, is revered and can wield an incredible degree of authority.

In my own practice I often sensed a prototype of a parent-child interaction at work, with many families expecting me to play the role of an “elder.” In the United States, I was sometimes asked by a patient, “What would you do if you were in my place?” In Pakistan this is more likely to be phrased as, “What do you think I should do?” Interaction with a physician thus often takes the form of recourse to an authority figure and not merely a visit for consultation with a medical expert.

The reverence and respect towards physicians in Pakistan is due not only to their knowledge and scientific expertise, but also to the historical position awarded to the art and science of medicine in Islam: the healer is regarded as an instrument of divine mercy.

According to al-Ruhavi, a famous Muslim physician of the 9th century, a physician “imitates the acts of God as much as he can.” One of the Arabic words for a physician is *Hakim*. It means one who has knowledge and wisdom; it is also one of the names for God. In Islam, many scholars have historically assigned a high religious priority to medicine, often second only to ritual worship. Al-Ghazali, an 11th-century Muslim theologian and philosopher, considered the profession of medicine as a *fard-kifaya* (collective duty) of Muslims, in which

some members must assume this religious responsibility for the sake of the good of the larger community.

These beliefs informed several experiences I had, one of which was a conversation with the father of a frail newborn in the neonatal intensive care unit. The baby was critically ill and close to death. I felt that he had perforated his intestine but there was a small chance that surgical intervention could save his life. The father interrupted my explanation of the patient's disease and the nature and risks of the surgery we were contemplating (a product of my own "Western" education of the necessity for an informed consent). He told me that I did not need his permission because while he believed in God up there (he pointed to the sky), here on earth he held the same trust in me. In effect, he was signifying to me that just as he could not question God's wisdom and His divine plans, when it came to decisions regarding corporal matters of his ill child he was placing the same faith in me.

#### Finding a Middle Ground

Decision making by the family, if it is strictly authoritarian rather than participatory in nature, may hold inherent risks for some members of the family unit. In patrilineal families—which are frequently the norm in many Eastern societies—there can be inadequate representation of the interests and wishes of certain family members, often women, who are economically dependent on the male head of the family or are otherwise powerless. Unquestioned acceptance by the physician of implicit concurrence on the part of such vulnerable family members to every decision made on their behalf can carry risks.

This was illustrated by a case that was brought to my attention by a Pakistani surgeon. An elderly woman, accompanied by her son, with whom she had lived for many years, was scheduled for an elective biopsy of a breast mass. During the meeting with the surgeon, the son mentioned that his mother also had gallstones and requested that a cholecystectomy be done along with the breast biopsy. The patient, who was present during this exchange with the surgeon, did not disagree, and accepted the son's signature on the operative consent for both procedures on her behalf. As a son consenting for the mother is not an unusual occurrence in Pakistan, the surgeon (inter-

estingly also a female) made no attempts to directly question the patient regarding her wish.

Just prior to being administered general anesthesia in the operating room, the patient told the surgeon that she did not wish the cholecystectomy to be done, something that she had not verbalized in the presence of her son. The surgeon complied with her request, much to the anger of the son when he was informed of this later. He expressed his concern that it was in the best interest of his mother to have had the gallbladder removed to avoid another anesthetic and surgical procedure in the future. The surgeon, while sharing this episode with me later, confessed that instead of accepting the common tradition of a male in a family signing the informed consent for a female member, she should have probed the patient about her own wishes and been sensitive to what might have been fear and anxiety on the patient's part regarding the cholecystectomy.

Although in this case, the patient did eventually voice her preference in the absence of her son (perhaps due to the gender of the surgeon), undoubtedly many cases occur when the concerns and wishes of a competent patient may be ignored or overridden in a nonparticipatory process of decision making. An unquestioned, face-value acceptance by the physician of cultural norms can jeopardize respect for the individual as a person, a prerequisite for the covenant between a physician and her patient. Although it is often easier and certainly less time-consuming to take refuge behind a veil of uncritical respect for cultural norms, physicians in Pakistan can utilize the tremendous respect they command to strive for a participatory process of decision making, particularly when some members of the unit have been dealt a culturally stronger hand. However, my own experience suggests that in the social context of Pakistan, there can be considerable variation in patients' responses to offers of full disclosure by a physician.

For instance, one of my patients was a 60-year-old, educated, and intelligent woman who was hospitalized with abdominal pain and diagnosed to have a large, unresectable malignant liver tumor. As is accepted, I gave this news first to her only son, with whom she had lived since the death of her husband a few years earlier. At my suggestion that she be told of the diagnosis, he felt strongly that telling

his mother that she had cancer would depress her and make her “lose hope.” He felt she should be told that she had an “infection” in the liver. He added that since her husband’s death, she had always relied on him for all major decisions. Conceding that he knew his mother better than I did, I told him that as his older sister (a kinship he had bestowed on me) I felt it was important to first judge whether his mother would indeed not wish to know a diagnosis that carried major implications for her. After a while, we reached a compromise: I would not use the word cancer; instead, I would tell her she had a large “tumor.” However, I would not lie to her if she asked me a direct question regarding the nature of the tumor, including whether or not it was malignant. The son assured me that she would not, and he was right. On the other hand, over the years I have come across patients in Pakistan who, in a similar situation, have not only asked questions of a varying degree of depth, but have also indicated their preferences in decisions regarding their medical care.

A shift away from an authoritarian family decision-making process is possible, but the physician must use discrimination in judging encounters with each patient and her family on their own merit. With appropriate rapport with the family and sensitivity to the wishes of a particular patient, cultural norms can be challenged. In Pakistan, the physician as a matriarch can also work towards neutralizing some of the unfair leverage that one family member may have over another in the decision-making process.

#### A Careful Shift

Deeply entrenched religious beliefs and cultural norms that emphasize the primacy of the family—and the well-defined roles within it—are realities in Pakistan. I believe that replacing a system of supportive interdependent relationships within families with another that turns on disconnected individual rights exclusive of family interests is neither feasible nor desirable. However, a shift to some kind of middle ground is necessary. This can be facilitated if physicians play the role of a *Hakim*, bestowed on them through long-held cultural and religious traditions. As illustrated by my own experiences, there is room for considerable flexibility between a rights-based, patient-centered model of decision making and one in which the identity of the patient may be lost in the collectivity of the family

unit. A dynamic balance can be found that preserves important cultural values of duty and caring within families and enables individual members to participate in the medical decisions that affect their lives. In Pakistan, the physician—with her unique standing in society—is ideally suited to serve as a catalyst to begin a move toward such a middle ground.

Having said this, the other risk to patients in Pakistan ironically comes from the physician herself. It lies in the potential for abuse of this unchallenged power that physicians command in a country where the population is largely illiterate and economically disadvantaged. Unquestioned authority of the medical profession and a fatalistic belief among the population regarding illness and death can leave patients open to exploitation by unscrupulous physicians. I am aware of instances in which improper care or medical negligence leading to the death of a patient was camouflaged by references to divine predestination. Institutional and organizational checks and balances of physicians and the medical profession as a whole are often ineffective and, in some institutions, nonexistent. Furthermore, there is a general lack of awareness of individual rights; redress through the judicial system is not accessible to most. All of these factors combine to leave the patient and their families exposed to exploitation by healthcare professionals.

In religious societies like Pakistan, physicians have traditionally been expected to draw their professional morality from a sense of duty and obligation. But times are changing. For some years now, the medical education of physicians has been occurring in a secular, scientific milieu, and Pakistani physicians are no exception. According to Rahman, the medical tradition in Muslim societies is losing “the warmth of the cultural home in spiritual terms.” While the progressive shift toward medical specialization and the increased use of impersonal technology undoubtedly benefit humans, physicians in Pakistan are also moving away from close relationships with patients and their families—a more distant approach that is akin to the contractual model prevalent in the West. As a result, they are adopting relationships that require an informed, literate population and a society with well-established, effective means of checks and balances through institutional, professional, and governmental bodies.

If these are absent or do not function well, patients and their families have little recourse against exploitation. In the Pakistani context, within the family-physician-patient triad, it is the physician who can be the most influential in working towards a model of medical decision making that respects a cultural tradition of family caring, yet draws the patient into the decision-making process.

## The Well: Life, Death, and Social Norms in the Seminal Online Community

Katie Hafner

**I**t was a very public way to die. Public, that is, to the few thousand people on The Well. He might have felt that he owed a heartfelt good-bye to all of those with whom he had wrangled and tussled for nearly a decade, people he had loved and scorned, and who in turn had thought him arrogant and obstinate but who somehow revered and liked him anyway. On March 25, 1995, a few hours after being told he had, at best, a few weeks left to live, Tom Mandel sat down at his computer and wrote this:

It's bad luck to say goodbye before it's time to do so and there's no point in embracing death before one's time, but I thought maybe I'd sneak in a topic, not too maudlin I hope, in which I could slowly say goodbye to my friends here, curse my enemies one more time <well, not really worth the trouble, actually> and otherwise wave a bit at the rest of you until it's just not time to do so any more.

I could start off by thanking you all, individually and collectively, for a remarkable experience, this past decade here on the Well. For better and for worse—there were a lot of both—it has been the time of my life and especially a great comfort during these difficult past six months. I'm sad, terribly sad, I cannot tell you how sad and griefstricken I am that I cannot stay to play and argue with you much longer. It seems almost as if I am the one who will be left behind to grieve for all of you dying

So, thank you all, my best wishes and prayers to each and everyone of you. It's been a fabulous life and it wouldn't have been the same without you.

Perhaps he wanted to make amends. As one of The Well's most controversial figures, he had excited a great deal of ire as well as admiration. Tom Mandel was saying good-bye to a place that had been his home for ten years, far more so than the Mountain View, California condominium he inhabited by himself during those years.

But in truth, Tom Mandel was only doing what he had done nearly every day, and sometimes several times a day, for years: connecting to a community where he had found a home unlike any he had ever known.

The Well, this communal dwelling, had begun in the spring of 1985 as a VAX computer and a rack of modems in a ramshackle set of offices in Sausalito, California. When Mandel had logged on for the first time that summer, there were a few dozen people online with him. For a long while The Well was an intimate gathering place where nearly everyone held a stake in nearly every discussion that arose. It was also a remote, hidden place: most of the world was then still largely ignorant of the alchemy that could result from pairing a computer and a modem.

But by the time Mandel died, ten years later, The Well had grown into a veritable Speaker's Corner, with thousands of postings every day, on topics ranging from the circumcision of newborns to the Gulf War. And although in principle The Well had made a conspicuous attempt to be accessible to anyone with a modem, in reality, by attracting a certain kind of person—smart and left-leaning without being self-consciously politically correct—it had become something of a club.

For the most part, The Well was composed largely of people around the same age—the first wave of baby boomers who had come of age in the '60s, most of them male, many with postgraduate degrees. (Indeed, one of The Well's co-founders was Stewart Brand, originator of *The Whole Earth Catalog*—the oversized black paperback book that was an ingeniously eclectic mix of tool recommendations, book reviews, essays, and illustrations culled from the 1960s cultural explosion. It was from *The Whole Earth Catalog* that The Whole Earth 'Lectronic Link [WELL] took its name.) From the start, The Well was one of those cultural phenomena that spring up now and again, a salon of creative, thoughtful, articulate people who are interested in one another's stories in a self-absorbed, cabalistic way.

Mandel had been one of the most visible members of the club—perhaps even the quintessential member—and although he had actually laid eyes on only a handful of the other people, this was the place he wanted to go to die.

Historians of online culture have already decreed The Well to be synonymous with online communication in its best, worst, and, above all, most vital forms. Though always small in overall numbers, its influence and recognition far outweighed any significance that could be measured by membership or revenues. The Well created a paradox: scruffy and undercapitalized, yet armed with a huge amount of clout. It would become a harbinger of both the excitement and the concerns that over time would arise on the Net—debates over the appropriate uses of electronic networks and virtual dialogues, free speech, privacy, and anonymity.

The intense connectedness fostered by The Well's relatively feeble technological base has been admired far and wide as a model for the future of sophisticated networked systems. At America Online—with its many millions of users—and at countless other, smaller network providers, those entrenched in the online world have analyzed The Well, hoping to divine the magic formula that made it so special, so captivating, so unique.

In truth, though, as with many great inventions, The Well was mostly the product of creative accident. It wasn't carefully designed or planned; it was born of a single idea, and then nurtured by a multitude of competing intellectual visions. Perhaps most intriguing, it began more as a social experiment than as a business proposition. In later years, this resulted in a great deal of confusion and conflict over The Well's goals. Its destiny, meanwhile, would come to hinge on the still-unanswered question: Can you build a community and a business as one and the same?

### Humble Beginnings

David Hawkins, a lay minister living in San Francisco, logged in for the first time one day in late August 1985. His login name was Dhawk. A few hours later, Tom Mandel, a futurist at a consulting organization near Stanford called SRI, signed up, too. Mandel, who was recovering from back surgery, was looking for something to do.

Soon after joining, Dhawk told Mathew McClure, the quietly smart first director of The Well and former managing editor of *The Whole Earth Software Catalog*, that he'd like to host an online conference on sexuality. McClure was wary of the idea, but Dhawk assured him the conference would be conducted with great decorum. He opened it with six "topics," and things stayed slow for a while until someone started topic number seven, called "Is the Sexual Revolution Dead?" and the conference took off. There were more than 100 responses in a week.

Mandel started a conference called "Future." His work at SRI, helping corporations with scenario planning, was too constraining for him. His real interest in futurology extended far beyond the utilitarian role he was able to play at work. The Future conference allowed him to puzzle through bigger questions, such as the future of socialism, the future of California, and *fin de siècle* ponderings. It was an instant hit.

The same was true for some other new conferences. As word spread about the quality of conversation about technology taking place on The Well, for example, more people arrived. Hackers began their own Macintosh and Telecom conferences. McClure's passion was Unix, and he started a Unix conference. The VAX itself, as a Unix machine, was an immediate draw to local hackers, many of whom just wanted to go in and play. And for a long time McClure defended their right to do that, even when they slowed things down for others. In their day jobs, those same people may have been billing strangers \$60 an hour for technical advice, but they were happy to help people on The Well for free. And occasionally, the tinkering of the hackers benefitted The Well, such as when Andy Beals wrote the "Send" command, an instant-messaging feature that went a step beyond the standard electronic mail already offered. With Send, which enabled an electronic tête-a-tête, a message popped up on the recipient's screen within seconds, as long as he or she was logged on. It made messaging even more instantaneous and gave The Well even more of a sense of immediacy and human presence.

Now there were three levels of communication on The Well: PicoSpan conferencing, which was prose composed for group consumption, electronic mail, and Send.

It took a particular type of person to feel at ease with the medium. Facility with language helped. Fast typists had an edge. And when the personality matched the particular quirks of online living, it was something to behold. Years later, people recalled their first post on The Well much as they recalled the first time they heard the Beatles.

Howard Rheingold, a Bay Area writer, lurked for a while at first. He recalls: "One of my earliest shocking experiences on The Well was to find that people in the Whole Earth conference were discussing a book I had written. And one person offered a negative opinion. I immediately got the idea that The Well consisted of this tight little cabal of Whole Earth types." His first post was a description of tarantula sex to the sexuality conference. The response was enthusiastic. He was accepted. And he was hooked. Rheingold started a conference called Mind, a spinoff of his writings on how the mind works. "The Well took over my life," he says. "It's this territory where you know your behavior is somehow obsessive and taboo in the protestant sense, that you should be working, that there's something sick and dehumanized about spending time doing this, but you also know that it's sociable, and you're doing it together. That was the unholy attraction of it."

Posts had a character all their own, distinct from the more casual and intimate tone of personal e-mail and very different from normal speech. A post could be pure banter or groaning with intellectual heft. A post could have the tone of a polished public speech or a throwaway comment. To post was to understand that what you were writing was as likely to be read by someone who already knew who you were as by someone who would form an opinion about you after reading just one post. So everyone developed a certain style, a signature of sorts that was attached to every post. And for people like Howard Rheingold and Tom Mandel, who had a talent for sensing what to post to which conference and when, The Well offered a new and intriguing way to express themselves.

### Identity and Politics

Part of what attracted people to The Well was that it offered the freedom of projecting whatever personality you wished, along with the possibility of highlighting subtle variations of your character.

Users adhered to Stewart Brand's rule that their real name had to be accessible to all other users, but at the same time most people created an electronic persona that was (to use MIT sociologist Sherry Turkle's term) "coextensive" with their physically embodied one.

There was something about online conferencing in general and PicoSpan in particular that flattened organizational structures. And there was something about being online that gave power to someone who may not have power in personal appearance. The Well was a medium in which personalities quickly became evident: wisdom, humor, insight, and eloquence—or the dearth of such qualities—surfaced swiftly and purely, not filtered through the many physical attributes that color our perceptions of people when we meet them face-to-face. Perhaps those who shone online fell flat or went unnoticed in real life. Being online was an opportunity for the shy, self-conscious, or socially awkward to wield power, to command respect and gain popularity. The soft-spoken could dispense their quiet wisdom without interruption. By the same token, many people who tended to dominate in real-life conversation could find themselves at a loss when unable to call upon their stentorian voices or their prepossessing faces or their sweeping physical gestures to give weight to hollow words.

Then, about a year in, as the number of users approached 500, the first disruptive element arrived: a new user named Mark Ethan Smith, whose login name was Grandma. At first, Smith seemed another articulate, thoughtful poster. And Smith was prolific. Whole rivers of text poured onto The Well from Mark Ethan Smith's Commodore 64 each day. Smith could generate 10,000 words a day with no apparent effort. Smith's postings to Jokes, The Pub, and Rheingold's Mind conference were written with an edge and wry wit. But before long, some unsettling patterns started to emerge. This new user was convinced that the male sex lay at the root of civilization's woes. Smith thrummed on the same themes: deadbeat dads, bigamists, exploitive bosses, pimps, and rapists. And Smith had an obsession with Lise Meitner, the Austrian nuclear physicist who had, Smith maintained, actually discovered nuclear fission while her contemporary, Otto Hahn, got the Nobel prize for it. Smith advocated the establishment of a women's "free" state not unlike pre-Civil War "free" states of the

North when slavery was common. And Smith did not take kindly to anyone who disputed such stands. Smith, in short, was a little over the top.

Mark Ethan Smith was, in fact, a woman—a middle-aged Berkeley resident who lived in near poverty and resented what she saw as her exploitation by rich male hippies. Her graying hair was shorn to a buzz cut. (“She looked like a little old Jewish grandmother in male drag,” Rheingold, who later met her, once observed.) She had apparently decided once she got online that she could radically exploit the identity-shifting, role-playing possibilities the medium allowed. She was open with others on The Well about the fact that she was a woman, but preferred to be known as a man and lashed out at those who did not comply with the request.

Smith made people uncomfortable. “He had a gift for sticking a fingernail under a scab and twisting,” remarked Flash Gordon, for many years The Well’s resident M.D., who was host of the Health conference. One of the people Smith had it in for most was Tom Mandel, who was unsympathetic to Smith’s plight from the start. Smith pegged Mandel as a classic oppressor and inveighed against him at every turn. For his part, Mandel took pleasure in taunting Smith. Typically, another Well member would begin by defending her to Mandel and end up becoming yet another target of her attacks.

Smith played the liberal guilt game extremely well, as the oppressed woman on the streets being exploited by the power elite. She was suspicious of pretty much everyone on The Well. She provoked people into attacking her and used the attack to prove they were beasts. And as long as there was a fresh supply of people who hadn’t been clued into the drama, they’d defend her until she turned on them, too. Howard Rheingold, ever quick to help, even went so far as to have Smith to his house and introduce her to his family. But once Rheingold posted something that transgressed a tenet of the Mark Ethan Smith theology, he too started getting multi-hundred line “flames” in his e-mail inbox.

Dhawk was the only Well member who had encountered Mark Ethan Smith before, on other bulletin board systems around the Bay Area. He told McClure that this user was trouble and should be

thrown off. McClure's reaction fixed in place The Well's threshold of tolerance for years to come. He told Dhawk he believed Smith should be allowed to stay; he could work with her.

Also, McClure believed, as part of The Well experiment, the Mark Ethan Smith problem was an interesting one to observe. Smith was masterful at reading the system and manipulating it. McClure called her a "vibes magician."

"We were building a little culture here and somebody comes in and sees how it works and just plays it like an instrument," he recalls. "Just because she was obnoxious and had strange ideas didn't mean that she shouldn't get to play." There was another consideration as well: Smith was also a huge provider of food for thought and a fight provoker, and the livelier the discussion, the more people stayed logged on. Some people like to watch a fight, especially public arguments in the street. Her outbursts, quite simply, were good for business.

### Drawing the Line

The Smith debacle certainly seemed to cement The Well's sense of community, in that it brought out the group's immune response. "A community is a definition of self, and you can't have a definition of self without having an instinct for other," said John Perry Barlow, an early Well member and a sometime-lyricist for the Grateful Dead. "The more defined The Well became as a community, the more it became aware of itself, and the more it became aware that there were others that were not of it, and the more hostile it became towards them."

Cliff Figallo (a.k.a. "Fig") and John Coate (a.k.a. "Tex"), McClure's successor as Well director and The Well's first marketing director, respectively, continued to try to manufacture some harmony—an effort they carried out offline. Tex sat for hours at a time with the telephone receiver pressed to his ear, just letting Smith vent. Like McClure, Fig and Tex thought that they could make a respectable Well citizen out of her. But they found that Smith could not be contained or appeased, no matter how hard they tried. She continued to alienate the people who tried to help her. Finally, in October 1986, Fig told Smith he was suspending her account indefinitely. (She soon turned up on Usenet News groups on the Internet, referring to Tex, Fig, and Mandel as "Nazi penis worshippers.")

In time there were other altercations and other people who left The Well, usually of their own volition and always in a very public way—a public, that is, that was confined to the sphere of The Well. But invariably—and this was one of the defining characteristics of The Well—it didn't take long before they were back.

Smith's account, however, was taken away for good—she was the first person on The Well to be so expelled. Years later, Tom Mandel maintained that if indeed there was some sort of Well community, two things had helped create it, and the first of these was the group encounter with Mark Ethan Smith.

“One by one, each of us early conference hosts and more visible posters would come to get mugged by good old MES,” Mandel recalled in a later discussion of Smith's banishment from The Well. “And we used to call each other and giggle and cry and scream about it. Sharing advice about how to deal with this major cyberthreat to sanity—or so she seemed at the time—did drive a lot of us to talk on the phone and exchange mail and figure out what the fuck to do.”

The next cohering factor was the institution of The Well office parties.

The first Well office party took place in September 1986, when a Well regular named Maria Syndicus and a few others decided to throw a surprise party for Fig and Tex. It was a Friday afternoon, and around the end of the day people just started showing up at the Sausalito office, even including a few people who preferred to avoid social gatherings. For many people well known to each other online, this was the first time they had met in the flesh, and it was a strange, unsettling experience. Most everyone there found that the shapely personalities projected electronically bore scant resemblance to the people who showed up at the party in the flesh. By and large, they were what Brand once described as “a portly keyboarding group,” perhaps not completely at peace with their bodies or themselves or each other. Some of those people, upon arriving at The Well office, headed straight to a computer and logged on. The earliest Well parties couldn't sustain enough social energy to last more than a couple of hours. A smaller group often repaired to a nearby Chinese restaurant at the end of the gathering.

Yet soon the parties were a monthly tradition. As Brand had predicted, something happened when people who had earlier met online met each other in physical space. It intensified their closeness when they resumed their online lives on The Well. The Well defied current notions about virtual community in that it wasn't one—entirely. Problems that arose online got worked out offline, and vice-versa. Early on, it was possible to log on to The Well from outside the Bay Area, using commercial packet-switching systems—but some people found the physical remove a handicap. Jon Lebkowsky, who logged on from Austin, Texas, said he often felt his posts were more or less ignored until he went out of his way, during a trip to the Bay Area, to attend a Well party. It was the reality of face-to-face contact, not even so much the quality of it, that made the difference.

The creators of The Well built something that might have been dismissed as inconsequential when compared with the real world, but in point of fact it was a transforming experience for some: those who were willing to let the medium move them to write what they felt like writing, whenever the spirit grabbed them, were the ones who got the most from The Well.

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## THE COMMUNITY BOOKSHELF

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### Character Study

William Damon

James Davison Hunter, *The Death of Character* (New York: Basic Books, 2000), 320 pp.

Most of us learn early the basic moral lesson that two wrongs don't make a right. But here's another bit of moral math that may be worth passing along: Lots of right observations don't always add up to a larger right. In our sometimes obsessive world of academic writing, the occupational weakness is a passion for assembling stores of knowledge unadorned by wisdom or common sense. *The Death of Character*, by James Davison Hunter, is by no means the first scholarly work to affirm this proposition.

Hunter has given us a finely researched treatise on the subject of moral education and character in our present epoch. He brings to bear a wealth of citations on this topic, and many of his most provocative points are correct, at least in a narrow sense.

Hunter argues that our over-psychologized culture has substituted "therapeutic" values for moral virtues. As one consequence, egoistic and subjective standards, such as personal adjustment, have replaced universal standards, such as truth and responsibility. This point has been made before, by sociologists such as Robert Bellah and by psychologists *manqué* such as myself, but Hunter documents the case with more extensive and compelling data than any of us had ever

imagined. I picked up many new facts and anecdotes from the book, all of which will help me in my own teaching and thinking. For this substantial contribution (and, it must be said, yeoman's task), I am grateful to Professor Hunter.

Extensive scholarship is one thing, sound judgment another. Sometimes the two go hand in hand, but sometimes the gap between them can be so wide as to be distressing—and, more to the point, detrimental to a work's value. The meaning that Hunter extracts from the fruits of his research is questionable at best.

For example, in examining today's character education programs, Hunter argues that elements of subjectivism and moral relativism infect not only the "anything goes" efforts that conservatives such as William Bennett have long combated but even the new wave of traditional programs *explicitly designed to foster ideals of universal moral truth*. Take his complaint against one of the more reasonable—and traditional—of today's approaches to character education:

The Character Education Institute does affirm enduring values to the point of encouraging teachers to correct children when they come to the wrong conclusion about what is moral and what is not . . . . But how are these values taught to children? The moral logic they promote encourages children to follow the consequences of their actions. Significantly, this cost-benefit analysis is filtered through the child's sentiments. Why should one be good, say by caring for another? Because "it will make you feel better." Why should one not be bad, say through stealing or cheating? The reply: "How would it make you feel if someone did that to you?"

Well, sure, sentiments such as "feeling better" do not in themselves stand as sufficient reasons for moral actions such as charity or law-obedience. But moral sentiments do play a role in human action, a constructive and motivating role that young children can recognize. What's more, the second of the sentiments noted above suggests the Golden Rule, not exactly a shabby point of entry for childhood moral instruction. Now if a child's moral education were to *end* there, Hunter correctly implies that the child might be left without a sense of the objective, universal, and timeless truth behind moral strictures. But if a child's moral education *begins* there and then moves on to deeper and more enduring elements of morality, the child's character

will hardly be damaged—in fact, it may well be enhanced by linking moral emotions, which the child knows well from experience, with the moral purposes and demands of the civilized society that the child is joining.

The book's crusade against all traces of subjectivism and sentiment in today's educational culture succumbs to the common extremist fallacy of "making the perfect into the enemy of the good." Such a hypocritical perspective cannot offer much of a positive vision for educational action.

Education is a pragmatic, seat-of-the-pants activity that must provide young people with the best of everything we know, in every uplifting way that we can manage to communicate. No one has all the answers; and in any case, not all students learn in the same way from the same experiences. Each of the social sciences—sociology, psychology, anthropology, economics—has produced some useful ideas about schooling, and any sensible educator draws from all of them.

Hunter, a sociologist, spends some of his book making the case that the academic discipline of psychology is to blame for everything that's gone wrong in education. "When it comes to the moral life of children," he writes, "the vocabulary of psychology frames virtually all public discussion . . . contributions from philosophers and theologians are virtually nonexistent. Anthropologists and sociologists are likewise absent from the discussion." At first glance, this may sound like a complaint from an irritable Parisian who can't stand hearing another, no doubt inferior, language; but Hunter goes beyond mere disciplinary chauvinism. He envisions a "regime" that has literally captivated our hearts and minds:

Dominated as it is by perspectives diffused and diluted from professional psychology, this regime is overwhelmingly therapeutic and self-referencing; in character, its defining feature is a moral framework whose center point is the autonomous self. This regime's strategy of moral education now pervades *all* of the mainstream institutions that mediate moral understanding to children.

The problem is that the psychology in Hunter's book barely exists any longer. It has practically vanished from academic discourse, and it is far less a presence in today's character education programs than Hunter imagines. The critique of Kohlberg and other stridently ratio-

nalist psychologists is correct but hardly cutting edge: their positions have been discredited in the field for well over two decades. In their place have arisen approaches that emphasize the importance of affect and identity and that explore the effects of social influences, such as culture and community, on moral development. The most prominent psychologists in youth development today are people such as Peter Benson and Thomas Lickona, both of whom have grounded their work in a recognition of tradition, community, and objective moral truths, including religiously inspired ones. It is worth noting that these and other psychologists draw heavily on work by great sociologists, such as Durkheim, who were able to pull together insights from both social and individual levels of analysis. The pressing need for an inclusive and integrative perspective is why many educators, especially educators in the character development field, still use Durkheim, even if some sociologists seem to have forgotten him.

More than anything else, I am especially troubled by this book's title. Why would someone want to call a book on contemporary morality *The Death of Character*? Or start with the following statement: "Character is dead. Attempts to revive it will yield little. Its time has passed"? I can only conclude that the author has drawn an errant and misleading conclusion from the rich and revealing information that he has so painstakingly examined.

Let me address the accuracy of the book's title with a particularly telling example, which I use because it is recent and not because it is special or unusual. A friend of mine brought me to a church service at which his 19-year-old son was the main speaker. The boy had just returned from a lengthy "mission" to South America, where he had ministered to the poor. During that time he had seen neither family nor friends and had lived in subsistence-level conditions. The boy glowed with purpose. He spoke intelligently and passionately about the work he had done, the people he had lived among, what he had given them, and what he had learned. After the service, he was joined by at least a dozen friends who had done similar work in local or faraway places and who emanated the same sense of joy and purpose. In today's America, in the belly of the beast that Hunter has conjured up for us, these youngsters have been subjected to experiences in moral guidance, moral mentoring, moral education. Their "charac-

ters” are still alive and well—indeed, still thriving, growing, and advancing.

I could fill this journal—not just the present issue but every volume from here on out—with similar stories. This never-ending collection of stories would reflect the enormous range of religious and secular traditions that young people learn about and benefit from, all part of today’s moral education climate. These stories would convey an indisputable moral: there are plenty of young people growing up today with solid prospects for the finest sorts of moral character. Yes, there are sharks in the waters, in the form of the corrupting cultural influences that are coming at our children from every direction. But to say that we are now in a predicament that requires real attention does not mean that the world is going to hell in a handbasket. It ain’t over till it’s over, and we are still in the early innings with lots of good players on our team.

As for the content of character itself, it is more than a commitment to the sterner moral verities—Saint Augustine’s “life of restraint.” It also includes a commitment to faith, hope, and charity. Character would not be dead unless everyone were to despair and give up on it entirely. Hunter’s book notwithstanding, I’m not worried that this day is upon us. My concern is that Hunter has turned a worthwhile scholarly contribution into an uncharitable critique that arrives at a rather hopeless dead end.

**James Davison Hunter responds:**

I am grateful for the spirited review William Damon has given to *The Death of Character*, and for the opportunity it affords to clarify a few of my book’s central arguments.

The first point to make is that the book, title notwithstanding, isn’t really about “character”—at least not directly. The key methodological contribution the book seeks to make is to challenge the contemporary conception that character and its attending moral virtues are highly individualistic and psychologistic. Whatever psychological attributes “character” may possess, I contend that it simply cannot be understood outside of its social, cultural, and historical context. The most important implication of this contention is that any serious

discussion of character or of civic virtue or of the renewal of moral obligation today *must* also be a discussion of the social and cultural resources that inform these things. Those resources include all of the elements that comprise moral communities: the often unstated yet powerful moral philosophies that give them significance and coherence, the social networks and rituals that define their practices, and the communal narratives that form their collective memory.

The problem we face today, then, does not lie with the individual. I, too, could fill the pages of this journal with the stories of young men and women who demonstrate in word and deed remarkable moral courage and idealism. (By the same token, I could fill the pages of this journal with stories of young men and women who live lives that are morally reprehensible.) But this misses the point.

The problem is historical—namely, that there has been a gradual erosion of the social and cultural resources that young people can draw upon in the formation of their character and broader moral sensibilities. The “death of character” refers to the disintegration of these resources—the depth, stability, and substance of moral communities, and the cultural narratives that give them meaning and purpose.

How does contemporary moral education fit into this situation? The answer, in part, can be found in the dominance of psychology in both its theory and practice.

It is true, as Professor Damon observes and as I note in the book, that many of the formal psychological theories that were so influential through the 1960s, ‘70s, and ‘80s have lost their energy; some have been discredited outright. That said, the assumptions, language, and ideals of 20th century psychology still dominate the discussion of moral education; the ubiquity of this framework is evident in everything from the courses (and texts) taught in the major graduate education programs to the actual moral education curricula offered in schools. And yes, it envelops even those efforts by communitarians and neo-traditionalists designed to resist the therapeutic in moral education.

The emphasis that psychology gives to the subjective elements of moral life is not, in itself, a difficulty. Personal experience and emo-

tions, as I argue, have always had an important place in the dialectic of ethical reflection, character development, and moral engagement. But subjectivity in our day has given way to subjectivism, whereby the experiences, interests, and sentiments of the autonomous individual are enshrined as the standards defining the height, length, and breadth of moral hope and possibility.

My point is not simply to echo the case that others, like Robert Bellah and Alasdair MacIntyre, have made already. The point, rather, is to understand the full implications of an emotivist culture for the moral education of children. What I find is that the moral education establishments have, in various and often unintended ways, assisted and even celebrated this transformation in their work with children. Thus, while all of the strategies of moral education—including the communitarian and neoclassical strategies—disparage the subjectivism and individualism of our time, none of these strategies is able to transcend or escape them.

But even this does not get to the central problem I develop in the book. The central problem with moral education is its embrace of a strategy of *inclusivity*. (In this light, psychology is significant mainly because it is the most inclusive moral vocabulary we have yet found.) To be sure, there are very good historical and sociological reasons why we pursue inclusivity in moral education, and inclusivity does have its virtues, but none of this diminishes its unintended consequences. In short, inclusiveness in moral education can be pursued only by emptying lived morality of its particularity—those “thick” normative meanings whose seriousness and authority are embedded within the social organization of distinct communities and the collective rituals and narratives that give them continuity over time. The problem is not the absence of morality, as the Right contends, but rather the emptying of meaning and significance and authority from the morality that is advocated.

Unanchored as they are to anything concrete outside of the self, the “values” or virtues encouraged by the leading strategies of moral education provide meager resources for supporting our far-reaching moral commitments to benevolence and justice. It is in this way that moral education, as it is currently institutionalized, diminishes the

social and cultural resources upon which character must be based if it is to exist at all. Thus, contemporary moral education accomplishes just the opposite of what it intends.

To offer a positive vision for moral education first requires a serious confrontation with the broader social, cultural, and historical dynamics that shape it today. In the end, the goal is to foster conditions that will spawn a more grounded experience of subjective autonomy (than is presently found in the psychological strategy of moral education), a more robust encounter with the authority of communities (than is presently found in the communitarian strategy), and a deeper understanding of virtuous habit formation (than is presently found in the neoclassical strategy). *The Death of Character* is a modest attempt to move the discussion in that direction.

**William Damon responds:**

I find much to applaud in Professor Hunter's response. He is astute in his observation that psychology's legitimate attention to the subjective has led to an unfortunate celebration of subjectivism in moral education today. Whether this and other important points shine through the hyperbole and negativism in his book is for readers to decide. Speaking for myself, I can't understand a title like *The Death of Character* from an author who acknowledges the "remarkable moral courage and idealism" of today's youth, or from a book that "isn't really about character." But no matter how much I am put off by such rhetorical choices, I concur with Professor Hunter that he has "moved the conversation along" in the right direction.

Yet the overstatements do a disservice to the book's truths. Hunter writes that "contemporary moral education accomplishes just the opposite of what it intends" by being so inclusive that it squeezes out the "thick" moral meanings of particular communities. Now I have never seen a shred of evidence that such programs foster *immorality* (the opposite of morality). Most likely, the incoherent and weak programs flow past students with little effect—although even these may provide some students with some moral vocabulary and intimations of the good.

More importantly, some of today's approaches to moral education are indeed thick with serious authority, collective rituals, "par-

ticularity,” and normative obligations such as service. The numerous faith-based programs in religious schools provide obvious examples. Our secular schools too are finding ways of accomplishing similar goals. (Illustrations of these can be found on the website of the Character Education Partnership [character.org], which offers a frequently updated list of exemplary “schools of character” across the United States.) It’s true that we still have a long way to go, but it is wrong to claim that the road is untraveled.

On the analytic front, Professor Hunter complains that the prevailing conceptions of character are too “individualistic” and “psychologistic.” If he means to emphasize that social, cultural, and historical influences always play a central role in shaping character, he is correct. If he means that such influences *determine* character, he again has overstepped.

We cannot remove individuals from any discussion of character. From a moral perspective, responsibility rests with the individual—otherwise there could be no commitment or accountability to sustain social systems. From a scientific perspective, character is inscrutable without an understanding of individual-level concepts such as learning. Virtues are not simply stamped on people by their social environment, the classic root of “character” notwithstanding—if it were that simple, we would not need to worry about moral education! Individuals of noble character managed to emerge from Mussolini’s Italy and Caligula’s Rome, I am sure, just as they emerge from 21st century America.

Another necessary psychological concept is creativity. Through innovation, individuals can surpass the social context that shaped them. Granted, no one does so wholly alone. But at key junctures, individuals do take initiatives and come up with tradition-shattering insights. Our historical context for character has been shaped by such initiatives long past. This is another reason why we shall never see the final death of character, even amidst the decaying remnants of crumbling cultures.

## What Is *the* Third Way?

Henry Tam

Anthony Giddens, *The Third Way* (Cambridge, UK: Polity Press, 1999), 166 pp. and *The Third Way and its Critics* (Cambridge, UK: Polity Press, 2000), 144 pp.

Over the past decade, the term “Third Way” has been systematically used by the New Democrats in America and New Labour in Britain to denote a “new” way to challenge the Right’s political reign. Despite the growing usage of this term, however, its definition has remained slippery and contested. When Anthony Giddens articulated his vision of the Third Way in his book of the same name, it became an international bestseller because it was widely perceived to offer a fresh, coherent “left-of-center” politics—not just for Britain or America, but for the world. Giddens’s sequel, *The Third Way and its Critics*, was subsequently endorsed by public figures ranging from the UK prime minister and the president of the European Union to the president of Brazil. It is indisputable that neither the Left nor the Right can now ignore Third Way politics.

In his outline of the Third Way, Giddens takes classical social democracy as his point of departure. He argues that starting in the 1970s, social democracy was being superseded by neoliberalism—the Second Way—and has not since recovered its electoral strength. In order to overturn the Right’s neglect of social justice without resorting to the alleged dead-end of the “Old Left,” Giddens claims that the Left had to adopt a Third Way. The core values of this new political approach are strikingly communitarian: responsibility, community, and equal worth and opportunity for all. Indeed, Giddens himself writes, “One might suggest as a prime motto for the new politics, *no rights without responsibilities*.”

When Giddens attempts to map out how the Old Left is to be transformed into a new kind of social democracy, we encounter problems that are instructive for anyone interested in pursuing social justice in the age of globalization. Giddens’s difficulties stem largely from his attempt to position the Third Way as something so significantly “new” that it ends up being cut off from the similar ideas and policies that have long been advocated by anti-neoliberal politicians, thinkers, and activists.

Consider the following call for Third Way thinking:

The road that was pursued by state socialism and, for other reasons, the road that is being pursued now by the new conservatism, lead to societies we do not want to live in. Therefore, what we ought to consider is whether we should follow another road, and where it might lead us.

This statement comes not from *The Third Way*, but from a book, *Politics Is for People*, written nearly 20 years earlier by Shirley Williams, one of the founders of the British Social Democratic Party (SDP). Indeed, Williams, along with other leading social democratic figures such as Roy Jenkins, David Owen, and David Marquand, wrote at length about the problem with unilateral disarmament, antifederal distribution of power (in Europe and the UK), and the need to break with the Labour Party's stance on nationalization and close ties with trade unions. Although it was ignored in Giddens's book, the SDP's advocacy of community-based politics, cooperative economics, and active citizenship not only echoes the development of social democratic parties in other European countries, it also shares many features with emerging ideas of civic republicanism and democratic communitarianism in Britain and America through the 1980s and 1990s. As Donald Sassoon, one of the leading historians on European socialism, observed, many of the SDP's ideas—particularly in connection with notions such as “community,” “the enabling society,” and “responsibility”—came to be absorbed by New Labour.

In *The Third Way and its Critics*, Giddens tries to answer the charge that beyond being an attempt to make left-of-center parties more electable, the Third Way label has little to add to contemporary politics. His task would be much easier if instead of trying to distance the Third Way project from currents of progressive and social democratic thought that have been gathering momentum in the last 20 years, he had located it as an integral part of that movement. As it is, he continues to insist that the Third Way is a distinctly new approach from which even advanced social democratic parties may have a few things to learn.

While acknowledging that European countries with long-standing social democratic governments generally have better public institutions and lower levels of economic inequality than Britain and America, Giddens suggests that these countries may nonetheless

borrow ideas from the Third Way to deal with crime and family breakdown. Yet these European countries already have lower crime rates, fewer teenage pregnancies, and lower divorce rates than their Anglo-American counterparts. Perhaps Giddens's point is that social democratic politicians have traditionally focused on enhancing state provisions while neglecting the importance of helping families and local communities take responsibility for their own members' well-being. This is where communitarian ideas have so much to offer left-of-center parties. Alas, Giddens's engagement with these ideas barely goes beyond his observation that "the term 'community' does too much work in communitarian theory."

In forsaking many of the leading ideas that have enriched the development of left-of-center politics over the last 20 years, Giddens's Third Way leaves itself open to the most damaging criticism of all—namely, that it is not so much a renewal of social democracy as a concession to neoliberalism. Giddens's defense of his position only serves to fuel his critics' suspicion. In justifying his support for the market system, he writes about the importance of free choices for consumers but makes no reference to the plight of workers. He maintains that "as private companies downsized, adopted flatter hierarchies, and sought to become more responsive to customer needs, the limitations of bureaucratic state institutions stood out in relief." But private sector downsizing is all too often about making people redundant, raising profit margins, destabilizing community life, and forcing the remaining employees to concentrate on working more hours and spend less time with their families. As for public sector management, the seminal works of John Stewart, the leading British expert in this field, have shown that the real challenge is to develop a citizen-focused approach and avoid aping private sector practices.

On equality, Giddens declares that "equality of opportunity typically creates higher rather than lower inequalities of outcome . . . . Rather than seeking to suppress these consequences, we should accept them." Many social democrats would argue that there ought to be a clear limit to the growth of such outcome inequalities, beyond which the state should take action to redress the balance. One reason why Giddens hesitates to endorse state engagement in any activities that may reduce growing inequalities in wealth distribution is that

“the better-off sections of the electorate have become resistant to paying very high taxes.” From a moral point of view, there are all kinds of state action that criminals, irresponsible corporations, or racists may resent and seek to evade, but that does not in itself offer an argument why such state action should be abandoned. However, from an electoral point of view, given that the wealthy—by exercising corporate power, providing campaign finances, and buying media air time—can influence voting patterns considerably, their reluctance to pay “high taxes” may well lead some party strategists to insist that they must be appeased.

But Giddens takes this further, maintaining that “social democrats should continue to move away from heavy reliance on taxes that might inhibit effort or enterprise, including income and corporate taxes.” Lest his position become completely indistinguishable from that of the neoliberals, he adds that the loss of fiscal revenue can be compensated for by a shift to eco-taxation on energy, waste, and transport. But is the aim of taxing environmentally unfriendly activities to obtain significant new sources of revenue or to reduce those activities substantially? Achieving the former would mean that eco-taxation was serving as an ineffective environmental instrument. Achieving the latter would mean that it could not compensate for the loss of tax revenue from other sources.

Ultimately, Giddens is not concerned with raising enough taxes to redress social and economic inequalities. He states categorically that we should move away from redistribution towards wealth creation. What he does not address is if, or rather when, a country moves into a state of declining growth, the government should raise taxes as a last resort or allow social polarization to continue to grow.

At the end of *The Third Way and its Critics*, one has to admire Giddens’s frank self-appraisal. He concedes that the social democratic form of stakeholder capitalism that prevails in many European countries “has too many achievements to its name to be easily relinquished.” But since he believes that “the Anglo-Saxon economies are not about to move towards the stakeholder model,” his Third Way falls back on many key neoliberal tenets. For its critics on the Right, Giddens’s Third Way project resembles more and more the revamped version of neoliberalism now commonly known as “compassionate

conservatism.” The Conservative and Republican parties will have little to fear from this “new” kind of politics. And for its critics on the Left, Giddens’s Third Way might seem an insufficient alternative to European social democracy, Anglo-American communitarianism, or civic republicanism. To overcome neoliberal supremacy, the Left might well be better served by synthesizing these three traditions into a progressive force for the global age.

## The Politics of Loyalty

William Lund

Stanley Fish, *The Trouble with Principle* (Cambridge, MA: Harvard University Press, 1999), 328 pp.

Stanley Fish’s long-standing criticisms of moral and epistemological foundationalism have led him to draw a rather perverse conclusion: public policy cannot be justified according to principles fair to all. Indeed, in *The Trouble With Principle*, he rebuffs the claim that policies can be informed by neutral, impartial, or abstract principles; to Fish, such criteria do not exist. What’s worse, he believes, is that we do “many bad things” to each other when we falsely claim to meet those honorific criteria and impose supposedly principled resolutions upon disputes over free speech, affirmative action, or church-state relations.

Fish compiles an extensive list of wrongdoers who are guilty of inflicting those “bad things” on others. He claims that conservatives are blind to the real effects of American history when they oppose affirmative action in the name of principled color-blindness. Some leftists seem to be Fish’s allies, in that they have absorbed the insights of various postmodern, Foucaultian, or pragmatic discourses. But he faults Bonnie Honig, Robert Post, and others for ultimately pulling back from the full implications of those insights by seeking theoretical justifications for their substantive political positions. While largely implicit, Fish echoes the communitarian belief that one’s identity is

embedded within one's cultural context, with constitutive beliefs that cannot and should not be overridden by abstract rights or neutral procedures. But he would likely reject as false and privileging universalizations any claims to having discovered a common good in, say, Sandelian civic participation or Etzioni's functional requirements of autonomy and order.

Fish's chief bogeyman, however, is the liberal notion that we can derive fair public policies by transcending substantive ethical or religious differences. In hoping that abstract reason can provide thin (but necessary) restraints on individual freedom and government action, liberals have argued that such restraints can be impartial with regard to most of our conflicting beliefs and values. Fish seeks to invalidate this claim by arguing that liberal principles are either too empty to be of practical help or, more likely, internally inconsistent and oppressive for some. He supports this argument by focusing mainly on the supposedly open marketplace of free speech and the "wall of separation" between church and state. Neither, he says, can operate without treating some beliefs and values as impermissible, and thus religious fundamentalists and other citizens who can't compromise their ideas will inevitably be excluded from a liberal public conversation and stigmatized as "irrational" or "unreasonable."

For Fish, this is so because any and all claims for neutral principles are post-hoc rationalizations of underlying substantive beliefs. In confronting disputes over hate speech or the content of public school textbooks, the only real principles we have are "strong moral intuitions as to how the world should go, combined with a resolve to be faithful to them." Since we can only be loyal to our particular beliefs and those who share them, politics is a fight for our groups and interests. Instead of seeking common values and principles to constrain such conflicts, we ought instead to recognize that human affairs are "politics all the way down," and politics is necessarily an "ad hoc" of momentary alliances and strategies in which charges of inconsistency are simply stigmas applied by one's opponents.

Among other sources, Fish claims Hobbes's and Machiavelli's portraits of conflict as "antecedents" of his argument, adopting their belief that self-interest underlies the moral claims made in political

conflicts. Their views support Fish's conclusion that there is no such thing as reason apart from either "its appearance in historical circumstances" or as a particular "polemical structure" that successfully bases arguments upon various bits of evidence and justification. Thus, Socratic contrasts between reason and rhetoric are bogus; flattery, appeals to emotion, and blurring the ideological boundaries between different ideas are not only normal, but also acceptable political strategies. In politics, then, anything goes—or more precisely, as he emphasizes, "*anything that can be made to go goes.*"

Since abstract reason cannot resolve or finesse disputes over beliefs rooted in our particular experiences, the proper move is to treat such conflicts "in agonistic and political terms and begin to figure out how you can stigmatize, oppress, and in general get the better of an enemy." Yet on this point, Fish ignores both Hobbes's fear of the state of nature and the school that reads Machiavelli as excusing interest-based evil only if it is necessary to achieve a common good. But I suppose he would see these aspects of their theories as failures of nerve, producing yet another example of false and exclusionary limits on group conflict.

Fish claims that his generalizations regarding principle, theory, and the nature of belief yield nothing of substance. He has not derived his particular political preferences from these more abstract arguments, and the latter do not provide support for his politics. But his brief description of his substantive views and loyalties may forewarn readers of the more specific arguments in this volume. He favors "affirmative action and gay and lesbian rights"; he opposes abortion rights, although he's not clear just what to do "in this vexed area"; and he accepts hate speech codes unless "the good they do (by my lights) will be outweighed by the trouble and litigation they produce." In varying degrees, he is also "an authoritarian in the classroom, a decided conservative in cultural matters, inclined to the absolutes of theology."

Provocative where not perverse, Fish's critiques of those on the other side of his particular loyalties are marvelously clear and well written, and his views on politics, theory, and First Amendment issues should interest a wide range of readers. However, despite his claims to pure description, his views do involve deep revisions of our

political and ethical practices, and they suffer from other problems as well. Some involve rather tendentious readings of liberalism, and delight in collapsing seemingly meaningful distinctions across political thought. For example, liberals, as well as Fish, widely recognize that some views must fall outside the liberal pale. Rawls, Nagel, and others thus suggest that those who reject fairness or equal respect, and seek to impose their views on others, may have to be contained for justice to triumph. But they also defend tolerance for the intolerant up to some point, perhaps when conduct violates others' rights or creates a net disutility. For Fish, this "some point" is just another momentary and contested category that opens a wide door to exclusion. He thus renders liberals as no different than those who would intentionally, widely, and permanently exclude or oppress others for reasons having nothing to do with freedom or equality—a claim that equates the morality of relatively open and tolerant societies with various theocratic or racist regimes.

Moreover, in denying such distinctions, Fish's non-cognitivism clashes with our ethical phenomenology. That is, when facing value conflicts, we do seem to want to step back from our particular beliefs and commitments to see if they are more than private tastes. We do so in order to see if right answers to such conflicts can be grounded in something more than ascriptive or chosen group loyalties. As with emotivists or hard determinists, of course, Fish can always claim that this practice reflects a deep confusion and that we are simply spinning our wheels rather than taking up the real business of getting the better of our enemies. In the end, however, we do seem to need some explanation of why this agonistic politics won't collapse into vicious tribalism, and some criteria, besides political success, to use in evaluating various loyalties and exercises of group- or self-interest.

Even if charmed by anti-foundationalism, one need not go as far as Fish. Richard Rorty, for example, has recently suggested that his pragmatic limits on reason still allow us to distinguish "selfishness" and "sadism" from their opposites. To recognize and resist grabs by the powerful for an unfair share of goods and public respect requires a continuing effort to mediate between disparate beliefs. At least for those of us who are put off by the morass of postmodern skepticism, such efforts should continue principally in the name of communitarian goods and liberal equal respect—or some principled combination thereof.

## Are There Two Communitarianisms?

Jonathan Marks

Amitai Etzioni, *The Monochrome Society* (Princeton, NJ: Princeton University Press, 2001), 297 pp.

**T**he *Monochrome Society* brings together 13 of Amitai Etzioni's recent essays, revised for publication in this new volume. Every collection of this sort raises the question: Why republish these essays together? Etzioni answers, rightly, that the new book is driven by his concern with "social virtues and the social foundations on which they rest." He might have said "the social foundations on which they rest now." For *The Monochrome Society* is a series of absorbing and significant reflections on how virtue-sustaining communities may be possible under modern conditions that, at first glance, seem stacked against them.

So Etzioni has written a decidedly modern book. Whether he writes as a public intellectual addressing policy dilemmas or as an academic sociologist proposing a research agenda, his interest is in discerning what kind of communities can be built—and how they can be built—out of the materials modernity has to offer. He frequently turns what others see as infertile soil for community into a seedbed of virtue. Many fear that increasing ethnic diversity will divide America into separate camps and make it less communitarian. Etzioni, in the title essay, argues that such diversity, properly understood, will weaken identity politics and make America more communitarian. Many fear that the Internet, like television, will entice its users away from meaningful contact with flesh-and-blood human beings. In a nuanced essay on virtual communities, coauthored with his son, Oren, Etzioni argues that virtual communities have important advantages—24-hour access, for example—that face-to-face communities lack, and should be combined with them. Many fear that recent economic trends promise increasing inequality. Etzioni finds reason for optimism in the shift from an industrial age to a knowledge age, because "knowledge defies scarcity." "Knowledge objects," unlike consumer goods, can be shared at minimal loss or cost. The knowledge age can thus be expected to provide some relief from the harsh laws that drive industrial capitalist economies and consequently make more room for the pursuit of "basic socio-economic equality."

Perhaps no reader will find all of Etzioni's arguments persuasive—I think the last, for example, exaggerates the extent to which human acquisitiveness is driven by real material scarcity—but together they add up to a powerful defense against the oft-repeated charge that communitarianism is nostalgic or moribund.

*The Monochrome Society* also carries forward an argument Etzioni has made before about the advantages of modern communities. Many fear that the revival of community will also revive unwanted invasions of privacy and dangerous restrictions on freedom. But Etzioni argues that this fear is unwarranted in contemporary pluralistic societies, in which individuals are “able to choose, to a significant extent, the communities to which they are psychologically committed, and can often draw on one to limit the persuasive power of another.” Others have the opposite fear, that communities in contemporary pluralistic societies are too weak to foster virtue. But Etzioni argues, in a superb essay on shaming, that the weakness of contemporary communities, while troubling, is also exaggerated. The story of a woman who was convicted of welfare fraud in Eau Claire, Wisconsin and preferred to be jailed rather than wear a sign admitting, “I stole food from poor people,” indicates the moral authority of at least one modern community, and Etzioni has many such stories to tell. Here, then, is modernity's gift to communitarians: it has weakened communities so that they will not be puritanical, while leaving them enough resources so that their notion of fostering social virtues will not be quixotic.

In this way, Etzioni is able to set his communitarianism firmly on the middle ground between extreme advocates of liberty and extreme advocates of community. However, that middle ground is very wide, and it is fair to ask exactly where Etzioni stands on it. At least two answers to that question emerge from *The Monochrome Society* in its two distinct communitarian visions. Call one Communitarianism A and the other Communitarianism B; there is at least some tension between them.

Communitarianism A, represented in such essays as “Is Shaming Shameful?” “Suffer the Children,” and “Social Norms: The Rubicon of Social Science,” argues that liberty depends on those moral norms expressed and transmitted mainly through mediating institutions like

the family and civic associations. It argues also that a good society promotes a set of core values and virtues, albeit a limited one. To support the arguments of Communitarianism A, one need not be a communitarian. One can be a liberal; few doubt Arthur Schlesinger's liberal credentials, but he defends the idea that the United States is defined by a set of core values, the American Creed, every bit as forcefully as Etzioni does in his essay "The Monochrome Society." Or one can be a neoconservative; indeed, the arguments of Communitarianism A, especially those concerning moral norms and mediating institutions, find a natural home in the pages of the *Public Interest*. Communitarianism A is directed not against liberalism, but against liberalism gone extreme—the liberalism of Ronald Dworkin or of doctrinaire libertarians, though Etzioni, unfortunately, sometimes allows these particular liberalisms to stand in for the liberal tradition altogether.

If the *Public Interest* is a natural home for the arguments of Communitarianism A, *Dissent* would be a natural home for those of Communitarianism B, represented in such essays as "The Post-Affluent Society" and "Stakeholders versus Shareholders." Unlike Communitarianism A, Communitarianism B makes a frontal assault not only on certain contemporary liberalisms but also on classical liberalism, or at least on the commercial spirit that has been associated with liberalism since Locke and Montesquieu. Advocates of Communitarianism B cannot utter the following words and phrases without putting them in scare quotes: "private property"; the "their" in "their property"; the "natural" in "natural rights." When Etzioni espouses Communitarianism B, he sympathizes with the voluntary simplicity movement, which views wanting more than one needs as at least *prima facie* evidence of an unhealthy concern with status. He writes hopefully of the emergence of a moderate counterculture grounded in postmaterialist values. Communitarianism B is not inconsistent with Communitarianism A, but far exceeds it in its ultimate aim: a transvaluation of the values of modern liberal societies.

Moreover, Communitarianism A is inegalitarian because it emphasizes how moral norms are internalized by "nonrational means, such as identification with authority figures" and "group enthusiasm generated through rituals and appeals." When Etzioni espouses Communitarianism A, he tends to speak of elite "designers" of com-

munity who, drawing upon expert knowledge, determine how to balance face-to-face and virtual elements of community or how to “recast” holidays to serve the needs of communities better. Communitarianism B, on the other hand, emphasizes dialogue, a highly egalitarian mode of generating the core values to which a community devotes itself. So eager is Etzioni to preserve the egalitarian character of moral dialogues that he distinguishes between the “initiation of values,” which requires the work of one extraordinary human being, and the incorporation of values into a community’s moral culture, which does not. It hardly seems likely that the influence of elites will be much less prominent or necessary in the incorporation of values than in their initiation. However that may be, there is a tension between egalitarian dialogue and inegalitarian persuasion that does not dissolve altogether in Etzioni’s observation that human beings are “both persuadable and deliberative creatures.”

Similarly, Communitarianism A emphasizes the *authority* of communities, where authority is understood to restrict the scope of rational choice severely. In a section of “Social Norms: The Rubicon of Social Science” entitled “Sources of Social Norms: Rational Choice Versus History,” Etzioni argues that many, though not all, norms “are passed from one generation to the next; and they derive authority by virtue of their being a part of tradition rather than reflecting deliberations.” Communitarianism B, on the other hand, is so reluctant to restrict individual freedom that “tradition,” whose authority contrasts so sharply with reason in one essay, becomes merely a warehouse of possible choices—“one major source of options people consider”—in another. In that essay (“Holidays: The Neglected Seedbeds of Virtue”), Etzioni insists that the “conflict is not between choice and tradition.” Of course he is right that one need not side exclusively with choice or tradition, but the range of possible positions between these two poles is so wide as to include, for example, Orthodox and Reform Judaism. Etzioni’s very different characterizations of tradition—and of the extent to which it is compatible with choice—make it difficult for the reader to discern where his own position falls in that range.

*The Monochrome Society* offers a robust defense of communitarianism against a number of stock charges. Above all, it demonstrates the capacity of communitarians to confront the economic, social, and technological changes that, in the view of many

critics, render strong communities, and especially a strong national community, obsolete.

But perhaps it does not do enough to rescue communitarianism from a charge Etzioni indicates some impatience with, namely that it is vague. Communitarianism A and Communitarianism B are not contradictory, but they define such different visions of community on such different points on the political spectrum that their tensions cannot easily be ignored. These tensions run too deep into Etzioni's argument to be left to moral dialogue, for the emphasis on moral dialogue itself belongs to one vision and not to the other. They are, to be sure, a natural result of Etzioni's attempt to place communitarianism between immoderate liberalism and social conservatism. But much remains to be said (even after the illuminating dialogue between Etzioni and Robert George, the social conservative, in the chapter "Virtue and the State") about where communitarianism stands on this vast middle ground.

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*After ten years, the Communitarian Platform is again open for endorsements. The text of the platform, a list of previous endorsers (which includes John Anderson, Robert Bellah, Betty Friedan, Francis Fukuyama, and other leaders of society), and a form to sign the platform are available at [www.communitariannetwork.org](http://www.communitariannetwork.org).*

## THE MORAL DIMENSION OF THE MEDIA

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### Ad Nauseam

David Blankenhorn

Consider two recent trends in commercial advertising, both of which suggest a shift in the balance of power between family life and the market economy. First, advertisers are increasingly suggesting that corporations are more reliable than lovers and families. You can't really trust your marriage, but you can trust . . . the company that brought you this ad.

A recent magazine ad from Chevrolet Cavalier shows a dependability meter that begins with "the weather" (very undependable), goes on to "Mom" (somewhat dependable) and ends up with a Chevy Cavalier—"one of the few things in life you can actually depend on." A current ad from Chrysler shows a splendidly isolated 2001 PT Cruiser under the banner "Emotional rescue" and above the line "Ah, emotional fulfillment at last." An ad from Avis, the rent-a-car company, features a blurry, black-and-white photo of two unsmiling figurines, a bride and a groom. The ad banner says: "Trust. Understanding. Commitment." The ad copy begins: "We've got someone special for you." And who would that person be? Yes, it's that "one person to meet your car rental needs."

To make the same basic point, several new print and television ads bluntly employ the themes of divorce and unwed childbearing. A magazine ad from MassMutual, the life insurance company, features

a 30-something mother, looking very much in charge, holding her new baby and explaining her situation quite clearly: “I’ is now ‘we.’ My new start-up has only one key shareholder.” Which is why she is partnering with MassMutual.

In a new television ad from John Hancock Financial Services, a tired, stressed-out single mother is imploring her ex-husband to “do more” for their son, Joey, only to be told by the ex-husband that his girlfriend wants him to move to California. “You tell Joey that,” the woman replies angrily. “You tell him.” Which is why she needs John Hancock, a company that offers “Insurance for the Unexpected.” In another TV spot from John Hancock, we see a couple engaged in heavy petting. They stop. Him: Please stay, I don’t want you to go. Her: “I promised the sitter I’d be home at 11.” Him: Let’s move in together, get married, so that “I could take care of you and Molly.” Her, with quiet determination: “We can take care of ourselves.” Well, not exactly. She and Molly will still need some friendly support—from John Hancock.

Commenting on the Hancock ads, Judith Langer, who runs a trend consulting firm in New York, told the *New York Times* that women consumers, including those who are married, view marriage as a “precarious” arrangement today, adding: “There’s a lot of anxiety out there”—anxiety that advertisers now use to sell their products, in part because people’s sense of vulnerability on this issue is immediate and real, and in part because divorce and unwed childbearing are now becoming normative in our society.

Does anyone, including the people who make these ads, actually believe that the suffering and anxieties stemming from the collapse of marriage can be reduced, or addressed at all in any meaningful way, by car, insurance, and financial services companies?

The second trend is that children’s books are increasingly using children’s food product advertisements as their main theme. For example, a new book from Simon and Schuster is called *The Oreo Cookie Counting Book*. The book teaches young children to count, as in: “one little Oreo . . . too tasty to resist.” Other recent titles include *The Sun Maid Raisins Play Book*, *The Kellogg’s Fruit Loops! Counting Fun Book*, *The Cheerios Play Book*, *Reese’s Pieces: Counting by Fives*, *The Hershey’s Milk Chocolate Bar Fractions Book*, and *Skittles Math Riddles*.

Some of the most popular books make direct use of the foods themselves. In *The Kellogg's Fruit Loops! Counting Fun Book*, for example, young learners are taught to insert pieces of Fruit Loops cereal into small cutout holes in the book's cardboard pages.

These books are big hits with many children, teachers, and parents. *The Cheerios Play Book* alone has sold more than 1.2 million copies in the last two years. The basic idea behind the books is that children are more interested in learning when learning is connected to brand names that they recognize.

But all of that is introduction. The truly revealing aspect of this trend is which way the money flows. Do you assume that these companies are paying authors and publishers to create books that look like advertisements for their products? Actually, it's the reverse. The authors and publishers pay the snack-food companies. Typically, a company receives an up-front advance from the publisher, then splits all royalty payments with the author on a 50-50 basis.

What does this trend tell us? At least with respect to teaching young children to read and count, the circle has been closed. Not only are advertising, education, and entertainment all slowly blending into more or less the same thing, but we now have a generation of young children so tuned-in to advertising, so intellectually and aesthetically captured by it, that some companies no longer find it necessary to pay for their advertisements aimed at our children. Instead, we pay them.

## THE COMMUNITY'S PULSE



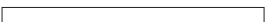


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A recent survey asked 1,830 randomly selected adult Americans how engaged they feel in their community, what issues they see as posing the greatest threat to their community, and which organizations they view as pivotal to solving social problems.

Seventy-seven percent (77%) of those surveyed said they feel very or fairly connected to their community. Seventy-eight percent (78%) said that they had donated money to local charities, religious organizations, and nonprofits during the past year. And fifty-four percent (54%) said that they had volunteered in the past year, fifty-five percent (55%) of whom claimed to volunteer on a regular basis. Other findings of the survey include the following.

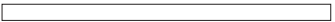






### Still an Issue

The percentage of those surveyed who feel that the following problem seriously threatens their community.

Lack of living wage jobs		42%
Lack of affordable health care		39
Illegal drugs		38
Unsupervised children & teens		37
Decline in moral values		35

### Calling for Help

The percentage of those surveyed who say that they look to the following organization to help solve their community's problems.

The local police department		58%
Churches, synagogues, mosques		56
Nonprofit organizations		53
Local government officials		43
School boards		38
Local news media		35
The federal government		28

Source: The Pew Partnership for Civic Change



## KALEIDOSCOPE

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### Strictly Cosmetic?

**L**ili is 30 years old, has two children, and looks as thin as a rail. She diets constantly and takes aerobics and swimming classes at an upscale gym. Her miniskirts are Italian and her contact lenses come in four different hues.

Lili is also Iranian. So when she's out in public, Islamic law dictates that her well-toned figure be concealed under loose clothing and her Italian threads be covered by a coat and scarf. But she does have one fashion accessory that can remain proudly visible: her nose.

Indeed, as the *Montreal Gazette* reports, Lili has indulged—twice, actually—in one of the latest and most prominent of fashion trends in contemporary Iran: nose jobs. In a society that requires all of a woman's body, except for her face, to remain a mystery in public, rhinoplasty offers women a rare opportunity to flaunt their beauty, wealth, and taste; many of those who go under the knife will even wear their postsurgical bandages as a fashion statement before revealing their smaller, bump-free noses.

Female beauty has long been emphasized in Iranian culture. “Kill me, but make me beautiful,” says one Iranian proverb; “The beautiful face soothes the tired heart and opens the closed door,” goes another. As Lili told the *Gazette*, “part of the reason for spending so much attention on the way I look is that it's in our culture . . . . It's in the nature of Iranian women to want to look beautiful.”

Yet equating beauty with a “fixed” nose is a relatively recent trend. According to the *Christian Science Monitor*, Iranians see the approximately 35,000 annual nose jobs in Iran—performed by roughly 100 specialists, many of whom have been trained in the West—as evidence of “a long-standing desire for facial beauty that these days is coinciding with a youth-driven political reopening toward the West.” Along with the nose job boom, the *New York Times* reports that women have also been taking greater liberties in applying makeup and visiting beauty salons—behavior that certainly seems at odds with Ayatollah Ruhollah Khomeini’s attempt years ago to ban all beauty parlors, calling them “dens of corruption.”

And Iran is not the only nation whose culture has become increasingly preoccupied with cosmetics. In Japan, which already leads the world in skincare sales, the largest cosmetics maker in the country claimed last year to have discovered a substance called “noneal” that causes body odor in people over 40, especially men. They subsequently marketed a range of deodorizing products to counteract it—and their sales skyrocketed by more than five times of what they had projected, according to the *New York Times*. Leading the charge for these new shampoos, lotions, and deodorants were mainly businessmen in their 50s, desperate to nullify an odor that they began to refer to as “old man’s smell.”

Some, including Koichiro Fujita, a professor of immunology at Tokyo Medical and Dental University and author of *Cleanliness Is a Sickness*, have criticized this frenzy as evidence that the Japanese have become “slaves to smell.” But Tokyo Women’s Christian University sociologist Harueko Kato disagrees: “Before these products were created, the norm for Japanese men was to wear that awful-smelling hair tonic . . . Today, whether it’s in the office, subways trains, or at home, Japanese men want to be liked, so they are trying to improve their image, and I think it’s great.”

*Jason Marsh*

## LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

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### From the Libertarian Side

#### The Latest Rights Talk

**A**t least 45 states have established laws that protect the confidentiality of women who choose to give up their children for adoption. Many child welfare and adoption advocates argue that these laws help assuage the pain of handing a child over for adoption. But not everyone is happy with them.

A group called Bastard Nation, billing itself as the Adoptee Rights Organization, has initiated a nationwide effort to change these laws. The group claims that adults who were adopted as children have a right to know the identity of their birth mothers. Arguing that “to be deprived of knowledge of one’s ancestry is to be maimed as surely as to be deprived of limbs or sight,” Bastard Nation has pressed its claims in an unorthodox fashion.

In addition to the group’s regular visits to various state legislatures, Bastard Nation held an “Activist Exorcism Ritual” last May in front of the offices of the National Council for Adoption, a group that supports confidentiality for birth mothers. In their online event announcement, Bastard Nation urged its members to join in helping to “exorcise [sic] the NCFA building and bring the light of truth and revelation to the poor anti-adoptee wretches trapped within the dank and secret BELLY OF THE BEAST!”

## Putting Health on the Market

In many developing nations, people have begun to supplement their subsistence-level incomes by selling organs to wealthy foreigners, according to the *Washington Post*. Focusing on kidney sales in Moldova, the *Post* reports that villagers are typically paid three percent of the cost of an operation to provide an organ, pocketing around \$3,000 of the up to \$100,000 that kidney recipients will pay.

“This was my own decision, no one forced me,” says Maria Golban, a 27-year-old woman who sold one of her kidneys in Turkey. “I did not want my husband to sell his kidney; he needs to work.”

Dr. Simon Mitu, a Moldovan physician, says, “All of [the organ donors] are crippled people. In five or seven years they will really suffer, lacking one kidney, but Moldovan hospitals will not be able to help them.”

An Orthodox priest working near Chisinau, Moldova’s capital, claims, “This is like suicide . . . . But [the villagers] are pushed to that by despair.”

## From the Authoritarian Side

### Internet Crackdown

The government of the People’s Republic of China is taking aggressive steps to maintain tight control over Internet access and content. With the number of Chinese Internet users expected to top 100 million by the end of the decade, officials in Beijing have proven willing to impose stringent regulations and harsh penalties on Net usage; their efforts are intended to ensure that the government’s control over political activities, news, and other information extends into cyberspace.

The *Los Angeles Times* reports that the Chinese government is overcoming many of the technological difficulties that make policing

the Internet difficult. Instead of relying solely upon monitoring in cyberspace, it has undertaken dramatic, real world raids on Internet cafes, arrested high-profile Internet “criminals,” and physically shut down websites operated from within China.

While some believe that the Chinese government will be unable to cope with the extraordinary growth of Internet use and will be forced to liberalize its Internet-related policies, the government’s tight grip on Internet technology will likely remain a formidable obstacle to any sort of organic liberalization. In China, the state owns the telecommunications systems upon which the Internet depends, and the government tightly controls content from foreign websites by limiting the number of connections between China’s Internet system and those of other countries, all of which are monitored by the state.

Chinese University of Hong Kong social scientist Bruce McIntyre summarizes the government’s combination of technological and real world surveillance with a simple formula: “Block minds, not sites.”

## From the Community

### A Program with Principals

In an effort to forge a lasting relationship between troubled public schools and “movers and shakers” of the business and entertainment world, PENCIL (Public Education Needs Civic Involvement in Learning) starts by bringing together both parties for just a single day. In the nonprofit organization’s “Principal for a Day” program, a volunteer becomes just that—an honorary principal at a New York City public school for the duration of a regular school day.

Now in its sixth year, the program has produced some promising results. Gap CEO Mickey Drexler participated and subsequently helped his Harlem students start a store of their own to raise money for scholarships. Stephen Jacobs, a partner in the law firm of Weil,

Gotshal, and Manges, enticed his firm into “adopting” the Upper East Side Urban Academy for at-risk kids, raising \$135,000 to rebuild the school’s library. Many others—including Toys ‘R’ Us chairman Michael Goldstein, Family Court Judge Susan Larabee, and VH1 president John Sykes—have embarked upon similar ventures with public schools.

PENCIL’s Chairperson, Lisa Belzberg, hopes that the program will become more than just a creative way of funneling private resources into public schools. As she tells *New York* magazine, “We’re at a point where we’re starting to create a constituency for public education—a group of people who can turn to the mayor, if they know him, or to a community group or editorial writer, and say, ‘Look what’s happening at my school’—and they always say ‘my school.’ I love that.”

### Making the Grade

Beginning last fall, nearly half of Chicago’s public elementary schools began providing report cards—for parents. According to the *Chicago Sun-Times*, the “report cards” consist of a checklist of positive behaviors that parents can exhibit to help their children. The checklists are handed out blank, and parents are encouraged to evaluate themselves in the areas listed on the report card.

Schools Chief Paul Vallas is enthusiastic about the program’s results thus far. “We haven’t gotten any negative feedback,” claims Vallas. “I’m delighted.” He estimates that by the Spring of 2001, over 300 schools will be participating.

Pernecie Pugh, principal of Sojourner Truth Elementary School in Chicago’s Cabrini-Green neighborhood, says, “I had a few [parents] come to my office to talk about [the report card]. I think their first reaction was to be insulted, but if you explain it to them, and give it to them in a different light, they seem to be OK with it.”

Juan Rangel, director of the United Neighborhood Organization, a Hispanic nonprofit group dedicated to improving education, praises

the program. “We’re trying to change the culture of what happens in the home,” he says.

*Joseph Ura*

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