

The Responsive Community

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UP FRONT

The Truth about Our Liberties

Richard A. Posner

In the wake of the September 11 terrorist attacks have come many proposals for tightening security; some measures to that end have already been taken. Civil libertarians are troubled. They fear that concerns about national security will lead to an erosion of civil liberties. They offer historical examples of supposed overreactions to threats to national security. They treat our existing civil liberties—freedom of the press, protections of privacy and of the rights of criminal suspects, and the rest—as sacrosanct, insisting that the battle against international terrorism accommodate itself to them.

I consider this a profoundly mistaken approach to the question of balancing liberty and security. The basic mistake is the prioritizing of liberty. It is a mistake about law and a mistake about history. Let me begin with law. What we take to be our civil liberties—for example, immunity from arrest except upon probable cause to believe we've committed a crime, and from prosecution for violating a criminal statute enacted after we committed the act that violates it—were made legal rights by the Constitution and other enactments. The other enactments can be changed relatively easily, by amendatory legislation. Amending the Constitution is much more difficult. In recognition of this the Framers left most of the constitutional provisions that confer rights pretty vague. The courts have made them definite.

Concretely, the scope of these rights has been determined, through an interaction of constitutional text and subsequent judicial interpretation, by a weighing of competing interests. I'll call them the public-safety interest and the liberty interest. Neither, in my view, has priority. They are both important, and their relative importance changes from time to time and from situation to situation. The safer the nation feels, the more weight judges will be willing to give to the liberty interest. The greater the threat that an activity poses to the nation's safety, the stronger will the grounds seem for seeking to repress that activity even at some cost to liberty. This fluid approach is only common sense.

If it is true, therefore, as it appears to be at this writing, that the events of September 11 have revealed the United States to be in much greater jeopardy from international terrorism than had previously been believed—have revealed it to be threatened by a diffuse, shadowy enemy that must be fought with police measures as well as military force—it stands to reason that our civil liberties will be curtailed. They should be curtailed, to the extent that the benefits in greater security outweigh the costs in reduced liberty. All that can reasonably be asked of the responsible legislative and judicial officials is that they weigh the costs as carefully as the benefits.

It will be argued that the lesson of history is that officials habitually exaggerate dangers to the nation's security. But the lesson of history is the opposite. It is because officials have repeatedly and disastrously underestimated these dangers that our history is as violent as it is. Consider such underestimated dangers as that of secession, which led to the Civil War; of a Japanese attack on the United States, which led to the disaster at Pearl Harbor; of Soviet espionage in the 1940s, which accelerated the Soviet Union's acquisition of nuclear weapons and emboldened Stalin to encourage North Korea's invasion of South Korea; of the installation of Soviet missiles in Cuba, which precipitated the Cuban missile crisis; of political assassinations and outbreaks of urban violence in the 1960s; of the Tet Offensive of 1968; of the Iranian revolution of 1979 and the subsequent taking of American diplomats as hostages; and, for that matter, of the events of September 11.

It is true that when we are surprised and hurt, we tend to overreact—but only with the benefit of hindsight can a reaction be

separated into its proper and excess layers. In hindsight we know that internment of Japanese Americans did not shorten World War II. But was this known at the time? If not, shouldn't the Army have erred on the side of caution, as it did? Even today we cannot say with any assurance that Abraham Lincoln was wrong to suspend habeas corpus during the Civil War, as he did on several occasions, even though the Constitution is clear that only Congress can suspend this right. (Another of Lincoln's wartime measures, the Emancipation Proclamation, may also have been unconstitutional.) But Lincoln would have been wrong to cancel the 1864 presidential election, as some urged: by November of 1864 the North was close to victory, and canceling the election would have created a more dangerous precedent than the wartime suspension of habeas corpus. This last example shows that civil liberties remain part of the balance even in the most dangerous of times, and even though their relative weight must then be less.

Lincoln's unconstitutional acts during the Civil War show that even legality must sometimes be sacrificed for other values. We are a nation under law, but first we are a nation. I want to emphasize something else, however: the malleability of law, its pragmatic rather than dogmatic character. The law is not absolute, and the slogan "*Fiat iustitia rat caelum*" ("Let justice be done though the heavens fall") is dangerous nonsense. The law is a human creation rather than a divine gift, a tool of government rather than a mandarin mystery. It is an instrument for promoting social welfare, and as the conditions essential to that welfare change, so must it change.

Civil libertarians today are missing something else—the opportunity to challenge other public-safety concerns that impair civil liberties. I have particularly in mind the war on drugs. The sale of illegal drugs is a "victimless" crime in the special but important sense that it is a consensual activity. Usually there is no complaining witness, so in order to bring the criminals to justice the police have to rely heavily on paid informants (often highly paid and often highly unsavory), undercover agents, wiretaps and other forms of electronic surveillance, elaborate sting operations, the infiltration of suspect organizations, random searches, the monitoring of airports and highways, the "profiling" of likely suspects on the basis of ethnic or racial identity or national origin, compulsory drug tests, and other intrusive methods that put pressure on civil liberties. The war on drugs has been a big

flop; moreover, in light of what September 11 has taught us about the gravity of the terrorist threat to the United States, it becomes hard to take entirely seriously the threat to the nation that drug use is said to pose. Perhaps it is time to redirect law-enforcement resources from the investigation and apprehension of drug dealers to the investigation and apprehension of international terrorists. By doing so we may be able to minimize the net decrease in our civil liberties that the events of September 11 have made inevitable.

Slot Machines, Boat Building, and the Future of Philanthropy

Edward Skloot

After over 20 years in the field, this much is clear to me about modern American philanthropy: We're like gamblers playing the two-dollar slots in Vegas. We sit straight ahead, holding our little bucket of metal coins. Repeatedly, we drop in small change, hoping for a big payoff. We sit straight ahead, rarely pulling our eyes away from the spinning icons. We don't interact with the other players on our left or right. If we did, we wouldn't learn much anyhow—they're behaving in just the same way.

Essentially, we put large dreams on small coins. Even if we win a modest jackpot, we almost always feed the slots more than we win. We may be "up" for a while. But most likely we're down, and vaguely uneasy at the end of each cycle. "It just wasn't our day." Our exit strategy is the EXIT sign.

This edgy simile isn't entirely far-fetched. It highlights the fact that much of philanthropy, especially at the 100 largest foundations, with perhaps half the field's endowment, works in isolation, rarely sharing the task or the results. We make grants based on inadequate due diligence, partially relevant information, or simple intuition. After a grant is made we rarely share what we really know—"the good the bad and the ugly"—with grantees or with our own colleagues. We are novices at cross-program, cross-sector collaboration

and rarely buddy-up for mutual gain. In fact, there are no incentives in philanthropy to do that. Finally, we don't usually measure our successes, course-correct, and learn intentionally.

Of course, not all foundations behave like this, at all times, with all grantees and colleagues. This is a description of the overall system of philanthropy, and here are the system's "rules-of-the-road."

Primarily, our work focuses on grantmaking. Grants are made on the basis of proposals. The submission requirements are sometimes over-detailed and arduous. The time it takes for funders to consider and disburse grants varies, from very quick to nearly endless. Communications from program staff, and even senior executives, may be unclear. Foundations (as well as individual givers and corporations) have different filing requirements, deadlines, time frames, and grant sizes, so nonprofits have to do some really fancy footwork to get by. Every year they are compelled to cobble together their operating (and capital) budgets from numerous, quite unconnected, quite idiosyncratic sources of capital.

This makes raising capital highly labor-intensive. It bends nonprofit executives away from focusing on strategy and operations. We all know that, sometimes, in order to start new programs or keep old ones alive, nonprofits "adjust" their programs and chase the scarce foundation dollar.

Even when a nonprofit is successful traversing these rules-of-the-road—whether it advances literacy or develops lots of job placements or builds affordable housing or improves community safety—more funding may still not result. Grantmaking can be so unpredictable.

For some funders, apparent success provides the opportunity to walk away and do something else. No reward here. For others, success leads to the reverse situation: increased funding. At times, these funders, correctly or not, urge nonprofits to expand their programs, or to replicate them in other places. This push to "go to scale" is not regularly followed with ample capital to do the expanded job that funders encourage. When this happens, it exacerbates the undercapitalization of nonprofits and sometimes makes the nonprofit weaker, not stronger.

On the other hand, for some funders, it is failure which provides reason to continue funding. They think more money, time, and effort

would deliver the desired results. For still others, success *or* failure may be irrelevant. For unrelated reasons, they decide the time has come to alter their guidelines and head for the exit. As an added twist, and all too frequently, large grants from a big funder signal others to shy away; they conclude that the first foundation “owns” the program and are reluctant to take a second position.

In these funding decisions, the effectiveness of grantees seems to have little relevance. Peter Frumkin and Mark Kim of Harvard’s Kennedy School of Government recently studied nonprofits in many fields over an 11-year period. They found that “nonprofits that position themselves as cost-efficient—reporting low administrative to total expense ratios—fared no better over time than less efficient appearing organizations in the market for individual, foundation, and corporate contributions.” The same conclusion has been reached by Jed Emerson, an economic development expert now senior advisor to the Hewlett Foundation. His pioneering studies of grantmaking and social investing are sharply critical of the foundation-grantee “dance.” Outcomes, he says, are rarely important in the decision to fund or to re-up for another round.

Finally, numerous funders are unclear about what kinds of funds may be available. They may not be frank about whether they provide start-up funds, bridge funds, long-term support, or capacity-building grants. Sometimes there is little clear signaling about how much capital may be available and the decision may take many months to find out. So funders continually upend grantees’ expectations. Often they come through with smaller-than-anticipated grants. Occasionally they give more than asked for. The result, systemwide, is the massive undercapitalization of nonprofits due to widespread fragmentation of effort, poorly targeted dollars, and inadequate communication bordering on secrecy.

While some might argue that this “let 1,000 flowers bloom” approach is inherently democratic, normal, and typically American, I suggest it is autocratic, ineffective, and willful—and typically American. It certainly doesn’t build toward Robert Putnam’s definition of social capital: “Social networks and the norms of reciprocity and trustworthiness that arise from them.” How can we improve the rules governing grantor/grantee relationships? I believe a “cultural” shift must occur in the system. Both funders and nonprofits need to con-

sciously build social capital. We will never decisively improve the field of philanthropy until we learn to deal with each other more collegially and trustingly. Yes, power relationships will never entirely disappear. But they certainly can be altered. Here are three steps we need to take.

First is to intentionally create what MIT systems theorist Peter Senge calls a “field of shared meaning.” This begins with creating a reflective, safe environment, where funders and nonprofit executives can discuss their concerns over relationships, policies, and strategies. Individual visions and styles can be affirmed or altered. This will be hard to do—as hard for nonprofits as for funders. Both would need to find common, honest language and be willing to drop their protective armor.

Those with power should act first, possibly by joining with nonprofits to promulgate a “Code of Pretty Good Behavior” which can be mutually monitored and constantly upgraded. They could track, scrutinize, and assess the grantmaking rules-of-the-road. They could trace what works and what doesn’t, and even prepare an annual report card, a kind of Zagat’s guide to the best and worst of the field.

A second step is mapping the programs and all the “money flows” in each field, like arts or education or human services, in specific geographical areas. The money flows would include corporate and government dollars, too. This is seldom done, causing redundant or ineffective grantmaking. An obvious case is in the field of educational reform in numerous cities. Here, more philanthropic and corporate money has been spent less effectively and more idiosyncratically than in any field I know of. Constantly mapping the system will tell us an awful lot about how the whole field interacts, changes, and innovates. It will give a common baseline. We must compile these maps to help us chart improved program and financing strategies, and we must share widely the information we derive.

Which brings me to my third proposal, “co-creating” value. Somerset Houseboats, the world’s largest houseboat manufacturer, does precisely this. What it co-creates is not only the boat. That’s the physical artifact. There is also a process whereby boat buyers engage in continuous waves of interaction with the manufacturer. The two also build a relationship. The customer has access to the accumulated

data of other buyers, as well as the company's resident experts. There is a level of transparency from beginning to end, from configuration to design, from manufacturing to testing. Engineers and carpenters share what they know. All are involved in a continuous dialogue.

According to a recent paper by University of Michigan Business School professors C.K. Prahalad and Venkatram Ramaswamy, the Somerset model has transformed the old boat-building process: it has moved from “own and extract value *from* the consumer” to “respect, dialogue, and co-creation of value *with* the consumer” (italics added). The former power of the supplier is transformed to the greater power of the two together.

If I wanted a houseboat you know who I'd buy from. The quality of the experience and of the final product would convince me, hands down. I'd not only get a great new boat—I'd get a partner, helper, and teacher, too. Sounds a lot like social capital to me.

Needless to say, in both boat building and philanthropy, co-creation of value isn't easy to accomplish. In fact, in our field it's not clear who is the supplier and who is the consumer. Are funders the sellers and nonprofits the buyers? Or do nonprofits sell and funders buy? That the lines are blurred in our field seems to suggest that co-creation of value is trickier to accomplish, but no less important to try.

So, look at it this way. Suppose we didn't use money as our primary vehicle for getting and measuring results. Suppose grants aren't just discrete transactions made in linear fashion, where if you meet the goals you get more money. That's a 19th-century model: mechanistic, transactional, and isolating.

Envision a new model, more like a network. It has several operating characteristics. It is driven by information and knowledge, which is shared constantly and purposefully among grantees and foundations, by web, print, and constant personal connection. Relationships flourish. Mutual learning occurs. Technical assistance is constant. Metrics aid accountability, but they are determined jointly and shared jointly for mutual gain.

One consequence of this new concept of philanthropy would be to review the numbers of program staff and their talents. The role of the program officer shifts, as does the CEO's. Their knowledge of the field, their maturity, and their ability to collaborate becomes easily as

important as their ability to analyze grant proposals. This shift, in turn, could lead to a review of the costs of staff relative to administrative overhead. Under a more embracing concept of its work, more money might need to go for more staff, performing a more comprehensive, relationship-and-information-focused job.

Well then, what could philanthropy be? I can imagine a system embracing ongoing, positive partnerships—among funders, among nonprofits, and between them. They would work together under open, mutually agreed-upon and adaptable rules. The rules would be geared toward producing successful outcomes by sharing useful information, by learning together, by treating each other respectfully, by encouraging and using feedback, by leveraging resources from all the sectors.

In the older style of transactional philanthropy, the wheel is still turning but the gerbil is on its last legs. I deeply believe the time has come to re-imagine our system of relationships and processes, and our goals, in order to move philanthropy to a more synergistic, creative, and effective next phase. This is the task before us. None of us alone knows how to do it. But together, we can co-create our future.

Is “Moral Freedom” So New?

The following is a passage from Eric F. Goldman's The Crucial Decade—And After: America, 1945-1960.

At the end of 1959, Look magazine sent out a team of twelve experienced reporters to question all kinds of Americans about their general moral attitudes. Editor William Attwood, summarizing the findings, said that they were capsuled by the remark of a young woman in Pennsylvania: “Who am I to say what’s right and wrong?” For most Americans, “moral relativism” had replaced moral certitudes and brought in its wake moral confusion. Out of the confusion, Attwood continued, “a new American code of ethics seems to be evolving. Its terms are seldom stated in so many words, but it adds up to this: Whatever you do is all right if it’s legal or if you disapprove of the law. It’s all right if it doesn’t hurt anybody. And it’s all right if it’s part of accepted business practice.”

ESSAYS

COMMUNITARIAN THEORY

Accommodating Community: Expressive Freedom of Association in a Liberal Pluralist State

William A. Galston

Above and beyond artful institutional contrivances, liberal democracies rely on cultural and moral conditions that cannot be taken for granted. But to remain “liberal,” these regimes must uphold the principle of “expressive liberty”—i.e., they must safeguard a sphere in which individuals and groups can act, without state interference, in ways that reflect their understanding of what gives meaning and value to their lives. What is the relationship between the “civic” and the “expressive” strands of liberalism? What should we do when state action designed to bolster the preconditions of liberal democracy constrains expressive liberty in troubling ways, or conversely, when the exercise of expressive liberty is at odds with what may be regarded as liberal democratic preconditions? This conflict inevitably arises in public institutions, such as schools. But it also emerges when the state seeks to regulate the structure and conduct of voluntary associations.

The proper way to address these conflicts, I believe, recognizes that liberalism derives much of its power from its consistency with the account of the moral world offered by Isaiah Berlin and known as “value pluralism.” Value pluralism is not relativism. It presupposes,

among other things, that the distinction between good and bad is objective rather than arbitrary, that objective goods cannot be fully rank-ordered, that some goods are basic to any choiceworthy conception of a human life, and that there is a wide range of legitimate diversity of individual conceptions of good lives and of public cultures and purposes. Thus from what I call a “liberal pluralist” point of view, there are multiple types of legitimate decision making and democracy is not trumps for all purposes. Furthermore, public institutions must be cautious and restrained in their dealings with voluntary associations, and there is no presumption that a state may intervene in such associations just because they conduct their internal affairs in ways that diverge from general public principles.

The Liberal Pluralist State and Freedom of Association

A liberal pluralist state will contain numerous associations embodying very different conceptions of the ways in which human beings ought to relate to one another and of the goals they ought to pursue. This raises the issue of the proper relation between the state’s general public principles and the particular principles that guide the diverse subcommunities. Before exploring this issue systematically, I want to reflect briefly on the reasons that it seems so pressing in the United States today.

To begin with, the past decade has witnessed an increasing awareness of the existence and importance of civil society—that network of intimate, expressive, and associational institutions that stand between the individual and the state. The indigenous American discussion of this sphere goes back to Tocqueville; interest in it has been reinforced by Catholic social thought, by the events of the past decade in Eastern Europe and the former Soviet Union, and by the felt inadequacies both of contemporary hyperindividualism and of our national public life.

At the same time, three converging trends have turned this sphere into a flash point. U.S. civil society is becoming increasingly diverse; previously marginalized or minority groups are becoming increasingly assertive; and the reach of public authority is expanding into areas that were once considered substantially private. The application of general public principles to diverse associations, never a simple

matter, is perhaps more complex now than ever before. The definition of common citizenship and of compelling public purposes is accordingly more urgent.

Within liberal pluralist orders (as in all others), there must be some encompassing political norms. The question is how “thick” the political is to be. The answer will help determine the scope of legitimate state intervention in the lives of individuals, and in the internal processes of organizations that make up civil society.

The constitutional politics of liberal pluralism will seek to restrict enforceable general norms to the essentials. By this standard, the grounds for national political norms and state intervention include basic order and physical protection; the sorts of goods that Hampshire, Hart, and others have identified as necessary for tolerable individual and collective life; and the components of shared national citizenship. It is difficult, after all, to see how societies can endure without some measure of order and material decency. And since Aristotle’s classic discussion of the matter, it has been evident that political communities are organized around conceptions of citizenship that they must defend, and also nurture through educational institutions, as well as by less visible formative processes.

But how much farther should the state go in enforcing specific conceptions of justice, authority, or the good life? What kinds of differences should the state permit? What kinds of differences may the state encourage or support? I want to suggest that an understanding of liberal pluralism guided by principles of expressive liberty, moral pluralism, and the political pluralism of divided sovereignty yields clear and challenging answers in specific cases. Let me begin with a simple example. While we may regret the exclusion of women from the Catholic priesthood and from the rabbinate of Orthodox Judaism, I take it that we would agree that otherwise binding antidiscrimination laws should not be invoked to end these practices. What blocks the extension of these laws is our belief that religious associations (and perhaps others as well) enjoy considerable authority within their own sphere to determine their own affairs and in so doing to express their understanding of spiritual matters. We can believe this without necessarily endorsing the specific interpretation of gender roles and relations embedded in broader religious commitments.

The U.S. Supreme Court has recognized rights of association that limit the purview of otherwise applicable public principles. For example, in *Roberts v. U.S. Jaycees*, the Court enunciated a notion of “expressive” freedom of association as a category worthy of protection as an important counterweight to potentially overweening state power:

According protection to collective effort on behalf of shared goals is especially important in preserving political and cultural diversity and in shielding dissident expression from suppression by the majority. . . . Consequently, we have long understood as implicit in the right to engage in activities protected by the First Amendment a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends. . . . Freedom of association . . . plainly presupposes a freedom not to associate.

Beyond general rights of free association, there are limits on the polity’s ability to enforce even core public commitments on sub-communities when these principles clash with religious convictions. Consider, for example, Bob Jones University, whose students were prohibited on religious grounds from engaging in interracial dating. In many cases of conflict between First Amendment-protected associations and compelling state interests, such as ending racial segregation, the flat prohibition of conduct judged obnoxious by public principles seems hard to square with the minimum requirements of Free Exercise. But associations conducting their internal affairs in a manner contrary to core public purposes can legitimately be burdened, even if not banned outright. In such cases, a policy of what might be called “reverse exemption”—that is, the removal of all forms of otherwise applicable public encouragement and favor—may well be the most appropriate course. As the Supreme Court declared in its decision denying Bob Jones’s request for reinstatement of its federal tax exemption, “the Government has a fundamental, overriding interest in eradicating racial discrimination [that] substantially outweighs whatever burden denial of tax benefits places on petitioners’ exercise of their religious beliefs.”

Let’s move to a less clear-cut example. Consider the issues raised in the case of *Ohio Civil Rights Commission v. Dayton Christian Schools, Inc.* A private fundamentalist school decided not to renew the con-

tract of a pregnant married teacher because of its religiously based belief that mothers with young children should not work outside their homes. After receiving a complaint from the teacher, the Civil Rights Commission investigated, found probable cause to conclude that the school had discriminated against an employee on the basis of religion, and proposed a consent order including full reinstatement with back pay.

As Frederick Mark Gedicks observes, this case involves a clash between a general public norm (nondiscrimination) and the constitutive beliefs of a civil association. The teacher unquestionably experienced serious injury through loss of employment. On the other hand, forcing the school to rehire her would clearly impair the ability of the religious community of which it formed a key part to exercise its distinctive religious views—not just to profess them but also to express them in its practices. The imposition of state-endorsed beliefs on that community would threaten core functions of diverse civil associations—the expression of a range of conceptions of the good life and the mitigation of state power. In this case and others like it, a liberal pluralist politics and jurisprudence would give priority to the claims of civil associations.

Current U.S. federal legislation and constitutional doctrine reflect this priority to a considerable degree. Thus, although Title VII of the Civil Rights Act prohibits employment discrimination on the basis of religion, section 702 of the statute exempts religious organizations. In the case of *Corporation of the Presiding Bishop v. Amos*, decided in 1987, the Supreme Court not only upheld this accommodation in principle but also extended its reach to a wide range of secular activities conducted under the aegis of religious organizations.

This does not mean that all religiously motivated practices are deserving of accommodation. Some clearly are not. Civil associations cannot be permitted to engage in human sacrifice. Nor can a civil association endanger the basic interests of children by withholding medical treatment in life-threatening situations. But there is a basic distinction between the minimal content of the human good, which the state must defend, and diverse conceptions of flourishing above that baseline, which the state must accommodate to the maximum extent possible. There is room for reasonable disagreement as to

where that line should be drawn. But an account of liberalism built on expressive liberty and on moral and political pluralism should make us very cautious about expanding the scope of state power in ways that mandate uniformity.

The expansion of the modern state means that most civil associations are now entangled with it in one way or another. If limited (even involuntary) participation in public programs requires civil associations to govern the totality of their internal affairs in accordance with general public principles, then the zone of legitimate diversity is dangerously narrowed. A liberal pluralist jurisprudence consistent with the overall theory I am defending would limit the reach of public principles to those areas in which (for example) civil associations are participating directly and substantially in programs that confer public benefits on their members.

Expressive Liberty and Civic Unity in the Liberal Pluralist State

Let me now turn to one of the most discussed recent examples of the tension between the expressive and civic dimensions of liberal democracy—the controversy between Christian fundamentalist parents and the public schools that erupted in Hawkins County, Tennessee, a decade ago. The parents charged that textbooks selected by the school board conveyed teachings at odds with the faith they sought to transmit to their children. They requested that their children be allowed to use alternative textbooks and (if necessary) study the contested subjects outside the regular classroom. After early efforts by individual school administrators to accommodate the parents' request had collapsed, a legal process ensued that culminated in a pro-school board decision by the U.S. Sixth Circuit Court of Appeals.

The most systematic philosophical analysis of this controversy is offered by Amy Gutmann and Dennis Thompson in the course of their pathbreaking account of deliberative democracy. Gutmann and Thompson contend that fidelity to democratic deliberation, as they define it, entails the rejection of the fundamentalists' attempts to have their children shielded from reading materials they found offensive to their faith. The question I want to raise is whether their conception of democratic deliberation proves in the end to be compatible with an understanding of liberalism based on expressive liberty and moral

and political pluralism. I conclude that it is not and offer in its place a more capacious account of liberal democratic public argument.

The linchpin of Gutmann and Thompson's account of deliberation is the idea of reciprocity. Building on the work of Rawls and Scanlon, in *Democracy and Disagreement* they say that the

foundation of reciprocity is the capacity to seek fair terms of social cooperation for their own sake. . . . From a deliberative perspective, a citizen offers reasons that can be accepted by others who are similarly motivated to find reasons that can be accepted by others. . . . [Thus,] a deliberative perspective does not address people who reject the aim of finding fair terms for social cooperation; it cannot reach those who refuse to press their public claims in terms accessible to their fellow citizens.

This understanding of reciprocity raises some deep questions (for example, about the nature of moral motivation), but I won't pursue them here. Instead, staying within the bounds of Gutmann and Thompson's account, I want to offer three caveats. First, the phrase "social cooperation" tends to suggest a common course of action that all citizens (must) pursue. But there are other equally legitimate forms of cooperation, including agreements to disagree, to go our various ways without hindrance or cavil, to "live and let live."

In addition, there are different kinds of "public claims." Individuals may argue that the political community as a whole ought to pursue a particular course of action. (This is, I think, the core case that Gutmann and Thompson have in mind.) But they may also argue that the question at hand should not be treated as a public matter in the first place; or that even if it is a legitimate public matter, some individuals and groups may (or must) be exempted from the constraints of otherwise general decisions. Some public claims are "offensive"—you (all) should do what I say—while others are "defensive"—I need not do what you say, even if you speak in the voice of the entire political community. The kinds of reasons offered in support of defensive claims may rightly differ from those for offensive claims.

Finally, the requirement that the terms of public argument should be "accessible" to one's fellow citizens turns out to be highly restrictive: "[A]ny claim fails to respect reciprocity if it imposes a requirement on other citizens to adopt one's sectarian way of life as a

condition of gaining access to the moral understanding that is essential to judging the validity of one's moral claims." Over the past two decades, a substantial debate has developed over the nature of what John Rawls calls "public reason." It may well make sense to urge all citizens to do their best to translate their commitments into terms that can be understood by citizens who do not share them. But the norm of reciprocity should not be interpreted to screen out the kinds of core beliefs that give meaning and purpose to many lives. This caveat is especially important in the United States, where levels of religious belief and observance are far higher than in any other industrialized democracy. It is difficult to imagine that any liberal democracy can sustain conscientious support if it tells millions of its citizens that they cannot rightly say what they believe as part of democratic public dialogue.

I want to suggest that an inclusive understanding of public reason is especially appropriate in the context of what I have called defensive public claims. It is one thing to contend that the United States should be a "Christian nation" and should restore official Christian prayer to public schools. That was the situation that existed in the grade schools of my youth, when I (a Jew) was compelled to recite the Lord's Prayer. I do not see how such a regime could possibly be defended through legitimate public reasons. It is quite a different thing to seek, on conscientious grounds, defensive exemption from general public policies that may be legitimate and acceptable to a majority of citizens.

Suppose a fundamentalist parent said to a secular philosopher: "Because of the content of your deepest beliefs, you happen not to experience a conflict between those beliefs and the content of the public school curriculum. But if *you* believed what *I* believe, you would experience that conflict, and you would seek for your child what I am seeking for mine. Moreover, the accommodation I seek is one that I would readily grant, were our positions reversed. I am not asking you to enter into the perspective of my particular religious beliefs. But I am asking you to enlarge your sympathies by imagining what it would be like to be in my shoes."

This fundamentalist is offering, as a public reason, not the specific *content* of religious belief but, rather, the *fact* of that belief and of the resulting clash with secular public policies. The secular interlocutor is

being asked to experience that clash imaginatively as part of a process that could create a wider shared understanding—even if the particulars of faith are not easily communicable. I do not see why such a request is outside the legitimate bounds of public reason.

Gutmann and Thompson insist that “[t]here is a public interest in educating good citizens, and no citizen can fairly claim that what constitutes good citizenship is whatever happens to conform to his or her particular religion.” This proposition is true as far as it goes. But as applied to the clash between the fundamentalist parents and the public schools, it raises three issues that are specific instances of the broad questions with which this essay begins.

The first is empirical: Is it the case that the accommodation sought by the fundamentalist parents would significantly impair the development of democratic citizens? The Hawkins County School Board never offered evidence on this point, and it is hard to see how they could have done so. Besides, as we have seen, in the United States the right of parents to withdraw their children from the public schools and send them instead to private and parochial schools enjoys constitutional protection. It is hard to believe that the consequences of such a choice for democratic citizenship are more favorable than a policy of accommodation with the public schools would have been. (Perhaps Gutmann and Thompson believe that *Pierce v. Society of Sisters* was wrongly decided and that the logic of deliberative democracy requires that all children be sent to public schools. Or perhaps they believe, as Stephen Macedo does, that the sphere of legitimate state regulation of private schools is so wide as to obviate this problem.)

The second issue raised by Gutmann and Thompson’s assertion is conceptual: How is the good citizenship whose development we seek through education to be defined? The answer is contested, and in any event it is likely to be complex. The capacity for deliberation is surely one element, but there are others, such as law-abidingness, personal responsibility, and the willingness to do one’s share (through taxes, jury duty, military service, etc.) to sustain a system of social cooperation. In comparing the civic consequences of different educational strategies, one must examine all relevant dimensions, not just one. It is possible that on average, the graduates of Christian academies are less well prepared for democratic deliberation than are graduates of

the best public schools (I know of no evidence bearing on this one way or the other). Nonetheless, they may be better citizens in other respects.

The final issue cuts even deeper. Suppose it is the case that a particular public policy is conducive to the cultivation of democratic citizenship. Does it follow that this policy is always right or permissible? For liberal pluralists, the answer is no, not always. Expressive liberty and political pluralism serve to limit the state's power to mold individuals into citizens. That is what it means to affirm a sphere of parental power not subject to state control. And as we saw, that is the clear meaning of *Meyer v. Nebraska* and *Pierce v. Society of Sisters*. There is, as Gutmann and Thompson rightly insist, an important public interest in educating good citizens. But there are other morally significant interests with which the formation of citizens sometimes comes into conflict, and to which the claims of citizenship must sometimes give way.

A liberal pluralist society will organize itself around the principle of maximum feasible accommodation of diverse legitimate ways of life, limited only by the minimum requirements of civic unity. This principle expresses (and requires) the practice of tolerance—the conscientious reluctance to act in ways that impede others from living in accordance with their various conceptions of what gives life meaning and worth. Tolerance is the virtue sustaining the social practices and political institutions that make expressive liberty possible.

Gutmann and Thompson criticize this way of thinking on the grounds that it

would not go far enough for the purposes of deliberative democracy. It provides no positive basis on which citizens can expect to resolve their moral disagreements in the future. Citizens go their separate ways, keeping their moral reasons to themselves, avoiding moral engagement. This may sometimes keep the peace. . . . But *mere toleration* also locks into place the moral divisions in society and makes collective moral progress far more difficult. [emphasis added]

In my view, Gutmann and Thompson are far too optimistic about the actual possibilities of resolving moral disagreements, and much too grudging about the practical worth of toleration. In most times and places, the avoidance of repression and bloody conflict is in itself

a morally significant achievement—all the more so if it is based on internalized norms of restraint, rather than on a *modus vivendi* reflecting a balance of power. The agreement to disagree is a way of dealing with moral disagreement that is not necessarily inferior to agreement on the substance of the issue. In the real world, there is nothing “mere” about toleration. As Michael Walzer says in *On Toleration*:

Toleration itself is often underestimated, as if it is the least we can do for our fellows, the most minimal of their entitlements. In fact, . . . [e]ven the most grudging forms and precarious arrangements [of toleration] are very good things, sufficiently rare in human history that they require not only practical but also theoretical appreciation.

I do not deny that “collective moral progress” is possible. But it is much rarer than one would like and (if history is any guide) at least as likely to be achieved through the exercise of political power, or military force, or slow unplanned processes of social abrasion and influence, as through democratic deliberation. Liberals have never scorned (indeed, they have rightly prized) principles of social organization that “lock into place” *religious* divisions in society. A society that makes room for a wide (though not unlimited) range of cultural and moral divisions is no less an achievement.

But to what extent is it possible to implement policies based on this principle? Wouldn't the kind of accommodation sought by the fundamentalist parents lead to a slippery slope of endless claims against public school systems, threatening to erode the essential conditions of civic unity? The actual sequence of events in Hawkins County suggests otherwise.

The parents raised objections not to the public school curriculum as a whole but to one specific line of English readers. They initially proposed to remove their children from reading classes every day and personally teach them out of different textbooks somewhere on the school grounds. The principal of the middle school rejected that proposal but said, “I can understand why you feel the way you do.” He offered a counterproposal approved by the school superintendent and chairman of the school board: The children could go to the library during reading period, where they would read from an alternative textbook on their own, without parental involvement or supervision.

The fundamentalist parents quickly accepted this offer and agreed on alternative readers. Within a few weeks, ten middle school children were using the readers.

If this accommodation had been accepted by all schools in Hawkins County, that would have been the end of the matter. But it was not. A number of elementary school principals refused to go along, and some children were suspended. The next month, after a contentious meeting, the school board changed course and suppressed the policy that had been implemented by the middle school with the approval of the board chairman. It was only at that juncture that the parents felt compelled to escalate a limited policy dispute into a broader legal controversy.

In short, the parents were willing to play by the rules, enter into a civil dialogue with school officials, and accept proposals that fell short of their original desires. The logic of their position was perfectly compatible with the principles of constitutional order and with a workable system of public education. There was no slippery slope.

This should not be surprising: The limited public education accommodation for the Old Order Amish endorsed by the Supreme Court in *Wisconsin v. Yoder* a quarter of a century ago has not led to an escalation of faith-based demands. Indeed, few other groups have even sought similar treatment for themselves. Properly interpreted, a liberal pluralist constitution is capacious enough to accommodate groups whose beliefs and practices do not much resemble those of most college professors.

Still, accommodation cannot be unlimited; a constitution is not a suicide pact. A liberal pluralist order must have the capacity to articulate and defend its core principles, with coercive force if needed. I agree with Gutmann and Thompson that democracy cannot be understood simply as a set of procedures. The issue between us concerns the extent and substance of the principles that a democracy must enforce.

In my view (which I have discussed at length elsewhere), these principles include what is required for civil order, justice, and the basics of human development. Beyond this limited uniformity, a liberal pluralist state insists on the importance of allowing human

beings to live their lives in ways congruent with their varying conceptions of what gives life meaning and purpose. It is only on this basis—in theory and in practice—that a political community can embrace divergent views concerning the sources of authority and the content of good lives.

For two millennia, political orders have grappled with the challenges posed by revealed religions that are not “civil” religions. Pluralist liberalism represents the most nearly adequate response to this challenge. At the heart of this conception of human society is a principled refusal to allow religion to engulf the political order, or politics to invade and dominate religion. Liberal pluralism reaches its full development when it extends this refusal to cover the widest possible range of moral and cultural difference as well.

Pluralist Liberty and the Right of Exit

This brings me to my concluding point. There are two models of free association. In the model favored by many liberals who place autonomy at the center of their morality and politics, freedom of association is subject to the constraint that the internal structure and practices of all groups must conform to the requirements of general public principles. I have discussed elsewhere the central difficulty with this requirement—its tendency toward intervention, homogenization, and the denial of genuine difference.

The liberal pluralist conception of associational freedom is very different. Within broad limits, civil associations may order their internal affairs as they see fit. Their norms and decision-making structures may significantly abridge individual freedom and autonomy without legitimating external state interference. But these associations may not coerce individuals to remain as members against their will, or create conditions that in practical terms make departure impossible.

The reason is this: It is possible to enjoy what I call expressive liberty within associations that are hierarchical and directive, so long as there is a reasonable fit between institutional structures and individual beliefs. But when the two diverge, continued membership is no longer compatible with expressive liberty, and coerced membership is a denial of expressive liberty. In circumstances of meaningful social

pluralism, individual freedom is adequately protected by secure rights of exit, coupled with the existence of a wider society open to individuals wishing to leave their groups of origin.

This is in many respects an attractively straightforward view, but I am compelled to say that it is hardly unproblematic. There are, to begin with, entrance problems, for example, the fact that we are born into certain groups to which we do not choose to belong—an experience that can be restrictive as well as empowering and that in any event does not conform to the classic model of voluntary association. Perhaps more importantly, there are exit problems, especially if “exit” is understood substantively as well as formally. A meaningful right would seem to include at least the following elements: *knowledge conditions*—the awareness of alternatives to the life one is in fact living; *capacity conditions*—the ability to assess these alternatives if it comes to seem desirable to do so; *psychological conditions*—in particular, freedom from the kinds of brainwashing that give rise to heartrending deprogramming efforts of parents on behalf of their children, and more broadly, forms of coercion other than the purely physical that may give rise to warranted state interference on behalf of affected individuals; and finally, *fitness conditions*—the ability of exit-desiring individuals to participate effectively in at least some ways of life other than the ones they wish to leave. The pluralist concept of liberty is not just a philosophical abstraction; it is anchored in a concrete vision of a pluralist society in which different modes of individual and group flourishing have found a respected place and are available to individuals who for whatever reason have ceased to identify with their own way of life.

In short, while liberal pluralism rejects state promotion of individual autonomy as an intrinsic good, there is a form of liberty that is a higher-order liberal pluralist political good: namely, individuals’ right of exit from groups and associations that make up civil society. Securing this liberty will require affirmative state protections against oppression carried out by groups against their members.

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Don't Blame Relativism

Stanley Fish

Are you now or have you ever been a postmodernist?

No one is asking this question quite yet. But if what I've heard and read in the past months is any indication, it's only a matter of time before people who say things like "there are no universal standards of judgment" or "there is more than one way to see this crisis" will be asked to turn in their washroom keys, resign their positions, and go join their terrorist comrades in some cave in Afghanistan. This new version of "America, love it or leave it!" is directed at a few professors of literature, history, and sociology who are being told that they are directly responsible for the weakening of the nation's moral fiber and indirectly responsible for the attack a weakened nation has suffered. This brand of scapegoating is no surprise when Pat Robertson and Jerry Falwell traffic in it, but it's a bit disconcerting to come upon it in the pages of our most distinguished newspapers or hear it from the credentialed mouth of a commentator on National Public Radio or from Mayor Giuliani, who denounced "cultural relativism" in a speech before the United Nations.

And the drumbeat is growing louder. Roger Rosenblatt (who can always be counted on for facile piety) declared in *Time* that "the age of irony has ended," and that the "good folks in charge of America's intellectual life" will have to acknowledge that the real is real. In *The New Republic* (once a magazine you might actually want to read), Peter Beinert proclaimed that on September 11, "ambiguity became impossible" and "dissent . . . immoral." In a full page ad that appeared in the

New York Times, Leonard Peikoff informed us that the greatest obstacle to U.S. victory is “our own intellectuals . . . multiculturalists rejecting the concept of objectivity.” And John Leo (who at least is saying what we would have expected him to say) has fingered the “dangerous ideas” of “radical cultural relativism . . . and a postmodern conviction that there are no moral truths worth defending.”

In general two arguments are being run (often at the same time) in these pieces: first, the events of September 11 prove postmodernism to be wrong; second, postmodernism is somehow responsible for September 11—if not responsible for the fact, responsible for a diminished American resolve. Thus in the *Chicago Tribune*, Julia Keller proclaimed “the end of postmodernism” on the reasoning that no postmodernist could possibly retain his or her views *and* acknowledge the reality of a plane hitting a tower. But no postmodernist would deny this or any other reality. What would be denied is the possibility of describing, and thereby evaluating, the event in a language that all reasonable observers would accept. That language, if it were available, would be hostage to no point of view and just report things as they are, and many postmodernists do hold that no such language will ever be found.

It is this tenet of postmodernist faith that led Edward Rothstein to complain in the *New York Times* that postmodernists who say there is no such thing as an objective determination of fact, and say too that no one has clear title to the high ground of so-called universal principles, leave themselves—and us if we listen to them—without any basis for “reliably” condemning what was done on September 11. But that doesn’t follow at all. The basis for condemning what was done on September 11 is not some abstract vocabulary of justice, truth, and virtue—attributes claimed by everyone, including our enemies, and disdained by no one—but the historical reality of the way of life, our way of life, that was the target of a massive assault.

At times like these, all nations fall back on, and are right to fall back on, the record of aspiration and accomplishment that makes up their citizens’ understanding of what they live by and live for. That understanding is sufficient, and far from undermining its sufficiency, postmodern thought underwrites it by sending us back to the justificatory grounds we rely on in ordinary life after having turned us

away from the illusory justification of universal absolutes to which every party subscribes (no one declares himself to be for *in*justice) but all define differently. (That is why the invocation of universals doesn't settle disputes, but extends them.)

Knowing the Enemy

But of course it isn't really postmodernism that people are bothered by. It's the idea that our adversaries have emerged not from some primordial darkness, but from a history that has equipped them with reasons and motives and even with a perverted version of virtues we might admire, were their exercise not directed at destroying us. Bill Maher, Dinesh D'Souza, and Susan Sontag (a strange trio if there ever was one) have gotten into trouble by pointing out that "cowardly" is not the word to describe men who perform arduous feats in the course of sacrificing themselves for a cause they deeply believe in. Sontag grants them courage, which she is careful to say is a "morally neutral term," a quality someone can display in the performance of a bad act. (Milton's Satan is the best literary example.) You don't condone that act because you describe it accurately. In fact, by taking its true measure, you put yourself in a better position to respond to it. Making the enemy smaller than he is blinds us to the danger he presents and gives him the advantage that comes along with having been underestimated.

And that is why what Edward Said has called "false universals" should be rejected: they stand in the way of useful thinking. How many times have we heard these three new mantras: "We have seen the face of evil." "These are irrational madmen." "We are at war against International Terrorism." Each is at once wrong (in the sense of being inaccurate) and unhelpful. We have not seen the face of Evil; we have seen the face of an enemy who comes at us fully equipped with grievances, goals, and strategies. If we reduce that enemy to the abstraction of "Evil," we conjure up a shape-shifting demon, a wild-card moral anarchist beyond our comprehension and therefore beyond the reach of any counter-strategies we might devise.

The same reduction occurs when we imagine the enemy as "irrational." Irrational actors are by definition without rhyme or reason, and there's no point in reasoning about them on the way to fighting

them. These men are not irrational; rather they act from within a rationality we rightly reject, if only because its goal is our destruction. If we take the trouble to understand that rationality, we might have a better chance first of figuring out what its adherents will do next and then of moving to prevent it.

And International Terrorism cannot be the name of what we are up against. Strictly speaking, terrorism is the name of a style of warfare, and those who employ it are not committed to it but to the cause in whose service they adopt terrorism's tactics. It is that cause, and the passions informing it, that confronts us. Blaming something called International Terrorism—as if it were a career choice or a hobby detached from any specific agenda—only confuses matters, as should have been evident when President Putin of Russia insisted that any war against International Terrorism must target the rebels in Chechnya.

When Reuters News Service decided not to use the word “terrorism” because, according to its news director, one man's terrorist is another man's freedom fighter, Martin Kaplan, an associate dean of the Annenberg School for Communication at the University of Southern California, castigated this reasoning as one more instance of the cultural relativism to which the virus of Postmodernism has brought us. But Reuters is simply recognizing how unhelpful the word is because it prevents us from making distinctions that would allow us to get a better picture of where we are and what we might do. If you think of yourself as the target of Terrorism with a capital T, your opponent is everywhere and nowhere. But if you think of yourself as the target of a terrorist who comes from somewhere, even if he operates internationally, you can at least take a stab at specifying his motives and anticipating his future assaults.

Let's Be Serious

In the period between the attack on the World Trade Center towers and the American response, a reporter from the *Los Angeles Times* called to ask me if the events of the past weeks meant “the end of relativism.” (I had an immediate vision of a headline—RELATIVISM ENDS: MILLIONS CHEER—and of a photograph with the caption, “At last, I can say what I believe and mean it.”) Well, if by relativism one means a condition of mind in which you are unable to

prefer your own convictions and causes to the convictions and causes of your adversary, then relativism could hardly end because it never began. Our convictions are by definition preferred; that's what makes them *our* convictions, and relativizing them is neither an option nor a danger. (In the strong sense of the term, no one has ever been or could be a relativist for no one has the ability to hold at arm's length the beliefs that are the very foundation of his thought and action.) But if by relativism one means the practice of putting yourself in your adversary's shoes, not in order to wear them as your own but in order to have some understanding (far short of approval) of why someone else—in your view, a deluded someone—might want to wear them, then relativism will not and should not end because it is simply another name for serious thought.

Serious thought is what many intellectuals, among them postmodernists, are engaging in these days. Serious thought is what is being avoided by those who beat up on people for suggesting that it would be good to learn something about where our adversaries are coming from. These self-appointed Jeremiahs forsake nuanced analysis for the facile (and implausible) pleasure of blaming a form of academic discourse for events whose causes reach far back in history and into regions of the world where the vocabulary of postmodernism has never been heard. Saying “the postmodernists did it” or “the postmodernists created the climate that led to its being done” or “postmodernism has left us without the moral strength to fight back” might make these pundits, largely ignorant of their quarry, feel good and self-righteous for a moment. But it won't help us understand what our next steps might be or how to take them.

After 11 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.

COMMENTARY

There Are No Universal Absolutes

Richard Rorty
Stanford University

In “Blaming Postmodernism,” Stanley Fish makes a point he has often made in the past, one that can hardly bear too much repeating: if “relativism” means “a condition of mind in which you are unable to prefer your own convictions and causes to the convictions and causes of your adversary,” then there have never been, and never will be, any relativists. What there have been are philosophers who doubt that Plato and Kant were right in thinking that there are, deep in every human being’s soul, truths about right and wrong—truths that reflection can bring to light, and which will then be seen to supersede all previous beliefs on the subject.

To listen to those who are blaming postmodernism, one would think that ours is the first period in the history of the West in which doubts about the Plato-Kant view have become current among intellectuals. But such doubts have always been with us—and not just among the sophists whom Socrates supposedly defeated. They are found, for example, in the writings of Hegel and those of his chief American disciple, John Dewey. Both were unable to believe either that the Idea of the Good can be recollected by any human being willing to undergo Socratic questioning, or that the Kantian categorical imperative is hard-wired into all rational agents.

There are many contemporary philosophers who do believe, *pace* Hegel and Dewey, that everyone who thinks things through will wind up with what Fish calls “universal absolutes.” Christine Korsgaard, for example, has lately given us a careful and well-argued defense of Kant in *The Sources of Normativity*. There she argues that there is something inside the Nazi and the Mafioso that will eventually enable them to realize the wrongness of their deeds, something that can be brought out by rational reflection. But her view is, to put it mildly, highly controversial even among the so-called “analytic” philosophers—the ones who have never read Heidegger or Derrida, and have no intention of doing so.

It is one thing to have doubts about the rationalism common to Plato and Kant and another to suggest that some other contemporary culture may be superior to that of the contemporary West in respect to its views on justice, freedom, and the difference between right and wrong. I have never been able to take that suggestion seriously, although I am often described as a “postmodernist” and a “relativist.” But I have to admit that some of my fellow admirers of Heidegger and Derrida do find this suggestion plausible. They point to the suffering inflicted on non-Western societies by Western imperialism and capitalist exploitation. They then infer that there just *must* be some better culture, somewhere, than the one responsible for so much cruelty. Or, if they do not go that far, they at least insist that we in the West must have “much to learn” from non-Western cultures.

Maybe we do, but not about such topics as freedom and justice. In this area, we are way ahead of the pack. We in the West have spent centuries experimenting, with increasing imaginativeness, with ways to realize these moral ideals in our political life. We are the only culture that has done so. Those who claim that “We have much to learn from Islam”—as did many European intellectuals who felt that September 11 was pretty much what America deserved—are fond of the term “Eurocentric.” But they should not be allowed to get away with using this as a term of contempt unless they are prepared to spell out which non-European conceptions of justice and freedom they think might be preferable.

It is a great pity that many Western intellectuals responded to September 11 by talking about a clash of cultures, as if Osama bin Laden and his fellow thugs were speaking for Islamic civilization. As commentators such as Bernard-Henri Levy and Salman Rushdie have pointed out, the terrorists are about as representative of Islam as the Mafia is of Christianity. Understanding Islamic culture is no more relevant to the problem of how to discourage further terrorist attacks than a sophisticated appreciation of *deutsche Kultur* was to the problem of how to defeat Hitler. The only effect of dragging scarecrows called “cultural relativism” and “Eurocentrism” on stage has been to distract attention from the question of what the Western governments should do and direct it toward topics with which intellectuals feel more at home.

Our Morals Are Neither Arbitrary nor Absolute

Benjamin R. Barber*
University of Maryland

Of course neither someone called Stanley Fish nor something called postmodernism had anything to do with how the World Trade Center came to be destroyed, and three thousand people came to be slaughtered, in something we quite properly have called a vicious and evil terrorist act. Anyone indulging in such foolish rhetoric (and possibly anyone responding to it) deserves only derision. But since Fish has responded, thus giving the silly charges some minimal credibility, and since he has perhaps muddied rather than clarified the issue by seeming uncertain about whether to defend himself and the postmodernist project or to take up moral questions of a kind that suggest he feels vulnerable to charges of moral relativism and needs to defend himself, I will indulge myself in responding to his response. In other words, if he wants not just to say the postmodern project is irrelevant to September 11 (true, but then say no more) but also to say that what did actually happen on that fateful day raises issues about the meaning of terrorism (are we terrorists too? what about state terrorism?) and whether President Bush's resort to moral opprobrium implies "false universals" (are judgments across frames of cultural consciousness possible, let alone valid?), then he has entered territory in which, if he loses his argument, he may in fact be guilty as charged of moral relativism!

The object of divine law, higher law, natural law, and the long Western tradition of foundationalist justifications was precisely to ground its moral and political imperatives in something more than "positivist," historically conditioned, manmade utterances: it was to give them real world practical and political force. From David Hume and Nietzsche to Stanley Fish, critical philosophers have assailed the apparent deception implicit in such foundational logic. But deceptive or not, foundationalism has animated many of the great movements in human history, including the American founding, emancipation, the civil rights struggle, and the quest for global human rights. It has, to be sure, also animated more than a few of its worst moments,

* A longer version of this piece is available from the author at Dplechaty@sorosny.org.

including the wars of religion, patriarchalism, and the injustices of the natural economy. Yet in Locke's hands, foundationalist logic gave us the social contract and the Letter on Toleration, which were touchstones in Jefferson's Declaration of Independence and which later reappeared in the Bill of Rights, the Human Rights Convention, and the Port Huron Statement.

The argument against the philosophical credentials of such foundationalism has sometimes been pursued by philosophers in a naïve political vacuum. In the 1960s Robert Paul Wolff offered a relativist argument for anarchism suggesting that the illegitimacy of state authorized violence meant individual violence was no more illegitimate than the state's—that is to say, just as legitimate. But when students blew up the mathematics building at the University of Wisconsin and inadvertently killed a caretaker, crying Wolff in their defense (citing his *In Defense of Anarchism*), Wolff disavowed them in a letter to the *New York Times*.

We can't have it both ways: the courage of skepticism, the boldness of anti-foundationalist reasoning, the novelty of irony—but all without consequences. Yet Fish has it both ways: although he rejects the relevance of his philosophical epistemology to politics, he goes on to deploy it in order to question the way in which many Americans use the term terrorism. Fish has a right to ask how we intend to use the term “terrorism,” beyond its value as a rhetorical pejorative. But there are answers to that question that fall well short of refusing to use the term at all (Reuter's pusillanimous cop-out). Do we apply it only to violence by individuals and groups or also to violence by states? Does it refer to violence aimed specifically at civilians or can it refer to violence whose “collateral damage” to citizens, inadvertent or not, reaches a certain level? Can the distinction between military and civilian targets be maintained at all in modern wars? (“We don't believe there are any civilians in Israel,” opined a Hamas leader in a recent interview.) These are hard questions but answers are possible. We need not simply relativize the terms in the fashion of a cynical La Rochefoucauld (“terror” is violence deployed by *my enemies*, “just war” is when *we* deploy violence) or abandon them altogether. Indeed, all of political and moral philosophy is a struggle to offer definitions of inherently normative and value-laden terms in ways that are neither absolute and dogmatic on the one hand, nor arbitrary

and utterly subjective on the other. Political theory offers a middle ground of “reasonable grounds” and “good reasons” which are more securely founded than arbitrary utterances like “I feel” yet fall short of certainty on the model of “I know this to be the case absolutely and objectively.” We do not require the assistance of skeptical postmodernists to arrive at such middle ground or to recognize its value. The question is whether they recognize its value, whether they can see the importance of the difference between “abstract universals” and “good reasons broadly shared.”

In the language of middling political theory it is perfectly possible to say, and make a persuasive argument for saying, “the men who planned and executed September 11 are despicable and evil men who must be found and prosecuted” *and* to say, and make a persuasive argument for saying, “yet the deeds they perpetrated arose in a historical and cultural context we need to understand so as to diminish the opportunities for such evil to happen again.” The first statement offers a rationale for a decisive response against the terrorists, the second offers a rationale for addressing the complex circumstances that produce terrorism in the modern world—something likely to move us far beyond a mere military response and that may even lead us to postulate certain linkages between our own activities (the globalization of capitalism, the aggressive secular materialism of our pervasive world pop culture [McWorld], the deepening of the North-South divide, the conflict in Palestine) and those of the terrorists. I suspect it is this latter reasoning that appeals to Fish (me too), but it does not require that we eschew the earlier reasoning. The way in which the victors in World War I imposed the costs of defeat on Germany helps explain the rise of Hitler, but in no way exculpates the perpetrators of the Holocaust of their responsibility for the profound evil of their genocide. How we treated the defeated Nazi Germany after World War II—educationally and democratically rather than punitively—was not a bow to cultural relativism but a way of assuring that Germany would never again be nationalist and fascist (hence today’s democratic Europe with Germany as one of its most democratic and pacific constituents).

How we determine what is to be done and relate what is to be done to what and how we know is not the same thing as how we determine what we know. Ethics is not epistemology. But if we insist

the two are the same, then we must be ready to take responsibility for our claims. I can't tell whether Fish makes the linkage or not: his arguments persuade me he does, but his refusal to take responsibility for them suggests he doesn't. Perhaps when he makes up his mind about exactly what it is that he is doing, we can make up our minds about how to judge him. Until then, he deserves the benefit of that skeptical doubt he cherishes, but so do those who moralize about the evils of terrorism—or for that matter, so do those who moralize about Stanley Fish.

Who Cares What bin Laden Thinks?

Joshua Cohen

Massachusetts Institute of Technology

I find much to agree with in Stanley Fish's observations. First, it *would* be a very good idea if Americans understood that lots of people in the world—even admirers of American institutions—think that we are a country of self-satisfied, immoral, cruel, arrogant imperialists and infidels. Fish may be right that recent critics of postmodernism and cultural relativism are *really* attacking the idea that Americans should understand these animosities. If that is the critics' target, then they are doing some damage and Fish deserves credit for blowing the whistle. Second, while I think that *evil* is a fair and illuminating (though of course incomplete) description of the September 11 murderers, I agree with Fish that such labels as International Terrorism and Irrational Madmen obstruct understanding.

But one point in Fish's remarks strikes me as neither helpful nor true—indeed, it expresses the same smug sensibility that makes Americans (rightly) the object of ridicule and hatred abroad. At an American Philosophical Association session nearly 20 years ago, I recall Alasdair MacIntyre saying to Richard Rorty: “In your view, the worst thing someone can say about the Soviet Union is that it is un-American.” With a shrug of his shoulders, Rorty replied: “What could be worse?” Fish is on Rorty's side. He says that “[t]he basis for condemning what was done on September 11 is not some abstract vocabulary of justice, truth, and virtue—attributes claimed by every-

one, including our enemies, and disdained by no one—but the historical reality of the way of life, our way of life, that was the intended target of a massive assault.”

If “our way of life” provides “the basis” for condemning the slaughter of innocents on September 11, then only Americans—or only admirers of our way of life—would be in a position to condemn the attack, or get “the basis” of the condemnation right. But the attack was, of course, widely condemned by people who neither share in our way of life, nor admire our “record of aspiration and accomplishment.” For example, in a *fatwa* issued in early October, Sheik Qaradawi—an advisor to the Muslim Brotherhood and sharp critic of U.S. policy in Israel—condemned the attack for taking “the lives of innocents.” That strikes me as a very compelling “basis” for condemning what happened on September 11: that it was an *intentional slaughter of innocents*. Whatever your affections for America, and whether you are a traditionalist or hedonist, a Muslim or Jew or Christian or Hindu or Buddhist or secular Kantian, you cannot reasonably condone the intentional slaughter of innocents. So the condemnation need not be founded on the American way of life, democracy, individualism, or open societies and pluralism. Rather, and simply, it follows from an elementary and widely accepted abstract principle of human conduct.

Fish has an easy response. “Don’t kill innocents,” he will point out, is just another one of those useless universal principles “to which every party subscribes,” but which everyone “define[s] differently.” Osama bin Laden agrees that *innocents* should not be killed; he just denies that the people killed on September 11 were innocent in the relevant sense. True, but so what? Does Fish agree with bin Laden on this point—is he convinced of their culpability? Do other people who accept that innocents should not be killed think that the three thousand people killed on September 11 were guilty of actions that warranted their death? I assume not. And if they remain unpersuaded by bin Laden’s claims about culpability, then what difference should the bare fact of his self-serving assertions to the contrary make to their moral thought? People who agree that innocents are not to be slaughtered, and believe—bin Laden’s assertions notwithstanding—that the people in the World Trade Center were innocent, have a perfectly good “basis for condemning what was done on September 11.” And

that basis is fully available beyond our own shores, to the billions of morally decent people who reject the Rortyan principle that “un-American” is as bad as it gets.

But the problems with Fish’s juxtaposition of useless universal principles and homespun ethics do not end there. Consider again the criticism that Fish levels against appeals to principles that resonate beyond borders: those principles are vacuous abstractions, defined differently by different people. But that criticism applies with equal force to appeals to “our way of life.” Fish condemns the “America, love it or leave it” view. Why? Because it is not part of “our way of life”? Of course it is: regrettably, but deeply—just as deeply as its opposite. He condemns unthinking hostility to other ways of life, but that’s as American as openness to the world. Competing parties with opposed convictions wrap themselves in the flag. If abstractions are no good because people define them differently, then we should forget about appeals to “our way of life” as well.

Finally, I think we ought to be skeptical about Fish’s sharp dualism of “principles” and “our way of life.” A commitment to the very abstractions that Fish wants us to drop is, for some of us, the most appealing element of “our way of life.” The country, Lincoln said, was conceived in an idea, and dedicated to a proposition. Drop those (contested) abstractions, and you lose what is arguably best in the American tradition.

Can Fish Deny FDR’s Four Freedoms?

Cass Sunstein
University of Chicago

What does Stanley Fish think that he is defending? He writes as if there is some identity between postmodernists, multiculturalists, cultural relativists, those who think it is helpful to put themselves in the shoes of others, those who want “to learn something about where our adversaries are coming from,” and those who believe that our adversaries have emerged “from a history that has equipped them with reasons and motives.”

Surely we need to make some distinctions here. Do rational choice theorists count as postmodernists? It's an odd thought, and Fish certainly isn't a rational choice theorist. But one of the leading rational choice theorists, Russell Hardin, has written an excellent paper on the rationality of extremism and even terrorism, showing how these emerge from a "history," and in particular a socially "crippled epistemology," that can make them fully rational. (By "rational," Hardin does not mean morally justified, or justified at all; he means only that people with certain limited information may be reacting not randomly or arbitrarily, but on the basis of what they know.) Writing long before September 11, Hardin referred explicitly to the Taliban. Is this the sort of thing that Fish has in mind? If so, more power to him. But Hardin is no relativist and he certainly believes in truth. I don't think that Fish is attempting to defend the rational choice approach to extremism and terrorism. Are you committed to postmodernism, or relativism, if you insist on the importance, both moral and strategic, of understanding the motivations of your adversaries? This would be very surprising. Many of the most committed opponents of Hitler, Mao, and Osama bin Laden very much want to know where such people "are coming from," and they seek to learn what such people are like from the inside. These people are hardly relativists or postmodernists. Most of them are committed to the idea of truth.

Are multiculturalists relativists? Postmodernists? Many people argue that it is important to study multiple cultures, urging not that values are relative, but that cultures have a great deal to learn from one another. They oppose ignorance to truth, and they want less ignorance and more truth. They want Americans, for example, to learn about other traditions, not because morality is relative, but because an appreciation of human variety is morally good.

I have no idea what Fish means by relativism. Surely he doesn't mean that you qualify as a relativist if you think that other people have their own reasons, or that it's important to think about why other people think as they do. (Is Fish a relativist? He says that relativism, understood a certain way, "never began." Is he defending relativism? He says that in "the strong sense of the term, no one has ever been or could be a relativist.") Nor is it clear what he means by postmodernism. If by this he means only a denial of "the possibility of describing, and thereby evaluating, the event in a language that all reasonable observ-

ers would accept,” he is saying something either trivial or wrong. The statement is trivial if the term “reasonable” is understood in a thin way, so as to capture the unobjectionable Hardin-like insight that rational people can be led, by certain unhealthy social circumstances, to think of the terrorist activity of September 11 as appropriate and right. The statement is wrong if the term “reasonable” is understood in a thick way, to mean something like, “adequately informed and morally appropriate.”

At this point my hunch is that Fish would ask (triumphantly?): “Adequately informed and morally appropriate from whose point of view?” But the question really isn’t helpful. It isn’t any more helpful than asking the same question to those who claim that it’s unreasonable to approve of slavery or the Holocaust. Of course people have their own point of view. (Is that an exciting insight?) John Dewey, no postmodernist, and no skeptic about truth, repeatedly made exactly this point—as the beginning of moral and political inquiry, not as the final word.

So may I change the subject? I read Fish’s essay at the same time that I was reading wartime speeches by Franklin Delano Roosevelt. Here is an excerpt from Roosevelt’s famous, antirelativist, proudly universalist “four freedoms” speech:

In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first is freedom of speech and expression—everywhere in the world.

The second is freedom of every person to worship God in his own way—everywhere in the world.

The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world.

The fourth is freedom from fear—which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

I think that Roosevelt was basically right to hope for such a world, and also that he was right to extend his hope to “everywhere in the world.” To be sure, we might have some quibbles and even disagreements with what Roosevelt said here. (Significant reductions in armaments might make the world less safe, not more so, and Roosevelt could have been clearer about the right, in which he firmly believed, not to worship God at all.) What does Fish think about Roosevelt’s four freedoms? It would be interesting to know. But it wouldn’t be at all interesting for Fish to insist that Roosevelt believed in those freedoms “from his own perspective,” or for Fish to say that whatever he himself thinks about them, he wouldn’t think the same thing if he grew up in Afghanistan.

On the Definition of “Terrorism”

William A. Galston
University of Maryland

Given our past disagreements, Professor Fish may be surprised to discover that I agree with a number of points he makes in his article. In particular, it is ludicrous to blame postmodernism for the events of September 11, and it is wrong to use the intense public reaction to those events as a bludgeon to suppress free inquiry into their meaning. For present purposes, the real question is what light (if any) they cast on the debate over postmodernism.

Fish begins by distinguishing between acknowledging the “reality” of an event and “describing” that event. No postmodernist, he declares, would deny the reality of, for example, a plane hitting a tower. What postmodernists deny is the “possibility of describing, and thereby evaluating, the event in a language that all reasonable observers would accept.” This claim is reminiscent of Kant’s distinction between the “thing in itself” and the thing as mediated through our categories of perception and understanding, with the difference that Kant affirmed, and postmodernists deny, the universality of these categories. This difference, though hardly trivial, is not the point here. Instead the question is whether we have any access to the thing-in-itself (in this case an event) that is not mediated through our

categories of perception and understanding or (in the postmodernist formulation) through “language.” If Fish’s answer to that question is no, and if there is, as he asserts, no language that “all reasonable observers would accept,” then it would follow that we cannot discuss the “reality” of the event in uncontested terms; it is description, all the way down. And that is the issue.

Americans (most of us, anyway) contend that the hijackers of the planes that crashed into the twin towers, the Pentagon, and a rural Pennsylvania field were Muslims, most of whom were born in Saudi Arabia. Most Saudis contend that the hijackers were not Saudis; many believe that the Mossad stage-managed the attack. I believe that this disagreement, which clearly bears on both the description and the evaluation of the event, can in fact be resolved in a language that all reasonable observers would accept. To continue to deny that the majority of the hijackers were Saudis is to be *unreasonable*; it is either to be ignorant, to be in a grip of a distortive passion, or to lie deliberately. I would be interested to learn whether Fish agrees with this or not.

I note with interest that when Fish comes to engage the question of whether the hijackers should be described as “cowardly,” he unswervingly supports those (such as Susan Sontag) who answer “no.” His argument is intriguing, to say the least: “You don’t condone [an] act because you describe it *accurately*. In fact, you put yourself in a better position to respond to it by taking its *true measure*.” My question is this: Given Fish’s earlier pronouncement that there is no general language of reasonable description, what is the force of the words that I have italicized? What permits Fish to distinguish between the accurate and the inaccurate, between true and false measure?

Fish’s response runs as follows: to call the hijackers “cowards” is to abuse language, because it is not the right word to describe men “who perform arduous feats in the course of sacrificing themselves for a cause they deeply believe in.” The problem with this answer is that it follows hard on the heels of his denunciation of “universal absolutes to which every party subscribes . . . but all define differently.” It would seem that courage is just such an absolute—that is, a general “concept” admitting of various “conceptions.” Many would and do say that a sneak attack on unarmed civilians does not fulfill the

basic requisites of courageous action. That the perpetrators anticipated and intended their own death should hardly reverse that judgment; if it did, every suicide would have to be described as courageous. If Fish really believes that it is wrong *per se* to describe the hijackers as cowards, then it seems that contrary to his declared position, he has found at least one universal that settles disputes rather than extending them.

Let me ascend from these philosophical depths toward something a bit more concrete. Fish is right to say that “terrorism is the name of a style of warfare,” but he fails to follow the logic of his own position. Terrorism denotes, among other things, the systematic disregard of the distinction between civilians and combatants. Traditional just war theory distinguishes between the justice of war’s ends and the appropriateness of war’s means. The former does not redeem the latter; it is possible to pursue just ends through forbidden means. “Terrorism” is the name of violent acts that deny this proposition. To oppose terrorism is to say, consistent with traditional theory, that *no* end can justify the employment of particular means. We can know that blowing up teenagers in pizza parlors is wrong without mastering the intricacies of UN resolutions 242 and 338.

This poses a problem for Fish. We know from his recent writing (among them *The Trouble with Principle*) that he believes all action is purposive and can be judged only with reference to its purposes. Actions are not only means to ends but gain their moral quality from their ends. Put simply: the ends, and only the ends, can justify the means. It would seem to follow that Fish must regard blowing up teenagers in pizza parlors as either justified or unjustified, depending on the end in view. That is why he supports the Reuters news director’s refusal to employ the word “terrorism” on the grounds that one man’s terrorist is another man’s freedom fighter. That is true if you believe that the ends and only the ends can justify the means. It is not true if you believe that targeting unarmed civilians is wrong, regardless of the end.

I end, therefore, by requesting an answer to the following question: Under what circumstances, if any, does Fish believe that deliberately blowing up teenagers in pizza parlors and night clubs and shopping malls is justified? If the answer is “None,” then it cannot be the case that one man’s terrorist is another’s freedom fighter, and we

reach at least verbal agreement. If his answer is “Some,” with descriptions supplied, then we have a disagreement that is more than academic.

“America-Friendly” Relativism Isn’t Good Enough

David Novak
University of Toronto

Of course, Stanley Fish is right that we can hardly blame “postmodernists” or “relativists” (who are identical for most of us) for the horrendous events of September 11. Were Osama bin Laden and his followers relativists, were they devoid of absolute values, there is little chance they would have done what they did and with the passion they did it. So, it is not that we are now fighting against relativists as much as relativists seem to be unable to come up with what most Americans would regard as a sufficient response to the events of September 11.

Most Americans would prefer the Samuel Huntington explanation that the current conflict is a “clash of civilizations.” That explanation assumes that what we have is a conflict between two absolutes. It also assumes that these two absolutes are universalizable. As such, this world is just not big enough for both of them. This is born out by the conflict of ideas that preceded the present conflict of arms, and which could be seen to have inspired it.

Let us take Osama bin Laden at his word. He claims his attacks on America, the West, and Israel (which in his mind are one and the same) are because these western Jews, Christians, and secularists (the latter being mostly relativists themselves) regard their civilization’s values to be universalizable—that is, they are to be followed by everyone on earth. As such, they inevitably come into conflict with the values of Islam, which are just as absolute and just as universalizable. That is why Islam’s response—for bin Laden—is not just a defensive “leave us alone.” That would be the answer of a relativist. Instead, his answer is offensive. He seems to be saying: “Not only will you and your values not conquer us, we and our values will conquer you.” This came out most strikingly when one of the Taliban leaders called for the retaking of Andaluz—namely, the last Muslim polity in Eu-

rope, which fell to the Christian *reconquista* of Spain in 1492. (The historical interim of five hundred years makes little impression on absolutists who are also fundamentalists.)

Stanley Fish suggests that our own response to September 11 should be relativistic—that is, we should be saying to our enemies: “We are not telling you how to live our life, and we don’t attack you for your different way of life. But, if you feel otherwise, then we have to protect ourselves against you by whatever means we think are necessary to do so.” Thus, instead of judging our enemies by our own moral standards, we should be putting ourselves in their place. Nevertheless, the purpose of that empathy is not to lead to sympathy; rather, it should help us to “psych-out” the enemy so that we become less vulnerable in the face of his Islamic absolutism. Fish calls this relativism “specifying his motives and anticipating his future assaults.” He designates it “another name for serious thought.” As such, his relativism is not like the accusations of Noam Chomsky that we Americans really had it coming. Fish is not calling for that kind of political masochism.

Nevertheless, can even this “America-friendly” relativism give us enough resolve to resist a persistent threat to our lives and our way of life? Isn’t our devotion to Western democracy absolute? Don’t we believe in a common human nature, and that our way of life—including its religious pluralism and its economic pluralism (called capitalism)—is what is best for all human beings and all human societies? Indeed, were this not the case, could we *morally* affirm our way of life and be *morally* outraged when it is under attack? And isn’t it under attack primarily because of its *moral* attraction to non-Western peoples?

Both Hitler and Stalin, similarly and each in his own way, were clearly absolutists in their attacks on Western democracy and its values. Furthermore, Hitler and Stalin were convinced they were fighting relativists who didn’t have the resolve to defend their own way of life. This was because these relativists were judged to be without a view of human nature and destiny. Had Hitler and Stalin been right in this assessment of us, they would have surely destroyed Western democratic civilization. I think of T. S. Eliot’s challenge to his fellow Englishmen in 1939: “If you will not have God (and He is a jealous God), you should pay your respects to Hitler or Stalin.” It was

only our absolutism, and our belief that our values are universal, that enabled us to resist them to the end. We have to believe now as we had to believe then that we are right, not only for ourselves but for all others as well.

The fact is that the world today is too small for any relativism. Relativism, with its demand to be left alone, requires a political and cultural isolation that is no longer to be found in the world. We all have to influence each other so that we are not influenced by what would destroy us. And we influence others best when we attempt to convince them that our way of life is good not because it is ours but, rather, it is ours because it is good. Therefore, it should be good for them too. When push comes to shove in global politics, there are no relativists because relativists cannot survive.

Relativism's Ugly Siblings

Simon Blackburn
Cambridge University

I agree with everything Stanley Fish says; I only worry about some of the things he leaves out. Fish's postmodernist or relativist is a mature, imaginative, and open-minded individual. His large human sympathies make him impatient with facile rhetoric. In particular he mistrusts the simple polarity of so much human conflict, whereby justice is entirely on our side, and only evil on theirs. He recognizes, rightly, that when political groups commit atrocities, it is not because they have lost their reason, or because darkness and evil have become a weird satanic magnet to them, but because they see themselves as left with no other recourse in the face of a frightening enemy. But Fish's postmodernist is no wimp: he can vigorously defend our way of life and oppose that of our enemies. He puts himself in his opponents' shoes, not to deny that his opponent is dangerous and deluded and needs to be stopped, but to understand him better, and thence to deal with the threat. As Fish says, this is just another description of serious thought. Naturally, bigots dislike serious thought, and people who are hurt are not very ready to put themselves in the shoes of those who have hurt them. But as Fish also notices, this is not a mood very well

adapted either to understanding or to improving things, since each of those requires serious thought.

Philosophically, I believe alongside Fish that this mature, imaginative, and open-minded individual may well be the true heir to the relativist tradition. But this is a minority opinion even within philosophy, and culturally it is not how it looks to people. Let me introduce a pair of rather less admirable siblings in the relativist family. The first of these is the familiar “freshman relativist,” who urges that all opinions and actions are equally good and should be equally tolerated. He has two mantras: “Who’s to say?” and “That’s just your opinion.” He takes the mere fact that someone makes a judgment or is disposed to an action as a reason for putting that judgment or action on a par with any other. This freshman relativist is incapable of holding that some opinions are better than others. As it is sometimes put, he is so ecumenical, or happy-clappy and open-minded, that all his brains have fallen out.

The other sibling is less amiable. Instead of a grin, he wears a sneer. He takes himself to have seen through or debunked the claims of others. So when we use words like truth, reason, objectivity, justice, fairness, or progress, we may think we are putting on robes of state, dignities that with luck we have earned and come to deserve, by doing our thinking properly. But to this sibling we are doing nothing but putting on tawdry theatrical props, disguises, and masks—and what is disguised is a Pandora’s box of ugly things like persuasion, rhetoric, self-deception, and ultimately power and force. So where the previous sibling was tolerant and vacant, this sibling is destructive and bitter. Standing on the shoulders of modern thinkers, he tries to crush them under the weight of contempt. But this sibling is equally obnoxious. He is oblivious to his own intellectual limitations and laziness. He could not describe a transistor, let alone make one, but he will use computers and faxes and mobile phones full of them to spread the message that “transistor” is just a construct of Western bourgeois culture. If this twin is female, she may be convinced that fluid mechanics is a patriarchal discourse valorized by masculine authority structures in scientific culture, even without understanding its equations, let alone being able to suggest alternatives. Where the freshman relativist was promiscuously vacant, this relativist is promiscuously suspicious.

We could frame things by saying that Fish's relativist accepts the burden of judgment. He knows that our standards are *our* standards, but also believes that this is of no interest. We still have to make judgments and act in the light of them. We just have to make sure that we do so as well as we can. Once we have to make up our minds about something, the issue is the issue. It will come with its own procedures and standards determining what it is to judge it well, and experience can tell us when we have succeeded. The other siblings duck issues, either retreating to an ironic, playful, aesthetic detachment from the business of life, or substituting allegiance to a *realpolitik* of naked force.

These are the siblings that have brought the relativist family into disrepute. Fish is right to disown them, but wrong to pretend that they are figments of right-wing imagination. He rightly reminds us that if relativism means the inability to prefer your own convictions and causes to those of the other, then it can never have existed. But the disreputable siblings do not do any such contradictory thing. Rather, they shy away from convictions and causes altogether. They suppose they have seen through the whole business of taking issues at face value. They say that we should not and cannot judge whether Tolstoy is a more interesting writer than Stephen King, or whether there was ever a Holocaust, or whether a religion that enjoins slaughtering the infidel is worse than one which does not. Expressions of opinion on such matters would be bad form: politically incorrect, disguises for colonialism, liberal hegemony, dominations of gender, and so on.

It is this paralysis of judgment that the commentators lament. And there is nothing like practical necessity for demonstrating the need to make judgments. You cannot drive down the freeway with a mind vacant of opinion on where the traffic is and how fast it is going. And you cannot do it without accepting that using your eyes is a better method for judging the traffic than consulting the tea-leaves or the priest. September 11 reminded us that in the arena of politics and ethics, and for that matter religion and history and philosophy, we are all on a journey as dangerous as any freeway.

The Vulgar Philosophy of Capitalism

John Haldane

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Circumstances brought me close to the events of September 11 and to the American reaction to them. My home is St. Andrews in Scotland, but on the fateful morning, between the time of the New York and Pentagon attacks, I was walking across the Key Bridge from Virginia to Washington, D.C. A few weeks earlier I had taken up a visiting chair at Georgetown and had just begun to settle with my wife and four children into life inside the beltway. Following the Pentagon attack, Georgetown closed for the day, and I walked back home across the bridge seeing the smoke billowing up from the Pentagon. The public schools also shut, and for the next few days we watched as America came to the realization that it is not an island beyond the troubles of the world, and that it is not universally admired, even if it is widely envied.

Stanley Fish is exercised by hostile challenges to those who have sung hymns of praise and condemnation on behalf of postmodernism. He suggests the possibility of a new witch hunt of intellectuals and academics, and speaks of scapegoating. Turning to the attack, he claims that postmodernism is more part of the solution to the question of how we should judge than part of the problem of whether we may ever be entitled to do so. This is so because it saves moral judgment from the vacuity of absolutist objectivism by providing it with an alternative justification, ground in the historical reality of a way of life. Fish also claims that the deeper source of criticism against postmodernism is that while intellectuals of the latter sort take seriously those of alternative moral and cultural outlooks, critics of postmodernism cannot contemplate the possibility that people as (or more) earnest as themselves could be so deeply opposed to American values.

This is rhetorically agile but intellectually unsatisfactory. First, it fails to engage the question of how moral values can be distinguished from social conventions such as etiquette. Second, it provides no credible means of arbitration between competing value systems, and so leaves inter- and intra-cultural criticism open to the charge of being no more than the assertion of one set of preferences against another.

Third, it is self-serving in its characterization of the possibilities of justification, implying that the remaining opposition might be between an absurd moral realism and the most radical subjectivism, so allowing postmodernism to appear a moderate position. Fourth, it characterizes the justifications provided by the latter in reassuring terms that more properly belong to traditional conservatism. Consider the following eloquent passage:

At times like these, all nations fall back on, and are right to fall back on, the record of aspiration and accomplishment that makes up their citizens' understanding of what they live by and live for. That understanding is sufficient, and far from undermining its sufficiency, conservative thought underwrites it by sending us back to the justificatory grounds we rely on in ordinary life after having turned us away from the illusory justification of universal absolutes to which every party subscribes but all define differently.

One would have little difficulty passing this off as a quotation from Burke's *Reflections on the French Revolution*, though with the exception of "conservatism," which I have substituted for "postmodernism," the words are from Fish's apologia. If it did not already strike one, its irony should now be inescapable, and it raises questions that Fish should find more challenging than the name-calling he reports.

Popular postmodernism (from which I exclude Fish) has flourished most in environments whose critical intellectual standards are not those of the highest order. That is in part because of its formulaic, easy-to-grasp/easy-to-apply character. For this reason it also appeals to those hurrying to have something to say, and who relish a method that allows them to bypass an opponent's intelligence and scholarship by representing his or her position as part of "the totalizing hegemony of absolutist rationality," or as an instance of "the project of modernity," or some such catch-all slogan. The circumstances of mass higher education have provided a fertile ground for this, and postmodernists have lived high on it. If they are now humbled and brought low that will be no bad thing—though all of us will have to pay the price for their having brought "intellectualism" into disrepute.

Observing the national reaction to September 11, I found myself angered by the flag waving, by the sentimental patriotism, by the assertion of the goodness of the U.S.A., and by the ubiquity of the

phrase “God Bless America”—never sounding a humble petition by a knowingly unworthy sinner, but seeming generally presumptuous of its deservedness, and at times even commandatory. I have thought long about these matters and for want of space now simply report my conclusions without supporting evidence or argument. America is profoundly narcissistic, oblivious to the contingencies of existence and fortune, rampantly acquisitive, and culpably indifferent to the condition of the rest of the world. These are partly explained by the fact that the country is a refuge for immigrants escaping oppression and seeking fortune, but they also speak to the want of a serious public culture. America has communities, an economy, and a state; what it lacks is a traditional society defined by authoritative institutions and high culture. Individuals and voluntary groupings are as good and serious as one could hope for, but at the societal level there is a vacuum. This constitutes a challenge, but it has also provided an opportunity for intellectual charlatanism—for people selling an easy-to-grasp/easy-to-apply philosophy. Several groupings have sought to profit in this market, including muscular libertarians and coiffured evangelicals, but among the would-be sophisticates nothing has sold like postmodernism. This is the vulgar philosophy of capitalism, ill-suited to marrying human experience to the deepest reflections of the human mind but, like Enron, ever on the make—and now feeling the wrath of a dissatisfied public.

We Are Not God

John D. Caputo
Villanova University

On September 11, Dennis Cook, the son of the family that endowed the academic chair I hold, was lost. He was an employee of Cantor Fitzgerald on the 106th floor of the World Trade Center’s North Tower. A young father of two little girls, handsome and personable and full of joy, his death broke his family’s heart. They are lost without him. I attended the memorial service and it broke all of our hearts.

I am very much in agreement with what Stanley Fish says here and I would like only to supplement it by discussing the relationship between postmodernism and religion.

Postmodernists are not “anything goes” sceptics. They are simply people who recognize that they are not God. The radicals who slammed those jets into the World Trade Center were certainly not postmodernists, and if they did not think they were God, they thought they had God’s point of view, an attitude that postmodernists rightly regard as consummately dangerous.

The charge of “relativism” thrown up against postmodernism is a confusion and an obfuscation. “Relativism” is a red herring used by the God-and-apple-piety crowd; it does service for thinking when the discussion gets too complicated. “Relativism” is a short-tempered short cut exploited by people in a rush to condemn others or to win an election, or to win something. Whatever they are rushing to do, it is not to think.

The debate rightly framed is not between “relative” and “absolute,” but between having a point of view that is subject to certain conditions, as postmodernists claim, and having a point of view that claims to be completely unconditional—that pretends to have somehow managed to twist free from conditions of any sort. Having a point of view depends upon the linguistic, cultural, and historical conditions that both make it initially possible for us to understand something and simultaneously limit our point of view. To try to transcend these contexts and conditions altogether, as if we were absolute and eternal beings, would be to remove the very conditions that make it possible for us to understand anything at all. We are not God, but what the Danish religious thinker Søren Kierkegaard liked to call “poor existing individuals,” people who pull on their pants one leg at a time, who confess that understanding is always situated in a certain language, tradition, culture, place, religion, gender, etc. Understanding always has a finite point of view, otherwise it has no point and it has no view.

The radicals who attacked the World Trade Center were *not* postmodernists. They had swallowed a bad line about how to read, how to understand what one reads, and what it means to say that a text is sacred. The latter is a complicated business. Among other

things, it involves getting to know what the conditions were under which the text was written, what has changed since then, and above all sorting out what is human and what is divine in the text—what has the ring of God about it and what has the ring of men (sic!). Killing in the name of God, killing because God is on your side, is the human—all too human—part of these texts. The divine part stays the hand of Abraham over Isaac and binds up the wounds of the Samaritan.

That cuts both ways. The right answer to this killing is not to say, “But God is on *our* side”—that God is a flag-waving, red, white, and blue deity who endorses the American way of life. That is the very definition of a holy war; that is what has kept wars going from time immemorial, fueling endless, bloody cycles of retribution. The postmodern thing to say is that no one occupies God’s point of view, that we are all poor existing individuals who make our way as best we can in space and time, each approaching God, each from our point of view. The Bible itself warns us that idolatry is one of the most fundamental perversions of the God relationship. Confusing a golden calf with the living God, confusing humankind made in the image of God with a God made in the image of humankind, confusing our politics, our preferences, our institutions, our hierarchies, our power-plays, our religion, our gender, our egos with God: that’s idolatry. If postmodernists could be said to have a religious view of life, as many of us do, postmodernism would constitute a powerful and systematic critique of idolatry.

I only use the word postmodernism when I want to draw a crowd. As a theoretical term, its entire sense has been boiled off in steamy journalistic and academic debates. Usually it is the more Nietzschean side of postmodernism that grabs the headlines, the “God is dead, everything is permitted” sloganeering. But one of the most important movements within postmodernist work today has a religious genealogy, going back to the Lutheran Kierkegaard and to the 20th century Jewish writer Emmanuel Levinas. In this version, everything turns on the notion of “otherness,” of the “other,” echoing the ancient semitic code of hospitality to the stranger, where the mark of God, a certain ethical transcendence, is upon the face of the stranger who shows up at our door. If postmodernism is a philosophy that emphasizes “difference,” difference means “diversity” in the Nietzschean version, whereas in the religious version difference means “otherness”—that

is, being a stranger, an outsider, an outcast. If postmodernism is a philosophy that concerns what is called the “invention of the other,” then in the Nietzschean version that means the production or invention of new forms of life or lifestyles, whereas in the religious version it means welcoming the “coming” or “in-coming” (which is the literal sense of invention, *in-veniens*) of the other, who lays claim to me and disturbs my self-complacency. Imagine what it would be like if individuals and nations, if Catholics and Protestants, if Christians and Jews, Jews and Arabs, Hindus and Muslims believed that! But that is what postmodernism will have been, if it ever was.

Start with Self-Evident Truths

Amitai Etzioni
The George Washington University

Stanley Fish offers us a choice: either join Jerry Falwell, Pat Robertson, and some simpleton journalists who are calling for the end to all pluralism and ambiguities in the wake of September 11 and are going to send to rehabilitation camps all who continue to think critically—or join his brand of relativism. This is an old rhetorical trick—by the master of that dubious trade—but surely the intellectual world is richer than such a dichotomy implies. No quarter is even given by Fish (nor, oddly, by those who have commented on his piece) to the otherwise much admired Isaiah Berlin, who at least would classify some forms of conduct (though not speech, on which Fish dwells at length, as do the commentators) as beyond the pale.

Stripped of the stereophonics, Fish argues that we should understand the historical context out of which the terrorists have emerged, and which, in their eyes, provides justification for their conduct. We are free to criticize these positions, as long as we remember that they merely reflect our history and not some kind of universal truth. (Fish repeatedly rests his position on a utilitarian concern—our desire not to be destroyed—and not on a moral principle, although I grant that self-preservation is not without moral content. Fish avoids all moral claims, such as our rejection of wanton destruction of innocent lives.)

Theoretically (in the pejorative sense of the term), one can hold that to demand that we understand some position, “where one is coming from,” has no bearing on our moral judgment of this position. In effect, though, invariably and inevitably, such “understandings” are used to at least partially justify immoral acts. Thus, when one maintains that we ought to “understand” the Menendez brothers—who gunned their parents and continued to fire after they lay dying on the floor, later defending their actions as a response to being abused as children—one in effect argues for mitigating their punishment, a reflection of our weakened moral criticism. And so it goes when lawyers for the defense claim daily that a person’s crime reflects abuses suffered as a child, dealt from the hands of The System, and so on, ad nauseam. The counter-argument is not to refuse to understand, but to fortify such understanding with the explicit realization that all human beings, whatever their history, are still responsible for their actions, and that to relieve people from this expectation is to invite more abhorrent acts.

Fish holds that after we’ve done our understanding, we can still go ahead and state, Well, coming from my history, which I know is different from yours, as *I* see it, killing your sister because she had premarital sexual relations is not quite kosher. But that is a hell of a different statement from maintaining that no decent human being would so act, and that this is a self-evident truth which “any rational human being would recognize,” as Rawls put it in a very different context.

Does this mean we should not understand other people’s history and culture, so as not to undermine our moral reactions and judgments? Not at all: understanding can help us to strengthen our claims. For instance, we can argue with devout Muslims that by their own dictates, not just ours, cutting off the hand of a thief is a barbaric act. (According to *hudud*, Islam requires the meeting of several conditions before punishments can be carried out—for example, ensuring that the person is not poor, a requirement almost never met when punishments are actually inflicted, as they still often are.) Also, our quest to understand can deny the other side the claim that we did not bother to look at their side of the issue. And in some cases, it can make us reconsider our judgment. But at the end of the day, it is essential for any moral person to do exactly what Fish avoids—to state, Now that

I have done my homework, I am confident that the acts which I still do condemn—such as those of September 11—are immoral, based on universal principles.

Fish argues that when one invokes universals, these hold (if they do at all) only as long as we stick to vague statements, as people do not agree on what they specifically mean. Thus, we all may condemn the killing of innocent people, but bin Laden argues that all Americans, children included, are foot soldiers in the army of evil. This argument assumes that the universal principles we hold are based on some kind of consensus. But those I refer to, which the Founding Fathers so wisely called “self-evident” truths, are not dependent on agreement. We hold them up to the world, with all the specificity needed. Thus we hold, to stay with the example at hand, that children are innocent and ought to be spared, which is quite specific. Those who do not grasp such truths, for whose benefit we speak up, will come to see the light once they allow themselves to be exposed to free dialogue, which is blocked by those who fear universals.

It is ridiculous, though, to argue that any such position suggests that God is dressed in red, white, and blue. Many of the universals we seek to uphold come to us from Asia (the Old and New Testaments), Africa (Alexandria), ancient Greece, Britain, and elsewhere. We draw today on East Asian philosophy in our respect for aesthetic values, harmony, and community. But all these universals speak in an unmistakable voice that people not buried under tons of debris from cultures closed to universal dialogues will readily be able to hear once their societies begin to open up.

The Wrath of History

Charles W. Collier
University of Florida

Should terrorist ideas play any role in current intellectual discussion? Should we seek to understand terrorists? Should we try to learn about their motives, grievances, political causes, and religious aspirations? Should we even care whether they have a coherent world view? All these questions—and more—are suggested by Stanley Fish’s essay.

Answering “No” suggests that terrorists should be treated as a blind force of nature—dangerous, certainly, but comprehensible only in terms of causal laws governing the physical and biological worlds. No competent criminal investigator would proceed in this way, dismissing the important element of motive from consideration altogether. If only for practical, tactical reasons (e.g., catching the criminal), we need to understand terrorists.

But answering “Yes” to the above questions suggests the broader possibility that the ideas and opinions of terrorists should influence and even alter our own thinking processes. In some realms this is obviously untenable. Hijacking airplanes and intentionally killing thousands of innocent civilians is wrong, even if Osama bin Laden recommends it highly. The square of the hypotenuse of a right triangle is equal to the sum of the squares of the other two sides, whether or not this conflicts with al Qaeda geometry. Mozart’s music is still beautiful, even if it offends Taliban sensibilities. In none of these cases are the ideas and opinions of terrorists even relevant.

There are, however, two realms in which the current terrorists speak with a certain undeniable authority: religion and politics. In these realms, they have privileged access to the truth about the meaning of their own self-expression, self-identification, and personal ideals. More generally, articles of faith and political causes are *defined by* their most important and influential expositors, just as English usage is defined by Shakespeare and Milton. “The citation of authority for a word,” notes the *Oxford English Dictionary*, is “one of the essentials for establishing its meaning and tracing its history.”

We should listen attentively, if not respectfully, when Osama bin Laden articulates his version of Islamic fundamentalism because he counts as an authoritative expositor of that faith. His views are important because they directly affect the course of world history; they are influential in the sense that millions of people accept them unhesitatingly, regardless of their merits. We now know, in ways that we could not have known even a few months ago, just how deeply and inextricably terrorism and Islamic fundamentalism are connected, judging by the actions and views of their most prominent adherents. On account of this deep involvement, we can now say much more confidently that the terrorists do not “just happen” to be Islamic fundamentalists. Their religion plays an essential and defining role in informing their actions.

The political causes espoused by terrorists must likewise come under renewed scrutiny and reevaluation in light of September 11. We now possess relevant and valuable information as to the true meaning of the terrorists' political agenda (roughly speaking, returning to that happy state of affairs prior to the discovery of America). This political program—the shared property of terrorists and those who support them—can now be seen as fully consistent with, and indeed partly defined by, the terrorist actions taken to implement it. These political ideals now take on new, ominous, and substantively suspect meaning through their deep and inherent association with the worldview of terrorism.

Many people condemn terrorist actions but still sympathize with the underlying religious and political ideals that inspire them. That distinction is no longer available. You and I do not get to decide what those actions and ideals mean, and it is pointless to complain that Osama bin Laden has “betrayed” or “perverted” Islamic fundamentalism (or to disavow his political support, as the Palestinian authorities have attempted). For better or worse, religion and politics are socially constructed systems of meaning in which things mean what prevailing historical opinion and practice dictate, not what critics and kibitzers on the sidelines might suggest or what objective evidence and disinterested scientific observation might indicate. The coin of these realms—these fabled lands of make-believe—is influence and importance, just as it is in language. Charles Richardson refers in his great 19th-century dictionary to “the many ‘vicissitudes of mutation’ which the language has sustained in its descent to these times; when change is at work upon it, with all the wild energies of a restless and indiscreet spirit of improvement.” Through their highly influential and widely accepted actions, the terrorists have finally succeeded in redefining their religious and political ideals as terrorist doctrines (roughly speaking, Islamic fundamentalism, militant medievalism, and the inseparability of church and state). There is not a higher tribunal to which an appeal may be taken.

We should, therefore, give full and careful consideration to the ideas and opinions of terrorists, particularly as they concern religion and politics. We should take the terrorists at their own word and understand their actions as striking instances of self-expression and as defining features of their own religious and political views. In light of the terrorists' own actions we should revise our opinions of those

views accordingly, potentially rejecting some that we might previously have been inclined to accept. Having once seized the historical moment, the terrorists cannot now expect to escape the harsh judgment of history.

Those who, after careful consideration, still seek a thoughtful and constructive engagement with terrorist doctrines should first put themselves in the position of passengers on an airplane that has just been hijacked by terrorists. Then let the dialogue begin.

Editor's Note

In the 12 years that have passed since I started editing *The Responsive Community* (with much help from my colleagues and staff), I have never published anything about which I had a serious misgiving. I either refused (making some good friends very unhappy) or was able to convince the authors to reconsider offensive phrases and other remarks. This time I am reluctantly publishing a statement which I consider beyond the pale, because it so clearly speaks for itself.

In his commentary on Stanley Fish's essay, Richard Rorty writes, "the terrorists are about as representative of Islam as the Mafia is of Christianity." We asked him to reconsider, on the grounds that the Mafia does not claim to commit crimes in the name of Jesus, but al Qaeda does claim to represent Islam. Moreover, although surely there are important segments of Islam and many Muslims who do not hold that al Qaeda's jihad is an authentic expression of Islam and so does not represent them in that sense, many other millions, including numerous Islamic scholars and leaders, do. (This is especially true of the very many who subscribe to the virulent, Wahhabi branch of Islam.) At the same time, there are not millions, not even scores of Christians who maintain that the Mafia represents them or their view of their religion.

Mr. Rorty demurred from our request to modify his statement, writing, "You don't get to be representative of something by saying you represent it." The readers, hereby alerted, will draw their own conclusions.

A.E.

A Reply to My Critics

Stanley Fish

In general, those respondents who are critical of my essay burden it with claims it doesn't make and implicitly disavows. Thus when Cass Sunstein asks (either in befuddlement or exasperation), "What does Stanley Fish think that he is defending?" the correct answer is "nothing." Presumably, Sunstein thinks that I think I am defending postmodern thought, but I am not doing anything so positive. I am merely denying any relationship between postmodern thought and the response we might give to the assault on the World Trade Center towers or, for that matter, to anything else.

A postmodernist is someone who gives one set of answers rather than another to some traditional question in philosophy like "Can one's assertions be backed up by some supra-contextual or metaphysical warrant?" But the answer he gives (in this case, "no") only tells us where he fits in the taxonomy of current philosophical schools; it doesn't tell us what he thinks we should do about terrorism or whether he supports the Bush administration's conduct of the war in Afghanistan (I in fact do while some of my postmodernist friends don't) or whether he believes it would be helpful to understand the motivations of our enemies. His position on these and any other particular, mundane matters is entirely independent of his philosophical stance, whatever it is. When Benjamin Barber says that "Ethics is not epistemology," he is exactly right, but he is exactly wrong to suggest that I would say otherwise. The severing of the one from the other is the entire point of my piece, which is written in response to those who think that one epistemological account, the postmodern one, has had or will have disastrous practical consequences while another epistemological account, the foundationalist one, has had or will have beneficial practical consequences.

What I say (and I have been saying it ad nauseam for years) is that no epistemological account has any necessary practical consequences (as Richard Rorty sometimes quips, time will tell, but epistemology won't), although, by the same token, any epistemological account can be deployed rhetorically to make some practical consequence someone is working for look good. Barber declares that "foundationalism has animated many of the great moments in human history." But he confuses foundationalism with believing something so strongly that

you are willing to act on it. Everyone—foundationalists, anti-foundationalists, and those with no philosophical views whatsoever—is possessed of and by such strong beliefs. Among the things one might believe is some or other set of philosophical/theoretical tenets, but if that belief (which is special and acquired only by those embedded in a certain disciplinary conversation) “animates” anything, it is the writing of journal articles, not great moments in history. Great moments in human history have been animated by patriotism, charity, altruism, scientific inquiry, religious fervor, the exploration of new lands, the quest for freedom, sympathy for the downtrodden (although some pretty bad moments have emerged from the same impulses). But no one has ever said “Give me Foundationalism or give me Death” or “My Foundationalism Right or Wrong” or “Remember Foundationalism.” Foundationalism, like its opposite, is the name of a philosophical position, not of a program one might put into action. You can’t get up in the morning and resolve to *be* foundationalist (as you might wake up and resolve to be charitable or tolerant) unless you meant the very limited resolve of giving foundationalist answers the next time you get into a hot philosophical discussion. There is no foundationalist methodology, just as there is no anti-foundationalist methodology.

If there is no foundationalist or anti-foundationalist methodology—if your self-identification as one or the other neither leads you to nor debars you from any conclusion or particular course of action—the challenging questions put to me in some of these responses lose their point. What do I think about Roosevelt’s four freedoms speech (Sunstein)? Under what conditions if any would I condone blowing up a pizza parlor (Galston)? Do I agree with bin Laden’s contention that the victims of the September 11 attacks were not innocents (Cohen)? What about state terrorism (Barber)? Behind these and similar questions is the question: If you believe X (about some big philosophical issue) how could you possibly respond firmly and with confidence to Y? If you believe, for example, that there are no standards of judgment accepted by all rational persons, how could you offer a strong judgment on state terrorism or the blowing up of pizza parlors? The assumption is that what I might think or do in the context of some particular, mundane situation follows from my beliefs on the level of epistemology. But beliefs on that level are by definition general—they are beliefs not about matters of fact but about the metaphysical conditions underlying (or failing to underlie) matters of

fact—and therefore whatever they are, be they foundationalist or anti-foundationalist, they leave me free to consider matters of fact from the perspective of whatever norms, standards, goals, and aspirations seem compelling to me. To put it another way, my conviction that there are no independent grounds that would either confirm or reject our convictions and assertions should not be read (as it often is) as saying that there are *no* grounds for our convictions and assertions. There are plenty of grounds; there are just no independent ones.

What grounds are there and where do they come from? Joshua Cohen asks that question and suspects that he knows the answer, and he is right. I would no doubt agree, he speculates, with Richard Rorty, who in response to Alasdair MacIntyre's saying "In your view, the worst thing someone can say about the Soviet Union is that it is un-American," shrugged and replied, "What could be worse?" Yes I would, as Cohen asserts, be "on Rorty's side" because I would be hearing in his typically laconic and deadpan throwaway line a thicker statement and a serious question. The statement would be a rehearsal of the interlocking values, investments, and social commitments that are the content of the institutions—legal, political, educational, financial—we implicitly refer to when we say "America." The serious question would be, "What could be worse than a state and an ideology opposed in every way to everything we cherish and believe in?" (This is the same point Thomas Kuhn makes when he declares that in matters of judgment "there is no standard higher than the assent of the relevant community," and, anticipating the objection, asks, "What better criterion could there be?")

Someone like Cohen might respond by accusing Rorty (and me) of falling in with the Eichmann position ("I was just a part of the system and I went along with its agenda") and leaving himself with no basis for criticizing anything America does. But Rorty embraces America because its history and practices (not every one of them, but most of them) display the values to which he is committed. One of those values is what he calls "the expansion of our sense of 'us' to include as many as possible," and if some piece of American practice were in his view subversive of that value, he would have no trouble criticizing it. He might then be asked, "But on what does your commitment to expanding our sense of us and minimizing cruelty rest?" and here, I think, he would respond with one more shrug, for he would recognize the demand that his deepest beliefs be shored up by

something that is not one of them; and he would know, first, that such a something—an independent validation of the ideals he lives by—will never be found, and, second, that its unavailability in no way impedes him or anyone else from getting on with the important business of life.

John Haldane objects to this line of argument because “it provides no credible means of arbitration between competing value systems.” If by “credible means” Haldane means means credible to all rational persons, no matter what system of values they inhabit, he is right. (That, again, is my basic thesis.) But of course each system of values comes equipped with its own credible means and has always and already performed the act of arbitration that declares it superior to others. Thus for persons who have internalized the values of a particular system—and this is the case with all persons—there is no problem and nothing additional is needed. The demand for something additional is the demand for a normative vantage point outside of any system of values, but it is hard to see, first, why someone would require it—are your beliefs less yours and less firm because no deity or universal calculus has ratified them on some cosmic loudspeaker?—and, second, who would be able to recognize this vantage point if it could be found. (If there were human beings who could step out of their cultural skins and pronounce truth from on high—a capability claimed by many in opposition to others making the same claim—we would all harken to them and all the deep disputes of the world would disappear.)

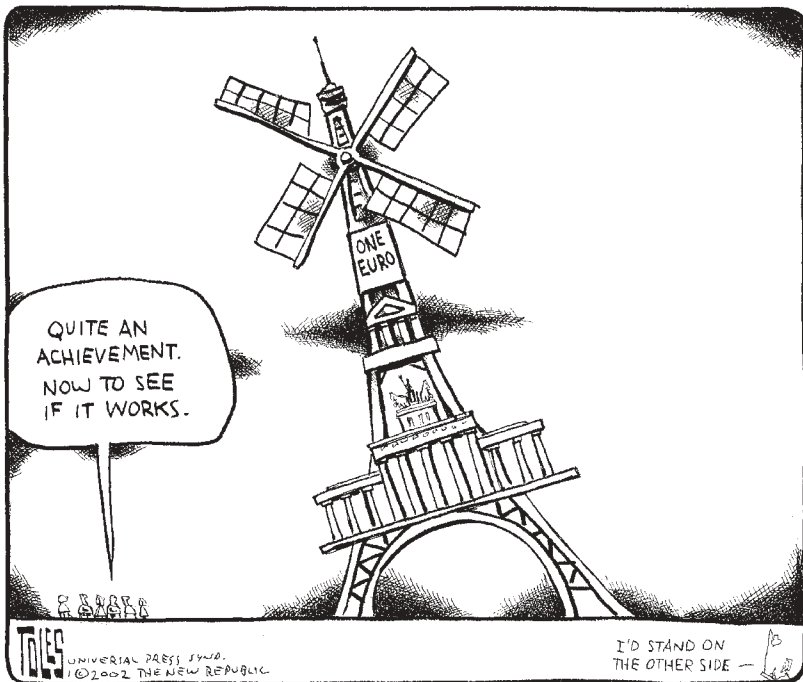
It follows from what I have said that David Novak is correct to ask, “Isn’t our devotion to Western democracy absolute? Don’t we believe . . . that our way of life . . . is best for all human beings and all human societies?” Yes it is, and we (or at least most of us) do. The fact, however, that our devotion to democracy is absolute neither entails nor depends on our ability to demonstrate its superiority by deducing it from norms not already presupposed by “our way of life.” It is important to distinguish our “belief that our values are universal”—a belief I necessarily share; *pace* Etzioni, I would never say that my convictions merely reflect my history (what could possibly be the content of “merely”?)—from the belief that the universality of our values could be universally established. It is the mistake of conflating these two—absolute conviction and the possession of an absolute (knock-down-no-one-could-fail-to-be-persuaded) proof of it—that creates the puzzles with which some of my respondents wrestle.

William Galston wonders how I could without contradiction use words and phrases like “accurately” and “true measure” given my “denunciation of ‘universal absolutes.’” But I don’t denounce universal absolutes. I have as many of them as anyone, and, given my temperament, probably more than my share. I just say that my universal absolutes—those truths I hold to “not only for [me] but for all others as well” (Novak)—may not be perspicuous for persons with credentials as good or better than mine. (That’s all I mean by denying the existence of absolute standards to which all rational persons would accede.) I also say that my likely inability to persuade many such persons—a feature of our epistemological condition which does not reflect at all on the rightness of my convictions—is not a reason for doubting my universal absolutes or for refraining from asserting them with all the strength I can muster. The fact that when I use words and phrases like “accurately” and “true measure” I know that some of my hearers or readers will disagree with those judgments and may never come around to them does not make them unavailable to me. Nor does it involve me in any contradiction, as it would if I argued (as some of my critics do) that you can only assert a truth and really mean it if you believe that, given world enough and time, it could be demonstrated to anyone except moral criminals and crazy people.

What one must grasp is the independence from one another of two statements. (1) I believe X to be true, and true without qualification, and true for everyone. (2) I also believe that there is no universal measure by which the truth of X can be necessarily demonstrated to others. Once it is seen that to assert the second in no way impairs my ability to assert the first, it will be clear that the various characterizations of me as a skeptic—as someone who disbelieves in truth or relativizes value or avoids all moral claims or is unconfident in his judgments—follow from the confusion between a very limited denial of a universal mechanism of validation and the denial, which I do not and never would make, of just about everything. It is the limited, indeed parsimonious, nature of my argument that seems to have escaped those respondents who have me making very large statements. But all I’m saying, to rehearse it one last time, is that postmodernism, an esoteric set of largely academic arguments, had nothing to do with the events of September 11, and that repudiating postmodernism—or at least those vulgar versions of it Simon Blackburn instances—will not help us to think about what to do next. Neither postmodernism nor its philosophical opposites will serve as resources

in our time of need. But we have resources enough in the traditions, values, convictions of truth, and aspirations that brought us this far, and it is to these we should turn—both because they are sufficient unto the day and because outside them there is nothing we can know (which is not to say that outside them is nothing).

I regret that limitations of space prevent me from saying anything about those respondents who find my arguments congenial and begin their essays with sentences like “I agree with everything Stanley Fish says.” I will only say “thank you” and hope that you will be fruitful and multiply.



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On a Communitarian Faith

Philip Selznick

In this essay, I may be reaching beyond the communitarian consensus. I expect some dissent from my argument that there is a close connection between religious teachings and communitarian ideas. Nevertheless, the topic cannot be ignored. Too much that is fundamental is shared. As John Dewey made clear in his own essay, "A Common Faith," it would be strange indeed if we could learn nothing from religious experience. What we learn will surely enrich our self-understanding; it will also caution us against religious follies and aggression.

Communitarian principles do not stand alone. They draw credence and support from fundamental understandings of human nature and the human condition. When we ask why we honor the principle of moral equality, or why we should care about future generations and about other people's well-being, we enter realms of faith and understanding, where philosophy and theology meet and interact. Together they make clear, and should also govern, our self-defining choices. Those choices are often mistaken, corrupt, and self-defeating. Made wisely, however, they create a legacy of well-founded precepts, which are sometimes made explicit by a Buddha or an Aristotle, by Jesus, Calvin, Hobbes, or Kant. Or they may be only dimly perceived, crudely expressed, or followed but not acknowledged.

We honor such precepts when we put away immature thoughts and longings; when we accept the inevitability of death; when we appreciate the difference between narrow and broad self-interest;

when we strive to negotiate, in good faith, the competing obligations of kinship and citizenship. This legacy helps us understand what attitudes and beliefs, what articles of faith, what lessons of history underpin a communitarian morality. Our answer must take us into the minefields of religious doctrine, and find a way out as well.

Affirming the Principle of Community

Every known society has looked to religion for comfort, coherence, and moral redemption. Religion helps people make sense of a world beyond their control, enriches cultures and causes communities to flourish, creates strong identities and passionate loyalties. Much evil has been justified in God's name: superstition, bigotry, priestly oppression, genocide. Nevertheless, religious sentiments cannot be dismissed as vestiges of a prescientific age, sustained by primordial awe, fear of the unknown, and yearning for immortality. Religions retain their appeal, and their warrant, because they foster self-scrutiny, self-transcendence, loyalty, and humility. These are the virtues and strengths of piety, which, as filial love, sustains the obligations of family life. Other forms of piety are patriotism, religious observance, institutional loyalty, friendship, discipleship, and vocational pride. Each draws people to the sources of their being—that is, to the attachments from which they derive a sustaining identity. Piety is a *prima facie* or presumptive good, beneficial in many contexts but not necessarily good in all forms or circumstances. Some forms of piety ask too much of us, and for the wrong objects, or claim immunity from criticism or demand undivided and unconditional loyalty. Therefore, piety is tempered by the more dispassionate virtues of civility. Piety demands conformity and justifies exclusion, while civility welcomes diversity, encourages toleration, and legitimates controversy. Civility builds frameworks within which people can cooperate despite their divergent views and interests.

Here is an important difference between the liberal ethos and the communitarian persuasion. Liberalism has made much of civility but has had a hard time appreciating the benefits of piety. For communitarians, piety and civility complement one another. Together they produce sensitive, self-preserving communities.

In Buddhism, Hinduism, Christianity, Judaism, and Islam, individualism is rejected, even abhorred. All the religions enjoin compassion and caring; all call for awareness of interdependence. Yet the gifts

of forgiveness, enlightenment, and salvation are offered to individual persons. In each person a spark of divinity is found, which is a way of saying each person has intrinsic worth. In these beliefs we can readily discern that union of solidarity and respect which I have called the principle of community.

In Christian thought the principle of community is well expressed in the idea of neighborly love. Echoing passages in the Hebrew Bible, Jesus taught: “Love thy neighbor as thyself.” What kind of love is neighborly love? Who is my neighbor? An answer is found in the parable of the Good Samaritan. My neighbor is a particular person who rightfully claims my fellow feeling, my mercy, charity, and support. By neighborly love we do not mean love for “humanity” or “mankind,” for people in general or in the abstract. The object of moral concern is an individual human being, especially one whose life has touched our own in important ways. This is the source of special obligation, which is not limited to kin or fellow townsmen or colleagues. In the parable, a special connection was created by the accident of proximity, of being present at the scene of distress. The lesson is that people are to be valued as unique persons, entitled as such to respect and care. Insofar as we lose touch with that particularity, the principle of community is weakened or rejected.

In this demanding doctrine, every human being is potentially a neighbor, and every neighbor claims our active concern. This moral imperative exquisitely—and aching—combines “universalist” and “particularist” ideals. The combination is fragile, the tension is irrepressible. Religions are pulled in both directions. They speak for humankind, but do so in a local idiom, cabined by culture and corrupted by pride.

Can we have piety without religion? Can we appreciate the nuances of human interaction, the constraints and opportunities of the human condition, without theological reflection and learning? In theory, yes. But we should be wary of distancing ourselves from ideas and traditions that have sensitively explored and often improved the quality of collective life.

Faith, God, and Moral Truth

Although God can be described in many ways (perhaps as beyond human knowledge or comprehension), the most helpful way, it

seems to me, associates God with moral truth. Indeed, it could be said that, at least in one major manifestation, God is moral truth, made incarnate and expressed as revelation. Here incarnation refers to an idea embodied in living traditions, rituals, teachings, and institutions.

What are these truths deemed worthy of allegiance as articles of faith? Here are a few thoughts on that subject, chosen to show the affinity of religious beliefs and the communitarian persuasion.

Most important is the principle of moral equality. Moral equality finds religious expression in the idea that humans are “children of God” or “made in the image of God.” Each is in some sense equally valuable, equally worthy of concern and respect. This principle can be justified without relying on theology, by pointing to the evils that ensue when moral equality is diminished or rejected, such as hostile discrimination and caste privilege. But those evils are recognized as such not only because of the sufferings they impose, but also because they violate our deepest convictions about the respect human beings deserve. A corollary is that we recognize no moral elites. Every human being, however powerful, saintly, or well educated, is corruptible; everyone is capable of self-scrutiny, self-restraint, self-respect, and love.

A more sobering moral truth is the pervasive presence of self-interest, pride, and idolatry in human affairs. These are signs of human frailty and finiteness compared to the unlimited life, power, and perfection of God. This doctrine can be restated as a naturalist theory of human nature and of the human situation, more or less as presented by Freud. But the expression of these truths in sacred texts and symbols brings a deeper realization and, very often, a more subtle understanding of sin and redemption.

A genuinely realistic understanding of humankind looks beyond our shortsightedness and depravity. These are serious failings, against which we seek defenses; they are the main concerns of “moral realism.” But a realistic philosophy recognizes potentials as well as limits. What people can achieve, or aspire to, is just as surely part of human nature, just as surely summoned by the human condition, as are more negative traits and dispositions. The big difference is that we cannot *rely* on the human inclination to recoil from evil and “choose life.” We cannot count on disinterested love, even in its natural home, among

close relatives. Yet the potential for such love remains an indispensable resource for human betterment.

Religion and Public Policy

Religious ideas, energies, and institutions make major contributions to public morality. Most important is the work of defining and reinforcing fundamental values: human dignity and responsibility, humility and self-restraint, obligations to family and community, caring for future generations and for the vulnerable and the disadvantaged, ideals of stewardship and reconciliation. The religious traditions do not accept moral indifference, nor is autonomy a basic value. No individual, no institution can claim exemption from God's commands; salvation is not won by invoking the lesser gods of business, politics, art, or science.

Yet religions are often called upon to mind their own business, leaving public morality to law and politics; priests, ministers, and rabbis are to attend to the spiritual lives of their congregations. Indeed, religions lose their innocence and step out of bounds when they ignore the difference between upholding a value and determining public policy. A religious commitment to family, equality, or forgiveness may run up against other concerns, such as public safety. Religion contributes to public morality mainly by holding up a mirror to social life and, in a prophetic spirit, recalling people to their fundamental commitments.

A prison ministry does not try to tear down the walls. It can, however, look beyond the spiritual needs of individuals by scrutinizing sentencing guidelines and prison administration, with a view to resisting draconian penalties and inhumane custody. Such a ministry will accept the realities of discipline and the limits of rehabilitation, but it should be ready to challenge official views of what alternatives are possible and what goals can be achieved. In this way, and in similar ways, religion becomes the conscience of the community.

When religious institutions try to help people in need, they rightly suspect that the needs are spiritual as well as material. This conviction often guides the social service and educational work of so-called "faith communities." These activities are prized by communitarians, not only for the immediate good they do, but also because they strengthen civil society. At the same time, the communitarian prin-

ciple of inclusiveness is put at risk. Religious institutions are likely to emphasize the spiritual power of their own beliefs, their own rituals. Moreover, they want to protect their own identities in various ways, perhaps by staffing their agencies with co-religionists. Clients may be called on to betray their own religious identities in exchange for much needed help. The larger community may reasonably accommodate a religious group's need for a coherent identity by allowing preferences in hiring staff and by recognizing the authority of a religious hierarchy or governing board. For its part, the faith community should be inclusive, serving without discrimination, without regard for religious affiliation, without demanding religious participation, and above all, without messages of bigotry and hate. These are not hard pills to swallow, at least among those who accept the principle that strangers as well as kinsmen are owed compassion and love.

The Ecumenical Moment

The common faith we seek embraces the spirit of *E pluribus unum*, "one out of many." We say yes to plurality even as we uncover convergent truths. A rich variety of beliefs and forms of worship should be accepted and supported, as it largely is in the United States. At the same time the unifying themes within diverse religions and secular philosophies should be known and respected. These demands make sense of modern history, which has created an "ecumenical moment." In other words, ecumenism is an idea whose time has come, prepared for by the heavy costs of religious strife and by the well-understood benefits of mutual respect and constructive dialogue.

Human differences are appreciated most keenly, and welcomed most sincerely, when they testify to an underlying unity. Our common humanity generates diverse ways of life, including different ways of imagining divinity. That same humanity produces cultural universals such as the centrality of kinship, art, and music, the prevalence of wickedness and compassion, reverence and self-transcendence, and much else that human societies have in common. That humans are One as well as Many is a faith that leads to "moral hospitality," a hallmark of the ecumenical spirit.

An ecumenical program is often understood as interchurch rather than interreligious. The main concern is to break down barriers to Christian unity: among Roman Catholics, Anglicans, Episcopalians,

and Greek Orthodox communities; among Presbyterian, Methodist, and other Protestant affiliates of the World Council of Churches. This limited ecumenism raises few questions about the foundations of faith.

More broadly understood, ecumenism is interreligious. The discussions look beyond specific beliefs, rituals, or ecclesiastical authority. No organic or institutional unity is contemplated. Instead, the quest is for a deeper understanding of the animating principles of Hindu, Buddhist, Jewish, Muslim, or Christian traditions. We approach the varying beliefs and rites with open hearts and inquiring minds. The diverse traditions are taken as given and not meant to be overcome. Everyone involved is self-consciously religious, comfortable with divinity, accustomed to liturgy, familiar with pastoral responsibilities.

A sterner test faces the ecumenical ideal when more secular views are in play, such as those we associate with “secular humanism.” This is a naturalist faith, informed by the view that moral truths are grounded in and tested by the fundamental experience of human communities. It is secular in that it opposes received religions insofar as they cling to literal beliefs about supernatural beings. This secular vision loses clarity, however, when conceptions of God become more abstract and philosophical, more concerned with “first principles” than with the precepts and exploits of Yahweh, Vishnu, or Buddha. In much of theology, since at least the late Middle Ages, the gulf between religious and secular argument has narrowed. When thought moves from God to the *idea* of God, the boundary between philosophy and theology is indistinct.

Although a militant naturalism will surely reject religion, a more authentic and generous version is open to all of human experience, which includes many varieties of deification and worship. Naturalism does not reduce mind to matter, love to attachment, law to power, religion to fantasy. These modalities interact in important ways, and the connections may be strong or weak, benign or harmful. The variable connections between, say, love and sex, or justice and power, do not entitle us to deny the reality or ignore the human significance of love or justice or religious experience. Thus, naturalism is not necessarily at odds with religion, and it need not treat religion as an illusion or just a mistake.

Humanist naturalism is especially open to religious ideas. As Dewey understood it, humanist naturalism is more than a defense of scientific attitudes. His humanity-centered naturalism discerns ways of assessing the quality of human life. An example is the criterion of growth, which Dewey associated with enlarged horizons and improved competencies, notably the capacity to live in cooperation with others while gaining and using critical intelligence. In the pragmatist tradition this is an article of faith.

When different religions and philosophies engage in constructive dialogue, they must do so with civility. There can be no privileged truth, no privileged claims to moral authority. When public issues are discussed, a special theological or symbolic idiom must be set aside or bracketed in favor of a common language and shared understandings. To find common ground, people must be able to understand one another. This does not mean they cannot or should not draw on their own ways of thinking when coming to conclusions or talking among themselves. An internal or parochial conversation may bring enrichment as well as solidarity, and at some point its subtleties may be ripe for entry into public discourse. But dialogue is meant to build bridges, not walls.

Earlier I mentioned the complementary values of civility and piety. A few more words may be helpful here. Civility is a richer, more demanding idea than “being civil,” which may require no more than taking turns and allowing other voices to be heard *without a serious effort to really listen*. Genuine civility strives to make sense of an unfamiliar idiom and will be disinclined to give it an unattractive interpretation. An ecumenical program honors piety as well as civility. Norms of civility presume differences and demand respect. Piety builds on shared origins, histories, and fates. Working together, civility and piety strengthen dialogue and shared understanding.

The interplay of civility and piety is central to community and communitarian thought. Civility draws us outward, to embrace strangers, appreciate differences, and regulate conflict. Piety looks inward toward shared identity and consciousness of kind. The two imperatives often compete, as when we insist on values that revise traditions and transcend locality. The larger truth, however, is that civility is naked without articles of faith, which tell us who we are and what we live by, and piety without civility is debased and out of control.

A Nation Worth Defending

Scott Simon

There is nothing good to be said about tragedy or terror. But miseries can distill a sense of utter clarity—remind us of who we are, whom we love, and what is worth giving our lives for. When Jeremy Glick of Hewitt, New Jersey, called his wife Lyzbeth during the last moments of United Flight 93 on September 11, he said, “I love you. Don’t be sad. Take care of our daughter. Whatever you do is okay with me.” The depths of his love compressed, and clear as a diamond.

Since that day, the pain of loss and fear of terror may have caused many Americans to admit to themselves how much they really love their country—love it not blindly, but with unblinking awareness. They love that frivolous America that proclaims pride in 31 flavors of ice cream, but also the solemn mission of having a lavish Times Square assortment of all the world’s peoples within its borders. They love the America that can be shallow, giddy, and greedy—but also funny, delightful, and generous. America can abound with silly, malicious, and even dangerous ideas because people here are free to express any damn-fool idea that comes to them. America can be bigoted and inhospitable, but it also takes strangers from all over the world into its arms.

America has now been targeted by a few blind souls who are willing to kill thousands—and themselves—to make this nation bleed. But far more people from around the world have already been willing to die—packed into the holds of ships and trucks—just to have a small chance to live here. It’s not that Americans don’t want their country to change in a thousand ways, from making good medical care available

to all Americans to abolishing the designated hitter rule. But the blast at our emblems last September has made many Americans see their nation as that place in the world where change is still most possible. Patriotism has often been the last refuge of scoundrels—and we've had those scoundrels. But what hiding place exists from those who twist their faith into a weapon against innocent people? Do we really want to live in the kind of world they would make for us? In the end, the choice may be that harsh: to live in a world that revolves around fear—or in America, with all its faults.

The Limits of Pacifism

One of the unforeseen effects of being in journalism is that your firsthand exposure to world events sometimes has the consequence of shaking your deepest personal convictions. I happen to be a Quaker, or used to be. That is under some reappraisal at the moment, on both sides. I have covered conflicts in Central America and the Caribbean, the Middle East and Africa. None of them shook my belief that pacifism offers the world a way to foment change without the violence that has pained and poisoned our history. Gandhi and Nehru's nonviolent revolution gave India a skilled and sturdy democracy rather than another violent religious tyranny. Nelson Mandela's willingness to employ deliberate and peaceful protest against the brutalities of apartheid made today's South Africa an inspiration to the world. Martin Luther King's campaign to bring down American segregation, Corazon Aquino's People Power revolution in the Philippines—pacifism has had its heroes, its martyrs, its losses, and its victories.

My commitment to pacifism was never absolute. About half the draft age Quakers and Mennonites in North America enlisted during World War II, believing that whatever solutions nonviolence had to offer the world, it was without a response to Adolph Hitler. I hope I would have been among those who enlisted. In the 1990s, I covered the Balkans. There I had to confront the real-life flaw—I am inclined to say, literally fatal flaw—of pacifism: all the best people could be killed by all the worst ones. Bosnia, we might remind ourselves, had the ambition of being the Costa Rica of the Balkans, an unarmed democracy that would shine out to the world; its surrounding adversaries were not impressed or deterred by this aspiration. Slobodan Milosevic

has been brought to stand trial before the world—but only after a quarter of a million people in Bosnia and Kosovo were killed. Forgive me if I do not count his trial as a victory for international law and therefore a model to be emulated. In fact, I am appalled by the fact that much of the evidence presented against him was derived from U.S. intelligence information. That evidence will be used to try to convict Slobodan Milosevic after he has committed mass murder—murders that America could have prevented had it been willing to use its military might.

So I speak as a Quaker of not particularly good standing. I am still willing to give first consideration to peaceful alternatives. But I am not willing to lose lives for the sake of ideological consistency. As Gandhi himself once said, “I would rather be inconsistent than wrong.”

It seems to me that in confronting the forces that attacked the World Trade Center and the Pentagon, the United States has no sane alternative but to wage war, and wage it with unflinching resolution. Notice I don’t say reprisal or revenge. What I mean is self-defense—protecting the United States from further attacks by destroying those who would launch them. There is a certain quarter of opinion in the United States—we certainly hear from them at NPR—who, perhaps still in shock, seem to believe that the attacks against New York and Washington were natural disasters: horrible, spontaneous whirlwinds that struck once and will not reoccur. This is wrong. It is even inexcusably foolish. The United States has been targeted for destruction. We know now that more hijackings were likely planned for September 11. Other agents were at least exploring the possibility of other kinds of attacks, including using crop dusters to release biological or chemical weapons over cities. At least one other man has tried to blow up a passenger airplane by lighting a bomb in his shoes. If you dismissed these kinds of scenarios as Hollywood folderol before, it is just not informed to do so now. There is an ongoing violent campaign aimed at bringing down the United States. How many more skyscrapers and national monuments—and the people in them—are we willing to lose?

There are some segments of world opinion that advocate simply bringing those who plotted the attack to international justice. But this approach does not adequately recognize the nature of the danger we

confront, which is present, persistent, and current. Simply arresting those who helped plot the attacks in New York and Washington will not deter other assaults that, we must assume, are being planned right now. There are some who say, just this bluntly, that Americans somehow invited this attack upon ourselves for sins that range from slavery to the policies of the CIA. The people who make these arguments usually consider themselves the polar opposites of the Reverend Jerry Falwell and the Reverend Pat Robertson. But are they? They say that those who died in New York, Pennsylvania, and Washington have their country to blame for their deaths—just as Reverend Falwell pointed his finger at a large cross-section of American culture, which he labeled “all of them who have tried to secularize America.” By ignoring the extensive advancement America has made towards becoming a just society, they make it seem as if sins that are centuries and decades old can never be overcome by progress.

Some of our finest minds have become so skilled at playing this parlor game of moral relativism that they make little in American life seem meaningful. They say that the United States could not criticize the Taliban for enslaving women in the 21st century because we once had slavery ourselves—a century and a half ago. They suggest that the United States does not have the moral standing to oppose terrorism because we once supported the Shah of Iran. But what price would those who urge reconciliation pay for peace? Should we surrender Manhattan Island? Iowa, Utah, or Hollywood? Relocate Israel, piece by piece, to Ohio, New Jersey, or—to fatten the vote for Pat Buchanan—West Palm Beach? Should we impose a unitary religious state on these shores, throw American women out of school and work, and rob all other religious groups of any rights so that we will have the kind of society that our attackers will accept?

To reconcile ourselves in any way with the blind souls who flew against New York and Washington—and who have other targets within their sites now—is to hand our own lives over into wickedness. I’m glad to see reporting now that asks, “Why do they hate us?” We need to hear the complaints of those who experience U.S. foreign policy, sometimes at the blunt end. But at some point, holding U.S. policies or American society responsible for the crimes of September 11 is a misuse of our widening knowledge of the world. It is decorating the crimes of psychotics with synthetic political significance.

International terrorists should be taken no more seriously as political theorists than Charles Manson or Timothy McVeigh.

We still suffer the stain of racial and ethnic bigotry. But I think we are also entitled to observe: millions of Muslims have been peacefully and proudly made a part of American life. This should be a source of pride that is not belittled by the actions of those few cranks and bigots who attacked Muslims and, tragically, killed a Sikh man in the wake of September 11. We surely have the means to defeat them, too.

A Necessary Battle

Even I can conjure a score of reasons why this war should not be fought. The terrorists who struck are ruthless, and undaunted even by their own deaths. The war will kill people—American soldiers and those from other nations, innocent people in Afghanistan and elsewhere: all sacred and irreplaceable souls. The war may be lengthy, costly, and fail to culminate in an unambiguous surrender in a small-town courthouse. Just when we may begin to feel a sense of safety returning, another strike may occur. The war may restrict some of the liberties, such as to travel and communicate freely, that define us—liberties that, I would add, have already been badly abused by those who carried out these attacks.

And yet: to back away from this war would be to live the rest of our lives with skyscrapers and bridges exploding, people dying by terrorist bombs, chemical attacks, and the successive devices of sharp and ruthless minds. It would mean living out our futures with our liberties shrinking, as our losses and fears expand. It would mean making democracy the hostage of terrorism.

I think that peace activists can sometimes commit the same error in judgment as generals: they prepare to fight the last war, not the next one. The conflict before us now does not involve American power intruding into places where it has financial or political interest. It applies American—and, to be sure, British—power and authority to a challenge in which only that allied power can prevail. We are living in a time so unique that any analogy will have its limitations. But let me press ahead with one that has recently been on my mind. In 1933, the Oxford Student Union conducted a famous debate over whether it was moral for Britons to fight for king and country. The exquisite

intellects of that leading university reviewed the many ways in which British colonialism had exploited and oppressed the world. They cited the ways in which vengeful demands made of Germany in the wake of World War I had helped encourage the kind of nationalism that may have kindled the rise of fascism. They saw no moral difference between Western colonialism and world fascism. The Oxford Union ended that debate with this famous proclamation: “Resolved, that we will in no circumstances fight for king and country.” Von Ribbentrop sent back the good news to Germany’s new chancellor, Adolph Hitler: the West will not fight for its own survival. Its finest minds will contrive to justify a surrender.

The best-educated young people of their time could not tell the difference between the deficiencies of their own nation, in which liberty and democracy occupied cornerstones, and a dictatorship founded on racism, tyranny, and fear. But Mahatma Gandhi knew the difference. He spent World War II in a prison in Poona and sat on his hands and spun cloth rather than raise a hand in revolt against England when it was most vulnerable. He knew that, in the end, a world which was spun by German and Japanese fascism offered no hope to the oppressed of this planet. And in fact, at the close of World War II, Britain divested itself of its empire—exhausted by its own defense, to be sure, but also ennobled by defending its own best ideals. Have thoughtful, moral Americans in the 21st century become so exquisitely sensitive to the sins and shortcomings of the United States that we do not see the blessing it has put into our hands to protect: an incomparably diverse and democratic nation?

When George Orwell returned to England after fighting against fascism in the Spanish Civil War, he felt uneasy over finding his country so comfortable while in such proximity to fascism. His country, he said, with its fat Sunday newspapers and thick orange jam, was “sleeping the deep, deep sleep . . . from which I sometimes fear that we shall never wake till we are jerked out of it by the roar of bombs.”

On September 11, 2001, Americans, with our 40 different kinds of coffee drinks and diet pills, heard that roar. And that blast awakened a gratitude to live in a country worth loving—worth defending.

THE COMMUNITY BOOKSHELF

Beyond the New Golden Rule

Jonathan Marks

Edward W. Lehman, ed., *Autonomy and Order: A Communitarian Anthology* (Lanham, MD: Rowman & Littlefield, 2000), 247 pp.

Amitai Etzioni is best known for translating communitarian theory into a communitarian movement. Armed with innovative policy proposals, he has spent the past two decades carrying the case against radical individualism out of the universities and into the public square. His fame as a man of communitarian practice has, however, overshadowed his distinctive communitarian theory. That theory, especially as it is articulated in *The New Golden Rule*, is the focus of Edward Lehman's very welcome anthology, in which thirteen commentators, representing five disciplines, subject Etzioni's thought to close philosophic and empirical scrutiny. Etzioni's response is the volume's epilogue.

Autonomy and Order is part of a book series that Etzioni edits. Nonetheless, Lehman has assembled skeptical and combative contributors. Some are ambivalent about communitarianism; almost all raise serious doubts about Etzioni's version of it. It is a great strength of this collection that it confronts Etzioni with critics who are neither libertarians nor social conservatives. Etzioni stakes his claim to originality in part on his thesis that autonomy and order, liberty and responsibility, can and should be balanced. But the contributors to

this volume, though politically fairly diverse, all maintain that same thesis. They did not learn it from Etzioni. As Dennis Wrong observes, even Thomas Hobbes and John Locke, though often charged with “atomism,” have never been proved guilty of ignoring human sociality. Wrong urges Etzioni to fight fair with a liberal tradition that includes many figures, like Isaiah Berlin and Raymond Aron, who knew well that rights entail responsibilities. The very different tradition that Thomas Kohler invokes, which includes Aristotle, Edmund Burke, and Bernard Lonergan, may fall closer to the communal end of what Wrong calls the “autonomy/order continuum.” But theorists in this tradition also know well that freedom and order need to be balanced, for the tension between them is “grounded in human nature itself.” Kohler, Wrong, and other contributors do communitarians a valuable service by pushing them to really confront rich traditions they too often mischaracterize.

While Etzioni overstates his originality in one respect, it is, as he says, “rather original” to offer a “deontological justification” for communitarianism. Etzioni has not called his argument deontological before because the label is closely associated with his liberal opponents, like John Rawls. But he now affixes that label to his position that “certain moral causes speak to us in compelling terms,” or that there are “self-evident truths.” This position has at least two advantages. First, it avoids the charge of relativism, to which communitarians expose themselves when they suggest that there is no moral standard independent of particular communities. Second, it challenges the dubious claim that deontology eventuates in Rawlsian liberalism, which founds itself on no particular conception of human ends and claims to demand little consensus about values. While Kant’s account of the moral causes that speak to us in compelling terms may entail such a liberalism, one need look no further than the Bible for a deontological community that founds itself on a particular conception of human ends and demands much consensus about values. Restoring that community is, of course, far from Etzioni’s intention, but he does seek a foundation for morality that shares the clarity and compelling force of revelation, a word he is not shy about using.

Etzioni’s position merits serious consideration and gets it in *Autonomy and Order*, but not one contributor is persuaded. Hans Joas, Russell Muirhead, and Kohler, among others, attack it directly. All

three observe that the idea of self-evident truths does nothing to settle moral disagreements. Joas argues that we cannot appeal to “self-evidence in situations of value-conflict” and that “if there is no value-conflict, communication about values is probably unnecessary.” Kohler adds that Etzioni, for all his concern with dialogue, ultimately leaves room only for “moral exhortation,” not “moral deliberation.” Here, Etzioni’s response is persuasive. That value-conflict persists in many matters hardly diminishes the “important role the concept of self-evident truths” has in American politics. It is difficult to reflect on Lincoln, Douglass, or King and doubt the importance of appeals to self-evident truths, of exhortation and communication about values, even where there is no value-conflict.

Though Etzioni is right to insist on the good consequences of affirming self-evident truths and the bad consequences of denying them, Muirhead is right when he claims that our need for such truths does not substitute for an account of them. Such an account would have to make sense of disagreements about which “moral causes speak to us in compelling terms,” for liberal individualists speak the language of self-evident truths as well as communitarians do. And Etzioni surely cannot avoid, as he asserts he can, asking “where [self-evident] values come from.” It matters very much to the status, if not the content, of such values whether they come from God, experience of the Other, need, or the will to power. Thus far, Etzioni has only hinted at this kind of account and does not say much more in the epilogue. The most important contribution *Autonomy and Order* makes to the philosophical debate over communitarianism is this: it shows that Etzioni’s position on self-evident truths, though it is original and takes an important stand against relativism, cannot be maintained without further elaboration.

The book is not as successful in advancing the empirical debate. Tom Tyler and Robert Boeckmann argue that moral consensus is much less important to the good society than Etzioni thinks. But their argument, while it draws on empirical studies, rests on two dubious assumptions for which they offer no empirical support. The first is that pluralistic societies are at risk when “a core of common values is required for a society to be effective.” Etzioni responds that it is possible and necessary to aim at “pluralism within unity”—that is, at a set of core values, like freedom and order, around which a people

can be united without being undifferentiated. The second assumption is that the United States has traditionally functioned “in the absence of a set of core moral values” and is instead devoted to certain “procedures.” That assumption would be vigorously contested by historians like Arthur Schlesinger Jr., students of contemporary American values, like Alan Wolfe, and almost any reader of Tocqueville.

Paul Lichterman fares no better when he criticizes Etzioni’s conception of a “community of communities,” which he says accepts too much of the liberal pluralist understanding of communities within a greater community. Contrary to that understanding, Lichterman’s fieldwork shows that such communities are not simply self-contained and competing interest groups. But Etzioni can concede this point and still maintain what seems perfectly obvious—that partisanship and “inescapable choices” among loyalties are facts of social life that no exercise of the “communitarian imagination” can make much less salient.

Lichterman, Tyler, and Boeckmann exemplify a problem that is shared by too many of the social scientists who contributed to *Autonomy and Order*: while they are more than sufficiently attentive to survey data and field work, they are insufficiently attentive to realities that have been revealing themselves to keen observers since before the dawn of empirical social science. Etzioni’s staking out of a middle position between Lichterman’s faith in “communitarian potential” and Tyler and Boeckmann’s faith in proceduralism suggests that his social science training is supplemented by a realism owing little to that training.

However, Etzioni’s realism is not beyond dispute. In fact, Lehman devotes much of his prologue to refuting the charge that Etzioni is “basically unrealistic.” He traces that charge to Etzioni’s advocacy of moral dialogue and of the moral voice. Neither, critics fear, can accomplish much in the face of interest and power. Lehman shows that power and compliance have been central concerns for Etzioni, and that the communitarian Etzioni of *The New Golden Rule* emerges very naturally from the “hardheaded” Etzioni of *A Comparative Analysis of Complex Organizations*. But in different ways, Wilson Carey McWilliams and Daniel Bell remind us that a polity is not just any complex organization and that the sociologist’s interest in power may

not translate into realism about national and international politics. McWilliams stresses the political preconditions of moral dialogue, including the “rebuilding of local political institutions” and the revitalization of much-derided political party organizations. Moreover, he suggests that Etzioni’s concern for character education must leave room for political education—including education in civic speech, in letting oneself be spoken for, and even in “the techniques and implicit ethics of deliberation to be found in *Robert’s Rules of Order*.” Bell, while he holds out some hope for a version of the “worldwide moral dialogues” Etzioni proposes, underscores the great difficulty of arriving at “politically meaningful resolutions,” and even of avoiding politically harmful resolutions, where states and their interests are involved.

While Etzioni gamely responds to every contributor, he does not have the space to deal effectively with all the difficult challenges the anthology raises. It is not his primary purpose, Lehman reports, “to provide a personal defense of particular theoretical positions.” Rather, he means to “incorporate [the] contributors’ comments into a more theoretically comprehensive and empirically open communitarian paradigm.” But Lehman underestimates the value of those comments if he thinks Etzioni’s paradigm will easily absorb them. While the contributors share many goals with Etzioni, the man of communitarian practice, they civilly but forcefully press the man of communitarian theory either to explain and defend himself more fully or to alter his argument drastically.

St. Guinness?

Only 22 percent of people in the Irish Republic view church-going as important, while 35 percent said going to the pub at least once a week was a priority, according to a recent survey, “Irish Lifestyles: The Rise of the Immoral Majority.” The survey was based on interviews with more than 2,000 people in the Irish Republic and Northern Ireland.

THE MORAL DIMENSION OF THE MEDIA

Patriots and Professionals: Journalists as Responsible Citizens

Steven V. Roberts

Should the press be objective or patriotic? Does it have to choose between the demands of professionalism and citizenship? Those questions have always been asked in journalism classes and think tank seminars, but they have taken on a new urgency since the attacks of September 11. For the foreseeable future, the media will be reporting on military strikes, strategy, and secrets. Every day, journalists will have to balance two real and competing virtues: the public's right to know, and the military's right to protect lives and security.

As a working journalist for almost 40 years, and as a professor who teaches journalistic ethics, I have two basic answers to these questions. First of all, there is no inherent conflict between patriotism and professionalism, so there is no need to choose between them. The highest form of patriotism is for journalists to do their job, a job that is defined and defended by the First Amendment. Simply agreeing with the government—any government—is not the only way to express patriotism. Posing questions, raising concerns, exposing mistakes, and voicing dissent are much harder tasks, and more essential to the national interest.

My second answer is this: along with the rights that journalists enjoy under the Constitution come enormous responsibilities. The

two are inseparable. As the Supreme Court ruled in the Pentagon papers case, the government has virtually no ability to stop the press from printing anything in this country. But the press must use its freedom wisely and well. The cases where the military can justifiably withhold information from the press are rare; the cases where the press can justifiably withhold information from readers and viewers are even more rare. But they are real. Without journalistic self-restraint democracy cannot work and the public interest cannot be served.

Finding the Balance

Most news consumers have no idea that the press takes such questions seriously. I constantly hear the refrain: you only want to sell papers, or boost ratings. But the public only knows what is finally printed or broadcast; they seldom know what is not released, so they don't understand that the media engages in balancing acts all the time. And the most difficult and important balancing acts involve coverage of national security. Citizens deserve information about the state of their country's readiness, its success on the battlefield, and its future planning. It is their tax dollars that finance any conflict, and their children who fight and die in their nation's service. But secrecy is sometimes necessary to maintain surprise, protect intelligence sources, or confuse an enemy. So how can America have both openness and security? Can these values coexist?

My answer is emphatically yes, but it's important to remember that journalism is an imperfect process. There is no code of press conduct handed down to Moses—or even Edward R. Murrow—and inscribed on stone tablets. Principles have to be applied and adjusted to changing circumstances. But one useful version of those principles was articulated by Leonard Downie Jr., the longtime editor of the *Washington Post*, in an interview with the *New York Times* a month after September 11. A “handful of times,” he said, the administration had “raised concerns” to *Post* editors about specific stories they were planning. “In some instances,” he explained, “we have kept out of stories certain facts that we agreed could be detrimental to national security and not instrumental to our readers, such as methods of intelligence collection.”

Downie has set up a two-part test before “certain facts” can be withheld. They have to be “detrimental” to national security, not just embarrassing or inconvenient. And they should not be “instrumental” to the tasks of citizenship, holding leaders and their policies accountable. Ethical decision making in the real world is not a question of theological debate, it is a process of constantly weighing costs against benefits. How valuable is the information to the public? What damage would its release entail? Which choice produces the greatest public good?

Here is an example of how that process plays out in practice. When I worked at *U.S. News & World Report*, one of our reporters in the Persian Gulf learned the details of the imminent counteroffensive against Saddam’s troops that were occupying Kuwait. As the editors weighed the costs and benefits of printing the story, the decision was soon obvious: the information would clearly be “detrimental” to the safety of U.S. forces, but not “instrumental” to our readers. As a result, the story never ran. But our readers had no idea the debate had even taken place.

Another example occurred when a U.S. pilot was shot down during the air phase of the Gulf War. Did the public have a right to know about the episode? Yes. It deserved a fair accounting of how the war was going, good and bad. But did the public have a right to know exactly where and when the pilot went down? No. Those facts were not necessary to the story, but they could have seriously compromised any attempt to rescue the flyer.

This process of journalistic deliberation depends heavily on the interaction between the press and the government, and that interaction is clouded by deeply held suspicions on both sides. Both institutions regard Vietnam as their historical touchstone, but they draw exactly opposite lessons from that traumatic period. The military basically believes that reporters can’t be trusted because they will reveal information that could help lose the war. Don Oberdorfer, a veteran foreign correspondent, put it this way: “A whole generation of military officers grew up believing that the press was the problem, if not the enemy.” And a whole generation of journalists grew up believing the same thing about the military brass—they were the enemy, because they would always lie to cover up their own mistakes.

At the same time, the press and the Pentagon need each other and manage to form a working relationship despite these animosities. When Admiral Bobby Ray Inman was selected to be secretary of defense by the first President Bush, a fascinating story leaked out. For many years, Inman functioned as an informal conduit between Washington journalists and the Pentagon. No reporter or editor wanted to ask the military for an official opinion about a story, that would be giving up too much power. But no one wanted to ignore the possibility of damaging some ongoing mission or intelligence operation. So they would call Inman—who never did survive Senate confirmation—and ask for an informal advisory on whether a story would cause the Pentagon problems. That kind of relationship was essential for a fair weighing of costs and benefits, and it worked for both sides. Even today, some form of back channel communication still exists. That’s how Downie is able to get a read on whether “certain facts” in stories about terrorism are “detrimental” or not.

Contemporary Cases

The war on terrorism contains a number of case studies that illustrate how this relationship works. The Pentagon argues that it does its best to accommodate reporters, but that many missions in Afghanistan and elsewhere require both stealth and secrecy. Immediately before the military campaign in Afghanistan, Rear Admiral Craig Quigley, a Pentagon spokesman, explained to the *New York Times*: “There is an extraordinary sensitivity to telegraphing any sort of time line or destination or capability, because we are going to be fighting such an unconventional foe.” That’s a fair point. Doyle McManus, Washington bureau chief of the *Los Angeles Times*, spoke for most responsible journalists when he said: “It’s pretty easy to see that we’re not going to have real-time reporting or verification of commando raids or covert action. I don’t think that most of us ever expected to. And in those areas the restrictions on their face are quite reasonable.”

In the view of many editors and reporters, however, the Pentagon has been far too restrictive in its policies toward the press, limiting access to battlefields and combat units when such limits are not justified by security considerations. In December 2001, American journalists visiting a forward base in Afghanistan were physically

prevented from interviewing, or even seeing, survivors of a friendly fire episode. No security was involved, just the reputations of the officers who had made the error. As Walter Rodgers of CNN noted, "It was an egregious incident in news management." The Pentagon later apologized, but the mindset of the officers on the ground was clear: the press is the enemy.

That same mindset displayed itself when Doug Struck of the *Washington Post* tried to check out reports of civilian casualties in a remote mountain village. He claims he was turned away at gunpoint by American soldiers; the Pentagon says the soldiers were only trying to guarantee Struck's safety. Struck sticks by his version and insists, "The important thing isn't whether Doug Struck was threatened. It shows the extremes the military is going to go keep this war secret, to keep reporters from finding out what's going on."

Attempts to control information go well beyond the battlefield. In October 2001, the *Washington Post* reported that intelligence briefers had told members of Congress that there was a "high probability" of another major terrorist attack and a "100 percent chance" of such an attack if America struck back at Afghanistan. The administration was furious at the leak and severely restricted future briefings to Congress, an order they later rescinded. But Downie justified his decision this way: "We decided to run the story because it was news of importance to our readers. The substance of the story did not endanger lives nor compromise national security. On the contrary, if it made Americans more alert to possible dangers, it could help save lives."

New Precautions

Despite its complaints against the Pentagon, the press cannot forget its obligations to act responsibly and take the military's concerns seriously. This is particularly true at a time when new technology makes it increasingly possible for the media to broadcast live from almost anywhere, including remote battlefields. During Vietnam it took a minimum of 24 hours to get scenes of combat to American television sets. Today, satellite uplinks and video phones have changed the rules and raised the stakes. Journalists have to be more careful than ever to safeguard the security of the troops they are covering.

In the aftermath of September 11, journalists also have to be much more aware of providing information that can be useful to terrorists. A good example: experts fear that terrorists could hijack a crop dusting plane, load it with deadly bacteria, and contaminate a wide area. Should we publish stories detailing the possibility of such attacks? Absolutely. Such information is clearly “instrumental” to public safety. People who guard airports or service planes could provide useful intelligence about suspicious characters. But should we publish details about which planes, or nozzle technology, could do the most damage in the hands of hijackers? Absolutely not. Those facts could clearly be “detrimental” to public safety without providing any real value to the public.

Then there is the case of Osama bin Laden. The administration was concerned that TV networks were simply taking any tape he provided and throwing it on the air immediately, without any editing or judgment. The result was to give the terrorist leader enormous stature, and a powerful platform from which to spread his anti-American venom. Condoleeza Rice, the national security advisor, asked network executives to show more restraint in broadcasting future bin Laden broadsides.

This was a tough call. On one hand, no one has a right to total access to the airwaves, not even the president. Said press critic Tom Rosenstiel in the *Washington Post*: “Journalists are being forced by the government to think. The notion that you have to be first on the air with some junk, before you even review it, is nonsense.” On the other hand, journalists have to be extremely wary of government pressure and attempts at censorship. Bin Laden might be a hateful and dangerous figure, but he is an extremely significant one, and learning about him is certainly essential to an informed public.

The media has a right to print or broadcast anything about bin Laden, but what’s the responsible balance? In my view, it’s this: you provide enough information so that Americans have ample opportunity to understand who he is and what he represents. But you don’t simply turn over your airwaves or news columns and let him rant at any length he chooses. Keep him in the proper perspective. That’s what professional journalists do every day: apply their training and experience and make judgments about what’s important and what’s not.

Eternal Vigilance

Making these judgments is a never-ending process. Every day journalists go through the same balancing act, and every day, conditions change. Before September 11, bin Laden rated very little coverage by the American media. During the 2000 presidential campaign, George W. Bush got exactly one question about the Taliban. After September 11, the calculations about bin Laden's importance shifted sharply. Before September 11, no one cared about crop duster technology; suddenly that information became vital to national security.

But if conditions constantly change, two verities do not. Journalists must stay vigilant, protecting their rights and their obligations to keep the public informed and their leaders accountable—even at gunpoint in the mountains of Afghanistan. But journalists must also remember that our rights only flourish in a free society, and that we have an obligation to keep that society safe and secure. The First Amendment, to quote one sage observation, is not a suicide pact. And the military is not the enemy.

Perhaps the best we can hope for is an uneasy truce, where each institution, the media and the military, tries to understand each other's requirements and responsibilities. Most journalists are as patriotic as any gung ho Marine. They just show their patriotism in different ways. And each of their jobs is vital to a healthy and secure nation.

Is Rudeness a Way of Life?

In a recent poll by Public Agenda, "Aggravating Circumstances: A Status Report on Rudeness in America," 88 percent of respondents said that they "often or sometimes come across people who are rude and disrespectful." 79 percent of respondents said that "a lack of respect and courtesy is a serious problem for our society and we should address it," and 73 percent said that "Americans used to treat each other with more respect and courtesy in the past."

LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

From the Libertarian Side

Pet Peeve

Legal disputes over visitation rights have recently entered uncharted territory: pets. In West Chester, Pennsylvania, a divorced couple is fighting over the custody of their golden retriever/labrador, Barney.

According to an agreement that the couple signed upon their divorce in 2000, Lynda Hurley Pritchard received custody over Barney, but her ex-husband, Anthony DeSanctis, could see the dog one week-end every month. The monthly dog exchange was designated for a local park and was supposed to be conducted by a third party. DeSanctis couldn't be more than 15 minutes late for the pickup, and if Barney or Pritchard's other dog, Cubby, approached him while he was on the perimeter of the park, DeSanctis could only "pet them and continue on," according to the agreement.

But despite this highly codified arrangement, the couple still couldn't avoid conflict. As the *Patriot-News* in Harrisburg reports, after Pritchard remarried and moved to another town, DeSanctis's visits with Barney stopped. Subsequently, his lawyer claims, he "has become depressed . . . and is . . . psychologically harmed by being denied access to an animal he loves like a child." Unfortunately for DeSanctis, the Pennsylvania judge who ruled on the case dismissed

his claim, holding that “the possession of personal property may not be treated in the manner . . . reserved for the custody of children.” DeSanctis is now appealing the decision, and a three-judge panel recently heard arguments on the case.

From the Authoritarian Side

Free Speech Doesn't Work

Since the attacks of September 11, public discourse domestically and abroad has been especially heated over United States policies, past, present, and future. But in some instances, American citizens voicing their opinions have come into conflict with the policies of their employers, raising the question of how far free speech should be curtailed in the workplace.

At the University of California at Los Angeles, for example, the library administration suspended Jonnis Hargis, a longtime employee, after he replied to a colleague's patriotic email with a critique of United States foreign policy in the Middle East. According to the *National Post*, Mr. Hargis's boss followed up this five-day suspension with a note to all UCLA library employees, stating that emails containing “political, religious, or even patriotic messages” are unacceptable because colleagues “should not be subjected to what they may interpret as electronic harassment.” However, once senior administration officials learned of the suspension, the university rescinded it, apologized, and provided restitution, according to *USA Today*. Hargis maintains that the suspension wasn't rescinded until after the 18,000-member Coalition of University Employees filed a grievance on his behalf.

In Ohio, reports the Associated Press in the *Cincinnati Post*, the United Parcel Service fired one of its drivers for wearing a patriotic ribbon on his uniform instead of the company flag. Joseph Gill, a 46-year-old UPS driver, claimed that he preferred his union steward pin—wrapped with red, white, and blue ribbon—because it allowed

him to display his rank for employees who had questions about union matters. When his manager asked him to replace that emblem with the company pin, which depicts the American and UPS flags side by side, Gill refused; he was promptly fired. After UPS workers authorized union leaders to call a strike on Gill's behalf, he was rehired and his firing was replaced with a two-day unpaid suspension.

From the Community

Buckle Up: It's Just Good Health

Contradicting those who believe that fastening one's seat belt is a matter of individual choice and personal health, a new study by researchers in Japan has determined that rear-seat car passengers who don't buckle up pose a considerable risk to their companions sitting up front.

According to the *Journal of American Medicine*, researchers at the University of Tokyo found that belted front-seat car occupants traveling with rear-seat passengers who weren't wearing seat belts had a two- to three-fold increased risk of injury, and a nearly five-fold increased risk of death compared with those whose back-seat companions were wearing seat belts. The researchers, who based their conclusions on data for car-to-car crashes from 1995 to 1999, also estimated that 79 percent of front-seat occupants' deaths could have been prevented if the rear-seat passengers had worn seat belts.

"The force from unbelted rear-seat passengers on front-seat occupants can be a main determinant of injury," wrote the researchers, who recommend that "all car occupants should wear seat belts for protection of not only themselves but also the other passengers."

What's the best way to get all passengers actually to buckle up? Perhaps that's a study for another day.

Jason Marsh

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